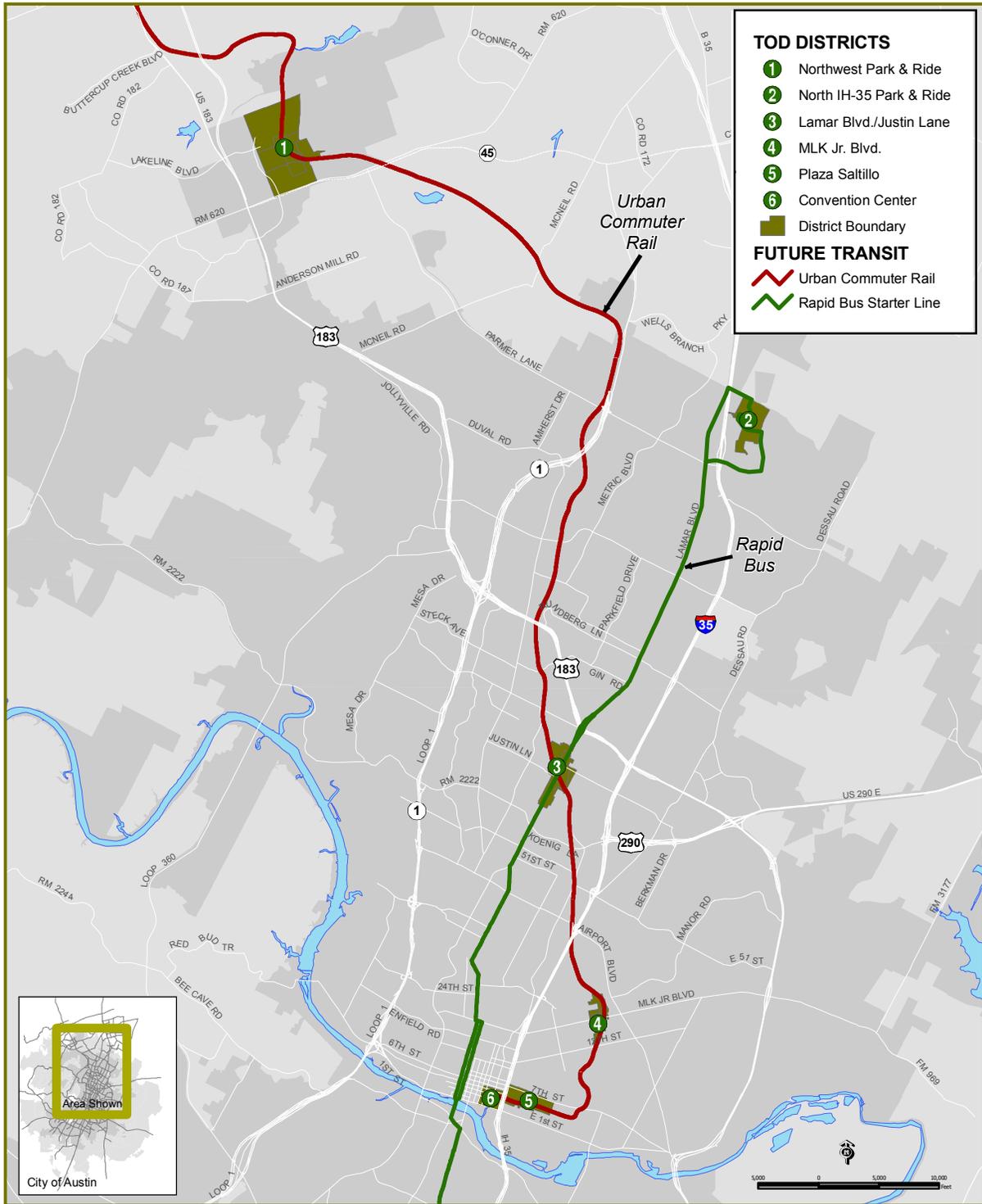


TRANSIT-ORIENTED DEVELOPMENT (TOD) GUIDEBOOK



CITY OF AUSTIN
NEIGHBORHOOD PLANNING AND ZONING
DEPARTMENT

APRIL 2006



Transit Oriented Development (TOD) Districts



Produced by City of Austin
 Neighborhood Planning and Zoning Dept.
 April, 2006

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Introduction

This guidebook is intended to create a shared understanding of what Transit-Oriented Development (TOD) is and what its benefits are, in addition to identifying the key elements and factors for success. It will be especially useful for those participating in the creation of, reviewing, or adopting station area plans: City Council members, Planning Commissioners, a wide range of City staff, developers, property owners who own land within a TOD district, and residents who live within and immediately around a TOD district. This guidebook defines TOD and provides a list of guiding principles, identifies the City of Austin's mission and goals with respect to TOD, describes Austin's process for developing a TOD ordinance, provides a summary of the ordinance, outlines the Station Area Planning (SAP) process and SAP elements, and lists several TOD resources.

