

AMENDED BY ORDINANCE

NO. 860904-XORDINANCE NO. 86 0717-Z

AN ORDINANCE AMENDING CHAPTER 13-2A (REVISED ZONING REGULATIONS) OF THE AUSTIN CITY CODE OF 1981; ADDING SECTIONS 13-2A-2850 THROUGH 13-2A-2857 TO ESTABLISH A "WO" WATERFRONT OVERLAY COMBINING DISTRICT FOR PROPERTY NEAR TOWN LAKE AND THE COLORADO RIVER SOUTH OF LONGHORN DAM; FIXING BOUNDARIES AND ESTABLISHING REGULATIONS FOR THE WATERFRONT OVERLAY COMBINING DISTRICT AND THE VARIOUS SUBDISTRICTS WITHIN SUCH COMBINING DISTRICT; REPEALING SECTIONS 13-2A-2940 THROUGH 13-2A-2944 ESTABLISHING A TLZ TOWN LAKE ZONE; PROVIDING FOR SEVERABILITY; WAIVING THE RULE REQUIRING THREE READINGS OF ORDINANCES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Section 13-2A-2020 of the Austin City Code of 1981 be, and it hereby is, amended by inserting the following Map Code, Combining District, and Section Number between the "PDA" Planned Development Area Combining District and the "MU" Mixed Use Combining District listed therein:

<u>Map Code</u>	<u>Combining District</u>	<u>Section Number</u>
WO	Waterfront Overlay Combining District	2850

PART 2. That Sections 13-2A-1100 through 13-2A-1499 of Chapter 13-2A of the Austin City Code of 1981 be, and hereby are, amended by the addition of the following definitions, reading and numbered as follows:

1170.1 BASEWALL

The vertical surface of a building beginning at the finished grade up to a level defined by a setback or an architectural treatment such as a cornice line or similar projection or demarcation, which visually separates the base of a building from the upper portion of the building.

1179 CENTERLINE

A line equidistant from the existing topographically defined channel boundaries of a creek or waterway. If not readily discernible, the channel boundaries shall be deemed to be, first, the low flow line, or, second, the boundaries of the two (2) year flood plain.

1190.1 DRIPLINE OF TREE

A vertical line extending from the outermost portion of the tree canopy to the ground.

1269 MIRRORED GLASS

Mirrored glass is any glass with a reflectivity index of greater than twenty percent (20%).

1276 NATURAL BUILDING MATERIALS

Exterior building materials such as wood, stone, brick, granite, or other materials (such as textured concrete) with a similar appearance to wood, stone, brick, or granite, when such materials are either unfinished or are finished in colors and tints which are generally natural to the material and are not intrusive to the surrounding natural environment.

1301.1 PEDESTRIAN ORIENTED USE

Uses which serve the public by providing goods or services including, but not limited to, the following are hereby defined as a pedestrian oriented use:

- Art and Craft Studio (Limited)
- Cocktail Lounge
- Consumer Convenience Services
- Cultural Services
- Day Care Services (Limited, General, or Commercial)
- Food Sales
- General Retail Sales (Convenience or General)
- Park and Recreation Services
- Any Residential Use
- Restaurant (Limited or General)

Any other use which provides a good or service to the public as determined and permitted by the Waterfront Planning Advisory Board.

1304.1 PRIMARY SETBACK LINE

The Primary Setback Line is a line parallel to and measured landward from the centerline of a creek or the shoreline of Town Lake or the Colorado River.

1329.1 SECONDARY SETBACK LINE

The Secondary Setback Line is a line parallel to and measured landward from the Primary Setback Line.

1332.1 SHORELINE

The shoreline of Town Lake is the four hundred twenty-nine (429) foot contour line, said contour line being the normal mean water level of Town Lake. The shoreline of the Colorado River below Longhorn Dam is deemed to be the contour line set forth in each subdistrict. The shoreline location may also be a line determined by the Waterfront Planning Advisory Board upon request by the owner of any property affected by such determination. It is the intent of this ordinance that the shoreline will continue from bank to bank generally parallel with Town Lake and the confluence of any and all creeks entering Town Lake.

PART 3. That Chapter 13-2A of the Austin City Code of 1981 be, and hereby is, amended by the addition of the following Sections 13-2A-2850 through 13-2A-2857, reading and numbered as follows:

2850 WO WATERFRONT OVERLAY COMBINING DISTRICT

2851 PURPOSE

Adoption of the Waterfront Overlay Combining District is one of the recommendations contained in the Town Lake Corridor Study adopted by the City Council on October 24, 1985, and is intended to reflect the goals and policies set forth in the Town Lake Corridor Study. The district is designed and intended to provide a more harmonious interaction and transition between urban development and the parkland and shoreline of Town Lake and the Colorado River. The Waterfront Overlay Combining District is combined with existing and future base districts established for properties located within its boundaries and shall become effective on the date of final passage of this ordinance.

2851.1 EXEMPTIONS

The provisions set forth in this ordinance shall not apply to the construction or reconstruction of any existing or proposed development for which:

- (1) a valid building permit exists; or
- (2) a certificate of occupancy has been issued; or

- (3) a site plan has been approved, including plans for phased development projects or special permit site plans; or
- (4) a site plan has been filed with the Office of Land Development Services as a condition of zoning as approved previously by Council or has been reviewed and approved by the Town Lake Task Force as a condition of zoning, with any comments from the Task Force being forwarded to the Mayor and/or Council for consideration;
- (5) building plans and specifications have been submitted to the Building Inspection Department for review and said review has been substantially completed prior to the effective date of this ordinance.

