



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

**AGENDA ITEM NO.: 12
AGENDA DATE: Thu 03/03/2005
PAGE: 1 of 4**

SUBJECT: 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, Planning Commission, and the Zoning and Platting Commission.

PURCHASING: N/A

MBE / WBE: N/A

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



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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



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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



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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.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTERS 25-1, 25-2, AND 25-6 OF THE CITY CODE TO ADD A DEFINITION OF AND MEASUREMENT METHOD FOR A BUILDING STORY, AND ADD A NEW ZONING DISTRICT RELATING TO TRANSIT ORIENTED DEVELOPMENT.

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

PART 1. Section 25-1-21 of the City Code is amended to add a new Paragraph (104) to read as follows and renumber the remaining paragraphs accordingly:

(104) STORY has the meaning assigned by Chapter 25-12, Article 1
(*Building Code*).

PART 2. Chapter 25-1 of the City Code is amended to add a new Section 25-1-24 to read:

§ 25-1-24 BUILDING STORY MEASUREMENT.

A building story is measured in the manner prescribed by Chapter 25-12, Article 1
(*Building Code*).

PART 3. Section 25-2-32(E) of the City Code is amended to read:

(E) Special purpose base districts and map codes are as follows:

- | | |
|---|------------|
| (1) development reserve | DR |
| (2) aviation services | AV |
| (3) agricultural | AG |
| (4) planned unit development | PUD |
| (5) public | P |
| (6) traditional neighborhood | TN |
| (7) <u>transit oriented development</u> | <u>TOD</u> |

PART 4. Chapter 25-2 of the City Code is amended to add a new Section 25-2-147 to read:

§ 25-2-147 TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT.

Transit oriented development (TOD) district is the designation for an identified transit station and the area around it. The district provides for development that is compatible with and supportive of public transit and a pedestrian-oriented environment.

PART 5. Chapter 25-2, Subchapter C, Article 3 of the City Code is amended to add a new Division 9 to read:

Division 9. Transit Oriented Development District Regulations.

Subpart A. General Provisions.

§ 25-2-751 CONFLICTS; NONAPPLICABILITY.

(A) This division supersedes other requirements of Title 25 (*Land Development*) to the extent of conflict.

(B) This division does not apply to property governed by a development plan approved by a special board of review, as prescribed by Natural Resources Code Sections 31.161 through 31.167.

§ 25-2-752 TRANSIT ORIENTED DEVELOPMENT DISTRICT CLASSIFICATIONS DESCRIBED.

(A) A transit oriented development (TOD) district is classified according to its location, as described below.

(B) 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. 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.

(C) A town center TOD district is located at a major commercial, employment, or civic center. The average density is approximately 25 to 50 dwelling units for each acre. Uses include townhouse residential use, low- and mid-rise condominium residential use and multifamily residential use, retail and office uses, and mixed-use buildings.

(D) A regional center TOD district is located at the juncture of regional transportation lines or at a major commuter or employment center. The average density is more than 50 dwelling units for each acre. Uses include mid-rise condominium residential use and multifamily residential use, major retail

and office uses, and mixed-use buildings.

(E) A downtown TOD district is located in a highly urbanized area. The average density is more than 75 dwelling units for each acre. Uses include mid- and high-rise condominium residential use and multifamily residential use, large retail and office uses, and mixed use buildings.

§ 25-2-753 TRANSIT ORIENTED DEVELOPMENT DISTRICT ZONES DESCRIBED.

(A) A transit oriented development (TOD) district may be divided into zones of varying development intensity, as described in this section.

(B) A gateway zone is the area immediately surrounding the station platform, where passengers enter or exit transit vehicles. Typically, this area includes land that is about 300 to 500 feet from the edge of the station platform. This zone has a high level of transit integration, including streetscapes that connect the station platform with the surrounding buildings, and buildings that are oriented toward the station platform and provide ground floor pedestrian-oriented uses and employment or residential uses in the upper floors.

(C) A midway zone is the area between a gateway zone and a transition zone, beginning at the outer boundary of the gateway zone and ending approximately 1000 to 1500 feet from the edge of the station platform. This zone is predominately residential, but it may also contain retail and office uses. The zone includes a variety of building types.

(D) A transition zone is the area at the periphery of the TOD district. Development intensity is compatible with the existing or anticipated future development adjacent to the TOD district.

§ 25-2-754 TRANSIT ORIENTED DEVELOPMENT DISTRICT MINIMUM HEIGHT REQUIREMENTS.

(A) This section prescribes minimum height requirements for transit oriented development (TOD) district classes and zones. These requirements are effective on adoption of a station area plan in accordance with Subpart C (*Station Area Plan*).

(B) This section does not apply to a site with an area of 8,000 square feet or less.

(C) For a neighborhood center TOD district:

(1) in a gateway zone the minimum height is three stories;

- (2) in a midway zone the minimum height is two stories; and
- (3) in a transition zone there is no minimum height.

(D) For a town center TOD district:

- (1) in a gateway zone the minimum height is three stories;
- (2) in a midway zone the minimum height is three stories; and
- (3) in a transition zone the minimum height is two stories.

(E) For a regional center TOD district:

- (1) in a gateway zone the minimum height is four stories;
- (2) in a midway zone the minimum height is three stories; and
- (3) in a transition zone the minimum height is three stories.

(F) For a downtown TOD district, in all the zones the minimum height is six stories.

§ 25-2-755 TRANSIT ORIENTED DEVELOPMENT DISTRICTS ESTABLISHED AND CLASSIFIED.

(A) Transit oriented development (TOD) districts are established and classified as follows:

- (1) The Convention Center TOD district is established as a downtown TOD district.
- (2) The Plaza Saltillo TOD district is established as a neighborhood center TOD district.
- (3) The Martin Luther King, Jr. Blvd. TOD district is established as a neighborhood center TOD district.
- (4) The Lamar Blvd. / Justin Lane TOD district is established as a neighborhood center TOD district.
- (5) The Howard Lane TOD district is established as a town center TOD district.
- (6) The Northwest Park and Ride TOD district is established as a town center TOD district.

(7) The North IH-35 Park and Ride TOD district is established as a town center TOD district.

(B) The initial boundaries and zones of each TOD district are described in Appendix D (*Transit Oriented District Boundaries And Zones*). The official maps of the districts are on file with the director, who shall resolve uncertainty regarding the boundary of a district.

§ 25-2-756 TRANSITION FROM OVERLAY DISTRICT TO BASE DISTRICT.

