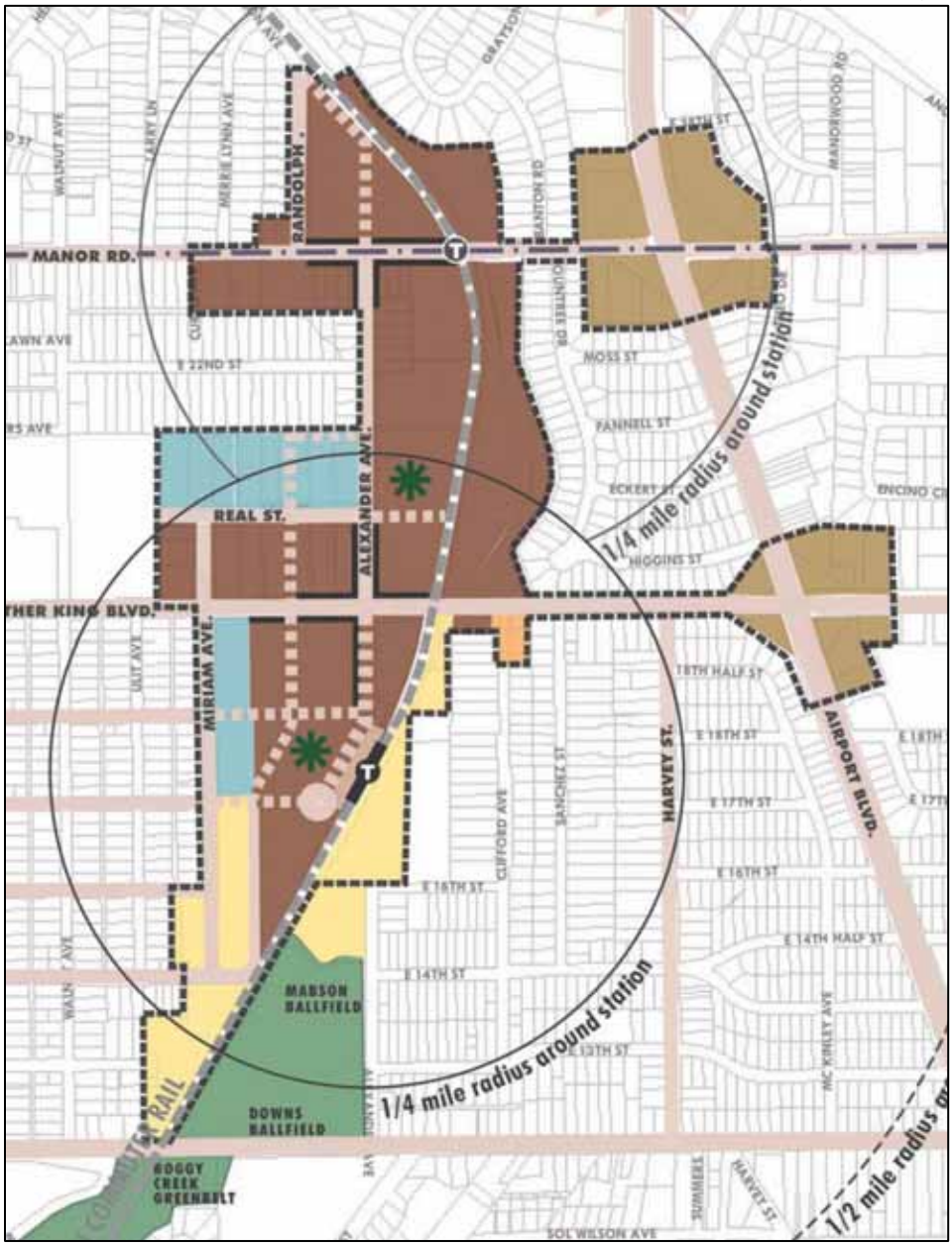
REGULATING PLAN
for the
MLK TOD Station Area Plan (SAP)



Approved: March 12, 2009
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REGULATING PLAN
for the
MLK TOD Station Area Plan (SAP)

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BACKGROUND

Transit-oriented Development (TOD) is an increasingly popular tool for cities across the U.S. to create more livable communities and combat urban sprawl, which has a number of negative cultural, economic, environmental, and social consequences that are felt in both urban and suburban areas. Sprawl can threaten the quality of life in the central City and inner suburbs due to the risk of deteriorating infrastructure, poor schools, and a shortage of affordable, quality housing. In newer suburban areas, sprawl can cause increased traffic congestion and declining air quality, the absence of a sense of place, and the loss of open space. Since the mid-1990s, the City of Austin has taken steps to redirect Austin's explosive growth away from suburban areas back towards the central City and improve development patterns through a number of land use and planning initiatives.

In response to future commuter rail service connecting the cities of Austin and Leander (approved by voters in the November 2004 election), Austin recently made another direct commitment towards guiding where and how the City grows by adopting a Transit-Oriented Development (TOD) Ordinance (adopted by the City Council in May 2005). TOD is the functional integration of land use and transit. It is compact, walkable, mixed-use development connected to high quality public transportation, which balances the need for sufficient density to support convenient transit service with the scale of the adjacent community. Typical features include improved pedestrian and street connectivity, public amenities such as pocket parks and plazas, civic art, landscaping, benches, streetlights, etc., and a concentration of residences and jobs in proximity to transit stations and commercial businesses.

The adoption of the TOD Ordinance was the first of a two-step planning process. The TOD Ordinance identified the TOD district boundaries for the Station Areas along with interim regulations relating to land use, parking, and site/building design. The second step involves creating a development vision, plan, and implementation strategy for each of the TOD Station Areas. Station Area Plans (SAP) have been created for the three Neighborhood Center TOD Districts identified in the TOD Ordinance for the Plaza Saltillo, Martin Luther King Jr. Boulevard, and Lamar Boulevard/Justin Lane Station Areas. This Document is intended to implement the MLK TOD Station Area Plan as part of an overall effort to improve the development quality in Austin and to specify the regulations for the TOD base district zoning that all properties have within the MLK TOD Station Area. For properties within the MLK TOD District, this Document will supersede Subchapter E: Design Standards and Mixed Use (Subchapter E), which applies Citywide; however, the intent statements and standards within this Document are consistent with the development and design principles of Subchapter E.

HOW TO USE THIS DOCUMENT

Applicability Is Based on TOD District and Adjacent Roadway Type

The regulations in this Document are primarily organized by the TOD Subdistrict applicable to the property in question along with the types of streets that abut it. The MLK Station Area Plan identifies five TOD Subdistricts, which are described in this Document. Land uses and general design standards are based upon the applicable TOD Subdistrict.

As in Subchapter E: Design Standards and Mixed Use, this Document recognizes that development should reflect and respond to the character of its location within the City, in this case the MLK TOD area. For example, a commercial development in a suburban location can (and often should) look and function differently than a commercial development near downtown Austin. Because roadways provide both access to a site and define the urban design framework of the City, roadway types have been used as an organizing tool to establish many of the TOD development standards in this Document. This approach is intended to provide a consistent regulatory approach between Subchapter E and this Document and to help ensure a cohesive development pattern along Austin's streets and remove some of the inconsistency that arises from having a variety of zoning districts and development standards fronting a single roadway.

Because many of the standards in this Document are defined based on the TOD Subdistrict and roadway type(s), an important first step in the development process is to identify them. The size of the site and the type of development (residential, commercial, mixed use, etc.) also need to be considered, since different standards may apply. The applicability chart in Article 1 summarizes the applicability of all the standards in this Document, based on the TOD Subdistrict, type of adjacent roadways, and development activity.

The five TOD Subdistricts in the MLK Jr. Blvd. TOD Station Area are:

TOD Low Density Residential allowing higher density single-family residential development and lower density multifamily development, which could include attached single-family homes, townhomes, and duplexes.

TOD Medium Density Residential allowing multi-family residential development, which could include condominiums, townhomes, and apartment buildings.

TOD Live/Work Flex allowing medium density residential development with or without commercial or light manufacturing space within the same structure. Structures could include a typical mixed use building or be entirely residential development such as apartment buildings or condominiums.

TOD Mixed Use allowing the highest level of development activity in the TOD, ideally with a mix of ground floor commercial or other active uses with residential, commercial and/or office uses on the upper floors.

TOD Corridor Mixed Use allowing the widest variety of uses in the TOD, a moderately high level of development activity, and the ability to mix uses either within separate structures on the site or within the same building on the site.

The boundaries of the MLK Station Area and the five Subdistricts are shown on the **Land Use and Design Concept Plan Map in Figure 2-1.**

Using Subchapter E as a model, the following three types of roadways are applicable to the MLK TOD covered by this Document:

TOD Core Transit Corridors include roadways within the MLK TOD Station Area that have or will have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use. They have a high level of visibility and offer some of the best locations for retail service activity. The TOD Core Transit Corridor designations in this Document were informed by the Core Transit Corridor designations in Subchapter E and the Station Area Planning process. Within the boundaries of the MLK Station Area, TOD Core Transit Corridors are the designated portions of the following roadways:

- Manor Road (does not include the narrow linear TOD extension along Manor Road. right-of-way that connects eastward to the intersection of Manor Road and Airport Blvd.)
- MLK Jr. Boulevard (does not include the narrow linear TOD extension along MLK Jr. Blvd. right-of-way that connects eastward to the intersection of MLK Jr. Blvd. and Airport Blvd.)
- Airport Boulevard (at the intersections with Manor Rd. and MLK Jr. Blvd)

TOD Pedestrian Priority Streets include roadways which are essential for providing appropriate pedestrian circulation within the Station Area. TOD Pedestrian Priority Streets typically lead directly to the transit stop or form a key part of the pedestrian network that leads to it. TOD Pedestrian Priority Streets, together with TOD Core Transit Corridors, form an interconnected street network to ensure that adequate access is provided throughout the Station Area for all modes of travel. Within the boundaries of the MLK Station Area, TOD Pedestrian Priority Streets are the designated portions of the following roadways:

- Alexander Avenue
- A future extension of E. 17th Street east of Miriam Avenue
- A potential future extension of Real Street east of Alexander Avenue.
- E. 12th Street (there is a single property at the southern tip of the TOD District west of the railroad tracks whose southern property line is E. 12th St. The portion of E. 12th St. that abuts this property line shall be considered a TOD Pedestrian Priority Street for the purposes of this Document. This will lend consistency along E. 12th St. with Subchapter E: Design Standard and Mixed Use, which has designated the adjacent portions of E. 12th St. an Urban Roadway.)

TOD Local Streets are all other existing and future streets located within the MLK Station Area, excluding smaller circulation routes like alleys. These streets form the finer grained network of streets that complement the transportation framework created by TOD Core Transit Corridors and Pedestrian Priority Streets. Any new street in the Station Area that does not have TOD Core Transit Corridor or a Pedestrian Priority Street designation, regardless of whether or not it is depicted on the Circulation Concept Plan, will be designated a TOD Local Street for the purpose of applying the standards in this Document.

The three roadway types are shown on the MLK TOD **Circulation Concept Plan Map in Figure 3-4.** It is important to note that potential new TOD Pedestrian Priority and Local Streets are conceptually illustrated to show the intended frequency of such routes and their preferred alignment according to the MLK Station Area Plan, but the actual placement will be determined during the site plan or subdivision process.

How This Document is Organized

This Document is divided into six Articles.

Article 1 includes **General Provisions** that should be reviewed for all properties in the TOD District, including criteria establishing when the TOD Design Standards apply.

This Article also encourages creativity and innovative design by allowing an applicant to propose an alternative approach to meeting the standards of the Document through the "alternative equivalent compliance" provision.

Article 2 includes **Land Use and Building Density** requirements. Standards in this Article address the following:

- Permitted, conditional, and prohibited uses; and
- Development density

Article 3 includes **Circulation, Connectivity, and Streetscape** requirements. Standards in this Article address the following:

- Sidewalks;
- On-street parking; and
- On-site circulation and off-site connectivity

Article 4 includes **Site Development Standards** intended to ensure that buildings relate appropriately to surrounding developments and streets, promote efficient on-site pedestrian and vehicle circulation, and provide adequate parking in safe and appropriate locations. In particular, standards in this Article address the following:

- General development standards;
- Development bonuses;
- Relationship of buildings to streets and walkways;
- Off-street parking;
- Exterior lighting
- Screening of equipment and utilities;
- Signage;
- Green infrastructure;
- Private common open space and pedestrian amenities;
- Public open space; and
- Drive-through facilities.

Article 5 includes **Building Design Standards** intended to address the physical appearance of buildings subject to this Document. Included are standards to:

- Building entrances;
- Window glazing;
- Shade and shelter;

- Building façade treatment; and
- Ground floor treatment of buildings along an active edge.

Article 6 includes **Definitions** for terms used in this Document.

ARTICLE 1: GENERAL PROVISIONS

1.1. GENERAL INTENT

This Document addresses the physical relationship between development and adjacent properties, streets, neighborhoods, and the natural environment in order to implement the MLK TOD Vision to integrate land use and urban design with transit. The general purposes of this Document are:

1.1.1. To promote the Vision for the MLK TOD Station Area Plan;

1.1.2. To promote TOD principles intended to successfully integrate land use and transit by providing greater density than the community average, a mix of uses, and a quality pedestrian environment around a defined center;

1.1.3. To provide appropriate standards to ensure a high quality appearance for development and redevelopment within the MLK TOD and promote pedestrian-friendly design while also allowing for individuality, creativity, and artistic expression;

1.1.4. To improve the area's access to high quality transit services and create an environment that promotes walking and cycling;

1.1.5. To enhance neighborhoods by encouraging physical development that is of high quality and is compatible with the character and scale of the surrounding area;

1.1.6. To encourage development and redevelopment that relates to and connects with adjoining streets, transit, bikeways, pathways, open spaces, and neighborhoods;

1.1.7. To encourage development that serves people of all incomes and ages and provides a safe and welcoming environment for all types of households.; and

1.1.8. To provide a set of standards that are clear and consistent throughout the TOD to facilitate development, redevelopment, and property assembly, in addition to being flexible and responsive to market conditions and fluctuations.

1.2. APPLICABILITY

1.2.1. General Applicability

This Document applies to all development within the MLK TOD District as shown in Figure 1-1. All properties in the MLK TOD District are designated with a TOD base zoning district. This Document sets forth the regulations for the MLK Station Area TOD base zoning. The relevance of the regulations in Articles 2 through 5 will vary based upon the TOD Subdistrict that applies to a specific piece of property and the type of roadway(s) that is adjacent to it. Figures 1-2 and 1-3 summarize the applicability of each Article and section of this Document.

Figure 1-1: MLK TOD Station Area Boundary



Figure 1-2: Applicability Summary Table – Land Use and Building Density, General Development Standards, Development Bonuses, and Parkland Dedication

Section:	Standard:	Application:
Article 2 Land Use and Building Density:		
2.3 TOD Subdistricts	All standards	All properties in the MLK TOD District shall comply with the standards in this section
Article 4 Site Development Standards:		
4.2 General Development Standards	All standards	All properties in the MLK TOD District shall comply with the standards in this section
4.3 Development Bonuses	4.3.2 Density Bonus	All properties or portions of properties in the Live/Work Flex, TOD Mixed Use, and Corridor Mixed Use Subdistricts are eligible for a density bonus.
	4.3.3 Density & Height Bonus	All properties or portions of properties in the TOD Mixed Use Subdistrict are eligible for a density and height bonus (if base height is less than 60 feet).
4.11 Public Parks and Trails	Parkland Dedication	All development subject to the Parkland Dedication Ordinance (LDC Article 14 Section 25-2-601)

Figure 1-3: Applicability Summary Table – TOD Design Standards
(see Subsection 1.2.3 for general applicability of TOD Design Standards)

Section:	Standard:	Applies to:	Application Details:
Article 3 Circulation, Connectivity, and Streetscape:			
3.3 Sidewalk Standards	All standards	All development	Requirement must be met on all adjacent roadway types
3.4 On-street Parking	All standards	Optional for all development	
3.5 Connectivity and Circulation	3.5.2 Project Circulation Plan	All projects adding a street(s)	Refer to definition of "street" in Article 6
	3.5.3 Block Standards	All development	
	3.5.4 Curb-cut Spacing Standards	All development	
	3.5.5 Curb-cut Dimensional Standards	All development	
	3.5.7 Pedestrian, Bicycle, and Vehicular Connectivity	All development	
Article 4 Site Development Standards:			
4.4 Relationship of Buildings to Streets and Walkways	4.4.3 Building Placement	All development	-Required along the principal street -Corner site provisions apply
	4.4.4 Supplemental Zones	Optional for all development	-Basic Standard for all roadway types -Separate Active Edge standard

Figure 1-3: Applicability Summary Table – TOD Design Standards (cont.)
(see Subsection 1.2.3 for general applicability of TOD Design Standards)

Section:	Standard:	Applies to:	Application Details:
Article 4 Site Development Standards (cont.):			
4.5 Off-street Parking	All standards	All development	Requirement must be met on all adjacent roadway types
4.6 Exterior Lighting	All standards	All development except: single family, single family attached, duplex, two-family, and townhouse development	Requirement must be met on all adjacent roadway types
4.7 Screening of Equipment and Utilities	All standards	All development except local utility services, electric service transformers within the right-of-way, and telecommunications towers	Requirement must be met on all adjacent roadway types
4.8 Sign Regulations	All standards	All development	Requirement must be met on all adjacent roadway types
4.9 Green Infrastructure	All standards	All development except: single family, single family attached, duplex, two-family, and townhouse development	
4.10 Private Common Open Space and Pedestrian Amenities	All standards	All development sites larger than two acres	Projects that utilize a density and/or density & height bonus are exempt from this requirement
4.12 Drive-through Facilities	All standards	Development in the Corridor Mixed Use Subdistrict as specified in Subsection 2.3.8	
Article 5 Building Design Standards:			
5.3 Building Entrances	5.3.1 Building Entrance Standards for Pedestrians	All development	-Required along the principal street and active edges -Corner site provisions apply
	5.3.2 Building Entrance and Exit Standards for Vehicles	All development except: single family, single family attached, duplex, two-family, and townhouse development and emergency service facilities	Corner site provisions apply
5.4 Window Glazing	5.4.3 Window Glazing Standards	All mixed use and non-residential development and development along an active edge	-Required along the principal street -Corner site provisions apply -Exemptions include: building facades facing loading areas, rear service areas, or facades adjoining other buildings (attached to more than 50 percent of the sidewall)
		Development containing only residential units not along an active edge except: single family, single family attached, duplex, two-family, and townhouse development	-Required along the principal street -Same exemptions as above

Figure 1-3: Applicability Summary Table – TOD Design Standards (cont.)
(see Subsection 1.2.3 for general applicability of TOD Design Standards)

Section:	Standard:	Applies to:	Application Details:
Article 5 Building Design Standards (cont.):			
5.5 Shade and Shelter	All standards	All mixed use and non-residential development and development along an active edge	Required along the principal street and along parking adjacent to a building facade
5.6 Building Façade Articulation	All standards	Building facades greater than 100 feet in length	Required along the principal street
		Building facades, or portions of building facades, greater than 40 feet in length	Requirement must be met on all building facades adjacent to any roadway type
5.7 Active Edges	All standards	Development along an active edge designation	Specific use and design requirements apply

1.2.2. Land Use, Density, General Development Standards, Development Bonuses, and Parkland Dedication

A. All properties in the MLK TOD District are subject to the following Articles and Sections of this Document (see Figure 1-2):

1. Article 2, Land Use and Density;
2. Section 4.2, General Development Standards;
3. Section 4.3, Development Bonuses; and
4. Section 4.11, Public Parks and Trails

1.2.3. TOD Design Standards

A. For purposes of applying the design standards in this Document, TOD Design Standards are (see Figure 1-3):

1. Article 3, Circulation, Connectivity, and Streetscape;
2. Article 4, Site Development Standards (except Section 4.2, General Development Standards, Section 4.3, Development Bonuses, and Section 4.11, Public Parks and Trails); and
3. Article 5, Building Design Standards.

B. General Exemptions from the TOD Design Standards

The following types of development are exempt from the TOD Design Standards of this Document:

1. Development that does not require a site plan under Chapter 25-5-2(B), (C), (E), (F), (G), (H), (I), or (J);
2. Interior remodeling of a building, including interior additions; and
3. Development for which public access is prohibited due to health, safety, public security, and welfare reasons.

C. Full Compliance

Except as provided in Subsections B and D, if a particular standard of this Document is applicable to development on a particular site, then that standard shall be applicable to the following activity:

1. New construction on previously undeveloped land; and
2. New construction and site development, including improvements, where all existing buildings have or will be completely demolished or rendered unusable as determined by the Director, and
3. Any new freestanding building added to a site with existing development.

D. Partial Exemptions

For a project that is not subject to Subsections B and C above, the Director shall determine which standards of this Document apply to the project, or a portion of the project, in accordance with the following requirements:

1. The portion of the project where new buildings are constructed or existing buildings are expanded must comply with Section 4.6 (Exterior Lighting), Section 4.7 (Screening of Equipment and Utilities), and the applicable sidewalk requirements in Section 3.3 (Sidewalk Standards).
2. The portion of the project where new buildings, exterior additions to existing buildings, and remodeled facades are constructed must comply with the requirements of Article 5 (Building Design Standards).
3. Subject to the requirements in Paragraphs a-c of this subsection, all new buildings and additions to existing buildings must comply with the applicable building placement requirements in Section 4.4:

    a. Full compliance with building placement requirements is required unless the Director determines that it cannot be achieved due to:

        (i) The location of existing buildings or other improvements to be retained on the site;
        (ii) The size or magnitude of the proposed addition;
        (iii) The nature of a use to be included in a proposed addition to an existing building that limits placement of that use on the site;
        (iv) Topography, protected trees, or critical environmental features; or
        (v) The location of water quality or detention facilities.

    b. An applicant must carry the burden of establishing that full compliance with building placement requirements cannot be achieved under the criteria in Paragraph a. and must provide all information requested by the Director.
    c. If the Director determines that full compliance cannot be achieved based on the criteria in Paragraph a, an applicant must comply with the building placement requirements to the extent possible.

1.2.4. Exemption from Subchapter E of the Land Development Code

For the area within the MLK TOD District (Figure 1-1), this Document shall control and supersedes all standards and regulations in Chapter 25-2 Document E: Design Standards and Mixed Use.

1.2.5. Conflicting Provisions

If the provisions of this Document are inconsistent with provisions found in other adopted codes, ordinances, or regulations of the City of Austin, this Document shall control unless otherwise expressly provided.

1.2.6. Accessibility

Accessibility, integration and inclusion of people with disabilities are fundamental components of our vision for the future of the City of Austin. This Document shall not supersede any applicable state or federal accessibility statutes and regulations. Administration and enforcement of this Document shall comply with all such statutes and regulations.