Provided, however, any approved site plan, special permit site plan, or plan for a phased development project pursuant to subsection (3) above shall only be exempt from the terms of this ordinance until the expiration or lapse of approval of said site plan.

2852

BOUNDARIES

The Waterfront Overlay Combining District consists of all property located within the respective boundaries of the fifteen (15) subdistricts defined and set forth below:

University/Deep Eddy Subdistrict: All property bounded by Lake Austin Boulevard on the north; the Town Lake shoreline on the south; Mopac Boulevard on the east; and Tom Miller Dam on the west.

Lamar Subdistrict: All property bounded by the Missouri Pacific rail lines on the north; the Town Lake shoreline on the south; Lamar Boulevard on the east; and Mopac Boulevard on the west.

North Shore Central Subdistrict: All property bounded by the Missouri Pacific rail lines from Lamar Boulevard to Nueces Street, thence south on Nueces Street to Second Street, thence easterly along Second Street to Waller Creek as the northern boundary of the subdistrict; the Town Lake shoreline on the south; Waller Creek on the east; and Lamar Boulevard on the west.

Rainey Street Subdistrict: All property bounded by First Street on the north; the Town Lake shoreline on the south; IH-35 on the east; and Waller Creek on the west.

Festival Beach Subdistrict: All property bounded on the north by Holly Street from IH-35 to Canadian Street, then north on Canadian Street to Willow Street, then east on Willow Street to Pleasant Valley Road; the Town Lake shoreline on the south; Pleasant Valley Road on the east; and IH-35 on the west.

Red Bluff Subdistrict: All property bounded by East First Street on the north; the Colorado River shoreline on the south; Highway 183 on the east; and Pleasant Valley Road on the west.

Montopolis/River Terrace Subdistrict: All property bounded by the Colorado River shoreline on the north; the extension of Lakeshore Boulevard on the south; Highway 183 on the east; and Pleasant Valley Road on the west.

South Lakeshore Subdistrict: All property bounded by the Town Lake shoreline on the north; the various and respective southern boundaries of all legal lots existing as of the date of this ordinance which abut the south public right-of-way of South Lakeshore Boulevard on the south; Pleasant Valley Road on the east; and the extension of Parker Lane on the west.

East Riverside Subdistrict: All property bounded by the Town Lake shoreline on the north; Riverside Drive on the south; the extension of Parker Lane on the east; and IH-35 on the west.

Travis Heights Subdistrict: All property bounded by the Town Lake shoreline on the north; the various and respective southern boundaries of all legal lots existing as of the date of this ordinance which abut the south public right-of-way of East Riverside Drive on the south; IH-35 on the east; and East Bouldin Creek on the west.

South Shore Central Subdistrict: All property bounded by the Town Lake shoreline on the north; East Bouldin Creek on the south and east; and South First Street on the west.

Auditorium Shores Subdistrict: All property bounded by the Town Lake shoreline on the north; the various and respective southern boundaries of all legal lots existing as of the date of this ordinance which abut the south public right-of-way of Barton Springs Road on the south; South First Street on the east; and Lee Barton Drive on the west.

Butler Shores Subdistrict: All property bounded by the Town Lake shoreline on the north; the various and respective southern boundaries of all legal lots

existing as of the date of this ordinance which abut the south public right-of-way of Barton Springs Road on the south; Lee Barton Drive on the east; and the centerline of Barton Creek on the west.

Zilker Park Subdistrict: All land located within the boundaries of Zilker Park.

Balcones Rock Cliff Subdistrict: All property bounded by the Town Lake shoreline on the north; Stratford Drive and Bee Creek Preserve on the south; Zilker Park on the east; and Tom Miller Dam on the west.

2853

GENERAL USE REGULATIONS

To the extent that regulations established for the use of property located within the Waterfront Overlay Combining District are inconsistent with regulations established by a particular base district or other provisions of the Code, these regulations shall be controlling. However, unless a use is specifically prohibited in any subdistrict, all uses otherwise permitted shall continue to be permitted in any given base district. The following standards apply to all uses of land in the WO Waterfront Overlay Combining District:

- a. Residential: Any residential use permitted in an MF-6 Multi Family Residence (Highest Density) or more restrictive base district is permitted in an NO Neighborhood Office or less restrictive base district.
- b. Pedestrian Oriented: In MF-1 Multifamily Residence (Limited Density) or less restrictive base districts, pedestrian oriented uses shall be permitted when such uses are located on the ground floor of a structure. Such pedestrian oriented uses may be permitted on above ground floors of a structure if permitted by the Water-front Planning Advisory Board, or by the Planning Commission or the City Council on appeal or otherwise.

