

ORDINANCE NO. 890126 - P

AN ORDINANCE ADOPTING THE TOWN LAKE PARK COMPREHENSIVE PLAN; AMENDING CHAPTER 10-4 (PARKS AND RECREATION) AND TITLE XIII (LAND DEVELOPMENT CODE) OF THE AUSTIN CITY CODE OF 1981 TO REQUIRE DEVELOPMENT OF DEDICATED PARK LAND OR PUBLIC RIGHT-OF-WAY WITHIN THE TOWN LAKE CORRIDOR TO COMPLY WITH THE TOWN LAKE PARK COMPREHENSIVE PLAN; WAIVING THE REQUIREMENT OF SEC. 2-2-3 OF THE AUSTIN CITY CODE OF 1981 THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. Pursuant to Section 5, Article X of the Austin City Charter, the Town Lake Park Comprehensive Plan, attached as Exhibit "A" and as further amended by Exhibit "A-1" (collectively, the "Town Lake Park Plan"), is adopted as an element of the Comprehensive Plan. Exhibit "A" and Exhibit "A-1" to this ordinance are incorporated as if fully set forth in this PART 1. The Town Lake Park Plan is the community plan adopted to establish and implement policies for the growth, development, and beautification of property located in the Town Lake Corridor and owned or acquired by the City of Austin for park purposes or for use as public right-of-way. The Town Lake Park Plan does not apply to property owned by persons or entities other than the City of Austin.

PART 2. The Planning Commission shall not act to recommend a proposed amendment to the Town Lake Park Plan until it has received recommendations on the proposed amendment from the Waterfront Planning Advisory Board and the Parks and Recreation Board. If the proposed amendment would affect property on the north shore of Town Lake between Lamar Boulevard and IH-35, the Planning Commission shall not act to recommend the proposed amendment until it has also received the recommendation of the Downtown Commission. Each board considering a proposed amendment to the Town Lake Park Plan shall hold a public hearing before acting on its recommendation. The City Council shall not amend the Town Lake Park Plan until it has held a public hearing and received recommendations on the proposed amendment from the Planning Commission, the Waterfront Planning Advisory Board, the Parks and Recreation Board, and the Downtown Commission (if the Planning Commission was required to receive a recommendation from the Downtown Commission).

PART 3. Section 13-1-605 (Notice of Application) in Article IX (Site Plan Procedures), Chapter 13-1 (Land Development Procedures) of the Austin City Code of 1981 is amended by numbering the existing paragraph as subsection (a), and by adding a new subsection (b), as follows:

(b) Notice of the filing of an application for site plan approval for development subject to the Town Lake Park Plan (pursuant to Sec. 13-2-228.1, 13-2-700.1, or 13-2-700.2) shall be forwarded by the Director to the Waterfront Planning Advisory Board no later than 14 days after acceptance of the application.

PART 4. Article III (Uses Authorized in Zoning Districts), Chapter 13-2 (Land Use) of the Austin City Code of 1981 is amended by adding a new Section 13-2-228.1, as follows:

Sec. 13-2-228.1 USE REGULATIONS FOR CERTAIN AREAS OF THE P DISTRICT IN COMBINATION WITH THE WO DISTRICT

(a) In this section, and unless the context otherwise requires:

Bluff has the meaning defined in Sec. 13-7-3.

Community Park means dedicated park land in Town Lake Park planned for city-wide use and designed to accommodate large numbers of people involved in a wide variety of activities. A Community Park consists predominantly of open meadow with some tree cover, but also may provide specific locations for a variety of more intensive, specialized activities and seasonal special events. The following areas of Town Lake Park are classified as Community Parks:

- (1) Tracts S-1, S-2, S-3A, S-4, S-6, S-7, S-8, S-9, N-1, N-2, N-3, N-4, N-5A, N-6, N-7, N-8, N-9, N-10, N-11, N-15, N-16A, and N-17A on the Park Classification Map.
- (2) Dedicated park land in the area bounded on the north by the Colorado River, on the west by Pleasant Valley Road, on the south by the proposed extension of Lakeshore Boulevard, and on the east by the crest of the bluff of Country Club Creek.
- (3) Dedicated park land in the area bounded on the north by Lake Austin Boulevard, on the south by Town Lake, on the east by the MoPac Freeway (Loop 1), and on the west by the extension of the western boundary of Eilers Park.
- (4) The Holly Street Power Plant, when its current use ceases and it is dedicated as park land.
- (5) Dedicated park land within 50 feet of the shoreline of Town Lake.

Crest of the bluff has the meaning defined in Sec. 13-7-3.

