



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

**AGENDA ITEM NO.: 12  
AGENDA DATE: Thu 03/24/2005  
PAGE: 1 of 4**

**SUBJECT:** Approve an ordinance on second/third reading 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:**

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

On January 27, 2005, the City Council held and closed a public regarding the Transit-Oriented Development ordinance.

On March 3, 2005, the City Council Approved first reading of the Transit-Oriented Development ordinance.

**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

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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 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.



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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 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.



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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 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 Capital Metro's Proposed Stations

#	STATION	MODES	TYPE OF TOD	REGULATIONS IN PLACE
1	Convention Center	Rail & Bus	Downtown	CBD / Mixed Use permitted
2	Plaza Saltillo	Rail & Bus	Neighborhood Center	E Cesar Chavez NPA / Saltillo Master plan in process (ROMA)
3	MLK Blvd	Rail & Bus	Neighborhood Center	Chestnut & Rosewood NPAs / Mixed Use permitted
4	Lamar Blvd /Justin Lane	Rail & Bus	Neighborhood Center	Crestview Wooten & Brentwood Highland NPAs / Mixed Use permitted, Huntsman Tract is PDA
5	Howard Lane	Rail & Bus	Town Center	Robinson Ranch PUD
6	NW Park & Ride	Rail & Bus	Town Center	Northwood PUD
7	North IH 35 Park & Ride	Bus Only	Town Center	primarily CS & LI (some vacant land)
NOTE Additional TOD locations will be added as new stations are identified and formally adopted by Transit Agencies and City Council				

DRAFT January 3, 2005  
City of Austin  
Neighborhood Planning and Zoning Department

## TOD Typology for Capital Metro's Proposed Stations

COMMENTS
Limited redevelopment opportunity Immediately adjacent to station
11 acres owned by CMTA
Single large landowner (Featherlite Tract)
Land not yet acquired by CMTA
Property owned by CMTA
CMTA owns surplus land surrounding P&R
CMTA owns 32 acres, will have surplus after constructing P&R
Adopted by Transit Agencies and City Council

DRAFT January 3, 2005  
City of Austin  
Neighborhood Planning and Zoning Department

Existing Land Use by TOD District												
	Convention Center		Plaza Satellite		MLK Blvd		Lamar Blvd		Howard Lane		NW Park & Ride	North IH-35
Land Use	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total
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%	0.46	0.6%	2.79	1.8%				
Multifamily	1.63	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%	32.46	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%	0.26	0.2%				
Warehousing & Distribution	0.79	2.0%	10.47	12.9%	2.32	3.2%	40.52	26.4%				40.01
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	22.8%										
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%	1.65	2.0%	5.88	8.2%	5.04	3.3%			20.72	3.0%
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%
TOTAL	39.27		81.07		71.48		153.50		15.40		699.70	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%
		1239.06		



## Transit Oriented Development Districts

### Number of Affected Land Uses

	Convention Center	Plaza Saktillo	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
<b>TOTAL</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>45</b>	<b>0</b>	<b>0</b>

(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	8
0	0
0	1
0	0
0	5
0	0
0	0
0	5
0	3
0	0
0	0
0	0
0	49

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTERS 25-2 AND 25-6 OF THE CITY CODE TO 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 25-2-32(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 2.** 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 3.** 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. 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.

(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. Typical building height is two to eight stories. 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. Typical building height is three to ten stories. 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. Typical building height is six stories or more. 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. A gateway zone has the highest density and building height in a TOD district.

(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. A midway zone has density and building height that are lower than a gateway zone but higher than a transition zone.

(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. A transition zone has the lowest density and building height in a TOD district.

**§ 25-2-754 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.

(C) Council may establish additional TOD districts by amending Subsection (A) and Appendix D (*Transit Oriented District Boundaries And Zones*).

#### **§ 25-2-755 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 sales;
- (2) automotive washing;
- (3) basic industry;
- (4) convenience storage;
- (5) equipment repair services;
- (6) equipment sales;
- (7) recycling center;
- (8) scrap and salvage services; and
- (9) 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) A use with a drive-in service is prohibited.

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

(F) An automotive repair services use, automotive rentals use, or commercial off-street parking use that would otherwise be a permitted use is a conditional use.

(G) 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, neighborhood organizations, and other affected persons to participate in the preparation of a station area plan.

(B) A station area plan must be included in an adopted neighborhood plan, if any. An amendment to an adopted neighborhood plan to include a station area

plan 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 standards for administrative modification of the station area plan;
- (6) may change the location of or omit a gateway, midway, or transition zone depicted on Appendix D (*Transit Oriented District Boundaries And Zones*);
- (7) shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving a goal of 25 percent of new housing to serve low and moderate income families, including home ownership opportunities for families at or below 80 percent of median family income and rental housing opportunities for families at or below 60 percent of median family income; and
- (8) shall include an analysis of the need for public parking.

**§ 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 4.** 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 5.** 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 6.** 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.**

