

Small Area Planning Joint Committee

Waterfront Overlay Site Plan Review Reference

This document serves as a reference to members of the Small Area Planning Joint Committee (SAPJC) as they review site plans and make recommendations to the Land Use Commission (comprised of Planning Commission and Zoning and Platting Commission) regarding projects in the Waterfront Overlay (WO) district.

Background

Under City Code, the SAPJC has two major areas of responsibility:

Section 2-1-205 creates the SAPJC to advise Council “on issues surrounding planning and zoning in areas such as downtown, corridors and centers, neighborhoods, the waterfront, planned unit developments, and transit oriented developments”.

Sections 25-2-713 and 25-2-715 spell out the role of the SAPJC in reviewing projects in the Waterfront Overlay combining district. A table with responsibilities of the SAPJC and corresponding City Code citations is attached to this memo for reference.

Town Lake Corridor Study and Waterfront Overlay Regulations

The Waterfront Overlay District (see attached map) was identified by a City task force, resulting in the Town Lake Corridor Study. This study, conducted in 1985, established broad principles and goals to promote that future public and private development along and near the lake be in harmony with protecting the waterfront, enhance public access along and to the shoreline, and encourage excellence in urban design. The ultimate implementation of the study came in adoption of the Waterfront Overlay District regulations (city code §25-2-691 to §25-2-746). The following are the major goals of the study:

- Protect and improve the water quality of Town Lake to achieve the highest possible standards.
- Create superior planning, design and mixing of land uses that are waterfront dependent or waterfront-related, and sympathetic to the water's edge of the Town Lake Corridor and the urban creeks.
- Require all city land uses, construction projects, programs and operations to achieve the highest degree of compatibility with Town Lake.
- Foster a cooperative atmosphere in the corridor for the City, neighborhoods, and private landowners to work jointly to realize potential of the waterfront.
- Improve zoning in the Town Lake Corridor and along the urban creeks to achieve maximum pedestrian scale, highest degree of land use compatibility, and extraordinary urban design.

- Provide maximum visual and physical access to the waterfront; encourage pedestrian access to and use of the corridor.
- Establish Town Lake as a Great Central Park, serving as a centerpiece for the Austin Park System.
- Demonstrate a commitment to pursuit of excellence in waterfront design and development, using superior materials and sophisticated management to create a quality water's edge for all citizens.
- Establish a spiritual as well as a physical relationship between the community and the waterfront; enable citizens to develop a stronger waterfront ethic.
- Create a rich and varied cultural environment in the Corridor, geared to all age groups, cultural/educational expressions and interests.
- Acquire additional parkland and open space along Town Lake and the urban creeks.
- Recognize full potential of the Town Lake creeks as open space connectors, form- shapers of urban development, and focal points for lively pedestrian-oriented mixed use.
- Protect, enhance and interpret the landforms and natural and cultural values of the Town Lake Corridor.

What is the Review Process?

After a site plan is submitted, it is reviewed by staff in several departments. Topics of review include:

- | | | |
|--------------------------------------|---------------------------|----------------------|
| • Site Plan (includes zoning review) | • City Arborist | • Addressing |
| • Transportation | • Austin Energy | • Floodplain |
| • Environmental | • Austin Water | • Wetlands Biologist |
| • Water Quality | • Right-of-Way management | • Hydrogeology |
| • Drainage | • Mapping | • Parks |

Once these topics are reviewed, they are packaged and comments are sent to the applicant. If a site plan is in the Waterfront Overlay, there will be an additional comment letting the applicant know if the case needs to go before the SAPJC.

How will SAPJC's recommendation be used?

SAPJC provides a recommendation to the Land Use Commission (in this case, Planning Commission). Their recommendation is considered, along with that of the Environmental Commission, staff reviewers, and any presentations or input from the applicant and impacted residents or landowners. In order to comply with public hearing deadlines, the SAPJC may review projects before staff's comments are fully addressed by the applicant. In some cases, staff review of some site plan elements may not yet be complete (such as traffic analysis).

SAPJC comments are based on how well the proposed site plan complies with the goals and policies of the Town Lake Corridor Study. Those goals and policies are attached to this document. The full text of the TLCS can be found as PDF links on this page:

<http://www.austintexas.gov/page/past-waterfront-planning>

Individual subdistricts from the plan have different design regulations. These have been codified into the Land Development Code (§ 25-2-731 to § 25-2-746). The SAPJC shall make recommendations on requested variances from these regulations. Site plans in the South Central Waterfront subdistrict should conform to the South Central Waterfront Vision Framework Plan:

ftp://ftp.ci.austin.tx.us/npzd/Austingo/SCW_Vision_Plan_LatestEdition.pdf

Additional Resources

Interactive Map of Waterfront Overlay Subdistricts: <http://arcg.is/1a0q99>

Waterfront Overlay Uses and Regulations: <https://bit.ly/2XIBHIV>

Attachments:

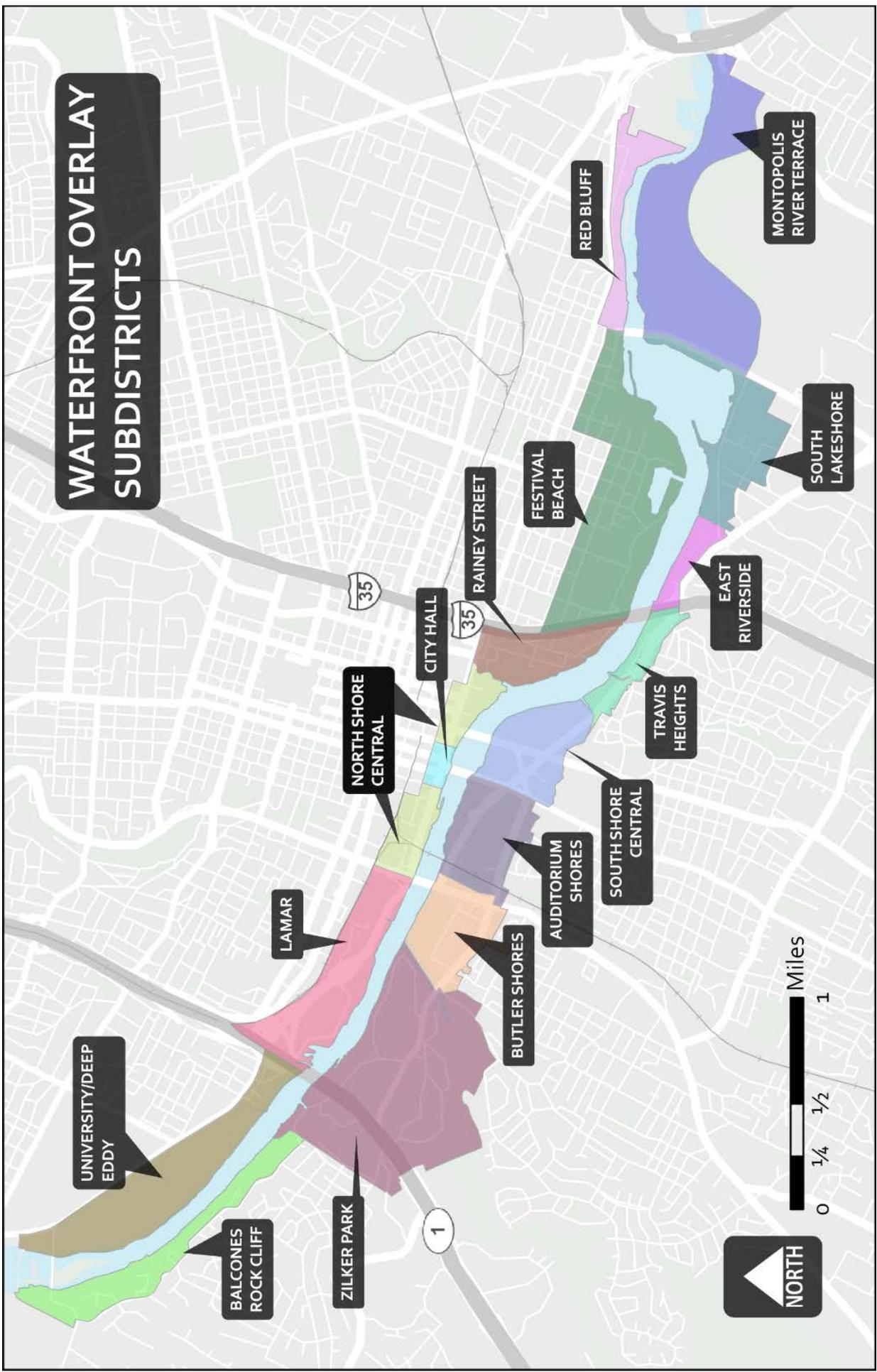
Map of Waterfront Overlay and subdistricts