(A) Until council approves a station area plan in accordance with Subpart C (*Station Area Plan*):

(1) a transit oriented development (TOD) district functions as an overlay district; and

(2) property within the TOD district:

(a) is subject to Subpart B (*Initial District Regulations*); and

(b) retains its base district zoning.

(B) The approval by council of a station area plan in accordance with Subpart C (*Station Area Plan*) is a rezoning of the property as a TOD base district. After the rezoning, Subpart B (*Initial District Regulations*) does not apply.

Subpart B. Initial District Regulations.

§ 25-2-761 APPLICABILITY.

This subpart applies in a transit oriented development (TOD) district until council adopts a station area plan.

§ 25-2-762 USE REGULATIONS.

(A) In a TOD district, the following uses are prohibited:

(1) automotive repair services;

(2) automotive sales;

(3) automotive washing;

(4) basic industry;

(5) convenience storage;

- (6) equipment repair services;
- (7) equipment sales;
- (8) recycling center;
- (9) scrap and salvage services; and
- (10) vehicle storage.

(B) In a gateway zone, the following uses are prohibited:

- (1) single-family residential;
- (2) single-family attached residential;
- (3) small lot single-family residential;
- (4) duplex residential;
- (5) two-family residential;
- (6) secondary apartment;
- (7) urban home; and
- (8) cottage.

(C) In a midway zone, the following uses are prohibited:

- (1) single-family residential;
- (2) single-family attached residential;
- (3) duplex residential; and
- (4) two-family residential.

(D) In a transition zone, single family residential use is prohibited.

(E) A use with a drive-in service is prohibited.

(F) In a gateway zone, a transportation terminal use is a permitted use if it is operated by a governmental entity.

(G) A commercial off-street parking use or automotive rentals use that would otherwise be a permitted use is a conditional use.

(H) A residential use is permitted above the first floor of a commercial building.

§ 25-2-763 SITE DEVELOPMENT REGULATIONS.

(A) This section applies to:

- (1) a new building; or
- (2) an addition to a building, if the addition:
 - (a) exceeds 5,000 square feet of gross floor area; or
 - (b) increases the gross floor area on the site by more than 50 percent.

(B) The maximum front yard and street side yard setbacks are 15 feet, except the director of the Watershed Protection and Development Review Department may modify a maximum setback if the director determines that the modification is required to protect a historic structure or a tree designated as significant by the city arborist.

(C) The minimum front yard and street side yard setbacks are the lesser of:

- (1) 10 feet; or
- (2) the setbacks prescribed by Section 25-2-492 (*Site Development Regulations*).

(D) This subsection applies in a gateway zone.

- (1) Building entrances are required:
 - (a) on the principal street; and
 - (b) on a street with transit service, if any.
- (2) This paragraph applies to a building that is constructed along a front yard or street side yard setback line. For a depth of at least 20 feet, the minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 15 feet. This requirement does not apply if the building is subject to Article 10 (*Compatibility Standards*) or if the director determines that the requirement is impractical because of site constraints.

(3) This paragraph applies to a commercial or mixed-use building. For

a ground level wall that faces a public street, at least 50 percent of the wall area that is between two and ten feet above grade must be constructed of glass with a visible transmittance rating of 0.6 or higher.

§ 25-2-764 PARKING REGULATIONS.

(A) For a building with a front yard setback of 15 feet or less, parking is prohibited in the area between the front lot line and the building.

(B) For a rear parking lot on a site larger than three acres, the parking lot must be designed to permit future driveway and sidewalk connections with adjacent non-residential property. The director may waive this requirement if the director determines:

- (1) the connections are impractical because of site constraints;
- (2) the connections are inappropriate because of traffic safety issues; or
- (3) the site's land use is incompatible with the land use of the adjacent property.

(C) Parking requirements are prescribed by Section 25-6-611 (*Parking Requirements For A Transit Oriented Development District*).

Subpart C. Station Area Plan.

§ 25-2-766 PREPARATION OF STATION AREA PLAN.

(A) The director shall prepare a station area plan for each transit oriented development (TOD) district. The director shall permit Capital Metropolitan Transportation Authority, the neighborhood plan contact team, if any, and other affected persons to participate in the preparation of a station area plan.

(B) A station area plan must be consistent with an adopted neighborhood plan, if any. 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 established by council.

§ 25-2-767 ADOPTION OF STATION AREA PLAN.

(A) Council by zoning ordinance may adopt a station area plan for a transit oriented development (TOD) district.

(B) A station area plan:

- (1) establishes the permitted and conditional uses;

- (2) prescribes site development regulations, including maximum and minimum development parameters;
- (3) prescribes requirements for street, streetscape, and other public area improvements;
- (4) may modify or waive an identified requirement of this title;
- (5) may establish requirements for affordable housing; and
- (6) shall include an analysis of the need for public parking.

(C) In adopting a station area plan, the council may:

- (1) change the location of or omit a gateway, midway, or transition zone depicted on Appendix D (*Transit Oriented District Boundaries And Zones*);
- (2) modify a height or floor-to-area ratio requirement prescribed by Section 25-2-754 (*Transit Oriented Development District Minimum Height Requirements*); or
- (3) modify a parking requirement prescribed by Section 25-6-611 (*Parking Requirements For A Transit Oriented Development District*).

§ 25-2-768 AMENDMENTS TO STATION AREA PLAN.

- (A) Council may, by zoning ordinance, amend a station area plan at any time.
- (B) Amendments to a station area plan may be proposed by land owners not more than once each calendar year.

PART 6. Chapter 25-2 of the City Code is amended to add a new Section 25-2-949 to read:

§ 25-2-949 CERTAIN USES IN A TRANSIT ORIENTED DEVELOPMENT DISTRICT.

- (A) This section applies to a use that is nonconforming under Section 25-2-762 (*Use Regulations*).
- (B) Except as provided by Subsection (C), the use is governed by Group “D” regulations prescribed by Section 25-2-947 (*Nonconforming Use Regulation Groups*).
- (C) If there is a conflict between the regulations prescribed by this section and

the regulations as determined by Section 25-2-946 (*Determination of Nonconforming Use Regulation Group*), the more restrictive regulations apply.

PART 7. Section 25-2-1052 of the City Code is amended to add a new Subsection (F) to read:

(F) This article does not apply within a transit oriented development (TOD) district after adoption of a station area plan in accordance with Chapter 25-2, Subchapter C, Article 3, Division 9, Subpart C (*Station Area Plan*), except that Division 2 (*Development Standards*) applies to property in a transition zone of a TOD district if triggered by property outside the TOD district.