1.2.7. State and Federal Facilities

Compliance with the standards of this Document at all state and federal facilities is strongly encouraged so that the TOD Vision for the MLK Station Area is supported and reinforced.

1.3. REVIEW PROCESS

1.3.1. Standards Applicable During Subdivision Plan Review

The standards contained in the following sections of this Document shall be applied in the normal review process for subdivision plans as set forth in Chapter 25-4 of the Austin Code:

A. Article 2, Land Use and Building Density;

B. Section 3.5, Connectivity and Circulation

C. Section 4.2, General Development Standards;

D. Section 4.10, Private Common Open Space and Pedestrian Amenities; and

E. Section 4.11, Public Parks and Trails

In addition to meeting the review criteria specified in Chapter 25-4, each subdivision plan application shall evidence compliance with the standards listed above.

1.3.2. Standards Applicable During Site Plan Review

The standards contained in the following sections of this Document shall be applied in the normal review process for site plans as set forth in Chapter 25-5 of the Austin Code:

A. Article 2, Land Use and Building Density;

B. Article 3, Circulation, Connectivity, and Streetscape;

C. Article 4, Site Development Standards; and

D. Section 5.5, Shade and Shelter

In addition to meeting the review criteria specified in Chapter 25-5, each site plan application shall evidence compliance with the standards listed above.

1.3.3. Standards Applicable During Building Permit Review

The standards contained in the following sections of this Document shall be applied in the normal review process for building permits as set forth in Chapter 25-11 of the Austin Code:

A. Section 4.6, Exterior Lighting (for fixtures affixed to buildings);

B. Section 4.7, Screening of Equipment and Utilities (for fixtures affixed to buildings); and

C. Article 5, Building Design Standards.

In addition to meeting the review criteria specified in Chapter 25-11, each building permit application shall evidence compliance with the standards listed above.

1.4. ALTERNATIVE EQUIVALENT COMPLIANCE

1.4.1. Purpose and Scope

To encourage creative and original design, and to accommodate projects where the particular site conditions or the proposed use prevent strict compliance with this Document, alternative equivalent compliance allows development to occur in a manner that meets the intent of this Document, yet through an alternative design that does not strictly adhere to the Document's standards. The procedure is intended to be used for relief from a specific design standard or standards, and it is not a general waiver of regulations.

1.4.2. Applicability

The alternative equivalent compliance procedure shall be available only for the following sections of this Document:

A. Section 3.3 - Sidewalk Standards;

B. Section 3.4 – On-street Parking;

C. Section 3.5 Connectivity and Circulation;

D. Section 4.4 - Relationship of Buildings to Streets and Walkways;

E. Subsection 4.5.5 - Parking Design Standards

F. Section 4.6 - Exterior Lighting;

G. Section 4.7 - Screening of Equipment and Utilities;

H. Section 4.8 – Sign Regulations

I. Section 4.9 – Green Infrastructure

J. Section 4.10 – Private Common Open Space and Pedestrian Amenities;

K. Section 4.12 – Drive-through Facilities; and

L. Article 5 - Building Design Standards.

1.4.3. Procedure

The applicant may select at his or her discretion whether to seek an informal recommendation or a formal approval on a proposal for alternative compliance.

A. Option One: Informal Recommendation

1. Pre-Application Conference Required

If an applicant desires only an informal response and recommendation as to a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development. At the conference, the applicant shall provide a written summary of the project and the proposed alternative compliance, and the Director shall offer an informal, non-binding response and recommendation regarding the appropriateness of the proposed alternative. Based on that response, the applicant may prepare a site plan and/or building permit application that proposes alternative compliance, and such application shall include sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested.

2. Decision-Making Responsibility

Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. The final decision-making body for site plans is the either the Director or the appropriate Land Use Commission, as specified in Chapter 25-5, and the building official for building permits.

B. Option Two: Formal Decision

1. Pre-Application Conference

If an applicant desires formal approval of a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development.

2. Alternative Compliance Concept Plan Required

At least ten days prior to the pre-application conference, the applicant shall submit an alternative compliance concept plan application to the Director, which shall include:

a. A written description of and justification for the proposed alternative method of compliance, specifically addressing the criteria in Subsection 1.4.4; and

b. A concept plan that describes and illustrates, in written and graphic format, the intended locations and quantities of proposed buildings on the site, the layout of proposed vehicle and pedestrian access and circulation systems, and areas designated to meet requirements for open space, parking, on-site amenities, utilities, and landscape. The concept plan shall describe the site's topography and shall provide a general description of environmental characteristics to assist in determining compliance with this Document. If alternative compliance is requested from the standards of Article 5 Building Design Standards, the concept plan also shall include descriptions and illustrations of the proposed

building design elements that would not comply with the standards of this Document.

3. Decision by Director

The Director, in coordination with the Urban Design Division in the Neighborhood Planning and Zoning Department, shall review the concept plan for compliance with the criteria in Subsection 1.4.4 and shall approve, approve with conditions, or deny the concept plan in writing.

4. Expiration of Alternative Compliance Concept Plans

a. An approved alternative compliance concept plan shall expire if three years pass following its approval and no building permit that implements the concept plan has been issued.

b. One, one-year extension may be issued by the Director provided that a written request has been received prior to the expiration of the concept plan, and the Director has determined that no major changes in the City's development standards, or changes in the development pattern of the surrounding properties, have occurred.

5. Effect of Approval

Written approval of an alternative compliance concept plan does not authorize any development activity, but rather authorizes the applicant to prepare a site plan and/or building permit application that incorporates the approved alternative compliance, and authorizes the decision-making body (either the Land Use Commission or the Director for site plans, and the building official for building permits) to review the site plan and/or building permit application for compliance with the alternative compliance concept plan, in addition to all other applicable requirements. The site plan and/or building permit application shall include a copy of the approved alternative compliance concept plan.

6. Amendments to Alternative Compliance Concept Plans

a. Minor amendments to any approved alternative compliance concept plan may be approved, approved with conditions, or denied administratively by the Director. For purposes of this provision, minor amendments are those that do not result in:

(i) An increase of 10 percent or more in the amount of square footage of a land use or structure;

(ii) A change in the types of uses in the project;

(iii) An increase or decrease of 20 percent or more in the number of dwelling units in the project; or

(iv) A change that would bring the project out of compliance with any requirement or regulation set forth in the City Code outside this Document unless a variance to or waiver from such requirement or regulation is obtained.

b. Amendments that are not determined by the Director to be minor amendments under Subsection a. above shall be deemed major amendments. The applicant may seek approval of a major amendment by re-submitting the original approved plan along with the proposed amendment to the Director for review in the same manner prescribed in Subsection B.2. above.

c. If any site plan and/or building permit application includes a major amendment from the terms of the approved concept plan that has not been approved by the Director, the concept plan shall be void and the application shall be reviewed for compliance with the standards of this Document and all other applicable requirements.

1.4.4. Criteria

Alternative equivalent compliance may be approved only if the applicant demonstrates that the following criteria have been met:

A. The proposed alternative will perform as well or better than the standard or standards being modified and achieves the intent of the subject Article of this Document from which the alternative is sought; or

B. The proposed alternative achieves the intent of the subject Article of this Document from which the alternative is sought to the maximum extent practicable and is necessary because:

1. Physical characteristics unique to the subject site (such as, but not limited to, slopes, size, shape, and vegetation) make strict compliance with the subject standard impracticable or unreasonable; or

2. Physical design characteristics unique to the proposed use or type of use make strict compliance with the subject standard impracticable or unreasonable.

C. In the case of multiple alternative equivalent compliance or variance requests, the Director shall consider the cumulative affect they would have on meeting the intent statements in Sections 1.1, 2.2, 3.1, 4.1, or 5.1.

1.4.5. Effect of Approval

Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

1.5. NONCONFORMING USES AND NONCOMPLYING STRUCTURES

All properties within the MLK Station Area shall remain subject to Article 7 Nonconforming Uses and Article 8 Noncomplying Structures in the City LDC Sections 25-2-941 through 25-2-964. With reference to Article 7, all uses are governed by Group "D" regulations prescribed by Section 25-2-947.

1.6. TEXT AND GRAPHICS WITHIN THIS DOCUMENT

This Document was created with numerous images to enhance understanding and comprehension by providing visual aids to some of the standards. However, in the event of a conflict or inconsistency between the text of this document and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and pictures contained in this Document are by way of example only and are not substantive requirements. Such graphics and pictures demonstrate one method of compliance with the standards set forth in this Document but do not preclude other methods for achieving compliance.

ARTICLE 2: LAND USE AND BUILDING DENSITY

2.1. APPLICABILITY

Regulation:	Application:
Article 2 **Land Use and Density**	All properties in the MLK TOD District must comply with the standards in this section

2.2. INTENT

The TOD Subdistricts are used as a tool to create lively, walkable, healthy, livable areas where people are able to reduce vehicle usage without sacrificing access to neighborhood amenities. To accomplish this, the intent of Article 2 is to:

2.2.1. Encourage transit-supportive land uses, which generally have higher densities near transit stops, thereby promoting greater transit ridership;

2.2.2. Create opportunities for shorter, multi-purpose trips by encouraging a mix of uses within the MLK TOD District;

2.2.3. Locate the highest level of activity and mix of uses in the TOD District around transit and along major streets; and

2.2.4. Provide for and encourage development and redevelopment that contains a compatible mix of residential, commercial services, and employment within close proximity to each other and to transit.

2.3. TRANSIT-ORIENTED DEVELOPMENT SUBDISTRICTS

2.3.1. TOD Subdistricts General

A. Subdistrict Types and Location

1. MLK TOD Subdistricts are divided into residential and mixed use categories.
2. The location of the residential and mixed-used Subdistricts in the MLK TOD District is depicted in Figure 2-1.

B. Residential

1. There are two residential Subdistricts: TOD Low Density Residential and TOD Medium Density Residential.

2. The Residential Subdistricts impose minimum density limits since a principal goal of TOD is to concentrate people and activity centers around transit and achieve a density higher than the surrounding community average.
3. Residential Subdistricts are intended exclusively for residential uses.

C. Mixed-Use

1. There are three Mixed Use Subdistricts: Live/Work Flex, TOD Mixed-Use, and Corridor Mixed-Use.
2. Mixed-use Subdistricts permit and encourage, but do not require, combinations of commercial, office, light manufacturing, civic, and residential uses within a building or a site.
3. In key locations, designated as "active edges" on Figure 2-1, ground floor space must be designed to accommodate active non-residential uses as established in Section 5.7.
4. The Live/Work Flex Subdistrict also imposes a minimum density, as it is intended to function primarily as a residential district due to its proximity to existing lower density neighborhoods adjacent to the TOD.
5. The TOD Mixed Use Subdistrict achieves a minimum density using a minimum height requirement instead of a minimum number of units, as required in the Residential and Live/Work Flex Subdistricts. This allows for more flexibility in certain areas of the TOD to accommodate projects that contain either residential or non-residential development or both.
6. The Mixed Use Subdistricts vary in terms of use, development intensity, and level of urban character.

2.3.2. MLK Station Area Plan Land Use and Design Concept Plan Map

The Land Use and Design Concept Plan Map (Figure 2-1) shows the extent of each Subdistrict within the MLK TOD District.

2.3.3. TOD Low Density Residential Subdistrict

A. Typology

Low Density Residential is considered "low" in the context of a TOD District, since development may be a step up in density from surrounding single-family neighborhoods. It allows for development such as single-

family homes, townhomes, rowhouses, and lower density condominium and apartment development.

B. Density Standards

1. Minimum Density: 9 dwelling units per acre.

2. Maximum Density: 16 dwelling units per acre.

C. Land Use

Permitted, conditional, and prohibited uses are shown in Figure 2-2.

2.3.4. TOD Medium Density Residential Subdistrict

A. Typology

Medium Density Residential is typically the primary residential zone outside of the mixed-use Subdistricts. The Medium Density Residential Subdistrict provides for a wide range of many housing types, including rowhouses, and moderate density apartment and condominium development.

B. Density Standards

1. Minimum Density: 17 Dwelling Units per acre.

2. Maximum Density: 45 Dwelling Units per acre.

C. Land Use

Permitted, conditional, and prohibited uses are shown in Figure 2-2.

2.3.5. TOD Live / Work Flex Subdistrict

A. Typology

Live /Work units are a type of mixed-use development combining commercial, office, and/or light manufacturing space within the same structure as a residential living space for the business owner. They have similar benefits to mixed-use development and may eliminate altogether the need to commute to work. In addition, they can provide affordable work and housing space, meet the needs of special groups such as artisans, and serve to incubate new businesses. The Live/Work Flex Subdistrict is intended to be a predominantly residential area that allows for some specific non-residential use. Residential is a required use of this Subdistrict. If non-residential is provided as a component, connecting commercial and residential units is not required.

B. Density Standards:

1. Minimum Density: 17 Dwelling Units per acre.
2. Maximum Density: 45 Dwelling Units per acre (unless a development bonus is utilized); maximum Floor Area Ratios (FAR) are established in Subsection 4.2.8.

C. Land Use

Permitted, conditional, and prohibited uses are shown in Figure 2-2.

2.3.6. TOD Mixed-Use Subdistrict

A. Typology

TOD Mixed-Use is the most intensively developed land use zone and will typically be expressed as high density residential over active ground floor uses, such as retail. This land use designation is concentrated near the transit station and along primary streets that lead to it. In specific TOD Mixed Use locations, active edges are drawn to define the orientation of the buildings and the ideal location of retail frontage. Typically active edges are at key intersections along major streets and along streets with high visibility. Active edges require that the ground floor space be designed to accommodate non-residential uses and have a higher design standard to promote the urban character of the area and generally allow the same types of uses as in the TOD Mixed Use Subdistrict. Specific design standards pertaining to active edges are in Article 5.

B. Density Standards:

1. Minimum Density: There is no minimum density but a minimum of two stories is required as established in Subsection 4.2.9.
2. Maximum Density: 45 Dwelling Units per acre (unless a development bonus is utilized); maximum Floor Area Ratios (FAR) are established in Subsection 4.2.8.

C. Land Use

Permitted, conditional, and prohibited uses are shown in Figure 2-2.

2.3.7. TOD Corridor Mixed-Use Subdistrict

A. Typology

TOD Corridor Mixed Use is the most permissive Mixed Use Subdistrict in terms of use and does not require that ground floor space be designed to accommodate active non-residential uses, although it is encouraged. This Subdistrict is generally located on arterial streets farther away from the transit station, and as such, no minimum density is required. A wide array of retail, office, and residential uses are permitted.

B. Density Standards:

1. Minimum Density: None

2. Maximum Density: 45 Dwelling Units per acre (unless a development bonus is utilized); maximum Floor Area Ratios (FAR) are established in Subsection 4.2.8.

C. Land Use

Permitted, conditional, and prohibited uses are shown in Figure 2-2.

2.3.8. Drive-through Facilities

A. A drive-through facility is allowed only in the Corridor Mixed Use Subdistrict.

B. A restaurant use with a drive-through facility is prohibited throughout the TOD District.

C. A drive-through facility shall comply with the standards in Section 4.12.

2.3.9. Land Use Summary Table

The Land Use Summary Table in Figure 2-2 establishes the permitted, conditional, and prohibited uses according to TOD Subdistrict and any additional regulations that apply to a particular use in a specific subdistrict

Figure 2-1: MLK Station Area Plan TOD Subdistricts

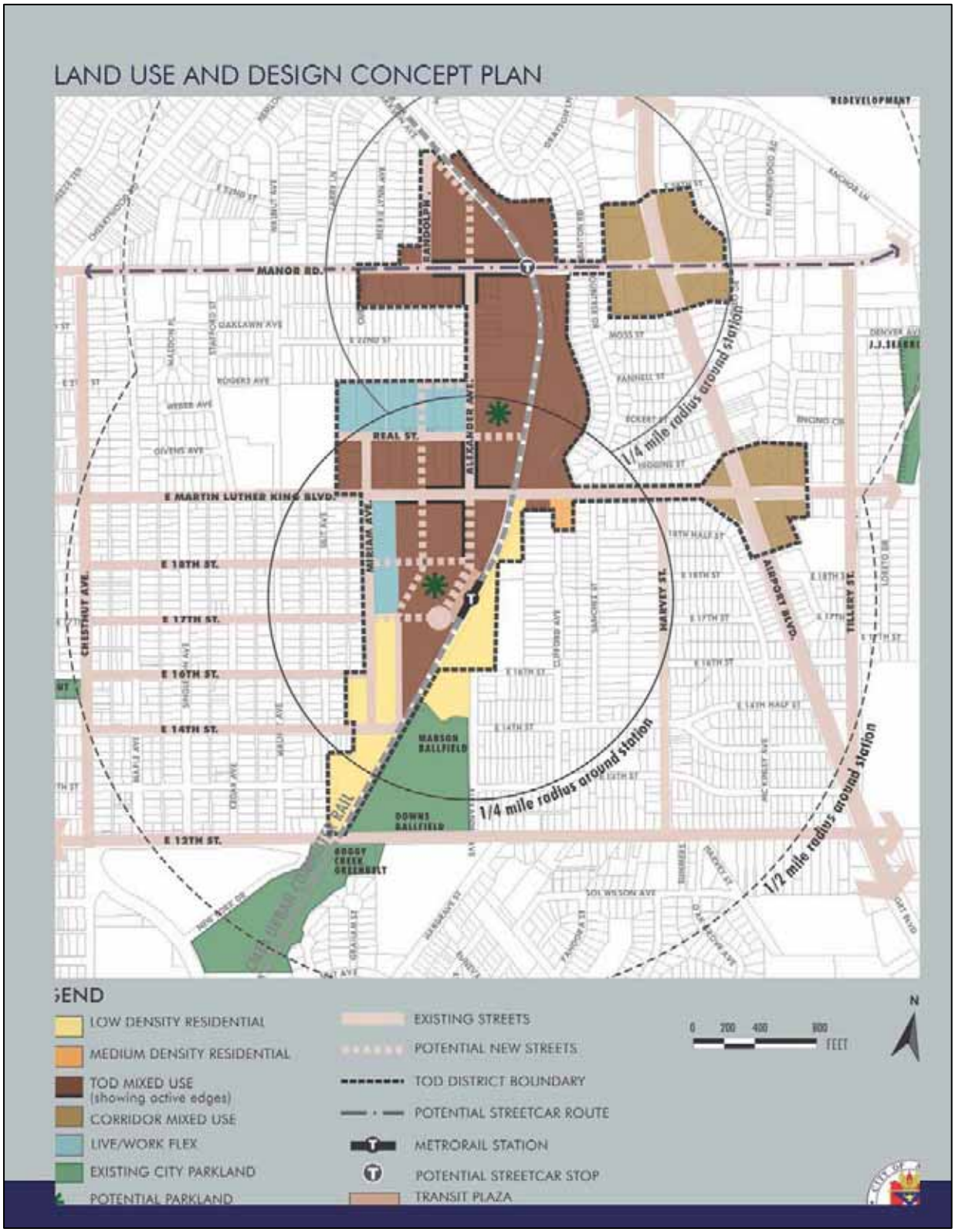


Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

RESIDENTIAL USES	Low Density Residential	Medium Density Residential	Live / Work Flex	TOD Mixed Use	Corridor Mixed Use	ADDITIONAL REQUIREMENTS
Bed & Breakfast (Group 1)	P	P	P	P	P	
Bed & Breakfast (Group 2)	P	P	P	P	P	
Condominium Residential	P	P	P	P	P	
Duplex Residential	P	P	--	--	--	
Group Residential	P	P	P	P	P	
Mobile Home Residential	--	--	--	--	--	
Multifamily Residential	P	P	P	P	P	
Retirement Housing (Small Site)	P	P	--	P	P	
Retirement Housing (Large Site)	P	P	--	P	P	
Single-Family Attached Residential	P	P	--	--	--	
Single-Family Residential	P	P	--	--	--	
Townhouse Residential	P	P	P	--	--	
Two-Family Residential	P	P	--	--	--	
COMMERCIAL USES	**Low DR**	**Med DR**	**L / W Flex**	**TOD MU**	**Corridor MU**	**ADDITIONAL REQUIREMENTS**
Administrative and Business Offices	--	--	P	P	P	
Agricultural Sales and Services	--	--	--	--	--	
Art Gallery	--	--	P	P	P	
Art Workshop	--	--	P	P	P	

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

COMMERCIAL USES	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REQUIREMENTS
Automotive Rentals	--	--	--	P	P	All fleet cars, in addition to required parking, The use must meet must meet all applicable design requirements in this Document. A maximum of 10 fleet cars is allowed in the TOD Mixed Use Subdistrict and a maximum of 20 fleet cars is allowed in the Corridor Mixed Use Subdistrict.
Automotive Repair Services	--	--	--	--	P	
Automotive Sales	--	--	--	--	P	
Automotive Washing (of any type)	--	--	--	--	P	Not allowed within 100' of corner. The use must meet must meet all applicable design requirements in this Document.
Bail Bond Services	--	--	--	--	--	
Building Maintenance Services	--	--	--	--	--	
Business or Trade School	--	--	--	P	P	
Business Support Services	--	--	--	P	P	
Campground	--	--	--	--	--	
Carriage Stable	--	--	--	--	--	
Cocktail Lounge	--	--	--	C	C	
Commercial Blood Plasma Center	--	--	--	--	P	Permitted subject to LDC Section 25-2-803
Commercial Off-Street Parking	--	--	--	P	P	A commercial off-street parking use may not exceed one acre in site size. It may not be located within 100 feet of a corner. Not more than one commercial off-street parking use site may be located within a single block. The use must meet must meet all applicable design requirements in this Document.
Communications Services	--	--	--	P	P	
Construction Sales and Services	--	--	--	--	P	
Consumer Convenience Services	--	--	--	P	P	
Consumer Repair Services	--	--	P	P	P	
Convenience Storage	--	--	--	--	--	
Drop-Off Recycling Collection Facility	--	--	--	--	--	
Electronic Prototype Assembly	--	--	--	--	--	

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

COMMERCIAL USES (cont.)	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REQUIREMENTS
Electronic Testing	--	--	--	--	--	
Equipment Repair Services	--	--	--	--	P	
Equipment Sales	--	--	--	--	P	
Exterminating Services	--	--	--	--	--	
Financial Services	--	--	P	P	P	
Food Preparation	--	--	P	P	P	Maximum size of 2000 gross square feet in Live/Work Subdistrict.
Food Sales	--	--	P	P	P	Maximum size of 2000 gross square feet in Live/Work Subdistrict.
Funeral Services	--	--	--	--	P	
General Retail Sales (Convenience)	--	--	P	P	P	
General Retail Sales (General)	--	--	P	P	P	Maximum size of 2000 gross square feet in Live/Work Subdistrict.
Hotel-Motel	--	--	--	P	P	
Indoor Entertainment	--	--	--	--	P	
Indoor Sports and Recreation	--	--	--	--	P	
Kennels	--	--	--	P	P	A kennel use must be conducted entirely within an enclosed structure.
Laundry Services	--	--	--	P	P	No bulk laundry and cleaning plant, diaper services, or linen supply services allowed in TOD Mixed Use.
Liquor Sales	--	--	--	P	P	
Marina	--	--	--	--	--	
Medical Offices -- exceeding 5,000 sq. ft. gross floor area	--	--	--	P	P	
Medical Offices -- not exceeding 5,000 sq. ft. gross floor area	--	--	P	P	P	Maximum size of 2000 gross square feet in Live/Work Subdistrict.
Monument Retail Sales	--	--	--	--	--	
Off-Site Accessory Parking	--	--	--	P	P	An off-street accessory parking use may not exceed one acre in site size. It may not be located within 100 feet of a corner. Not more than one off-site accessory parking use site may be located within a single block. The use must meet must meet all applicable design requirements in this Document.