SAPJC Review Roles Cross Reference Table

Goals and Policies section of the Town Lake Corridor Study

Waterfront Overlay Regulations (City Code §25-2-691 to §25-2-746)

WATERFRONT OVERLAY SUBDISTRICTS



NORTH

Miles
0 1/4 1/2 1

The following table describes what cases go before the SAPJC per City Code:

Review Type	SAPJC Role	Review Criteria	Code References
Comprehensive Plan & Neighborhood Plan Amendments	Recommendation to City Council	N/A	2-1-205
WO Administrative Site Plans without variance request	Informational Copies sent to SAPJC	N/A	25-2-715(C)
WO Administrative Site Plans with variance request	Recommendation to Land Use Commission	Consistent with goals and policies of the Town Lake Corridor Study	25-2-713
WO Site Plan requiring Land Use Commission Approval	Recommendation to Land Use Commission	Consistent with goals and policies of the Town Lake Corridor Study	25-2-715(A)(1)
A rezoning application in the WO	Recommendation to Land Use Commission	Consistent with goals and policies of the Town Lake Corridor Study	25-2-715(A)(2)
A proposed amendment to Title 25 that directly impacts the Waterfront Overlay combining district	Recommendation to Land Use Commission	Consistent with goals and policies of the Town Lake Corridor Study	25-2-715(A)(3)
A proposed amendment to the comprehensive plan that directly impacts the Waterfront Overlay combining district	Recommendation to Land Use Commission	Consistent with goals and policies of the Town Lake Corridor Study	25-2-715(A)(4)

Town Lake Corridor Study Goals & Policies

Water Quality

GOAL 1.00 Protect and improve the water quality of Town Lake to achieve the highest possible standards.

Policy 1.01 Establish a City commitment to develop more sophisticated, innovative and effective programs for filtering and treating urban run-off, particularly the "first flush" in new development. Encourage regional detention and filtration for flood and pollution control.

Policy 1.02 Acquire more complete information on pollutants and pollutant loading in both Lake Austin and Town Lake.

Policy 1.03 Establish water quality imperatives and time frames for achieving improved water quality standards.

Policy 1.04 Encourage a greenbelt area along the waters edge to allow for overland flow and filtration of runoff.

Policy 1.05 For polluting land uses (e.g. automotive), require filters and traps to avoid further contamination of Town Lake; prohibit uses in the future which can potentially generate pollutants.

Policy 1.06 Strengthen development standards and construction methods by improving erosion control, sedimentation and re-vegetation regulations; require regular inspection.

Policy 1.07 Require higher standards for City erosion control projects to serve as a model for the development industry.

Policy 1.08 Improve water's edge maintenance of the public greenbelt; avoid use of herbicides and pesticides; initiate a specific maintenance program for natural areas.

Policy 1.09 Develop specific standards for maintenance of shoreline vegetation and erosion control geared to intensity of use and physical characteristics.

Policy 1.10 Recognize in all shoreline development decisions the potential hazards associated with flood release; coordinate policy development with assistance from the Lower Colorado River Authority.

Policy I.I 1 Develop an innovative' litter control program for the waterfront including a comprehensive public education campaign, examination of maintenance practices, and applying technology for filtering and/or screening debris on the creeks.

Land Use

GOAL 2.00 Create superior planning, design and mixing of land uses that are waterfront dependent or waterfront-related, and sympathetic to the water's edge of the Town Lake Corridor and the urban creeks.

Policy 2.01 Establish Town Lake and the urban creeks as the catalyst for developing and adopting an innovative, comprehensive land use plan and urban design framework for central city.

Policy 2.02 Require people-oriented activities on the ground and second levels of buildings; encourage development to focus on the festive retail market to promote entertainment, recreational, retail, cultural and food service activities.

Policy 2.03 Encourage development that is diverse, intimate, full of surprises, and creates maximum opportunity to walk and linger.

Policy 2.04 Designate critical areas of the Corridor as Comprehensive Planning Districts to be planned, designed and developed based on specially formulated criteria to capitalize on unique opportunities.

Policy 2.05 Focus land use guidance on the quality of urban design rather than floor area ratios and height controls.

Policy 2.06 Immediately develop a program for development incentives such as waiving capital recovery fees and density bonuses based on capital expenditures for projects which provide public amenities (pedestrian facilities, hike and bike trails, shelters, rest stops, etc.) or excel in some other manner; do not include uses such as cinemas and restaurants in FAR calculations.

Policy 2.07 Recapture waterfront values as redevelopment of existing projects takes place.

Policy 2.08 Develop a municipal purchase and lease-back program to encourage housing, cultural, educational and other appropriate land uses in the Corridor.

Policy 2.09 Encourage and provide incentives for a variety of housing opportunities in the Corridor, accessible to all income groups.

GOAL 3.00 Require all city land uses, construction projects, programs and operations to achieve the highest degree of compatibility with Town Lake.

Policy 3.01 Place a moratorium on all major roadway and public works improvements until a comprehensive plan is developed for the corridor.

Policy 3.02 Require participation of the Parks and Recreation Department in the design of all Public Works projects affecting Town Lake and the urban creeks.

Policy 3.03 Require non-park public land to meet specific landscaping and compatibility standards for Town Lake.

Policy 3.04 Eliminate uses from public waterfront lands that are not compatible or waterfront dependent (Humane Society facility, Street and Bridge yard, Fire Marshall's Office, and youth sports fields).

Policy 3.05 Place all existing and future electric transmission lines underground when feasible.

Policy 3.06 Assure that all bridge improvements maximize opportunities to enhance pedestrian connections to the trail system; maintain aesthetic values of bridge arches.

Policy 3.07 Remove or minimize noxious odors from sewer vents at West Bouldin Creek and Pleasant Valley Road on Town Lake.

GOAL 4.00 Foster a cooperative atmosphere in the corridor for the City, neighborhoods, and private landowners to work jointly to realize potential of the waterfront.

Policy 4.01 Form a lakefront Waterfront Advisory Commission composed of property owners, public agencies, non-profit institutions and citizen groups to coordinate development interests and exchange information and participate in comprehensive planning. Create a Town Lake Waterfront Office for a clearinghouse of information.

Policy 4.02 Assure waterfront design is sensitive to existing neighborhoods and allows for extensive citizen review.

Policy 4.03 Consider forming a Waterfront Design Review Board to provide advisory and technical assistance to the City Council and development community to achieve design integrity of all major projects.

Policy 4.04 Encourage the development of public/private and non-profit partnerships to achieve mutual goals and objectives, sensitive to optimizing the public interest.

Policy 4.05 Assure a major public funding commitment to the waterfront as a catalyst for appropriate private development response.

Policy 4.06 Consider a revolving area improvement fund for private developments above a specified size; use fund for public improvements such as walkways, bikeways and park amenities.

