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**From:** Carlton, Kristin  
**Sent:** Friday, December 07, 2018 2:15 PM  
**To:** Kathleen Huff  
**Cc:** Heldenfels, Leane  
**Subject:** 3117 Westlake Drive

Attached is document available on the City of Austin Development Services Department webpage. The document describes the requirements and processes for construction of a boat dock and any shoreline modifications.

- An engineered set of plans is required in the form of a site plan.
- There is not a separate building plan review of the boat dock structure to obtain a building permit.
- The location and foot print, height, enclosures, roofline, shoreline treatment and planting is all included on the site plan.
- An engineer is required to seal all site plan sheets. Architects do not develop site plans for boat docks nor do they submit the architectural plans.
- Once the site plan is approved a red stamp copy is issued.
- Once the site plan is approved, the owner is required to present the approved site plan to permitting for a boat dock building permit to construct the dock.
- A preconstruction meeting is required with the environmental inspector prior to construction.
- Once construction is complete final inspections are required and the boat dock and shoreline must conform to the site plan requirements.
- The required site plan and review process for boat docks has consistently been as it is now.

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Correcting the boat dock site plan.

- A site plan can be corrected to show modifications and changes to a permitted boat dock. The correction is reviewed and must comply with all code criteria at the time the correction is submitted.
- A noncompliant proposed boat dock correction requires a variance to process and approve.
- Once a site plan correction is approved and completed a red stamp copy is issued.

Boat dock height limits.

- Currently, per LDC 25-2-1176 (A)(6), the height limit for boat docks on Lake Austin is a maximum of 30' above the 492.8 elevation (522.8)
- Previous to 2014 there wasn't a height restriction other than base zoning, (LA, RR, SF-1, SF-2 and SF-3) which continues to be 35' ( LDC-25-2-492).

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**Scheduled Meeting Disclosure Information:**

In accordance with City of Austin Ordinance 20160922-005, responsibility of written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question as defined within City Code 4-8-2 for compensation on behalf of another person. Development Services Department has elected to implement an electronic survey as the methodology to provide the opportunity to record information as required of the department under Section 4-8-8 (E) of the City Code. Individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions included in the department survey available at the following link: [DSD Survey](#). Please note that all information provided is subject to public disclosure via DSD's open data portal.

For more information please visit:

[Click here to view City of Austin Ordinance 2016-0922-005](#)

[City Clerk's website](#)

[City Clerk's FAQ's](#)



## **Boat Docks/Shoreline Modifications/Shoreline Access for Single-Family Lots Requirements**

The following information provides a Process Overview, Submittal Requirements and Exhibits, and General Information necessary to obtain a permit to build a boat dock, bulkhead, shoreline modification, and access to shoreline (e.g., stairs/trams/lifts/inclined elevators, etc.) within the City of Austin jurisdiction (full-purpose and limited-purpose city limits, and extraterritorial jurisdiction ETJ).

### **Process Overview**

#### **Site Plan Review**

The first step in the process is to submit a site plan for review. Review of the site plan includes, but is not limited to: zoning requirements, floodplain, dredging, erosion/sedimentation controls, environmental concerns, critical environmental feature protection, grading, tree protection, wave abatement, restoration, and the effect on lake recreation and navigation.

#### **Site Plan Approval**

The regulatory requirements and procedures for site plan approval are defined in Volume III, Chapter 25 of the City of Austin Land Development Code (LDC). Chapter 25 was adopted by City Council in order to protect the health, safety and welfare of the Austin community. The Land Development Code may be found at <https://www.municode.com/library/tx/austin>.

#### **Building Permits**

Once the site plan is approved, the applicant is responsible to request any necessary building, electric, demolition, and relocation permits. Boat dock and bulkhead construction, including most repairs, will require a separate building permit.