TOD is an increasingly popular tool for cities across the U.S. to create more livable communities and combat urban sprawl, which has a number of negative cultural, economic, environmental, and social consequences that are felt in both urban and suburban areas. Sprawl can threaten the quality of life in the central city and inner suburbs due to the risk of deteriorating infrastructure, poor schools, and a shortage of affordable, quality housing. In newer suburban areas sprawl can cause increased traffic congestion and declining air quality, the absence of a sense of place, and the loss of open space. Since the mid-1990s the City of Austin has taken steps to redirect Austin's explosive growth away from suburban areas back towards the central city and improve development patterns with the creation of the Smart Growth Initiative, the development of the Traditional Neighborhood Development (TND) ordinance, the adoption of the University Neighborhood Overlay (UNO), support for the redevelopment of the former State of Texas property known as "The Triangle", and its engagement in a public-private partnership for the redevelopment of the former Robert Mueller Municipal Airport (RMMA).

In response to future commuter rail service connecting the cities of Austin and Leander (approved by voters in the November 2004 election), Austin recently made another direct commitment towards guiding where and how the city grows by adopting a Transit-Oriented Development (TOD) Ordinance (adopted by the City Council in May 2005). TOD is the functional integration of land use and transit. It is compact, walkable, mixed-use development connected to high quality public transportation, which balances the need for sufficient density to support convenient transit service with the scale of the adjacent community. Typical features include improved pedestrian and street connectivity, public amenities such as pocket parks and plazas, civic art, landscaping, benches, streetlights, etc., and a concentration of residences and jobs in proximity to transit stations and commercial businesses.

The Capital Metro commuter rail line will extend 32 miles from the Convention Center in downtown Austin to Leander and is scheduled to begin service in the third quarter of 2008. Five of the six phase one stations will be located within Austin and one in Leander. Several Bus Rapid Transit stations are also planned in Austin, with service to begin in 2007. (See the Capital Metro website: http://allsystemsgo.capmetro.org/proposed_long_range.asp for more information about the Capital Metro "All Systems Go" Long Range Transit Plan). The TOD Ordinance established TOD districts around the five future Urban Commuter Rail stations and one Bus Rapid Transit Park and Ride facility in an effort to focus growth in transit-supported locations. The purpose of creating TOD districts is to accommodate for and encourage new development and redevelopment around transit stations in a way that promotes the use of public transit and other alternative forms of transportation.

Austin's TOD program is intended to make long-range coordinated transportation and land use decisions that will provide a variety of housing and mobility options and create places where people can live, work, shop, interact and recreate. While there are advantages to linking development and transit, it is necessary to recognize that TOD is not a panacea to solve some of Austin's most challenging issues like traffic congestion, air quality and housing affordability; there is no singular solution for these issues. Transit-oriented development is one part of the solution to a range of transportation, social, and environmental problems, with potential to contribute to improving the quality of life in both Austin and the Central Texas Region, keeping in mind that benefits may not be realized for some time given that commuter rail service is just beginning and that developing according to TOD standards will be a long-term process.

Contacts

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Additional information about the City of Austin TOD program is available on the Neighborhood Planning and Zoning Department webpage:
<http://www.ci.austin.tx.us/planning/>.

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Part I - Background

In 1994, the Austin City Council appointed twenty-two individuals to the Citizen's Planning Committee (CPC) with the purpose of enacting a solid land development and growth management program. The 1996 CPC report, "From Chaos to Common Ground", envisions an Austin of: diverse neighborhoods, tree-lined streets, slower traffic and fewer cars, neighborhoods that encourage walkers and bicyclists, mixed development with small businesses, cafes and day-care centers near homes, neighborhoods that make walking and the use of public transportation convenient and safe, more community interaction, clean air, opportunities for good jobs and economic growth, and so on (CPC, 1996). The Committee produced twelve core recommendations intended to serve as the comprehensive framework for a more livable and sustainable Austin.