Policy 4.07 Require large developments to provide infrastructure capability in formation; deny permits, lower density or share in upgrading infrastructure when appropriate.

Policy 4.08 Explore innovative revenue generating programs that can assist in financing public commitment to corridor amenities; assure public interest is maximized.

Zoning

GOAL 5.00 Improve zoning in the Town Lake Corridor and along the urban creeks to achieve maximum pedestrian scale, highest degree of land use compatibility, and extraordinary urban design.

Policy 5.01 Develop a model zoning framework for the Corridor to achieve maximum social, cultural, economic and environmental compatibility within the urban design

context.

Policy 5.02 Immediately amend the existing zoning ordinance to develop waterfront-dependent and waterfront-related land use standards, design requirements and performance standards for the water's edge and urban edge.

Policy 5.03 Eliminate all industrial zoning from the Corridor with appropriate down-zoning; remove all other permitted uses that are not compatible with the waterfront.

Policy 5.04 Designate "P" (Public) zoning for all parkland and public land in the Corridor.

Policy 5.05 With assistance of the urban design community, develop design guidelines for private projects along the water's edge, adjacent to the public edge and in the urban edge as a framework for sensitive development.

Policy 5.06 Insure that all water's edge development treats the waterfront as the front edge for purposes of building orientation.

Policy 5.07 Provide incentives for increasing residential uses in the Corridor such as additional floor area allowance or transfer of development rights, sensitive to goals of reasonable height, density, view corridors, natural values and need for mixed use.

Policy 5.08 Assure that the largest un-developed tract of land owned by the University of Texas remains compatible with the Town Lake waterfront; zone "P" (Public); immediately negotiate a long term joint use agreement for public access along the shoreline.

Access

GOAL 6.00 Provide maximum visual and physical access to the waterfront; encourage pedestrian access to and use of the corridor.

Policy 6.01 Identify appropriate view corridors and develop and implement a plan for protection and enhancement; add Capitol View Corridors not now protected by ordinance.

Policy 6.02 Develop and implement a City initiated plan for streetscape development and amenities to encourage pedestrianism along the scenic arterials and appropriate streets. Consider information stops, drinking fountains, shelters, public restrooms, bicycle racks, jogging lockers and upgraded traffic controls/signs.

Policy 6.03 Establish design guidelines for all major roadways in the corridor to become parkways with landscaped medians or tree-lined streets.

Policy 6.04 Protect open panoramic views of the waterfront by limiting building heights and prohibiting buildings from blocking views.

Policy 6.05 Design street ends to relate to the waterfront.

Policy 6.06 Encourage land uses which reduce dependency on the automobile.

Policy 6.07 Encourage land uses which are of a pedestrian scale and which are pedestrian oriented.

Policy 6.08 Prohibit surface automobile parking on the banks of Town Lake, discourage surface parking in the Corridor; locate parking structures underground whenever possible; require pedestrian uses for ground level of all parking structures.

Policy 6.09 Study feasibility of City-owned revenue-producing parking structures.

Policy 6.10 Improve public transit in the corridor; study the feasibility of developing a trolley system monorail or similar fixed rail system for recreational pleasure and people moving.

Policy 6.11 Develop a plan for water taxis for sightseeing and people-moving throughout the corridor; consider measures to preserve serenity and dignity of the lake environment.

Policy 6.12 Develop a transportation plan with Town Lake, its waterfront and neighborhoods serving as the focal point and basic fabric; assure maximum public access to the water's edge in all roadway design.

Policy 6.13 Award density bonuses for projects which underwrite capital/operating expenses to expand transit routes, or provide pedestrian/bicycle amenities.

Policy 6.14 Provide adequate boat ramps for emergency access to water.

Policy 6.15 Re-evaluate fire access policies for large structures on the lake.

Parklands

GOAL 7.00 Establish Town Lake as a Great Central Park, serving as a centerpiece for the Austin Park System.

Policy 7.01 Develop a long range comprehensive plan and funding program to rejuvenate the waterfront and develop a stronger waterfront image.

Policy 7.02 Reaffirm the original design theme of Town Lake ("a place for beauty, dignity and pleasure") as a framework for policy development, waterfront design, management and use.

Policy 7.03 Develop appropriate public use and management policies for the water surface and water's edge; discontinue inappropriate uses such as ski tournaments and single purpose ballfields.

Policy 7.04 Expand opportunities for public waterfront uses such as fishing, quiet boating, picnicking, sitting, and walking; consider funding a community boat house to promote rowing, canoeing and sailing.

Policy 7.05 Expand the hike and bike trail system around the lake; secure public access easements where required.

Policy 7 .06 Improve the legibility, image and understanding of the Town Lake Corridor by initiating a unique sign system, logo and public awareness program.

Policy 7 .07 Develop an appropriate and well-formulated concession program for the waterfront including services for food, boat rentals, and sightseeing tours.

Policy 7.08 Initiate a lighting program both for illumination and aesthetic purposes.

Policy 7 .09 Exercise sensitivity in the siting and design of a civic-convention center, with special attention to relationship with the waterfront, massing and intensity, traffic, and neighborhood impact.

GOAL 8.00 Demonstrate a commitment to pursuit of excellence in waterfront design and development, using superior materials and sophisticated management to create a quality water's edge for all citizens.

Policy 8.01 Provide for a variety of suitable opportunities in keeping with the design theme of Town Lake, especially for users with disabling conditions.

Policy 8.02 Manage the Town Lake water- front as a showcase of the park system by developing an integrated, innovative management plan that moves the Parks Department from routine grounds maintenance to sophisticated resource management.

Policy 8.03 Encourage maximum pedestrian use of the Corridor; encourage 24-hour use where appropriate, and where security can be provided.

Policy 8.04 Upgrade the basic public facilities and infrastructure of the waterfront, especially the irrigation system and turf management program; provide more restrooms and drinking fountains.

Policy 8.05 Demonstrate in all public actions the principles of water and energy conservation, serving as a model for the community through such practices as use of native plant materials and innovative irrigation.

Policy 8.06 Develop design guidelines for all future public waterfront facilities to maintain high standards and contribute to the image and personality of the corridor.

GOAL 9.00 Establish a spiritual as well as a physical relationship between the community and the waterfront; enable citizens to develop a stronger waterfront ethic.

Policy 9.01 Organize and promote innovative participant programs for the water surface and water's edge such as water instruction, appropriate special events and waterfront celebrations.

Policy 9.02 Determine constraints to use of the water surface for appropriate recreation activities including study of currents, water quality, weed growth and other hazards.

GOAL 10.00 Create a rich and varied cultural environment in the Corridor, geared to all age groups, cultural/educational expressions and interests.

Policy 10.01 Create a cultural arts district to encourage a superlative blend of cultural facilities with special taxing authority; for a mixed public/private development; facilities might include a planetarium, children's museum, music museum, and science museum.

Policy 10.02 Encourage development of cultural facilities and institutions in the Corridor that are well designed and have correct location, massing and intensity scaled to the dimensions and character of the waterfront.

Policy 10.03 Encourage loan and placement of public-owned sculpture or other art-work within the Corridor; also encourage the City to acquire art and use parkland as sites for performing arts.

Policy 10.04 Develop a plan for an all-purpose outdoor performing arts center oriented to the waterfront.

Policy 10.05 Reconsider current policies of the bed tax and broaden application to include more diverse cultural and educational programs.

GOAL 11.00 Acquire additional parkland and open space along Town Lake and the urban creeks.

Policy 11.01 Acquire public access easements where private land blocks lateral pedestrian access to the waterfront.

Policy 11.02 Develop a strategic plan for acquiring and preserving unique resource features and open space areas in the corridor, emphasizing innovative acquisition methods such as transfer of development rights, life estates and bargain sales.

Policy 11.03 Review and assess all current lease agreements which allow private/ private nonprofit use of public lands on Town Lake.