#### **Assistance**

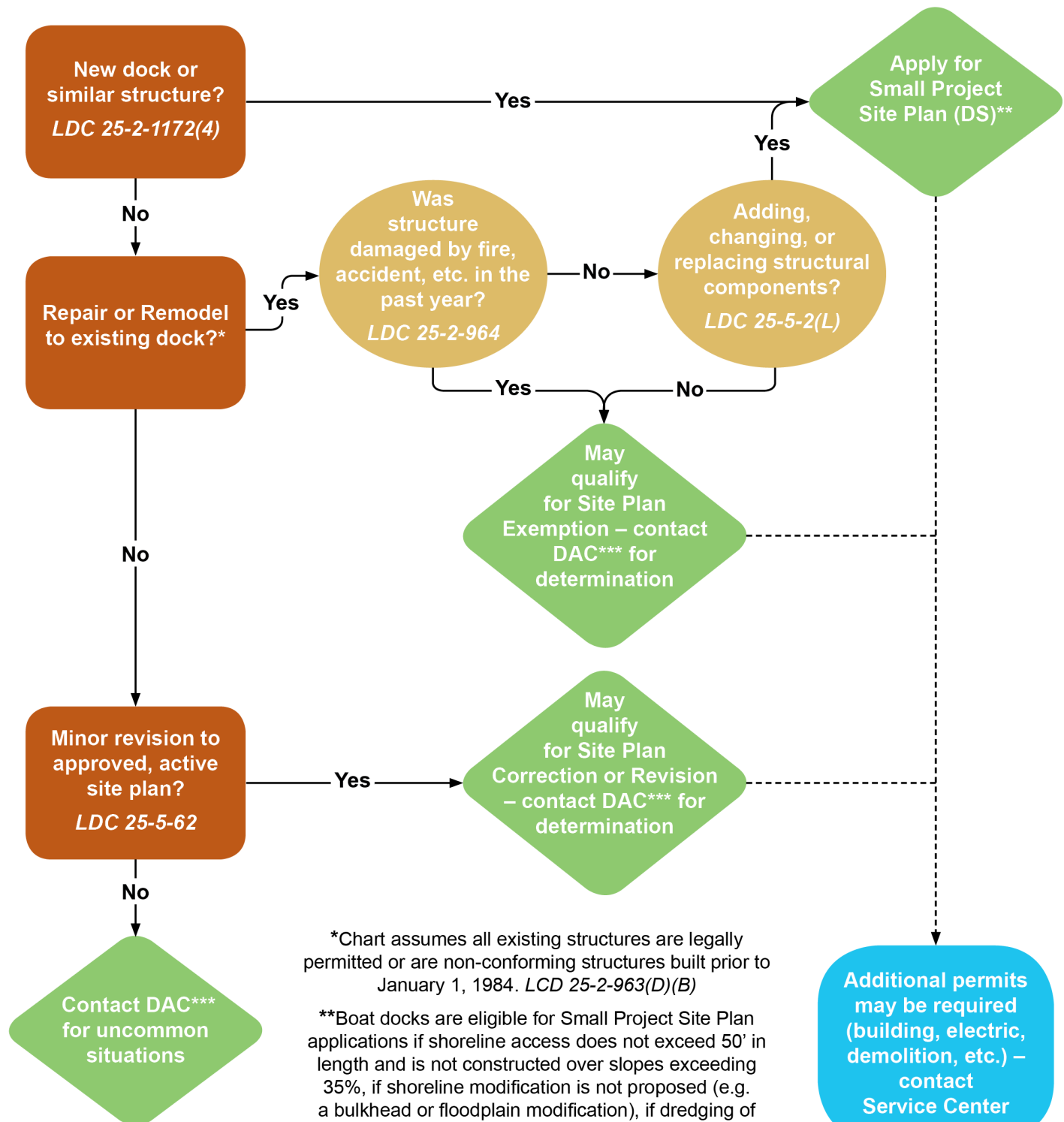
The City of Austin offers a free service to guide you through the Land Development process. The Development Assistance Center (DAC) is located at One Texas Center, 505 Barton Springs Road. Please visit <http://www.austintexas.gov/page/development-services-hours-operation> for walk-in hours or call (512) 978-4000 and ask for Development Assistance Center environmental review staff.

