



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

**AGENDA ITEM NO.: 8  
AGENDA DATE: Thu 05/19/2005  
PAGE: 1 of 4**

**SUBJECT:** Approve an ordinance on 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.)



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**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.

**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 10 to read:

## **Division 10. Transit Oriented Development District Regulations.**

### **Subpart A. General Provisions.**

#### **§ 25-2-766.01 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.

#### **§ 25-2-766.02 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.

**§ 25-2-766.03      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.

**§ 25-2-766.04      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 Northwest Park and Ride TOD district is established as a town center TOD district.

(6) 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*).

#### **§ 25-2-766.05      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.**

#### **§ 25-2-766.11      APPLICABILITY.**

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

#### **§ 25-2-766.12      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.

**§ 25-2-766.13 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.

#### **§ 25-2-766.14      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.**

#### **§ 25-2-766.21      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.

**§ 25-2-766.22 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.

**§ 25-2-766.23 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 for each property owned.

**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 25-2-766.12 (*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 10, 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:

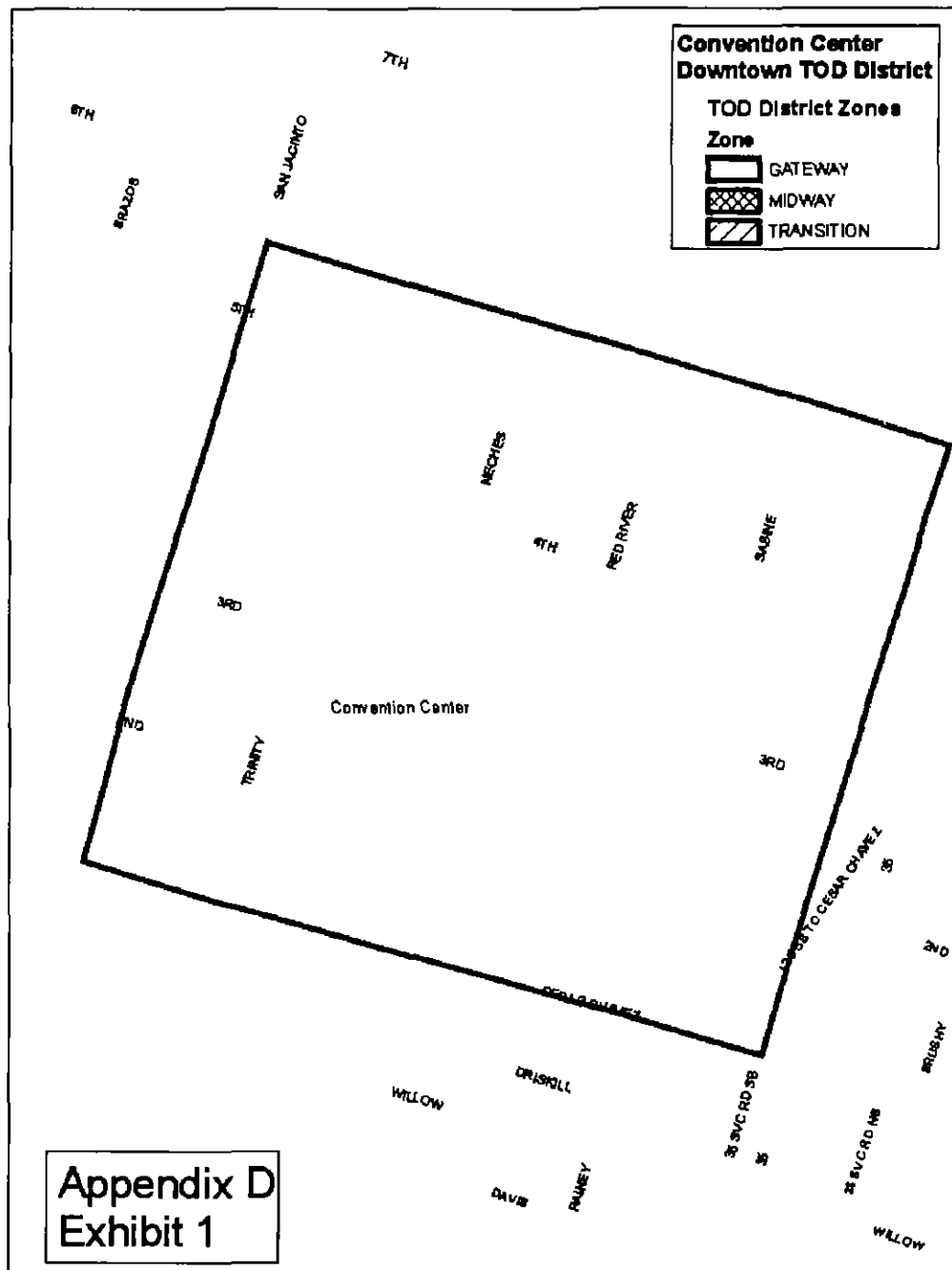
### **Division 7. Special Provisions For A Transit Oriented Development District.**