Cultural Park means dedicated park land in Town Lake Park planned for the location of cultural facilities (such as museums, botanical gardens, and performance areas). The following areas of Town Lake Park are classified as Cultural Parks:

- (1) Tracts S-2D, S-3, S-4A, S-5, S-5A, S-5B, and S-5C on the Park Classification Map.
- (2) Dedicated park land in the area bounded on the east by Dawson Road, on the west by Lamar Boulevard, on the south by Barton Springs Road, and by Riverside Drive on the north.

- (3) Dedicated park land in the area bounded on the north by Town Lake, on the south by Barton Springs Road, and by Barton Boulevard and the westward extension of Linscomb Avenue, on the east by Lamar Boulevard, and on the west by Robert E. Lee Road and the existing hike and bike trail.
- (4) Dedicated park land north of the intersection of River Street and Bierce Street, known as the City of Austin Street and Bridge Yard.
- (5) The Seaholm Power Plant and the Green Water Treatment Plant (and its intake structures), when the current use of the respective plants ceases, and when dedicated as park land.

Dedicated park land means land dedicated for park purposes by deed or by ordinance and under the control and management of the City for such park purposes, and specifically including land dedicated for park purposes after the effective date of this ordinance.

Neighborhood Park means dedicated park land in Town Lake Park serving adjacent neighborhoods. A Neighborhood Park is usually small and informal; it is intended to provide an area of less intensive activity between more intensively developed areas of Town Lake Park and adjacent neighborhoods. The following areas of Town Lake Park are classified as Neighborhood Parks:

- (1) Tracts S-2A, S-10, N-5, N-16, and N-17 on the Park Classification Map.
- (2) Dedicated park land in the area bounded on the north by Town Lake, on the west by East Bouldin Creek, on the east by Blunn Creek, and on the south by Riverside Drive.
- (3) Dedicated park land in the area bounded on the north by the Colorado River, on the the east by Montopolis Drive, on the south by the extension of Grove Boulevard, and on the west by the crest of the bluff of Country Club Creek.

Park Classification Map means and refers to the map on file with the Parks and Recreation Department, a reduced copy of which is attached as Exhibit "B" to this ordinance and incorporated as if fully set forth in this definition.

Natural Area means dedicated park land in Town Lake Park reserved for the primary benefit of the natural environment, with limited human activity and nearly total retention of the natural landscape. In this section, "Natural Area" refers to the lowest density park type described as "The Preserve" in the Town Lake Park Plan. The following areas of Town Lake Park are classified as Natural Area:

- (1) Tracts W-1, S-2B, S-2C, N-3A, and N-18 on the Park Classification Map.

- (2) Dedicated park land located between the Colorado River shoreline and the crest of the bluff north of the Colorado River, from Longhorn Dam to U.S. 183 (Montopolis Bridge).
- (3) Dedicated park land generally north or east of Town Lake from Tom Miller Dam to the west boundary of Eilers Park; and generally west or south of Town Lake from Tom Miller Dam to the Austin Nature Center.

Town Lake Park Plan means and refers to the Town Lake Park Plan adopted by this ordinance.

Town Lake Corridor means the territory within the boundaries of the Waterfront Overlay combining district, as established by Sec. 13-2-160.

Town Lake Park means, collectively, all the dedicated park land in the Town Lake Corridor.

Urban Waterfront means dedicated park land in Town Lake Park adjacent to high-density urban development. The Urban Waterfront consists of that part of the north shore of Town Lake between Shoal Creek and Waller Creek, identified as Tracts N-12, N-13, and N-14 on the Park Classification Map.

(b) This section applies to the following territory included in the Town Lake Park Plan:

- (1) all dedicated park land and adjacent bodies of water in the Town Lake Corridor;
- (2) all public rights-of-way within and abutting the boundaries of the Town Lake Corridor;
- (3) public right-of-way for Trinity Street, from East First Street to East Fifth Street; and
- (4) public right-of-way for Guadalupe Street and Lavaca Street, from West First Street to West Fifth Street.

(c) Development of areas of Town Lake Park classified as Natural Area is restricted to development for the following uses:

- (1) nature trails with interpretive signs and facilities;
- (2) surface parking, using only pervious material;
- (3) activities required to maintain and improve environmental quality, including without limitation fencing, and wildlife and vegetation management;
- (4) general park support and maintenance activities.

