

**ORDINANCE NO. 20050519-008**

**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         |
| <u>(7) 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. Capital Metropolitan Transportation Authority, Austin San Antonio Inter-municipal Commuter Rail District, the neighborhood plan contact team, if any, neighborhood organizations, business-owners and property owners, and other affected persons may 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.
- (C) This subsection applies in the Plaza Saltillo TOD district. A station area plan may not include a gateway zone or create a midway zone outside the approximately 11 acres included in the Saltillo District Redevelopment Master Plan.

**§ 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) outside a community preservation and revitalization zone, shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving a goal of:**
  - (a) at least 25 percent of new housing in each TOD to serve households at the following income levels: home ownership opportunities for households at or below 80 percent of median family income and rental housing opportunities for households at or below 60 percent of median family income;**
  - (b) for home ownership residential units, a goal of providing 10 percent of the units to households with an income of not more than 70 to 80 percent of median family income, 10 percent of the units to households with an income of not more than 60 to 70 percent of median family income, and five percent of the units to households with an income of not more than 60 percent of median family income; or**
  - (c) for rental residential units, a goal of providing 10 percent of the units to households with an income of not more than 40 to 60 percent of median family income, 10 percent of the units to households with an income of not more than 30 to 40 percent of median family income, and five percent of the units to households with an income of not more than 30 percent of median family income;**



- (8) in a community preservation and revitalization zone established by council:
  - (a) shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving an affordable housing goal of providing at least 25 percent of new housing to households at the following income levels:
    - (i) home ownership residential units to households with an income of not more than 60 percent of median family income for the Austin area; and
    - (ii) for rental residential units, a goal of providing 10 percent of the units to households with an income of not more than 40 to 50 percent of median family income, 10 percent of the units to households with an income of not more than 30 to 40 percent of median family income, and five percent of the units to households with an income of not more than 30 percent of median family income;
  - (b) may not prescribe site development regulations that increase building height over the maximum prescribed by the applicable zoning district before adoption of the station area plan, unless:
    - (i) the regulations apply to a development that contains residential units; and
    - (ii) the development meets the affordable housing goal of providing at least 25 percent of new housing to households at the following income levels:
      - 1. home ownership residential units to households with an income of not more than 60 percent of median family income for the Austin area; and
      - 2. rental residential units to households with an income of not more than 50 percent of median family income for the Austin area;
- (9) for a transition zone in the Plaza Saltillo TOD district, may not prescribe site development regulations that increase building height over the maximum prescribed by the applicable zoning district before adoption of the station area plan;
- (10) shall include an analysis of the need for public parking; and

(11) may include consideration of public and civic art in or near transit stations.

**§ 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.
- (C) For a station area plan that is within an adopted neighborhood plan area, an amendment to the station area plan must be reviewed and approved in accordance with the neighborhood plan amendment process established by council.
- (D) This subsection prescribes the review process for an amendment to a station area plan that is outside an adopted neighborhood plan area.
  - (1) Except as provided in Paragraph (2), the director may not accept an application to amend a station area plan until one year after adoption of the plan. After that date, the director may accept an application to amend the plan relating to an individual property not more frequently than once each 12 months. An application may be filed for a station area plan west of Interstate Highway 35 only during the month of February and for a station area plan east of Interstate Highway 35 only during the month of July.
  - (2) The director may accept an application to amend a station area plan at a time other than that prescribed by Paragraph (1) if the director determines that:
    - (a) not accepting the application would result in a hardship to the applicant, and the development proposed by the applicant will not adversely affect the public health, safety, or welfare;
    - (b) the amendment would allow the development of a S.M.A.R.T. Housing certified project in which at least 40 percent of the proposed units are reasonably priced; or
    - (c) the amendment would allow development that:
      - (i) provides environmental protection that is superior to the protection that would otherwise be achieved under the existing station area plan; or

- (ii) promotes the recruitment or retention of an employment center with 100 or more employees.