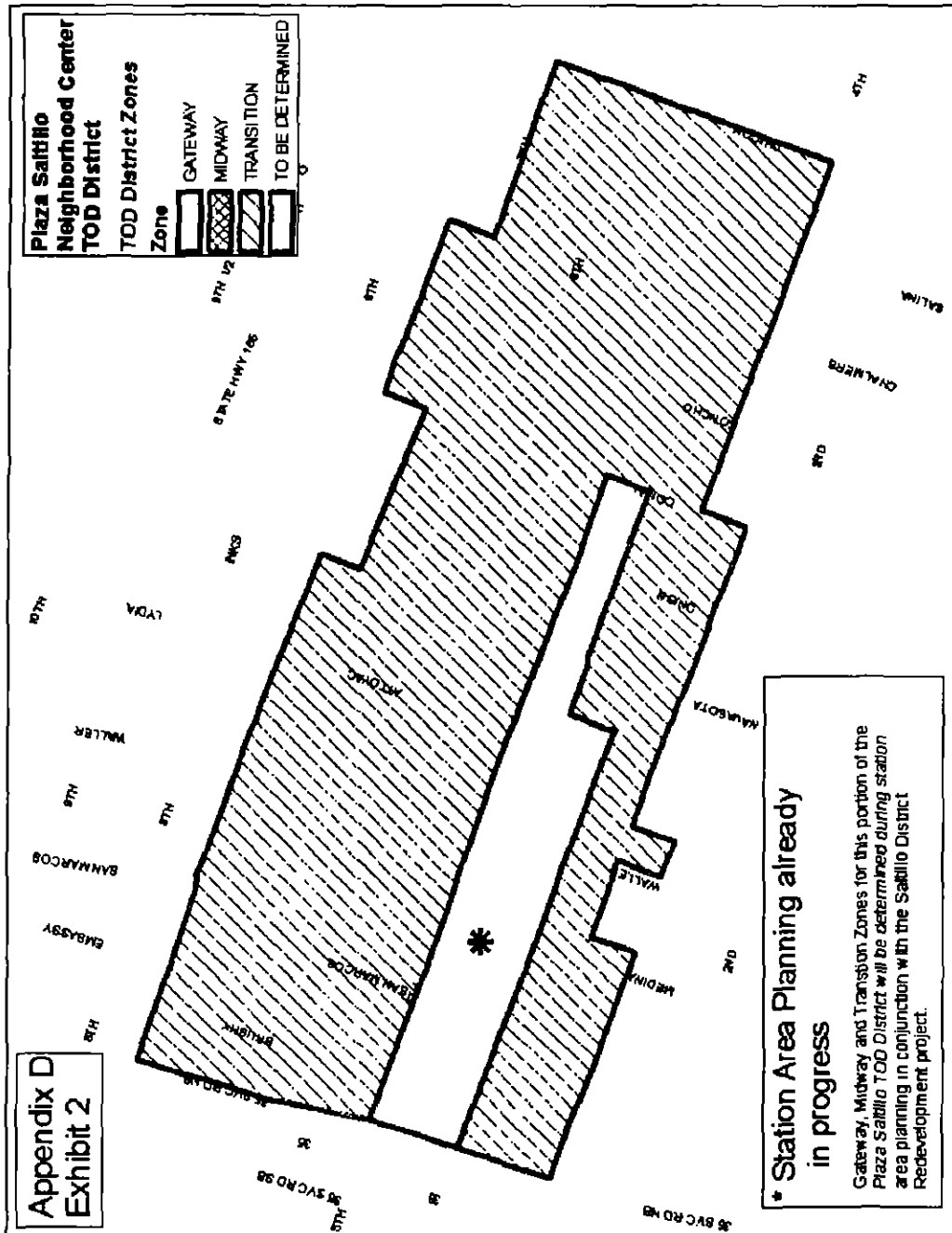
#### **§ 25-6-611 PARKING REQUIREMENTS FOR A TRANSIT ORIENTED DEVELOPMENT DISTRICT.**

(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*).