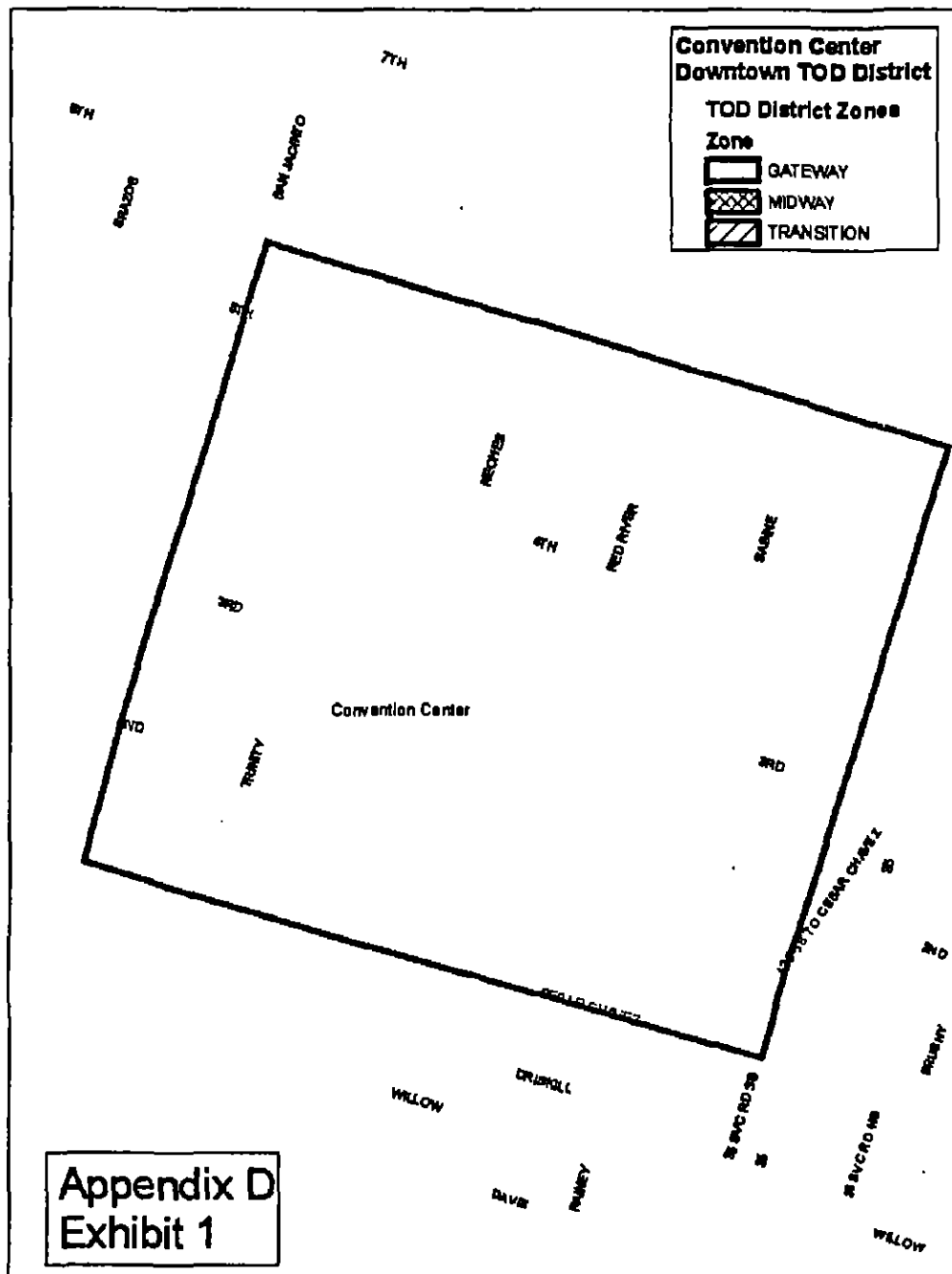
**§ 25-6-611 PARKING REQUIREMENTS FOR A TRANSIT ORIENTED DEVELOPMENT DISTRICT.**

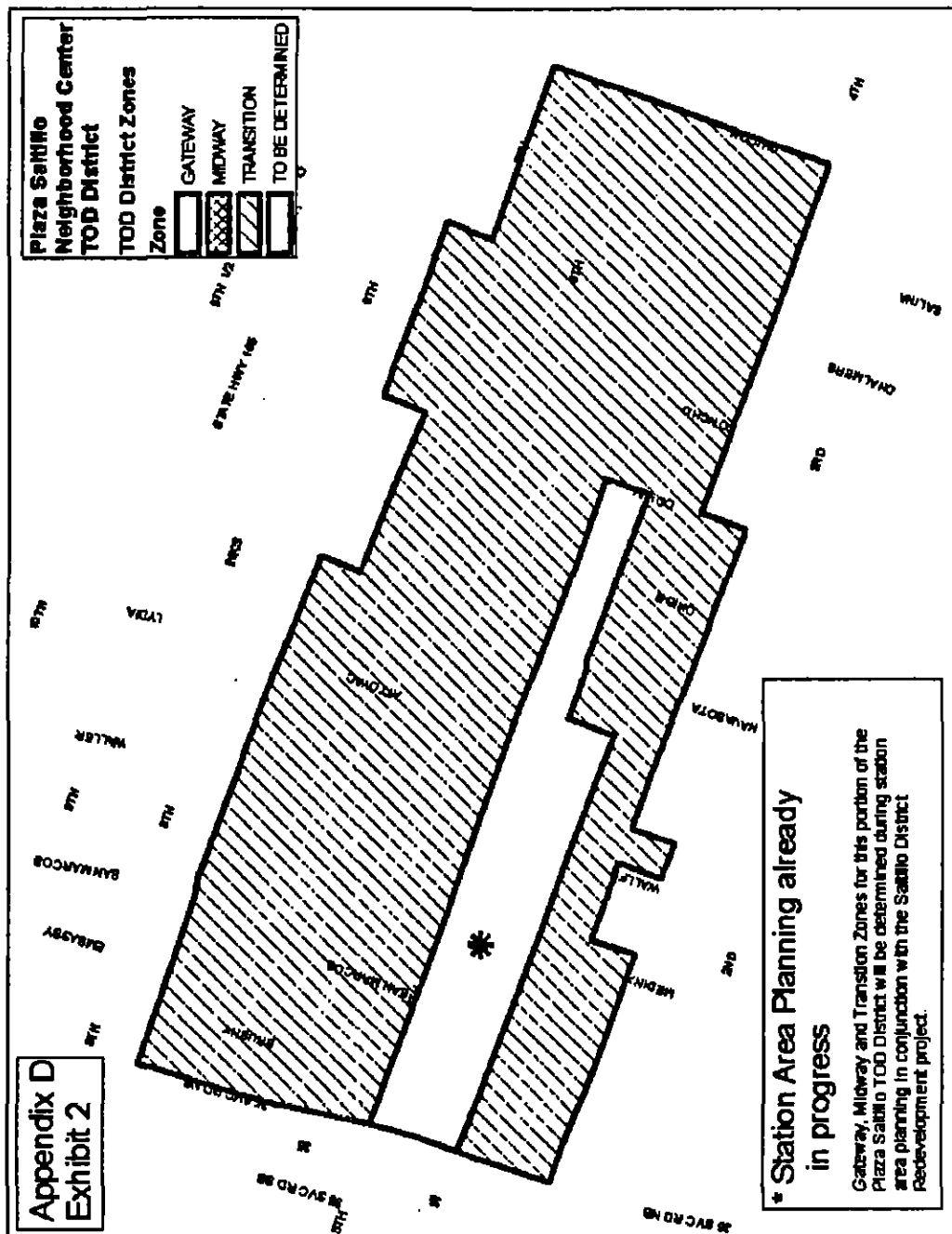
(A) Except as provided in Subsection (B), in a transit oriented development (TOD) district the minimum off-street parking requirement is 60 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