**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.

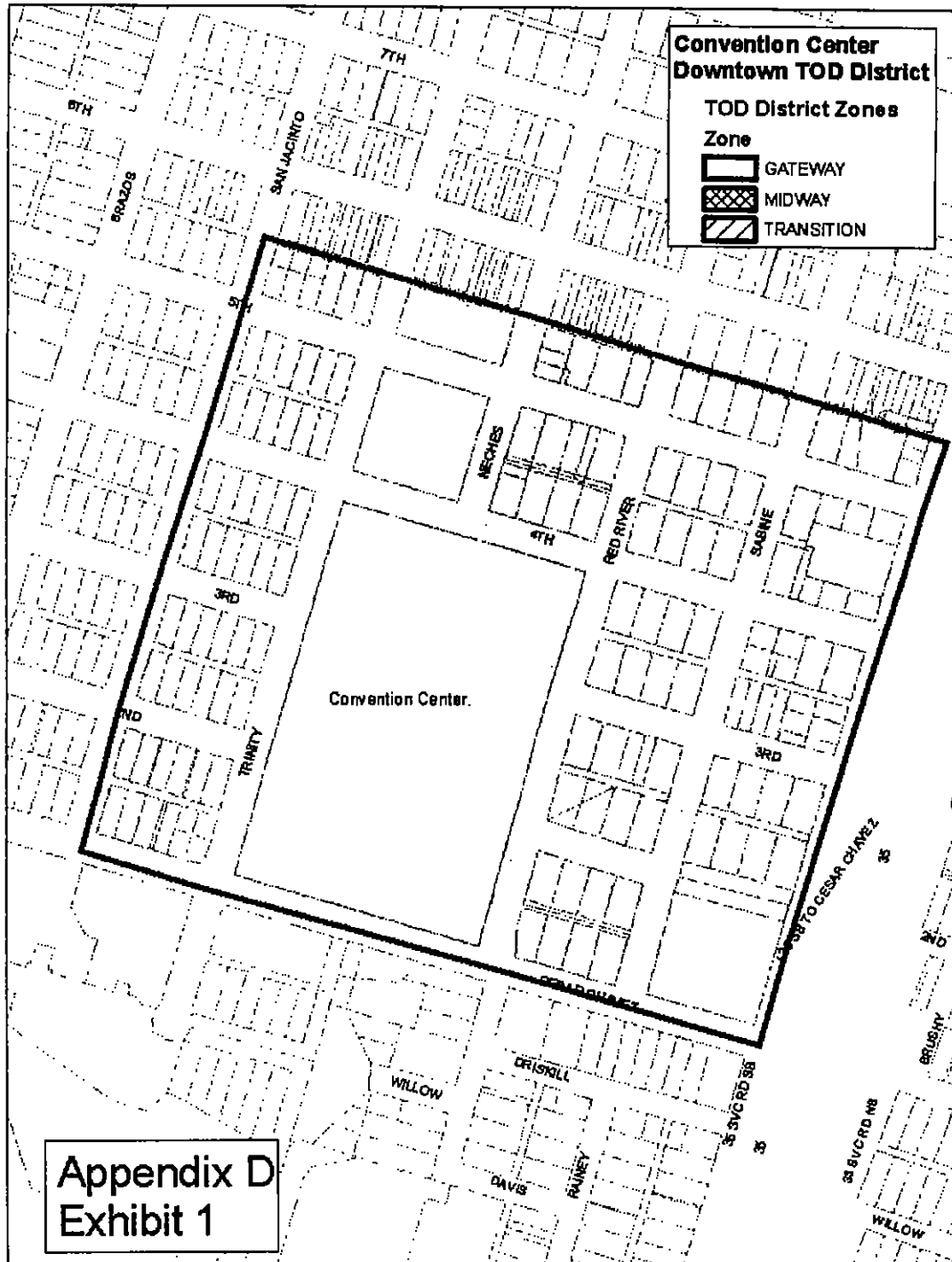
**PART 6.** Chapter 25-6, Article 7 of the City Code is amended to add a new Division 7 to read:

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

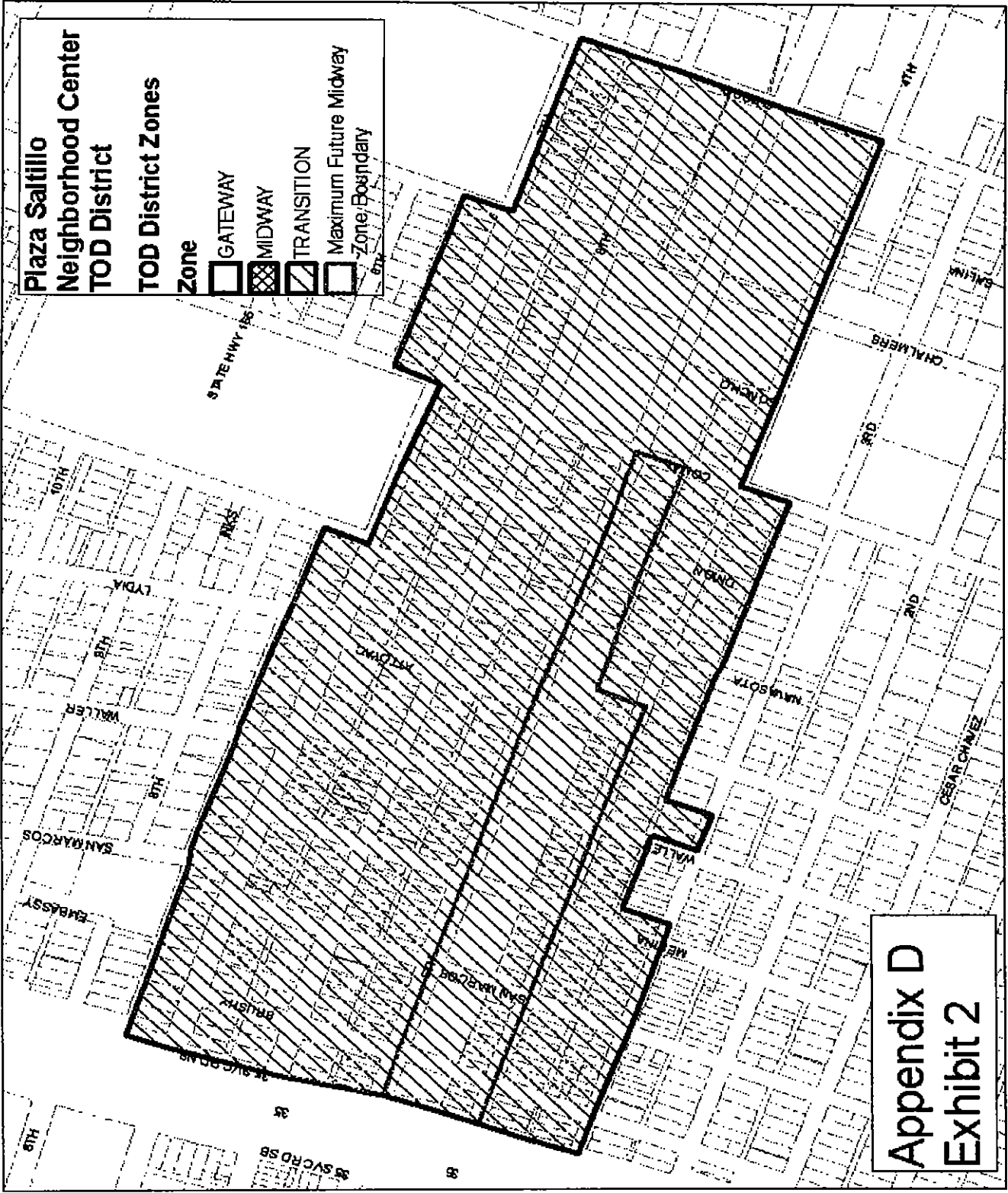
**§ 25-6-611 PARKING REQUIREMENTS FOR A TRANSIT ORIENTED DEVELOPMENT DISTRICT.**