(d) Development of areas of Town Lake Park classified as a Neighborhood Park is restricted to development for the following uses:

- (1) walking, exercise, and bicycle trails;
- (2) surface parking and access roads;
- (3) picnic facilities;
- (4) general neighborhood park uses, including without limitation playing fields, ball courts, swimming pools, and playscapes;
- (5) concessions primarily serving the adjacent neighborhoods, including without limitation food vending, bicycle rentals, and sports equipment rentals (such as volleyball equipment or softball equipment);
- (6) cultural facilities primarily serving the adjacent neighborhood;
- (7) general park support and maintenance activities; and
- (8) activities required to maintain and improve environmental quality, including without limitation bank stabilization, fencing, and wildlife and vegetation management.

(e) Development of areas of Town Lake Park classified as a Community Park is restricted to development for the following uses:

- (1) any use permitted in a Neighborhood Park;
- (2) municipal swimming pools and associated facilities;
- (3) concessions designed to attract individuals from throughout the City, including without limitation boat rentals, food vending, dining facilities, special sports facilities (such as driving ranges), and special recreational facilities, (such as a miniature train);
- (4) limited surface parking, with a preference given to parking structures;
- (5) performances and special events;
- (6) specialized facilities, including without limitation facilities serving the handicapped or others with special requirements due to physical impairments, private nonprofit recreational facilities serving the general public (such as the YMCA), and private park-enhancement facilities (such as the Texas Botanical Garden);

- (7) internal park road system, with grade-separated intersections as needed to reduce conflict between park users and traffic on adjacent non-park roads;
- (8) general park support and maintenance activities;
- (9) activities required to maintain and improve environmental quality, including without limitation bank stabilization, fencing, and wildlife and vegetation management; and
- (10) athletic facilities, including without limitation multipurpose sports fields and exercise courses.

(f) Development of areas of Town Lake Park classified as a Cultural Park is restricted to development for the following uses:

- (1) cultural facilities, special events, and performance areas;
- (2) parking structures, with limited surface parking available;
- (3) concessions designed to attract individuals from throughout the City and which require little space in which to operate, including without limitation pushcarts selling food or flowers, temporary vending stands associated with special events, and gift shops associated with museums. Concessions must be mobile, temporary, or located in a building described in the Town Lake Park Plan.
- (4) walking, exercise, and bicycle paths;
- (5) internal park transportation system;
- (6) general park support and maintenance activities; and
- (7) activities required to maintain and improve environmental quality, including without limitation bank stabilization, fencing, and wildlife and vegetation management.

(g) Development of areas of Town Lake Park classified as Urban Waterfront is restricted to development for the following uses:

- (1) plaza areas to be used for performances and special events;
- (2) wide sidewalks for walking, exercising, and bicycle riding;
- (3) general park support and maintenance activities;
- (4) activities required to maintain and improve environmental quality, including without limitation bank stabilization, fencing, and wildlife and vegetation management;
- (5) concessions designed to attract individuals from throughout the City and which require little space in which to operate, including without limitation pushcarts selling food or

flowers, temporary vending stands associated with special events, and gift shops associated with museums. Concessions must be mobile, temporary, or located in a building described in the Town Lake Park Plan.

(6) rowing facilities, boathouse, or other similar water-based activities.

(h) Development of areas of Town Lake Park not otherwise classified in this section is restricted to development for the following uses:

(1) walking, exercise, and bicycle trails;

(2) picnic facilities;

(3) surface parking of pervious material and park access roads;

(4) general park support and maintenance activities.

PART 5. Article VI (Site Development Regulations), Chapter 13-2 (Land Use) of the Austin City Code of 1981 is amended by adding a new Section 13-2-700.1, as follows:

Sec. 13-2-700.1 SITE DEVELOPMENT REGULATIONS FOR PUBLIC WORKS IN THE WO DISTRICT

(a) All development of public works within Town Lake Park, including without limitation utility construction, flood control channels, and bridge improvements, shall be consistent with the Town Lake Park Plan.

(b) Notwithstanding any otherwise applicable exemption provided by Sec. 13-2-502, development of public works within Town Lake Park must include sedimentation/filtration basins if required by Sec. 13-7-18. The Department of Environmental Protection shall review applications for development of public works within Town Lake Park and shall work with the Parks and Recreation Department to implement applicable recommendations included in the 14 recommendations of the Comprehensive Watershed Ordinance Task Force approved by the City Council on May 22, 1986. Any project which, in the opinion of the Director of the Department of Environmental Protection, offers an opportunity for major urban water quality retrofit shall be presented to the Environmental Board for review, and any recommendation of the Environmental Board on such project shall be forwarded to the Waterfront Planning Advisory Board. If necessary, comments of both boards shall be sent to the Planning Commission.

