



**RCA  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 43  
**AGENDA DATE:** Thu 02/03/2005  
**PAGE:** 1 of 4

**SUBJECT:** Conduct a public hearing and approve an ordinance amending Chapters 25-1, 25-2 and 25-6 of the Land Development Code to establish Transit Oriented Development districts, and adopting zoning and other regulations applicable in those districts.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** N/A

**REQUESTING** Neighborhood Planning **DIRECTOR'S**  
**DEPARTMENT:** and Zoning **AUTHORIZATION:** Alice Glasco

**FOR MORE INFORMATION CONTACT:** George Adams, 974-2146; Sylvia Arzola, 974-6448

**PRIOR COUNCIL ACTION:** On July 29, 2004, the City Council approved a resolution directing the City Manager to develop regulations regarding Transit-Oriented Development.

**BOARD AND COMMISSION ACTION:** Reviewed by Urban Transportation Commission, Design Commission and Planning Commission; to be reviewed by Zoning and Platting Commission on 2/1/05.

**PURCHASING:** N/A

**MBE / WBE:** N/A

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On July 29, 2004 the City Council approved a resolution directing the City Manager to develop regulations regarding Transit-Oriented Development (TOD), to establish an advisory committee consisting of City staff, four board and commission representatives and private stakeholders, and to present recommendations regarding TOD regulations to the Design, Planning, Urban Transportation and Zoning and Platting commissions. (see Attachment A – Council Resolution 040729-76)

City of Austin and Capital Metro staff reviewed how other cities have written and implemented TOD ordinances, examined research on best practices for transit-oriented development and studied existing TODs across the nation. Based on this research, as well as local conditions, staff is recommending a Two-Step approach to implementing TOD regulations. This two-step approach will allow the City and Capital Metro to quickly define the areas where transit-oriented development may occur, establish minimum regulations to ensure interim development is transit-supportive without making major changes to existing Neighborhood Plans, zoning regulations or compatibility standards, and provide for a more detailed and deliberative planning process to establish final Station Area Plans over the next three years. (Commuter Rail service is anticipated to begin during 2008.)

**Overview of Proposed Two-Step Approach**

The proposed TOD District functions initially as an overlay district (Step One) and then, transitions to a base district (Step Two). In Step One, a special purpose base district will be applied around the six Capital Metro Commuter Rail Stations and one proposed Capital Metro North IH 35 Park and Ride. It is anticipated that additional transit stations that will be subject to the TOD Ordinance will be identified in



**RCA  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 43  
**AGENDA DATE:** Thu 02/03/2005  
**PAGE:** 2 of 4

the future.) This district will prohibit certain non-transit-supportive uses and establish minimum urban design and site development standards to ensure that development occurring prior to Step Two, Station Area Plan, will be generally transit-oriented.

The Step Two Station Area Plan (SAP) will involve an analysis of existing conditions, assess the market for redevelopment, and provide for a collaborative, stakeholder-based planning process to create a detailed plan for development of the station area where the TOD overlay has been applied. Once adopted by the City Council and the Capital Metro Board, the Station Area Plan will replace the existing base district zoning and interim overlay district with a new TOD Zoning district.

**Step One – Special Purpose Base District**

In determining boundaries and the extent for each TOD District, staff applied three key parameters:

1. that the boundaries of each TOD would not extend beyond a ¼ to ½-mile walking distance from the station platforms. This is based on evidence that the average person is generally willing to walk this distance to access transit.
2. that the boundaries of each TOD will follow existing commercial, mixed-use or multi-family zoning and land use patterns and exclude single-family zoning or land uses from the TOD districts.
3. that the boundaries of each TOD will follow right-of-way or property boundaries to the greatest extent possible to avoid splitting tracts of land.

These boundaries will be defined by three Intensity Zones within each TOD:

1. Gateway Zone - area within 300' - 500' surrounding the station platform; highest level of development intensity, and area where public investment should be focused.
2. Midway Zone - area approximately 300' - 1500' from the Gateway Zone; typically less development intensity and more residential character than the Gateway Zone.
3. Transition Zone - area on the periphery of the TOD where the scale of buildings should be adjusted to be compatible with existing or future development outside the TOD.

