

NEW BUSINESS: CODE AMENDMENT INITIATION REVIEW SHEET

Amendment: **Lake Austin Code Clean-Up** – Initiate an amendment to Title 25 of the City Code to clarify portions of the code related to Lake Austin development and remove conflicts and unintended consequences resulting from the 2014 Lake Austin code amendments.

Description: See attached slides.

Proposed Language: TBD

Background: Initiation recommended by the Codes and Ordinances Subcommittee on January 19, 2016.

Staff Recommendation:

Board and Commission Actions:

Council Action:

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LAKE AUSTIN CODE CLEAN-UP

Request to initiate an ordinance to amend the Land Development Code to clarify portions of the code and remove conflicts and unintended consequences resulting from the 2014 Lake Austin code amendments.

Summary

- ▶ Comprehensive re-write of Lake Austin development rules went into effect 7/7/2014.
- ▶ Previous code revisions also affected variance/waiver approvals and changed floodplain modification processes.
- ▶ This ordinance proposes a minor clean-up to correct typos, provide clarification where necessary, and fix unintended consequences/conflicts in the code.
- ▶ Title 30 will also be amended to include the latest code changes.



TYPOS

- ▶ § 25-2-55 I (C) (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 ~~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) 40 percent, if impervious cover is transferred under Subsection (D).

- ▶ Two § 25-2-55 I (E) sections – (~~E~~F)



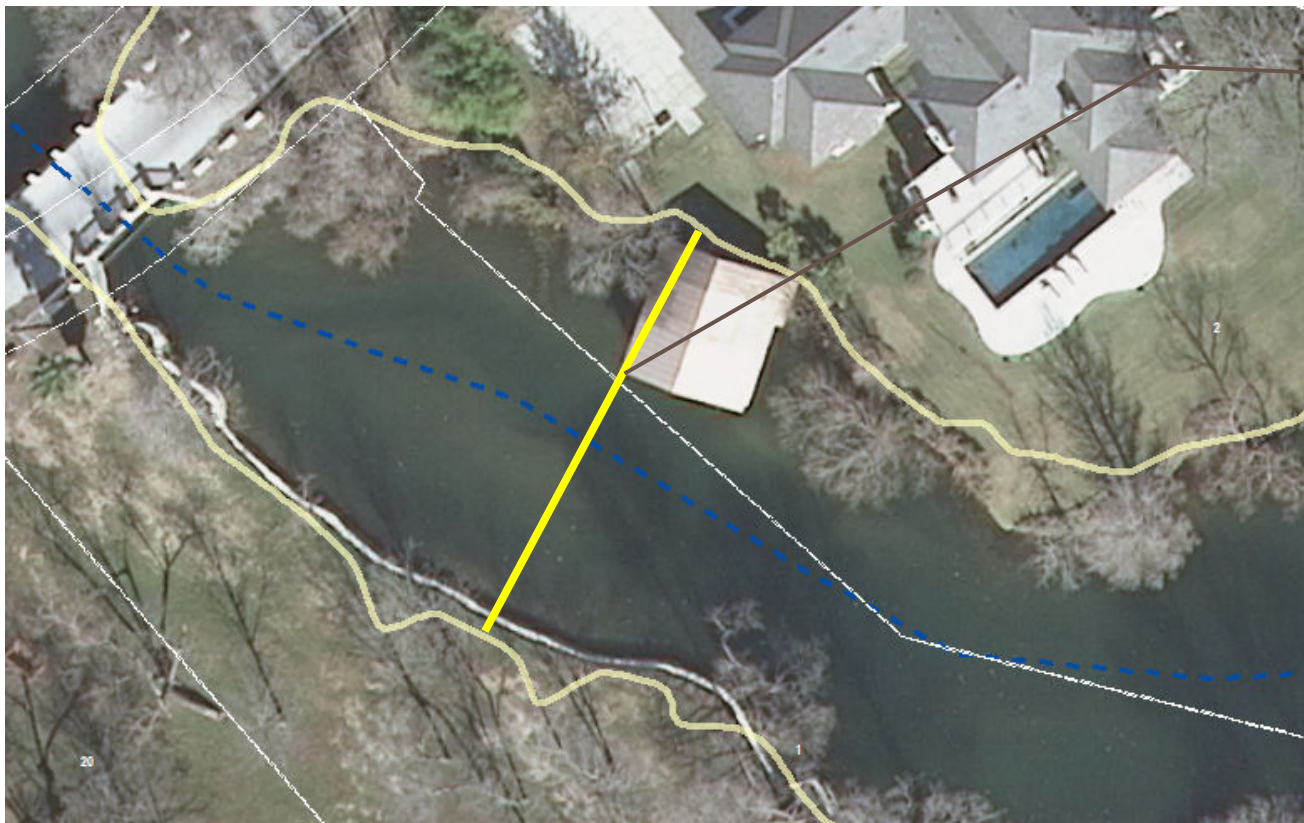
CLARIFICATIONS

- ▶ Add definition of shoreline frontage and clarify direction of boat dock length.



CLARIFICATIONS

- Clarify how to measure 20% of channel, i.e. use a line perpendicular to centerline of channel).



For navigation, docks should not extend more than 20% of this line from shoreline.

CLARIFICATIONS

- ▶ No more than 30% of the woody vegetation can be removed [§ 25-8-261 (C)]
- ▶ “A **woody** plant is a plant that produces wood as its structural tissue. **Woody** plants are usually either trees, shrubs, or lianas. These are usually perennial plants whose stems and larger roots are reinforced with wood produced from secondary xylem.”
- ▶ How to survey? How to quantify? Dead trees? Invasive species?
- ▶ Proposal: No more than 30% of the total number of ECM Appendix F trees with diameters of 8” or more may be removed in the shoreline setback.



UNINTENDED CONSEQUENCES

- Conflict: Fill in Lake Austin is allowed to restore eroding shorelines in LDC § 25-8-652, but is not allowed in a CWQZ under LDC § 25-8-261. Add language to clarify when fill is allowed in the lake, consistent with floodplain modification requirements approved by WPO.

Shoreline shows minimal erosion in 2003.



Shoreline has eroded behind existing bulkhead in 2012.



UNINTENDED CONSEQUENCES

- ▶ Code inadvertently removed variance process from fill and dredge requests greater than allowed. Proposed code changes will clarify the findings of fact and process for variances to § 25-8-652. This has affected some site plans currently under review.

Cut-in slip – can't ask for variance to fill.



Title 30

- ▶ All applicable past and proposed changes to Title 25 will be added to Title 30.