2854

SITE DEVELOPMENT REGULATIONS APPLICABLE TO ALL SUB-DISTRICTS

To the extent that regulations established for the development of property located within the Waterfront Overlay Combining District are inconsistent with regulations established by a particular base district or other provisions of the Code, these regulations shall be controlling; provided, however, that development of property within a Capitol View Corridor Overlay

Zone or the CAZ Congress Avenue Zone shall comply with the height restrictions imposed by Sections 2829 or 2924, respectively, and development of property subject to the Compatibility Standards shall comply with the Compatibility Standards unless a waiver is approved. The following standards apply to all development in the WO Waterfront Overlay Combining District:

- a. Site Plan Approval Required: No building permit to construct or certificate of occupancy to occupy any structure located within the WO Waterfront Overlay Combining District shall be issued except in accordance with a site plan which demonstrates compliance with these WO Waterfront Overlay Combining District regulations and all other applicable ordinances. No site plan shall be required for a single family residence of thirty-five hundred (3500) gross square feet or less. Site plans shall be approved in accordance with the procedures outlined in Sections 6100 through 6199 or Sections 6200 through 6299, as applicable. In addition, each site plan required by this section shall be reviewed by the Director of the Parks and Recreation Department, or his or her designee, prior to its approval to determine, if applicable, its compatibility with adopted park design guidelines and to determine the existence and significance of historic, cultural, or archeological sites located on the property subject to the site plan. Any site plan submitted shall also be distributed to the Waterfront Planning Advisory Board for its comments. Said comments shall be returned to the Office of Land Development Services and considered by that office in its administrative review of the site plan. If an applicant requests a waiver from any provision of the WO Waterfront Overlay Combining District ordinance or if the administrative approval or denial of said site plan is appealed, such site plan shall be reviewed and acted upon by the Waterfront Planning Advisory Board. The applicant shall file a request for waiver or appeal with the Office of Land Development Services and deliver a copy of same to the Waterfront Planning Advisory Board. The Waterfront Planning Advisory Board shall consider and act on said request at its next scheduled meeting after the expiration of fifteen (15) days from the date of receipt. The Board shall forward its recommendation and findings to the Planning Commission or City Council, as appropriate. The decision of the Waterfront Planning Advisory Board may be appealed to the Planning Commission and City Council. Any appeal filed by any person under this section shall be filed in accordance with the dates and times

prescribed in Section 6100 through 6199 and 6200 through 6299, as applicable, or as provided in Section 2857 of this ordinance.

b. WO Waterfront Overlay Combining District Site Plan Review: Site plans for property located in the WO Waterfront Overlay Combining District submitted pursuant to this subsection or in accordance with any other requirement for site plan review imposed by ordinance shall include all information required by Section 6130 and other applicable ordinances, plus information reasonably required to determine compliance with these WO Waterfront Overlay Combining District regulations, including the following:

1. the boundaries and location of all Primary Setback Lines and Secondary Setback Lines and a computation of the gross square feet and percentage of site contained respectively within the Primary Setback Lines, the Secondary Setback Lines, and the total site;
2. the delineation of areas eligible for bonus FAR and height and the calculation of bonus FAR and height for which the development qualifies pursuant to Section 2855;
3. Location and designation of proposed uses on the ground floor.
4. A statement of the net usable floor area of the ground floor of each proposed structure and the respective percentage, if any, of proposed pedestrian uses on said ground floor. If an applicant is unable to comply with the 50% requirement for pedestrian-oriented use on the ground floor in any subdistrict where same is required, the applicant shall still submit a site plan which reflects such proposed area on the site plan, but may request a phasing of this requirement by the Waterfront Planning Advisory Board at the time said site plan is reviewed. The applicant shall submit to the Waterfront Planning Advisory Board a proposed phasing plan demonstrating the adaptability of said structure to such pedestrian-oriented use. Said projected phasing shall not extend beyond a period of (5) years from the date a certificate of occupancy is issued for said structure. The grant or approval of said phasing shall be noted on the site plan;

5. architectural presentations of the exterior of buildings (including proposed building materials and, where required, the percentage of clear or lightly tinted glass used for ground floor walls) sufficient to demonstrate compliance with regulations governing the design of structures located in the WO Waterfront Overlay Combining District;
 6. any proposed alterations to the shoreline of Town Lake, the Colorado River, or any creek;
 7. a description of any culturally or archaeologically significant building, structure, or site located on the property, specifically including without limitation sites identified by the Texas Antiquities Committee of the Texas Historical Commission, if known to the applicant.
- c. Primary Setback: No surface or above ground parking area, structure or portion of a structure may be located on any land between the Primary Setback Line and the centerline of a creek for which a Primary Setback Line has been established, the shoreline of Town Lake, or the shoreline of the Colorado River; provided, however, that this provision shall not apply to park related facilities including, without limitation, picnic tables, observation decks, trails, gazebos, pavilions, or similar amenities located on land dedicated or used for public park purposes, restricted to a maximum impervious cover of fifteen percent (15%). This maximum percentage may be increased as determined by the Waterfront Planning Advisory Board when justification for such increase is shown by the Parks and Recreation Department, or its designee. Said allowance or increase shall be handled by application for waiver submitted to the Waterfront Planning Advisory Board.
- d. Secondary Setback: A transition zone shall be provided which allows for, but is not limited to, the construction of fountains, patios, terraces, outdoor restaurants or similar amenities. Impervious cover on land between the Primary Setback Line and the Secondary Setback Line, in subdistricts where a Secondary Setback Line has been defined, is restricted to a maximum of thirty percent (30%). This maximum percentage may be increased only as determined by the Waterfront Planning Advisory Board when justification for such increase is shown by the applicant. Said allowance or increase shall be handled by applica-

tion for waiver submitted to the Waterfront Planning Advisory Board.

e. Parking:

1. Surface parking should not be visible from Town Lake, the Colorado River, parkland, and/or any creek referenced in this ordinance. Surface parking should be oriented along the roadways and the view screened. This screening shall include dense massing of trees of shrubs, other wall or vegetative screening or berms. Topographic changes shall be considered in reviewing this provision. A median of not less than ten feet (10') in width, containing trees, shrubs or berms shall be placed between each parking bay. A "parking bay" is defined as a parking area serviced by one drive and back-up space. This may include a single bay, with two rows of parking and a common drive. Alternative compliance may be allowed as provided by section 5635.
2. Parking structures above grade shall be creatively integrated architecturally with the building and/or thoroughly screened from Town Lake, the Colorado River, the parkland and/or any creek. The parking structure shall maintain the same building setback as required in the base zone, provided it is architecturally integrated with the other structures and has a pedestrian scale. Parking structures which abut Town Lake, the Colorado River, parkland and/or a creek shall have a facade which incorporates pedestrian oriented uses at the grade level.
3. Sub-terrain parking structures, which are totally below grade can occur anywhere within the property line of a base district.

f. Underground Utilities: All utilities shall be located underground unless otherwise required by the utility providing the service.

g. Design:

1. Exterior mirrored glass or glare producing glass surface building materials are prohibited.
2. Distinctive building tops shall be required for buildings exceeding forty-five (45) feet in height. Distinctive building tops include

without limitation cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, domes and other forms of multi-faced sculptural tops. To the minimal extent required to comply with the provisions of Section 9-11-202 of the Austin City Code of 1981, a flat roof shall be permitted.

3. Basewall definition shall be required for buildings fronting Town Lake, Shoal Creek, and Waller Creek. Basewalls shall not exceed a height (as defined by an upper level setback or architectural definition) of more than forty-five (45) feet. Basewalls are required on buildings abutting public parkland or the Town Lake shoreline. Property separated from parkland solely by public right-of-way shall be deemed to abut parkland.
4. Building Facade: No facade of a building shall exceed an unbroken horizontal dimension of one hundred sixty (160) feet.
- h. Screening Requirements: Trash receptacles, air conditioning and heating equipment, utility meters, loading areas, and external storage shall be screened from public view.
- i. Waiver from Height Restrictions Imposed by the Compatibility Standards: Notwithstanding any other provisions of this Chapter to the contrary, development within the WO Waterfront Overlay Combining District which is designed to reduce impervious surfaces and building bulk, or to preserve trees which may not otherwise be preserved, may receive a waiver from height restrictions imposed by the Compatibility Standards pursuant to the procedures set forth in Section 4740, after a review and recommendation on the waiver request by the Waterfront Planning Advisory Board. Such a waiver may not exceed the height limits established in the WO Waterfront Overlay Combining District.

2855

BONUS PROVISIONS

Any one or more of the following bonus provisions may be used to exceed the maximum Floor to Area Ratio ("FAR") of a base district and height limitation of a base district for additional FAR, height, or both. Total additional FAR from the use of bonus provisions shall not exceed sixty percent (60%) of the maximum FAR otherwise allowed. No single bonus provision, with the

exception of the Residential Use bonus defined in subsection (a) below, shall be used to exceed twenty percent (20%) of the maximum FAR otherwise allowed; provided, however, that bonus provisions may be used in any amount necessary to construct a building designed to comply with FAR and height restrictions authorized by the base zoning district (without reference to the WO Waterfront Overlay Combining District) but not achievable in the particular subdistrict without the use of bonus provisions. No bonus provision may be used to exceed a height limitation imposed by a Capitol View Corridor, the CAZ Congress Avenue Zone, or the maximum height permitted in a WO subdistrict.

- a. Residential Use: Floor area designed and intended exclusively for a residential use permitted in an MF-6 or more restrictive base district shall be authorized in addition to the maximum FAR permitted in an NO Neighborhood Office or less restrictive base district.
- b. Pedestrian Oriented Uses: Floor area designed and intended exclusively for pedestrian oriented uses located on the ground floor with unimpeded public access from public right-of-way or parkland shall be authorized in addition to the maximum FAR permitted in an MF-1 Multi-Family Residence (Limited Density) or less restrictive base district. Pedestrian oriented uses required by Section 2856 shall not be included in bonus FAR or height authorized under this subsection.
- c. Parking Structures: An additional one-half (0.5) square foot of gross floor area may be allowed for each square foot of gross floor area of a parking structure constructed above grade. An additional one (1) square foot of gross floor area may be allowed for each square foot of gross floor area of a parking structure provided below grade. For purposes of this section, a "parking structure" shall mean a parking facility built above or excavated below grade. No bonus for above grade parking structures shall be allowed for development in the North Shore Central subdistrict.
- d. Tree Preservation: A bonus of additional gross floor area shall be allowed for every square foot of area within the undisturbed outer dripline of an existing tree classified as a Category A tree by the tree evaluation system of the Office of Land Development Services which is left undisturbed or is , transplanted, under the direction, authorization and supervision of the City Arborist on the site or at such other location that will preserve the character of the existing site and is

approved by the Waterfront Planning Advisory Board. The additional gross floor area granted as a bonus under this subsection is calculated by multiplying the total area of such undisturbed dripline by the height limitation(s) applicable to the property and dividing the result by twelve (12). A tree shall not be considered to be undisturbed unless the area within a circle centered on the trunk and with a circumference equal to the largest horizontal circumference of the tree's crown is left in an undisturbed state.

