

**ORDINANCE NO. 20180426-081**

**AN ORDINANCE AMENDING ORDINANCE NO. 20081211-082 TO AMEND THE REGULATING PLAN FOR THE PLAZA SALTILLO TOD STATION AREA PLAN BY AMENDING PROVISIONS REGARDING AN ADDITIONAL DENSITY BONUS PROGRAM APPLICABLE TO 1409 AND 1411 EAST 4<sup>TH</sup> STREET.**

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

**PART 1.** Exhibit E to Ordinance No. 20081211-082 (*Regulating Plan for the Plaza Saltillo Station Area Plan*) is amended by amending Page i (*Contents*) to add “2.3.7 Urban Mixed Use Subdistrict” and renumber the remaining subsections as appropriate.

**PART 2.** Exhibit E to Ordinance No. 20081211-082 (*Regulating Plan for the Plaza Saltillo Station Area Plan*) is amended by amending Page ii (*Contents*) to add “4.3.4 Super Density Bonus”.

**PART 3.** Exhibit E to Ordinance No. 20081211-082 (*Regulating Plan for the Plaza Saltillo Station Area Plan*) is amended by amending Page v to add “TOD Urban Mixed Use” as a new subdistrict as follows:

TOD Urban Mixed Use allowing high density multifamily or mixed use development, ideally with active ground floor uses and residential or office uses on the upper floors.

**PART 4.** Exhibit E to Ordinance No. 20081211-082 (*Regulating Plan for the Plaza Saltillo Station Area Plan*) is amended by amending Page 3, Figure 1-2 (*Applicability Summary Table – Land Use and Building Density, General Development Standards, Development Bonuses, and Parkland Dedication*) to add a new subsection 4.3.4 (*Super Density Bonus*) as shown on Exhibit A to this ordinance.

**PART 5.** Exhibit E to Ordinance No. 20081211-082 (*Regulating Plan for the Plaza Saltillo Station Area Plan*) is amended by adding a new subsection 2.3.7 (*TOD Urban Mixed-Use*) as follows and renumber the remaining subsections as appropriate:

**2.3.7. TOD Urban Mixed Use**

**A. Typology**

TOD Urban Mixed Use allows for high density residential or mixed use development and does not require that ground floor space be designed to accommodate active non-residential uses, although it is encouraged. 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. This subdistrict is generally located on arterial streets and in close proximity to the transit station. 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-to-Area Ratios (FAR) are established in Subsection 4.2.8.

**C. Land Use**

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

**PART 6.** Exhibit E to Ordinance No. 20081211-082 (*Regulating Plan for the Plaza Saltillo Station Area Plan*) is amended by amending Page 20, Figure 2-1 (*Plaza Saltillo Station Area Plan TOD Subdistricts*) to show the new TOD Urban Mixed Use subdistrict on the Land Use and Design Concept Plan map, as shown on Exhibit B to this ordinance.

**PART 7.** Exhibit E to Ordinance No. 20081211-082 (*Regulating Plan for the Plaza Saltillo Station Area Plan*) is amended by amending Page 21, Figure 2-2 (*Plaza Saltillo TOD District Land Use Table*) to add "TOD Urban Mixed Use", as shown on Exhibit C to this ordinance.

**PART 8.** Exhibit E to Ordinance No. 20081211-082 (*Regulating Plan for the Plaza Saltillo Station Area Plan*) is amended by amending Page 53, Section 4.2.4 (*Impervious Surface Coverage*) as follows:

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

**PART 9.** Exhibit E to Ordinance No. 20081211-082 (*Regulating Plan for the Plaza Saltillo Station Area Plan*) is amended by amending Page 54, subsection 4.2.6(C) (*Setbacks*) as follows:

- 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~~] 25 feet from the center line of the street to ensure adequate fire access.

**PART 10.** Exhibit E to Ordinance No. 20081211-082 (*Regulating Plan for the Plaza Saltillo Station Area Plan*) is amended by amending Page 54, subsection 4.2.10(B) (*Compatibility Standards*) as follows:

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, and 4.3.4 Super Density Bonus.*

**PART 11.** Exhibit E to Ordinance No. 20081211-082 (*Regulating Plan for the Plaza Saltillo Station Area Plan*) is amended by adding a new subsection 4.3.4 (*Super Density Bonus*) as follows:

4.3.4. Super Density Bonus

A. Applicability

Article 3

Site Development Standards

Subsection 4.3.4

Super Affordability

Application:

Properties, or portions of properties, in the TOD Urban Mixed Use Subdistrict are eligible for a bonus

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) 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.

### Building Height Allowance

Any building on the site receiving the bonus may reach a total of 85 feet in height as measured by the LDC.

### 4. Active Edge Requirements

The active edge requirements in Subsection 5.7.2 are waived with the following exceptions:

Commercial or mixed use projects shall follow Subsection 5.7.2.A.