PART 8. Chapter 25-6, Article 7 of the City Code is amended to add a new Division 7 to read:

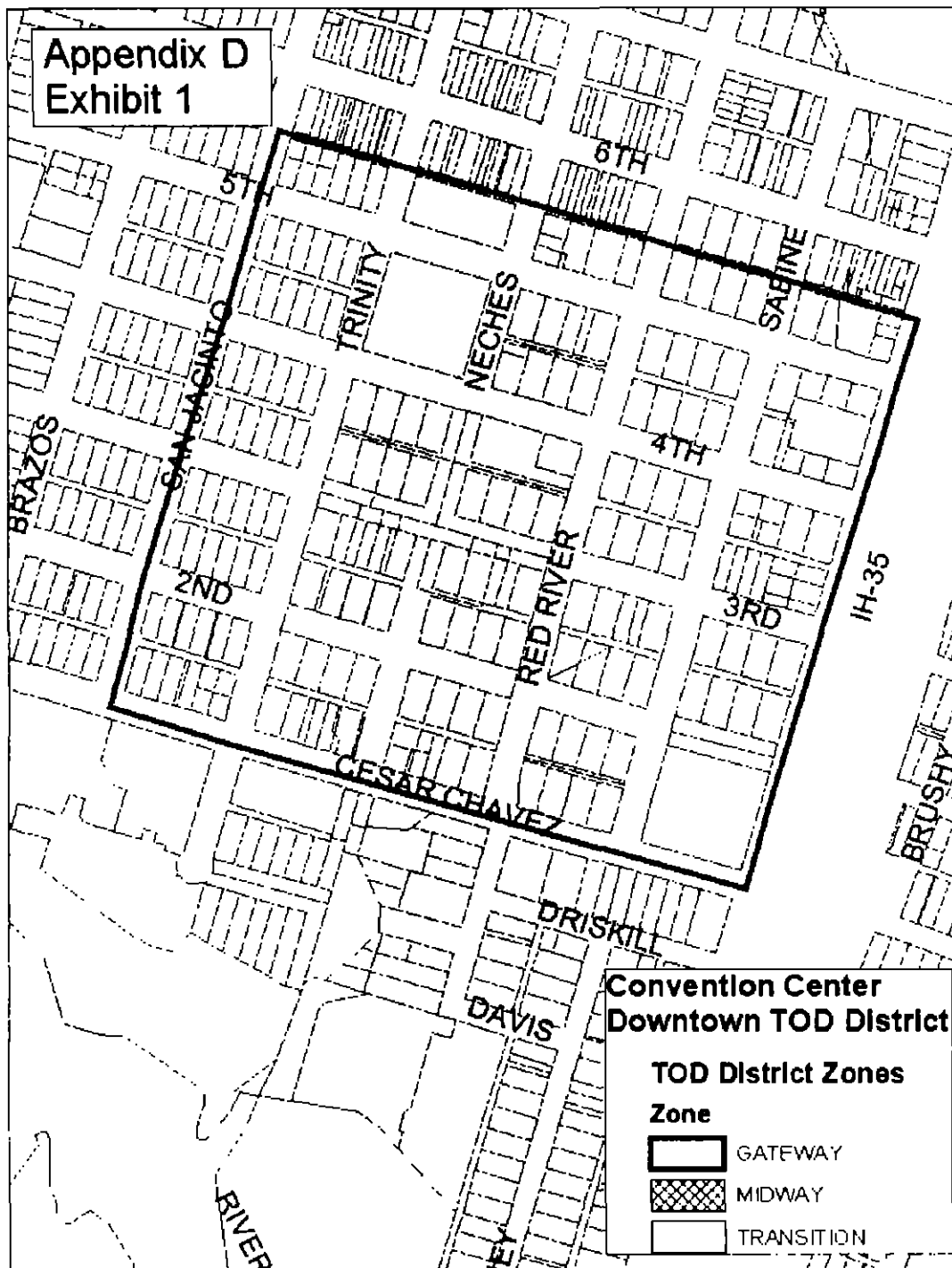
Division 7. Special Provisions For A Transit Oriented Development District.

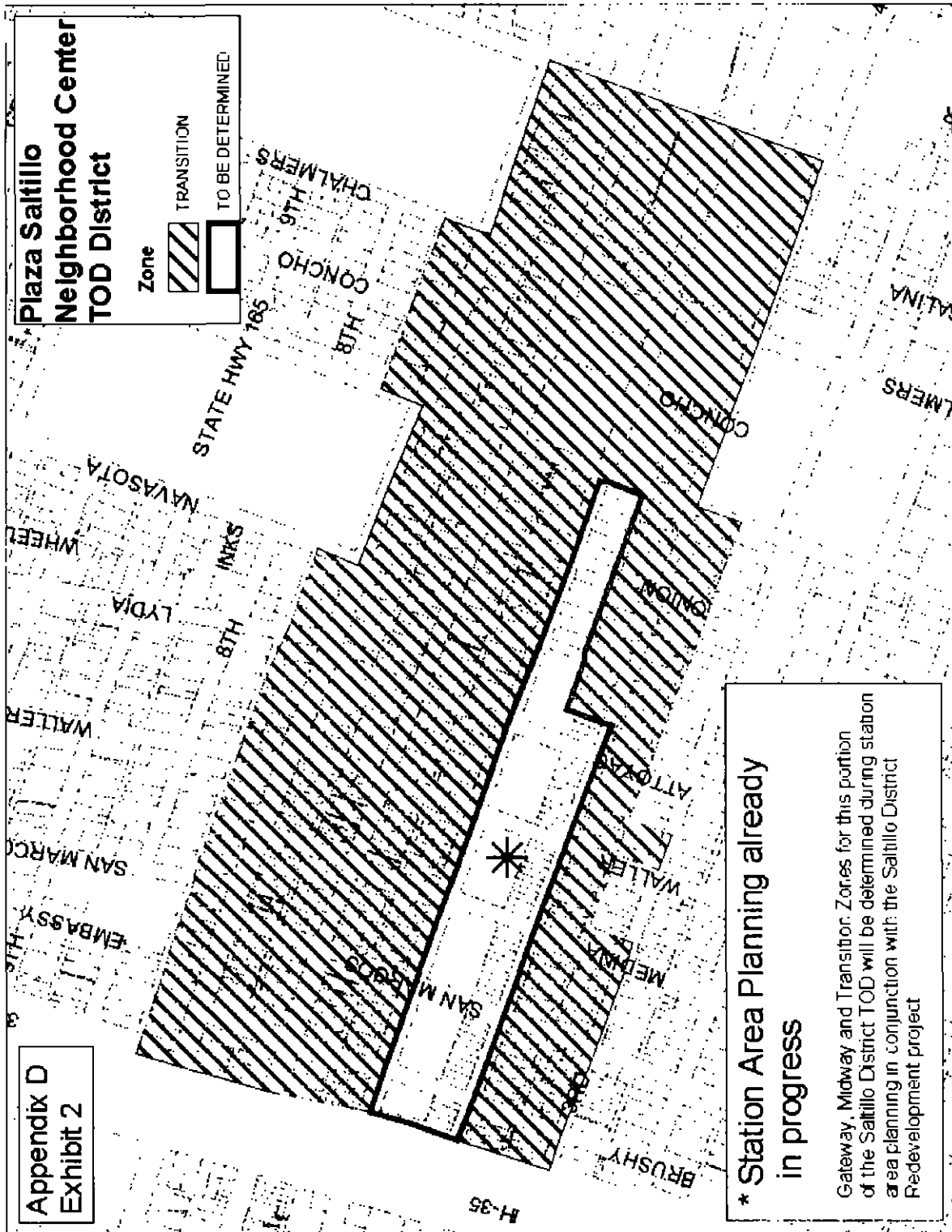
§ 25-6-611 PARKING REQUIREMENTS FOR A TRANSIT ORIENTED DEVELOPMENT DISTRICT.