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

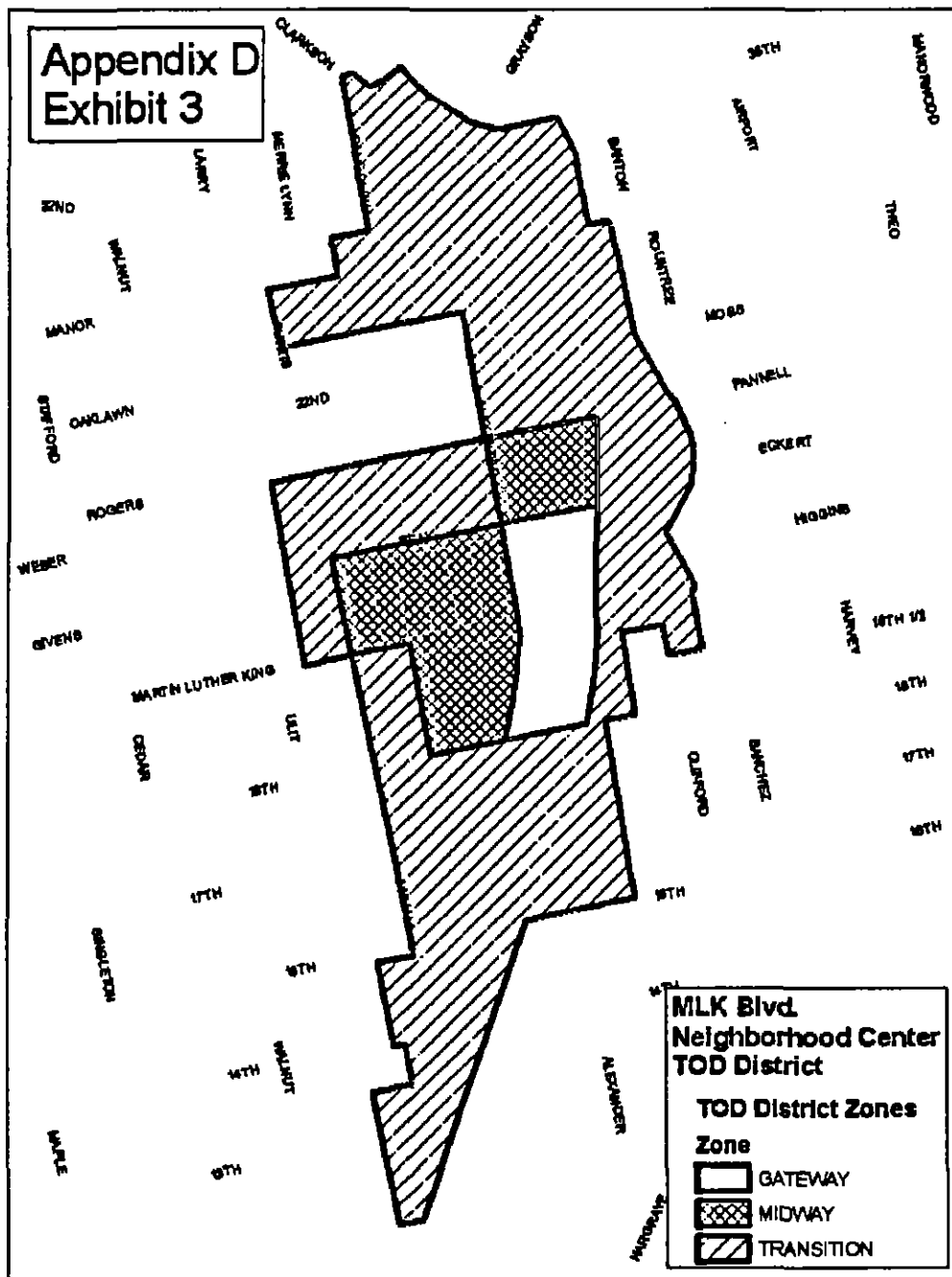
**PART 7.** Chapter 25-2 of the City Code is amended to add a new Appendix D to read:



