

Division 7. Waterfront Overlay District and Subdistrict Uses.

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

(A) This section applies to the waterfront overlay (WO) district, except for a community events use.

(B) A residential use that is permitted in an MF-6 or more restrictive base district is also permitted in an NO or less restrictive base district.

(C) A pedestrian-oriented use is a use that serves the public by providing goods or services and includes:

- (1) art gallery;
- (2) art workshop;
- (3) cocktail lounge;
- (4) consumer convenience services;
- (5) cultural services;
- (6) day care services (limited, general, or commercial);
- (7) food sales;
- (8) general retail sales (convenience or general);
- (9) park and recreation services;
- (10) residential uses;
- (11) restaurant (limited or general) without drive-in service; and
- (12) other uses as determined by the Land Use Commission.

(D) Pedestrian oriented uses in an MF-1 or less restrictive base district:

- (1) are permitted on the ground floor of a structure; and

(2) may be permitted by the Land Use Commission above the ground floor of a structure.

(E) A determination by the Land Use Commission under Subsection (D)(1) may be appealed to the council. For the City Hall subdistrict, a determination by the Land Use Commission under Subsection (C)(11) may be appealed to council.

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

(G) This subsection applies to the Auditorium Shores subdistrict, except for a community events use.

(1) Not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

(2) Use of the area between the primary setback line and the secondary setback line is limited to:

(a) cultural services;

(b) day care services;

(c) park and recreation services;

(d) food sales; and

(e) restaurant (limited) without drive-in service.

(H) In the Butler Shores subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

Division 8. Waterfront Overlay District and Subdistrict Development Regulations.

Subpart A. General Provisions.

§ 25-2-710 GOALS AND POLICIES.

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

(A) Ensure that zoning decisions in the Colorado River corridor achieve the highest degree of land use compatibility by:

1. eliminating industrial uses from the confluence of Longhorn Dam;
2. phasing out resource extraction;
3. providing the public visual and physical access to the Colorado River.

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

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

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

Source: Ord. 20090611-074.

§ 25-2-711 APPLICABILITY.

(A) This division applies in the waterfront overlay (WO) combining district.

(B) The requirements of this division do not apply to:

- (1) a community events use; or
- (2) the construction or reconstruction of existing or proposed development for which:
 - (a) a building permit was issued before July 18, 1986;

- (b) a certificate of occupancy was issued before July 18, 1986;
 - (c) a site plan was approved before July 17, 1986, including a phased project or a special permit site plan;
 - (d) a site plan was filed with the City before July 17, 1986 as a condition of zoning, and the site plan was previously approved by the council or Town Lake Task Force; or
 - (e) building plans were filed with the City before July 17, 1986.
- (C) The requirements of this division supersede the other provisions of this title, to the extent of conflict.

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

§ 25-2-712 DEFINITIONS.

In this part:

- (1) BASEWALL means the vertical surface of a building beginning at the finished grade up to a level defined by a setback or an architectural treatment, including a cornice line or similar projection or demarcation, that visually separates the base of the building from the upper portion of the building.
- (2) BOARD means the Waterfront Planning Advisory Board.
- (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.

§ 25-2-713 VARIANCES.

(A) An applicant may submit a request for a variance from the following requirements to the Waterfront Planning Advisory Board for review:

- (1) Section [25-2-692](#) (*Waterfront Overlay (WO) Subdistrict Uses*);
- (2) Section [25-2-721](#) (*Waterfront Overlay (WO) Combining District Regulations*); or
- (3) Subpart C (*Subdistrict Regulations*), except that no variance may be granted from restrictions on maximum height.

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

- (1) the proposed project and variance are consistent with the goals and policies of the Town Lake Corridor Study, including environmental protection, aesthetic enhancement, and traffic; and
- (2) the variance is the minimum required by the peculiarities of the tract.

(C) The following requirements apply if the board recommends approval of a variance under Subsection (B) of this section:

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

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

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

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

Source: Section 13-2-704; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11; Ord. 20070607-096; Ord. 20090611-074.

§ 25-2-714 ADDITIONAL FLOOR AREA.