#### **Summary**

The flowcharts on the next two pages illustrate the Boat Dock and Shoreline Modification application permitting processes and provide a starting point to begin.

## Boat Dock Application Permit Process

See next page for Bulkhead or Reservoir Floodplain Modification permitting process



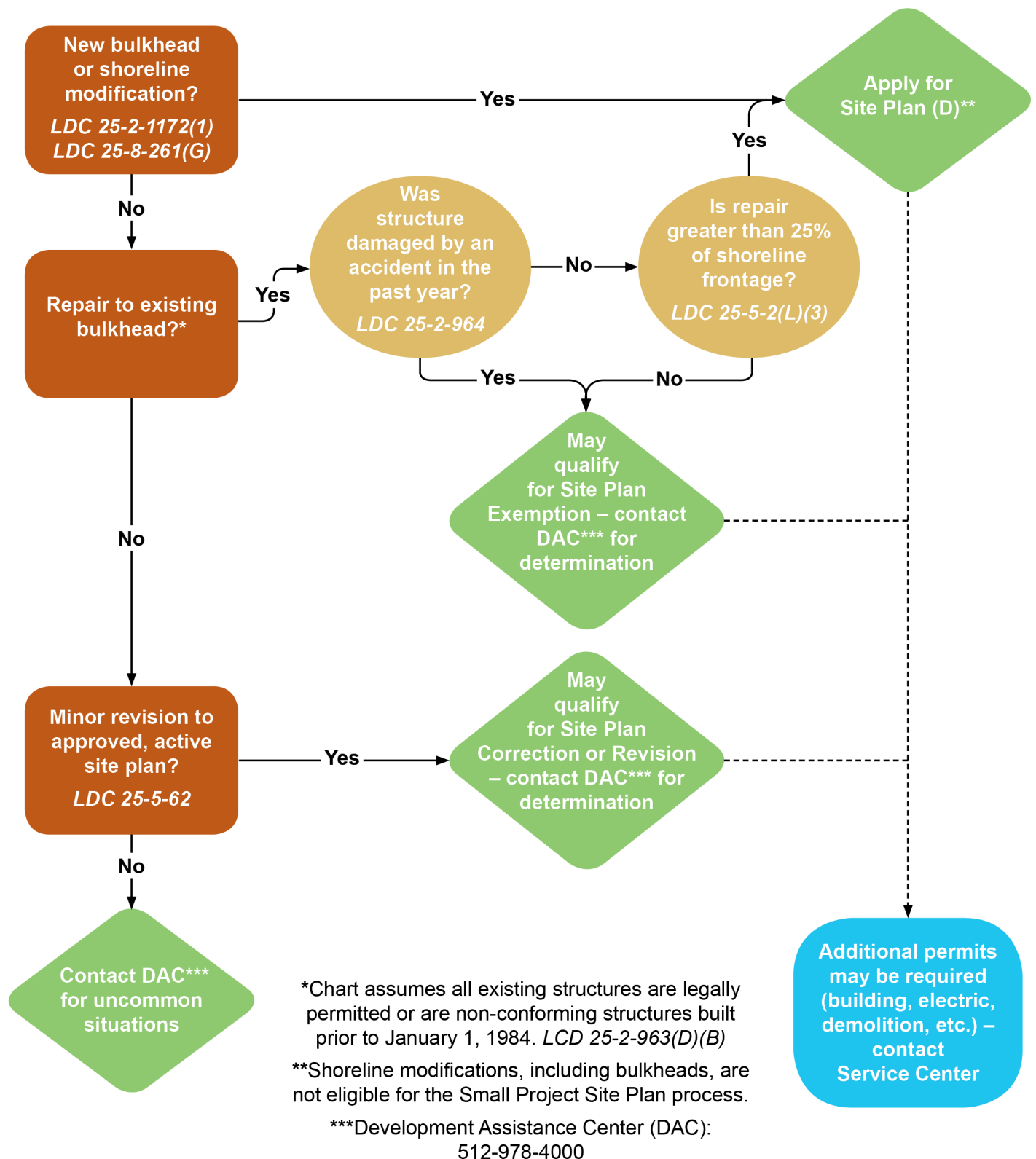
\*Chart assumes all existing structures are legally permitted or are non-conforming structures built prior to January 1, 1984. LCD 25-2-963(D)(B)

\*\*Boat docks are eligible for Small Project Site Plan applications if shoreline access does not exceed 50' in length and is not constructed over slopes exceeding 35%, if shoreline modification is not proposed (e.g. a bulkhead or floodplain modification), if dredging of no more than 25 cubic yards is required, or if a 25-8 Subchapter A Water Quality variance is not required.