Residential projects shall be designed according to the following standards:

a. The ground floor building façade shall be designed to reinforce pedestrian activity. Each ground floor dwelling unit shall be designed according to the following standards:

An entrance that opens directly onto the sidewalk according to Section 5.3;

Entrances should be highlighted through architectural cues;

Entrances should be raised with stoops or porches to allow for privacy;

The scale and detailing of the windows should reflect the residential use of the building;

Landscaping between the sidewalk and building edge is encouraged.

b. Off street parking is not permitted along an active edge.

### 5. Parking Requirements

The minimum parking requirements may be reduced to 5 percent of the off-street parking requirements established in Chapter 35-6, Appendix A provided that a development include the following features or amenities:

Parking spaces shall be leased or sold separately from occupied spaces.

On-street parking spaces located adjacent to the site if road conditions permit on-street parallel parking.

The provision of a car-sharing vehicle program that complies with the requirements prescribed by the Director by administrative rule.

The minimum amount of bicycle parking provided shall be 200% of the requirement established in part 4.4.5.

20% of required bike parking to be provided as fully enclosed lockable bicycle parking spaces.

### C. Affordability Standards

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

- a. A minimum of 10% of the total square footage shall be provided at 40% Median Family Income (MFI), or less;
- b. A minimum of 25% of square footage shall be provided at 60% MFI or less;
- c. A minimum of 40% of square footage shall be provided at 80% MFI, or less; and
- d. A maximum of 70% of the dwellings provided shall be one bedroom or efficiency units.

The requirement may be met by providing affordable owner-occupied units, rental units, or a combination of both.

#### 1. Affordability Requirements for Owner-Occupied Units

The applicant shall be responsible for providing habitable space through a City approved affordable housing land trust 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 the required percentage of the Annual Median Family Income.

#### 2. Affordability Requirements for Rental Units

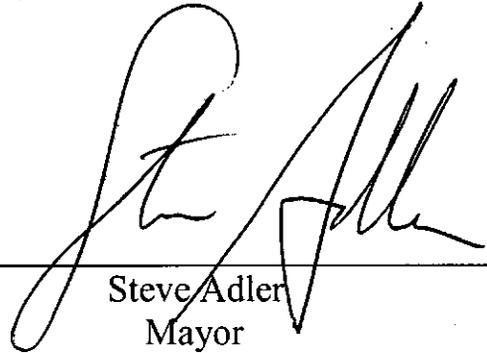
The applicant shall provide habitable space as affordable for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than the required percentage of the Annual Median Family Income.

**PART 12.** This ordinance takes effect on May 7, 2018.

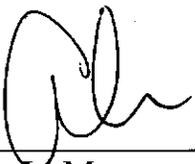
**PASSED AND APPROVED**

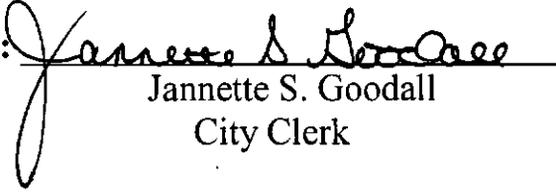
April 26, 2018

§  
§  
§



Steve Adler  
Mayor

**APPROVED:**   
Anne L. Morgan  
City Attorney

**ATTEST:**   
Jannette S. Goodall  
City Clerk

**REGULATING PLAN  
for the  
Plaza Saltillo TOD Station Area Plan (SAP)**

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## HOW TO USE THIS DOCUMENT

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### 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 Plaza Saltillo 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 Plaza Saltillo Station 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 Plaza Saltillo TOD District 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 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.

**TOD Urban Mixed Use** allowing high density multifamily or mixed use development, ideally with active ground floor uses and residential or office uses on the upper floors.

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

| Section:  | Standard:                    | Application:   |
|---|------------------------------|--|
| <b>Article 2 Land Use and Building Density:</b> |                              |  |
| <b>2.3 TOD Subdistricts</b>                     | All standards                | All properties in the Plaza Saltillo TOD District shall comply with the standards in this section  |
| <b>Article 4 Site Development Standards:</b>    |                              |  |
| <b>4.2 General Development Standards</b>        | All standards                | All properties in the Plaza Saltillo TOD District shall comply with the standards in this section  |
| <b>4.3 Development Bonuses</b>                  | 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). |
|   | 4.3.4 Super Density Bonus    | All properties or portions of properties in the TOD Urban Mixed Use Subdistrict are eligible for a density and height bonus.                                 |
| <b>4.11 Public Parks and Trails</b>             | 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:  |
|--|---|---------------------------------|---|
| <b>Article 3 Circulation, Connectivity, and Streetscape:</b> |   |                                 |   |
| <b>3.3 Sidewalk Standards</b>                                | All standards   | All development                 | Requirement must be met on all adjacent roadway types                 |
| <b>3.4 On-street Parking</b>                                 | All standards   | Optional for all development    |   |
| <b>3.5 Connectivity and Circulation</b>                      | 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                 |   |
| <b>Article 4 Site Development Standards:</b>                 |   |                                 |   |
| <b>4.4 Relationship</b>                                      | 4.4.3 Building Placement                              | All development                 | -Required along the principal street<br>-Corner site provisions apply |