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

COMMERCIAL USES (cont.)	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REQUIREMENTS
Outdoor Entertainment	--	--	--	--	--	
Outdoor Sports and Recreation	--	--	--	--	--	
Pawn Shop Services	--	--	--	--	C	
Personal Improvement Services	--	--	P	P	P	
Personal Services	--	--	P	P	P	
Pet Services	--	--	P	P	P	Maximum size of 2000 gross square feet in Live/Work Subdistrict
Plant Nursery	--	--	--	--	P	
Printing and Publishing	--	--	--	--	P	
Professional Office	--	--	P	P	P	
Recreational Equipment Maintenance & Storage	--	--	--	--	--	
Recreational Equipment Sales	--	--	--	--	--	
Research Assembly Services	--	--	--	--	--	
Research Services	--	--	--	--	--	
Research Testing Services	--	--	--	--	--	
Research Warehousing Services	--	--	--	--	--	
Restaurant (General)	--	--	--	P	P	
Restaurant (Limited)	--	--	--	P	P	
Scrap and Salvage	--	--	--	--	--	
Service Station	--	--	--	--	P	A service station use may have the capability of fueling not more than eight vehicles at one time.
Software Development	--	--	P	P	P	
Special Use Historic	C	C	C	C	C	Use must comply with the requirements of LDC Section 25-2-807
Stables	--	--	--	--	--	
Theater	--	--	--	P	P	
Vehicle Storage	--	--	--	--	P	
Veterinary Services	--	--	--	P	P	A veterinary services use must be conducted entirely within an enclosed structure.

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

CIVIC USES	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REGULATIONS
Administrative Services	--	--	--	P	P	
Aviation Facilities	--	--	--	--	--	
Camp	--	--	--	--	--	
Cemetery	--	--	--	--	--	
Club or Lodge	--	--	--	--	C	
College and University Facilities	--	--	--	P	P	
Communication Service Facilities	P	P	P	P	P	
Community Events	--	--	--	--	--	
Community Recreation (Private)	P	P	P	P	P	
Community Recreation (Public)	P	P	P	P	P	
Congregate Living	P	P	P	P	P	
Convalescent Services	P	P	P	--	P	
Convention Center	--	--	--	--	--	
Counseling Services	--	--	P	P	P	
Cultural Services	--	--	--	P	P	
Day Care Services (Commercial)	P	P	P	P	P	
Day Care Services (General)	P	P	P	P	P	
Day Care Services (Limited)	P	P	P	P	P	
Detention Facilities	--	--	--	--	--	
Employee Recreation	--	--	--	--	--	
Family Home	P	P	P	P	P	
Group Home, Class I (Limited)	P	P	P	P	P	
Group Home, Class I (General)	C	C	C	P	P	
Group Home, Class II	--	--	C	C	P	
Guidance Services	--	--	P	P	P	

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

CIVIC USES (cont.)	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REGULATIONS
Hospital Services (Limited)	--	--	--	P	P	
Hospital Services (General)	--	--	--	--	C	
Local Utility Services	C	C	C	C	P	
Maintenance and Service Facilities	--	--	--	--	--	
Major Utility Facilities	--	--	--	--	--	
Military Installations	--	--	--	--	--	
Park and Recreation Services (General)	P	P	P	P	P	
Park and Recreation Services (Special)	--	--	--	--	--	
Postal Facilities	--	--	--	--	--	
Private Primary Educational Facilities	P	P	P	P	P	
Private Secondary Educational Facilities	P	P	P	P	P	
Public Primary Educational Facilities	P	P	P	P	P	
Public Secondary Educational Facilities	P	P	P	P	P	
Qualified Community Garden	P	P	P	P	P	Subject to LDC Section 8-4
Railroad Facilities	--	--	--	--	--	
Religious Assembly	P	P	P	P	P	
Residential Treatment	--	C	C	C	P	
Safety Services	C	C	P	P	P	
Telecommunication tower	P	P	P	P	P	Subject to LDC Section 25-2-839 (13-2-235 and 13-2-273). A telecommunications tower must be located on top of a building or be an architectural component of the building. Free standing towers are prohibited.
Transitional Housing	--	--	--	--	C	
Transportation Terminal	--	--	--	P	P	Use is conditional if operated by a private entity

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

INDUSTRIAL USES	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REQUIREMENTS
Basic Industry	--	--	--	--	--	
Custom Manufacturing	--	--	P	P	P	
General Warehousing and Distribution	--	--	--	--	--	
Light Manufacturing	--	--	P	--	--	
Limited Warehousing and Distribution	--	--	--	--	--	
Recycling Center	--	--	--	--	--	
Resource Extraction	--	--	--	--	--	
Stockyards	--	--	--	--	--	
AGRICULTURAL USES	**Low DR**	**Med DR**	**L / W Flex**	**TOD MU**	**Corridor MU**	**ADDITIONAL REQUIREMENTS**
Animal Production	--	--	--	--	--	
Crop Production	--	--	--	--	--	
Horticulture	--	--	--	--	--	
Support Housing	--	--	--	--	--	
Urban Farm	--	--	--	--	--	

ARTICLE 3: CIRCULATION, CONNECTIVITY AND STREETSCAPE

3.1. INTENT

The standards of Article 3 are intended to:

3.1.1. Ensure that site design promotes efficient pedestrian and vehicle circulation patterns;

3.1.2. Ensure the creation of a high-quality street and sidewalk environment that is supportive of pedestrian and transit mobility and that is appropriate to the roadway context;

3.1.3. Provide a convenient, safe, and pleasant pedestrian system appropriate for people of all ages and abilities;

3.1.4. Ensure that trees, sidewalks, and buildings – three of the major elements that make up a streetscape – are arranged in a manner that supports the creation of a safe, human-scaled, and well-defined roadway environment;

3.1.5. Ensure that there are multiple travel route options for all transportation modes in and around the TOD District;

3.1.6. Ensure that vehicular parking is accommodated in a manner that enriches and supports, rather than diminishes, the roadside pedestrian environment, and that does not create a barrier between the roadside environment and the roadside buildings; and

3.1.7. Ensure that sites are developed in a manner that supports and encourages connectivity for all modes of travel and that new and existing development, pedestrian and bicycle paths, and open spaces complement and link to one another.

3.2. OVERVIEW OF ROADWAY TYPES

3.2.1. Applicability is Based on Adjacent Roadway and Type of Development

This Document recognizes that transportation facility design must be integrated with the land uses and development it serves. The provisions in this Article focus on creating or maintaining circulation and easy access for all modes of travel. Because roadways provide both access to a site and define the urban design framework of the city, roadway types are used in this Article as an organizing tool to establish street and pedestrian facility standards. This approach is intended to help ensure a cohesive

development pattern along streets and to create safe, pleasant, and convenient walking environments.

The following types of roadways are identified in this Document:

A. TOD Core Transit Corridors include roadways that have or will have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use. TOD Core Transit Corridors are shown in Figure 3-4, Circulation Concept Plan. These streets carry, or are intended to carry, the highest level of vehicular, transit, and possibly pedestrian flow and have the highest level of visibility, being most appropriate for non-residential and mixed use development (see Figure 3-1).

B. TOD Pedestrian Priority Streets are roadways that serve as primary pedestrian routes within the MLK TOD Station Area boundaries shown in Figure 3-4. These streets typically lead directly to a transit facility and together with the TOD Core Transit Corridors, form an interconnected street network (see Figure 3-2).

C. TOD Local Streets are existing or new streets within the MLK TOD SAP boundary not designated as either a TOD Core Transit Corridor or Pedestrian Priority Street, as shown in Figure 3-4. These streets make up the finer grained street network; while pedestrian accommodation is still prioritized, it is not at the level of the other two roadway types (see Figure 3-3).



Figure 3-1: Example of a TOD Core Transit Corridor (South Congress)

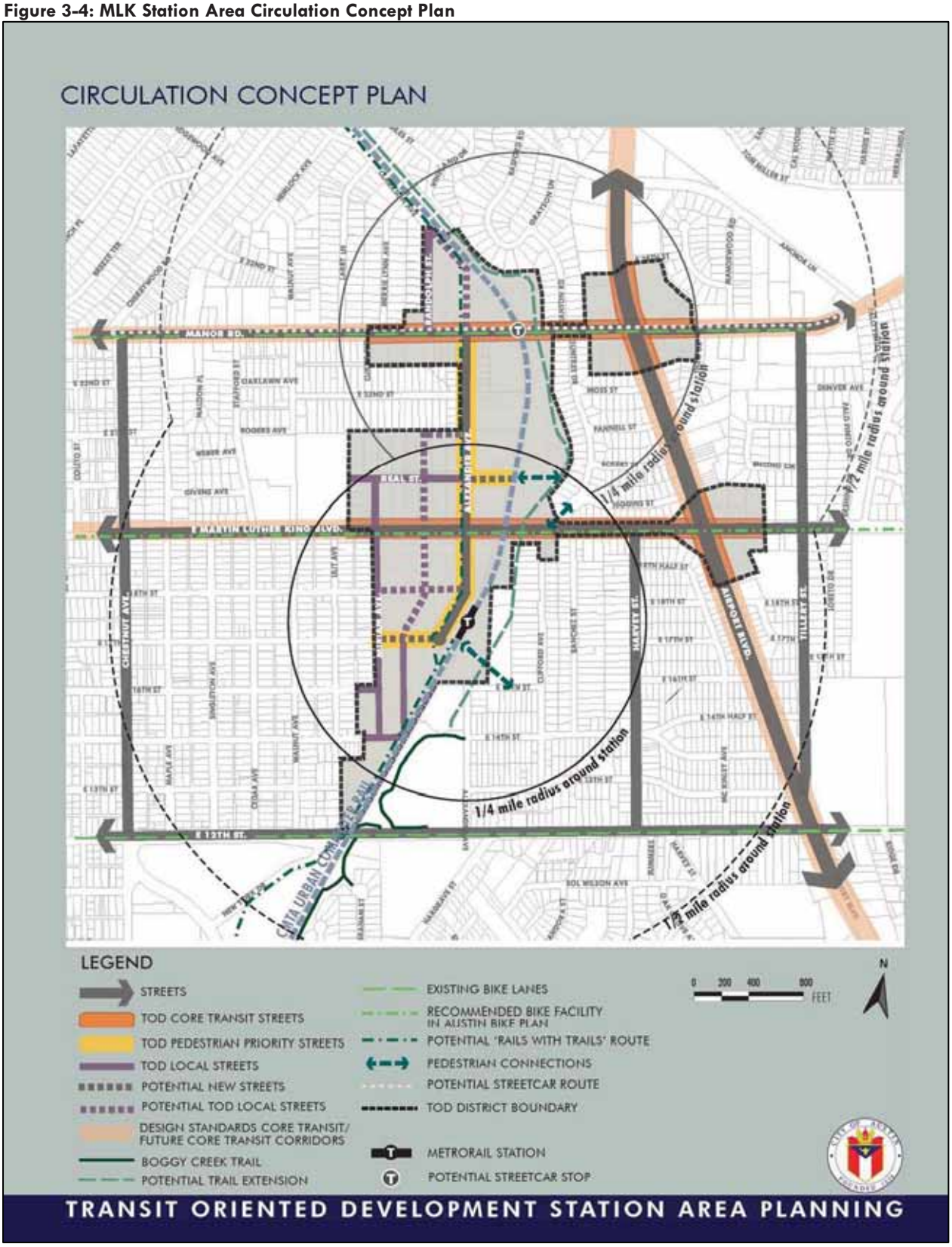


Figure 3-2: Example of a TOD Pedestrian Priority Street



Figure 3-3: Example of a TOD Local Street

Figure 3-4: MLK Station Area Circulation Concept Plan



3.3. SIDEWALK STANDARDS

3.3.1. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:	Application Details:
Section 3.3 Sidewalk Standards	All development	Requirement must be met on all adjacent roadway types

3.3.2. TOD Core Transit Corridors

A. In order to create an environment that is supportive of pedestrian and transit mobility, public sidewalks shall be located along both sides of all TOD Core Transit Corridors. No sidewalk shall be less than 15 feet in width, unless otherwise approved as part of the site plan review process. The 15-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 15-foot minimum requirement, with a sidewalk easement provided. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a clear zone (see Figure 3-5). The following standards shall apply:

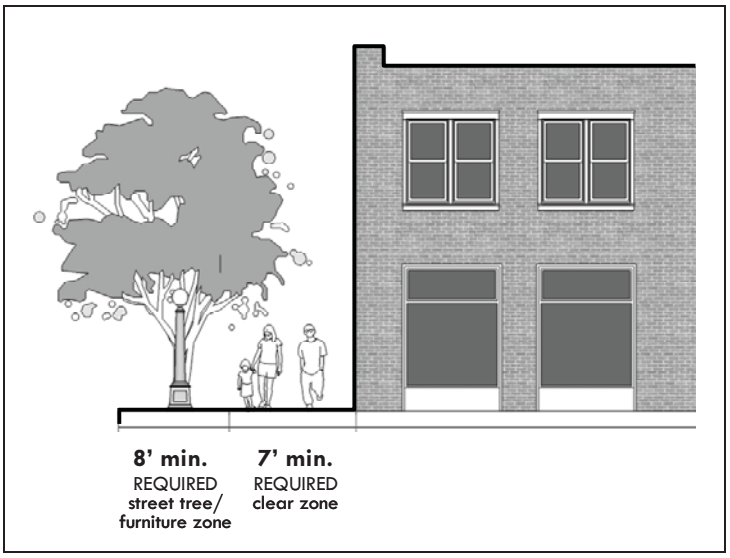


Figure 3-5: TOD Core Transit Corridor sidewalk requirements. Street trees are required along TOD Core Transit Corridors with an average spacing not greater than 30 feet on center.

1. **Street Tree/Furniture Zone**
   - **a.** The street tree/furniture zone shall have a minimum width of eight feet (from face of curb) and shall be continuous and located adjacent to the curb.
   - **b.** The zone shall be planted with street trees at an average spacing not greater than 30 feet on center. The Watershed Protection and Development Review maintains a list of acceptable street trees for purposes of this section.
   - **c.** In addition, while not required, the zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility (see Figure 3-6).



Figure 3-6: Street tree/furniture zone

2. **Clear Zone**
   The clear zone shall be a minimum width of seven feet, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed by any permanent or nonpermanent element for a minimum width of seven feet and a minimum height of eight feet (see Figure 3-7).



Figure 3-7: Clear zone example

3. **Utilities**
   - **a.** All utility lines shall be underground from the building to the property line. Utility lines within the right-of-way shall be placed underground or relocated to the rear of the site to the maximum extent practicable (see Figure 3-8).

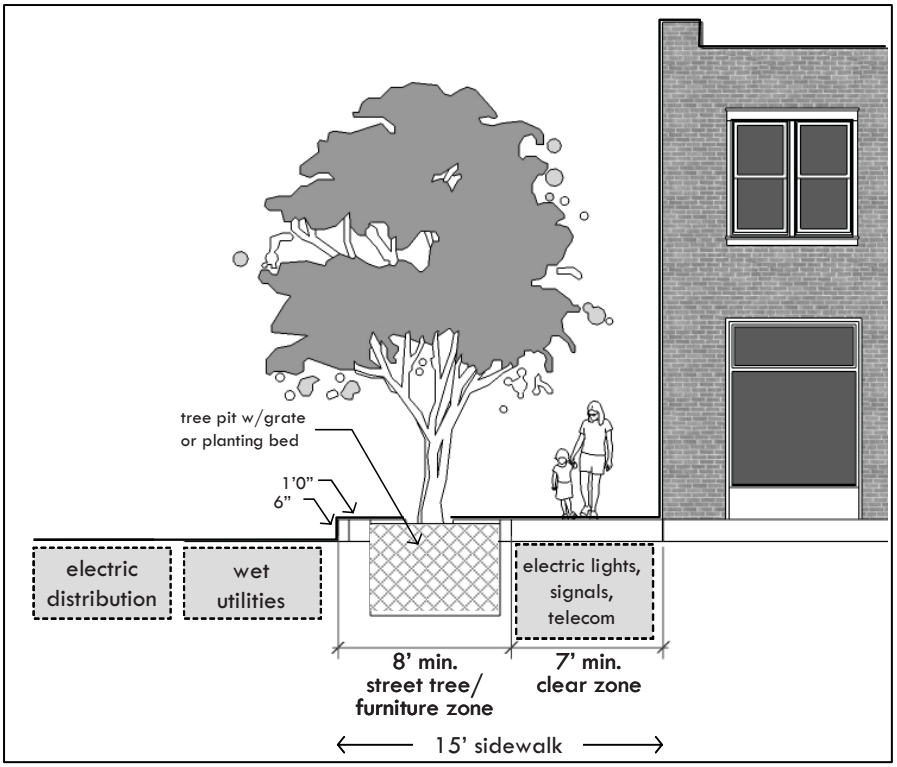


Figure 3-8: TOD Core Transit Corridor with underground utilities.

b. Where electric utilities remain overhead and are located behind the curb, an overhead utility zone shall be provided so that no portion of the building is located within a 10-foot radius of the energized conductor. In addition, street trees shall be set back from an energized conductor by a minimum of ten feet as measured from the centerline of the tree. Options for street tree planting and sidewalk placement in combination with overhead utilities are illustrated in Figures 3-9 and 3-10.

c. Utility compatible trees may be used so that the trees can be located beneath, rather than offset from, the overhead electric utilities if one of the following conditions is met:

(i) If the depth of a lot is 120 feet or less and electric utilities remain overhead and are located behind the curb; or

(ii) If, in order to meet all of the requirements of this section, the building façade would be required to set back 30 feet or more beyond the curb face (Note: if the

requirements of this section can be met within existing right-of-way, utility compatible trees may not be used).

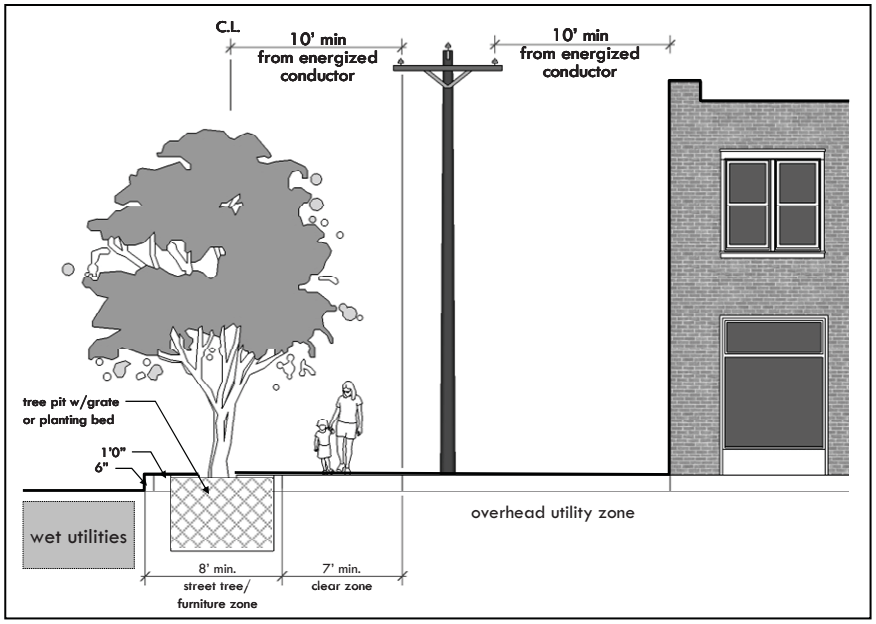


Figure 3-9: TOD Core Transit Corridor with overhead utility zone.

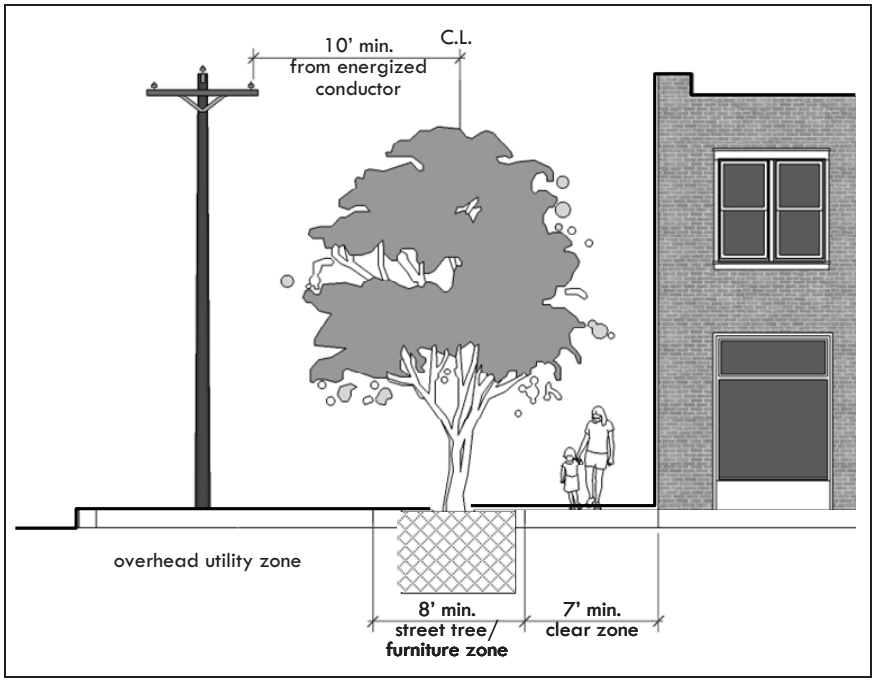


Figure 3-10: TOD Core Transit Corridor with overhead utilities at curb.

4. Alternative Requirements for Shallow Lots

On lots with a depth of 150 feet or less, the total sidewalk may be reduced to 12 feet, consisting of a seven-foot minimum street tree/furniture zone and a five-foot clear zone.

5. Alternative Requirements for Properties Located at the Intersections of Manor Road and Airport Blvd. and MLK Jr. Blvd. and Airport Blvd.