In addition, each TOD will be classified by one of four types:

1. Neighborhood Center - Plaza Saltillo, Martin Luther King Jr. Blvd. and Lamar Blvd./Justin Ln.
2. Town Center - Howard Lane, Northwest Park & Ride and North IH 35 Park & Ride
3. Regional Center – None at this time
4. Downtown. – Convention Center

These TOD types and their intensity zones acknowledge that each of the TODs has different contexts and varying levels of appropriate future development. (See attachment B – TOD Typology for Capital Metro's Proposed Stations):

The intensity zones will have no regulatory effect during Step One and can be modified by the Council as part of the Step Two Station Area Planning process. They are included to establish a framework for future planning and to inform the community of potential future development standards.

Once a Station Area Plan is adopted, the current Compatibility Standards would apply only within the



**RCA  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 43  
**AGENDA DATE:** Thu 02/03/2005  
**PAGE:** 3 of 4

Transition Zone, not within the Midway or Gateway Zones.

The Step One special purpose base district will not impact existing Land Development Code Compatibility Standards and, with a few exceptions, will not modify the existing zoning base district regulations. The TOD District will prohibit certain uses that are not supportive of transit and modify those site development regulations that are most critical to creating a pedestrian and transit-supportive environment. For example, maximum rather than minimum front building setbacks are defined within the TODs, minimum standards for the ground floor of buildings located along a street have been established to ensure that new structures contribute to the creation of a pedestrian-friendly environment, and the minimum parking requirements are reduced. (See Sections 25-2-762 and 25-2-763 of the draft ordinance).

**Step Two – Station Area Planning**

The Step Two process is envisioned as a consultant-led process with significant stakeholder and staff involvement. Detailed plans for each of the seven initial TODs would include analyses of existing zoning and land use, including Neighborhood Plans where applicable, and potential future improvements required to accommodate new development, existing transportation networks and future transportation improvements (pedestrian, bicycle, auto, bus, and rail), historic and cultural resources, a market assessment to ensure the feasibility of plans, final TOD boundaries and location of Gateway, Midway and Transition zones, streetscape and public open space plans and final land use and site development regulations.

Three of the Transit Oriented Districts are in areas with adopted Neighborhood Plans (Plaza Saltillo TOD, Martin Luther King Jr. Blvd. TOD, and the Lamar Blvd. TOD). In these areas the Neighborhood Plan Contact Teams, along with other affected parties will participate in the Station Area Planning Process. In addition, if an amendment to an adopted neighborhood plan is necessary because of a Station Area Plan, the amendment will be reviewed and approved in accordance with the neighborhood plan amendment process approved by Council.

As part of the Step Two Station Area Plans staff is recommending establishment of affordable housing programs tailored to each of the Transit Oriented Districts. This approach allows the programs to address the unique needs and potential opportunities at each TOD location. In a related item on this agenda, staff is also recommending Council adoption of a resolution identifying minimum affordable housing goals for the TODs.

It is anticipated that Station Area Planning on one or more TOD locations would begin within approximately six months of approval of the TOD ordinance, and that all plans should be complete by 2008 when the Capital Metro commuter rail service is operational.

**Ordinance Changes to Address Community Concerns**

Throughout stakeholder meetings and the Board and Commission process, staff has received feedback on the proposed two-step approach to implementing TOD regulations and the content of the draft ordinance. Some of the major issues identified by stakeholders include providing affordable housing in the TODs, concern over potential impacts on small business owners and owners of small tracts of land in the Step One TOD District and confusion over which standards apply during Step One versus Step Two. In response to this feedback, numerous changes have been made to the ordinance. A chart of the stated



**RCA  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 43  
**AGENDA DATE:** Thu 02/03/2005  
**PAGE:** 4 of 4

concerns and changes made to the draft ordinance is found in Attachment C: Transit Oriented Development Ordinance: Stakeholder Issues Raised and Staff's Corresponding Revisions.