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

**2. Properties on the north side of E. 7<sup>th</sup> Street**

Properties located on the north side of E. 7<sup>th</sup> Street shall comply with the permitted, conditional, and prohibited uses that apply to the TOD Mixed Use Subdistrict according to Figure 2-2 with the following exceptions:

- a. A cocktail lounge use and a liquor sales use are additional prohibited uses.
- b. Single-family, Duplex, Two-family, Single-family attached, and Townhouse Residential are additional permitted uses.

**2.3.7. TOD Urban Mixed Use**

**A. Typology**

TOD Urban Mixed Use allows for high density residential or mixed use development and does not require that ground floor space be designed to accommodate active non-residential uses, although it is encouraged. 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. This subdistrict is generally located on arterial streets and in close proximity to the transit station. 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**

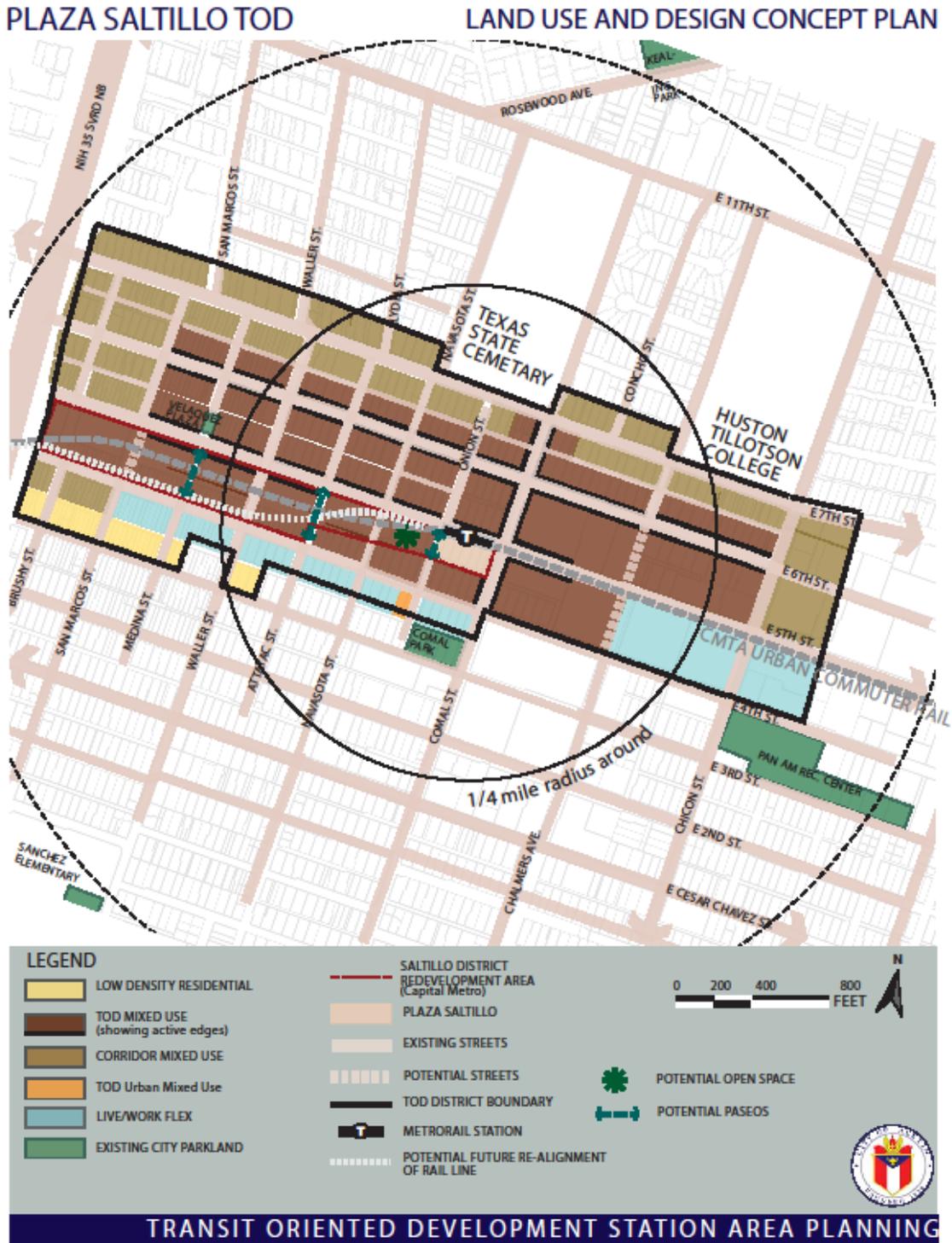
Permitted, conditional, and prohibited uses are shown in Figure 2-2.

