

board w/in 2mo  
board provisions

ORDINANCE NO.  
**MARK-UP DISCUSSION VERSION**

1 AN ORDINANCE RELATING TO THE WATERFRONT OVERLAY  
2 COMBINING DISTRICT AND WATERFRONT PLANNING ADVISORY  
3 BOARD; ADDING NEW CITY CODE SECTIONS 2-1-186, 25-2-710, AND 25-2-  
4 715; AMENDING CITY CODE SECTIONS 25-2-713, 25-2-721, 25-2-731, 25-2-732,  
5 25-2-733, 25-2-734, 25-2-735, 25-2-736, 25-2-737, 25-2-739, 25-2-740, 25-2-742, 25-2-  
6 743, 25-2-744, AND 25-2-745; AND AMENDING SECTIONS 1.2.4 AND 4.3.4 OF  
7 CITY CODE CHAPTER 25-2, SUBCHAPTER E.  
8

9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
10

11 **PART 1.** City Code Chapter 2-1 (*City Boards*), Article 2 (*Boards*) is amended to add a  
12 new Section 2-1-187 to read as follows and to renumber existing Section 2-1-187 (*Zoning*  
13 *and Platting Commission*) accordingly:

14 **§ 2-1-186 WATERFRONT PLANNING ADVISORY BOARD.**

15 (A) The Waterfront Planning Advisory Board should include a diverse membership  
16 drawn from the fields of urban design, environmental protection, architecture,  
17 landscape architecture, historic preservation, shoreline ecology, neighborhood  
18 conservation, civic art, and real property development.

19 ~~(A) The Waterfront Planning Advisory Board should include a diverse membership  
20 made up of one representative from each of the Parks Board, the Environmental  
21 Board, and the Design Commission, and four other members drawn from the  
22 fields of urban design, environmental protection, architecture, landscape  
23 architecture, historic preservation, shoreline ecology, neighborhood  
24 conservation, civic art, and real property development. Recommended by  
25 Staff~~

26 (B) The purpose of the board is to provide recommendations to the city council and  
27 city boards that:

- 28 (1) assist in promoting excellence in the design, development, and protection  
29 of the City's waterfront; and  
30 (2) help to provide a more harmonious interaction and transition between  
31 urban development and the parkland and shoreline of Lady Bird Lake  
32 and the Colorado River.

33 (C) The board shall provide the following recommendations:

- 1 (1) Project-level recommendations regarding proposed development within  
2 the Waterfront Overlay (WO) combining district, as required under  
3 Section 25-2-716 (*Review and Recommendation of the Waterfront*  
4 *Planning Advisory Board*).
- 5 (2) Planning-level recommendations regarding proposed amendments  
6 impacting the WO combining district, as required under Section 25-2-716  
7 (*Review and Recommendation of the Waterfront Planning Advisory*  
8 *Board*).
- 9 (3) Policy recommendations to help further the goals of the Town Lake  
10 Corridor Study, including but not limited to:
- 11 (a) filtering, reducing, and treating urban runoff;
- 12 (b) improving and protecting city creeks through updated corridor  
13 planning;
- 14 (c) regulating existing resource extraction, with the goal of restoring  
15 and revegetating the shoreline and improving public access;
- 16 (d) acquiring additional parkland and greenbelt along the Colorado  
17 River;
- 18 (e) integrating parkland acquisition with planning for roadway and  
19 other public improvements, with particular attention to the  
20 Montopolis area;
- 21 (f) securing additional public access easements along the shoreline  
22 from Longhorn Dam to the confluence of Walnut Creek;
- 23 (g) requiring better maintenance of riverfront shoreline and  
24 environmental impact studies for new development;
- 25 (h) ensuring compatibility of city land uses, programs, and  
26 construction projects with Lady Bird Lake;
- 27 (i) encouraging appropriate mixed-use and residential development  
28 along the waterfront and urban edge; and
- 29 (j) promoting and facilitating cooperation between neighbors and  
30 private landowners to better realize the potential of the City's  
31 waterfront; and
- 32 (4) Other recommendations, as required by the city council.