PART 6. Article VI (Site Development Regulations), Chapter 13-2 (Land Use) of the Austin City Code of 1981 is amended by adding a new Section 13-2-700.2, as follows:

Sec. 13-2-700.2

**SITE DEVELOPMENT REGULATIONS FOR PUBLIC
RIGHT-OF-WAY ABUTTING THE WO DISTRICT OR
INCLUDED IN THE TOWN LAKE PARK PLAN**

(a) This section implements certain provisions of the Town Lake Park Plan and applies to development of the following public right-of-way:

- (1) all public rights-of-way within and abutting the boundaries of the Town Lake Corridor, as that term is defined in Section 13-2-228.1, specifically including public rights-of-way for streets designated in the Roadway Plan;
- (2) all streets and roads within Town Lake Park;
- (3) public right-of-way for Trinity Street, from East First Street to East Fifth Street; and
- (4) public right-of-way for Guadalupe Street and Lavaca Street, from West First Street to West Fifth Street.

(b) Development of improvements in public rights-of-way, including without limitation construction of new streets, relocation of existing streets, pavement widening, and sidewalk or drainage improvements, shall be compatible with the development of the adjacent park land and shall be consistent with the Town Lake Park Plan. Design factors to be considered in determining consistency with the Town Lake Park Plan include without limitation access to park land, road alignment, utility placement, sidewalks, railings, sign design and placement, planting, and filtration of storm runoff.

(c) For purposes of this section, a "streetscape" is a special improvement made to the public right-of-way which includes without limitation widening sidewalks, planting trees, or installing special lighting fixtures, signs, or street furniture. Subject to standard procedures for approval and funding of a Capital Improvement Project or funding through other sources, streetscapes consistent with the Town Lake Park Plan shall be developed on each of the following public street rights-of-way:

- (1) West First Street, from Congress Avenue to the MoPac Freeway (Loop 1);
- (2) East First Street, from Congress Avenue to IH-35;
- (3) Trinity Street, from East First Street to East Fifth Street;
- (4) Guadalupe Street, from West First Street to West Fifth Street;
- (5) Lavaca Street, from West First Street to West Fifth Street;
- (6) Barton Springs Road, from Congress Avenue to the MoPac Freeway (Loop 1);
- (7) Lamar Boulevard, from the Southern Pacific railroad overpass to Barton Springs Road;
- (8) South First Street, from Town Lake to Barton Springs Road;

- (9) Lakeshore Boulevard, from Riverside Drive to Pleasant Valley Road;
- (10) Congress Avenue, from Riverside Drive to First Street;
- (11) Grove Boulevard, from Pleasant Valley Road to Montopolis Drive; and
- (12) Lakeshore Drive, from Pleasant Valley Road to Montopolis Drive.

PART 7. Chapter 10-4 (Parks and Recreation) of the Austin City Code of 1981 is amended by adding a new Article III, as follows:

ARTICLE III. TOWN LAKE PARK

Sec. 10-4-50 DEFINITIONS

In this Article, and unless the context otherwise requires:

Use agreement or management agreement means an agreement between the City and another person authorizing that person to develop and maintain dedicated park land in Town Lake Park for public recreational purposes, according to plans approved by the City of Austin.

Concession means a privately operated business on park land serving park users, authorized by the City in accordance with applicable ordinance requirements. Types of businesses operated as concessions may include without limitation food and beverage stands, boat rentals, excursion boats, boating lessons, bicycle rentals, and pushcarts.

Dedicated park land means land dedicated for park purposes by deed or by ordinance and under the control and management of the City for such park purposes, and specifically including land dedicated for park purposes after the effective date of this ordinance.

Town Lake Park Plan means and refers to the Town Lake Park Plan adopted by ordinance.

Town Lake Corridor means the territory within the boundaries of the Waterfront Overlay combining district, as established by Sec. 13-2-160.

Town Lake Park means, collectively, all the dedicated park land in the Town Lake Corridor.

Sec. 10-4-51 USE AGREEMENTS, MANAGEMENT AGREEMENTS, AND RESERVATIONS OF TOWN LAKE PARK

(a) The Parks and Recreation Board and the Waterfront Planning Advisory Board shall review all proposed use agreements, management agreements, and proposed reservations of park land in Town Lake Park for future development by private persons or entities, and shall make recommendations to the Director of the

Parks and Recreation Department, the City Manager, or the City Council, as appropriate, concerning such agreements.

(b) This section does not alter the terms of any existing use agreements or management agreements concerning Town Lake Park.