**2.3.8. Drive-through Facility**

A use with a Drive-through Facility is prohibited throughout the TOD District.

Article 2: Land Use and Building Density  
 Section 2.3. Transit-Oriented Development Subdistricts  
 Subsection 2.3.9. Land Use Summary Table

Figure 2-1: Plaza Saltillo Station Area Plan TOD Subdistricts



Article 2: Land Use and Building Density  
 Section 2.3. Transit-Oriented Development Subdistricts  
 Subsection 2.3.9. Land Use Summary Table

| <b>Figure 2-2: Plaza Saltillo TOD DISTRICT LAND USE TABLE</b> |                         |                  |               |  |                     |                                |
|---|-------------------------|------------------|---------------|--|---------------------|--------------------------------|
| <b>P = Permitted Use    C = Conditional Use</b>               |                         |                  |               |  |                     |                                |
| <b>-- = Prohibited</b>  |                         |                  |               |  |                     |                                |
| <b>RESIDENTIAL USES</b>                                       | Low Density Residential | Live / Work Flex | TOD Mixed Use | Corridor Mixed Use<br>(refer to Subsection 2.3.6 ) | TOD Urban Mixed Use | <b>ADDITIONAL REQUIREMENTS</b> |
| 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                       | --               | --            | --   | --                  |                                |
| 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                       | --               | --            | --   | --                  |                                |
| Single-Family Residential                                     | P                       | --               | --            | --   | --                  |                                |
| Townhouse Residential   | P                       | P                | --            | --   | --                  |                                |
| Two-Family Residential  | P                       | --               | --            | --   |                     |                                |
| <b>COMMERCIAL USES</b>  | Low DR                  | L / W Flex       | TOD MU        | Corridor Mixed Use<br>(refer to Subsection 2.3.6 ) | TOD Urban Mixed Use | <b>ADDITIONAL REQUIREMENTS</b> |
| Administrative and Business Offices                           | --                      | P                | P             | P  | P                   |                                |
| Agricultural Sales and Services                               | --                      | --               | --            | --   | --                  |                                |

**Figure 2-2: Plaza Saltillo TOD DISTRICT LAND USE TABLE**

| <b>P = Permitted Use    C = Conditional Use</b><br><b>-- = Prohibited</b> |        |            |        |   |                     |  |
|---|--------|------------|--------|---|---------------------|--|
| <b>COMMERCIAL USES (cont.)</b>  | Low DR | L / W Flex | TOD MU | Corridor Mixed Use<br>(refer to Subsection 2.3.6) | TOD Urban Mixed Use | <b>ADDITIONAL REQUIREMENTS</b>   |
| Art Gallery   | --     | P          | P      | P   | P                   |  |
| Art Workshop  | --     | P          | P      | P   | P                   |  |
| Automotive Rentals  | --     | --         | P      | P   | P                   | All fleet cars, in addition to required parking, 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  | --     | --         | --     | --  | --                  |  |
| Automotive Sales  | --     | --         | --     | --  | --                  |  |
| 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   | P                   |  |
| Business Support Services   | --     | --         | P      | P   | P                   |  |
| Campground  | --     | --         | --     | --  | --                  |  |
| Carriage Stable   | --     | --         | --     | --  | --                  |  |
| Cocktail Lounge   | --     | --         | C      | C   | C                   |  |
| Commercial Blood Plasma Center  | --     | --         | --     | P   | P                   | Permitted subject to LDC Section 25-2-803  |
| Commercial Off-Street Parking   | --     | --         | P      | 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   | P                   |  |
| Construction Sales and Services   | --     | --         | --     | P   | P                   |  |