\*\*\*Development Assistance Center (DAC): 512-978-4000

## Shoreline Modification Application Permit Process

See previous page for Boat Dock permitting process



## Submittal Requirements

In addition to completing the Boat Docks/Shoreline Modifications/Shoreline Access for Single-Family Lots Application, the following information will be required to complete the site plan permitting process. For details, refer to the complete Exhibits that follow.

### Exhibit I: Site Plan Requirements

- A. Cover Sheet
- B. Base Information
- C. Erosion and Sedimentation Controls
- D. Plan Layout including shoreline dimensions
- E. Construction Details
- F. Tree Survey with Grading/Tree and Natural Area Protection

### Exhibit II: Engineer's Summary Letter

### Exhibit III: Standard Site Plan Notes

### Exhibit IV: Revisions/Corrections Table on Cover Sheet

### Exhibit V: Environmental Resource Inventory (ERI)

## Exhibit I: Site Plan Requirements

### **A. COVER SHEET** - Show the following:

- Date of submittal
- Project title and street address
- Name of Principal Street
- Property owner name, address, telephone number
- Designer(s) company name, address, telephone number (include same for Planner, Architect, Landscape Architect, and Engineer if applicable)
- Name of watershed and classification
- State if subject to or exempt from the Watershed Protection Regulations
- Indicate by note if any part of the project is within a 100-year floodplain
- Legal description of property by lot, block and subdivision name, or by metes and bounds, if recorded, indicate the book and page number
- Site location map that clearly indicates the precise location of the tract (4" x 4" minimum size)
- Related Case No(s): \_\_\_\_\_ (Zoning/Subdivision, etc.)
- Revision/Correction Table as shown in Exhibit IV: Revision/Corrections
- Number each sheet submitted and indicate the total number of sheets on each sheet (e.g. 2 of 4). Number the cover sheet as #1. Sheet numbers must be consecutive whole numbers with no letter or decimal suffixes such as A, B, C or .1, .2, .3.
- Provide an index of site plan sheets on the cover sheet.

### **NOTES**

- Standard Notes as required (see Exhibit III: Standard Site Plan Notes)

### **APPROVAL BLOCKS**

- Approved by: \_\_\_\_\_  
Director, Development Services Department
- \_\_\_\_\_ Date
- Block for Permit Number and Date

## **B. BASE INFORMATION**

A professional engineer's seal, signature, and statement certifying that the plan is complete, correct, and in compliance with the LDC are required for all projects.

The following information shall be included on 24" x 36" sheets:

- Project title
- North arrow
- Engineering scale shall be 1"=10', 1"=20', 1"=30', or 1"=40'; if the project is too large, provide a sheet showing an overall plan, with separate pages showing detail at 1"=20'
- Designer(s) company name, address, and telephone number
- Seal and signature of the engineer preparing plans, and the date the plans were signed by the engineer, as required by LDC 25-2-1172(A)
- Leave a blank space (approval space) in the lower right hand corner at least 5" x 3" on each sheet
- Boundary lines with bearings and dimensions
- City limit line, when located in or near the site
- Legal address of the property
- Limits of Construction
- Sequence of Construction containing at a minimum, the applicable information found in Appendix P-4 of the ECM
- All existing and proposed dedicated easements
- Location of all existing and proposed structures to remain; indicate any demolitions by dashed footprint
- Existing and proposed (if different than existing) shoreline location at normal pool elevation, extent of shoreline modification, and sections showing cut or fill
- Existing and proposed topography and bathymetry on toe-foot intervals
- Location, dimension, sections, and volume of dredging if applicable
- Location and dimension of any adjacent boundary and easement lines, and distance of proposed improvements or alterations from all adjacent lot lines
- For shoreline cuts, show all on-site sewage facility components within 200 feet of the proposed shoreline cut
- Location, dimension, section, and details of bulkheads and/or retaining walls, including reinforcing steel (if any), calculations for structural design, and all details necessary for construction including cross section profiles with vertical elevations
- Location and dimensions of all piers, pilings, columns, or similar components including depth of water and total penetration depth
- Location and dimensions of any cross-bracing, walls, roofs, floors, decking, closets, doors, windows, or any other structural feature of the construction
- Location and description of all navigation lighting in accordance with LDC 25-2-1175
- Complete specification list indicating the size and type of all building materials, fasteners, and other components
- For docks, indicate the location of required lighting (LDC 25-2-1175), total height of structure from normal pool elevation, and enclosed spaces (LDC 25-2-1176(A))

## **C. EROSION AND SEDIMENTATION CONTROLS**

- Name of project, Watershed name and Classification
- Statement whether site is located over Edward's Aquifer Recharge Zone
- Contributing drainage area information for all erosion controls (ECM 1.4.0)



- Location and type of all permanent erosion and sedimentation controls, existing and proposed permanent water quality and detention controls and flood controls. (LDC 25-8-181 through 184, ECM 1.4.0)
- Existing and proposed grade(s)
- All proposed development, including shoreline access, construction access, bulkhead, retaining walls, and erosion/sedimentation controls. (LDC 25-8-181 through 184, ECM 1.4.0)
- Contractor staging area(s) and vehicular use area(s) (ECM 1.4.0)
- Temporary and permanent spoils storage areas specifying size, time of use, and ultimate restoration schedules. (LDC 25-8-343, ECM 1.4.0)
- All waterways within the tract or which impact the tract and the location of the fully developed 100-year floodplains and the area of upstream drainage. (LDC 25-8-92, 25-8-261, 25-8-262)
- Location of Critical Water Quality Zone (CWQZ) (LDC 25-8-92, 25-8-261) and LA Setback
- All proposed floodplain modifications. (LDC 25-8-261, 25-8-364, ECM 1.7.0)
- Location of all Critical Environmental Features and their required setbacks (LDC 25-8-281, 25-8-282).
- Detailed sequence of construction (LDC 25-8-181 through 184, ECM 1.4.0) containing:
  - which phases of construction will be done at which time
  - specific erosion/sedimentation controls and tree protection measures for each phase of the development
  - Information found in Appendix P-4 in the Environmental Criteria Manual
- Areas of cut and/or fill greater than four feet. (LDC 25-8-341, 25-8-342)
- Limit of construction line encompassing all areas to be disturbed, enclosing all areas of natural vegetation on the site which are to be left undisturbed. (ECM 1.4.0)
- Specific locations where special slope stabilization techniques are to be utilized and the extent of slope stabilization to take place and the technique used. (May be located on general notes sheet.) (ECM 1.4.0)
- Detailed restoration plans for all disturbed areas on the site in accordance with requirements of ECM 1.4.7 and planting plan details (quantity, size, species, location, etc.) if required to meet bulkhead, shoreline access, screening of shoreline access, CEF mitigation, CWQZ or floodplain modification requirements. LDC 25-8-261(C), LDC 25-8-261(F), LDC 25-8-261(G), LDC 25-8-364, 25-2-1179(F), LDC 25-2-1066(B), ECM 1.7.0, ECM 1.13.6, and ECM 1.13.7
- City of Austin Standard Erosion Control Notes as found in Appendix P-1 in the Environmental Criteria Manual. (May be located on general notes sheet.) (ECM 1.4.)