(A) Except as provided in Subsection (B), in a transit oriented development (TOD) district the minimum off-street parking requirement is 60 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

(B) The parking requirements prescribed for property zoned central business district (CBD) apply to a downtown TOD district.

PART 9. Chapter 25-2 of the City Code is amended to add a new Appendix D to read:

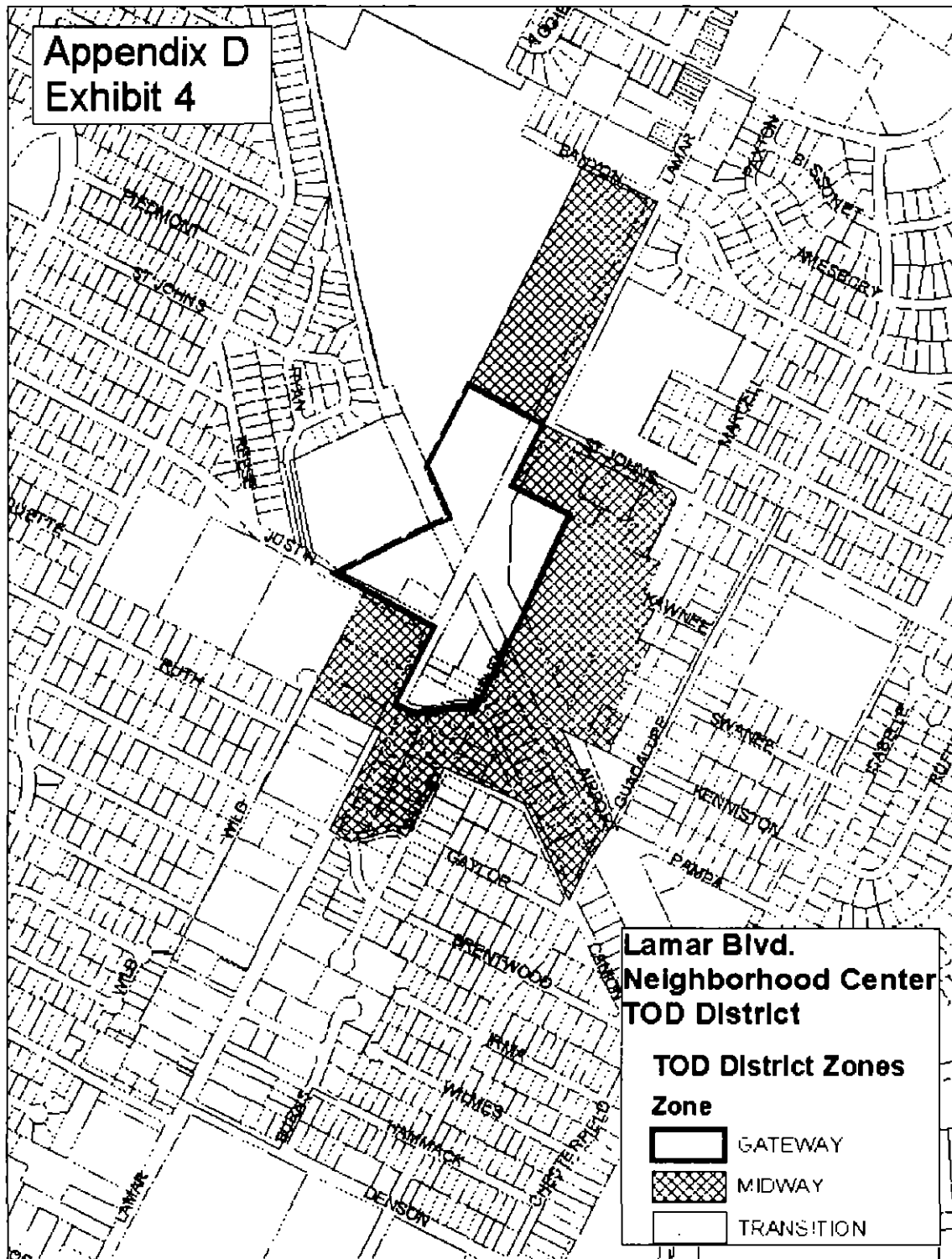




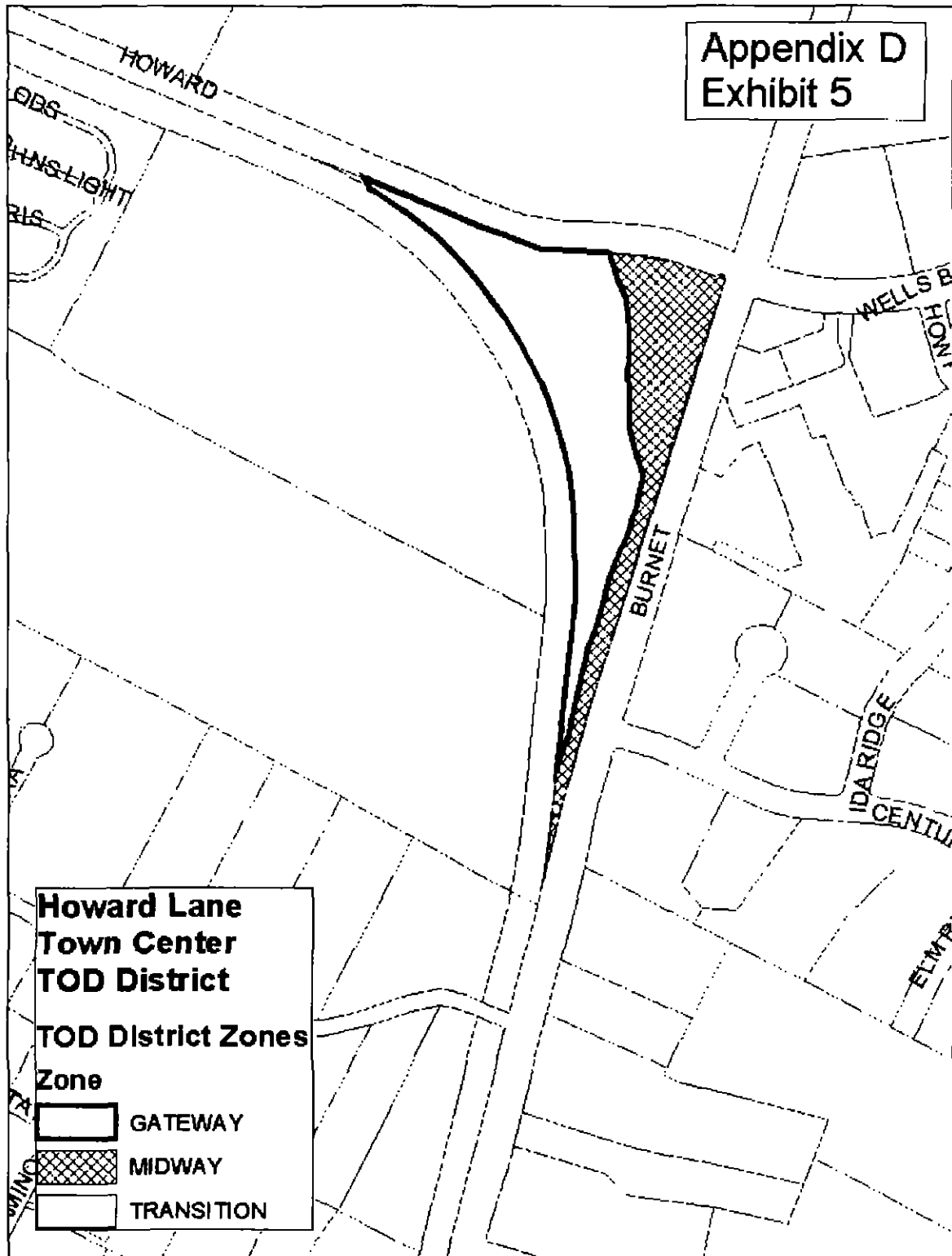
Appendix D Exhibit 3

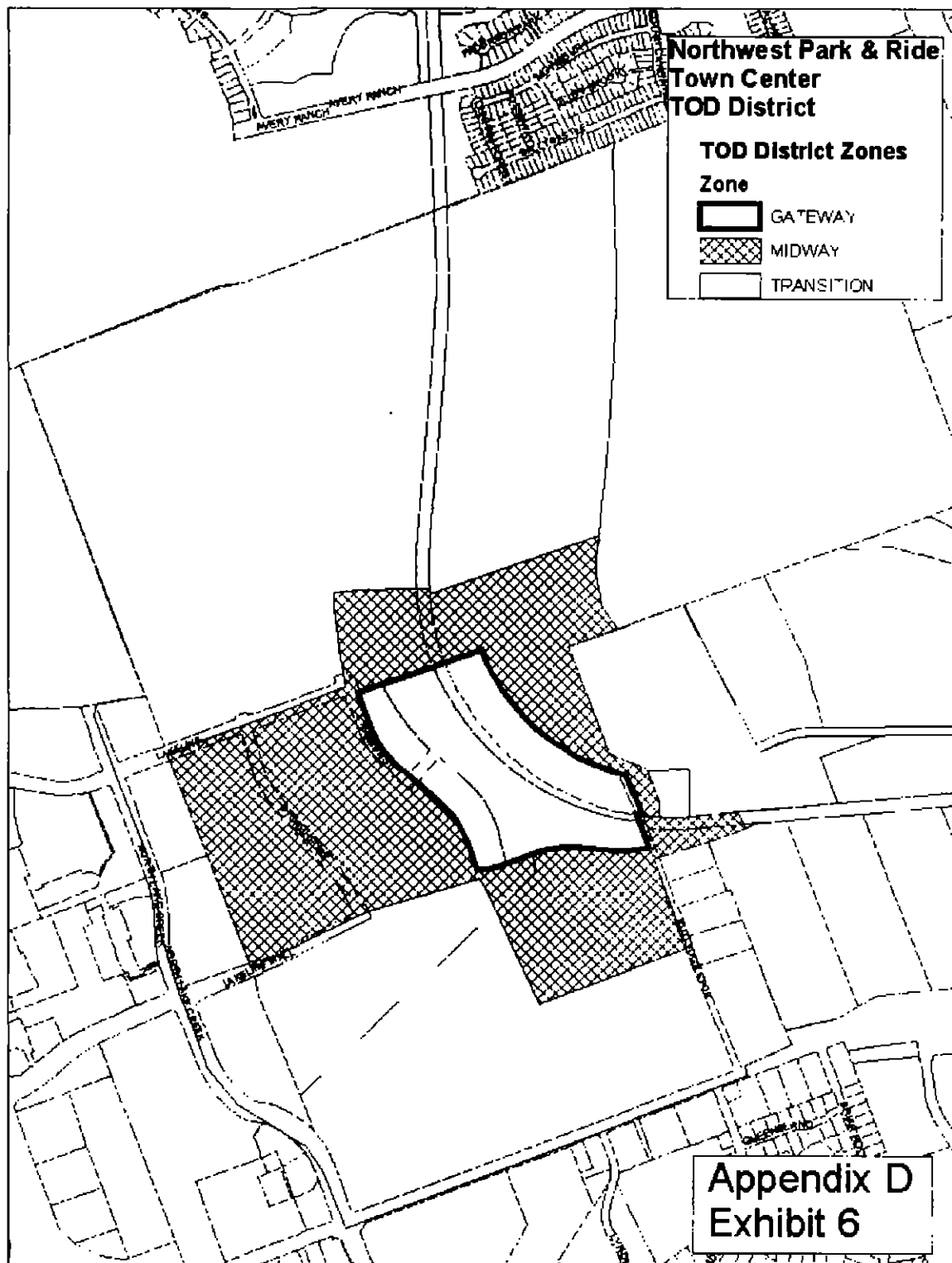


Appendix D Exhibit 4

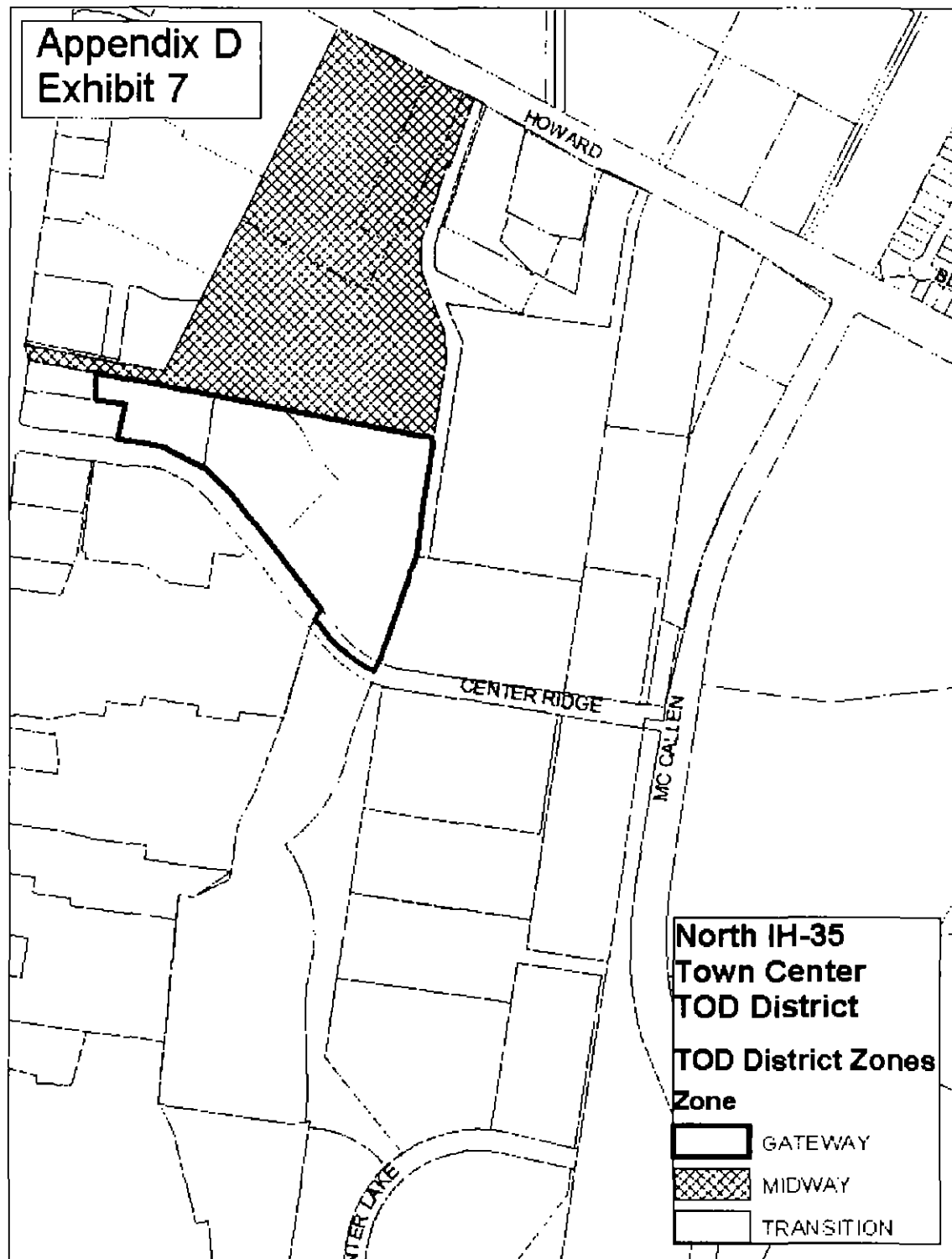


**Appendix D
Exhibit 5**





Appendix D Exhibit 7



PART 10. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005

§
§
§

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk

RESOLUTION NO. 040729-76

WHEREAS, transit-oriented development is development whose design, configuration, and mix of uses emphasizes a pedestrian-oriented environment and reinforces the use of mass transit; and

WHEREAS, transit-oriented development is encouraged to mix residential, retail, office, open space, and public uses within a comfortable walking distance, making it convenient for residents, workers, and shoppers to travel by mass transit, bicycle or foot, as well as by car; and

WHEREAS, in a transit-oriented development the arrangement of uses and buildings is designed to allow residents, workers, and shoppers to walk or bicycle to mass transit and other destinations within the development; and