One of the five principles guiding the CPC was: "Land use plans and the protection of natural resources must be linked to transportation and infrastructure decisions" (CPC, 1996, p. 4). Some of the core recommendations from the CPC were:

- Goal 3 Mobility/transportation planning should be fully integrated into and compatible with land use planning and the development process.
- Goal 4 The planning and development process should encourage quality, transit-oriented, mixed-use development.
- Goal 5 The Austin Urban Core, as the heart of the region, must receive special attention to maintain and enhance attractiveness and encourage redevelopment as a vital, unique multi-use development.
(CPC, 1995)

The successor to the CPC, the Citizens' Planning and Implementation Committee (CPIC), recognized that Austin needs to create bold policies to fully implement long-term solutions, such as making coordinated transportation choices with appropriate land use policy. As such, one of their recommendations was for the City to collaborate with other governmental entities in implementing Transit-Oriented Development (TOD) in the Austin metropolitan area (CPIC, 1997).

Recently, thousands of Central Texans participated in a regional planning activity called Envision Central Texas (ECT). The purpose of ECT was to build consensus around a vision in order to preserve and enhance the region's quality of life, natural resources and economic prosperity. The final vision contains many elements that are exemplified in TOD. Key Elements of the ECT Vision are:

- An effective transportation system that improves mobility throughout the region, increases choices of how we get around – including roads, rail, trails and bikeways – and is coordinated with land use planning.

- Protection of our environment and natural resources so we will have the open space, parks and trails that people cherish, preserve our ecologically sensitive land and ensure sustainable clean water and air for future generations.
- A diverse and thriving economy with a robust base of businesses throughout the region and quality job opportunities for our citizens.
- A variety of housing choices that are affordable for everyone in the region and offer a mix of styles, such as neighborhoods with pedestrian-friendly streets or housing within walking distance of transit and stores.
- Preservation of our region’s unique character by protecting and enhancing our neighborhoods, towns, rural areas, historic sites and special sense of place.
- An understanding that social equity and racial harmony are core values that strengthen us and actions that foster respect, civility, and opportunities for all.
- A region-wide understanding that our fortunes are tied together requiring planning, participation and collaboration by stakeholders throughout our region to ensure a successful and livable Central Texas in the future.
 (ECT website)

More specifically, the ECT vision calls for:

New buildings and greater density in areas where revitalization is supported by both the local community and the market	Areas with town homes, condos and lofts in greater number and density than traditionally seen in Central Texas, within walking distance of transit and parks and with storefront businesses	Urbanized areas that are denser, livelier, with more people and taller buildings
An urban energy that comes from activity – cycling, walking, active people out-and-about	Easier and safer to walk, bicycle or drive from place to place	More housing choices closer to places to work, dine and shop
Less time in the car; transit as a real and viable alternative to driving	Transit that works and is coordinated with the locations of major employers, denser areas of housing, industry clusters and other modes of transportation	Transit hubs that attract locally scaled business activity and investment as an attractive market alternative to current fragmented development patterns
Clean air	New development patterns with a more efficient use of land and infrastructure that generate more choices, especially more affordable housing options	More traditional-styled neighborhoods with narrower, more pedestrian friendly streets that help build a sense of community

(ECT website)

Transit-oriented developments have already begun to surface in Austin with projects like the Triangle and the RMMA redevelopment, which acknowledge the importance of integrating land use and transportation decisions and creating diverse, vibrant, pedestrian-friendly environments. In addition, the Traditional Neighborhood Development (TND) ordinance adopted by the City Council in 1997 espouses many TOD fundamentals by promoting development patterns that result in a compact, mixed-use, pedestrian-oriented community. Most recently, the City Council adopted a Transit-Oriented Development (TOD) ordinance that identified six TOD districts around five future Urban Commuter Rail stations and one Bus Rapid Transit Park and Ride facility, with more districts anticipated in the future. This action formally expresses a solid, long-term commitment on behalf of Austin's elected leadership to promoting and realizing TOD within Austin.