**Figure 2-2: Plaza Saltillo TOD DISTRICT LAND USE TABLE**

| P = Permitted Use    C = Conditional Use |        |            |        |  |                     |   |
|--|--------|------------|--------|--|---------------------|---|
| -- = Prohibited                          |        |            |        |  |                     |   |
|  | Low DR | L / W Flex | TOD MU | Corridor Mixed Use<br>(refer to Subsection 2.3.6 ) | TOD Urban Mixed Use |   |
| <b>COMMERCIAL USES (cont.)</b>           |        |            |        |  |                     | <b>ADDITIONAL REQUIREMENTS</b>  |
| Consumer Convenience Services            | --     | --         | P      | P  | P                   |   |
| Consumer Repair Services                 | --     | P          | P      | P  | P                   |   |
| Convenience Storage                      | --     | --         | --     | --   | --                  |   |
| Drop-Off Recycling Collection Facility   | --     | --         | --     | --   | --                  |   |
| Electronic Prototype Assembly            | --     | --         | --     | --   | --                  |   |
| Electronic Testing                       | --     | --         | --     | --   | --                  |   |
| Equipment Repair Services                | --     | --         | --     | --   | --                  |   |
| Equipment Sales                          | --     | --         | --     | --   | --                  |   |
| Exterminating Services                   | --     | --         | --     | --   | --                  |   |
| Financial Services                       | --     | P          | P      | P  | P                   |   |
| Food Preparation                         | --     | P          | P      | P  | P                   | Maximum size of 2000 gross square feet in Live/Work Subdistrict.  |
| Food Sales                               | --     | P          | P      | P  | P                   | Maximum size of 2000 gross square feet in Live/Work Subdistrict.  |
| Funeral Services                         | --     | --         | --     | P  | P                   |   |
| General Retail Sales (Convenience)       | --     | P          | P      | P  | P                   |   |
| General Retail Sales (General)           | --     | P          | P      | P  | P                   | Maximum size of 2000 gross square feet in Live/Work Subdistrict.  |
| Hotel-Motel                              | --     | --         | P      | P  | P                   |   |
| Indoor Entertainment                     | --     | --         | --     | P  | P                   |   |
| Indoor Sports and Recreation             | --     | --         | --     | P  | P                   |   |
| Kennels                                  | --     | --         | P      | P  | P                   | A kennel use must be conducted entirely within an enclosed structure.                                   |
| Laundry Services                         | --     | --         | P      | P  | P                   | No bulk laundry and cleaning plant, diaper services, or linen supply services allowed in TOD Mixed Use. |
| Liquor Sales                             | --     | --         | P      | P  | P                   |   |

Article 2: Land Use and Building Density  
Section 2.3. Transit-Oriented Development Subdistricts  
Subsection 2.3.9. Land Use Summary Table

**Figure 2-2: Plaza Saltillo TOD DISTRICT LAND USE TABLE**

| P = Permitted Use    C = Conditional Use                              |        |            |        |   |                     |   |
|---|--------|------------|--------|---|---------------------|---|
| -- = Prohibited   |        |            |        |   |                     |   |
| COMMERCIAL USES (cont.)   | Low DR | L / W Flex | TOD MU | Corridor Mixed Use<br>(refer to Subsection 2.3.6) | TOD Urban Mixed Use | ADDITIONAL REQUIREMENTS   |
| Marina  | --     | --         | --     | --  | --                  |   |
| Medical Offices --<br>exceeding 5,000 sq. ft. gross<br>floor area     | --     | --         | P      | P   | P                   |   |
| Medical Offices --<br>not exceeding 5,000 sq. ft.<br>gross floor area | --     | P          | P      | P   | P                   | Maximum size of 2000 gross square feet in Live/Work Subdistrict   |
| Monument Retail Sales   | --     | --         | --     | --  | --                  |   |
| Off-Site Accessory Parking  | --     | --         | P      | 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. |
| Outdoor Entertainment   | --     | --         | --     | --  | --                  |   |
| Outdoor Sports and<br>Recreation                                      | --     | --         | --     | --  | --                  |   |
| Pawn Shop Services  | --     | --         | --     | C   | C                   |   |
| Personal Improvement<br>Services                                      | --     | P          | P      | P   | P                   |   |
| Personal Services   | --     | P          | P      | P   | P                   |   |
| Pet Services  | --     | P          | P      | P   | P                   | Maximum size of 2000 gross square feet in Live/Work Subdistrict   |
| Plant Nursery   | --     | --         | --     | P   | P                   |   |
| Printing and Publishing   | --     | --         | --     | P   | P                   |   |
| Professional Office   | --     | P          | P      | P   | P                   |   |
| Recreational Equipment<br>Maintenance & Storage                       | --     | --         | --     | --  | --                  |   |
| Recreational Equipment Sales  | --     | --         | --     | --  | --                  |   |
| Research Assembly Services  | --     | --         | --     | --  | --                  |   |
| Research Services   | --     | --         | --     | --  | --                  |   |
| Research Testing Services   | --     | --         | --     | --  | --                  |   |