33  
34 **(4) Policy recommendations that update the goals of the Town Lake Corridor**  
35 **Study including integrating parkland acquisition with planning for**

1 roadway and other public improvements, with particular attention to the  
2 area east of Longhorn Dam to the city limit line.”

3 (5) Other recommendations, as required by the city council.  
4

5 *[endorsed by the Waterfront Overlay Task Force (9-0) and the Design*  
6 *Commission (6-0)]*

7 **PART 2.** Subsection (A) of City Code Section 25-2-282 (*Land Use Commission Public*  
8 *Hearing and Recommendation*) is amended to

9 (A) The Land Use Commission shall hold a public hearing on a zoning or rezoning  
10 application not later than the 60th day after the date the application is filed. The  
11 director of the Neighborhood Planning and Zoning Department shall give notice  
12 under Section 25-1-132(A) (*Notice of Public Hearing*) of the public hearing. If  
13 the application includes property located within the Waterfront Overlay (WO)  
14 combining district, the director shall request a recommendation from the  
15 Waterfront Planning Advisory Board to be considered by the Land Use  
16 Commission at the public hearing. If the Board fails to make a  
17 recommendation as required under Section 25-2-716 (*Review and*  
18 *Recommendation of the Waterfront Planning Advisory Board*), the Land Use  
19 Commission or accountable official may act on the application without a  
20 recommendation from the Board.

21  
22 **PART 3.** City Code Chapter 25-2, Article 3 (*Additional Requirements for Certain*  
23 *Districts*), Division 8 (*Waterfront Overlay District and Subdistrict Regulations*), Subpart  
24 A (*General Provisions*) is amended to add a new Section 25-2-710 to read:

25 **§ 25-2-710 GOALS AND POLICIES.**

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

- 29 (A) Ensure that zoning decisions in the Colorado River corridor achieve the highest  
30 degree of land use compatibility by:
- 31 1. eliminating industrial uses from the confluence of Longhorn Dam;
  - 32 2. phasing out resource extraction;
  - 33 3. providing visual and physical access to the Colorado River.
  - 34 3. **providing public visual and physical access to the Colorado River.**

35 **[Comment by Zoning and Platting Commissioner Tiemann]**  
36

1 (B) Protect, enhance, and interpret natural values and environmentally sensitive  
2 areas of the Colorado River Corridor through:

- 3 1. appropriate mitigation for new development affecting identified  
4 landforms; and  
5 2. maintenance of natural shorelines and bluffs along the waterfront, except  
6 where otherwise required by subdistrict regulations or for necessary  
7 stabilization.

8 (C) Recognize the potential of the waterfront as an open space connector, form-  
9 shaper of urban development, and focal point for lively pedestrian-oriented  
10 mixed uses.

11 (C) Recognize the potential of the waterfront as an open space connector, form-  
12 shaper of urban development, and focal point for lively pedestrian-oriented  
13 mixed uses as defined by the subdistrict goals of the Town Lake Corridor  
14 Study.

15 *[endorsed by the Waterfront Overlay Task Force (9-0) and the Design  
16 Commission (6-0)]*

17  
18  
19 **PART 4.** City Code Section 25-2-712 (*Definitions*) is amended to add the following new  
20 definitions and to renumber the remaining definitions accordingly:

21 (2) BOARD means the Waterfront Planning Advisory Board.

22 (7) TOWN LAKE CORRIDOR STUDY means the planning document published  
23 by the City of Austin in 1985 and formally approved by City Council  
24 Resolution No. 851031-19.

25  
26 **PART 5.** City Code Section 25-2-713 (*Variances*) is amended to read:

27 **§ 25-2-713 VARIANCES.**

28 (A) An applicant may submit a request for [The Land Use Commission may grant]  
29 a variance from the following requirements [of] to the Waterfront Planning  
30 Advisory Board for review:

31 (1) Section [Sections] 25-2-692 (*Waterfront Overlay (WO) Subdistrict*  
32 Uses)[;];

33 (2) Section 25-2-721 (*Waterfront Overlay (WO) Combining District*  
34 Regulations) [;]; or

1           (3) Subpart C (Subdistrict Regulations), except that no variance may be  
2           granted from restrictions on maximum height.