In order to create a more consistent sidewalk environment, because there are properties that abut the TOD District that are required to meet the Urban Roadway sidewalk standards in Subchapter E, the properties at the intersections of Manor Road and Airport Blvd. and MLK Jr. Blvd. and Airport Blvd. (that are within the TOD boundary extensions in Figure 3-11) may meet the sidewalk standards of a TOD Pedestrian Priority Street as described below instead of the TOD Core Transit Corridor sidewalk standards. At a minimum, the TOD Pedestrian Priority sidewalk standards shall be met.

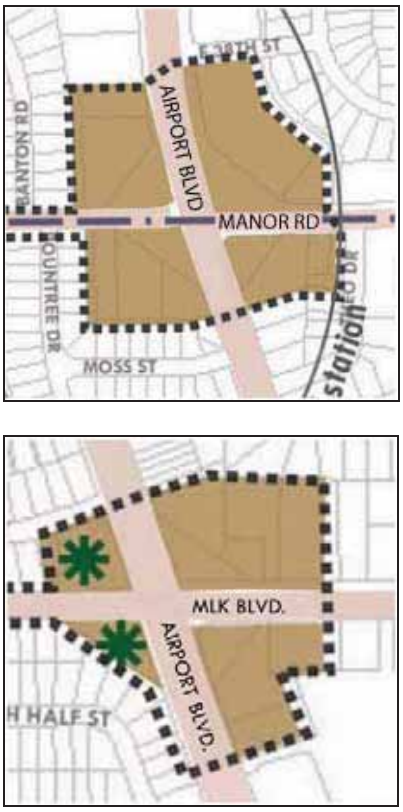


Figure 3-11: Intersections of Airport Blvd. and Manor Rd. and Airport Blvd. and MLK Jr. Blvd.

3.3.3. TOD Pedestrian Priority Streets

A. Public sidewalks shall be located along both sides of all TOD Pedestrian Priority Streets. Sidewalks shall be no less than 12 feet in width, unless otherwise approved as part of the site plan review process (see Figure 3-12). The 12-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a clear zone. The following standards apply:

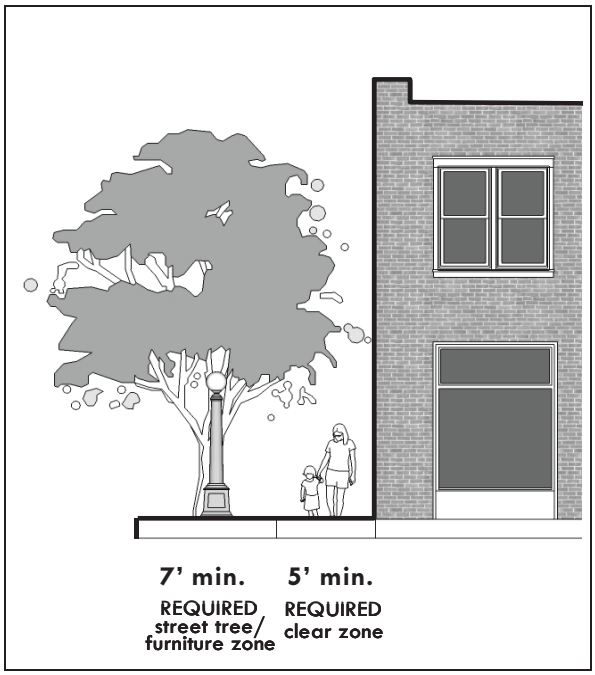


Figure 3-12: TOD Pedestrian Priority Street sidewalk width requirements.

1. **Street Tree/Furniture Zone**
   - **a.** The street tree/furniture zone shall have a minimum width of seven feet and shall be continuous and located adjacent to the curb.
   - **b.** The zone shall be planted with street trees that comply with the applicable standards for TOD Core Transit Corridors, as provided in Subsection 3.3.2.

2. **Clear Zone**
   The clear zone shall be a minimum width of five feet, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed for a minimum width of five feet and a minimum height of eight feet.

3. **Utilities**
   - **a.** The standards for utility placement along TOD Core Transit Corridors in Subsection 3.3.2 shall also apply to utility placement along TOD Pedestrian Priority Streets (see Figures 3-13, 3-14, and 3-15), except that utility compatible trees may be used so that the trees can be located beneath, rather than offset from, the

overhead electric utilities if one of the following conditions is met:

(i) If the depth of a lot is 120 feet or less and electric utilities remain overhead and are located behind the curb; or

(ii) If, in order to meet all of the requirements of this section, the building façade would be required to set back 25 feet or more beyond the curb face (Note: if the requirements of this section can be met within existing right-of-way, utility compatible trees may not be used).

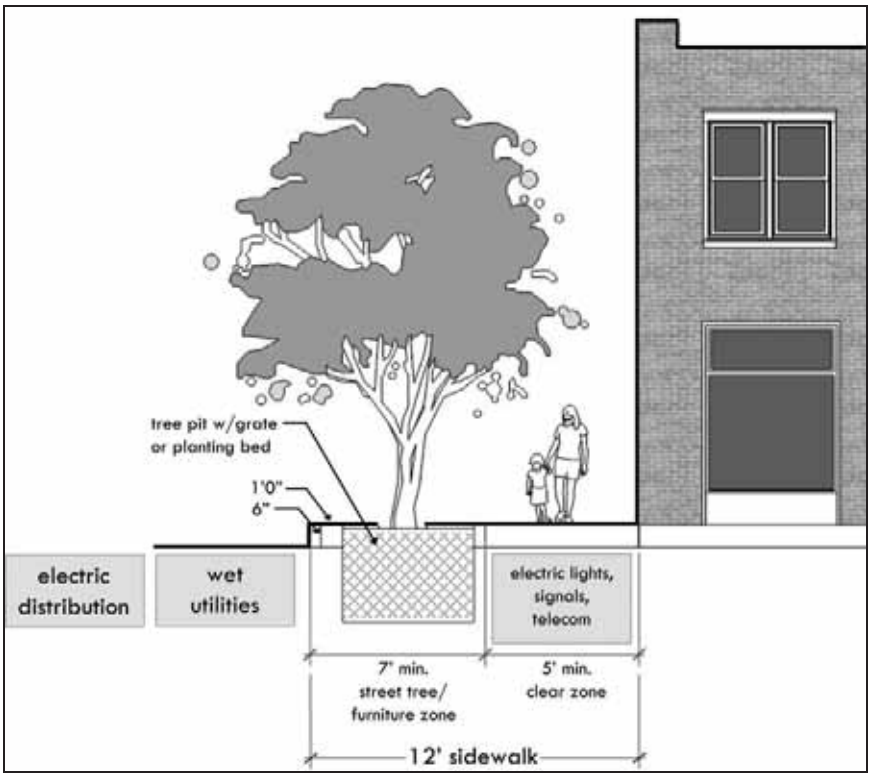


Figure 3-13: Underground Utilities on TOD Pedestrian Priority Street

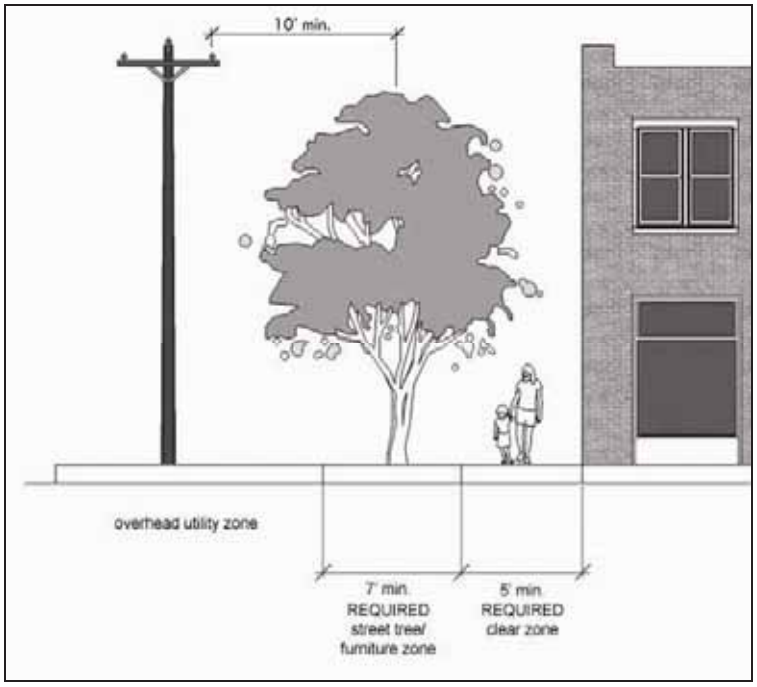


Figure 3-14: TOD Pedestrian Priority Street with overhead utilities at curb.

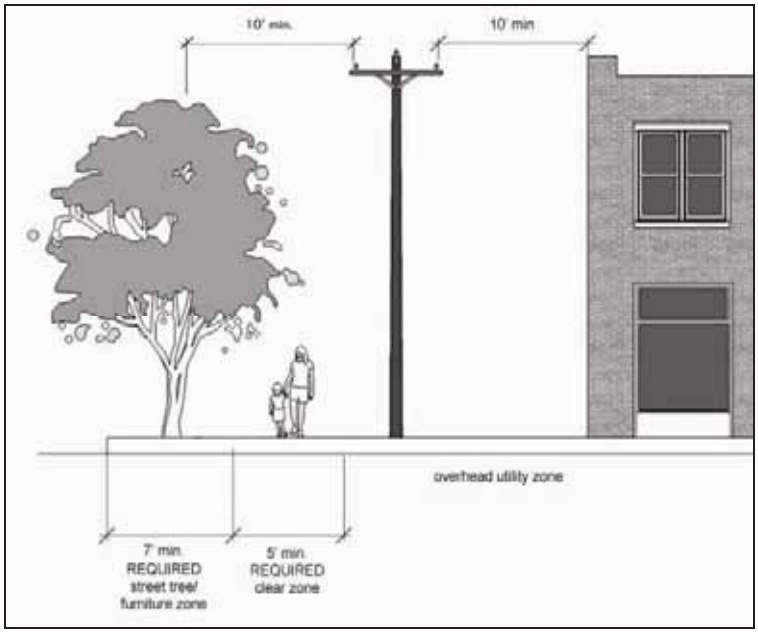


Figure 3-15: TOD Pedestrian Priority Street with interior overhead utility zone.

3.3.4. TOD Local Streets

A. Public sidewalks shall be located along both sides of all TOD Local Streets. Sidewalks shall be no less than 10 feet in width, unless otherwise approved as part of the site plan review process (see Figure 3-16). The 10-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 10-foot minimum requirement, with a sidewalk easement provided. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a clear zone. However, the street tree/furniture zone may be eliminated when adjacent on-street parallel parking is provided (see Subsection 3.4.3, On-Street Parallel Parking). The following standards apply:

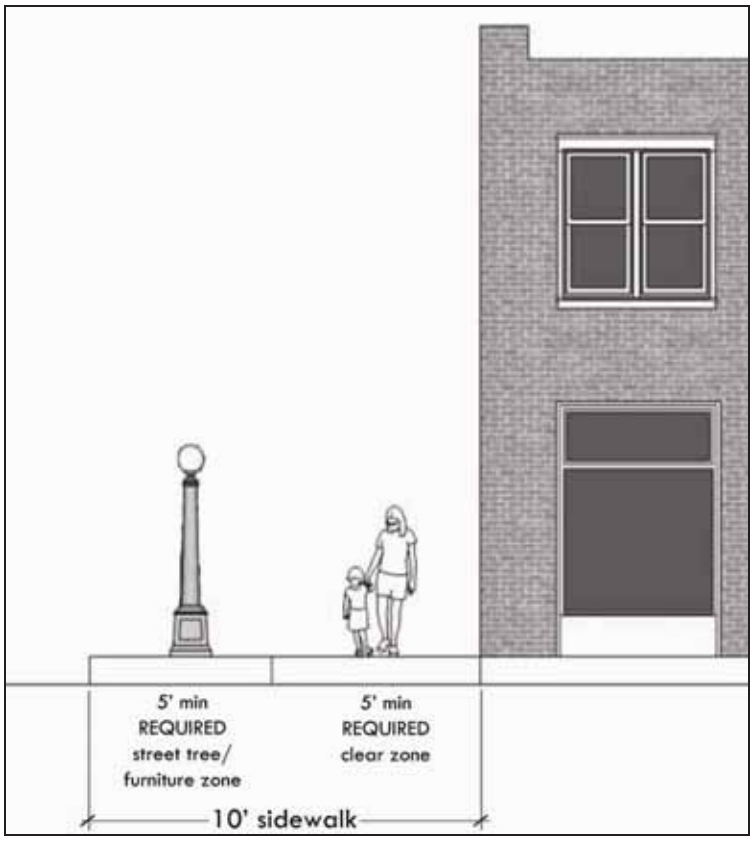


Figure 3-16: TOD Local Street sidewalk width requirements

1. **Street Tree/Furniture Zone**
   - **a.** When provided, the street tree/furniture zone shall have a minimum width of 5 feet and shall be continuous and located adjacent to the curb. The zone may be planted with street trees, landscaping, or be hardscaped.
   - **b.** If street trees are planted, they must either be provided in a 7-foot minimum street tree/furniture zone or in a curb bulb-out if the minimum distance from the face of curb to the edge of clear zone is 7 feet.
   - **c.** When this zone is not provided due to the inclusion of on-street parallel parking, curb bulb-outs shall be provided not less than every 70 feet on center. The minimum width of a curb bulb-out shall be 10 feet in order to accommodate street trees and/or other elements typically included in a street tree/furniture zone (see Figure 3-17).
   - **d.** If the street right-of-way is less than 60 feet in width, development must comply with the front yard setback requirement pursuant to Subsection 4.2.6.

2. **Clear Zone**
   The clear zone shall be a minimum width of 5 feet, shall be hardscaped, and shall be located adjacent to the street tree/furniture zone or the curb when on-street parallel parking is provided. It shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed for a minimum width of five feet and a minimum height of eight feet.

3. **Utilities**
   The standards for utility placement along TOD Core Transit Corridors in Subsection 3.3.2 shall also apply to utility placement along TOD Local Streets except that utility compatible trees may be used so that if trees are provided, they can be located beneath, rather than offset from, overhead electric utilities if present (see Figure 3-18).

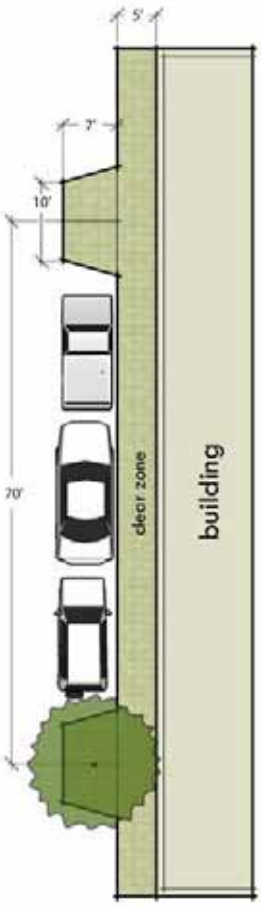


Figure 3-17: On-street parking on TOD Local Street without street tree/furniture zone.

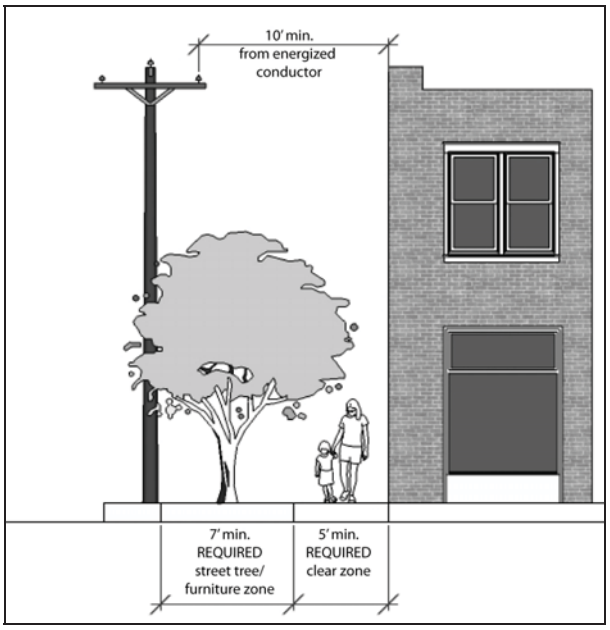


Figure 3-18: Above-Ground Utilities on TOD Local Street with utility compatible tree

3.3.5. Sidewalk Exemption for Edge Streets

If a street(s) is aligned along an interior and/or rear property line and a street connection to adjacent property is not feasible, the sidewalk standards in this section are not required along the outside edge of the street (Figure 3-19).

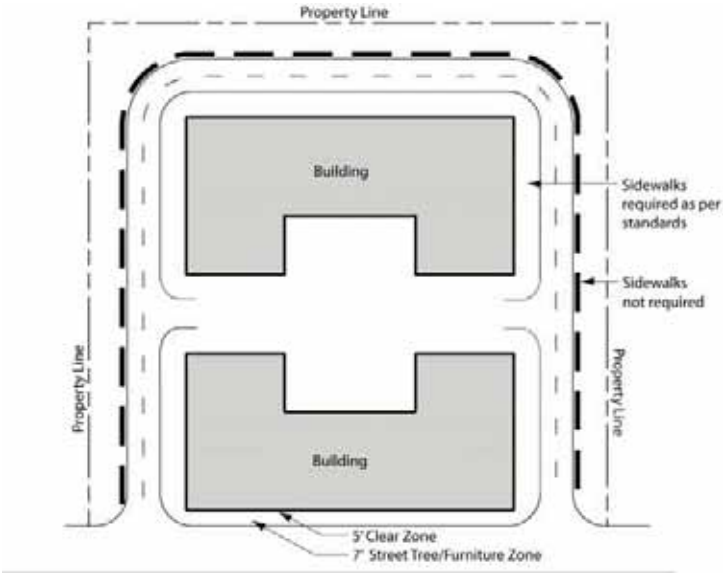


Figure 3-19: Sidewalk exemption on edge streets.

3.4. ON-STREET PARKING

3.4.1. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Section 3.4 On-street Parking	Optional for all development

3.4.2. Purpose

On-street parking is encouraged on all roadway types within the TOD District to serve retail, office, and residential parking needs. It is especially important in areas where there are active edge designations to support ground floor businesses and to serve as a buffer for pedestrian activity along high-volume streets. However, depending on conditions along existing streets in addition to City safety policies and procedures, the provision of on-street parking on all streets within the TOD is subject to the approval of the Director of the Public Works Department and compliance with fire access standards.

3.4.3. On-Street Parallel Parking

A. TOD Core Transit Corridor and Pedestrian Priority Streets.

1. On-street parallel parking is encouraged along all TOD Core Transit Corridors and Pedestrian Priority Streets including: Manor Road and MLK Jr. Boulevard between Boggy Creek and the western edge of the MLK Station Area as well as along the portions of Alexander Avenue, Real Street, and E. 17th Street designated as TOD Pedestrian Priority Streets on the Circulation Concept Plan Map (see Figure 3-4).
2. The Director of the Public Works Department may determine that such parking is not feasible due to limited right-of-way width or lack of appropriate and adequate easement, transit activity conflict and interference, inadequate sight distance caused by vertical or horizontal curvature of a street, high roadway speeds, or other safety concerns.

3. The design for on-street parallel parking may be accommodated using standard design adjacent to the curb or by providing parking inside the curb line (Figure 3-20).

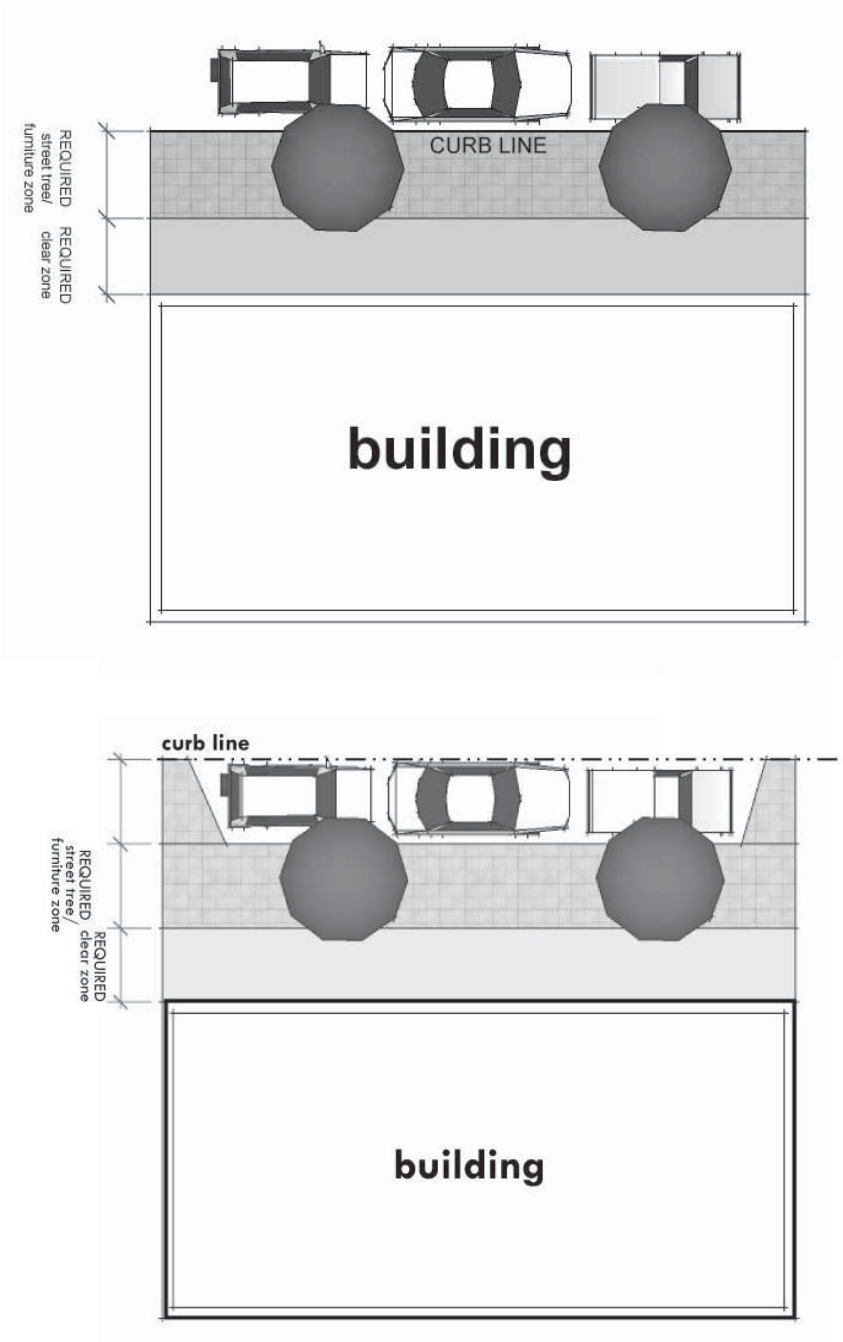


Figure 3-20: On-street parallel parking options; standard design (above) or a design inside the curb line (below).

