

## **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

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(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:

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- (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.

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- (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*).

## **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:

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- (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.

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- (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.

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- (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.



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- (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

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- (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.

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- (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.

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- (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.

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- (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.

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## § 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 base wall 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 base wall 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 base wall 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.

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- (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.

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- (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.