

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2009-007

Description:

Amend Chapters 2-1 and 25-2 of the City of Austin Land Development Code, amending and adding sections relating to the Waterfront Overlay Combining District and the Waterfront Overlay Planning Advisory Board.

Background:

The Waterfront Overlay Task Force was created in 2007 to review provisions of the City Code to identify ambiguities and inconsistencies between the City Code and the 1986 Waterfront Overlay Ordinance. After a nine-month public process, the Waterfront Overlay Task Force presented its final report to the City Council, and it included a recommendation that the City Code be revised to correct issues identified in its final report.

On February 12, 2009, the City Council approved a resolution directing the City Manager to process code amendments to implement certain recommendations of the Waterfront Overlay Task Force Report.

Departmental Comments:

The draft ordinance implements four of the main recommendations of the Waterfront Overlay Task Force, as directed by City Council. These recommendations are:

1. **State the goals of the Town Lake Corridor Study in the Waterfront Overlay.** The 1985 Town Lake Corridor Study was the basis for the original Waterfront Overlay Ordinance. The proposed ordinance would state those goals in the Waterfront Overlay code to provide background, and a context for interpretation of the code.
2. **Establish a new Waterfront Planning Advisory Board.** This would re-establish a city board to review and provide comment on all projects within the Waterfront Overlay.
3. **Re-establish the sub-district maximum heights.** Currently the Waterfront Overlay does have maximum heights provisions. The ordinance would place a maximum height on developments subject to the Waterfront Overlay. These maximums would vary by subdistrict.
4. **The revised Waterfront Overlay District ordinance should supersede all other city-wide design policies and regulations.** Currently sections of the Commercial Design Standards supersede the Waterfront Overlay. The ordinance includes provisions to reverse this.

Board and Commission Actions

- **Planning Commission Subcommittee on Codes and Ordinances – March 17, 2009:** Recommended the amendments be forwarded to the full Planning Commission for public hearing, discussion and action. (5-0).

- **Design Commission** – March 30, 2009: On a vote of 6-0, recommended approval of the amendments with the following changes:
 - 1) Part 1 (C): Added a new (4) “Policy recommendations that update the goals of the Town Lake Corridor Study including integrating parkland acquisition with planning for roadway and other public improvements, with particular attention to the area east of Longhorn Dam to the city limit line.”
 - 2) Part 1 (C) (4): renumbered to Part 1 (C) (5).
 - 3) Part 3 (C): add to the end “as defined by the subdistrict goals of the Town Lake Corridor Study.”
- **Environmental Board** – April 1, 2009: On a vote of 4-2 recommended approval of the amendments with the following changes:
 - 1) The Waterfront Overlay would apply to Planned Unit Developments (PUDs) and Planned Development Areas (PDA’s)
 - 2) The Environmental Board would review and provide recommendations on all projects within the Waterfront Overlay that request variances to provisions of the Waterfront Overlay addressing environmental protection,
 - 3) When the Waterfront Planning Advisory Board undertakes the development of the bonus provisions, any consideration of impervious cover should be consistent with the Waterfront Overlay Task Force’s recommendations.

Pending Board and Commission Dates

- Planning Commission– April 14, 2009
- Downtown Commission– April 15, 2009
- Waterfront Overlay Task Force – Friday April 24, 2009
- Zoning and Platting Commission– April 21, 2009
- Parks Board– April 28, 2009

City Council Date and Action:

November 29, 2007: Council approved Resolution No. 20071129-042 directing the City Manager to establish a Waterfront Overlay Task Force to evaluate the current ordinance for ambiguities and inconsistencies.

March 27, 2008: Council approved Resolution No. 20080327-039 adopting the Waterfront Overlay Task Force composition and action plan, and directing the City Manager to notify the designated boards and commissions to make their appointments.

October 16, 2008: Council approved Ordinance No. 20081016-034 extending the due date to report findings from the Waterfront Overlay Task Force.

December 18, 2008: Waterfront Overlay Task Force presented its final report to the City Council.

February 12, 2009: Council approved Resolution No. 20090212-025 directing the City Manager to process code amendments to implement certain recommendations of the Waterfront Overlay Task Force Report.