4. If on-street parking is provided, the sidewalk provisions under Section 3.3 shall continue to apply, with both a clear zone and street tree/furniture zone placed adjacent to the curb at the inside of the parking spaces.

B. TOD Local Streets

1. On-street parallel parking is encouraged along all TOD Local Streets and shall be permitted subject to the approval of the Director of the Public Works Department.
2. If a street tree furniture zone is provided, the design for on-street parallel parking may be accommodated using either standard design or provided inside the curb line (Figure 3-20).
3. If the street/tree furniture zone is not provided, on-street parking shall meet the standards in Subsection 3.3.4.
4. If on-street parking is provided, the sidewalk provisions under Section 3.3 shall continue to apply, with the clear zone (or the optional street tree/furniture zone) placed adjacent to the curb at the inside of the parking spaces.

3.4.4. General On-Street Parking Restrictions

Head-in and angle parking are not allowed on any roadway type in the MLK TOD District.

3.5. CONNECTIVITY AND CIRCULATION

3.5.1. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Subsection 3.5.2 Project Circulation Plan	All projects adding a street(s). Refer to definition of "street" in Article 6

3.5.2. Project Circulation Plan

All projects that are adding a street(s) must provide a Project Circulation Plan. As part of the subdivision review process (or site plan if a subdivision plan is not required), the Project Circulation Plan shall be developed and reviewed for its consistency with the MLK Station Area Plan Circulation Concept Plan. Because the MLK SAP Circulation Concept Plan illustrates one possible representation of how proper circulation and connectivity can be achieved within the TOD District, the Project Circulation Plan allows for the evaluation of alternative proposals.

The Project Circulation Plan shall propose a specific roadway type for each new street for the purpose of applying the standards of this Document. The Director of NPZD shall review and approve new roadway type designations.

A. The Project Circulation Plan shall demonstrate:

1. How the on-site circulation system will be integrated with surrounding streets, bicycle facilities, trails, existing or future development, etc.
2. How new street design conforms with recommendations made in the Station Area Plan.
3. That the street and pathway system will contribute to safe and convenient pedestrian connections between primary destinations within the Station Area (e.g. transit station, commercial services, parks) and the surrounding neighborhoods.
4. How deviations from the Circulation Concept Plan, both in terms of roadway placement and alignment and active edge placement, are consistent with Section 3.1.
5. How traffic calming methods have been incorporated into the design of new TOD Pedestrian Priority Streets and new TOD Local Streets that

connect to a local neighborhood street. Implementation is subject to the approval of the Director of the Public Works Department. Approved traffic calming devices are outlined in City Transportation Division Guidelines.

B. The Directors of the Neighborhood Planning and Zoning and Watershed Protection and Development Review Departments shall approve a Project Circulation Plan if:

1. It is consistent with the MLK Station Area Circulation Concept Plan or presents alternatives that demonstrate satisfactory compliance with the Concept Plan; and
2. It meets all applicable requirements in the Transportation Criteria Manual (TCM) or presents acceptable alternatives to the standards in the TCM.

A subdivision or site plan may not be approved if the Project Circulation Plan is not approved. The Directors' decision approving or disapproving a Project Circulation Plan is subject to administrative appeal under the requirements of Section 25-1-182 (*Initiating an Appeal*) of the LDC.

3.5.3. Block Standards

A. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Subsection 3.5.3 Block Standards	All development

B. Maximum Block Size

A site shall be generally divided into internal blocks in a manner consistent with the MLK SAP Circulation Concept Plan. Streets connecting the blocks shall form an interconnected, grid-like transportation system on the site. Notwithstanding the provisions of new streets consistent with the MLK Circulation Concept Plan, the maximum length of any block face shall be 660 feet and the maximum block perimeter shall be 1,800 feet as measured from the curb line (see Figure 3-21) with the following exemptions, subject to the approval of the Director:

1. Block size should not exceed the standards in Subsection B above unless there are special circumstances including, but not limited to: restricted access due to easements, rail right-of-way, natural features (such as waterways and floodplain), and existing development.
2. Contiguous green spaces or parks are not subject to the block-length requirements, but if the green space or park is longer than 500 feet, it must include at a minimum one pedestrian and bicycle shared use path as a mid-block connection. This path shall connect to other existing or planned pedestrian/bicycle routes through the site or adjacent to the site.
3. Contiguous areas adjacent to and following the Capital Metro railway right-of-way are not subject to the block length requirements if they do not extend more than 175 feet away from the rail right-of-way.

C. Mid-block Pathway

For a block face exceeding 500 feet in length, a pedestrian pathway shall be provided as a mid-block route to connect to public streets and/or other existing or planned pedestrian routes through the site or adjacent to the site (see Figure 3-21).

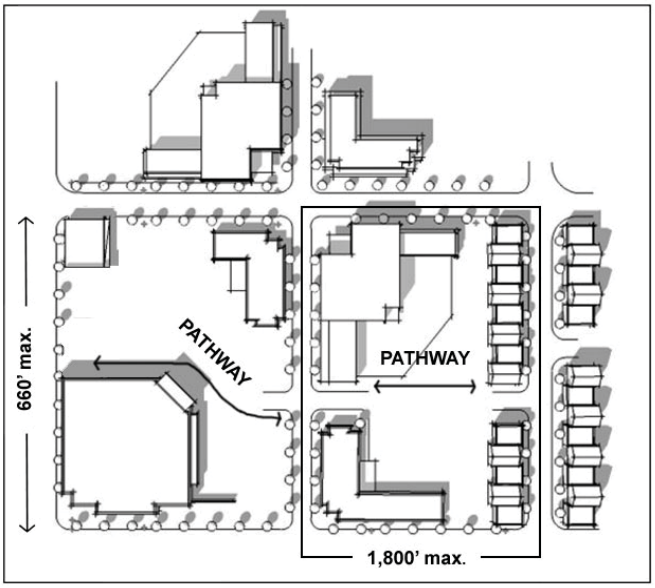


Figure 3-21: Example of a development meeting block standards and mid-block pathways

D. Subdivision of Internal Blocks

Internal blocks abutting new streets may be subdivided to allow for the sale and development of individual blocks without frontage on a public street if the Director determines that the new street is equivalent to a public street in terms of pedestrian and bicycle access, utilities, pavement design, and vehicle access requirements.

3.5.4. Curb Cut Spacing Standards

A. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Subsection 3.5.4 Curb-cut Spacing Standards	All development

B. General Standards

In addition to the standards under Subsections C and D below, curb-cuts on streets in the TOD District shall be located in accordance with the driveway spacing standards in Section 5 of the Transportation Criteria Manual (TCM).

C. TOD Core Transit Corridors

Curb cuts for vehicular connections between the site and any adjacent TOD Core Transit Corridor shall not occur more frequently than every 330 feet. A TOD Local Street or TOD Pedestrian Priority Street does not count as a curb cut.

D. Small Lots on TOD Core Transit Corridors

For a lot with street frontage less than 50 feet wide adjacent to a TOD Core Transit Corridor (TCTC) or TOD Pedestrian Priority Street (TPPS), access to the lot shall be provided from a single joint use driveway from the TCTC or TPPS; otherwise, access shall be provided from a TOD Local Street or alley.

3.5.5. Curb-Cut Dimensional Standards

A. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Subsection 3.5.5 Curb-Cut Dimensional Standards	All development

B. Curb-Cut Width Standards

Section 5 of the Transportation Criteria Manual (TCM) specifies driveway standards in 5.3.2 of the TCM. These standards shall continue to apply to residential (Type I) and commercial (Type II) driveways, except as provided in this subsection:

1. The maximum Type I driveway width for single family, duplex, and townhome residences shall be 18 feet.
2. Driveways along street frontages with an active edge designation are discouraged. When they are deemed necessary by the Director, the maximum Type II driveway width for multi-family residential and commercial uses shall be 30 feet along an active edge.
3. Other Type II driveways within the TOD District shall be no more that 30 feet wide, and they may be expanded to a maximum width of 35 feet when deemed necessary by the Director for proper traffic circulation and access.
4. The maximum curb return radius for all Type II driveways shall be 15 feet. The maximum curb return radius may be expanded when deemed necessary by the Director for proper traffic circulation and access.
5. Sidewalk clear zones crossing a driveway shall be continuous and as straight and level as possible. Curb cuts shall ramp up and down to the level of the sidewalk rather than require additional curb ramps along the sidewalk.

3.5.6. Alleys

Alleys are encouraged to focus specific types of activity "behind the scenes" and to potentially allow for another point of access to the site. Alleys may provide space for, but not limited to, the following: loading areas, trash collection, utility location, and access to parking. Alleys shall

comply with existing City standards in the LDC and shall not substitute for streets required for emergency vehicle access.

3.5.7. Pedestrian, Bicycle, and Vehicular Circulation

A. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Section 3.5.7 Pedestrian, Bicycle, and Vehicular Connectivity	All development

All sites or developments subject to this section shall:

B. Provide private drive or public/private street connections to existing private drives or public/private streets on adjacent sites if feasible;

C. Provide direct pedestrian access from any street adjacent to the property line to a building entrance (the pedestrian access point must be fully accessible during operating hours).

D. Where public parkland is adjacent to the property line, provide pedestrian and bicycle access from the trail or walkway system on that parkland to the building entrance (the pedestrian and bicycle access points must be fully accessible during operating hours and shall meet City standards for pedestrian and bike ways).

ARTICLE 4: SITE DEVELOPMENT STANDARDS

4.1. INTENT

The standards of Article 4 are intended to:

4.1.1. Ensure that buildings relate appropriately to the surrounding area, create a cohesive visual identity and attractive street scene, and frame the pedestrian environment;

4.1.2. Encourage the provision of affordable housing and mixed income communities around transit through the use of development bonuses in higher activity areas of the TOD District;

4.1.3. Ensure that buildings relate appropriately to their roadway context, allowing for easy pedestrian access to buildings and providing well-defined edges to the roadway environment;

4.1.4. Ensure that building entryways are convenient and easily accessible from the roadside pedestrian system;

4.1.5. Provide opportunities for roadside uses that enliven and enrich the roadway and pedestrian environment, such as outdoor dining, porches, patios, and landscape features;

4.1.6. Ensure that vehicular parking is accommodated in a manner that enriches and supports, rather than diminishes, the pedestrian environment;

4.1.7. Provide adequate, secure, and convenient bicycle parking to meet the needs of the users of a development and to encourage cycling activity;

4.1.8. Ensure that utilities and mechanical equipment are obscured and are not prominent features of a development that negatively impact the visual experience;

4.1.9. Ensure that exterior lighting creates a safe night-time atmosphere and encourages activity in the evening, but does not overwhelm the environment and intrude onto adjacent properties; and

4.1.10. Provide both private and public open space amenities to residents, workers, and visitors of the TOD District so that the urban character of the Station Area is balanced with the open space needs of these populations.

4.2. GENERAL DEVELOPMENT STANDARDS

4.2.1. Applicability

Article 4 Site Development Standards	Application:
Section 4.2 **General Development Standards**	All properties in the MLK TOD District must comply with the standards in this section

4.2.2. Lot Size

All development shall have a minimum lot size of 2,500 square feet.

4.2.3. Lot Width

All development shall have a minimum lot width of 20 feet.

4.2.4. Impervious Surface Coverage

A. TOD Low Density Residential and TOD Medium Density Residential Subdistricts shall have a maximum impervious cover of 85 percent.

B. TOD Mixed-Use, TOD Corridor Mixed Use, and TOD Live/Work Flex Subdistricts shall have a maximum impervious cover of 95 percent.

4.2.5. Building Coverage

Building coverage limits shall be equal to the impervious cover limits in Subsection 4.2.4 above for all properties within the MLK TOD District.

4.2.6. Setbacks

A. For all properties within the TOD District, there are no minimum or maximum requirements for rear, interior side, or street side yard setbacks, except as required to comply with the building height and setback requirements in Subsection 4.2.10 *Compatibility Standards*.

B. For all properties in the TOD District, there is no minimum or maximum front yard setback requirement, except as required to comply with Subsection C below. Instead, development must meet the building placement standards in Section 4.4.

C. If the street right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure adequate fire access.

4.2.7. Site Area Requirements

For all development in the TOD District, there are no minimum site area requirements.

4.2.8. Floor-to-Area Ratio (FAR)

The maximum FAR for all development within the Station Area shall be 2:1, unless a development bonus is granted as specified in Section 4.3.

4.2.9. Building Height

A. Maximum Building Height
The base maximum building height for all properties within the MLK TOD District is established on the map labeled Figure 4-1. A height bonus may be granted in some portions of the TOD in exchange for the provision of affordable housing. The height bonus criteria and standards are detailed in Subsection 4.3.3.

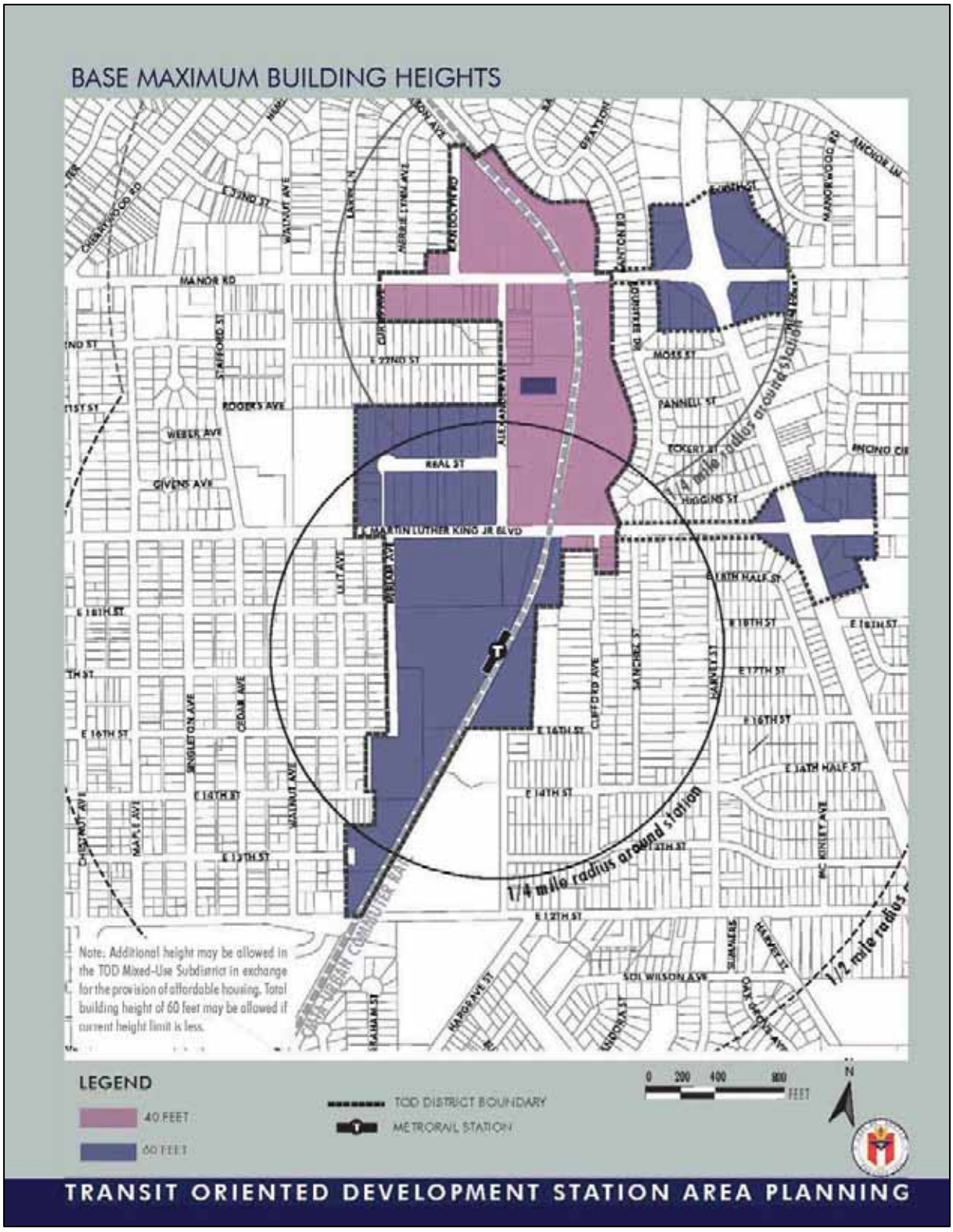
B. Minimum Building Height in TOD Mixed Use Subdistrict
The minimum building height on all properties in the TOD Mixed Use Subdistrict is two stories (for the purpose of applying the standards in this Document, a story is defined in Article 6 Definitions).

4.2.10. Compatibility Standards

A. Compatibility standards, as stipulated in Article 10 of Chapter 25-2 of the LDC, shall apply to all properties within the TOD District.

B. A waiver of compatibility standards may be granted if a development bonus is utilized. The development bonus standards and requirements are established in Subsections 4.3.2 *Density Bonus* and 4.3.3 *Density and Height Bonus*.

Figure 4-1: Base Maximum Building Height (with no development bonus)



4.3. DEVELOPMENT BONUSES

4.3.1. Affordability Definition

For purposes of this section, a unit is affordable for purchase or rental if the household is required to spend no more than 30 percent of its gross monthly income on mortgage or rental payments for the unit, or up to 35% of its gross income on mortgage if a household member receives City-approved homebuyer counseling, in addition to meeting the requirements of this section.

4.3.2. Density Bonus

A. Applicability

Article 4 Site Development Standards	Application:
Subsection 4.3.2 Density Bonus	All properties or portions of properties in the Live/Work Flex, TOD Mixed Use, and Corridor Mixed Use Subdistricts are eligible for a density bonus.

B. Waiver of Site Development Standards

A density bonus shall be granted to a development that meets the affordability standards in Subsection C below, which exempts the development from the following site development standards:

1. Maximum density requirement in Section 2.3;
2. Maximum Floor-to-Area Ratio (FAR) requirement in Subsection 4.2.8; and
3. Chapter 25-2 Subchapter C, Article 10 of the LDC (Compatibility Standards) shall be waived with the following exceptions:

    a. Height Limitations

    In the TOD District within 100 feet of the TOD boundary, compatibility standards height limitations triggered by property outside of the TOD District shall be waived if owners of at least 66% of triggering properties within 25 feet of the site requesting the waiver agree. If there are no triggering properties within 25 feet, the height restriction shall be waived.

For the property at 2900 Manor Road, the 25-foot distance specified above shall be calculated per ordinance #20090312-028.

b. Setbacks

In the TOD District within 100 feet of the TOD boundary, compatibility standards setbacks triggered by property outside of the TOD District shall not be waived.

C. Affordability Standards

To be eligible for the development exemptions in Subsection B above, habitable space equal to a minimum of twenty-five percent of the entire square footage of the development shall be reserved as affordable according to the following:

1. The applicant/property owner shall be responsible for providing habitable space equal to ten percent of the entire square footage of the development, with the option to provide additional affordable square footage.

2. Subject to funding availability, the City of Austin shall fund the provision of the remaining affordable square footage in order to achieve twenty-five percent affordability of the entire square footage of the development.

3. If the City of Austin is unable to fund the remaining affordable square footage in order to achieve twenty-five percent affordability, a density bonus may still be utilized provided that the applicant/property owner provides the required amount of affordable square footage as prescribed in 1. above.

4. The requirement may be met by providing affordable owner-occupied units, rental units, or a combination of both. The following requirements assign the specific level of affordability for each unit type, which shall run with the land:

a. Affordability Requirements for Owner-Occupied Units

(i) Habitable space equal to twenty-five percent of the entire square footage of the development shall be reserved as affordable through a City approved

affordable housing land trust or other shared equity model approved by the Director of NHCD, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 80 percent of the Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of the Neighborhood Housing and Community Development Department (NHCD); and

(ii) The applicant/property owner shall be responsible for providing habitable space equal to 10% of the entire square footage of the development at the affordability levels established in i. above. As described in Subsection C.2 above, the City of Austin shall fund, subject to funding availability, the provision of the remaining affordable square footage in order to achieve 25% affordability over the entire development. The City may elect to subsidize residential units in the building(s) for ownership purposes in any amount and at any level of affordability pursuant to criteria and procedures established by the Director of the NHCD.

b. Affordability Requirements for Rental Units

(i) Habitable space equal to twenty-five percent of the entire square footage of the development shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 60 percent of the Annual Median Family Income; and

(ii) The applicant/property owner shall be responsible for providing habitable space equal to 10% of the entire square footage of the development at the affordability levels established in i. above. As described in Subsection C.2 above, the City of Austin shall fund, subject to funding availability, the provision of the remaining affordable square footage in order to achieve 25%

affordability over the entire development. The City may elect to subsidize residential units in the building(s) for rental purposes in any amount and at any level of affordability pursuant to criteria and procedures established by the Director of NHCD.

D. Fee-in-lieu

1. In order for a property owner/developer to pay a fee in-lieu of meeting the requirements in Subsection C above, he/she must demonstrate a compelling reason to not provide housing on-site, and subject to the approval of the City Council, may pay into the Housing Assistance Fund a fee-in-lieu payment.

2. The current fee to be paid into the Housing Assistance Fund for each square foot of bonus area is established as ten dollars. The bonus area square footage shall be determined by the greater of the following:

a. The increase in gross building area above that established by the maximum Floor-to-Area (FAR) ratio as described in Subection 4.2.8.

b. The number of additional dwelling units above that established in Section 2.3 multiplied by the average unit square footage of the entire development seeking the development bonus

c. The amount of gross building area constructed within a space previously restricted by compatibility standards.

3. The fee amount is adjusted annually in accordance with the Consumer Price Index All Urban Consumers, US City Average, All Items (1982-84 = 100), as published by the Bureau of Labor Statistics of the United States Department of Labor. The City Manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2008, and report the new fee amounts to the City Council.

4. The Director of the NHCD may allocate money from the Housing Assistance Fund collected for the financing or production of affordable units, limited to those developments located within the TOD area or in an area within ½ mile of the TOD area, and that meets the following criteria:

a. Owner-occupied units are reserved as affordable for a period of not less than 99 years for a family whose gross income does not exceed 80% of the median family income for the Annual Median Family Income; or

b. Renter-occupied units are reserved as affordable for a period of not less than 40 years for a family whose gross income does not exceed 60% of the median family income for the Annual Median Family Income.