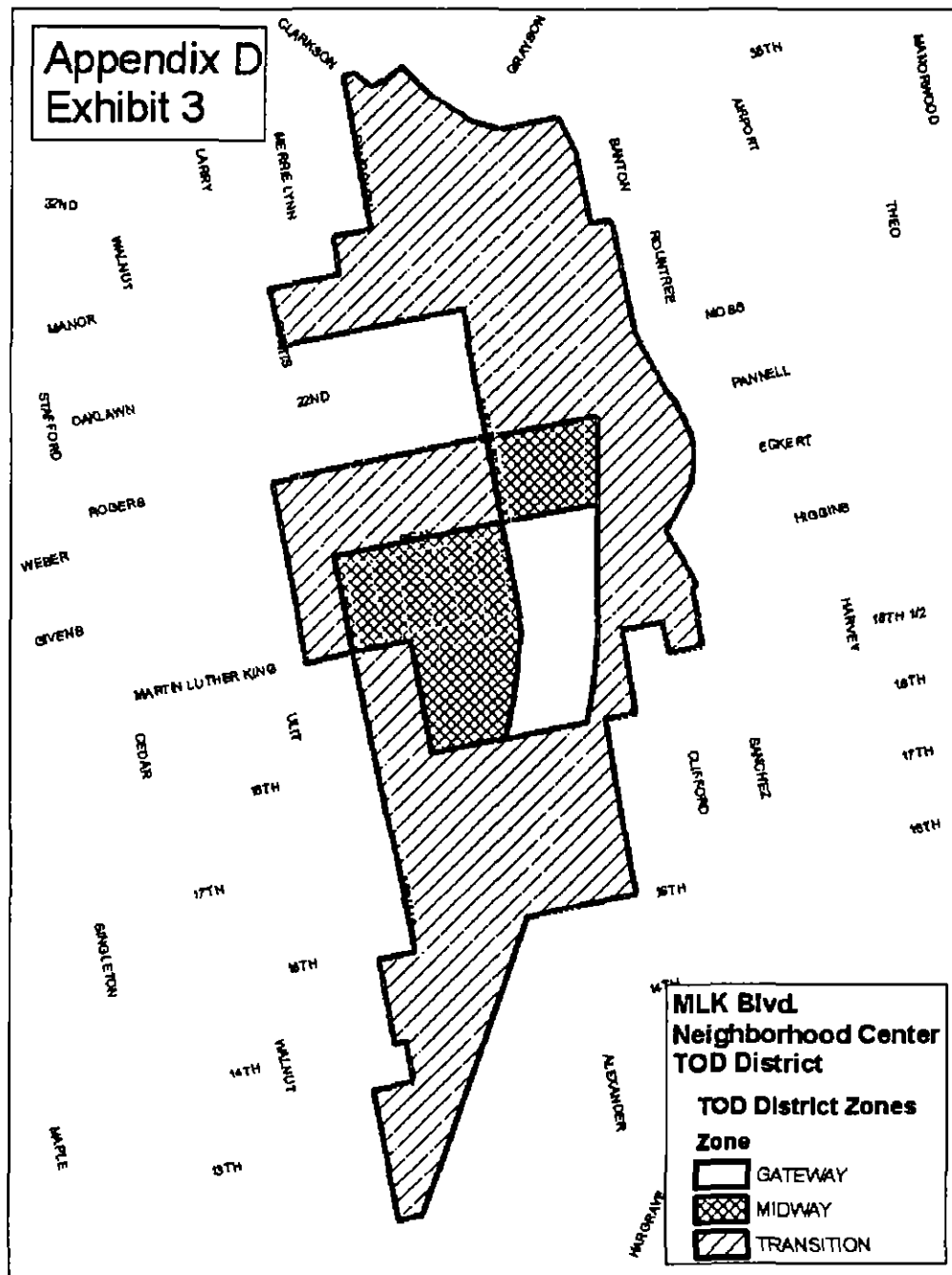
(B) The parking requirements prescribed for property zoned central business district (CBD) apply to a downtown TOD district.

**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**

The map displays the Lamar Blvd. Neighborhood Center TOD District, which is a large, irregularly shaped area. The district is divided into three zones, each with a different hatching pattern:

- Zone 1 (Diagonal lines):** This zone covers the majority of the district, including the northern and eastern portions.
- Zone 2 (Cross-hatch pattern):** This zone is located in the central part of the district, along Lamar Blvd.
- Zone 3 (Diagonal lines):** This zone is located in the southern part of the district, along Lamar Blvd.