Austin's visioning, planning and regulatory actions over the past decade confirm that TOD is a favored method with respect to how the City wants to grow. Future TOD activity will be an especially important part of Austin's growth management strategy due to the following recent trends and events:

- Central Texas is making long-term investments in rail and bus rapid transit systems towards the implementation of Capital Metro's All Systems Go long-range transit plan.
- Many people are preferring to live in central Austin and downtown.
- Traffic congestion is worsening and commute times are increasing.
- The quality of Austin's air is worsening and non-attainment of federal air quality standards is only circumvented by a long-range plan to improve declining air quality.
- There is a growing desire to live in and/or around diverse and lively urban environments (in both urban and suburban locations), have the benefit of a walkable lifestyle, and have safe and efficient access to daily needs without the use of a car.
- The population of Austin is forecasted to grow to almost 1 million people by 2020¹ and the five county Metropolitan Statistical Area (MSA) to approximately 2.2 million people.²

¹ 2006 Austin population is 718,912. Source: Ryan Robinson, City Demographer, Department of Planning, City of Austin. December 2005.

² 2006 five county MSA population is 1,450,746. Source: Ryan Robinson, City Demographer, Department of Planning, City of Austin. December 2005.

The promotion of TOD in Austin does not carry with it the unrealistic expectation that people will give up their cars entirely. However, there are many people that would like to have transportation options - options that can be provided by making more resourceful land use decisions. With TOD, driving is converted from a necessity into an option. Living in a TOD is going to be very attractive for people who are tired of fighting traffic and are willing to give up a second car, people from a variety of age groups who are looking for opportunities to move up or down in housing size, and seniors who want an independent lifestyle and to reduce their dependence on the automobile (Dunphy et al., 21). At the same time, TOD is an opportunity for Austin to carefully coordinate transit and development, with one enhancing the other, for the benefit of the entire city. Transit-oriented development has great potential for helping Austin to tackle some of its most pressing issues and is critical to the long-term health and viability of the city and region.

Part II - TOD Definition and Principles

TOD DEFINITION

Transit-oriented development (TOD) is the functional integration of land use and transit via the creation of compact, walkable, mixed-use communities within walking distance of a transit stop or station. A TOD brings together people, jobs, and services and is designed in a way that makes it efficient, safe, and convenient to travel on foot or by bicycle, transit, or car.

TOD PRINCIPLES

The following principles serve as a guide and provide an understanding of the essential elements and characteristics of a TOD. They will serve as the foundation for the station area planning in TOD districts.

- ◇ Create a compact development within an easy walk of public transit and with sufficient density to support ridership.
- ◇ Make the pedestrian the focus of the development strategy without excluding the auto.
- ◇ Create active places and livable communities that service daily needs and where people feel a sense of belonging and ownership.
- ◇ Include engaging, high quality civic spaces (e.g. small parks or plazas) as organizing features and gathering places for the neighborhood.
- ◇ Encourage a variety of housing types near transit facilities available to a wide range of ages and incomes.
- ◇ Incorporate retail into the development if it is a viable use at the location without the transit component, ideally drawing customers both from both the TOD and a major street.
- ◇ Ensure compatibility and connectivity with surrounding neighborhoods.
- ◇ Introduce creative parking strategies that integrate, rather than divide the site and reduce the sense of auto domination.
- ◇ Create TOD plans that are flexible so they can respond to changing conditions.

- ◇ Strive to make TODs realistic yet economically viable and valuable from a diversity of perspectives (city, transit agency, developer, resident, employer).
- ◇ Recognize that all TODs are not the same; each development is located within its own unique context and serves a specific purpose in the larger context.

Part III - TOD Mission and Goals

In support of the vision and recommendations made by the Citizens' Planning Committee and the Citizens' Planning and Implementation Committee, the vision created during the Envision Central Texas process, and Capital Metro's All Systems Go Long-Range Transit Plan, the City of Austin's Transit-Oriented Development (TOD) program will promote development patterns that will work towards achieving the following citywide, and in some cases, regional goals:

Support transit and increase ridership of publicly funded transit investments

Provide greater transportation choices (walking, bicycling, transit, etc.) by creating the ability to live, work, shop, and access transit within the same neighborhood

Decrease auto use and lessen the negative impacts of the automobile: contribution to traffic congestion and air pollution, high household spending on transportation, consumption of fossil fuels, and need for parking.