## **D. PLAN LAYOUT INCLUDING SHORELINE DIMENSIONS**

- Plan layout shall include all existing and proposed improvements to the site, complete with dimensions
- Include location of the shoreline (492.8 contour elevation for Lake Austin, 429 contour elevation for Lady Bird Lake, or 554.4 contour for Lake Walter E. Long)
- Show all dimensions of the dock, including the shoreline frontage of the lot and the percentage of shoreline frontage of the dock, the length of dock extension into the lake, distance from the property line, and overall square footage of the dock, including roof overhangs

## **E. CONSTRUCTION DETAILS**

The following items or notes should be shown:

- Provide architectural elevations of the dock with all relevant dimensions
- If proposing shoreline access, show how access connects to the dock; include accurate grading information



- Show details of all bulkheads or other shoreline modifications such as beaches or retaining walls, construction adjacent to protected trees, etc.

## **F. TREE SURVEY WITH GRADING/TREE AND NATURAL AREA PROTECTION PLAN (OR NOTE IF NO TREES)**

- A survey of all trees eight (8) inches in diameter and larger. Trees are to be represented by circles using the formula of one foot of radius for every one inch of trunk diameter. Unbroken circles indicate trees which are to remain. Dashed circles indicate trees proposed for removal. (LDC 25-8-604 ECM 3.1.0 through 3.6.1).
- Location of tree protection fencing (ECM 3.4.5)
- City of Austin Standard Notes for Trees and Natural Area Protection as found in ECM Appendix P-2. (May be located on general notes sheet.) (ECM 3.4.5)
- If in Endangered Species Habitat per 25-8-691 provide notice of the application that must include a statement that the development could cause the loss of endangered species habitat to the:
  - United States Fish and Wildlife Service;
  - Texas Parks and Wildlife Department;
  - Balcones Canyon Conservation Plan Coordinating Committee Secretary.

*This requirement does not apply within subdivisions with preliminary plans, final plats or site plans approved prior to August 27, 1989, or for sites not more than ten acres if legally platted or existed in the current configuration when it became subject to City subdivision regulations.*

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**Exhibit II: Engineer's Summary Letter**

No construction plans will be accepted unless accompanied by a summary letter signed and sealed by the same registered Texas professional engineer who sealed the construction plans. Summary letters for small projects do not require an engineer unless slopes or trenches exceed five feet (see City of Austin LDC Section 25-5-3).

The summary letter should describe the proposed development and might include, but not limited to, the following:

- Acreage to be developed
- Watershed in which project is located
- Type of development
- Explanation of any proposed project phasing
- Methods to be used for handling stormwater runoff such as erosion/sedimentation control, turbidity curtains, diversion berms, rain gardens, etc.
- Effect the proposed development will have on existing and future drainage systems in the area and on the natural and traditional character of the land and waterways
- Justification for exemption from the Watershed Protection Regulations, if requesting vesting rights
- Address dam safety and landfill certification requirements, if applicable
- Include variance request with a description of the variance and justification, and the applicable ordinance and section, if applicable

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**Exhibit III: Standard Site Plan Notes****Cover Sheet**

1. Approval of these plans by the City of Austin indicates compliance with applicable City regulations only. Approval by other governmental entities may be required prior to the start of construction. The applicant is responsible for determining what additional approvals may be necessary.
2. A business or living quarter may not be constructed on a pier or similar structure extending into or above Lake Austin, except under a license agreement approved by the City Council. LDC 25-2-1177(B)
3. *If all work is to be accomplished via barge:*  
All work on this project is to be accomplished via barge. There will be no site access by land, nor will any construction staging or materials storage be located on land.

**Architectural Plan Sheet**

1. The proposed boat dock must comply with all requirements of LDC 25-2-1174 ("Structural Requirements"), and must comply with Chapter 25-12, Article 1 (Uniform Building Code) and the Building Criteria Manual.

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**Exhibit V: Environmental Resource Inventory (ERI)**

As per LDC Section 25-8-121, an Environmental Resource Inventory (ERI) is required for a proposed development located:

- over a karst aquifer,
- within an area draining to a karst aquifer or reservoir,
- in a water quality transition zone,
- in a critical water quality zone,
- in a flood plain,
- —OR—
- on a tract with a gradient of more than 15 percent.