Surrounding streets and areas are labeled, including:

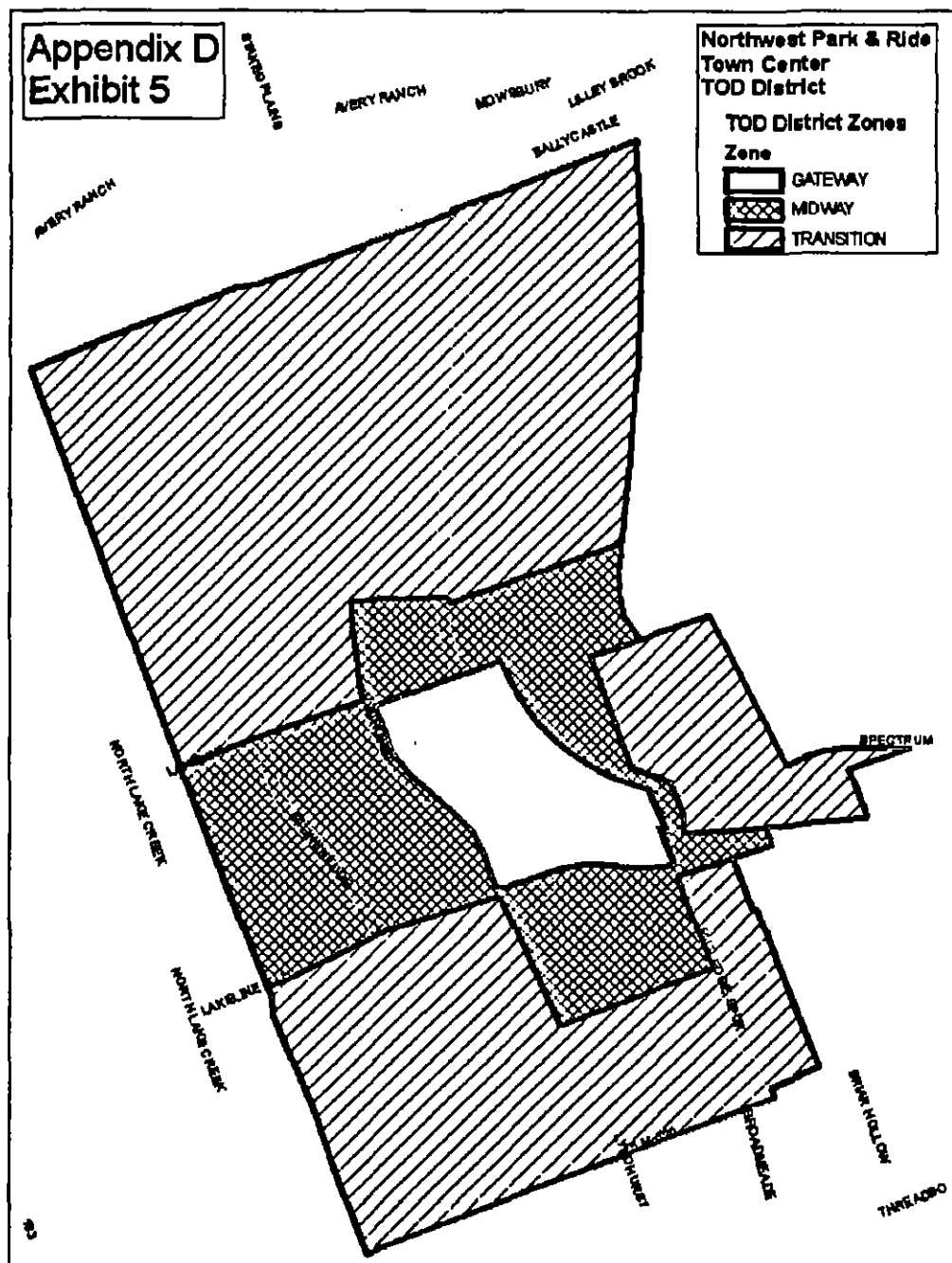
- North:** Taulbee Blvd, Morrow, Patton, Bigonnet, Amesbury, Crestland, Croblin, O Dell.
- East:** Marcell, Swannee, Kenniston, Airport, Pampa, Miranda, Rufus, Isabelle.
- South:** Wilmes, Hamrick, PMA, Canyon, Gaylor, Wild, Roman, Aurora.
- West:** Grover, Madison, Piedmont, St. Johns, Cullen, Justin, Dwyce, Choquette, Ruth, Brentwood, Karen, Payne, Arcadia, Alegria, Roman, Aurora.