Enhance the overall quality of life of Austin's residents by creating great places and communities

Increase housing options suited to a mix of generations and incomes

Improve the design quality of the built environment

Achieve healthier lifestyles due to increased walking and bicycling

Foster economic development, an enhanced tax base and the potential for revenue from public-sector real estate assets

Increase the predictability and consistency of the development process

Part IV – TOD in a Nutshell: Key Components and Best Practices

Recognizing that TOD is a unique form of urban development and that no two stations are the same, the Planning Department in Calgary, Canada has produced a Best Practices Guide in an effort to make some concise generalizations about how to create a successful TOD. How a station area is planned and developed will depend on the particular attributes of that station and the surrounding community. However, after reviewing practices across North America, they have come up with the several key components that are commonly found to be critical to the success of any TOD. The following is a summary of their findings (City of Calgary 2004):

- **Get the land uses right**

- Encourage transit supportive uses, which are high pedestrian generators that directly promote greater transit ridership and opportunities for multi-purpose trips.
- Discourage non-transit supportive uses that generate little or no transit ridership. These uses can be problematic in that they may consume large amounts of land, result in extremely low density development, or create environments that are “unfriendly” to pedestrians.
- Encourage a mix of uses.
- In general, locate the uses as close to the station as possible.

Multi-family residential	Small lot single-family
Offices	Hotels
Healthcare facilities	Medical clinics
High schools & colleges	Daycare facilities
Cultural institutions	Athletic/recreational facilities
Health clubs	Personal services
Retail shops	Restaurants
Grocery stores	Coffee shops
Local pubs	Outdoor cafes
Entertainment facilities	Neighborhood-oriented businesses
Financial institutions	Dry cleaners

<ul style="list-style-type: none"> Automotive sales Car washes Large format food stores Warehouse distribution Regional parks Large format faith facilities Low density single-family 	<ul style="list-style-type: none"> Automotive services & repair Large format/warehouse retail Drive-in/Drive-through services Outdoor storage Funeral homes Parking lots Low intensity industrial uses
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- **Promote density (relative to context)**; both housing and employment to support higher frequency transit service and to foster lively, walkable communities.

Example Cities	Housing (dwelling units per acre)	Jobs
Santa Clara County CA	25 – 45 du/a	1.0 FAR
Puget Sound, WA	10 – 20 du/a	50 jobs/acre
Denver, CO	25 – 30 du/a	0.75 FAR

- Density concentration and transition; the highest densities are ideally located closest to the station to optimize transit rider convenience. Intensity of development can taper off away from the station to create an appropriate transition and interface with the surrounding community.
- Plan for density; station area plans should address the ability to increase density over time. Vacant lots, surface parking lots and existing low intensity uses present opportunities for future infill development.

▪ **Create convenient pedestrian connections**

- Short walking distances
- Continuous pedestrian connections
- Direct access to transit
- Street level pedestrian routes
- Separate vehicular and pedestrian functions



Clearly marked crosswalks identify space for the pedestrian. _West Market Square, Calgary.

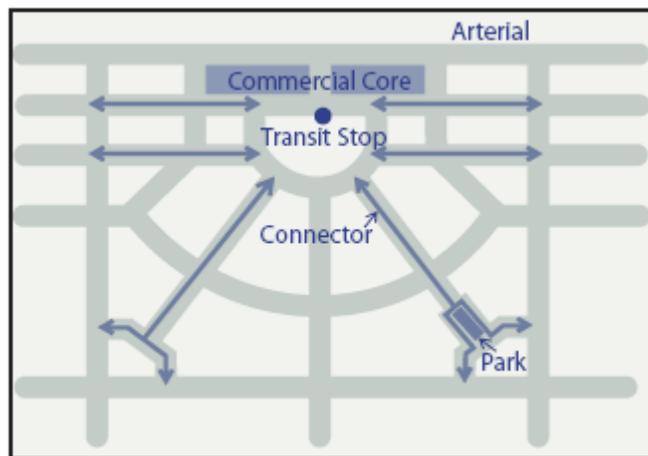
▪ **Ensure good urban design**

- Create...
 - ...high quality streets that are visually interesting to make walking enjoyable.
 - ...a pleasant pedestrian zone and protect people from traffic using trees, landscaping, wide, separate sidewalks, and on-street parking.
 - ...places to rest and relax.
- Make the most of architecture by having...
 - ...architectural variety, distinct façade features, buildings built to the sidewalk, height setbacks, etc.
- Relate the ground level to pedestrian uses by...
 - ...orienting residential units, building entrances and retail shops to the sidewalk.
 - ...limiting surface parking lots and blank exterior walls along major pedestrian streets.
- All season design
 - Provide weather protection through the use of awnings, building projections and colonnades with ample, enclosed shelters for those taking transit.
- Lighting, landscaping, and signs



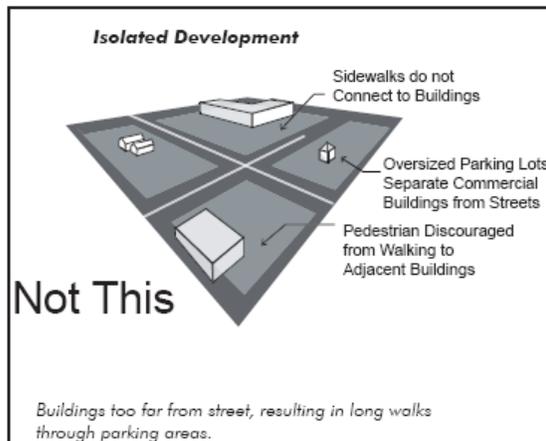
Architecture and street related uses can make the street interesting. _Orenco Station, Hillsboro, OR.