Criteria for an ERI are established in ECM Section 1.3.0 and the form is located here:

[https://www.municode.com/webcontent/municodenext/15306/1\\_3\\_1\\_eri\\_form.pdf](https://www.municode.com/webcontent/municodenext/15306/1_3_1_eri_form.pdf).

The Director of the Watershed Protection Department may allow an applicant to exclude from an ERI information required by this section after determining that the information is unnecessary because of the scope and nature of the proposed development. An applicant requesting that information be excluded from an ERI shall provide a waiver request to Environmental Resource Management staff found online here:

[https://www.municode.com/webcontent/municodenext/15306/1\\_3\\_2\\_eri\\_waiver.pdf](https://www.municode.com/webcontent/municodenext/15306/1_3_2_eri_waiver.pdf).

If an ERI is required, the applicant must submit either a completed ERI or a signed and approved ERI waiver.

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## General Information Relating to Boat Dock Application

### A Site Plan May Be Unnecessary If

LDC Section 25-5-2 (Site Plan Exemptions) specifies when a project can be exempt from site plan submittal. Generally, certain types of minor development that do not have a site plan already on file do not require formal site plan review. A Site Plan Exemption Form should be completed and filed with the Development Assistance Center in order to request an exemption.

As per Section 25-5-2 (Site Plan Exemptions) a site plan is not required to modify a dock, maintain or repair a dock or shoreline access, or repair a bulkhead under the following conditions:

1. To re-deck an existing dock
2. To modify, maintain, or repair a dock if:
  - the dock or shoreline access was legally constructed,
  - no variance from City Code is required,
  - the work will not increase the existing footprint of a dock or shoreline access, and
  - the work will not add, change, or replace structural components, including load bearing beams or walls, piers, pilings, or add new walls
3. To repair a bulkhead if:
  - the bulkhead was legally constructed,
  - the repair does not exceed 25% of the bulkhead or portion of a bulkhead existing on a lot or tract, and;
  - no repair to the bulkhead was done without a site plan in the previous three years

### Land Use Commission Approval

Boat dock and shoreline modification site plans are considered to be “non-consolidated” site plans, which means that the authorized development does not establish a use along with the construction. When no environmental variances are required, site plans may be approved administratively with no further approval from the Land Use Commission.

#### Common Environmental Land Use Commission Variances

- Construction within a Critical Environmental Feature setback
- Construction not allowed within a Critical Water Quality Zone
- Dredge greater than 25 cubic yards
- Fill in a Lake

#### Common Situations Requiring Board Of Adjustment Approval:

- Height greater than 30 feet
- Dock extension greater than 30 feet or 20% of channel width
- Dock exceeds more than 20% of the shoreline frontage
- Storage of more motorboats than allowed
- Side-yard offset less than 10 feet
- Dock footprint greater than 1200 square feet
- Closet area greater than 48 square feet
- Mechanized pedestrian access facility within the LA setback
- Construction on slopes greater than 35% in an LA zoning district

### Shoreline Access (Boardwalks, Stairs, Trams, etc.)

Shoreline access includes improvements constructed to provide a means of approaching the shoreline such as boardwalks, stairs, lifts, trams, incline elevators, or escalators. Site plans and building permits are required for many shoreline access structures, and must comply with the

appropriate zoning and Land Development Code restrictions. Shoreline access structures may be required to be screened from view as per Section 25-2-1066 (Screening Requirements).

## **Boat Dock Size Limit**

The director of the Development Services Department may not approve an application for a permit for the construction of slips for more than two motorboats or a total dock footprint greater than 1,200 square feet on a single lot zoned MF-1 or more restrictive. For purposes of determining the total number of motorboats that may be anchored, moored, or stored on a dock or over water, one personal watercraft is equivalent to one-half of a motorboat. LDC Section 25-2-1172 defines a dock to include a wharf, pier, float, floating dock, island, boat dock, boat slip, boat lift, stationary platform, or similar structure. A dock may not exceed more than 20% of the lot's shoreline frontage, except that a minimum of 14 feet is allowed when the shoreline frontage is 70 feet or less.

