

# **Proposed Changes to the Highland Lakes Marina Ordinance**

## **Frequently Asked Questions**

### **What is the Highland Lakes Marina Ordinance?**

The LCRA Highland Lakes Marina Ordinance (HLMO) is designed to regulate marina facilities on the Highland Lakes and protect and maintain public safety and the water surface in and around them. The ordinance also is intended to protect water quality that could be adversely impacted from development and operation of a marina facility, to promote health and safety, and to provide standards to protect public use, access and safety at marina facilities on the Highland Lakes.

### **Why is LCRA updating the HLMO? When was the last time the HLMO was updated?**

The Highland Lakes Marina Ordinance was adopted in 1984 and has been revised 11 times since then. The last substantive update to the ordinance was in 2001. In the last 22 years, the ordinance has been amended twice – in 2004 and 2011 - and both amendments were to acknowledge the adoption of regulations in other programs.

In addition to substantive policy changes, LCRA staff also is proposing to update the application, review and notice processes to be consistent with other LCRA regulatory programs.

### **What are the major proposed changes under consideration?**

The proposed changes:

- Make substantial changes to the overall format and readability of the regulations.
- Establish a deadline for marinas to replace any unencapsulated foam with encapsulated flotation material or materials that do not deteriorate or decompose and impact water quality. (Section 5.1(f))
- Require additional public notice and opportunities for the public to comment on proposed marinas. (Sections 6.1(f)-(l))
- Change the venue for hearing valid appeals from LCRA's Land and Community Resources Committee to the Water Operations Committee. (Section 12)

- Revise the fees associated with the marina ordinance. (See the [Fee Schedule document](#).)
- Increase the minimum limits of liability insurance for marinas. (Section 5.4(c))
- Discontinue the issuance of permits for new community marinas. (Section 4.3)
- Amend the definition of a Residential Dock (Section 3 and 4.2(a)). (Note: Conforming changes to the definitions in the Safety Standards for Residential Docks on the Highland Lakes also will occur to keep the documents consistent.)
- Change provisions related to floating residential docks over 1,500 square feet in size (residential marinas) to exempt them from the marina setback requirements. (Section 4.6(vii))
- Exempt marinas in newly created or dredged out coves from certain location, configuration and setback requirements. (Sections 5.2(b), (h), and (i))
- Establish two tiers of permit amendments – major and minor. The definition of non-substantive changes also has been revised to specify the types of changes that qualify as minor amendments. (Sections 3 and 6.2)
- Revise the 200-foot setback from the Colorado River channel requirement to allow a marina facility where water currents are slow or non-existent during flood events and where an engineer has certified that the proposed location will not be adversely impacted by strong currents or present a hazard to public safety. (Section 5.2(b)(iii)(1)(b))
- Simplify the methods for measuring maximum distance from shore and for the 10% and 20% rules in coves. (Sections 5.2(c), (h), and (i))
- Update and move information required to be submitted for a permit application from the Technical Manual to the HLMO. (Section 6.1(c))
- Specify standard and additional permit terms and conditions for marina permits. (Section 7.1 and 7.2)
- Revise and clarify definitions. (Section 3)

### **How many marinas are on the Highland Lakes?**

There are 147 marina facilities on the Highland Lakes permitted under the ordinance.

### **Will the changes affect a marina's current permit?**

No. An existing marina facility is authorized to construct or operate the facility in accordance with the terms and conditions of its permit and the siting, location or configuration requirements of the ordinance in effect at the time the application for the existing marina facility was accepted by LCRA staff. Any expansion or modification of an existing marina facility would be subject to requirements of the ordinance, as amended. Existing marina facilities are eligible for minor amendments to their existing permits while remaining subject to the requirements of the ordinance under which they were originally permitted.

### **Why are fees changing?**

The fees associated with the Marina Ordinance have not changed since 2001. LCRA staff is proposing an update to the fee schedule to recover costs.

### **Will the proposed changes affect residential docks?**

A proposed revision would expand the definition of residential docks, resulting in fewer fixed docks for residential use being subject to the marina ordinance. If the revisions are adopted, LCRA will update the Safety Standards for Residential Docks on the Highland Lakes to be consistent with the updated marina ordinance.

### **What is the process for updating the ordinance?**

LCRA conducted a lengthy internal review of the ordinance and has proposed several changes to the ordinance. After receiving and reviewing public comments on the proposed changes, LCRA staff will recommend a revised ordinance to the LCRA Board for consideration and possible adoption.

### **How can the public participate in the process?**

Members of the public can review the proposed changes and submit comments on [lcra.org/public-comment](http://lcra.org/public-comment).

### **If the LCRA Board of Directors adopts changes to the ordinance, when will the changes go into effect?**

The LCRA Board will determine the effective date of any changes it adopts. The earliest the amended ordinance could be effective is the date that the Board adopts the changes.