(A) In the WO combining district, a structure may exceed the maximum floor area permitted in the base district as provided by this section.

(1) Additional floor area under Subsection (B) is limited to 60 percent of the base district maximum.

(2) Additional floor area under Subsection (C), (D), (E), (F), (G), (H), or (I) is limited to 20 percent of the base district maximum.

(3) Total additional floor area under this section is limited to 60 percent of the base district maximum.

(B) For a structure in a neighborhood office (NO) or less restrictive base district, floor area for a residential use is permitted in addition to the maximum floor area otherwise permitted.

(C) For a structure in a multifamily residence limited density (MF-1) or less restrictive base district, floor area for pedestrian-oriented uses is permitted in addition to the maximum floor area otherwise permitted, if the pedestrian-oriented uses are on the ground floor of the structure and have unimpeded public access from a public right-of-way or park land. The pedestrian-oriented uses required under Sections [25-2-692 \(Waterfront Overlay \(WO\) Subdistrict Uses\)](#) and [Subpart C \(Subdistrict Regulations\)](#) are excluded from the additional floor area permitted under this subsection.

(D) Except in the North Shore Central subdistrict:

(1) an additional one-half square foot of gross floor area is permitted for each one square foot of gross floor area of a parking structure that is above grade; and

(2) an additional one square foot of gross floor area is permitted for each one square foot of a parking structure that is below grade.

(E) Additional gross floor area is permitted for each existing Category A tree, as determined by the Watershed Protection and Development Review Department's tree evaluation system, that is either left undisturbed or transplanted under the supervision of the city arborist.

(1) A tree is considered undisturbed under this subsection if the area within a circle centered on the trunk with a circumference equal to the largest horizontal circumference of the tree's crown is undisturbed.

(2) A tree may be transplanted off-site if the Land Use Commission determines that the character of the site is preserved and approves the transplanting.

(3) The permitted additional gross floor area is calculated by multiplying the undisturbed area described in Subsection (E)(1) by the base district height limitation and dividing the product by 12.

(F) Additional gross floor area is permitted for land or an easement dedicated to the City for public access to Town Lake or the Colorado River. The additional gross floor area is calculated by multiplying the square footage of the access area by the height limitation applicable to the property and dividing the product by 12.

(G) Additional gross floor area is permitted for land that is restricted to create a side yard or restricted public access to Town Lake, the Colorado River, or a creek. The additional gross floor area is calculated by multiplying the square footage of the restricted area by the height limitation applicable to the property and dividing the product by 12.

(H) An additional one square foot of gross floor area is permitted for each one square foot of area restricted to create a scenic vista of Town Lake, the Colorado River, or a creek.

(I) For a proposal to develop less than the maximum allowable impervious cover, an additional one square foot of gross floor area is permitted for each one square foot of impervious cover less than the allowable maximum.

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

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

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

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

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

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

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

(B) The board shall consider a request for review and recommendation under Subsection (A) at the earliest meeting for which notice can be timely provided and shall base its recommendation on the goals and policies of the Town Lake Corridor Study.

(C) Copies of administrative site plans submitted within the Waterfront Overlay shall be provided to the board to assist in maintaining a comprehensive understanding of all development activity affecting the waterfront. Review and recommendation under Subsection (A) is not required for administrative site plans.

(D) The board shall review a request for a variance from regulations applicable to the Waterfront Overlay combining district as required under Section [25-2-713](#) (*Variances*).

Source: Ord. 20090611-074.

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 Waterfront Planning Advisory 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 board fails to make a recommendation as required under Section [25-2-715](#) (*Review and Recommendation of the Waterfront Planning Advisory Board*), the Land Use Commission may approve or deny the site plan without a recommendation.

(4) The Land Use Commission shall request a recommendation from the Environmental Board before approving or denying a site plan within the Waterfront Overlay combining district and shall consider the recommendation provided by the board. If the Environmental Board fails to make a recommendation, the Land Use Commission may approve or deny the site plan without a recommendation.