4.3.3. Density and Height Bonus

A. Applicability

Article 3 Site Development Standards	Application:
Subsection 4.3.3 Density and Height Bonus	All properties, or portions of properties, in the TOD Mixed Use Subdistrict are be eligible for a height bonus (if base height is less than 60 feet)

B. Waiver of Site Development Standards and Building Height Allowance

A density and height bonus shall be granted to a development that meets the affordability standards in Subsection C below, which exempts the development from the following site development standards:

1. Maximum density requirement in Section 2.3;

2. Maximum Floor-to-Area Ratio (FAR) requirement in Subsection 4.2.8; and

3. Chapter 25-2 Subchapter C, Article 10 of the LDC (Compatibility Standards) shall be waived with the following exceptions:

a. Height Limitations

In the TOD District within 100 feet of the TOD boundary, compatibility standards height limitations triggered by property outside of the TOD District shall be waived if owners of at least 66% of triggering properties within 25 feet of the site requesting the waiver agree. If there are no triggering properties within 25 feet, the height restriction shall be waived.

For the property at 2900 Manor Road, the 25-foot distance specified above shall be calculated per ordinance #20090312-028.

b. Setbacks

In the TOD District within 100 feet of the TOD boundary, compatibility standards setbacks triggered by property outside of the TOD District shall not be waived..

Building Height Allowance

Any building on the site receiving the bonus may reach a total of 60 feet in height as measured by the LDC.

C. Affordability Standards

To be eligible for the development exemptions and height allowance in Subsection B above, habitable space equal to a minimum of twenty-five percent of the entire square footage of the development shall be reserved as affordable according to the following:

1. The applicant/property owner shall be responsible for providing habitable space equal to 15% percent of the entire square footage of the development, with the option to provide additional affordable square footage.
2. Subject to funding availability, the City of Austin shall fund the provision of the remaining affordable square footage in order to achieve twenty-five percent affordability of the entire square footage of the development.
3. If the City of Austin is unable to fund the remaining affordable square footage in order to achieve twenty-five percent affordability, a density and height bonus may still be utilized provided that the applicant/property owner provides the required amount of affordable square footage as prescribed in 1. above.
4. The twenty-five percent requirement may be met by providing affordable owner-occupied units, rental units, or a combination of both. The following requirements assign the specific level of affordability for each unit type, which shall run with the land:

a. Affordability Requirements for Owner-Occupied Units

(i) For properties south of Manor Road (in the CP&R Zone), habitable space equal to twenty-five percent of the bonus area square footage of the development shall be reserved as affordable through a City approved affordable housing land trust or other shared equity model approved by the Director of NHCD, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 60 percent of the Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of the NHCD; or

(ii) For properties north of Manor Road (outside the CP&R Zone), habitable space equal to twenty-five percent of the entire square footage of the development shall be reserved as affordable through a City approved affordable housing land trust or other shared equity model approved by the Director of NHCD, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 80 percent of the current Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of NHCD.

(iii) The applicant/property owner shall be responsible for providing habitable space equal to 15% of the entire square footage of the development at the affordability levels established in i. and/or ii. above. As described in Subsection C.2 above, the City of Austin shall fund, subject to funding availability, the provision of the remaining affordable square footage in order to achieve 25% affordability over the entire development. The City may elect to subsidize residential units in the building(s) for ownership purposes in any amount and at any level of affordability pursuant to criteria

and procedures established by the Director of NHCD.

b. Affordability Requirements for Rental Units

(i) For properties south of Manor Road (in the CP&R Zone), habitable space equal to twenty-five percent of the bonus area square footage of the development shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 50 percent of the Annual Median Family Income; or

(ii) For properties north of Manor Road (outside the CP&R Zone), habitable space equal to twenty-five percent of the bonus area square footage of the development shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 60 percent of the Annual Median Family Income; and

(iii) The applicant/property owner shall be responsible for providing habitable space equal to 15% of the entire square footage of the development at the affordability levels established in i. and/or ii. above. As described in Subsection C.2 above, the City of Austin shall fund, subject to funding availability, the provision of the remaining affordable square footage in order to achieve 25% affordability over the entire development. The City may elect to subsidize residential units in the building(s) for rental purposes in any amount and at any level of affordability pursuant to criteria and procedures established by the Director of NHCD.

D. Fee-in-lieu

1. In order for a property owner/developer to pay a fee in-lieu of meeting the requirements in Subsection C above, he/she must demonstrate a compelling reason to not provide housing on-site, and subject to the approval of the City Council, may pay into the Housing Assistance Fund a fee-in-lieu payment.

2. The current fee to be paid into the Housing Assistance Fund for each square foot of bonus area is established as ten dollars. The bonus area square footage shall be determined by the greater of the following:

   a. The increase in gross building area above that established by the maximum Floor-to-Area (FAR) ratio as described in Subsection 4.2.8 and the maximum building height as described in Subsection 4.2.9
   b. The number of additional dwelling units above that established in Section 2.3 multiplied by the average unit square footage of the entire development seeking the development bonus
   c. The amount of gross building area constructed within a space previously restricted by compatibility standards.

3. The fee amount is adjusted annually in accordance with the Consumer Price Index All Urban Consumers, US City Average, All Items (1982-84 = 100), as published by the Bureau of Labor Statistics of the United States Department of Labor. The City Manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2008, and report the new fee amounts to the City Council.

4. The Director of the NHCD may allocate money from the Housing Assistance Fund collected for the financing or production of affordable units, limited to those developments located within the TOD area or in an area within ½ mile of the TOD area, and that meets the following criteria:

   a. Owner-occupied units are reserved as affordable for a period of not less than 99 years for a family whose gross income does not exceed 80% of the median family income for the Annual Median Family Income; or
   b. Renter-occupied units are reserved as affordable for a period of not less than 40 years for a family whose gross income does not exceed 60% of the median family income for the Annual Median Family Income.

4.4. RELATIONSHIP OF BUILDINGS TO STREETS AND WALKWAYS

4.4.1. Purpose

This Document alters the standard manner of applying setbacks. Conventional zoning code applies a minimum building setback from the property line. However, with TOD the goal is to build compact environments that are designed around the pedestrian where streetscapes frame the street and buildings have a continuous presence. Therefore, this Document does not require minimum or maximum setbacks and instead employs the use of build-to lines where a building, or a portion of a building, must be built up to the property line or the sidewalk clear zone (or supplemental zone if provided).

4.4.2. Building Placement Factors

A. Principal Street Determination

1. Any roadway type with an active edge designation has priority.
2. Absent an active edge designation, the following three roadway types are listed from highest to lowest priority for purposes of this Article and Article 5:

    a. TOD Core Transit Corridor;
    b. TOD Pedestrian Priority Street; and
    c. TOD Local Street.

The highest level of priority adjacent to the lot or site is considered the "principal street" for the purpose of applying many of the standards in Articles 4 and 5. For a lot or site that is adjacent to more than one roadway with an active edge designation, the roadway designated by the lot owner shall be considered the principal street.

For a lot or site with no active edge that is adjacent to more than one roadway of equal priority, the roadway with the highest level of transit service, as determined by the Director, shall be considered the principal street. If the roadways do not have transit service or the level of transit service is equal, the roadway designated by the lot owner shall be considered the principal street. Building placement standards vary according to the roadway type of the site's principal street.

B. Active Edge

To enliven pedestrian activity areas, which are located along major streets and at key intersections, the TOD Mixed-Use Subdistrict requires active edges along specific street frontages as shown in Figure 2-1. Building placement near or adjacent to the street is an essential component along these active edges and the specific standards associated with them are detailed below in Subsection 4.4.3 Building Placement.

C. Supplemental Zone (Optional)

A supplemental zone may be provided at the option of the applicant between the street-facing façade line and the required clear zone. This zone is available so that a development may provide active public uses such as a plaza, outdoor café or patio, or in more residential settings, private porches or open space. The extent to which such space may be provided is governed by the provisions in Subsection 4.4.4.

4.4.3. Building Placement

A. Application

Article 4 Site Development Standards	Applies to:	Application Details:
Subsection 4.4.3 Building Placement	All development	-Required along the principal street -Corner site provisions apply

B. General Standards

A minimum percentage of the net frontage length of the property along a site's principal street must consist of continuous building façade built up to the property line, clear zone, or the supplemental zone if one is provided (see Figures 4-4, 4-5, and 4-6). In addition, there is a minimum net frontage length requirement for any street with an active edge designation. The minimum net frontage length requirement varies according to the roadway type and the presence of an active edge. For purpose of applying the standards in this Document, "net frontage length" is defined in Article 6. The minimum net frontage length requirement is shown in the table below. When only a portion of the site frontage is designated as an active edge, the active edge net frontage requirement shall be met for that portion of the site, but may be applied toward the overall net frontage requirement for the site based on the principal roadway.

The building placement standards in the following table apply to the site's principal street:

Building Placement Standards:			
	TOD Core Transit Corridor	TOD Pedestrian Priority Street	TOD Local Street
Basic Standard	75% net frontage length to clear zone*	50% net frontage length to clear zone*	40% net frontage length to clear zone*
Active Edge Standard	100% net frontage length to clear zone*		

*** or supplemental zone if provided**

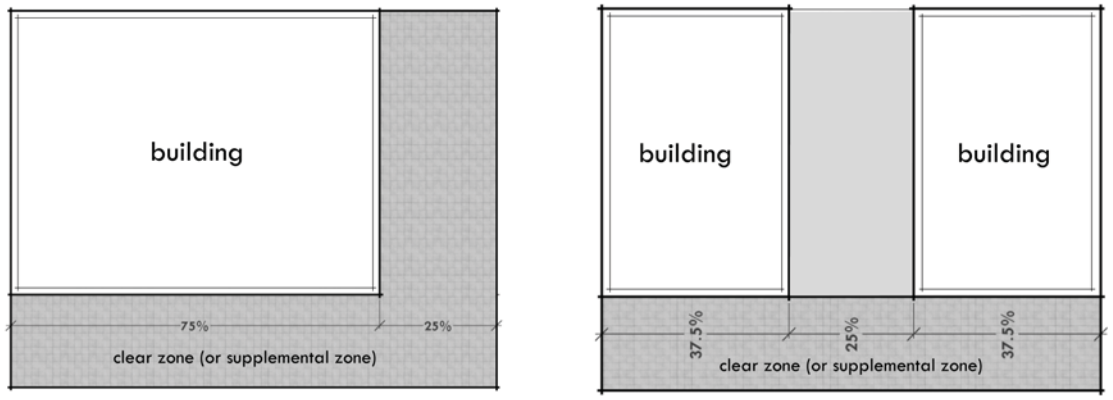


Figure 4-4: Sample illustrations meeting the net frontage building length requirement along a TOD Core Transit Corridor.

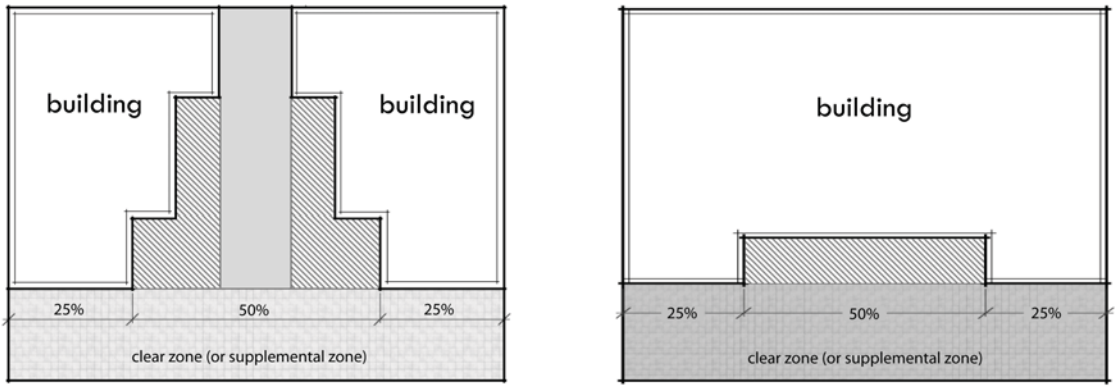


Figure 4-5: Sample illustrations meeting the net frontage building length requirement along a TOD Pedestrian Priority Street (no parking allowed in hatched area).

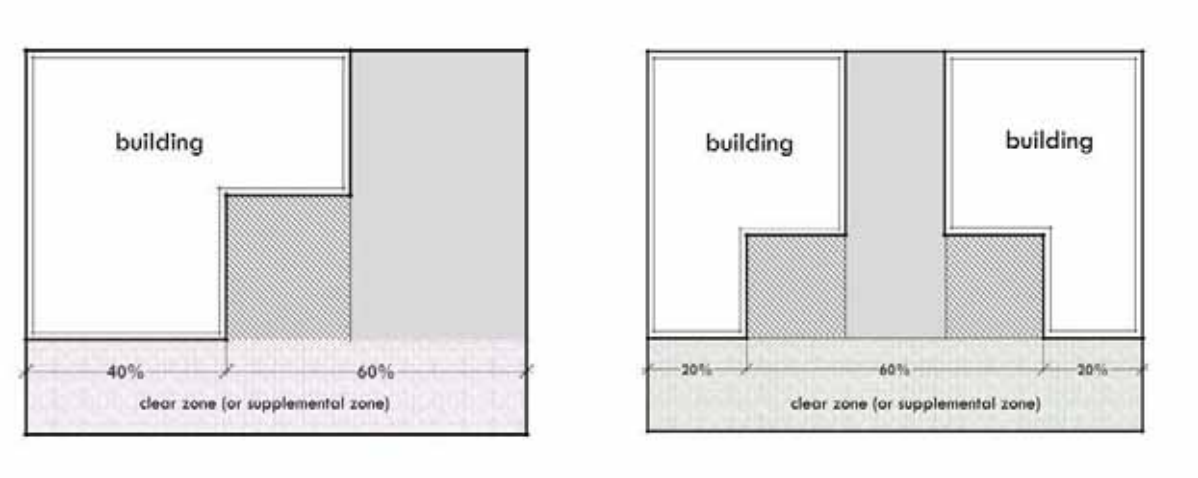


Figure 4-6: Sample illustrations meeting the net frontage building requirement along a TOD Local Street (no parking allowed in hatched area).

C. Additional Standard for Buildings Three Stories or Higher

If the street right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure adequate fire access.

D. Corner Sites

For a site occupying one or more corners, the building placement standards must be met for the principal street and any other street that abuts the site and intersects the principal street.

E. Phased Projects

Phased projects must fulfill the building placement standard for the highest priority roadway adjacent to the site in the first project phase. In subsequent phases, buildings on the site shall then be located along any abutting lower priority street according the building placement standards in this section.

F. Civic Buildings

In order to provide greater flexibility to create a distinctive architectural statement, civic buildings, as defined in Article 6 Definitions, are not required to meet the building placement standards in this section, so long as parking is not located between the building frontage and the street (see Figure 4-7). For buildings of a civic nature that do not fall under the definition of Civic in Article 6, Alternative Equivalent Compliance, as described in Article 1, may be sought for relief from the building placement standards in this section. Alternative Equivalent Compliance may be granted if the intent of this Document is met.



Figure 4-7: The Austin City Hall is set back from the street in some areas, while other non-civic buildings meet the street. This is a traditional urban design technique intended to emphasize the importance of civic uses.

4.4.4. Supplemental Zones

A. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Subsection 4.4.4 Supplemental Zones	Optional for all development	-Basic standards for all roadway types -Separate active edge standard

B. Standards

A supplemental zone may be provided at the option of the applicant. Supplemental zone requirements vary

according to whether or not the site is along an active edge. Zone requirements are summarized in the following table and example illustrations (Figures 4-8, 4-9, and 4-10) demonstrate how the standards are intended to work:

Supplemental Zone Standards	
Basic Standard	20 to 30 feet maximum width
Active Edge Standard	10 to 20 feet maximum width

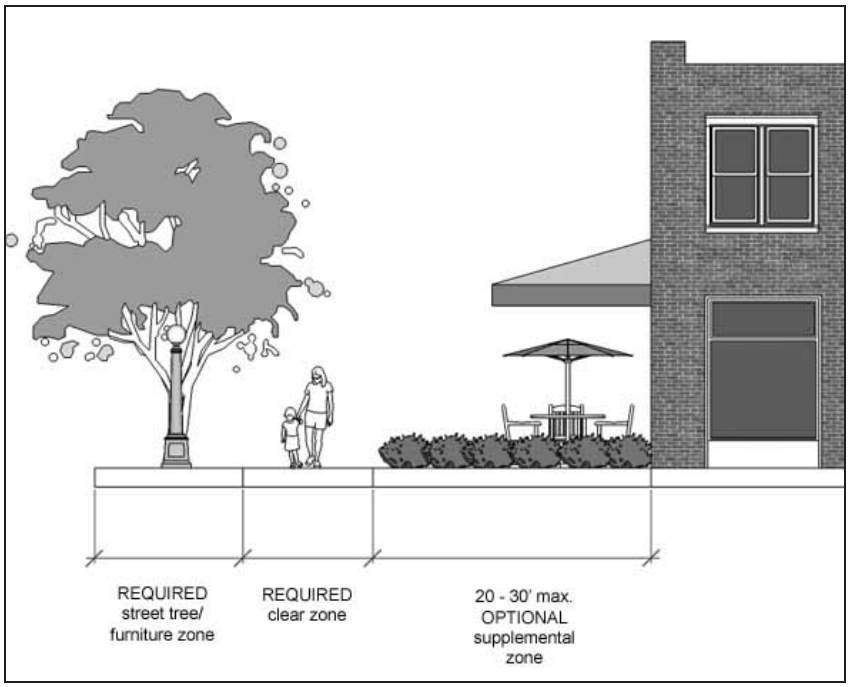


Figure 4-8: Optional supplemental zone (Basic Standard).

C. Basic Standard

If a supplemental zone is provided, up to 30 percent of the linear frontage of the supplemental zone may be a maximum of 30 feet wide and the remainder of the supplemental zone shall be a maximum of 20 feet wide (see Figures 4-8, 4-9, and 4-10).

D. Active Edge Standard

If a supplemental zone is provided, up to 30 percent of the linear frontage of the supplemental zone may be a maximum of 20 feet wide and the remainder of the supplemental zone shall be a maximum of 10 feet wide.

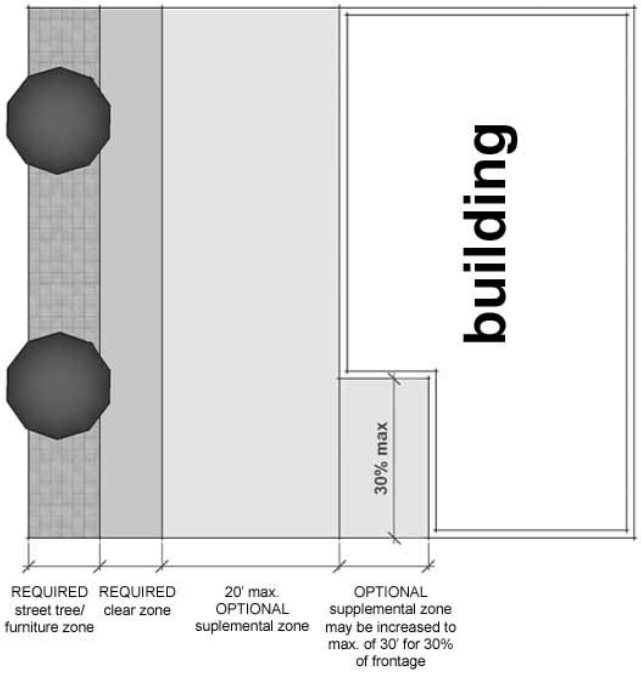


Figure 4-9: Optional supplemental zone may be expanded to 30 feet for a maximum of 30 percent of the frontage where there is not active edge designation (Basic Standard).

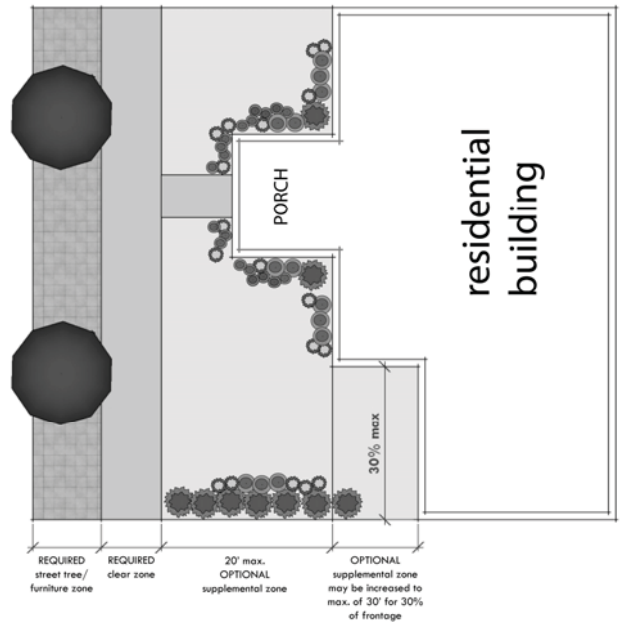


Figure 4-10: Example of allowed elements in a supplemental zone.

E. The following elements may be located within the supplemental zone:

1. Accessory outdoor dining, provided that the dining area may be separated from the sidewalk only with planters, shrubs, or fencing with a maximum height of 42 inches (see Figure 4-11);
2. Balconies, pedestrian walkways, porches, handicap ramps, and stoops; provided, however, that no such feature shall extend beyond the supplemental zone without a license agreement;
3. Terraces, provided that they have a maximum finished floor height of 24 inches above the sidewalk elevation and shall be surrounded by a guardrail that meets City specifications;
4. Landscape and water features;
5. Plazas; and
6. Incidental display and sales.



Figure 4-11: Example of a supplemental zone outdoor dining area

F. Any features in the supplemental zone must not obstruct the open pedestrian connection between the building's primary entrance and the clear zone.

4.5. OFF-STREET PARKING

4.5.1. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Section 4.5 Off-street Parking	All development	Requirement must be met on all adjacent roadway types

4.5.2. Parking Requirements

A. Minimum Parking Requirement:
60 percent of that prescribed by the LDC Appendix A (Tables of Off-Street Parking and Loading Requirements)

B. Maximum Parking Requirement:
1. 100 percent of that prescribed by Appendix A ; or
2. 110 percent of that prescribed by Appendix A if the following qualifications are met:

a. Any parking spaces provided over 100 percent of the calculated LDC rate in Appendix A are made available for public use; and
b. Signage is provided indicating where public parking is available.

4.5.3. Shared Parking

Shared parking arrangements are encouraged to ensure that any vehicular parking provided is utilized to the greatest extent possible and to limit the provision of unnecessary parking spaces. Shared parking opportunities must be approved by the Director of the Public Works Department during site plan review as each case needs to be reviewed to ensure that the type and size of uses are appropriate for a shared parking arrangement.

4.5.4. Reduction of Minimum Off-Street Parking Requirements

This section provides for reductions in the minimum off-street parking requirements in Subsection 4.5.2. The minimum off-street parking requirement shall be reduced as follows:

A. By one space for each on-street parking space located adjacent to the site.

B. By up to 10 percent to preserve significant stands of trees or protected trees in addition to those required to be preserved by the Code, pursuant to protection measures specified in the Environmental Criteria Manual. If the applicant provides more parking spaces than the minimum required, the additional parking spaces may not result in the removal of significant stands of trees or protected trees.