- e. Public Access Dedications: A bonus for every square foot of area dedicated to the City for purposes of providing public access, side yard easements or trail easements to Town Lake or the Colorado River, shall be allowed. The additional gross floor area granted a bonus under this subsection is calculated by multiplying the total area of such public access or easement by the height limitation(s) applicable to the property and dividing the result by twelve (12).
- f. Restrictions for Public Access: A bonus for every square foot of area restricted to create or side yards or restricted public access to Town Lake, the Colorado River or a creek shall be allowed. The additional gross floor area granted a bonus under this subsection is calculated by multiplying the total area of such scenic vista, side yard visibility or restricted area by the height limitation(s) applicable to the property and dividing the result by twelve (12).
- g. Restrictions for Scenic Vistas: A bonus of one (1) additional square foot of gross floor area may be allowed for each square foot of area restricted to create scenic vistas to Town Lake, the Colorado River or a creek.
- h. Impervious Cover: For every square foot of area that represents a reduction of the maximum impervious cover otherwise permitted, an additional square foot of gross floor area shall be allowed.

2856

USE AND SITE DEVELOPMENT REGULATIONS FOR SUBDISTRICTS

a. University/Deep Eddy Subdistrict:

1. Uses:

A. The following uses are not permitted:

Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing
Commercial Off-Street Parking
Any use with a Drive-In Service

- B. The following uses may be allowed, subject to the Conditional Use Procedures set forth in Sections 6200 through 6299:

Hotel-Motel
Service Station
Local Utility Service

2. Primary Setback Lines:

- A. Two hundred (200) feet from the Town Lake shoreline between Tom Miller Dam and Red Bud Trail
- B. Three hundred (300) feet from the Town Lake shoreline between Red Bud Trail and Mopac Boulevard

3. Secondary Setback Lines:

- A. Fifty (50) feet between Tom Miller Dam and Red Bud Trail
- B. One hundred (100) feet between Red Bud Trail and Mopac Boulevard

4. Height: Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of sixty (60) feet.

5. Impervious Cover: Maximum coverage, forty percent (40%) of lot area not included in a Primary or Secondary Setback Line

6. Restrictions On Use of Bonus Provisions:

- A. Bonus provisions shall not be used to increase height above thirty-five (35) feet or FAR for any structure or portion thereof located between the Town Lake shoreline and a line parallel to and fifty feet (50) landward from a Secondary Setback Line.

b. Lamar Subdistrict

1. Primary Setback Lines:

- A. One hundred (100) feet from the Town Lake shoreline
- B. Ninety (90) feet from the Johnson Creek centerline

2. Secondary Setback Line:

- A. One hundred (100) feet from the Primary Setback Line parallel to the Town Lake shoreline

3. Height:

- A. Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of sixty (60) feet.
- B. For structures located within fifty (50) feet from the Primary Setback Line parallel to the Johnson Creek centerline, height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of thirty-five (35) feet.

4. Parking:

- A. No parking space or area shall be constructed at grade except for parking spaces restricted for use by buses, van pooling, the handicapped, and for public access to parkland as provided in Section 2854(e).
- B. Garage access points and curb cuts are prohibited where the pattern and alignment of the surrounding, existing sidewalks would be disrupted.

c. North Shore Central Subdistrict

1. Uses:

- A. A minimum of fifty percent (50%) of the net usable floor area on the ground level of a structure abutting Town Lake shall be used for pedestrian oriented uses. Any applicant may request approval of phasing plan by the Water-

front Planning Advisory Board, to permit the expansion or phasing of pedestrian oriented uses within a period not exceeding five (5) years from the date a certificate of occupancy is issued.

2. Primary Setback Lines:

- A. One Hundred (100) feet from the Town Lake shoreline
- B. Sixty (60) feet from the Shoal Creek centerline
- C. Fifty (50) feet from the Waller Creek centerline

3. Parking:

- A. No parking space or area shall be constructed at grade except for parking spaces or areas restricted for use by buses, van pooling, taxis, delivery service or commercial loading zones, other public transportation system, the handicapped, and for public access to parkland or as permitted pursuant to Section 2854(e)(2) and (3).
- B. Garage access points and curb cuts shall be located to minimize the disruption of pedestrian traffic on existing sidewalks.
- C. No above grade parking facility may be located within two hundred fifty (250) feet from the shoreline of Town Lake except as provided in Section 2854(e)(2) and (3).

4. Design:

- A. Structures abutting and oriented towards Town Lake, Shoal Creek, or Waller Creek shall have a base wall with a maximum height of forty-five (45). That portion of the structure built above the base wall oriented towards Town Lake, Shoal Creek, or Waller Creek shall be designed to fit within an envelope defined by a seventy degree (70°) angle starting at a line forty-five (45) feet above the property boundary line nearest Town Lake, Shoal Creek, or Waller Creek, with the base of the angle being a

horizontal plane extending from said line parallel to and away from the surface of Town Lake, Shoal Creek, or Waller Creek.

- B. A minimum of sixty percent (60%) of the ground level walls for all nonresidential uses in buildings abutting parkland adjacent to Town Lake, when such walls are visible from parkland or the public right-of-way abutting parkland, shall be clear or lightly tinted glass sufficiently transparent to provide pedestrians with views into the interiors of the building. This requirement shall apply to the wall measured from two (2) feet above grade to ten (10) feet above grade. Non-transparent base walls shall be broken up via entry ways or architectural detailing. Except for transparent glass required by this subsection, all exterior surface building materials visible from parkland adjacent to Town Lake shall be natural building materials as defined in Section 1276.