WHEREAS, the Council desires to establish regulations to encourage transit-oriented development within Austin; and

WHEREAS, the Council desires to encourage public input into in the process used to develop regulations; **NOW, THEREFORE,**

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

The City Manager is directed to begin the process of developing regulations regarding transit-oriented development; and

That the process shall include establishing an advisory committee that is chaired by the City staff and that includes a representative from the Planning

Commission, Zoning and Platting Commission, Design Commission, the Urban Transportation Commission, and other private stakeholders; and

That the staff shall present its recommendations to the Zoning and Platting Commission, Design Commission and Urban Transportation Commission. After holding a public hearing, each commission shall submit a recommendation to the Planning Commission; and

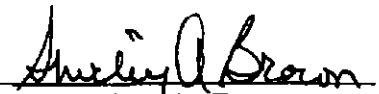
That the Planning Commission shall hold a public hearing on the proposed regulations and shall forward its recommendation to the City Council.

BE IT FURTHER RESOLVED:

The City Manager shall present the proposed regulations to the City Council on or before January 27, 2005.

ADOPTED: July 29, 2004

ATTEST:


Shirley A. Brown
City Clerk

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

City of Austin

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 Neighborhood Center and later reclassified to a Town Center.
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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

C" "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 site development standards (25-2-763) are linked to the TOD Zones. Section 25-2-754(A) 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 25-6-611 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".

DRAFT January 25, 2005

City of Austin

Department of Neighborhood Planning and Zoning

Summary of Proposed Transit-Oriented Development (TOD) Two-Step Process

STEP ONE

- Establish a TOD Overlay District around Capital Metro Commuter Rail Stations and Park and Ride locations
 - Existing Zoning remains in place
 - Compatibility Standards remain in place
 - Uses that do not support transit are restricted
 - Revise most critical site development regulations (minimum/maximum setbacks, parking, etc.)
- Identify the type of each station
 - Neighborhood Center
 - Town Center
 - Regional Center
 - Downtown
- Identify scale zones within each TOD
 - Gateway Zone – area closest to station platform, generally 300-500' from platform edge. Highest level of "transit integration".
 - Midway Zone – area between Gateway and Transition zones, generally between 300-1500'.
 - Transition Zone - area at the periphery of the TOD where scale is adjusted to be compatible with existing or future development outside of the TOD.