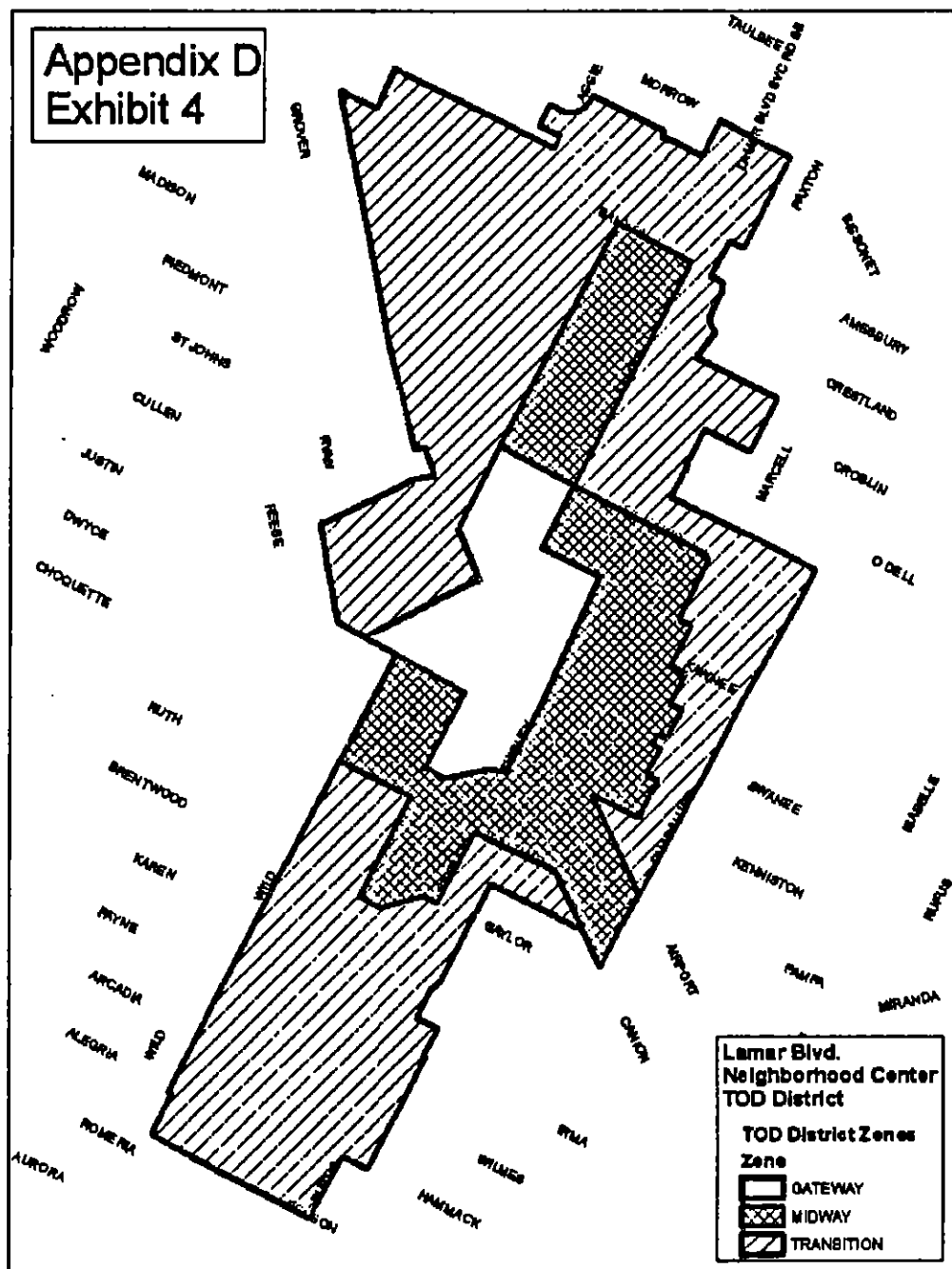




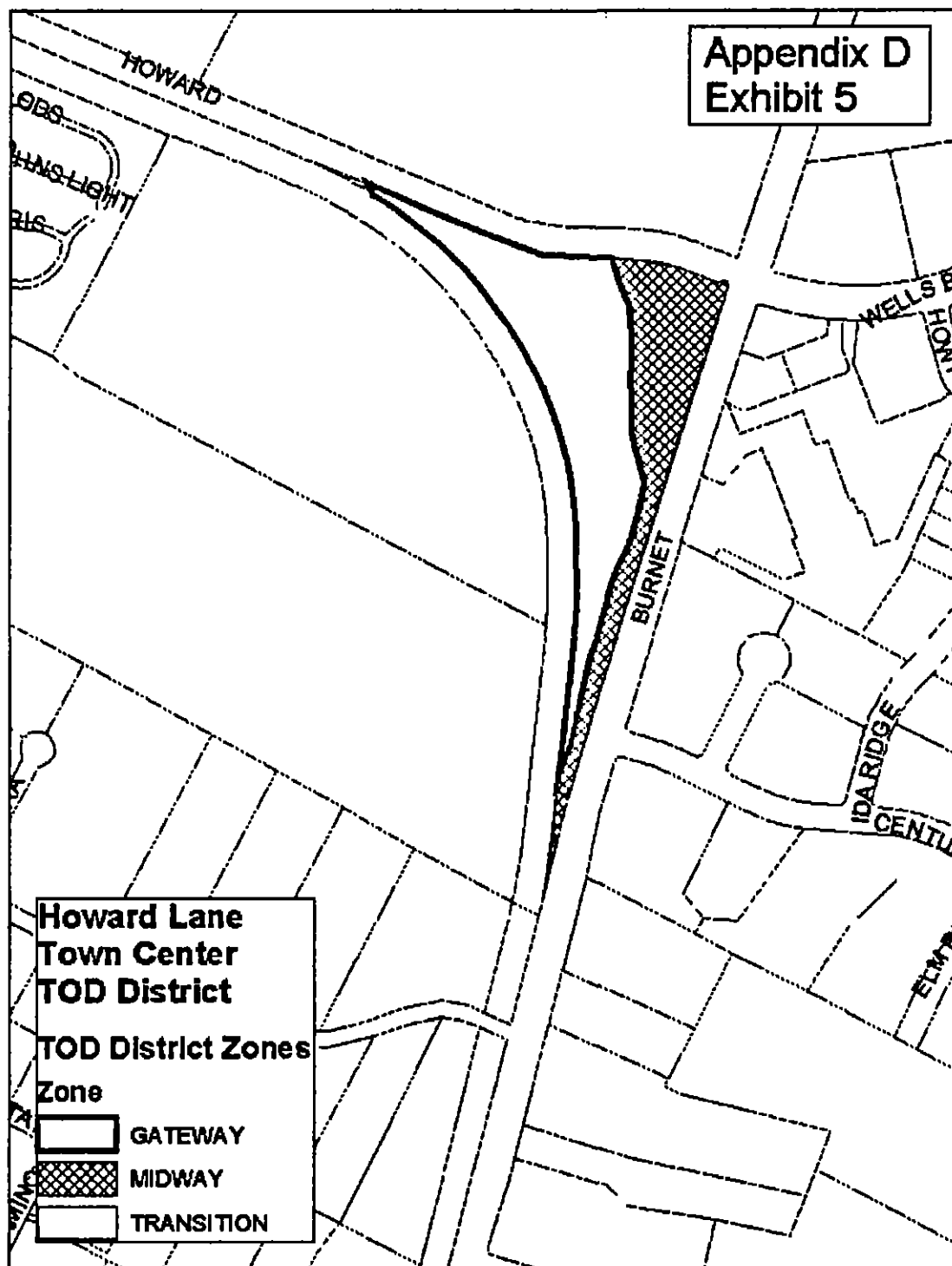
# Appendix D Exhibit 3

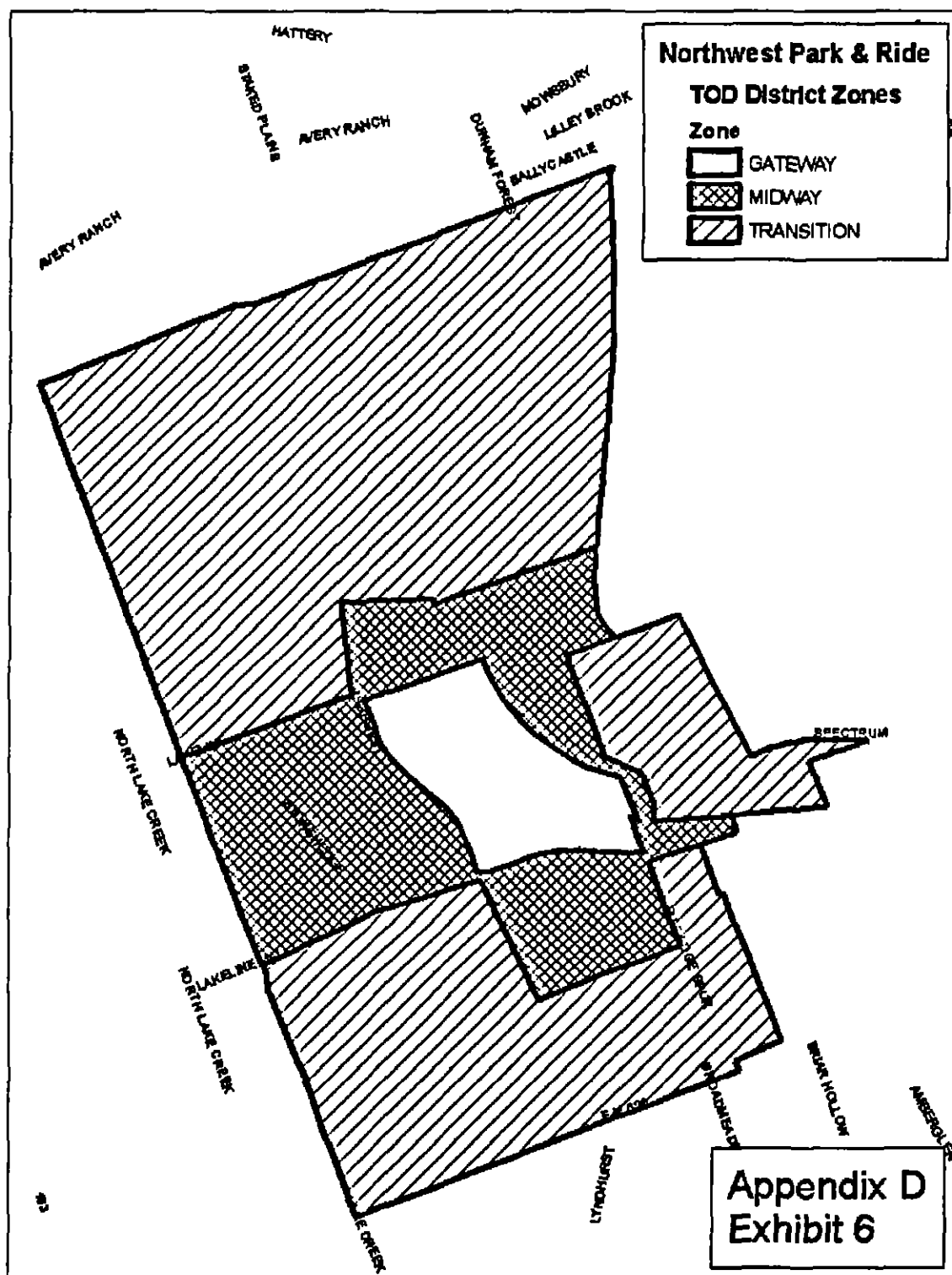


# Appendix D Exhibit 4









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**2022**

\_\_\_\_\_, 2005

§ \_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk

**Items x and y**  
**Transit Oriented Development Ordinance and Resolution Option Summary**  
**TOD Ordinance Summary of Issues**