**Lamar Blvd. Neighborhood Center TOD District**

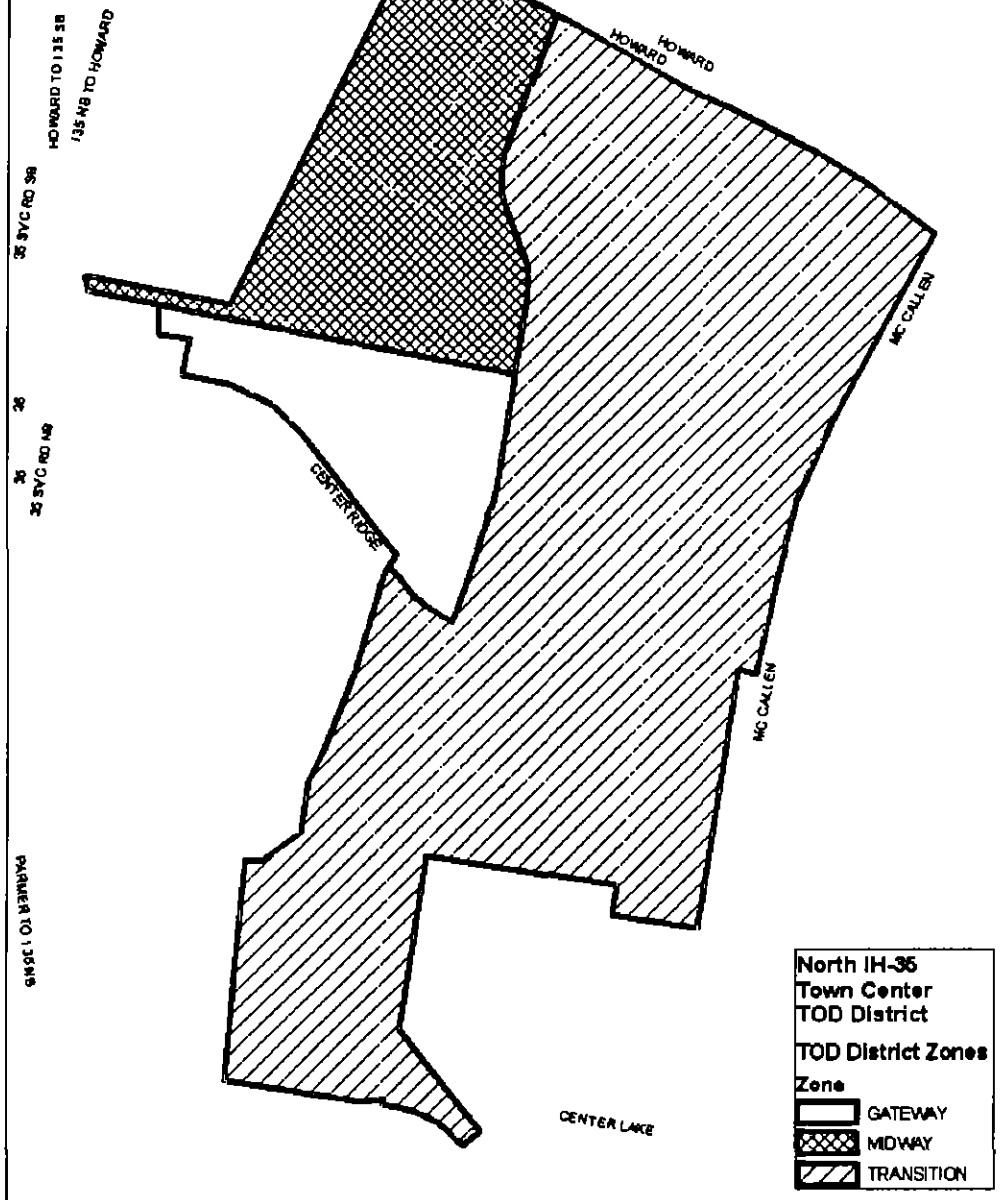
**TOD District Zones**

Zone	Description
Zone 1	GATEWAY
Zone 2	MIDWAY
Zone 3	TRANSITION

# Appendix D Exhibit 5



# Appendix D Exhibit 6



PART 8. This ordinance takes effect on \_\_\_\_\_, 2005.

**PASSED AND APPROVED**

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

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§  
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\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:**

\_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:**

\_\_\_\_\_  
Shirley A. Brown  
City Clerk