STEP TWO

- Prepare and Implement Station Area Plans (SAP) taking into account:
 - Type of station and modes of transit
 - Socio-economic conditions
 - Market conditions
 - Environmental, cultural and historic resources
 - Infrastructure conditions
 - Affordable housing
 - Transportation network
 - Land ownership

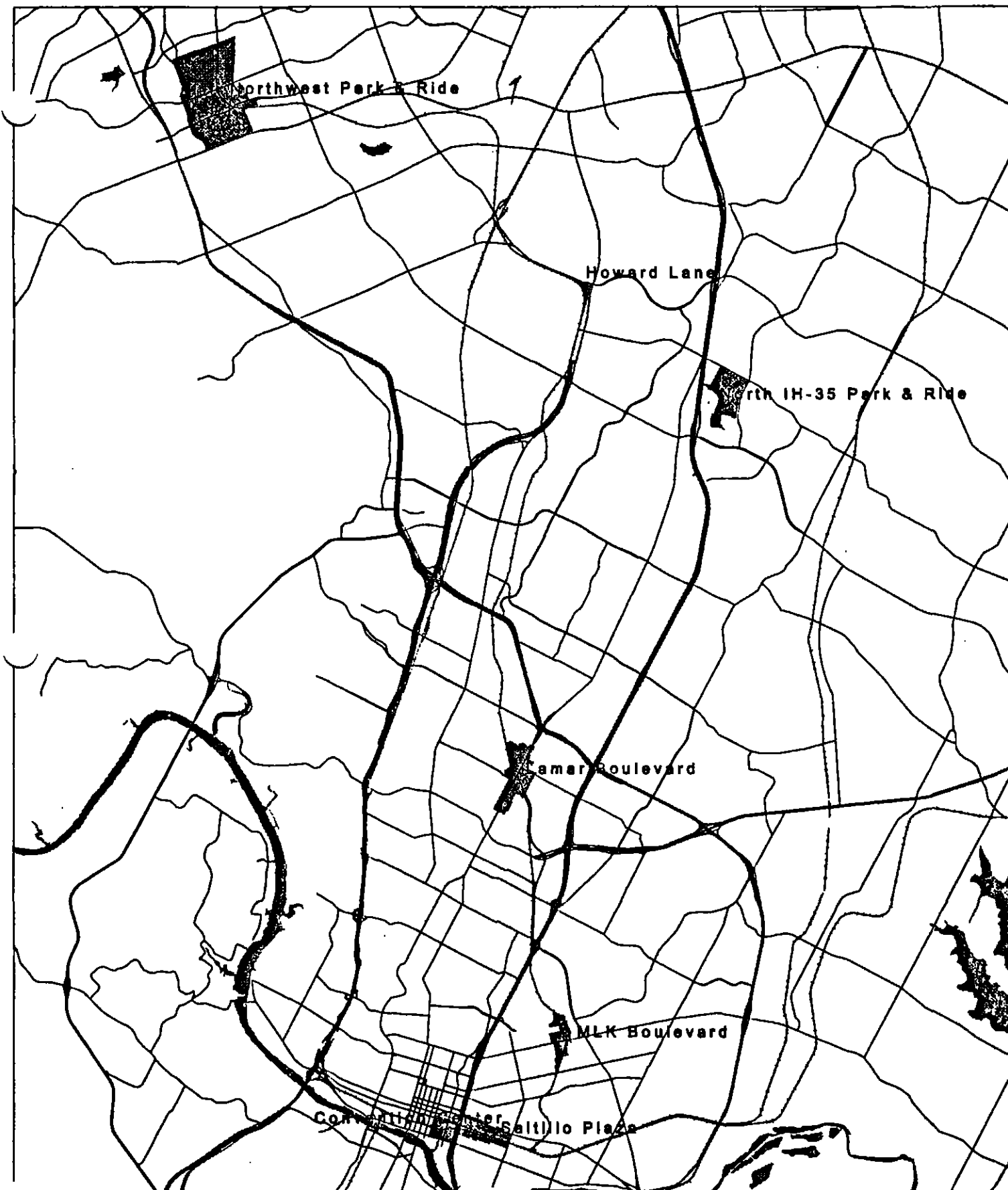
DRAFT

Neighborhood Planning and Zoning Department

For More Information see:

http://www.ci.austin.tx.us/development/transit_development.htm

January 2005



Transit-Oriented Development Interim Overlay Boundaries DRAFT

City of Austin
NPZD
December 13, 2004

Board and Commission Recommendations on Transit-Oriented Development Ordinance and Affordable Housing Resolution

Commission	Meeting Dates
Urban Transportation Commission	December 20, 2004
Planning and Zoning Commission	December 21, 2004 January 11, 2005 (ZAP Task Force on TOD) January 18, 2005 February 1, 2005
Design Commission	January 10, 2005
Planning Commission	January 4, 2005 (Codes and Ordinances Committee) January 11, 2005 January 25, 2005

February 2, 2005
City of Austin
Neighborhood Planning and Zoning

Board and Commission Recommendations on Transit-Oriented Development Ordinance and Affordable Housing Resolution

Action/Recommendation

Regardless of how the City Council takes action or not on January 27, 2005, recommend that this continue to be studied. Vote: (7-0).

Vote the North I-35 Park and Ride TOD from the ordinance. 2) Apply TOD Overlay regulations (prohibited and conditional uses and revised site development standards) only in the Gateway Zone. Vote: (5-4).

Recommended approval of the ordinance included the following comments on items that should be addressed in Station Area Plans (SAP): 1) SAPs should include provisions to develop a network of public space in each station area; 2) The city should study funding sources for funding acquisition and maintenance of public space in station areas; 3) Opportunities for creating significant affordable housing opportunities in the station areas should be explored; 4) The city should develop a policy for street parking in the SAPs; 5) The incentive mechanism for increasing affordable housing may need to operate on a sliding scale. (See attached letters from Design Commission). Vote: (8-0).

1) Amend Section 25-2-147 to read: "The district provides for development that is compatible with and supportive of public transit, a pedestrian-oriented environment, and SMART housing." 2) Amend Section 25-2-754 (B) to read: "This section does not apply to a site with an area of 8000 square feet or less." 3) Amend Section 25-2-788(B) by deleting the first sentence so that the section reads: "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 established by council." 4) Amend Section 25-2-766 by adding a new subsection (C) to read: "A Station Area Plan must feature 100 percent SMART Housing." 5) Amend Section 25-2-787(B)(3) to read: "Prescribes requirements for affordable housing." 6) Amend Section 25-2-787(B) by adding a new subsection (7) to read: "shall include estimates of increased ridership from local residents"; 7) Amend Section 25-2-787(B) by adding a new subsection (8) to read: "shall include consideration of public and civic art in and near transit stations".