## **No Boat Ramp**

Section 1.13 of the Environmental Criteria Manual (ECM) defines a Boat Ramp as a hardened or paved surface designed and constructed to provide for the launching and retrieving of trailered boats and personal water craft to and from a body of water. Construction of a boat ramp within city limits is prohibited pursuant to LDC Section 25-2-1176(D).

## **Where to Find Design Guidelines for Shoreline Modifications**

Design guidelines for shoreline modification, stabilization and access are provided in ECM Section 1.13. Requirements are established in Sections 1.13.4, 1.13.6, 1.13.7, and 1.13.8. Resource guidance is provided in Sections 1.13.5 and 1.13.9.

## **Placing Fill in a Lake or Capture Dry Land with a Bulkhead**

Placing fill in a lake is prohibited unless to recapture land from an eroding shoreline. Backfill for the purposes of land capture or reclamation may not exceed the extent of the existing shoreline unless capturing, or recapturing the land is required to restore the land to the lesser of: "the shoreline as it existed 10 years from the date of application, with documentation as prescribed by rule, or the lakeside boundary of the subdivided lot line" as per LDC Section 25-8-652(C). In the event that acceptable historical documentation of the shoreline is not provided, the subdivided lot line will not be assumed to be the lesser of the two, and therefore shall not be used to determine the limits of land capture. Acceptable historical documentation of the shoreline is described in ECM Section 1.13.8.

## **Fees**

Prior to site plan approval all required fees must be paid. See Site Plan Review Fees at <http://www.austintexas.gov/departments/fees> for Completeness Check fee and other project fees that may be required. Additional fees may apply depending on the scope of the project. For example, if the proposed project requires a variance for approval, variance fees may apply. If erosion and sedimentation controls are required, the applicant is responsible for posting adequate fiscal surety for the controls and for permanent restoration of all disturbed areas.

## **Zoning Regulations and Boat Docks**

LDC Chapter 25-2 describes and classifies uses in the zoning jurisdiction. Applicants should identify which zoning regulations apply to their project area. For example, lots zoned "Lake Austin (LA) District" as shown by the zoning map referenced in Section 25-2-191, have additional requirements that are more restrictive than standard "Single-Family Residence." Section 25-2-551 describes the additional requirements that apply to lots zoned Lake Austin District which includes, but is not limited to, limited development in designated Shoreline Setbacks, special restrictions for development on land with a gradient that exceeds 35 percent, and impervious cover restrictions. Some lots that are not zoned LA District that are subject to the Lake Austin overlay are also subject to certain



requirements within the LA District. Section 25-2-180 clarifies which lots are subject to the Lake Austin Overlay and 25-2-647 describes which regulations are applicable.

## **Approval from Corps of Engineers**

The U.S. Army Corps of Engineers (USACE) is authorized under Section 10 of the River and Harbor Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States and under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States. Nationwide permits (33CFR 330.5(a)(26)) provide a simplified, expeditious means of project authorization by the USACE.

Applicants are encouraged to contact the appropriate representative of the USACE Fort Worth District Regulatory Branch for specific questions regarding the permitting of any activities that propose dredge, fill or bank stabilization.

Minor bank stabilization activities necessary for erosion prevention are addressed under USACE Nationwide Permit 13 Bank Stabilization provided the activity meets the criteria outlined in the permit. These criteria are available at the USACE website. In some instances, pre-construction notification or permit application may be required. If applicable, a site plan development application which proposes construction or alteration in a floodplain must demonstrate that an application has been filed for a permit for activities in waterways under relevant state and federal statutes, including but not limited to Section 10 and/or Section 404 permit(s) from the U.S. Army Corps of Engineers (see ECM 1.7.3).

Additional information may be obtained in Appendix C of the Drainage Criteria Manual or from the U.S. Army Corps of Engineers, Fort Worth District, Permits Section, P.O. Box 17300, Fort Worth, Texas 76102. Phone: (817) 886-1731.