5. Congress Avenue Set Back:

No building may be constructed within eighty (80) feet of the existing east curb line of Congress Avenue south of First Street.

d. Rainey Street Subdistrict

1. Primary Setback Lines:

- A. One Hundred Fifty (150) feet from the Town Lake shoreline
- B. Fifty (50) feet from the Waller Creek centerline

e. Festival Beach Subdistrict

1. Primary Setback Line:

- A. One hundred (100) feet from the Town Lake shoreline

2. Secondary Setback Line:

- A. Fifty (50) feet from the Primary Setback Line

3. Height: Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of sixty (60) feet.

4. Impervious Cover: Maximum coverage, forty percent (40%) of lot area not included in a Primary or Secondary Setback Line

f. Red Bluff Subdistrict

1. Uses:

A. The following uses are not permitted:

Light Manufacturing
Basic Industry
Stockyards
Laundry Services
Resource Extraction

B. The following uses may be allowed, subject to the Conditional Use Procedures set forth in Sections 6200 through 6299:

Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing
Commercial Off-Street Parking
Drive-In Services
Warehousing and Distribution

2. Primary Setback Lines:

A. Forty (40) feet from the 450 foot contour line from Pleasant Valley Road to the extension of Shady Lane

B. Forty (40) feet from the 440 foot contour line from the extension of Shady Lane to U.S. Highway 183

3. Secondary Setback Line:

A. One hundred ten (110) feet from the Primary Setback Lines

4. Height: For structures located between a Primary Setback Line and a Secondary Setback Line, height restrictions imposed by the applicable

base district may be increased pursuant to Section 2855 to a maximum height of thirty-five (35) feet.

5. Design: All exterior surface building materials visible from parkland adjacent to Town Lake shall be natural building materials as defined in Section 1276.

g. Montopolis/River Terrace Subdistrict

1. Primary Setback Lines:

- A. One Hundred Fifty (150) feet from the 430 foot contour line along the Colorado River

2. Secondary Setback Line:

- A. One hundred (100) feet from the Primary Setback Line parallel to the 430 foot contour line along the Colorado River

3. Height: For structures located between the Primary Setback Line parallel to the 430 foot contour line along the Colorado River and the Secondary Setback Line, height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of sixty (60) feet.

h. South Lakeshore Subdistrict

1. Primary Setback Lines:

- A. Sixty-five (65) feet from the Town Lake shoreline

- B. Fifty (50) feet south of Lakeshore Boulevard

2. Height: Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of sixty (60) feet.

i. East Riverside Subdistrict

1. Uses:

A. The following uses are not permitted:

- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Basic Industry
- Commercial Off-Street Parking
- Drive-In Services
- Laundry Services
- Light Manufacturing
- Stockyards
- Warehousing and Distribution

B. The following uses may be allowed, subject to the Conditional Use Procedures set forth in Sections 6200 through 6299:

- Hotel-Motel
- Service Station
- Local Utility Service

2. Primary Setback Line:

A. One hundred (100) feet from the Town Lake shoreline

3. Height: Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of ninety-six (96) feet.

4. Impervious Cover: Maximum coverage, fifty percent (50%) of lot area not included in a Primary or Secondary Setback Line

j. Travis Heights Subdistrict

1. Use:

A. The following uses are not permitted:

- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Basic Industry
- Commercial Off-Street Parking
- Laundry Services
- Light Manufacturing
- Stockyards
- Warehousing and Distribution

- B. The following uses may be allowed, subject to the Conditional Use Procedures set forth in Sections 6200 through 6299:

Hotel-Motel
Service Station
Local Utility Service

2. Primary Setback Lines:

- A. One hundred (100) feet from the Town Lake shoreline
B. Eighty (80) feet from the East Bouldin Creek centerline
C. Eighty (80) feet from the Blunn Creek centerline

3. Height: Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of forty-five (45) feet for structures located between the Town Lake shoreline and Riverside Drive and sixty (60) feet elsewhere in the subdistrict.

4. Impervious Cover: Maximum coverage, fifty percent (50%) of lot area not included in a Primary or Secondary Setback Line

5. Restrictions On Use of Bonus Provisions:

- A. Bonus provisions shall be allowed only for structures located between Bouldin and Blunn Creeks.

k. South Shore Central Subdistrict

1. Uses:

- A. A minimum of fifty percent (50%) of the net usable floor area on the ground level of a structure fronting and adjacent to parkland on Town Lake shall be used for pedestrian oriented uses. Any applicant may request approval of a phasing plan by the Waterfront Planning Advisory Board, to permit the expansion or phasing of pedestrian-oriented uses within a period not exceeding five (5) years pursuant to Section 2854(b)(4).

2. Primary Setback Lines:

- A. One hundred fifty (150) feet from the Town Lake shoreline
- B. Eighty (80) feet from the East Bouldin Creek centerline
- C. Thirty-five (35) feet from the northern public right-of-way boundary of Riverside Drive

3. Secondary Setback Lines:

- A. Fifty (50) feet from the Primary Setback Line parallel to the Town Lake shoreline
- B. Fifty (50) feet from the Primary Setback Line parallel to the East Bouldin Creek centerline

4. Height:

- A. For structures between the Primary Setback Lines and Secondary Setback Lines parallel to the Town Lake shoreline and the East Bouldin Creek centerline, height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of thirty-five (35) feet.
- B. For structures south of Riverside Drive between South Congress Avenue and East Bouldin Creek, height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of forty-five (45) feet.
- C. Notwithstanding subsection (B) above, for structures within one hundred (100) feet of the right-of-way of South Congress Avenue or South First Street, height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of sixty (60) feet.