April 2, 2009: Council set a public hearing on this item for April 30, 2009

April 30, 2009: The public hearing was held open and the first reading of the ordinance was approved with the following amendment on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote. Section 25-2-715 (A) (2) should read, "Administrative site plans are not required to be reviewed by the Waterfront Planning Advisory Board (WPAB). Copies of all administrative site plans will be forwarded to the WPAB to allow them to maintain a comprehensive understanding of all development activity within the Waterfront Overlay."

The following friendly amendments were accepted by the maker of the motion, Council Member Martinez, and Mayor Wynn, who seconded the motion. The maker of the friendly amendment is shown in parenthesis:

- property located in a planned unit development (PUD) on the effective date of this ordinance will not be subject to this ordinance as long as the property remains in a PUD (Council Member Shade)

The following direction was given to staff:

- notify all property owners in the Waterfront Overlay (Council Member Cole)
- leave the public hearing open (Council Member Leffingwell)
- appoint the WPAB within two months (Council Member Morrison)
- direct the WPAB to submit the bonus provisions and the new alternatives for higher standards when PUDs are seeking a waiver to height limits within six months.

May 21, 2009: The public hearing was held open and the second reading of the ordinance to adopt first reading action, as stated below, with the following amendments, was approved on Council Member Martinez' motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

The first reading of the ordinance was to amend Section 25-2-715 (A)(2) to read, "Administrative site plans are not required to be reviewed by the Waterfront Planning Advisory Board (WPAB). Copies of all administrative site plans will be forwarded to the WPAB to allow them to maintain a comprehensive understanding of all development activity within the Waterfront Overlay." This wording was added, "Property located in a planned unit development (PUD) on the effective date of this ordinance will not be subject to this ordinance as long as the property remains in a PUD."

The following friendly amendments made by Council Members Morrison and Shade were accepted by the maker of the motion, Council Member Martinez, and Mayor Pro Tem McCracken, who seconded the motion:

The ordinance will be amended to add to Part 24(A) that the City Manager will work with the newly established Water Front Advisory Board (Board).

A new Part 24(C) will be added directing staff to:

- Research when bonuses have been used successfully.
- Look at the scope of work of the Board.

- Look at places where the Waterfront Overlay heights are less than the base zoning heights.
- Look at ways to incorporate Urban Designs that are submitted.

A friendly amendment was made by Council Member Morrison to have Council adopt a super-majority vote requirement for PUDs that would be a variance to the Waterfront Overlay. The amendment was not accepted by the maker of the motion.

There was a motion to amend the ordinance that was made by Council Member Morrison and seconded by Council Member Leffingwell to add to the ordinance a super-majority vote requirement for PUDS that would be a variance to the Waterfront Overlay. The motion failed on a vote of 2-5. Those voting aye were: Council Members Leffingwell and Morrison. Those voting nay were: Mayor Wynn, Mayor Pro Tem McCracken, and Council Members Cole, Martinez and Shade.

A friendly amendment was made by Council Member Morrison to add the following language to part 25, "In the PUD with no major amendments, subsequent amendments to such PUDs shall be subject to the requirements of this ordinance planned unit developments approved after the date of this ordinance shall be subject to the requirements of this ordinance." The word "major" was changed to "substantial" by a friendly amendment from Council Member Morrison. The amendment was accepted by the maker of the motion, Council Member Martinez, and Mayor Pro Tem McCracken, who seconded the motion. However, Council Member Morrison withdrew her motion and agreed to work with Council Member Martinez to craft new language prior to third reading.

A friendly amendment was made by Mayor Pro Tem McCracken directing staff to bring the item back on June 11, 2009 for third reading. This was accepted by the maker of the motion, Council Member Martinez.

A friendly amendment was made by Council Member Shade to have the makeup of the board include a representative of the Parks Board, Environmental Board and the Design Commission. This was accepted by the maker of the motion, Council Member Martinez, and Mayor Pro Tem McCracken, who seconded the motion. Council Member Shade withdrew her motion.

Ordinance Readings: 1st 4/30/09 2nd 5/21/09 3rd

Ordinance Number:

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