(B) In a primary setback area:

(1) except as otherwise provided in this subsection, parking areas and structures are prohibited; and

(2) park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions, are permitted if:

(a) the park facilities are located on public park land; and

(b) the impervious cover does not exceed 15 percent.

(C) In a secondary setback area:

(1) fountains, patios, terraces, outdoor restaurants, and similar uses are permitted; and

(2) impervious cover may not exceed 30 percent.

(D) This subsection provides requirements for parking areas.

(1) Surface parking:

(a) must be placed along roadways, if practicable; and

(b) must be screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part.

(2) A parking structure that is above grade:

(a) must be on a pedestrian scale and either architecturally integrated with the associated building or screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part; and

(b) if it is adjacent to Town Lake, the Colorado River, park land, or a creek named in this part, it must incorporate pedestrian oriented uses at ground level.

(3) Setback requirements do not apply to a parking structure that is completely below grade.

(E) This subsection provides design standards for buildings.

(1) Exterior mirrored glass and glare producing glass surface building materials are prohibited.

(2) Except in the City Hall subdistrict, a distinctive building top is required for a building that exceeds a height of 45 feet. Distinctive building tops include cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes. To the extent required to comply with the requirements of [Chapter 13-1, Article 4](#) (*Heliports and Helicopter Operations*), a flat roof is permitted.

(3) Except in the City Hall subdistrict, a building base wall 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 base wall 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.

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 1,200 feet landward from the Town Lake shoreline.

(C) The secondary setback line is the northern boundary of public right-of-way of Barton Springs Road.

(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 base walls.

(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.

§ 25-2-733 BUTLER SHORES SUBDISTRICT REGULATIONS.

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

(2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.

(3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.

(F) For a structure on property adjacent to and oriented toward Barton Springs Road, a building basewall is required, with a maximum height of:

- (1) 45 feet, if north of Barton Springs Road; or
- (2) 35 feet, if south of Barton Springs Road.

(G) That portion of a structure built above the basewall and oriented towards Barton Springs Road must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Barton Springs Road.

(H) The maximum height is:

(1) for structures located north of Barton Springs Road, the lower of 96 feet or the maximum height allowed in the base zoning district; and

(2) for structures located south of Barton Springs Road, the lower of 60 feet or the maximum height allowed in the base zoning district.

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

Waterfront Overlay Districts and Waterfront Setbacks



← Coq Pith and But

← Bike Shop

← Peter Pan

→ McDonald's



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Geospatial Data Management & Analysis

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Waterfront Overlay Districts

Waterfront Setbacks

Primary

Secondary

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		Properties Stay in Auditorium Shores Subdistrict			Properties Move to Butler Shores Subdistrict				WPAB Motion		
	Current Zoning	Max Height	Max Impervious Cover	Current Uses Allowed	Max Height	Max Impervious Cover	Uses Allowed	Additional Regulations	Max Height	Max Impervious Cover	Uses Allowed
Bike Shop	CS-V and CS-1-V		30%	cultural services; day care services; park and recreation services; food sales; restaurant (limited) without drive-in service.	60 ft (the lower of 96 feet or the maximum height allowed in the base zoning district)	95%	All permitted by base zoning district	35 ft setback where parking areas and structures are prohibited	60 ft (lower of 60 feet or the maximum height allowed in the base zoning district)	60%	TBD
McDonald's	CS-V	60 ft (lower of 60 feet or the maximum height allowed in the base zoning district)	95%	All permitted by base zoning district	60 ft (lower of 60 feet or the maximum height allowed in the base zoning district)	95%	All permitted by base zoning district	35 ft setback where parking areas and structures are prohibited	60 ft (lower of 60 feet or the maximum height allowed in the base zoning district)	95%	All permitted by base zoning district
Peter Pan Mini Golf	CS	60 ft (lower of 60 feet or the maximum height allowed in the base zoning district)	95%	All permitted by base zoning district	60 ft (lower of 60 feet or the maximum height allowed in the base zoning district)	95%	All permitted by base zoning district	35 ft setback where parking areas and structures are prohibited	60 ft (lower of 60 feet or the maximum height allowed in the base zoning district)	95%	All permitted by base zoning district