**Establishment of Advisory Committee**

This two-step approach and the draft ordinance have been reviewed by the Technical Advisory Group (TAG), consisting of City of Austin, Capital Metro, CAMPO and Texas Department of Transportation staff and by the Community Advisory Group (CAG) consisting of representatives from the Design, Planning, Urban Transportation and Zoning and Platting commissions as well as any other citizens wishing to participate. To date three large Community Advisory Group meetings, four smaller focus group meetings and numerous group presentations and individual meetings have occurred.

# TOD TYPOLOGY FOR PROPOSED STATIONS WITH DEVELOPMENT INTENSITIES

TOD TYPE	STATION	MODES OF TRANSPORT	DENSITY OF DEVELOPMENT PER ACRE	MINIMUM BUILDING HEIGHT IN STORIES PER ZONE			REGULATIONS IN PLACE	COMMENTS
				Gateway	Midway	Transition		
Downtown	Convention Center	Rail & Bus	75+	6	N/A	N/A	CBD/Mixed Use Permitted	Limited redevelopment opportunity immediately adjacent to station
Neighborhood Center	Plaza Satellite	Rail & Bus	15-25	3	2	N/A	E. Cesar Chavez NP/Satellite Master Plan in process (ROMA)	11 acres owned by CMTA
Neighborhood Center	MLK Blvd	Rail & Bus	15-25	3	2	N/A	Chestnut & Rosewood NPAs/Mixed Use permitted	Single large landowner (Featherline Tract)
Neighborhood Center	Lamar Blvd/Austin Ln	Rail & Bus	15-25	3	2	N/A	Highland NPAs/Mixed Use permitted; Huntsman Tract is PDA	Land not yet acquired by CMTA
Town Center	Howard Lane	Rail & Bus	25-50	3	3	2	Robinson Ranch PUD	Property owned by CMTA
Town Center	NW Park & Ride	Rail & Bus	25-50	3	3	2	Northwood PUD	CMTA owns 23 acres including Park & Ride
Town Center	N. IH 35 Park & Ride	Bus Only	25-50	3	3	2	Primarily CS & LI (some vacant land)	CMTA owns 32 acres, will have surplus after constructing Park & Ride
Regional Center	N/A at this time	N/A	50+	4	3	3	N/A	N/A

Note: Additional TOD locations will be added as new stations are identified and formally adopted by Transit Agencies and City Council.

TOD TYPE	STATION	INTENSITY ZONE w/Development Bonus)		
		Gateway	Midway	Transition
Downtown	Convention Center	12:1 FAR	N/A	N/A
Neighborhood Center	Plaza Saltillo	1	1	1
Neighborhood Center	MLK Blvd	1	1	1
Neighborhood Center	Lamar Blvd./Justin Ln.	1	1	1
Town Center	Howard Lane	3	2	1
Town Center	NW Park & Ride	3	2	1
Town Center	N. IH 35 Park & Ride	3	2	1
Regional Center	None at this time	4	3	2

## TOD Ordinance Stakeholder Issues and Corresponding Ordinance Revisions

#	Issue	Comments
1	Confusion over whether TOD Classifications (Neighborhood Center, Town Center, Regional Center and Downtown as defined in Section 25-2-752), TOD Zones (Gateway, Midway, Transition Zones as defined in Section 25-2-753) and TOD Class and Zone height requirements (defined in Section 25-2-754) apply in Step 1 or Step 2.	Ordinance is unclear on whether these apply in Step 1 or Step 2.
2	Affordable housing	TODs should include affordable housing.
3	Prohibited uses (Section 25-2-762)	1) Concern over impact on existing businesses/uses and potential future expansion. 2) Concern over prohibiting small lot single-family in Midway and Gateway Zones
4	Changes to Site Development regulations (Section 25-2-763 establishes maximum setbacks, requirements for front building entrance, minimum 1st floor building height & minimum front facade glazing requirements).	Potentially difficult and expensive for small expansions or additions.
5	Step 2 requirement for minimum building height within Gateway, Midway and Transition Zones (Section 25-2-754)	Potentially difficult and expensive for small expansions or additions. May not be feasible on small lots or tracts. Current Compatibility Standards may limit height to less than minimum height requirements

**DRAFT January 25, 2005**

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Neighborhood Planning and Zoning