C. By 20 spaces for every car-sharing vehicle provided in a program that complies with the requirements prescribed by the Director by administrative rule.

D. By one space for each shower facility with three or more lockers provided for employees in a nonresidential building.

E. By one motor vehicle parking space for each fully enclosed and lockable bicycle parking space.

F. By up to ten percent if parking spaces are leased or sold separately from occupied spaces.

Unless otherwise specified, the above reductions may be applied cumulatively, and may be applied in addition to the parking reduction authorized in Subsection 4.5.2, but in no case may the minimum off-street parking requirements for a project set forth in Chapter 25-6, Appendix A, be reduced by more than 50 percent.

4.5.5. Parking Design Standards

A. For all roadway types, off-street parking is prohibited between the principal street and the corresponding street-facing façade line (see Figure 4-12).

B. Any off-street surface parking along a TOD Core Transit Corridor, TOD Pedestrian Priority Street or TOD Local Street shall have landscape buffering in accord with Section 25-2-1006 of the LDC between the clear zone (or the supplemental zone if provided) and the parking area. The buffering method chosen must include shade trees unless already provided in an adjacent street tree/furniture zone (Figures 4-13 and 4-14).

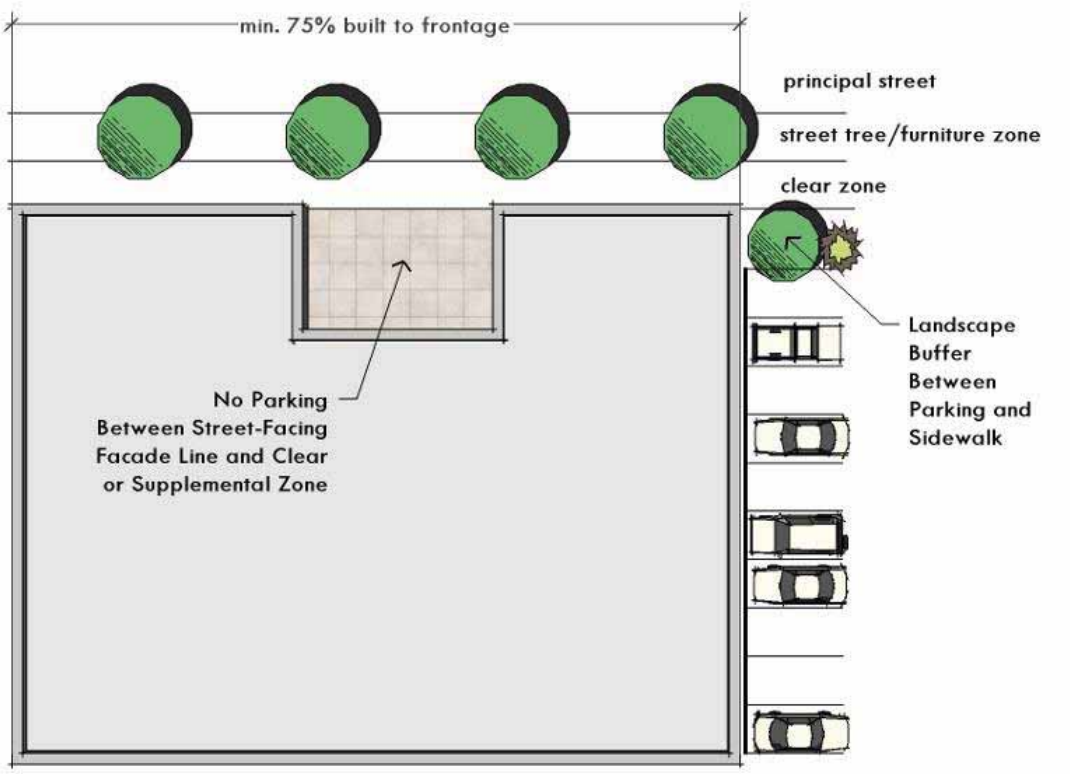


Figure 4-12: No parking is allowed between the street and the building façade and when parking is located to the side of a building, screening is required between the parking and the sidewalk (TOD CTC example).

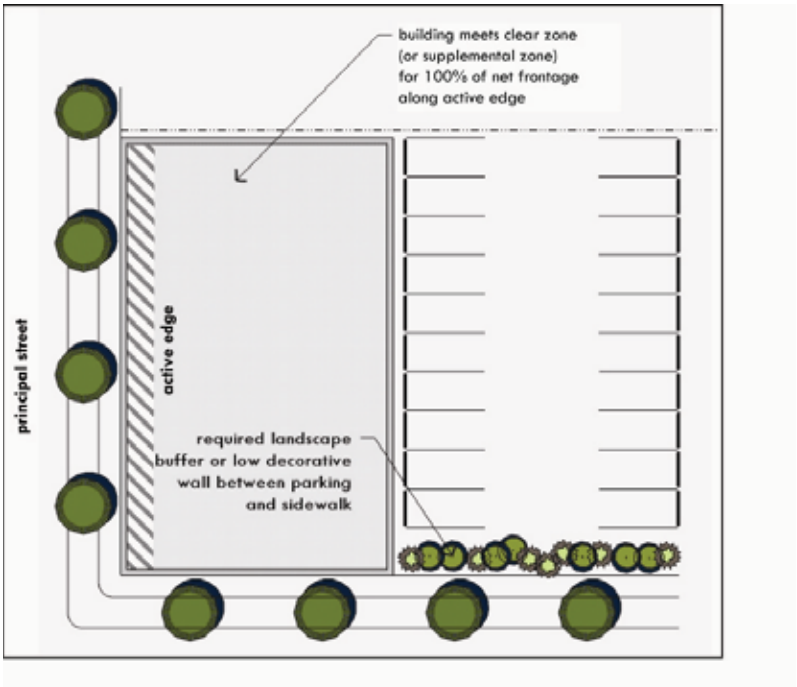


Figure 4-13: Building placement requirement along an active edge with required landscaping between parking and clear zone along other adjacent streets.

C. Surface parking is prohibited along active edges. Parking structures may be located along active edges provided they meet the applicable active edge standards in Section 5.7.

D. Off-street parking provided as part of a building or parking structure along any roadway type must meet the active edge ground floor space standards in Section 5.7.

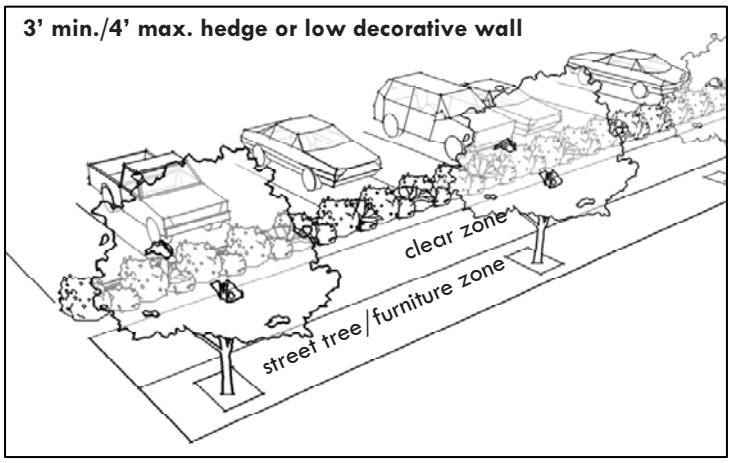


Figure 4-14: Required screening for surface parking along all streets.

4.5.6. Bicycle Parking Requirements

A. Minimum Requirement

Bicycle parking shall be as prescribed by the LDC Appendix A (Tables of Off-Street Parking and Loading Requirements). The required amount shall be calculated based on the motor vehicle spaces required by Appendix A prior to any available parking reductions.

1. For retail uses, a minimum of 75% of all required parking shall be located along the principal street and within 50 feet of a primary building entrance. For all other uses, the requirement is a minimum of 10%.
2. After meeting the requirement in 1. above, the remainder of required bicycle parking may be located:

    a. Within 50 feet of other building entryways not on the principal street; or
    b. At employee entrances; or
    c. Within a building, or
    d. In a covered motor vehicle parking area.

Note: One upside down U rack counts as two bicycle parking spaces. For example, if 100 bicycle parking spaces are required, 50 upside down U racks would need to be provided.

B. Standards

All bicycle parking shall meet the standards as prescribed in the LDC and as follows:

1. Bicycle parking shall not obstruct walkways. A minimum 5-foot wide aisle shall remain clear
2. Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or a secure stationary rack, which support the frame so the bicycle cannot easily be pushed or fall to one side. Racks that require a user-supplied lock should accommodate locking the frame and both wheels using either a cable or U-shaped lock
3. Bicycle parking spaces shall be at least 6 feet long and 3 feet wide, and overhead clearance in covered spaces shall be a minimum of 7 feet (Figure 4-15).
4. A 5-foot aisle for bicycle maneuvering, which may be provided with the required sidewalk clear zone, shall be provided and maintained beside or between each row of bicycle parking.
5. Bicycle racks or lockers shall be securely anchored.
6. Bicycle parking shall be located in a well lighted, secure, and visible location.

7. A "ribbon rack" is not a recommended design for bicycle parking by the Public Works Department.

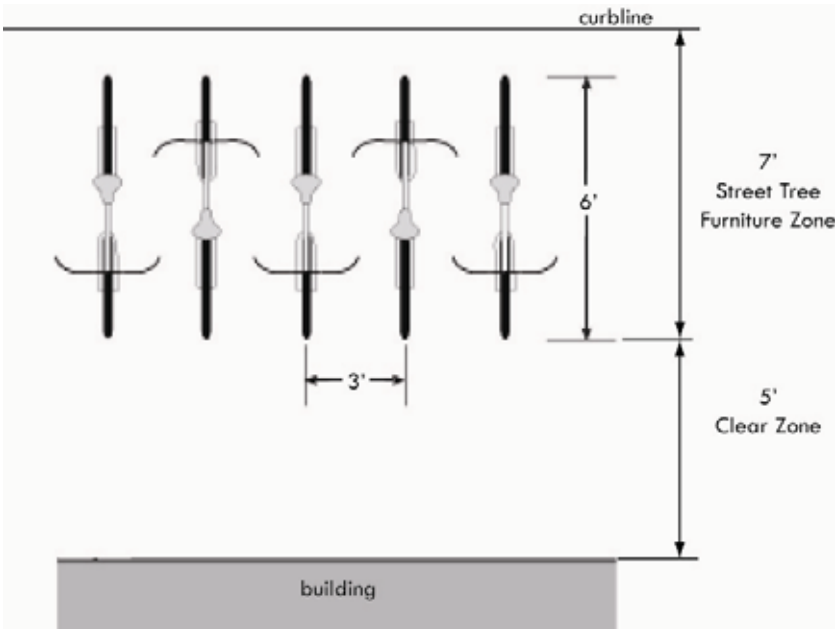


Figure 4-15: Bicycle parking design – Pedestrian Priority Street sidewalk

4.6. EXTERIOR LIGHTING

4.6.1. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Section 4.6 Exterior Lighting	All development except: single family, single family attached, duplex, two-family, and townhouse development	Requirement must be met on all adjacent roadway types

4.6.2. Standards

A. Submission of Plans and Evidence of Compliance

All site plan applications shall include a description of all lighting fixtures not affixed to buildings, both proposed and those that will remain on the site, as well as any existing or proposed fixtures to be located in adjacent rights-of-way after completion of the project. For new fixtures, the description may include, but is not limited to, catalog cuts and illustrations by manufacturers (including sections where required), that demonstrate compliance with the standards of this Document. For lighting fixtures affixed to buildings, such

information shall be provided as part of the building permit application.

B. Fully Shielded and Full Cut-off Light Fixtures Required

The following outdoor lighting applications shall be illuminated by fixtures that are both fully-shielded and full cut-off (see Figure 4-16):

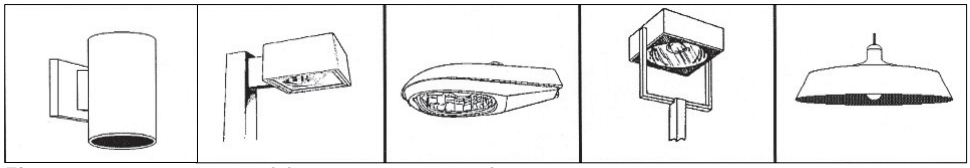


Figure 4-16: Examples of fully-shielded light fixtures

1. Street and pedestrian lighting;
2. Parking lots;
3. Pathways;
4. Recreational areas;
5. Billboards;
6. Product display area lighting; and
7. Building overhangs and open canopies.

C. Lighting of Building Façades

Buildings and structures shall be illuminated by fixtures that are both fully-shielded and full cut-off. Building façade lighting may only be used to highlight specific architectural features such as principal entrances and towers.

D. Directional Luminaires

Directional luminaires may be used to illuminate signs and flagpoles. Such luminaires shall be installed and aimed so that they illuminate only the specific object or area and do not shine directly onto neighboring properties, roadways, or distribute excessive light skyward.

E. Lamp or Fixture Substitution

Should any outdoor light fixture or the type of light source therein be changed after site plan or building plan approval has been granted, a change request must be submitted to the Director for approval, together with adequate information to assure compliance with this Document, which must be received prior to substitution.

F. Non-Conforming Lighting

All outdoor lighting fixtures lawfully installed prior to and operable on the effective date of this Document are exempt from all requirements of this Document until January 1, 2015, at which time they shall become subject to this Document, and shall be considered non-conforming if they do not comply with the requirements of this Document.

4.7. SCREENING OF EQUIPMENT AND UTILITIES

4.7.1. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Section 4.7 Screening of Equipment and Utilities	All development except: local utility services, electric service transformers within the right-of-way, and telecommunications towers	Requirement must be must on all adjacent roadway types

4.7.2. Standards

All development, with the exception of local utility services, electric service transformers within the right-of-way, and telecommunications towers, shall comply with the following requirements:

A. Solid waste collection areas and mechanical equipment, including equipment located on a rooftop but not including solar panels, shall be screened from the view of a person standing on the property line on the far side of a street (see Figure 4-17).

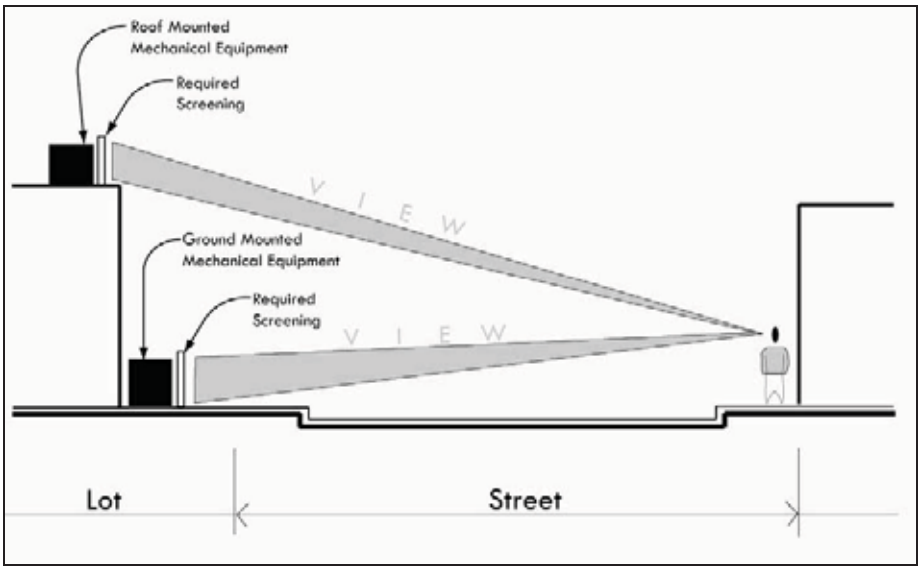


Figure 4-17: Required screening of mechanical equipment from property across the street.

B. Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and streets. Screening materials for solid waste collection and loading areas shall be the same as, or of equal quality to, the materials used for the principal building. Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions may be placed alongside public alleys without the necessity of screening.

4.8. SIGN REGULATIONS

4.8.1. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Section 4.8 Sign Regulations	All development	Requirement must be met on all adjacent roadway types

4.8.2. Sign Regulations

Development shall comply with the Sign Regulations in the LDC Section 25-10-133, *University Neighborhood Overlay Zoning District Signs*.

4.9. GREEN INFRASTRUCTURE

4.9.1. Applicability

Article 4 Site Development Standards	Applies to:
Section 4.9 Green Infrastructure	All development except single family, single family attached, duplex, two-family residential, and townhouse.

4.9.2. Green Infrastructure Standards

A. On-site water quality controls are required per Sections 25-8-211 through 215 of the LDC.

B. A minimum of 75% of the required Water Quality Volume (WQV) must be treated on-site using Green Infrastructure (i.e. innovative water quality controls, per Environmental Criteria Manual [ECM] Section 1.6.7). All the innovative controls that use the landscape as part of the treatment system require sustainable landscape practices in the form of native vegetation and Integrated Pest Management Plans (see Figure 4-18).

C. In cases where site specific circumstances limit the ability to treat 100% of WQV on-site, if at least 75% of the WQV has been treated on-site using Green Infrastructure, the City may allow fee-in-lieu payments for the area not treated. The Watershed Protection and Development Review Department staff will maintain the ability currently allowed by ECM Section 1.6.4 to further reduce the level of on-site control if special circumstances exist which warrant the reduction.

D. If a developer, or group of developers, propose a regional water quality structure that treats the stormwater from at least 10 acres of previously untreated offsite land, the City may cost participate in the construction of the structure according to ECM Section 1.9.









Figure 4-18: Examples of Green Infrastructure facilities

4.10. PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES

4.10.1. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Section 4.10 Private Common Open Space and Pedestrian Amenities	All development sites larger than two acres	Projects that utilize a density or density/height bonus are exempt from this requirement

4.10.2. Purpose

Open air and semi-enclosed public gathering spaces can act as central organizing elements in a development. They can also help to shape the relationship between different land uses and provide focal points and anchors for pedestrian activity. Goals and requirements for common open space and pedestrian amenities complement the LDC requirements for dedicated public open space and parks, and serve similar purposes.

4.10.3. Standards

A. Amenity Required

The development shall devote a minimum of two percent of the net site area to one or more of the following types of private common open space or pedestrian amenities:

1. A natural and undisturbed private common open space, for use of the residents, employees, and visitors to the development. Developments with primarily residential uses are encouraged to comply with this requirement.
2. A landscape area other than one required by Document C, Article 9 (Landscaping), provided such landscaped area has a minimum depth and width of 10 feet and a minimum total area of 200 square feet. The area shall include pedestrian amenities to support these places as gathering areas.
3. A playground, patio, or plaza with outdoor seating areas, provided the playground, patio, or plaza has a minimum depth and width of ten feet and a minimum total area of 300 square feet. The area shall include pedestrian amenities to support these places as gathering areas.

4. A combination of the above-listed amenities. (See Figure 4-19).





Figure 4-19: Examples of open space amenities

B. Location Criteria

To the maximum extent feasible, where significant natural and scenic resource assets exist on a property, the developer shall give priority to their preservation as private common open space. In reviewing the proposed location of private common open space areas, the Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected, with priority being given to the following areas (which are not listed in a particular order):

1. Wetlands;
2. Flood hazard areas;
3. Lakes, rivers, and stream/riparian corridors;
4. Tree preservation areas; and
5. Karst areas.

C. Areas Not Credited

Lands within the following areas shall not be counted towards private common open space or pedestrian amenities required by this section:

1. Private yards;
2. Public or private streets or rights of way;
3. Parking areas and driveways for dwellings;
4. Water quality and stormwater detention ponds, unless approved by the Director; and
5. A required street tree/furniture zone.

D. Design Criteria

Land set aside for private common open space or pedestrian amenities pursuant to this section shall meet the following design criteria, as relevant:

1. Common open space areas shall be located so as to be readily accessible and useable by residents or visitors in various locations of the development, unless the lands are sensitive natural resources and access should be restricted.
2. The lands shall be compact and contiguous unless the land shall be used as a continuation of an existing trail, or specific topographic features require a different configuration. An example of such

topographic features would be the provision of a trail or private open area along a riparian corridor.

3. Where private common open space areas, trails, parks, or other public spaces exist adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

E. Maintenance

All private common open space or pedestrian amenity areas shall be maintained by the owners of the development.

F. Public Dedication or Fee In Lieu

Instead of providing private common open space or pedestrian amenities as required in this section, the developer of a property may:

1. If the development requires a dedication of public parkland according to Section 25-2-601 of the LDC, request approval of the Director of the Parks and Recreation Department (PARD) to instead dedicate on-site public open space or park land in partial or complete fulfillment of the parkland dedication requirement, or
2. Request approval of the Director of the PARD to deposit with the City a nonrefundable cash payment, based on a formula established by the City Council. The Director of the PARD shall review the request and accept or deny the request.

4.10.4. Exception from the Requirements of this Section

Projects that utilize a development bonus in Section 4.3 are exempt from the requirements of this section since they are providing the public benefit of affordable housing and may have a public parkland dedication requirement to meet according to Section 4.11.

4.11. PUBLIC PARKS AND TRAILS

4.11.1. Applicability

Article 4 Site Development Standards	Applies to:
Section 4.11 **Public Parks and Trails**	Development subject to the Parkland Dedication Ordinance (LDC Article 14 Section 25-2-601)

4.11.2. Purpose

Because of the higher density development envisioned for the MLK TOD Station Area, it is important to provide public open space and parks facilities for local residents. Some development sites will be better suited than others to provide on-site parkland for reasons including, but not limited to, the location of the site within the TOD and to core activity areas, site constraints, and size of site. This section broadly identifies some of the areas that would be ideal for a public park according to the MLK Open Space Concept Plan.

4.11.3. Recommended Location of Parks and Trails

The MLK Open Space Concept Plan (Figure 4-20) shows areas indicated as "Potential Open Space". Development within these parts of the TOD is encouraged to meet private common open space and/or parkland dedication requirements in these approximate areas. The locations shown were chosen for the ability of these general locations to properly serve MLK TOD residents. Optimal locations for future parks and trails include:

A. Pocket park with a minimum area of 0.5 acre, located between MLK Jr. Boulevard and Manor Road.

B. Pocket park with a minimum area of 0.5 acre, located south of MLK Jr. Boulevard.

C. Boggy Creek flood plain and wetland areas.

D. Trail system along the CMTA Red Line tracks, in rail right-of-way if feasible, or on adjacent properties.

4.11.4. On-site Parkland Dedication Requirement

For a property/site where public parkland is recommended as established in Subsection 4.11.3, a minimum of 50% of a parkland dedication requirement shall be met with an on-

site dedication of land. The land to be dedicated must be approved by the director of the Parks and Recreation Department. The dedicated land is eligible for the allowance described in Subsection 4.11.5.