8) Revise the draft Resolution on Affordable Housing in Transit Oriented Development (TOD) Areas by replacing paragraph (A) with the following: "Meaningful, long-term, affordable and accessible housing must be included in each TOD. A baseline for affordable housing within each TOD should be at least 25 percent at 50 to 80 percent of Median Family Income (MFI) for homeownership and 20 to 50% of MFI for rentals. The rental housing should remain affordable for a period of at least 30 years. Families occupying affordable units should spend no more than 30 percent of total household income on housing. Affordable units generally should be evenly dispersed throughout each TOD. In addition to the provision of affordable housing within each TOD, steps should be taken to preserve affordability for existing residents and businesses in the vicinity of each TOD. Vote: (7-0, CMT off Davis).

February 2, 2005
City of Austin
Neighborhood Planning and Zoning

TOD TYPOLOGY FOR PROPOSED STATIONS WITH DEVELOPMENT INTENSITIES

TOD TYPE	STATION	MODES	AVG. DENSITY OF UNITS 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 Saitillo	Rail & Bus	15-25	3	2	N/A	E. Cesar Chavez NPZ/Saitillo 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 (Featherlite Tract)
Neighborhood Center	Lamar Blvd./Justin Ln.	Rail & Bus	15-25	3	2	N/A	Crestview Wooten & Brentwood Highland NPAs/Mixed Use permitted; Huntman 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	None 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 TYPOLOGY FOR PROPOSED STATIONS WITH DEVELOPMENT INTENSITIES

ITS
port at
MTA
ading Park & Ride have surplus after

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

Existing Land Use by TOD District

Land Use	Convention Center		Plaza Batillo		MLK Blvd		Lamar Blvd		Howard Lane		NW Park & Ride		North IH-35
	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres
Single Family	0.21	0.5%	8.21	10.1%	0.82	1.1%	7.81	5.1%			1.93	0.3%	
Rural Residential											13.45	1.9%	
Two-Family			0.48	0.6%	0.48	0.6%	2.79	1.8%					
Multifamily	1.83	4.2%					12.18	7.9%					
Group Quarters							1.00	0.7%					
Assisted Living					0.71	1.0%							
Wholesale/Contracting	0.89	2.3%	6.66	8.2%	2.17	3.0%	11.75	7.7%					
Retail	3.91	10.0%	7.60	9.4%	0.07	0.1%	32.48	21.1%					
Service Commercial	3.07	7.8%	4.89	6.0%	3.85	5.4%	16.47	10.7%					3.03
General Office	3.37	8.6%	6.38	7.9%	1.23	1.7%	2.22	1.4%					9.03
Financial Services							2.38	1.6%					
Medical Offices			1.49	1.8%			0.15	0.1%					
Research & Development							10.74	7.0%					
Manufacturing			9.75	12.0%	3.29	4.6%	0.28	0.2%					
Warehousing & Distribution	0.79	2.0%	10.47	12.9%	2.32	3.2%	40.52	26.4%					48.01
Scrap & Recycling			2.53	3.1%									
Hospitals					2.53	3.5%							
Government Services	4.19	10.7%	0.41	0.5%									
Education Facilities	0.27	0.7%											
Meeting & Assembly	8.86	22.6%											
Cultural Services	0.14	0.4%											
Passive Open Space	2.03	5.2%			0.87	1.2%							
Outdoor Sports & Recreation	2.09	5.3%					4.78	3.1%					
Railroad Facilities (excluding ROW)			4.93	6.1%									
Transportation Terminals			0.88	1.1%									
Parking	5.79	14.7%	1.85	2.0%	5.88	8.2%	5.04	3.3%			20.72	3.0%	6.98
Utilities													2.10
Vacant	2.03	5.2%	14.74	18.2%	47.26	66.1%	2.95	1.9%	15.4	100.0%	663.8	94.8%	99.51
TOTAL	39.27		81.07		71.46		153.50		15.40		669.70		168.66

North IH-35			All TODs	
% of Total	Acres		% of Total	
	18.98		1.54%	
	13.45		1.09%	
	3.73		0.30%	
	13.81		1.12%	
	1.00		0.08%	
	0.71		0.06%	
	21.47		1.75%	
	44.04		3.58%	
1.8%	31.31		2.55%	
5.4%	22.23		1.81%	
	2.38		0.19%	
	1.64		0.13%	
	10.74		0.87%	
	13.30		1.08%	
28.5%	102.11		8.31%	
	2.53		0.21%	
	2.53		0.21%	
	4.60		0.37%	
	0.27		0.02%	
	8.86		0.72%	
	0.14		0.01%	
	2.90		0.24%	
	6.87		0.56%	
	4.93		0.40%	
	0.88		0.07%	
4.1%	46.06		3.75%	
1.2%	2.10		0.17%	
59.0%	845.49		68.79%	
	1229.05			

Transit Oriented Development Districts

Number of Affected Land Uses

	Convention Center	Plaza Saitillo	MLK Blvd	Lamar Blvd	Howard Lane	NW Park & Ride
Auto Rentals	0&	0	0	5	0	0
Auto Repair	1&	5#	1	23	0	0
Auto Sales	0&	1#	0	6	0	0
Auto Washing	0&	0#	0	0	0	0
Basic Industry	0*	4x	0	1	0	0
Commercial Off-Street Parking	5*	0#	0	0	0	0
Convenience Storage	0*	0#	0	5	0	0
Equipment Repair	0*	0	0	0	0	0
Equipment Sales	0*	0#	0	0	0	0
Fast Food Restaurant(1)	0	3	0	2	0	0
Financial Services(1)	0	0	0	3	0	0
Recycling Center	0*	0x	0	0	0	0
Scrap & Salvage	0*	17x	0	0	0	0
Vehicle Storage	0	0#	0	0	0	0
TOTAL	0	3	1	45	0	0

(1) Fast foot restaurants and financial services are uses the typically have drive-in accessory uses

* Uses already prohibited in CBD or Convention Center Combining districts

& Uses already conditional in CBD or Convention Center Combining districts

x Uses already prohibited in the East Cesar Chavez and Central East Austin Neighborhood Plans

Uses already conditional in the East Cesar Chavez and Central East Austin Neighborhood Plans

North IH-35	COMBINED
0	5
0	24
0	6
0	0
0	1
0	0
0	5
0	0
0	0
0	5
0	3
0	0
0	0
0	0
0	49