Policy 11.04 Prohibit sale of public land in the Town Lake Corridor, except where land trades or cash sales advance park and recreational goals.

Policy 11.05 Pursue more aggressively the acquisition of greenbelts on East and West Bouldin Creeks.

Policy 11.06 In appropriate situations, use City purchase and leaseback to regain public control of the waters edge and ultimately convert to open space.

Creeks

GOAL 12.00 Recognize full potential of the Town Lake creeks as open space connectors, form- shapers of urban development, and focal points for lively pedestrian-oriented mixed use.

Policy 12.01 Develop updated comprehensive plans for Shoal and Waller Creek corridors, including improvements to the existing overlay zone to include design regulations.

Policy 12.02 Improve the connections, image, pedestrian-orientation and gateway potential of the mouths of all creeks, especially Blunn, Shoal, Waller, Dry and the Bouldin creeks.

Policy 12.03 Develop a comprehensive information base concerning urban hydrology, and develop a strategic plan for addressing multiple objectives of recreation, drain- age, erosion control and bank stabilization.

Policy 12.04 Require multi-disciplinary involvement of the Public Works and Parks Departments in creek maintenance, planning and design.

Policy 12.05 Fund and implement Phase II of the City's plan for beautifying and improving pedestrian access to Lower Waller Creek.

Policy 12.06 Encourage mixed use development focused on recreational, cultural, residential, entertainment and festive retail uses.

Policy 12.07 Develop and implement a plan for reducing runoff pollution including incentives for property owners to install grease traps, filters and screens; use proven design strategies for retrofitting existing development and review the waterway development guidelines which currently do not re- quire stormwater treatment.

Policy 12.08 Develop a comprehensive public awareness program to educate home- owners on how their actions and their use of household products relate to Town Lake water quality; consider a central collection program for disposing of household toxic wastes.

Natural and Cultural Resources

GOAL 13.00 Protect, enhance and interpret the landforms and natural and cultural values of the Town Lake Corridor.

Policy 13.01 Conduct a more complete survey of all cultural and natural values of the Corridor: record location, significance, condition and recommend protection requirements.

Policy 13.02 Require environmental impact studies and mitigation measures for all new development in the Corridor where natural values and landforms have been identified.

Policy 13.03 Develop a city program for creative interpretation and management of natural and cultural values on public property to create public interest, awareness and protection strategies.

Policy 13.04 Maintain the natural shore-line and bluffs along the waterfront, except

for necessary stabilization or appropriate waterfront uses as identified in specified development zones.

Policy 13.05 Develop an urban forest management plan for protective maintenance of trees in the Corridor.

Policy 13.06 Require professional archaeologists to monitor major construction projects when excavation is conducted.

Policy 13.07 Encourage the preservation, rehabilitation and reuse of historic structures.

Policy 13.08 Encourage new development to maintain Austin's architectural heritage and to assure compatibility.

Policy 13.09 Assemble a complete history of the beautification of Town Lake, including oral histories and files; locate in the Austin History Center; require routine updating.

Division 7. - Waterfront Overlay District and Subdistrict Uses.

§ 25-2-691 - WATERFRONT OVERLAY (WO) DISTRICT USES.

- (A) This section applies to the waterfront overlay (WO) district, except for a community events use.
- (B) A residential use that is permitted in an MF-6 or more restrictive base district is also permitted in an NO or less restrictive base district.
- (C) A pedestrian-oriented use is a use that serves the public by providing goods or services and includes:
 - (1) art gallery;
 - (2) art workshop;
 - (3) cocktail lounge;
 - (4) consumer convenience services;
 - (5) cultural services;
 - (6) day care services (limited, general, or commercial);
 - (7) food sales;
 - (8) general retail sales (convenience or general);
 - (9) park and recreation services;
 - (10) residential uses;
 - (11) restaurant (limited or general) without drive-in service; and
 - (12) other uses as determined by the Land Use Commission.
- (D) Pedestrian oriented uses in an MF-1 or less restrictive base district:
 - (1) are permitted on the ground floor of a structure; and
 - (2) may be permitted by the Land Use Commission above the ground floor of a structure.
- (E) A determination by the Land Use Commission under Subsection (D)(1) may be appealed to the council. For the City Hall subdistrict, a determination by the Land Use Commission under Subsection (C)(11) may be appealed to council.

Source: Section 13-2-228; Ord. 990225-70; Ord. 990715-115; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11; Ord. 031211-41; Ord. 040617-Z-1.

§ 25-2-692 - WATERFRONT OVERLAY (WO) SUBDISTRICT USES.

- (A) This subsection applies to the University/Deep Eddy subdistrict.
 - (1) The following uses are prohibited:
 - (a) automotive rentals;
 - (b) automotive repair services;
 - (c) automotive sales;
 - (d) automotive washing;
 - (e) commercial off-street parking; and
 - (f) a use with a drive-in service.

- (2) The following are conditional uses:
 - (a) hotel-motel;
 - (b) service station;
 - (c) local utility services.
- (B) In the North Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (C) This subsection applies to the Red Bluff subdistrict.
 - (1) The following uses are prohibited:
 - (a) light manufacturing;
 - (b) basic industry;
 - (c) stockyards;
 - (d) laundry services; and
 - (e) resource extraction.
 - (2) The following are conditional uses:
 - (a) automotive rentals;
 - (b) automotive repair services;
 - (c) automotive sales;
 - (d) automotive washing;
 - (e) commercial off-street parking;
 - (f) a use with a drive-in service; and
 - (g) warehousing and distribution.
- (D) This subsection applies to the East Riverside subdistrict.
 - (1) The following uses are prohibited:
 - (a) automotive rentals;
 - (b) automotive repair services;
 - (c) automotive sales;
 - (d) automotive washing;
 - (e) basic industry;
 - (f) commercial off-street parking;
 - (g) a use with a drive-in service;
 - (h) laundry services;
 - (i) light manufacturing;
 - (j) stockyards; and
 - (k) warehousing and distribution.
 - (2) The following are conditional uses:
 - (a) hotel-motel;

- (b) service station; and
 - (c) local utility service.
- (E) This subsection applies to the Travis Heights subdistrict.
 - (1) The following uses are prohibited:
 - (a) automotive rentals;
 - (b) automotive repair services;
 - (c) automotive sales;
 - (d) automotive washing;
 - (e) basic industry;
 - (f) commercial off-street parking;
 - (g) laundry services;
 - (h) light manufacturing;
 - (i) stockyards; and
 - (j) warehousing and distribution.
 - (2) The following are conditional uses:
 - (a) hotel-motel;
 - (b) service station; and
 - (c) local utility service.
- (F) In the South Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (G) This subsection applies to the Auditorium Shores subdistrict, except for a community events use.
 - (1) Not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
 - (2) Use of the area between the primary setback line and the secondary setback line is limited to:
 - (a) cultural services;
 - (b) day care services;
 - (c) park and recreation services;
 - (d) food sales; and
 - (e) restaurant (limited) without drive-in service.
- (H) In the Butler Shores subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (I) Use of the Zilker Park subdistrict is limited to park-related structures.
- (J) In the City Hall subdistrict, at least 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is

issued to comply with this requirement. This requirement does not apply to a building used by the City for a governmental function.

- (K) Cocktail lounge is a conditional use within the Rainey Street subdistrict.

Source: Section 13-2-229; Ord. 990225-70; Ord. 990715-115; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11; Ord. 031211-41; Ord. 20130228-076.

Division 8. - Waterfront Overlay District and Subdistrict Development Regulations.

Subpart A. - General Provisions.

§ 25-2-710 - GOALS AND POLICIES.