- (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 1



**Appendix D  
Exhibit 2**





**Appendix D  
Exhibit 5**

**Northwest Park & Ride  
Town Center  
TOD District**

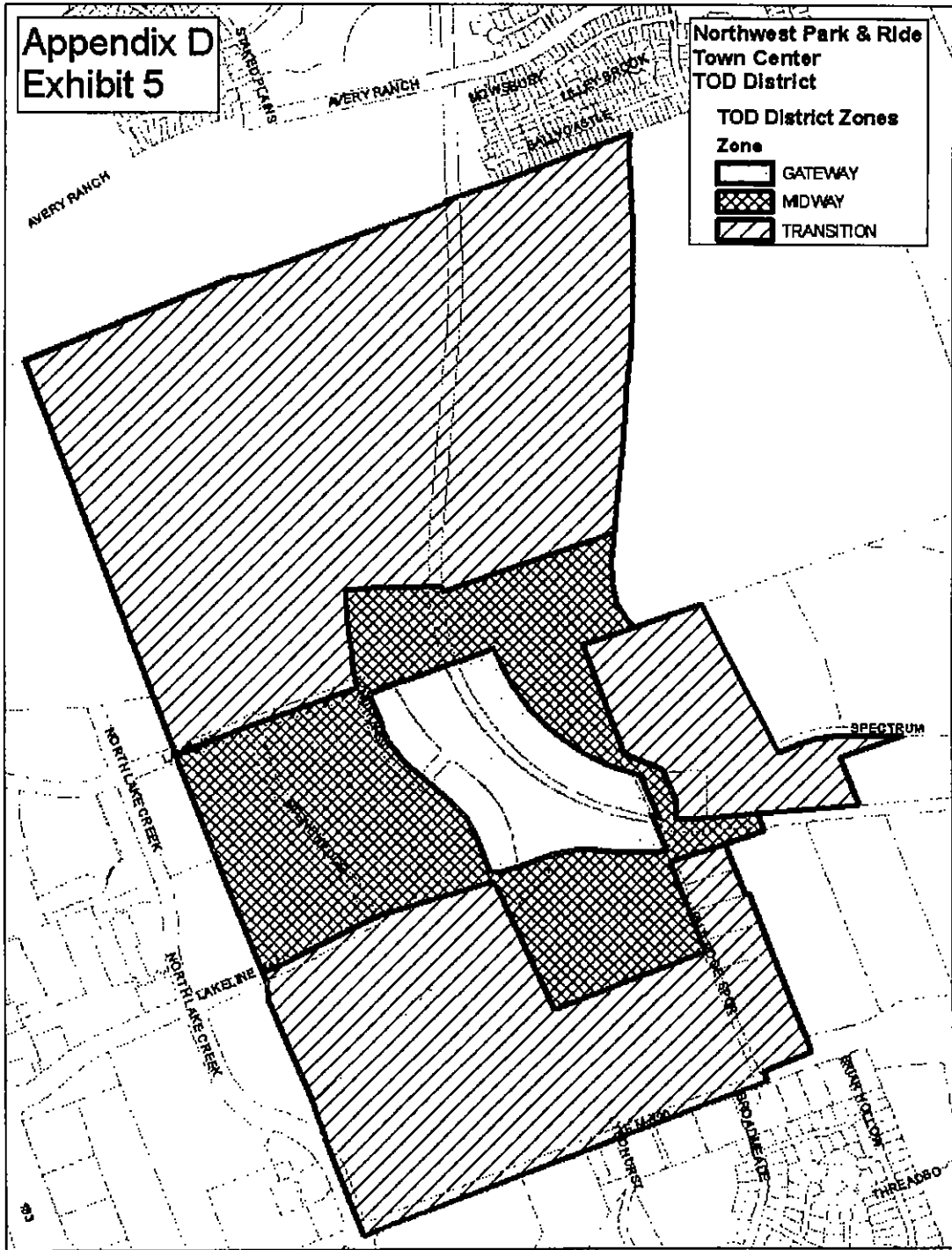
**TOD District Zones**

**Zone**

 GATEWAY

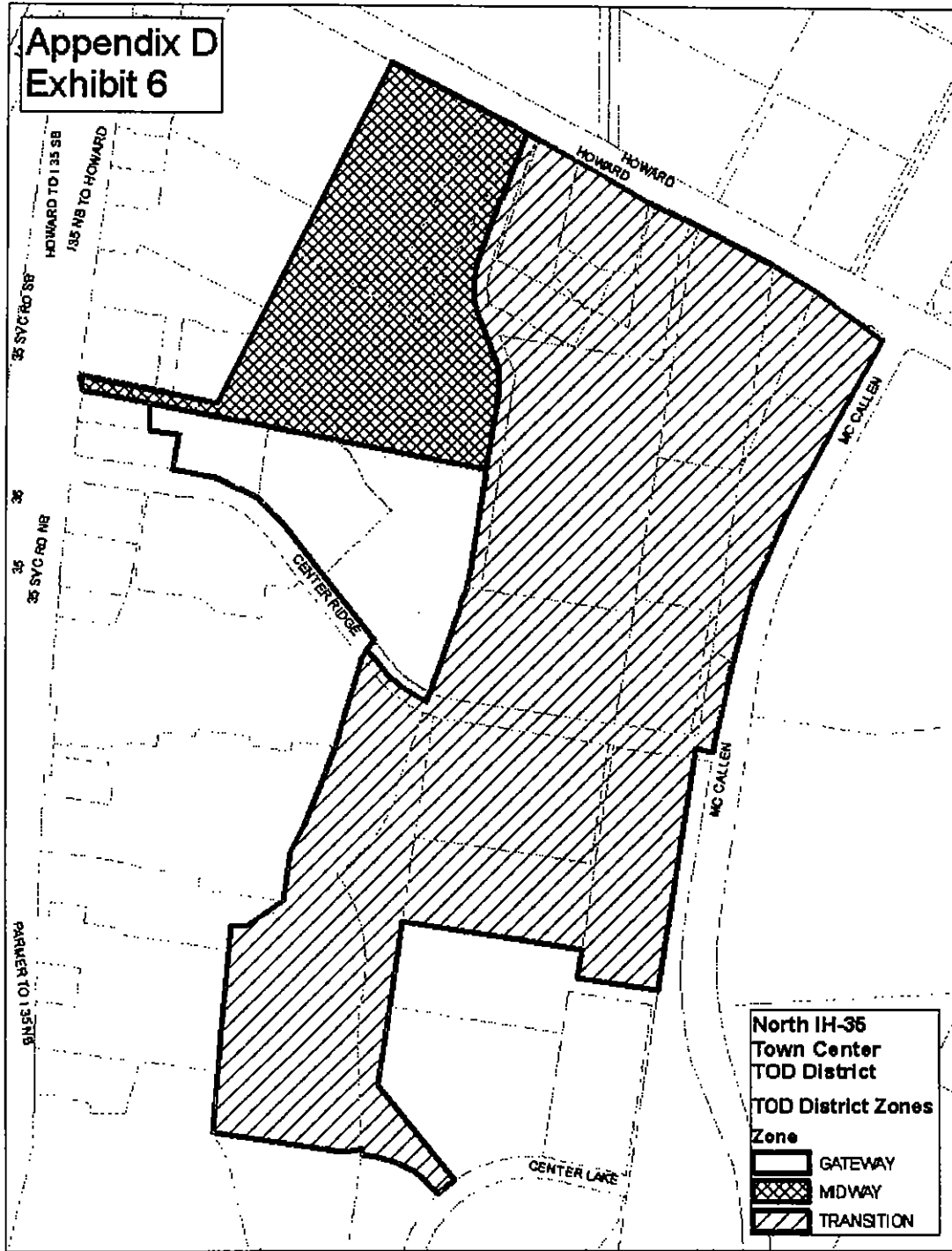
 MIDWAY

 TRANSITION





**Appendix D  
Exhibit 6**

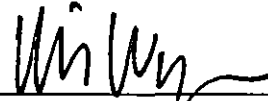


**PART 8.** This ordinance takes effect on May 30, 2005.

**PASSED AND APPROVED**

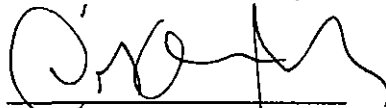
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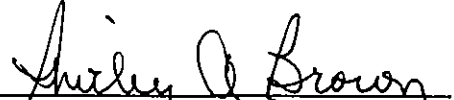
\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:**



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

**ATTEST:**



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