4.11.5. On-site Parkland Dedication Allowance

If, as part of a development project, the parkland dedication requirement is met in part or in full with a dedication of public parkland on site, FAR and density calculations for the non-dedicated portion of the site shall be made based on the total site area prior to the dedication.

4.11.6. Fee In Lieu

A. Instead of, or in combination with, meeting parkland dedication requirements on site, a property owner may request approval to deposit with the City a nonrefundable cash payment, based on a formula established by the City Council. The Director of the PARD shall review the request and accept or deny the request.

B. Any parkland dedication fees collected in the TOD must be spent within the Station Area unless a waiver is granted to City Staff by the City Council.

4.12. DRIVE-THROUGH FACILITY STANDARDS

A drive-through facility for any use shall be subject to the standards of this section. The standards shall apply to new drive-through facilities added to existing development and new development, including the relocation of a drive-through facility. Drive-through facilities provide services where the motorist generally waits in the car before and while the service is performed. A drive-through facility may not be permitted for a specific property if the standards in this section cannot be met given the site's size, dimensions, and/or location within the MLK TOD District

4.12.1. Applicability

Article 4 Site Development Standards	Applies to:
Section 4.12 **Drive-through Facility Standards**	Development in the Corridor Mixed Use Subdistrict as specified in Subection 2.3.8

4.12.2. Drive-Through Facility Components

Drive-through facilities consist of the following two components:

A. Service areas are the locations where the service is performed. They include drive-up windows, indoor service areas such as car washes, and outdoor service areas such as gasoline pumps.

B. Queuing driveways are used by vehicles to reach service areas and wait for service.

4.12.3. Driveway Entrances and Exits

A. Curb-cut entrances for queuing driveways and exit driveways shall be consolidated with any other driveway entrances or exits on the site.

B. Driveways shall:

1. Comply with the driveway spacing standards in Section 5 of the Transportation Criteria Manual (TCM); and
2. Not be subject to Section 3.5.4.C if no other feasible access alternative exists.

4.12.4. Queuing Driveway Configuration and Design

A. A queuing driveway serving a drive-up window shall meet the following standards to provide appropriate vehicle queuing:

1. A minimum length of 100 feet leading to the drive-up window for one lane and 60 feet per lane when more than one lane is provided;
2. The calculation for driveway length required for queuing under .1 above shall not include any pedestrian crosswalks or sidewalks.

B. A queuing driveway serving any type of service area shall meet the following standards:

1. Driveway lanes shall be designed so that queuing vehicles do not interfere with other vehicle and pedestrian circulation on the site;
2. Driveways shall not be located between a building and the principal street, or if a corner site, all adjacent roadway types; and

3. All queuing lanes shall be clearly identified using striping, landscaping, and/or signs.

4.12.5. Drive-through Facility Service Area Location

Drive-through service areas shall be located as follows:

A. Drive-up windows, indoor service areas, and outdoor service areas shall be located to the rear or side of a building.

B. Indoor and outdoor service areas shall have a minimum setback of 30 feet from all roadway types.

C. Where multiple street frontages are present, vehicle entrances and exits for indoor service areas shall not face the principal street.

Figure 4-20: MLK Station Area Plan Open Space and Trails Concept Plan



ARTICLE 5: BUILDING DESIGN STANDARDS

5.1. INTENT

The standards of Article 5 are intended to use building design in order to:

5.1.1. Ensure that buildings foster the creation of a human-scale environment;

5.1.2. Ensure that trees or man-made shading devices are used alongside roadways and connecting roadside sidewalks to businesses to encourage pedestrian activity by providing a sheltered and comfortable walking environment;

5.1.3. Ensure that buildings provide an interesting and engaging visual experience at the pedestrian level; and

5.1.4. Ensure that the design and construction of ground floor building space near transit, at visible intersections, and along key streets that lead to transit, accommodates for active pedestrian-oriented uses even though these types of uses may not be supported by current market conditions.

5.2. GENERAL APPLICABILITY

For the purposes of applying the standards in this Article, refer to Article 2 for a description and map of TOD Subdistricts, Article 3 for a description and map of TOD Roadway Types, and Subsection 4.4.2.A: *Principal Street Determination.*

5.3. BUILDING ENTRANCES

5.3.1. Building Entrance Standards for Pedestrians

A. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Subsection 5.3.1 Building Entrance Standards for Pedestrians	All development	-Required along the principal street and active edges -Corner site provisions apply

B. Primary customer and/or resident entrances shall face the principal street and connect directly to the sidewalk clear zone or supplemental zone along the principal street. Supplemental customer and/or resident entrances are encouraged on any other building frontage.

C. Building entrances shall be provided for each separate ground floor commercial tenant space along the elevation facing the principal street and along any active edge designation.

D. For sites on one or more corners, a building entrance shall be provided for each separate ground floor commercial tenant space along all adjacent roadway types unless already provided along the principal street.

5.3.2. Building Entrance and Exit Standards for Vehicles

A. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Subsection 5.3.2 Building Entrance and Exit Standards for Vehicles	All development except single family, single family attached, duplex, two-family, and townhouse development and emergency service facilities	Corner site provisions apply

B. Building entrances and exits for vehicles shall be located to the rear or side of a building, except as provided in D below.

C. Where multiple street frontages are present, building entrances and exits for vehicles shall not face the principal street, or be located within 100 feet of the principal street, except as provided in D below.

D. Vehicle entrances and exits for structured parking may face a principal street only when no other feasible access is available on another street frontage or alley, as determined by the Director.

5.4. WINDOW GLAZING

5.4.1. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Section 5.4 Window Glazing	All mixed use and non-residential development and development along an active edge	-Required along the principal street -Corner site provisions apply -Exemptions include: building facades facing loading areas, rear service areas, or facades adjoining other buildings (attached to more than 50 percent of the sidewall)
	Development containing only residential units not along an active edge excepting: single family, single family attached, duplex, two-family, and townhouse development	-Required along the principal street -Same exemptions as above

5.4.2. Purpose

Glazing provides interest for the pedestrian, connects the building exterior and interior, puts eyes on the street, promotes reusability, and provides a human-scale element on building facades. Projects subject to this section shall meet the minimum glazing requirements as stipulated below:

5.4.3. Standards

A. All mixed use development, non-residential development, and development along an active edge shall satisfy the following:

1. At least 40 percent of the wall area along the principal street that is between two and ten feet above grade shall consist of glazing (see Figure 5-1).
2. The second floor façade along the principal street must provide a minimum of 25 percent glazing between the finished second story floor and the finished third story floor or building eave (see Figure 5-1).
3. At least one-half of the total area of all glazing on ground-floor facades that face the principal street shall have a Visible Transmittance (VT) of 0.6 or higher.

4. For all other street facing facades, at least 25 percent of the wall area between two and ten feet above grade shall consist of glazing. Doors shall not be considered for the purpose of meeting this requirement.

B. Development containing only residential units that is not along an active edge shall satisfy the following:

1. At least 25 percent of the principal street ground floor wall area between two and ten feet shall consist of glazing; and
2. The second floor façade along the principal street must provide a minimum of 25 percent glazing between the finished second story floor and the finished third story floor or building eave (see Figure 5-1).



Figure 5-1: Commercial or mixed use building meeting glazing requirements

C. The maximum sill height for any ground floor glazing necessary to meet the minimum glazing standards of this section shall be 4 feet.

D. Any façade that is built up to an interior mid-block property line is not required to have glazing on that

façade if not prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the façade.

E. The requirements in this section shall not apply if the Building Code prohibits windows on such facades.

F. The requirements in this section may be reduced if the required level and/or location of glazing conflicts with the Energy Code and/or Green Building Program Standards. Shading devices and/or the use of fritted glass are encouraged to mitigate solar impacts, particularly on south and west facing facades.

5.5. SHADE AND SHELTER

5.5.1. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Section 5.5 Shade and Shelter	All mixed use and non-residential development and development along an active edge	Required along the principal street and along parking adjacent to a building facade

5.5.2. Purpose

Austin's climate requires shade and shelter amenities in order to accommodate and promote pedestrian activity. These amenities will provide greater connectivity between sites and allow for a more continuous and walkable network of buildings. Projects subject to this section shall meet the following shade and shelter requirements:



Figure 5-2: Example of an ADA ramp with shade structure

5.5.3. Standards

A. A shaded sidewalk shall be provided alongside at least 50 percent of the following:

1. All building frontages adjacent to or facing the principal street.
2. All building frontages adjacent to off-street parking.

B. When adjacent to off-street parking, the shaded sidewalk shall be raised above the level of the parking by way of a defined edge. ADA ramps along the building must also be shaded (see Figure 5-2).

C. On active edges, a shaded sidewalk shall be provided along at least 80 percent of the active edge designation.

D. Building entrances shall be located under a shade device, such as an awning or portico.

E. For emergency service providers, Alternative Equivalent Compliance may be sought for relief from the principal street shaded sidewalk requirements of Subsections A and C above to the extent necessary for emergency service vehicle and overhead door access.

5.6. BUILDING FAÇADE ARTICULATION

5.6.1. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Section 5.6 Building Façade Articulation	Building facades greater than 100 feet in length	Required along the principal street
	Building facades greater than 40 feet in length	Requirement must be met on all building facades adjacent to any roadway type

5.6.2. Standards

So as to provide visual interest and create community character and pedestrian scale, a building shall comply with the following façade articulation requirements:

A. Along the principal street, building facades greater than 100 feet in length shall:

1. Include at least one vertical change in plane with a depth of at least 24 inches (see Figure 5-3).
2. The distance from the inside edge of a building projection to the nearest inside edge of an adjacent projection shall not be less than 20 feet and not greater than 100 feet (see Figure 5-4).
3. For the purposes of meeting the requirements of this section, changes in plane shall not be deducted from the net frontage length requirement in Section 4.4 Building Placement so long as they do not exceed the maximum allowable supplemental zone standards as established in Subsection 4.4.4.



Figure 5-3: Shows façade articulation with a change in plane and also change in color and material.

B. Along all streets, building facades, or portions of building facades, greater than 40 feet in length shall include at least one discernible architectural element such as, but not limited to (see Figure 5-4):

1. Changes in material, color, and/or texture either horizontally or vertically at intervals not less than 20 feet and not greater than 100 feet; or
2. Bay windows, display windows, arcades, balconies, cornices, bases, pilasters, and columns.

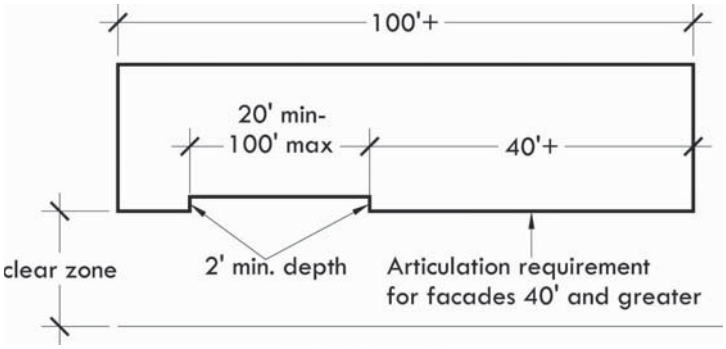


Figure 5-4: Illustration showing building façade articulation requirements.

C. Civic Buildings

In order to provide greater flexibility to create a distinctive architectural statement, civic buildings, as defined in Article 6 Definitions, are not required to meet the building façade articulation standards in this section. For buildings of a civic nature that do not fall under the definition of Civic in Article 6, Alternative Equivalent Compliance, as described in Article 1, may be sought for relief from the building placement standards in this section. Alternative Equivalent Compliance may be granted if the intent of this Document is met.

5.7. ACTIVE EDGES

5.7.1. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Section 5.7 Active Edges	Development along all active edge designations	Specific use and design requirements apply

5.7.2. Ground Floor Spaces

For that portion of a building façade that is along a street frontage designated as an active edge, the ground floor of the building must contain a non-residential use and be designed and constructed according to the Active Use Area standards below (see Figure 5-5).

A. Active Use Area

Each ground-floor space shall be designed according to the following standards (see Figure 5-6):

1. An entrance that opens directly onto the sidewalk according to Section 5.3;
2. A depth of not less than 24 feet measured from the street frontage wall;
3. A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and
4. A front façade that meets the window glazing requirements in Section 5.4.

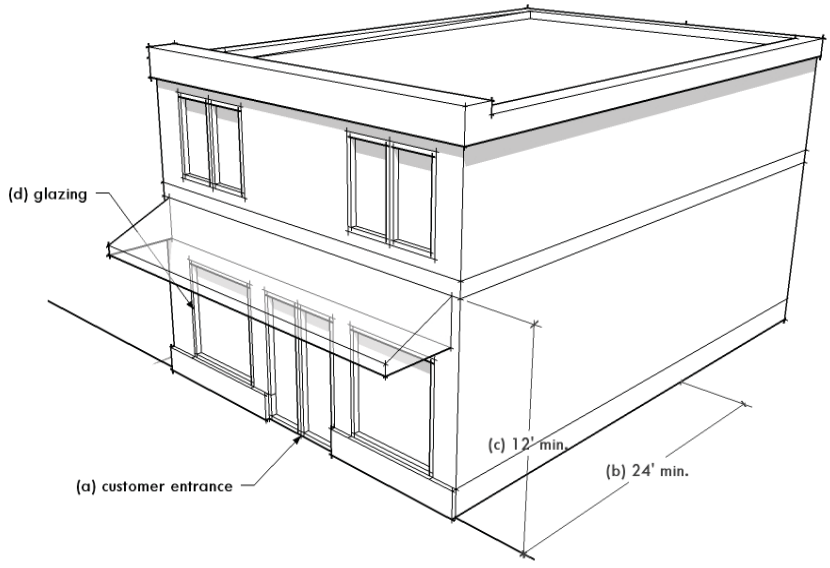


Figure 5-6: Along an active edge, a building must be designed to accommodate pedestrian-oriented non-residential uses (illustrates active use area).

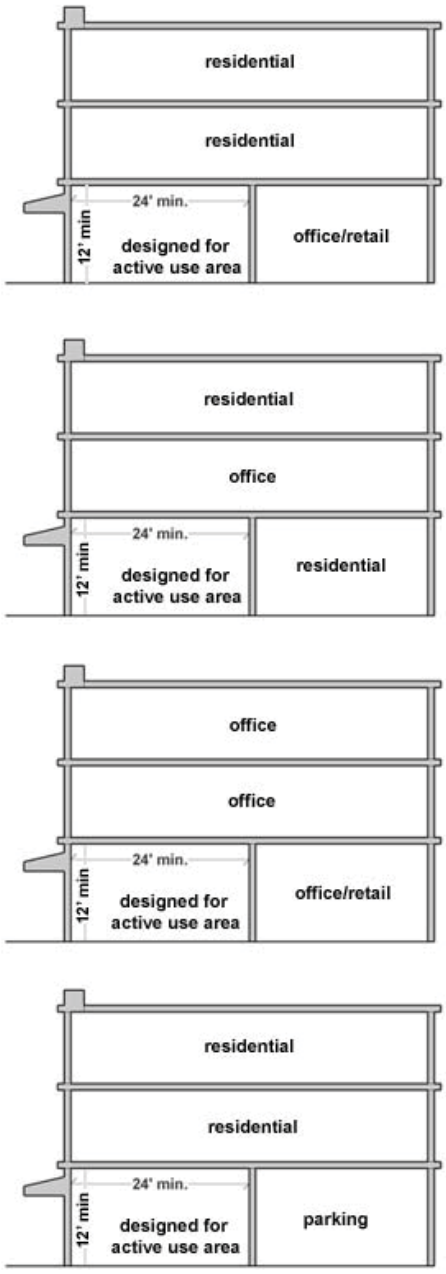


Figure 5-5: Showing required active use area along an active edge with possible mixed use building use combinations.

B. Parking

Off-street surface parking is prohibited along an active edge designation. Structured parking may be located along an active edge but it is not permitted in the required active use area described in this section.

ARTICLE 6: DEFINITIONS

Active Edge
An active edge imposes specific land use and design requirements for development in a TOD Mixed-Use Subdistrict. The locations of active edges are shown on the Land Use Concept Plan map (Figure 2-1). It requires building facades to be located adjacent to or near to the clear zone, building entrance and window treatment oriented to the street, and active ground floor uses (or their accommodation through building design and construction) along the street frontage, including, but not limited to: commercial, retail, restaurant, entertainment, and lobbies for civic, hotel, or multi-family uses.

Building
A structure that has a roof and walls, which is constructed in a permanent position on the ground. A building also includes parking structures that may or may not have fully enclosed walls.

Civic Buildings
For purposes of this Document, civic buildings shall consist of the following:

- College or University facilities
- Community Recreation (Public)
- Cultural Services
- Local Utility Services
- Parks and Recreation Services (General)
- Postal Services
- Public Primary Education Facilities
- Public Secondary Education Facilities
- Safety Services
- Transportation Terminal

Clear Zone
The area dedicated for an unobstructed sidewalk.

Commercial Use
A use that appears in Section 25-2-4, C*ommercial Uses Described*, of the LDC.

CP&R Zone
The Community, Preservation, and Revitalization Zone is a geographic area in Central East Austin where City efforts are being made to mitigate gentrification pressures.

Director
Unless otherwise specified, the Director of the Watershed Protection and Development Review Department, or his or her designee.

Fully-Shielded Light Fixture
A lighting fixture constructed in such a manner that the light source is not visible when viewed from the side and all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

Full Cut-off
A luminaire light distribution where zero candela intensity occurs at or above an angle of 90 above nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10%) at or above a vertical angle of 80 above nadir. This applies to all lateral angles around the luminaire.

Glazing
The panes or sheets of glass or other non-glass material made to be set in frames, as in windows or doors.

Hardscape
Nonliving components of a streetscape or landscape design, such as paved walkways, walls, sculpture, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

Internal Block
One or more lots, tracts, or parcels of land bounded by streets, railroads, or subdivision boundary lines.

Joint Use Driveway
Refer to Section 25-6-417 of the Land Development Code.

LDC
The City of Austin Land Development Code.

Light Fixture
The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture.

Maximum Extent Feasible
No feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Maximum Extent Practicable
Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the noncompliance.

Mixed Use Building
A building containing more than one type of use. This may include, but is not limited to, a combination of residential, commercial, light manufacturing, office, and/or civic land uses.

Net Frontage Length
Determined by subtracting required streets to meet block standards, compatibility setbacks, easements, drive aisles, sidewalks, and stairs that occur at the building perimeter from the total property length, as measured along the front lot line from property line to property line (see Figure 6-1). In the case of a curved corner, the Director may determine the end point for purposes of measuring net frontage.

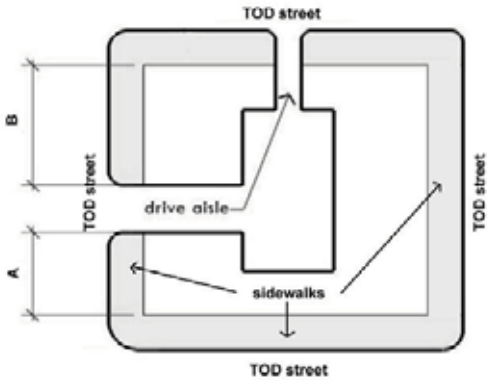


Figure 6-1: The net frontage length for this property is the total of lengths A and B. Required streets, drive aisles, and perimeter sidewalks are not included.

Net Site Area
Refer to Section 28-8-62 of the Land Development Code.

Pedestrian-Oriented Business or Use:
A business or use which is commonly accessed by pedestrians from the street sidewalk and have a high customer use rate.

Principal Building
A building in which is conducted the principal use of the lot on which it is located.

Principal Entrance
The place of ingress and egress most frequently used by the public.

Principal Street
In this Document, the principal street of a lot or site is the street with the highest priority that is adjacent to the lot or site. Street priorities are as follows, from highest to lowest:

- TOD Core Transit Corridor;
- TOD Pedestrian Priority Street; and
- TOD Local Street.

If a lot is adjacent to more than one street of equal priority, the principal street is the street with the highest level of transit service, as determined by the Director; or, if the streets do not have transit service or the level of transit service is equal, the street designated by the lot owner.

Shaded Sidewalk
For purposes of this Document, a shaded sidewalk shall be either of the following:

- A sidewalk at least five feet in width with street trees at 30-foot intervals; or
- A sidewalk at least five feet wide covered with weather-protection materials such as awnings.

Significant Stand of Trees
Three or more Class 1 or Class 2 tree specimens with a minimum measurement of two-inch Diameter at Breast Height, meeting the standards outlined within Section 3.5.2 of the Environmental Criteria Manual and a minimum of 150 square feet of critical root zone preserved.

Streetscape
The elements within and along the street right-of-way that define its appearance, identity, and functionality, including street furniture, landscaping, trees, sidewalks, and pavement treatments.

(TOD) Station Area
A defined area within approximately ½ mile of a transit stop. Station Area boundaries were initially established by the TOD Ordinance adopted by the City Council in May 2005. A Station Area Plan establishes final Station Area boundaries. For the purposes of this Document, a Station Area is synonymous with TOD District.

Station Area Plan (SAP)
A Document that creates a development vision and plan specific to a TOD District, developed through the Station Area Planning process and adopted by the City Council. A SAP also includes new design and development standards and regulations (i.e. zoning) for all properties with the TOD District.

Story
That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. For the purposes of this Document, a story is a minimum of 8 feet in height.

Street
For the purposes of this Document, a street includes public and private streets and private drives, but does not include alleys.

Street-Facing Facade
A wall of a building that is within 60 degrees of parallel to a street lot line; and is not behind another wall, as determined by measuring perpendicular to the street lot line. The length of a street-facing façade is measured parallel to the street lot line.

Street Tree/Furniture Zone
An area adjacent to the curb in which street trees may be planted. The zone is also intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

Supplemental Zone
An area between the clear zone and the building edge for active public uses such as a plaza, outdoor café or patio.

Transit-Oriented Development (TOD)
Transit-oriented development (TOD) is the functional integration of land use and transit via the creation of compact, walkable, mixed-use communities within walking distance of a transit stop or station. A TOD bring together people, jobs, and services and is designed in a way that makes it efficient, safe, and convenient to travel on foot or by bicycle, transit, or car.

TOD District
A defined area within approximately ½ mile of a transit stop. TOD District boundaries were initially established by the TOD Ordinance adopted by the City Council in May 2005. A Station Area Plan establishes final TOD District boundaries. For the purposes of this Document, a TOD District is synonymous with TOD Station Area or Station Area.

TOD Subdistrict
A designation of land within the TOD District used for applying design and development standards within a specific part of the TOD. The following is a listing of TOD Subdistricts:

- TOD Low Density Residential Subdistrict
- TOD Medium Density Residential Subdistrict
- Live/Work Flex Subdistrict
- TOD Mixed-Use Subdistrict
- Corridor Mixed-Use Subdistrict