Decisions by the accountable official and city boards regarding implementation of this Division shall be guided at all stages by the goals and policies of the Town Lake Corridor Study, including but not limited to the following:

- (A) Ensure that zoning decisions in the Colorado River corridor achieve the highest degree of land use compatibility by:
 - 1. eliminating industrial uses from the confluence of Longhorn Dam;
 - 2. phasing out resource extraction;
 - 3. providing the public visual and physical access to the Colorado River.
- (B) Protect, enhance, and interpret natural values and environmentally sensitive areas of the Colorado River Corridor through:
 - 1. appropriate mitigation for new development affecting identified landforms; and
 - 2. maintenance of natural shorelines and bluffs along the waterfront, except where otherwise required by subdistrict regulations or for necessary stabilization.
- (C) Recognize the potential of the waterfront as an open space connector, form-shaper of urban development, and focal point for lively pedestrian-oriented mixed uses as defined by the subdistrict goals of the Town Lake Corridor Study.

Source: Ord. 20090611-074.

§ 25-2-711 - APPLICABILITY.

- (A) This division applies in the waterfront overlay (WO) combining district.
- (B) The requirements of this division do not apply to:
 - (1) a community events use; or
 - (2) the construction or reconstruction of existing or proposed development for which:
 - (a) a building permit was issued before July 18, 1986;
 - (b) a certificate of occupancy was issued before July 18, 1986;
 - (c) a site plan was approved before July 17, 1986, including a phased project or a special permit site plan;
 - (d) a site plan was filed with the City before July 17, 1986 as a condition of zoning, and the site plan was previously approved by the council or Town Lake Task Force; or
 - (e) building plans were filed with the City before July 17, 1986.

(C) The requirements of this division supersede the other provisions of this title, to the extent of conflict.

Source: Sections 13-2-700 and 13-2-701; Ord. 990225-70; Ord. 990902-57; Ord. 031211-11.

§ 25-2-712 - DEFINITIONS.

In this part:

- (1) BASEWALL means the vertical surface of a building beginning at the finished grade up to a level defined by a setback or an architectural treatment, including a cornice line or similar projection or demarcation, that visually separates the base of the building from the upper portion of the building.
- (2) BOARD means the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission.
- (3) PRIMARY SETBACK AREA means the area between a primary setback line and the centerline of an identified creek, the shoreline of Town Lake, the shoreline of the Colorado River, or the boundary of an identified street, as applicable.
- (4) PRIMARY SETBACK LINE means a line that is a prescribed distance from and parallel to the centerline of an identified creek, the shoreline of Town Lake, the shoreline of the Colorado River, or the boundary of an identified street, as applicable.
- (5) SECONDARY SETBACK AREA means the area between a primary setback line and a secondary setback line.
- (6) SECONDARY SETBACK LINE means a line that is a prescribed distance from and parallel to a primary setback line.
- (7) TOWN LAKE CORRIDOR STUDY means the planning document published by the City of Austin in 1985 and formally approved by City Council Resolution No. 851031-19.

Source: Section 13-2-1; Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074; [Ord. No. 20141211-204, Pt. 25, 7-1-15](#).

§ 25-2-713 - VARIANCES.

- (A) An applicant may submit a request for a variance from the following requirements to the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission for review:
 - (1) Section 25-2-692 (*Waterfront Overlay (WO) Subdistrict Uses*);
 - (2) Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*); or
 - (3) Subpart C (*Subdistrict Regulations*), except that no variance may be granted from restrictions on maximum height.
- (B) The board may recommend approval of the variance after determining that:
 - (1) the proposed project and variance are consistent with the goals and policies of the Town Lake Corridor Study, including environmental protection, aesthetic enhancement, and traffic; and
 - (2) the variance is the minimum required by the peculiarities of the tract.
- (C) The following requirements apply if the board recommends approval of a variance under Subsection (B) of this section:

- (1) The director shall forward the board's recommendation to the Land Use Commission, which shall consider the recommendation and the variance application at the next regularly scheduled meeting for which notice can be timely provided.
 - (2) The Land Use Commission shall grant or deny the variance based on the criteria in Subsection (B) of this section.
 - (3) An interested party may appeal the Land Use Commission's grant or denial of a variance to the council under the requirements of Chapter 25-1, Article 7, Division 1 (*Appeals*).
- (D) The following requirements apply if the Board recommends denial of a variance under Subsection (B) of this section:
- (1) The applicant may appeal the Board's recommendation to the city council under the requirements of Chapter 25-1, Article 7, Division 1 (*Appeals*). The council shall consider the Board's recommendation and the variance application at the next regularly scheduled meeting for which notice can be timely provided.
 - (2) The council shall grant or deny the variance based on the criteria in Subsection (B) of this section.

Source: Section 13-2-704; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11; Ord. 20070607-096; Ord. 20090611-074; [Ord. No. 20141211-204, Pt. 25, 7-1-15](#).

§ 25-2-714 - ADDITIONAL FLOOR AREA.

- (A) In the WO combining district, a structure may exceed the maximum floor area permitted in the base district as provided by this section.
- (1) Additional floor area under Subsection (B) is limited to 60 percent of the base district maximum.
 - (2) Additional floor area under Subsection (C), (D), (E), (F), (G), (H), or (I) is limited to 20 percent of the base district maximum.
 - (3) Total additional floor area under this section is limited to 60 percent of the base district maximum.
- (B) For a structure in a neighborhood office (NO) or less restrictive base district, floor area for a residential use is permitted in addition to the maximum floor area otherwise permitted.
- (C) For a structure in a multifamily residence limited density (MF-1) or less restrictive base district, floor area for pedestrian-oriented uses is permitted in addition to the maximum floor area otherwise permitted, if the pedestrian-oriented uses are on the ground floor of the structure and have unimpeded public access from a public right-of-way or park land. The pedestrian-oriented uses required under Sections 25-2-692 (*Waterfront Overlay (WO) Subdistrict Uses*) and Subpart C (*Subdistrict Regulations*) are excluded from the additional floor area permitted under this subsection.
- (D) Except in the North Shore Central subdistrict:
- (1) an additional one-half square foot of gross floor area is permitted for each one square foot of gross floor area of a parking structure that is above grade; and
 - (2) an additional one square foot of gross floor area is permitted for each one square foot of a parking structure that is below grade.
- (E) Additional gross floor area is permitted for each existing Category A tree, as determined by the Watershed Protection and Development Review Department's tree evaluation system, that is either left undisturbed or transplanted under the supervision of the city arborist.
- (1) A tree is considered undisturbed under this subsection if the area within a circle centered on the trunk with a circumference equal to the largest horizontal circumference of the tree's crown is undisturbed.

- (2) A tree may be transplanted off-site if the Land Use Commission determines that the character of the site is preserved and approves the transplanting.
- (3) The permitted additional gross floor area is calculated by multiplying the undisturbed area described in Subsection (E)(1) by the base district height limitation and dividing the product by 12.
- (F) Additional gross floor area is permitted for land or an easement dedicated to the City for public access to Town Lake or the Colorado River. The additional gross floor area is calculated by multiplying the square footage of the access area by the height limitation applicable to the property and dividing the product by 12.
- (G) Additional gross floor area is permitted for land that is restricted to create a side yard or restricted public access to Town Lake, the Colorado River, or a creek. The additional gross floor area is calculated by multiplying the square footage of the restricted area by the height limitation applicable to the property and dividing the product by 12.
- (H) An additional one square foot of gross floor area is permitted for each one square foot of area restricted to create a scenic vista of Town Lake, the Colorado River, or a creek.
- (I) For a proposal to develop less than the maximum allowable impervious cover, an additional one square foot of gross floor area is permitted for each one square foot of impervious cover less than the allowable maximum.

Source: Section 13-2-703; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

§ 25-2-715 - REVIEW AND RECOMMENDATION OF THE SMALL AREA PLANNING JOINT COMMITTEE OF THE PLANNING COMMISSION AND THE ZONING AND PLATTING COMMISSION.