5. Design:

- A. A minimum of sixty percent (60%) of the ground level walls for all nonresidential uses in buildings abutting parkland

adjacent to Town Lake, when such walls are visible from parkland or the public right-of-way abutting parkland, shall be clear or lightly tinted glass sufficiently transparent to provide pedestrians with views into the interiors of the building. This requirement shall apply to the wall measured from two (2) feet above grade to ten (10) feet above grade. Non-transparent base walls shall be broken up via entry ways or architectural detailing. Except for transparent glass required by this subsection, all exterior surface building materials visible from parkland adjacent to Town Lake shall be natural building materials as defined in Section 1276.

- B. Structures located on property abutting and oriented towards the public right-of-way of Riverside Drive shall have a base wall with a maximum height of forty-five (45) feet if north of Riverside Drive and a base wall with a maximum height of thirty-five (35) feet if south of Riverside Drive. That portion of a structure built above the base wall and oriented towards Riverside Drive shall be designed to fit within an envelope defined by a seventy degree (70°) angle starting at a line along the top of the base wall with the base of the angle being a horizontal plane extending from said line parallel to and away from the surface of Riverside Drive.

6. Restrictions On Use of Bonus Provisions:

- A. Bonus provisions shall not be used to increase height above ninety-six (96) feet.

1. Auditorium Shores Subdistrict

1. Uses:

- A. A minimum of fifty percent (50%) of the net usable floor area on the ground level of a structure abutting Barton Springs Boulevard shall be used for pedestrian oriented uses. Any applicant may request approval of a phasing plan by the Waterfront Planning Advisory Board to permit the expansion or phasing of pedestrian-oriented areas within a

period not exceeding five (5) years pursuant to Section 2854(b)(4).

- B. No uses other than the following shall be permitted between the Primary Setback Line and the Secondary Setback Line:

Cultural Services
Day Care Services
Park and Recreational Services
Food Sales
Restaurants (Limited)

2. Primary Setback Line:

- A. One thousand two hundred feet (1,200') from the Town Lake shoreline

3. Secondary Setback Line:

- A. Northern boundary of public right-of-way of Barton Springs Road

4. Height:

- A. For structures located between the Town Lake shoreline and the Primary Setback Line, Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of twenty-five feet (25').

- B. For structures located between the Primary Setback Line and the Secondary Setback Line, Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of sixty feet (60').

5. Design:

A minimum of sixty percent (60%) of the ground level walls for all nonresidential uses in buildings abutting parkland adjacent to Town Lake, when such walls are visible from parkland or the public right-of-way abutting parkland, shall be clear or lightly tinted glass sufficiently transparent to provide pedestrians with views into the interiors of the building. This requirement shall apply to the wall measured from two feet (2') above grade to ten (10) feet above grade. Non-transparent base walls shall be

broken up via entry ways or architectural detailing. Gross floor area at grade level for any structure located between the Town Lake shoreline and the Primary Setback Line shall be a maximum of two thousand (2,000) square feet. Gross floor area at grade level for any structure located between the Primary Setback Line and the Secondary Setback Line shall be a maximum of seventy-five thousand (75,000) square feet.

m. Butler Shores Subdistrict

1. Uses:

- A. A minimum of fifty percent (50%) of the net usable floor area on the ground level of a structure abutting Barton Springs Boulevard shall be used for pedestrian oriented uses. Any applicant may request approval of a phasing plan by the Waterfront Planning Advisory Board to permit the expansion or phasing of pedestrian-oriented areas within a period not exceeding five (5) years pursuant to Section 2854(b)(4).

2. Primary Setback Lines:

- A. One hundred (100) feet from the Town Lake shoreline
- B. Thirty-five (35) feet from the southern boundary of the public right-of-way of Toomey Road
- C. Thirty-five (35) feet the public right-of-way of Barton Springs Road
- D. One hundred (100) feet from the Barton Creek centerline

3. Secondary Setback Line:

- A. One hundred (100) feet from Primary Setback Line of Town Lake and parallel to the Town Lake shoreline.

- 4. Height: Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of ninety-six (96) feet for structures located north of Barton Springs Road and sixty (60) feet for structures

located south of Barton Springs Road.

5. Design:

- A. Impervious cover is prohibited on slopes greater than twenty-five percent (25%).
- B. A minimum of sixty percent (60%) of the ground level walls for all nonresidential uses in buildings abutting parkland adjacent to Town Lake, when such walls are visible from parkland or the public right-of-way abutting parkland, shall be clear or lightly tinted glass sufficiently transparent to provide pedestrians with views into the interiors of the building. This requirement shall apply to the wall measured from two (2) feet above grade to ten (10) feet above grade. Non-transparent base walls shall be broken up via entry ways or architectural detailing. Except for transparent glass required by this subsection, all exterior surface building materials visible from parkland adjacent to Town Lake shall be natural building materials as defined in Section 1276.
- C. Structures located on property abutting and oriented towards the public right-of-way of Barton Springs Road shall have a base wall with a maximum height of forty-five (45) feet if north of Barton Springs Road and a base wall with a maximum height of thirty-five (35) feet if south of Barton Springs Road. That portion of a structure built above the base wall and oriented towards Barton Springs Road shall be designed to fit within an envelope defined by a seventy degree (70°) angle starting at a line along the top of the base wall with the base of the angle being a horizontal plane extending from said line parallel to and away from the surface of Barton Springs Road.

n. Zilker Park Subdistrict

- 1. Use: Park related structures only.
- 2. Primary Setback Line:

A. One hundred (100) feet from the Town Lake shoreline

3. Secondary Setback Line:

A. Seven hundred (700) feet from the Primary Setback Line

4. Height: Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of forty-five (45) feet

5. Impervious Cover: Maximum coverage, forty percent (40%) of lot area not included in a Primary or Secondary Setback Line

o. Balcones Rock Cliff Subdistrict

1. Primary Setback Line:

A. Seventy-five (75) feet from Town Lake shoreline

B. Fifty feet (50') from the Town Lake shoreline in the case of those single family legal lots platted prior to the date of this ordinance. Provided, however, said lot shall be either (1) zoned RR; or (2) a minimum of twenty-thousand (20,000) square feet in size. This setback shall be a standard imposed and may be waived as provided in Section 2857 herein. This provision shall not apply to stairs or other pedestrian access.