1	First Reading TOD Ordinance		Approve second reading of the TOD Ordinance	Recommended
<b>Ordinance Change Requested by Mayor Pro Tem Goodman</b>				
2	Section 25-2-766  Page 7, Line 22	(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, neighborhood organizations, and other affected persons to participate in the preparation of a station area plan.	(A) The director shall prepare a station area plan for each transit oriented development (TOD) district. <del>The director shall permit Capital Metropolitan Transportation Authority, Austin San Antonio Intermunicipal Commuter Rail District, the</del> neighborhood plan contact team, if any, neighborhood organizations, <del>business and property owners,</del> and other affected persons to <del>may</del> participate in the preparation of a station area plan.	Recommended
<b>Ordinance Changes Requested by Council Member Alvarez</b>				
3	Section 25-2-766  Page 7, Line 22	(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, neighborhood organizations, and other affected persons to participate in the preparation of a station area plan.	For stations located in neighborhood areas that have adopted neighborhood plans and that have defined gateway, midway and transition zones (e.g., MLK TOD District and Lamar TOD District):  (A) conduct a station area planning process for gateway and midway zones only. Apply the site development restrictions for the gateway and midway districts as recommended by staff.	The Neighborhood Plans primarily address land use and zoning. The Station Area Plans (SAP) are intended to address other issues including analyses of transportation, infrastructure, housing, drainage, parking, streetscape improvements, and urban design. Restricting SAPs to the Gateway and Midway Zones may limit the effectiveness of the SAPs. Most neighborhood stakeholders have not been concerned with SAP in the TOD, but are mainly looking for assurance that they will be included in the planning process.

3/18/2005

4	Section 25-2-768 Page 7, Line 22	(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, neighborhood organizations, and other affected persons to participate in the preparation of a station area plan.	For stations located in neighborhood areas that have adopted neighborhood plans and that have defined gateway, midway and transition zones (e.g., MLK TOD District and Lamar TOD District):  (B) Designate the neighborhood plan contact team as the stakeholder group that will be responsible for developing and approving the station plan.	The draft ordinance proposes a broad-based participation process that includes all interested stakeholders. In areas with an adopted Neighborhood Plan the Neighborhood Plan Contact Team is an integral part of this process. Staff recommends the language cited in Row 2 above: (A) The director shall prepare a station area plan for each transit oriented development (TOD) district. Capital Metropolitan Transportation Authority, the neighborhood plan contact team, if any, neighborhood organizations, business and property-owners, and other affected persons may participate in the preparation of a station area plan.
5	Appendix D Page 11	The map for Plaza Saltillo TOD does not identify the 11-acre CMTA property as Gateway, Midway or Transition Zone.	For stations located in neighborhood areas that have adopted neighborhood plans and that do not have defined gateway, midway and transition zones (e.g., Plaza Saltillo TOD):  (A) designate the Capital Metro owned property as the gateway.	Recommended.

6	Section 25-2-766 Page 7, Line 22	(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, neighborhood organizations, and other affected persons to participate in the preparation of a station area plan.	For stations located in neighborhood areas that have adopted neighborhood plans and that do not have defined gateway, midway and transition zones (e.g., Plaza Saltillo TOD):  (B) Recognize the Citizens Advisory Group (CAG) appointed by the City and Capital Metro as the stakeholder group that is responsible for developing the (Plaza Saltillo TOD) station plan and, in the event that the station plan developed by the CAG deviates from the development restrictions that are currently in place, require that any such changes to the current restrictions be approved by the East Cesar Chavez Neighborhood Planning Team.	Staff recommends maintaining the Saltillo CAG as the advisory group for the 11-acre CMTA property and a broad-based SAP participation process including all interested stakeholders for the larger Plaza Saltillo SAP.
<b>Ordinance Changes Requested by the Austin Transit Communities Coalition (ATCC)</b>				
7	Section 25-2-767 Page 8, Line 16	(B) A station area plan: (5) shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving a goal of 25 percent of new housing to serve low and moderate income families, including home ownership opportunities for families at or below 80 percent of median family income and rental housing opportunities for families at or below 60 percent of median family income;	(B) A station area plan: (5) must prescribe requirements for affordable housing and include a plan for achieving the affordable housing requirements;	Previous drafts of ordinance included term "may establish"; the change adopted at 1 <sup>st</sup> Reading establishes that housing affordability goals will be addressed in all Station Area Plans.

8	<p>Section 25-2-766</p> <p>Page 7, Line 21</p>	<p>Not adopted at 1<sup>st</sup> reading</p>	<p>Insert a new Section 25-2-766 and renumber the following sections accordingly:</p> <p>(A) Affordable and accessible housing must be included in every Transit Oriented Development (TOD) district. A baseline for affordable housing within each TOD district will require that:</p> <p>(1) a quarter of the new homeownership units within each TOD district will be affordable and made available to households making 80 percent or less of the Austin Area Median Family Income for a period of at least 10 years; and</p> <p>(2) a quarter of the new rental units within each TOD district will be affordable and made available to households making 50 percent or less of the Austin Area Median Family Income for a period of at least 30 years.</p> <p>(B) Households occupying the affordable units shall spend no more than 30% of total household income on housing costs. The affordability levels will be adjusted beyond the above baseline levels where necessary to insure that housing within a TOD is affordable to members of the surrounding census tracts, based on the Median Family Income for those census tracts. In addition to the provision of affordable housing within each TOD district, steps must be taken to preserve affordability for existing residents and businesses in the vicinity of each TOD district.</p> <p>(C) TODs will be developed within the framework of the City's neighborhood planning process and will be enacted only as amendments to neighborhood plans, with approval of neighborhood planning teams in new-designated TOD sites. In the absence of a neighborhood planning team, the TOD planning process will include other neighborhood representatives to ensure neighborhood compatibility.</p>	<p>Language now in the draft resolution addresses this request:</p> <p>"The goal of transit-oriented development should be that 25% of the new housing in each TOD is affordable to low and moderate income families. Housing providing home ownership opportunities for families at or below 80% Median Family Income ("MFI") and rental housing serving families at or below 80% MFI is considered affordable. Families occupying affordable units should spend no more than 30% of total household income on housing. Each station area plan should include a feasibility analysis of potential strategies and policies to achieve affordability periods of 10 years for home ownership units and 30 years for rental units. Affordable units should generally be evenly dispersed throughout each transit-oriented development district."</p>
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3/18/2005