- (A) The Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission shall provide a recommendation to the Land Use Commission regarding each of the following approvals required for a proposed development within the Waterfront Overlay combining district:
 - (1) a site plan under Subsection 25-2-721(A) (*Waterfront Overlay (WO) Combining District Regulations*) or 25-5-142(1) (*Land Use Commission Approval*);
 - (2) a zoning or rezoning application under Section 25-2-282 (*Land Use Commission Public Hearing and Recommendation*);
 - (3) a proposed amendment to Title 25 that directly impacts the Waterfront Overlay combining district; and
 - (4) a proposed amendment to the comprehensive plan that directly impacts the Waterfront Overlay combining district.
- (B) The board shall consider a request for review and recommendation under Subsection (A) at the earliest meeting for which notice can be timely provided and shall base its recommendation on the goals and policies of the Town Lake Corridor Study.
- (C) Copies of administrative site plans submitted within the Waterfront Overlay shall be provided to the board to assist in maintaining a comprehensive understanding of all development activity affecting the waterfront. Review and recommendation under Subsection (A) is not required for administrative site plans.
- (D) The board shall review a request for a variance from regulations applicable to the Waterfront Overlay combining district as required under Section 25-2-713 (*Variances*).

Source: Ord. 20090611-074; [Ord. No. 20141211-204, Pt. 25, 7-1-15.](#)

Subpart B. - District Regulations; Special Regulations.

§ 25-2-721 - WATERFRONT OVERLAY (WO) COMBINING DISTRICT REGULATIONS.

- (A) This subsection provides requirements for review and approval of site plans.
- (1) Approval of a site plan by the Land Use Commission is required if an applicant requests a waiver from a requirement of this part under Section 25-2-713 (*Variances*).
 - (2) Review of a site plan by the director of the Parks and Recreation Department is required before the site plan may be approved. The director of the Parks and Recreation Department shall determine:
 - (a) whether the site plan is compatible with adopted park design guidelines; and
 - (b) if significant historic, cultural, or archaeological sites are located on the property.
 - (3) The Land Use Commission shall request a recommendation from the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission before approving or denying a site plan within the Waterfront Overlay combining district and shall consider the recommendation provided by the board. If the board fails to make a recommendation as required under Section 25-2-715 (*Review and Recommendation of the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission*), the Land Use Commission may approve or deny the site plan without a recommendation.
 - (4) The Land Use Commission shall request a recommendation from the Environmental Board before approving or denying a site plan within the Waterfront Overlay combining district and shall consider the recommendation provided by the board. If the Environmental Board fails to make a recommendation, the Land Use Commission may approve or deny the site plan without a recommendation.
- (B) In a primary setback area:
- (1) except as otherwise provided in this subsection, parking areas and structures are prohibited; and
 - (2) park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions, are permitted if:
 - (a) the park facilities are located on public park land; and
 - (b) the impervious cover does not exceed 15 percent.
- (C) In a secondary setback area:
- (1) fountains, patios, terraces, outdoor restaurants, and similar uses are permitted; and
 - (2) impervious cover may not exceed 30 percent.
- (D) This subsection provides requirements for parking areas.
- (1) Surface parking:
 - (a) must be placed along roadways, if practicable; and
 - (b) must be screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part.
 - (2) A parking structure that is above grade:
 - (a) must be on a pedestrian scale and either architecturally integrated with the associated building or screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part; and

- (b) if it is adjacent to Town Lake, the Colorado River, park land, or a creek named in this part, it must incorporate pedestrian oriented uses at ground level.
- (3) Setback requirements do not apply to a parking structure that is completely below grade.
- (E) This subsection provides design standards for buildings.
 - (1) Exterior mirrored glass and glare producing glass surface building materials are prohibited.
 - (2) Except in the City Hall subdistrict, a distinctive building top is required for a building that exceeds a height of 45 feet. Distinctive building tops include cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes. To the extent required to comply with the requirements of Chapter 13-1, Article 4 (*Heliports and Helicopter Operations*), a flat roof is permitted.
 - (3) Except in the City Hall subdistrict, a building basewall is required for a building that fronts on Town Lake, Shoal Creek, or Waller Creek, that adjoins public park land or Town Lake, or that is across a street from public park land. The basewall may not exceed a height of 45 feet.
 - (4) A building facade may not extend horizontally in an unbroken line for more than 160 feet.
- (F) Underground utility service is required, unless otherwise determined by the utility provider.
- (G) Trash receptacles, air conditioning or heating equipment, utility meters, loading areas, and external storage must be screened from public view.

Source: Section 13-2-700; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11; Ord. 20090611-074; [Ord. No. 20141211-204, Pt. 25, 7-1-15](#).

§ 25-2-722 - SPECIAL REGULATIONS FOR PUBLIC WORKS.

- (A) Development of public works in Town Lake Park, including utility construction, flood control channels, and bridge improvements, must be consistent with the Town Lake Park Plan.
- (B) The Watershed Protection and Development Review Department shall review an application for development of public works in Town Lake Park and shall work with the Parks and Recreation Department to implement applicable recommendations by the Comprehensive Watershed Ordinance Task Force that were approved by the council on May 22, 1986.
- (C) The Environmental Board shall review a project if the director determines that the project offers an opportunity for a major urban water quality retrofit. If Land Use Commission review is required, the Environmental Board shall forward its comments to the Land Use Commission.

Source: Section 13-2-700.1; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

§ 25-2-723 - SPECIAL REGULATIONS FOR PUBLIC RIGHTS-OF-WAY.

- (A) For a right-of-way described in Subsection (B), development of the right-of-way, including street, sidewalk, and drainage construction, must be compatible with the development of adjacent park land and consistent with the Town Lake Park Plan. Factors to be considered in determining consistency with the Town Lake Park Plan include park land access, road alignment, utility placement, sidewalk design, railing design, sign design and placement, landscaping, and stormwater filtration.
- (B) Subsection (A) applies to:
 - (1) public rights-of-way within or adjoining the boundaries of the WO combining district, including public rights-of-way for streets designated in the Transportation Plan;
 - (2) Trinity Street, from Cesar Chavez Street to Fifth Street; and
 - (3) Guadalupe Street and Lavaca Street, from Cesar Chavez Street to Fifth Street.

- (C) For a street described in Subsection (D), streetscape improvements that are consistent with the Town Lake Park Plan are required. A streetscape improvement is an improvement to a public right-of-way, and includes sidewalks, trees, light fixtures, signs, and furniture.
- (D) Subsection (C) applies to:
 - (1) Barton Springs Road, from Congress Avenue to MoPac Freeway;
 - (2) Cesar Chavez Street, from MoPac Freeway to IH-35;
 - (3) Congress Avenue, from Riverside Drive to First Street;
 - (4) Grove Boulevard, from Pleasant Valley Road to Montopolis Drive;
 - (5) Guadalupe Street, from Cesar Chavez Street to Fifth Street;
 - (6) Lakeshore Boulevard, from Riverside Drive to Montopolis Drive;
 - (7) Lamar Boulevard, from the Union Pacific railroad overpass to Barton Springs Road;
 - (8) Lavaca Street, from Cesar Chavez Street to Fifth Street;
 - (9) South First Street, from Town Lake to Barton Springs Road; and
 - (10) Trinity Street, from Cesar Chavez Street to Fifth Street.

Source: Section 13-2-700.2; Ord. 990225-70; Ord. 031211-11.

Subpart C. - Subdistrict Regulations.

§ 25-2-731 - AUDITORIUM SHORES SUBDISTRICT REGULATIONS.