**Figure 2-2: Plaza Saltillo TOD DISTRICT LAND USE TABLE**

| <b>P = Permitted Use    C = Conditional Use</b><br><b>-- = Prohibited</b> |        |            |        |   |                     |  |
|---|--------|------------|--------|---|---------------------|--|
| <b>COMMERCIAL USES (cont.)</b>  | Low DR | L / W Flex | TOD MU | Corridor Mixed Use<br>(refer to Subsection 2.3.6) | TOD Urban Mixed Use | <b>ADDITIONAL REQUIREMENTS</b>   |
| Research Warehousing Services   | --     | --         | --     | --  | --                  |  |
| Restaurant (General)  | --     | --         | P      | P   | P                   |  |
| Restaurant (Limited)  | --     | --         | P      | P   | P                   |  |
| Scrap and Salvage   | --     | --         | --     | --  | --                  |  |
| Service Station   | --     | --         | --     | P   | P                   | A service station use may have the capability of fueling not more than eight vehicles at one time. |
| Software Development  | --     | P          | 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   | P                   |  |
| Vehicle Storage   | --     | --         | --     | --  | --                  |  |
| Veterinary Services   | --     | --         | P      | P   | P                   | A veterinary services use must be conducted entirely within an enclosed structure.                 |
| <b>CIVIC USES</b>   | Low DR | L / W Flex | TOD MU | Corridor Mixed Use<br>(refer to Subsection 2.3.6) | TOD Urban Mixed Use | <b>ADDITIONAL REGULATIONS</b>  |
| Administrative Services   | --     | --         | P      | P   |                     |  |
| Aviation Facilities   | --     | --         | --     | --  |                     |  |
| Camp  | --     | --         | --     | --  |                     |  |
| Cemetery  | --     | --         | --     | --  | --                  |  |
| Club or Lodge   | --     | --         | --     | C   | C                   |  |

**Figure 2-2: Plaza Saltillo TOD DISTRICT LAND USE TABLE**

| <b>P = Permitted Use    C = Conditional Use</b><br><b>-- = Prohibited</b> |        |            |        |   |                     |                               |
|---|--------|------------|--------|---|---------------------|-------------------------------|
|   | Low DR | L / W Flex | TOD MU | Corridor Mixed Use<br>(refer to Subsection 2.3.6) | TOD Urban Mixed Use |                               |
| <b>CIVIC USES (cont.)</b>   |        |            |        |   |                     | <b>ADDITIONAL REGULATIONS</b> |
| College and University Facilities   | --     | --         | P      | 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   | P                   |                               |
| Cultural Services   | --     | --         | P      | 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          | P      | P   | P                   |                               |
| Group Home, Class II  | --     | C          | C      | P   | P                   |                               |
| Guidance Services   | --     | P          | P      | P   | P                   |                               |
| Hospital Services (Limited)   | --     | --         | P      | P   | P                   |                               |
| Hospital Services (General)   | --     | --         | --     | C   | C                   |                               |

**Figure 2-2: Plaza Saltillo TOD DISTRICT LAND USE TABLE**

| <b>P = Permitted Use    C = Conditional Use</b><br><b>-- = Prohibited</b> |        |            |        |   |                     |   |
|---|--------|------------|--------|---|---------------------|---|
| <b>CIVIC USES (cont.)</b>   | Low DR | L / W Flex | TOD MU | Corridor Mixed Use<br>(refer to Subsection 2.3.6) | TOD Urban Mixed Use | <b>ADDITIONAL REGULATIONS</b>   |
| Local Utility Services  | C      | C          | C      | P   | 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      | P   | P                   |   |
| Safety Services   | C      | P          | 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   | C                   |   |
| Transportation Terminal   | --     | --         | P      | P   |                     | Use is conditional if operated by a private entity  |

**Figure 2-2: Plaza Saltillo TOD DISTRICT LAND USE TABLE**

| <b>P = Permitted Use    C = Conditional Use</b> |        |            |        |   |                     |                                |
|---|--------|------------|--------|---|---------------------|--------------------------------|
| <b>-- = Prohibited</b>                          |        |            |        |   |                     |                                |
|   | Low DR | L / W Flex | TOD MU | Corridor Mixed Use<br>(refer to Subsection 2.3.6) | TOD Urban Mixed Use |                                |
| <b>INDUSTRIAL USES</b>                          |        |            |        |   |                     | <b>ADDITIONAL REQUIREMENTS</b> |
| Basic Industry                                  | --     | --         | --     | --  | --                  |                                |
| Custom Manufacturing                            | --     | P          | P      | P   | P                   |                                |
| General Warehousing and Distribution            | --     | --         | --     | --  | --                  |                                |
| Light Manufacturing                             | --     | P          | --     | --  | --                  |                                |
| Limited Warehousing and Distribution            | --     | --         | --     | --  | --                  |                                |
| Recycling Center                                | --     | --         | --     | --  | --                  |                                |
| Resource Extraction                             | --     | --         | --     | --  | --                  |                                |
| Stockyards                                      | --     | --         | --     | --  | --                  |                                |
| <b>AGRICULTURAL USES</b>                        |        |            |        |   |                     | <b>ADDITIONAL REQUIREMENTS</b> |
| Animal Production                               | --     | --         | --     | --  | --                  |                                |
| Crop Production                                 | --     | --         | --     | --  | --                  |                                |
| Horticulture                                    | --     | --         | --     | --  | --                  |                                |
| Support Housing                                 | --     | --         | --     | --  | --                  |                                |
| Urban Farm                                      | --     | --         | --     | --  | --                  |                                |