Ordinance Changes Requested by the Real Estate Council of Austin				
9	Section 25-2-762 Page 5, Line 24	(D) A use with a drive-in service is prohibited.	(D) A use with a drive-in service <u>located more than 300 feet from an arterial roadway</u> is prohibited	In many of the TODs permitting drive-in services within 300' of an arterial roadway would include a majority of the property within the TOD. Prohibiting drive-in services is consistent with the goal of creating a more pedestrian friendly environment in TODs.  Alternate option: Allow drive-in services as a Conditional use.
Ordinance Changes Recommended by the Planning Commission				
10	Section 25-2-147 Page 1, Line 18	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.	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, a pedestrian-oriented environment, and <u>S.M.A.R.T. Housing.</u>	This reference is not necessary. Section 25-2-767 discusses housing.
11	Section 25-2-766 Page 7, Line 27	(B) A station area plan must be included in an adopted neighborhood plan, if any. An amendment to an adopted neighborhood plan to include a station area plan must be reviewed and approved in accordance with the neighborhood plan amendment process established by council.	<del>(B) A station area plan must be consistent with an adopted neighborhood plan, if any. A neighborhood plan amendment must be reviewed and approved in accordance with the neighborhood plan amendment process established by council.</del>	The City charter requires any zoning change to be consistent with the Comprehensive Plan. The ordinance language adopted on first reading accomplishes this objective.
12	Section 25-2-766 Page 7, Line 31	Not adopted at 1 <sup>st</sup> reading.	Add paragraph (C): A Station Area Plan must feature 100 percent S.M.A.R.T. Housing.	Maintain status of S.M.A.R.T. Housing as a voluntary initiative. (S.M.A.R.T. Housing standards such as Green Building and Accessibility / Visitability could be required of applicants who take advantage of any development incentives established during Station Area Plan process.)

13	Section 25-2-767	Not adopted at 1 <sup>st</sup> reading.	Add new subsection: (B) A station area plan: (9) shall include estimates of increased ridership from local residents	The Station Area Plan will address this issue without mandating it in the ordinance.
14	Section 25-2-767	Not adopted at 1 <sup>st</sup> Reading.	Add new subsection: (B) A station area plan: (10) shall include consideration of public and civic art in and near transit stations.	The Station Area Plan will address this issue without mandating it in the ordinance.
<b>Ordinance Changes Recommended by the Zoning and Platting Commission</b>				
15	Subpart B Page 4, Line 25	Initial district regulations (prohibited, conditional uses and revised site development regulations) apply in Gateway, Midway, and Transition zones	Initial district regulations shall apply in the Gateway Zone only	The effectiveness of the initial TOD overlay will be minimized by removing Midway and Transition zones.
16	Section 25-2-753 Page 4, Line 5	(A) Transit oriented development districts (TOD) are established and classified as follows: (7) The North IH-35 Park & Ride TOD district is established as a town center TOD district.	Delete the North IH-35 TOD from the TOD ordinance	The North IH-35 TOD is integral in establishing TOD districts along the CMTA rapid bus line.

## TOD Housing Resolution Summary of Issues

Resolution Changes Requested by Councilmember Alvarez			
17		Not in March 4 <sup>th</sup> draft resolution	<p>In TOD Districts that provide increased density beyond what is currently allowed, require that 25% of the residential units within a specific TOD be affordable at the "Area Median Family Income" or at 80% of the Median Family Income for the City, whichever is lower. With "Area Median Family Income" being defined as the median family income for the area that is within the TOD district and within a mile of the TOD district.</p> <p>Add text to resolution stating: "Station Area Plans shall include an analysis of the area MFI of the neighborhood(s) surrounding the each TOD area, and - where the area MFI is lower than 80% of the City MFI - will identify tools and strategies to achieve the goal of 25% of new housing to be available to household at or below the area MFI. The Station Area Plan will also assess the potential fiscal impact of these tools and strategies."</p>
18		<p>The goal of transit-oriented development in a Neighborhood Center, Town Center, or Regional Center should be that 25% of new housing is affordable to low and moderate income families. Housing providing home ownership opportunities for families at or below 80% Median Family Income ("MFI") and rental housing serving families at or below 60% MFI is considered affordable. Families occupying affordable units should spend no more than 30% of total household income on housing. Affordable units should generally be evenly dispersed throughout each transit-oriented development district.</p>	<p>In TOD Districts that do not provide increased density beyond what is currently allowed, adopt a resolution stating that the desired affordable housing goal for projects within specific TODs is that 25% of the residential units will be affordable at the "Area Median Family Income" or at 80% of the Median Family Income for the City (whichever is lower) and that the City will pursue various strategies to help the developer(s) achieve this goal. Furthermore, the City will commit to make the affordable housing requirements outlined above mandatory if any public funds are expended for the purpose of facilitating development within a TOD District.</p> <p>(Same as above :) Add text to resolution stating: "Station Area Plans shall include an analysis of the area MFI of the neighborhood(s) surrounding the each TOD area, and - where the area MFI is lower than 80% of the City MFI - will identify tools and strategies to achieve the goal of 25% of new housing to be available to household at or below the area MFI. The Station Area Plan will also assess the potential fiscal impact of these tools and strategies."</p>

**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

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

<b>Commission</b>	<b>Meeting Dates</b>
Urban Transportation Commission	December 20, 2004
Zoning and Planning 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).

1) Delete 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 creating 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 9000 square feet or less". 3) Amend Section 25-2-766(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 25-2-767(B)(5) to read: "Prescribes requirements for affordable housing". 6) Amend Section 25-2-767(B) by adding a new subsection (7) to read: "shall include estimates of increased ridership from local residents". 7) Amend Section 25-2-767(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, CM off Dice).