- (A) This section applies in the Auditorium Shores subdistrict of the WO combining district.
- (B) The primary setback line is located:
 - (1) 1,200 feet landward from the Town Lake shoreline for all properties located east of the Union Pacific Railroad; and
 - (2) for all property located west of the Union Pacific Railroad with frontage on Riverside Drive, the primary setback covers the entire property.
- (C) The secondary setback line is the northern boundary of public right-of-way of Barton Springs Road for all properties located east of the Union Pacific Railroad.
- (D) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.
 - (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.
- (E) The maximum gross floor area at ground level is:
 - (1) for a structure in the primary setback area, 2,000 square feet; and
 - (2) for a structure in the secondary setback area, 75,000 square feet.
- (F) The maximum height is:
 - (1) for structures located in the primary setback, the lower of 25 feet or the maximum height allowed in the base zoning district; and

- (2) for structures located in the secondary setback, the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(l); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074; Ord. 20130425-103.

§ 25-2-732 - BALCONES ROCK CLIFF SUBDISTRICT REGULATIONS.

- (A) This section applies in the Balcones Rock Cliff subdistrict of the WO combining district.
- (B) The primary setback line is located:
 - (1) 75 feet landward from Town Lake shoreline; or
 - (2) 50 feet landward from the Town Lake shoreline, for a single-family lot platted before July 17, 1986 that is either zoned RR or at least 20,000 square feet in size.
- (C) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 30 percent.
- (D) For the exterior of a building visible from park land adjacent to Town Lake, natural building materials are required.
- (E) For the portion of a structure that is visible from the Town Lake shoreline, at least 75 percent of the structure at grade level must be screened with trees and shrubs native to the Balcones Cliff subdistrict and approved by the city arborist.
- (F) The maximum height is the lower of 35 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(o); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-733 - BUTLER SHORES SUBDISTRICT REGULATIONS.

- (A) This section applies in the Butler Shores subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 100 feet landward from the Town Lake shoreline;
 - (2) 35 feet south of the southern boundary of Toomey Road;
 - (3) 35 feet south of the southern boundary of Barton Springs Road;
 - (4) 35 feet north of the northern boundary of Barton Springs Road; and
 - (5) 100 feet from the Barton Creek centerline.
- (C) The secondary setback line is located 100 feet from the primary setback line of Town Lake.
- (D) Impervious cover is prohibited on land with a gradient that exceeds 25 percent.
- (E) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.
 - (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.

- (3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.
- (F) For a structure on property adjacent to and oriented toward Barton Springs Road, a building basewall is required, with a maximum height of:
 - (1) 45 feet, if north of Barton Springs Road; or
 - (2) 35 feet, if south of Barton Springs Road.
- (G) That portion of a structure built above the basewall and oriented towards Barton Springs Road must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Barton Springs Road.
- (H) The maximum height is:
 - (1) for structures located north of Barton Springs Road, the lower of 96 feet or the maximum height allowed in the base zoning district; and
 - (2) for structures located south of Barton Springs Road, the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(m); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-734 - EAST RIVERSIDE SUBDISTRICT REGULATIONS.

- (A) This section applies in the East Riverside subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 50 percent.
- (D) The maximum height is the lower of 96 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(i); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-735 - FESTIVAL BEACH SUBDISTRICT REGULATIONS.

- (A) This section applies in the Festival Beach subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) The secondary setback line is located 50 feet landward from the primary setback line.
- (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is:
 - (1) 40 percent; or
 - (2) 70 percent, for a site that:
 - (a) contains congregate care and retail uses on 15 or more acres;
 - (b) is adjacent to 1.5 or more acres of parkland or publically accessible open space;
 - (c) includes, within the congregate care use, at least:
 - (i) 310 rental housing units that serve residents earning at or below 60% of area median family income;

- (ii) 40 rental housing units that serve residents earning at or below 30% of area median family income; and
- (iii) 100 rental housing units that serve residents which are either:
 - earning at or below 30% of the area median family income and receiving a rent subsidy; or
 - earning at or below 50% of area median family income, without a rent subsidy, or with a rent subsidy that is required to be available under federal law to residents earning up to 50% of area median family income.
- (d) contains the following enhanced water quality features:
 - (i) water quality treatment utilizing green water quality controls sized at ½-inch or greater, based on assumed impervious cover of 68%;
 - (ii) at least 30,000 square feet of porous pavement for pedestrian areas;
 - (iii) at least 8,126 cubic feet of rainwater harvesting sufficient to capture 1.3 inches of runoff from 75,000 square feet of impervious cover; and
 - (iv) onsite water quality ponds sufficient to treat a minimum of 6,200 cubic feet of off-site drainage.
- (E) For purposes of Subsection (D)(2) of this section, the term "rent subsidy" means a project-based voucher issued by, or under the auspices of, an agency of the United States Government that provides a rental subsidy to the landlord for a particular rental housing unit in an amount equal to or exceeding the difference between 30% of the resident's income and the market rate for the residential housing unit.
- (F) If an applicant elects to develop a site at greater than 40% impervious cover, as authorized under Subsection (D)(2) of this section, a restrictive covenant or other legal instrument approved by the director must be executed prior to site plan release in order to ensure that the conditions in Subsection (D)(2)(a)—(d) are binding on the site plan and enforceable by the City.
- (G) The maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(e); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074; [Ord. No. 20160623-101, Pt. 1, 7-4-16](#).

§ 25-2-736 - LAMAR SUBDISTRICT REGULATIONS.

- (A) This section applies in the Lamar subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 100 feet landward from the Town Lake shoreline; and
 - (2) 90 feet from the Johnson Creek centerline.
- (C) The secondary setback line is located 100 feet landward from the primary setback line that is parallel to the Town Lake shoreline.
- (D) For a structure located within 140 feet of the Johnson Creek centerline, the maximum height is the lower of 35 feet or the maximum height allowed in the base zoning district. For all other structures, the maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.
- (E) Surface parking is prohibited, except for a parking area for buses, van pooling, the handicapped, or public access to park land.

- (F) A garage access point or curb cut is prohibited if the pattern or alignment of the surrounding, existing sidewalks would be disrupted.

Source: Section 13-2-702(b); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-737 - MONTOPOLIS/RIVER TERRACE SUBDISTRICT REGULATIONS.

- (A) This section applies in the Montopolis/Riverside Terrace subdistrict of the WO combining district.
- (B) The primary setback line is located 150 feet landward from the 430 foot contour line along the Colorado River.
- (C) The secondary setback line is located 100 feet landward from the primary setback line.
- (D) The maximum height in the secondary setback is the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(g); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-738 - NORTH SHORE CENTRAL SUBDISTRICT REGULATIONS.

- (A) This subsection applies in the North Shore Central subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 100 feet landward from the Town Lake shoreline;
 - (2) 60 feet from the Shoal Creek centerline; and
 - (3) 50 feet from the Waller Creek centerline.
- (C) Surface parking is prohibited, except for a parking area for buses, van pooling, taxis, delivery services, commercial loading, public transportation, the handicapped, or public access to park land.
- (D) The location of a garage access point or curb cut must minimize the disruption of pedestrian traffic on existing sidewalks.
- (E) A structure must fit within an envelope delineated by a 70 degree angle starting at a line 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 the line parallel to and away from the surface of Town Lake, Shoal Creek, or Waller Creek.
- (F) This subsection applies to a nonresidential use in a building adjacent to Town Lake.
 - (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (2) Entry ways or architectural detailing is required to break the continuity of nontransparent basewalls.
 - (3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.
- (G) A building may not be constructed within 80 feet of the existing east curb line of Congress Avenue south of First Street.

Source: Section 13-2-702(c); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-2-739 - RAINEY STREET SUBDISTRICT REGULATIONS.