## 4.2. GENERAL DEVELOPMENT STANDARDS

### 4.2.1. Applicability

| Article 4<br>Site Development Standards      | Application:   |
|--|--|
| Section 4.2<br>General Development Standards | All properties in the Plaza Saltillo 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, **TOD Urban 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 Plaza Saltillo 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 25 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 Plaza Saltillo TOD District is established on the map labeled Figure 4-1. A height bonus may be granted in exchange for the provision of affordable housing; height bonus details are in Subsection 4.3.3.

##### B. Minimum Building Height in the 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, 4.3.3 Density and Height Bonus, and 4.3.4 Super Density Bonus.*

- 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.

**4.3.4. Super Density Bonus**

**A. Applicability**

| Article 3<br>Site Development Standards         | Application:   |
|---|--|
| <b>Subsection 4.3.4<br/>Super Affordability</b> | Properties, or portions of properties, in the TOD Urban Mixed Use Subdistrict are eligible for a bonus |

**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) 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.

Building Height Allowance

Any building on the site receiving the bonus may reach a total of 85 feet in height as measured by the LDC.

#### **4. Active Edge Requirements**

The active edge requirements in Subsection 5.7.2 are waived with the following exceptions:

Commercial or mixed use projects shall follow Subsection 5.7.2.A.

Residential projects shall be designed according to the following standards:

- a. The ground floor building façade shall be designed to reinforce pedestrian activity. Each ground floor dwelling unit shall be designed according to the following standards:

An entrance that opens directly onto the sidewalk according to Section 5.3;

Entrances should be highlighted through architectural cues;

Entrances should be raised with stoops or porches to allow for privacy;

The scale and detailing of the windows should reflect the residential use of the building;

Landscaping between the sidewalk and building edge is encouraged.

- b. Off street parking is not permitted along an active edge.

#### **5. Parking Requirements**

The minimum parking requirements may be reduced to 5 percent of the off-street parking requirements established in Chapter 35-6, Appendix A provided that a development include the following features or amenities:

Parking spaces shall be leased or sold separately from occupied spaces.

On-street parking spaces located adjacent to the site, if road conditions permit on-street parallel parking.

The provision of a car-sharing vehicle program that complies with the requirements prescribed by the Director by administrative rule.

The minimum amount of bicycle parking provided shall be 200% of the requirement established in part 4.4.5.

20% of required bike parking to be provided as fully enclosed lockable bicycle parking spaces.

### **C. Affordability Standards**

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

- a. A minimum of 10% of the total square footage shall be provided at 40% Median Family Income (MFI), or less;
- b. A minimum of 25% of square footage shall be provided at 60% MFI or less; and
- c. A minimum of 40% of square footage shall be provided at 80% MFI, or less.
- d. A maximum of 70% of the dwellings provided shall be one bedroom or efficiency units.

The requirement may be met by providing affordable owner-occupied units, rental units, or a combination of both.

#### **1. Affordability Requirements for Owner-Occupied Units**

The applicant shall be responsible for providing habitable space through a City approved affordable housing land trust 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 the required percentage of the Annual Median Family Income.

## **2. Affordability Requirements for Rental Units**

The applicant shall provide habitable space as affordable for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than the required percentage of 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

**RESOLUTION NO. 20170817-056**

**WHEREAS**, the Housing and Neighborhoods Policies of the Imagine Austin Comprehensive Plan call for the City of Austin to “Connect housing to jobs, childcare, schools, retail, and other amenities and services needed on a daily basis, by strategies such as directing housing and employment growth to sites appropriate for Transit-Oriented Development and coordinating and planning for housing near public transportation networks and employment centers to reduce household transportation costs and vehicle miles travelled”; and

**WHEREAS**, the Land Use and Transportation Policies of the Imagine Austin Comprehensive Plan call for the City of Austin to “Promote development in compact centers, communities, or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing, and transportation costs” as well as “direct housing and employment growth to activity centers and corridors, preserving and integrating existing affordable housing where possible”; and

**WHEREAS**, the Austin Strategic Housing Blueprint, approved by Council on April 13, 2017, recognizes that a majority of low- and medium-income earners in Austin are rent burdened, paying more than 30% of their income on housing costs, and many are severely cost burdened, paying over half of their income on housing costs; and