February 2, 2005

City of Austin

Neighborhood Planning and Zoning

Existing Land Use by TOD District											
Land Use	Convention Center		Plaza Saltillo		MLK Blvd		Lamar Blvd		Howard Lane		North #4-35
	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%	0.62	1.1%	7.81	5.1%			
Rural Residential									13.45	1.9%	
Two-Family			0.48	0.6%	0.48	0.6%	2.78	1.8%			
Multifamily	1.63	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%	32.46	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			1.46	1.8%			0.15	0.1%			
Research & Development							10.74	7.0%			
Manufacturing			9.75	12.0%	3.29	4.6%	0.26	0.2%			
Warehousing & Distribution	0.78	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	5.78	14.7%	1.65	2.0%	5.88	8.2%	5.04	3.3%		20.72	3.0%
Utilities											2.10
Vacant	2.03	5.2%	14.74	18.2%	47.26	68.1%	2.95	1.9%	15.4	100.0%	663.6
TOTAL	39.27		81.07		71.46		153.50		15.40		699.70



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%	
	6.86	0.72%	
	0.14	0.01%	
	2.90	0.24%	
	6.87	0.56%	
	4.93	0.40%	
	0.88	0.07%	
4.1%	46.08	3.75%	
1.2%	2.10	0.17%	
59.0%	845.49	68.79%	
	1229.06		

## Transit Oriented Development Districts

### Number of Affected Land Uses

	Convention Center	Plaza Sattillo	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
<b>TOTAL</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>45</b>	<b>0</b>	<b>0</b>

(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	5
0	0
0	1
0	0
0	5
0	0
0	0
0	5
0	3
0	0
0	0
0	0
0	49

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

## 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 supersede Neighborhood Plans.

## 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.

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## 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".

# **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

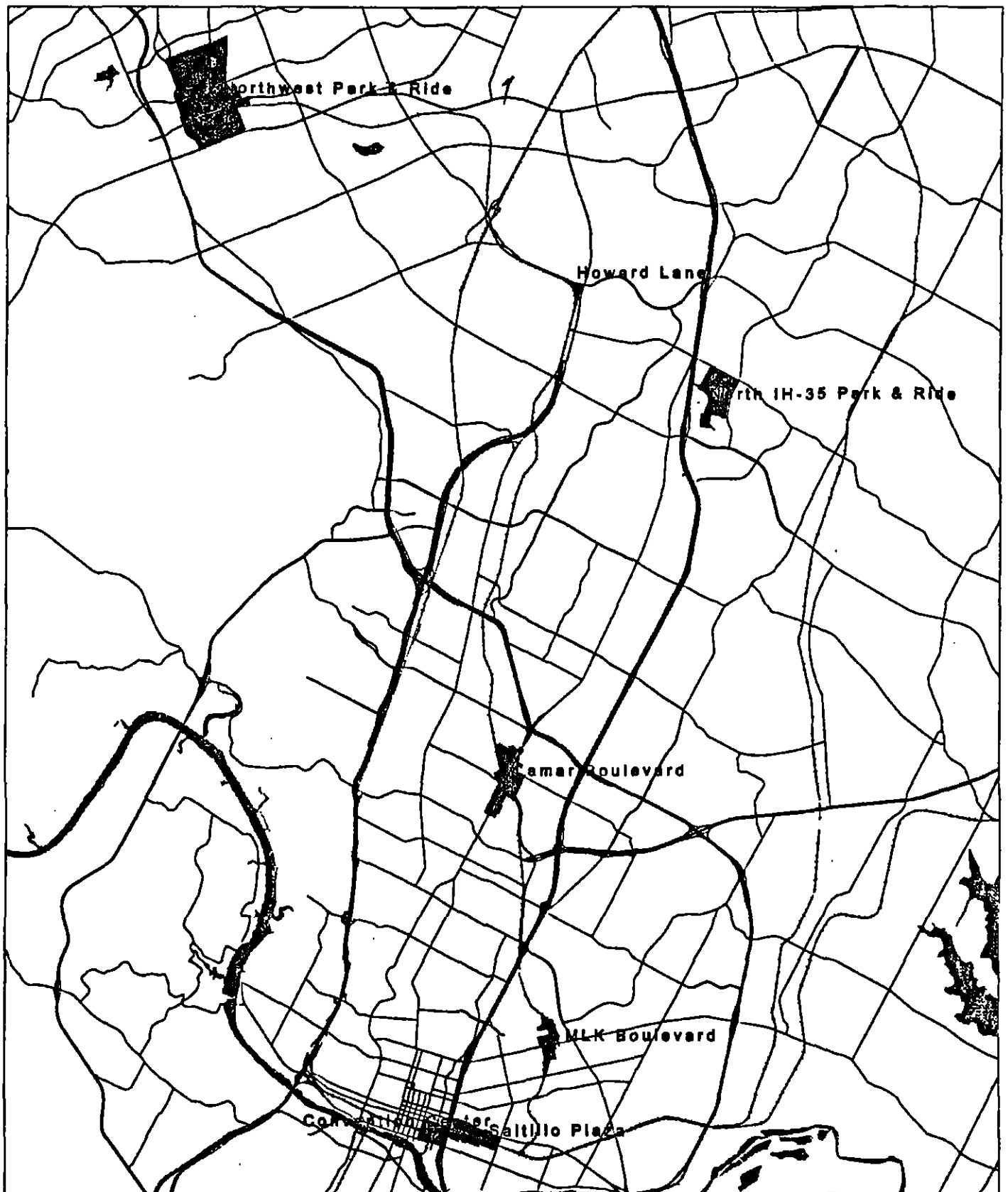
**DRAFT**

**Neighborhood Planning and Zoning Department**

**For More Information see:**

**[http://www.ci.austin.tx.us/development/transit\\_development.htm](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