3           (B) The Board may recommend approval of the variance after determining that:

4           (1) the proposed project and variance are consistent with the goals and  
5           policies of the Town Lake Corridor Study, including environmental  
6           protection, aesthetic enhancement, and traffic; and

7           (2) the variance is the minimum required by the peculiarities of the tract.

8           (3) The director shall forward the Board's recommendation to the Land Use  
9           Commission, which shall consider the recommendation and the variance  
10           application at the next regularly scheduled meeting for which notice can  
11           be timely provided. *[Recommended by Staff]*

12           (4) The Land Use Commission shall grant or deny the variance based on the  
13           criteria in Subsection (B) of this section. *[Recommended by Staff]*

14           (5) An interested party may appeal the Land Use Commission's grant or  
15           denial of a variance [under Subsection (A)] to the council under the  
16           requirements of Chapter 25-1, Article 7, Division 1 (*Appeals*).  
17           *[Recommended by Staff]*

18  
19           (C)[(B)] The following requirements apply if the Board recommends approval of a  
20           variance under Subsection (B) of this section:

21           (1) The director shall forward the Board's recommendation to the Land Use  
22           Commission, which shall consider the recommendation and the variance  
23           application at the next regularly scheduled meeting for which notice can  
24           be timely provided.

25           (2) The Land Use Commission shall grant or deny the variance based on the  
26           criteria in Subsection (B) of this section.

27           (3) An interested party may appeal the Land Use Commission's grant or  
28           denial of a variance [under Subsection (A)] to the council under the  
29           requirements of Chapter 25-1, Article 7, Division 1 (*Appeals*).

30           (C) (deleted) *[Recommended by Staff]*

31  
32           (D) The following requirements apply if the Board recommends denial of a variance  
              under Subsection (B) of this section:

1           (1) The applicant may appeal the Board's recommendation to the city  
2           council under the requirements of Chapter 25-1, Article 7, Division  
3           (Appeals). The council shall consider the Board's recommendation and  
4           the variance application at the next regularly scheduled meeting for  
5           which notice can be timely provided.

6           (2) The council shall grant or deny the variance based on the criteria in  
7           Subsection (B) of this section.

8  
9           (D) (deleted) [Recommended by Staff]

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11  
12       **PART 6.** City Code Chapter 25-2 (*Zoning*), Article 3 (*Additional Requirements for*  
13       *Certain Districts*), Division 8 (*Waterfront Overlay District and Subdistrict Regulations*),  
14       Subpart A (*General Provisions*) is amended to add a new Section 25-2-715 to read:

15       **§ 25-2-715 REVIEW AND RECOMMENDATION OF THE WATERFRONT**  
16       **PLANNING ADVISORY BOARD.**

17       (A) The Waterfront Planning Advisory Board shall provide a recommendation to  
18       the Land Use Commission or accountable official regarding each of the  
19       following approvals required for a proposed development within the Waterfront  
20       Overlay combining district:

21       (1) Review by the Land Use Commission of:

22           (a) a site plan under Subsection 25-2-721(A) (*Waterfront Overlay*  
23           *(WO) Combining District Regulations*) or 25-5-142(1) (*Land Use*  
24           *Commission Approval*);

25           (b) a zoning or rezoning application under Section 25-2-282 (*Land*  
26           *Use Commission Public Hearing and Recommendation*);

27           (c) a proposed amendment to Title 25 that directly impacts the  
28           Waterfront Overlay combining district; and

29           (d) a proposed amendment to the comprehensive plan that directly  
30           impacts the Waterfront Overlay combining district.

31       (2) Review of an administrative site plan by the accountable official under  
32       Chapter 25-5, Article 2 (*Administrative Site Plans*).