**WHEREAS**, the Austin Strategic Housing Blueprint calls for development of policies to prioritize the preservation and creation of affordable housing near current and future transit service to help the Neighborhood and Community Development (NHCD) Department “reach its goal of 25% of affordable housing units created or preserved within 1/4 mile of a transit stop”; and

**WHEREAS**, the Imagine Austin Comprehensive Plan defines Transit Oriented Development (TOD) as “a mixed-use residential or commercial area designed to maximize access to public transport, increase economic activity, and often incorporates features to encourage transit ridership. A TOD typically has a center with a transit station or stop (train station, metro station, or bus stop), surrounded by relatively high-density development with progressively lower-density development spreading outward from the center”; and

**WHEREAS**, the Ordinance no. 20050519-008 amending the chapters 25-2 and 25-6 of the City Code establishes the Plaza Saltillo TOD District as a neighborhood center TOD District. “A neighborhood center TOD district is located at the commercial center of a neighborhood. The average density is approximately 15 to 25 dwelling units for each acre. Typical building height is one to six stories. Uses include small lot single-family residential use, single-family residential use with an accessory dwelling unit, townhouse residential use, low-rise condominium residential use and multifamily residential use, neighborhood retail and office uses, and mixed-use buildings”; and

**WHEREAS**, the Plaza Saltillo TOD Station Area stretches east from I-35 going through the northern reaches of the East Cesar Chavez Neighborhood as well as the Holly Neighborhood, feeding Austin Independent School District (AISD) schools that are losing student population and are currently designated as being under-enrolled; and

**WHEREAS**, the Regulating Plan for the Plaza Saltillo TOD Station Area was approved by Council on December 11, 2008; and

**WHEREAS**, in their 2016 District Analysis, Housing Works reports that 56% of District 3 residents are cost burdened and 31% are extremely cost burdened; and

**WHEREAS**, the East Cesar Chavez Neighborhood Plan includes the goal to “preserve and increase the number of homeowners in the neighborhood”; and

**WHEREAS**, the Holly Neighborhood Plan includes the goal of “promoting a variety of housing options for a mixture of different incomes”; and

**WHEREAS**, this property falls within the attendance zone of Sanchez Elementary School, a school that AISD has identified as under-enrolled and in danger of closure; and

**WHEREAS**, Habitat for Humanity has recently acquired parcels at 1409 and 1411 East 4th Street within the Plaza Saltillo TOD and proposes a multifamily development with levels of long-term affordability in excess of the current Plaza Saltillo TOD affordable housing goals and density bonus programs, but would require a scale of development which is not currently allowed by the Plaza Saltillo TOD Regulating Plan on the parcels owned by Habitat for Humanity; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The Council initiates amendments to the Plaza Saltillo TOD Regulating Plan consistent with Code Section 25-2-766.23 (Amendments to Station Area Plan) that would allow for an additional density bonus program applicable to the site of the multi-family development currently proposed by Habitat for Humanity, which could include, but is not limited to, appropriate waivers of the following regulating plan standards:

- I. compatibility standards for height and setbacks;
- II. maximum building height (not to exceed 85 ft.);
- III. maximum parking reduction;
- IV. minimum front yard setback;
- V. maximum density;
- VI. maximum floor-to-area ratio; and
- VII. active edges.

Eligibility for the new density bonus program should be limited to a development that provides a level of long-term affordability substantially in excess of the current goals and density bonus programs of the Plaza Saltillo regulating plan and limited to the site owned by Habitat for Humanity. The development should be family friendly in terms of amenities, design, and unit mix, and the goal should be that a substantial majority of units should include multiple bedrooms.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to process the amendments within 90 days of the adoption of this resolution.

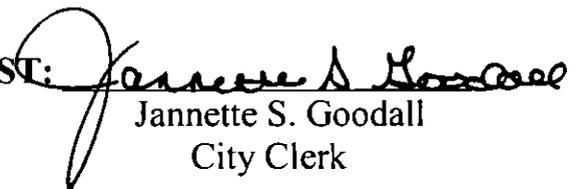
**BE IT FURTHER RESOLVED:**

In conjunction with the CodeNEXT process, the City Manager is directed to evaluate the existing Density Bonus programs in TOD district regulating plans, and make recommendations on the establishment of a new Density Bonus Program category for eligible projects to:

- I. incentivize the construction of on-site affordable housing units;
- II. establish appropriate affordability duration requirements to qualify for the Affordability Density Bonus Program; and
- III. at least meet the following requirements –
  - a.  $\leq 40\%$  MFI = a minimum of 10% of the total units by square footage;
  - b.  $\leq 60\%$  MFI = an additional minimum of 25% of the total units by square footage;
  - c.  $\leq 80\%$  MFI = an additional minimum of 40% of the total units by square footage.

ADOPTED: August 17, 2017

ATTEST:

  
Jannette S. Goodall  
City Clerk