2. Height: Height restrictions imposed by the applicable base district may be increased pursuant to Section 2855 to a maximum height of thirty-five (35) feet.

3. Impervious Cover: Maximum coverage, thirty percent (30%) of lot area not included in a Primary or Secondary Setback Line

4. Design:

A. All exterior surface building materials visible from parkland adjacent to Town

Lake shall be natural building materials as defined in Section 1276.

- B. Where structures will be exposed to view from either Town Lake shoreline, a mix of trees and shrubs native to the Balcones Cliff Subdistrict and approved by the City Arborist, shall be planted to screen at least seventy-five percent (75%) of the structure at grade level otherwise so exposed to view.

2857

WAIVERS FROM SITE DEVELOPMENT REGULATIONS

To facilitate flexible planning and the most appropriate development of a site, the Waterfront Planning Advisory Board may approve or recommend, as set forth below, a waiver from the strict application of any site development regulation imposed by Section 2854 or Section 2856 to the minimum extent required by the peculiarities of a specific tract; provided, however, that no waiver may be approved hereunder to permit construction of a structure which would exceed a height limitation established in the WO Waterfront Overlay district. The applicant for a waiver shall have the burden of demonstrating that the proposed project, with the waiver granted and with respect to environmental protection, aesthetic enhancement, traffic and other considerations, is consistent with the goals and policy recommendations contained in the Town Lake Corridor Study. No waiver shall be considered by the Waterfront Planning Advisory Board without first holding a public hearing on the application for a waiver. Notice of the date, time, and place of a public hearing on an application for a waiver shall be given by:

- a. publication in a newspaper of general circulation, at least 15 days prior to the date of the hearing;
- b. by mail to the applicant, at least 15 days prior to the date of the hearing;
- c. by mail to the owner of each site within 300 feet of the subject property, at least 15 days prior to the date of the hearing; and
- d. by mail to any registered neighborhood organization having a potential interest in the waiver request, at least 15 days prior to the date of the hearing.

Any waiver approved by the Waterfront Planning Advisory Board for a proposed development where a site plan must be approved by the Planning Commission or City Council

even in the absence of an appeal of the waiver shall be construed to be a recommendation for the waiver, and the waiver shall not be deemed to be approved until approved by the Planning Commission or City Council. The grant or denial of any waiver by the Waterfront Planning Advisory Board may be appealed to the Planning Commission by any person aggrieved by the decision, and the decision of the Planning Commission may be appealed by any person aggrieved to the City Council. On an appeal, and after a public hearing on such appeal with notice given in the manner set forth above, the Planning Commission or City Council, as applicable, may approve or deny the waiver, or may approve the waiver with modifications or subject to conditions. Written notice of an appeal of a decision by the Waterfront Planning Advisory Board, specifically identifying the basis of the appeal, shall be filed with the Director of the Office of Land Development Services on or before ten (10) days following that decision; and written notice of an appeal of a decision by the Planning Commission, specifically identifying the basis of the appeal, shall be filed with the City Clerk on or before ten (10) days following that decision.

PART 4. That Sections 13-2A-2940 through 13-2A-2944 of the Austin City Code of 1981 be, and hereby are, repealed; and that all references to the Combining District known as the TLZ Town Lake Zone be, and hereby are, deleted from all other sections of Chapter 13-2A of the Austin City Code of 1981.

PART 5. That Section 13-2A-6125 of the Austin City Code of 1981 be, and hereby is, amended by the addition of the following subsection (j), as follows:

j. Waterfront Overlay Combining District (Section 2850)

PART 6. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the invalidity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion therefor provisions, or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this ordinance are declared to be severable for that purpose.

PART 7. That the requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three (3) separate days shall be, and hereby is, waived by the affirmative

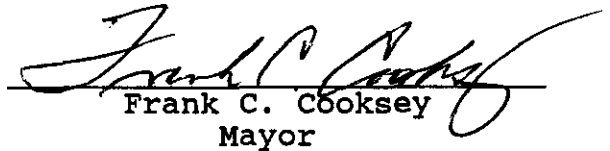
vote of five (5) members of the City Council to pass this ordinance through more than one reading on a single vote.


PART 8. WHEREAS, the City Council finds that an emergency is apparent for the immediate preservation of order, health, safety and the general welfare of the public, which emergency requires that this ordinance become effective immediately upon its passage; therefore, this ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.

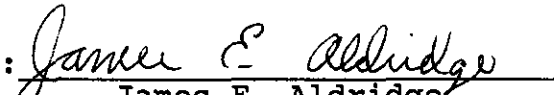
PASSED AND APPROVED

July 17, 1986

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Frank C. Cooksey
Mayor

APPROVED: 
Paul C. Isham
City Attorney

ATTEST: 
James E. Aldridge
City Clerk

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AFM/bh:la
TOWNLAKE.-OR