TOD Ordinance Stakeholder Issues and Corresponding Ordinance Revisions

6	Plaza Saltillo TOD classification (Section 25-2-755(A)(2))	Plaza Saltillo was initially classified as a <i>Neighborhood Center</i> and later reclassified to a <i>Town Center</i>
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## TOD Ordinance Stakeholder Issues and Corresponding Ordinance Revisions

7	Driveway connection between sites (Section 25-2-764(B))	Clarify whether this is a requirement. Should only apply to side yards. Allow waiver in cases of substantial grade differences between sites.
8	Parking structure/building height measurement in stories	Do parking structures count toward building height?
9	Maximum parking limit of 100% of the minimum typically required	Why cap/limit the total amount of parking in Step One, prior to the transit station even existing? Why not allow more than just 100% of the minimum required by the Table.
10	Relationship of Neighborhood Plan to Station Area Plan	Concern that Station Area Planning process will supercede Neighborhood Plans.

DRAFT January 25, 2005  
City of Austin  
Neighborhood Planning and Zoning

## TOD Ordinance Stakeholder Issues and Corresponding Ordinance Revisions

### Staff Proposal / Response

TOD Classifications, (Section 25-2-752) and TOD Zones (Section 25-2-753) are applied as part of the TOD Overlay as a framework for Station Area Planning. Some of the revised site development standards (25-2-763) are linked to the TOD Zones. Section 25-2-754, Minimum Height Requirements, has been revised to indicate that minimum height provisions apply only during Step Two, with an adopted Station Area Plan (25-2-754(A)).

Affordable housing will be addressed as part of a Station Area Plan for each TOD. Section 25-2-767(B)(5) describes this requirement. Staff recommends Council adopt a resolution establishing affordable housing goals for TODs.

1) Existing uses are grandfathered. Uses become legally non-conforming and are governed by LDC Section 25-2-941 thru 25-2-949. A use prohibited by Section 25-2-763 becomes a non-conforming use and is governed by the non-conforming use regulations of the Land Development Code, including new Section 25-2-949. 2) Section 25-2-762(C) has been added to permit small lot single-family, urban home, cottage and secondary apartment in the Midway Zone.

Section 25-2-763 has been revised as follows: 1) 25-2-763(A) applies the standards only to a new building or an addition to a building, if the addition exceeds 5,000 square feet or increases the gross floor area on the site by more than 50%; 2) the 15' maximum setback (25-2-763(B)) applies throughout the TOD but a provision for administrative waiver of the maximum setback has been added for historic structures or significant trees; 3) requirements for building entrances, minimum first floor height, and minimum glazing requirements (25-2-763 (D) 1,2,3) only apply within the Gateway Zone of the TOD; 4) requirement for weather protection deleted.

Section 25-2-754(A) of the revised ordinance clarifies that the minimum height applies only during Step Two, with an adopted Station Area Plan and does not apply to sites of less than 8,000 square feet.

**DRAFT January 25, 2005**

City of Austin

Neighborhood Planning and Zoning

## TOD Ordinance Stakeholder Issues and Corresponding Ordinance Revisions

The Plaza Saltillo TOD has been reclassified as a Neighborhood Center TOD. Eleven acres of Capital Metro land is currently undergoing a master planning process which will serve as the Step Two Station Area Plan for the Capital Metro property. The remainder of the Plaza Saltillo TOD has been designated as Transition Zone which may be refined as part of the larger Station Area Planning process.

DRAFT January 25, 2005  
City of Austin  
Neighborhood Planning and Zoning

## TOD Ordinance Stakeholder Issues and Corresponding Ordinance Revisions

Section 25-1-764 (B) has been revised to apply to rear parking lots on sites larger than 3 acres and provides for an administrative waiver from the requirement if it is impractical because of site constraints

Section 25-1-24 has been added to state that a parking level equals 2/3 of a story.

Section 25-3-311 has been revised to delete the maximum parking limit. Issue will be addressed at Station Area Plans

Section 25-2-766, Preparation of Station Area Plan - identifies Neighborhood Plan Contact Teams as participants in SAP process and states that "If an amendment to an adopted neighborhood plan is necessary, the amendment must be reviewed and approved in accordance with the neighborhood plan amendment process approved by Council".