Sec. 10-4-52 BOATING CONCESSIONS

Four areas have been established in Town Lake Park for various boating activities. These areas, and the types of concessions appropriate to each area, are as follows:

- (1) Central Town Lake means Town Lake from Congress Avenue to Lamar Boulevard. Boating concessions permitted in Central Town Lake are restricted to rental of boats which require little or no skill to operate, such as paddleboat rentals, as well as permanent moorings for excursion boats.
- (2) East Town Lake means Town Lake from Congress Avenue to Longhorn Dam. Boating concessions permitted in East Town Lake are restricted to recreational rowing concessions, including without limitation canoes, racing shells, and rowboats. Sailboat rental is permitted only in the basin immediately upstream from the Longhorn Dam. Landings for excursion boats, but not permanent moorings, may be authorized in East Town Lake.
- (3) West Town Lake means Town Lake from Lamar Boulevard to the Tom Miller Dam. Boating concessions permitted in West Town Lake are restricted to recreational rowing concessions, including without limitation canoes, racing shells, and rowboats. Landings for excursion boats, but not permanent moorings, may be authorized in West Town Lake.
- (4) Colorado River means the Colorado River from the Longhorn Dam to U.S. 183 (Montopolis Bridge). Boating concessions permitted in the Colorado River area are restricted to recreational rowing concessions. The boats rented must be able to handle swiftly flowing water and fluctuating water levels. Boats rented may include without limitation rowboats, fishing boats, and johnboats.

Sec. 10-4-53 CONCESSIONS REVIEW PROCESS

(a) The Parks and Recreation Department shall present an annual report, in October, to a joint meeting of the Waterfront Planning Advisory Board and the Parks and Recreation Board. This report shall also be provided to the Environmental Board. The report shall include the number and names of concessions operating in Town Lake Park, as well as detailed statements of revenues, expenses, and operations for each concession, the number of boats rented on Town Lake, and a discussion of any environmental or

other problems which exist regarding the concessions. The Waterfront Planning Advisory Board, Parks and Recreation Board, and Environmental Board shall, within 30 days of receipt of the report, make recommendations to the City Council regarding appropriate concessions in Town Lake Park, the status of the existing concessions, and the advisability of issuing a request for proposal for concessions in Town Lake Park.

(b) One representative each from the Waterfront Planning Advisory Board, the Parks and Recreation Board, the Environmental Board, and the Design Commission may serve as members of the evaluation team to evaluate proposals received in response to the annual request for proposals for concessions in Town Lake Park. The recommendations of this evaluation team shall be sent to the City Council.

Sec. 10-4-54 RELOCATION OF ORGANIZED ATHLETIC USES

The Town Lake Park Plan designates certain existing organized athletic uses for relocation after alternate locations have been identified and users have been consulted about the adequacy of such alternate locations. These uses shall be relocated only after replacement locations have been developed in compliance with the Town Lake Park Plan.

Sec. 10-4-55 MUNICIPAL IMPROVEMENT ORGANIZATIONS

The Town Lake Park Plan proposes creation of municipal improvement organizations with the general ability to develop land in Town Lake Park. Creation of such an organization shall require passage of an ordinance by the City Council. Any such proposed ordinance shall be reviewed by the Waterfront Planning Advisory Board, the Parks and Recreation Board, and the Planning Commission. The recommendations of these boards and commissions shall be submitted to the City Council.

Sec. 10-4-56 FUNDING PRIORITIES

Priorities for City funding of development projects in and acquisition of land for Town Lake Park shall be determined through the established procedures of the Capital Improvements Program, in accordance with a priority plan for Town Lake Park, developed by the Waterfront Planning Advisory Board and the Parks and Recreation Department, and submitted to the Parks and Recreation Board for recommendations.

Sec. 10-4-57 WATER QUALITY

A plan to protect and improve the water quality in Town Lake should be proposed by the Environmental Board in conjunction with the Planning Commission. The Waterfront Planning Advisory

Board and the Parks and Recreation Board will participate in the development of that plan should it require changes to the Town Lake Park Plan.

PART 8. The requirement of Sec. 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days is waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 9. This ordinance shall be effective ten days after the date of its final passage.

PASSED AND APPROVED:

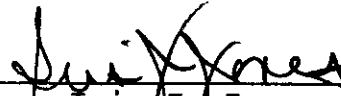
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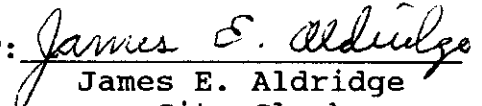
Lee Cooke
Mayor

APPROVED:



Iris J. Jones
Acting City Attorney

ATTEST:



James E. Aldridge
City Clerk