- (A) This section applies in the Rainey Street subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 150 feet landward from the Town Lake shoreline; and
 - (2) 50 feet from the Waller Creek centerline.
- (C) This subsection applies to property in the Rainey Street Subdistrict zoned central business district (CBD) after April 17, 2005.
 - (1) For a building located on Red River Street from Cesar Chavez Street to Driskill Street or River Street from I-35 to River Street's western terminus, the development must have sidewalks not less than ten feet wide along the street frontage.
 - (2) A use with a drive-in service is prohibited.
 - (3) Except as provided in Subsection (C)(4) below, for a residential or mixed-use building the maximum building height is forty (40) feet.
 - (4) An applicant may exceed the forty foot height limit and achieve a floor-to-area ratio of 8:1 if at least five percent of the square footage of dwelling units developed within that floor-to-area ratio of 8:1 is available to house persons whose household income is eighty percent or below the median family income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office.
 - (a) In meeting the five percent requirement, mixed-use projects shall provide on-site affordable housing in proportion to the amount of floor area in the project that is devoted to residential uses.
 - (b) The affordability period for housing units shall be forty years for rental housing and ninety-nine years for on-site for sale housing. The affordability period begins on the date a certificate of occupancy is issued.
 - (c) On-site affordable housing units offered for sale shall be reserved, sold, and transferred to an income eligible buyer subject to a resale restricted, shared equity agreement approved by the director of Neighborhood Housing and Community Development.
 - (d) An applicant may not deny a prospective tenant affordable rental housing based solely on the prospective tenant's participation in the Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.
 - (e) The bedroom count mix for the affordable units must be proportional to the overall bedroom count mix within an overall development.
 - (f) A unit is affordable for purchase or rental if, in addition to the other requirements of this section, the household is required to spend no more than 30 percent of its gross monthly income on mortgage or rental payments for the unit.
 - (5) Development in the Rainey Street Subdistrict may participate in the Downtown Density Bonus Program as provided below.
 - (a) In order to achieve bonus area exceeding the floor-to-area ratio of 8:1 in the Rainey Street Subdistrict, development must comply with the requirements of Section 25-2-586 (*Downtown Density Bonus Program*) of the City Code. The requirements of the Downtown Density Bonus Program apply only to that portion of development that exceeds a floor-to-area ratio of 8:1.
 - (b) The maximum height and maximum floor-to-area ratio that development in the Rainey Street Subdistrict may achieve by participating in the Downtown Density Bonus Program are shown on Figure 2 of Section 25-2-586 (*Downtown Density Bonus Program*) of the City Code.

- (c) The Neighborhood Housing and Community Development Office will conduct compliance and monitoring of the affordability requirements of this ordinance. The director of Neighborhood Housing and Community Development shall establish compliance and monitoring rules and criteria for implementing the affordability requirements of this ordinance.

Source: Section 13-2-702(d); Ord. 990225-70; Ord. 031211-11; Ord. 20050407-063; Ord. 20130523-106; [Ord. 20140227-054, Pt. 2, 3-10-14](#).

§ 25-2-740 - RED BLUFF SUBDISTRICT REGULATIONS.

- (A) This section applies in the Red Bluff subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 40 feet from the 450 foot contour line, from Pleasant Valley road to the extension of Shady Lane; and
 - (2) 40 feet from the 440 foot contour line from the extension of Shady Lane to US 183.
- (C) A secondary setback line is located 110 feet from the corresponding primary setback line.
- (D) For the exterior of a building adjacent to Town Lake, natural building materials are required on the exterior surface.
- (E) The maximum height within the secondary setback is the lower of 35 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(f); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-741 - SOUTH LAKESHORE SUBDISTRICT REGULATIONS.

- (A) This section applies in the South Lakeshore subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 65 feet landward from the Town Lake shoreline; and
 - (2) 50 feet south of Lakeshore Boulevard.
- (C) The maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(h); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-742 - SOUTH SHORE CENTRAL SUBDISTRICT REGULATIONS.

- (A) This section applies in the South Shore Central subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 150 feet landward from the Town Lake shoreline;
 - (2) 80 feet from the East Bouldin Creek centerline; and
 - (3) 35 feet north of the northern public right-of-way boundary of Riverside Drive.
- (C) The secondary setback lines are located:
 - (1) 50 feet landward from the primary setback line parallel to the Town Lake shoreline; and

- (2) 130 feet from the primary setback line parallel to the East Bouldin Creek centerline.
- (D) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.
 - (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.
 - (3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.
- (E) For a structure property adjacent to and oriented toward Riverside Drive, a building basewall is required, with a maximum height of:
 - (1) 45 feet, if north of Riverside Drive; or
 - (2) 35 feet, if south of Riverside Drive.
- (F) That portion of a structure built above the basewall and oriented toward Riverside Drive must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Riverside Drive.
- (G) The maximum height is:
 - (1) for structures located between the primary and secondary setback lines, the lower of 35 feet or the maximum height allowed in the base zoning district;
 - (2) for structures located south of Riverside Drive between South Congress Avenue and East Bouldin Creek, the lower of 45 feet or the maximum height allowed in the base zoning district;
 - (3) for structures located within 100 feet of the right-of-way of South Congress Avenue or South First Street, the lower of 60 feet or the maximum height allowed in the base zoning district; and
 - (4) for structures located in all other areas of the subdistrict, the lower of 96 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(k); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-743 - TRAVIS HEIGHTS SUBDISTRICT REGULATIONS.

- (A) This section applies in the Travis Heights subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 100 feet landward from the Town Lake shoreline;
 - (2) 80 feet from the East Bouldin Creek centerline; and
 - (3) 80 feet from the Blunn Creek centerline.
- (C) Section 25-2-714 (*Additional Floor Area*) applies only to structures located between Bouldin and Blunn Creeks.
- (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 50 percent.
- (E) The maximum height is:

- (1) for structures located between the shoreline of Lady Bird Lake and Riverside Drive, the lower of 45 feet or the maximum height allowed in the base zoning district; and
- (2) for structures located elsewhere in the subdistrict, the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(j); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-744 - UNIVERSITY/DEEP EDDY SUBDISTRICT REGULATIONS.

- (A) This section applies in the University/Deep Eddy subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 200 feet landward from the Town Lake shoreline, between Tom Miller Dam and Red Bud Trail; and
 - (2) 300 feet landward from the Town Lake shoreline, between Red Bud Trail and MoPac Boulevard.
- (C) The secondary setback lines are located:
 - (1) 50 feet landward from the primary setback line, between Tom Miller Dam and Red Bud Trail; and
 - (2) 100 feet landward from the primary setback line, between Red Bud Trail and MoPac Boulevard.
- (D) For a primary setback area, a secondary setback area, or an area within 50 feet of a secondary setback line:
 - (1) the maximum building height is 35 feet; and
 - (2) the floor to area ratio may not be increased under Section 25-2-714 (Additional Floor Area).
- (E) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 40 percent.
- (F) The maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(a); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-745 - ZILKER PARK SUBDISTRICT REGULATIONS.

- (A) This section applies in the Zilker Park subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) The secondary setback line is located 700 feet landward from the primary setback line.
- (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 40 percent.
- (E) (Reserved)
- (F) The maximum height is the lower of 45 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(n); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.

§ 25-2-746 - CITY HALL SUBDISTRICT REGULATIONS.

- (A) This section applies in the City Hall subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) A surface parking area located at or above grade is prohibited, except for a parking area for buses, van pooling, taxis, delivery services, commercial loading, public transportation, the handicapped, or public access to park land.
- (D) The location of a garage access point or curb cut must minimize the disruption of pedestrian traffic on existing sidewalks.
- (E) A structure:
 - (1) must fit within an envelope delineated by a 70 degree angle starting at a line 45 feet above the property boundary line nearest Town Lake, with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Town Lake; or
 - (2) may not exceed a height of 100 feet.
- (F) This subsection applies to a nonresidential use in a building adjacent to Town Lake.
 - (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (2) Entry ways or architectural detailing is required to break the continuity of nontransparent basewalls.
 - (3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.

Source: Ord. 990715-115; Ord. 031211-11.