33       (2) ~~Administrative site plans are not required to be reviewed by the WPAB.~~  
34       Copies of all administrative site plans will be forwarded to the WPAB to  
35       allow them to maintain a comprehensive understanding of all

1 development activity within the Waterfront Overlay." (*Variances*).  
2 **[Recommended by Staff]**

3 (B) The Board shall review a request for a variance from regulations applicable to  
4 the Waterfront Overlay combining district as required under Section 25-2-713  
5 (*Variances*).

6 (B) The Board shall review a request for a variance from regulations applicable to  
7 the Waterfront Overlay combining district as required under Section 25-2-713  
8 (*Variances*). The Environmental Board would review and provide  
9 recommendations on all projects within the Waterfront Overlay that request  
10 variances to provisions of the Waterfront Overlay addressing environmental  
11 protection

12 **[Endorsed by the Waterfront Overlay Task Force (7-2) and the Environmental**  
13 **Board (4-2)**

14 (C) The Board shall consider a request for review and recommendation under this  
15 section at the earliest meeting for which notice can be timely provided and shall  
16 base its recommendation on the goals and policies of the Town Lake Corridor  
17 Study.  
18

19 **PART 7.** City Code Section 25-2-721 (*Waterfront Overlay (WO) Combining District*  
20 *Regulations*) is amended to read:

21 (A) This subsection provides requirements for review and approval of site plans.

22 (1) Approval of a site plan by the Land Use Commission is required if an  
23 applicant requests a waiver from a requirement of this part under Section  
24 25-2-713 (*Variances*).

25 (1) ~~Approval of a site plan variance by the Land Use Commission is required~~  
26 ~~if an applicant requests a waiver from a requirement of this part under~~  
27 ~~Section 25-2-713 (*Variances*).~~ **[Recommended by Staff]**

28 (2) Review of a site plan by the director of the Parks and Recreation  
29 Department is required before the site plan may be approved. The  
30 director of the Parks and Recreation Department shall determine:

31 (a) whether the site plan is compatible with adopted park design  
32 guidelines; and

33 (b) if significant historic, cultural, or archaeological sites are located  
34 on the property.

35 (3) The Land Use Commission or accountable official shall request a  
36 recommendation from the Waterfront Planning Advisory Board before

1 approving or denying a site plan and consider the recommendation  
2 provided by the board. If the Board fails to make a recommendation  
3 required under Section 25-2-716 (*Review and Recommendation of the*  
4 *Waterfront Planning Advisory Board*), the Land Use Commission or  
5 accountable official may grant or deny the approval without a  
6 recommendation from the Board.  
7

8 **PART 8.** City Code Section 25-2-731 (*Auditorium Shores Subdistrict Regulations*) is  
9 amended to add a new Subsection (F) to read:

10 (F) The maximum height is:

- 11 (1) for structures located in the primary setback, the lower of 25 feet or the  
12 maximum height allowed in the base zoning district; and  
13 (2) for structures located in the secondary setback, the lower of 60 feet or the  
14 maximum height allowed in the base zoning district.  
15

16 **PART 9.** City Code Section 25-2-732 (*Balcones Rock Cliff Subdistrict Regulations*) is  
17 amended to add a new Subsection (F) to read:

18 (F) The maximum height is the lower of 35 feet or the maximum height allowed in  
19 the base zoning district.  
20

21 **PART 10.** City Code Section 25-2-733 (*Butler Shores*) is amended to add a new  
22 Subsection (H) read:

23 (H) The maximum height is:

- 24 (1) for structures located north of Barton Springs Road, the lower of 96 feet  
25 or the maximum height allowed in the base zoning district; and  
26 (2) for structures located south of Barton Springs Road, the lower of 60 feet  
27 or the maximum height allowed in the base zoning district.  
28

29 **PART 11.** City Code Section 25-2-734 (*East Riverside Subdistrict Regulations*) is  
30 amended to add a new Subsection (D) to read:

31 (D) The maximum height is the lower of 96 feet or the maximum height allowed in  
32 the base zoning district.  
33

34 **PART 12.** City Code Section 25-2-735 (*Festival Beach Subdistrict Regulations*) is  
35 amended to add anew Subsection (E) to read:



- 1 (E) The maximum height is the lower of 60 feet or the maximum height allowed in  
2 the base zoning district.  
3

4 **PART 13.** Subsection (D) of City Code Section 25-2-736 (*Lamar Subdistrict*  
5 *Regulations*) is amended to read:

- 6 (D) For a structure located within 140 feet of the Johnson Creek centerline, the  
7 maximum height is the lower of 35 feet or the maximum height allowed in the  
8 base zoning district. For all other structures, the maximum height is the lower  
9 of 60 feet or the maximum height allowed in the base zoning district.  
10

11 **PART 14.** City Code Section 25-2-737 (*Montopolis/River Terrace Subdistrict*  
12 *Regulations*) is amended to add anew Subsection (D) to read:

- 13 (D) The maximum height in the secondary setback is the lower of 60 feet or the  
14 maximum height allowed in the base zoning district.  
15

16 **PART 15.** Section 25-2-740 (*Red Bluff Subdistrict Regulations*) is amended to add a  
17 new Subsection (E) to read:

- 18 (E) The maximum height within the secondary setback is the lower of 35 feet or the  
19 maximum height allowed in the base zoning district.  
20

21 **PART 16.** Section 25-2-741 (*South Lakeshore Subdistrict Regulations*) is amended to  
22 add a new Subsection (C) to read:

- 23 (C) The maximum height is the lower of 60 feet or the maximum height allowed in  
24 the base zoning district.  
25

26 **PART 17.** Section 25-2-742 (*South Shore Central Subdistrict Regulations*) is amended  
27 to add a new Subsection (G) to read:

- 28 (G) The maximum height is:  
29 (1) for structures located between the primary and secondary setback lines,  
30 the lower of 35 feet or the maximum height allowed in the base zoning  
31 district;  
32 (2) for structures located south of Riverside Drive between South Congress  
33 Avenue and East Bouldin Creek, the lower of 45 feet or the maximum  
34 height allowed in the base zoning district;  
35 (3) for structures located within 100 feet of the right-of-way of South  
36 Congress Avenue or South First Street, the lower of 60 feet or the  
37 maximum height allowed in the base zoning district; and

- 1 (4) for structures located in all other areas of the subdistrict, the lower of 96  
2 feet or the maximum height allowed in the base zoning district.  
3

4 **PART 18.** Section 25-2-743 (*Travis Heights Subdistrict Regulations*) is amended to add  
5 a new Subsection (E) to read:

6 (E) The maximum height is:

- 7 (1) for structures located between the shoreline of Lady Bird Lake and  
8 Riverside Drive, the lower of 45 feet or the maximum height allowed in  
9 the base zoning district; and  
10 (2) for structures located elsewhere in the subdistrict, the lower of 60 feet or  
11 the maximum height allowed in the base zoning district.  
12

13 **PART 19.** Section 25-2-744 (*University/Deep Eddy Subdistrict Regulations*) is amended  
14 to add a new Subsection (F) to read:

15 (F) The maximum height is the lower of 60 feet or the maximum height allowed in  
16 the base zoning district.  
17

18 **PART 20.** Section 25-2-745 (*Zilker Park Subdistrict Regulations*) is amended to add a  
19 new Subsection (E) to read:

20 (F) The maximum height is the lower of 45 feet or the maximum height allowed in  
21 the base zoning district.  
22

23 **PART 21.** City Code Section 25-5-143 (*Director's Report*) is amended to add a new  
24 Subsection (C) to read:

25 (C) If the site plan application includes property located within the Waterfront  
26 Overlay (WO) combining district, the director shall request a recommendation  
27 from the Waterfront Planning Advisory Board to be presented to the Land Use  
28 Commission with the director's report required under this section.  
29

30 **PART 22.** Subchapter E (*Design Standards and Mixed Use*) of City Code Chapter 25-2  
31 (*Zoning*) is amended to amend Subsection (B) of Section 1.2.4 (*Conflicting Provisions*) to  
32 read:

33 B. The following provisions supersede the requirements of this Subchapter to the  
34 extent of conflict:

- 35 1. The following provisions of Chapter 25-2:

- 1 a. Subchapter C, Article 3 (*Additional Requirements for Certain*  
2 *Districts*);
- 3 b. Subchapter C, Article 4 (*Additional Requirements for Certain*  
4 *Uses*);
- 5 c. Subchapter C, Article 10 (*Compatibility Standards*);
- 6 d. Provisions applicable to the Hill Country Roadways; and
- 7 2. Regulations applicable to a:
- 8 a. Barton Springs Zone overlay district;
- 9 b. Conditional overlay (CO) combining district;
- 10 c. Central urban redevelopment (CURE) combining district;
- 11 d. Neighborhood conservation (NC) combining district;
- 12 e. Neighborhood plan (NP) combining district;
- 13 f. Planned development area (PDA) combining district;
- 14 g. Planned unit development (PUD) district;
- 15 h. Waterfront overlay (WO) district [~~except that the redevelopment~~  
16 ~~provisions of this Subchapter in Sections 2.3.1., *Internal*~~  
17 ~~*Circulation Systems for Large Sites*, and 4.3., *Vertical Mixed Use*~~  
18 ~~*Buildings*, shall apply to the WO district)]; or~~
- 19 i. North Burnet/Gateway overlay (NB/GO) district.

20  
21 **PART 23.** Subchapter E (*Design Standards and Mixed Use*) of City Code Chapter 25-2  
22 (*Zoning*) is amended to amend Subsection (D) of Section 4.3.4 (*Development Bonuses*) to  
23 read:

- 24 D. Except for in the Barton Springs Zone or the Waterfront Overlay Combining  
25 District, impervious cover existing as of the effective date of this Subchapter  
26 may be retained for redevelopment purposes for VMU buildings no taller than  
27 60 feet and their accompanying structured parking, so long as the  
28 redevelopment meets current water quality standards and, for projects in the  
29 Drinking Water Protection Zone, the redevelopment incorporates the following  
30 measures to provide additional water quality benefits, pursuant to  
31 administrative rules to be developed by the Director of the Watershed  
32 Protection and Development Review Department:

- 33 1. Rainwater collection and reuse;

2. Pervious pavement;
3. Integrated pest management; and
4. Native and adapted landscaping.

**PART 24.** The council manager is directed to process code amendments necessary to implement Recommendation No. 4 in the Waterfront Overlay Task Force Final Report, attached as Exhibit A to Resolution No. 20090212-025, to establish a system for providing development bonuses in exchange for community benefits. The amendments may include, but are not limited to, the following divisions of City Code Chapter 25-2 (Zoning), Subchapter C (Use and Development Regulations): Division 6 (Waterfront Overlay District Requirements for Town Lake Park), Division 7 (Waterfront Overlay District and Subdistrict Uses), and Division 8 (Waterfront Overlay District Regulations).

Any system for providing development bonuses should address impervious cover.

*[endorsed by the Waterfront Overlay Task Force (7-2) and the Environmental Board (4-2)]*

~~**PART 25.** Division 5 (Planned Unit Developments) of City Code Chapter 25-2 (Zoning) is amended to add a new subsection M to Section 2.3.1 (Minimum Requirements) of Section 2.3 (TIER ONE REQUIREMENTS) of Subpart B (Planned Unit Development Standards) of Section 4.3.4 (Development Bonuses) to read:~~

~~(M) comply with the City's Waterfront Overlay if the property falls within the boundaries of the Waterfront Overlay and if the application for a Planned Unit Development was submitted after the effective date of this ordinance.~~

~~*[The inclusion of PUD's in the Waterfront Overlay was endorsed by the Waterfront Overlay Task Force (7-2) and the Environmental Board (4-2) and supported by comments of Zoning and Platting Commissioner Tiemann and Downtown Commissioner Guerrero. This language is offered by staff but was not specifically discussed by the boards or task force.]*~~

*add - in or on the water  
immediate implementation*