- Well-lit stations, defining landscape features, and convenient and legible signage to orient people to buildings and activities around the station.
- **Create compact development**
 - Compact street network
 - Frequent, interconnected streets increase the efficiency of transit circulation and offer more choices for pedestrians.
 - Block distances of 300-500 feet keep walking distances short and provide alternative route options.
 - A grid-based street pattern offers multiple access points to the station and other uses within the development.



Calthorpe, 1994

- Cluster buildings to offer a one-stop opportunity to conveniently access a variety of destinations on foot.
- Leave room to grow so that an initially low density area around a station can intensify over time.



▪ **Manage parking**

- Even though TOD lessens the need for automobiles in a station area, accommodating vehicles with convenient parking and drop-off zones is critical to the success of a vibrant TOD district.

- **Parking**

- Enough, but not too much! Setting both minimum and maximum parking standards can help ensure the success of a station area as well as optimize transit ridership.
- In general, locate parking to the rear and sides of buildings to keep the station and building entrances oriented to the sidewalk and to pedestrians.
- Smaller surface parking lots do not overwhelm a station area. Larger parking lots can be divided into smaller lots and separated by landscaped walkways.
- Encourage phased parking which transitions from surface lots to structures; structured parking consumes less land and allows maximum development. Station areas are designed to allow for the evolution of parking from surface lots to parking structures. If located along key walking routes, parking structures can enhance the public environment with pedestrian-friendly facades.
- Bicycle parking; bicycles can extend the local commuting range beyond the typical 2,000 feet. Ample, convenient and secured bicycle storage locations are provided at each station, close to the station entrance.



*Parking areas can be located behind buildings to keep the street oriented to pedestrians.
Orenco station, Hillsboro, OR*

▪ **Make each station a “place”**

- Create a destination with a collection of unique places to attract visitors.
- Make buildings landmarks to create notable places, aid in local way-finding, and make the area attractive and memorable.
- Emphasize sightlines and views to and from the station to help orient pedestrians to their surroundings and to find their way.

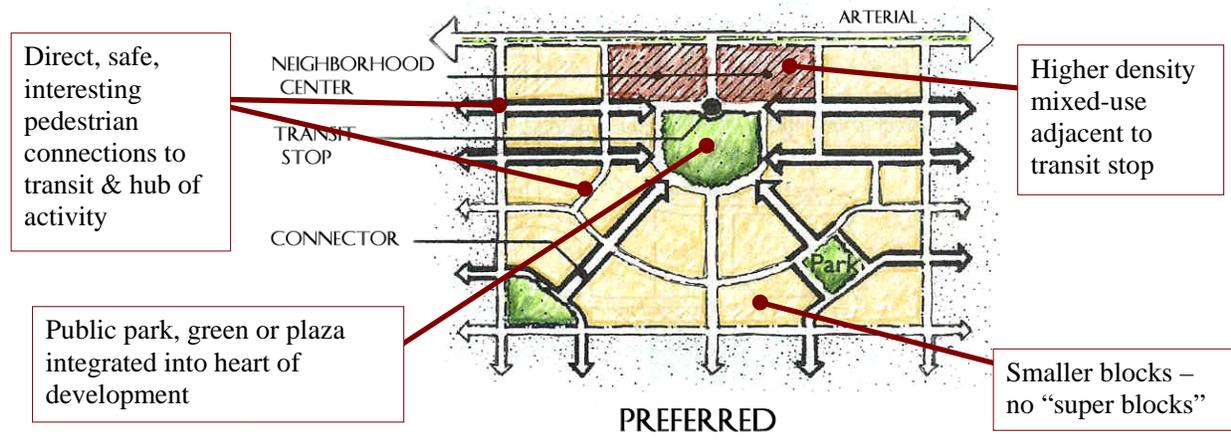
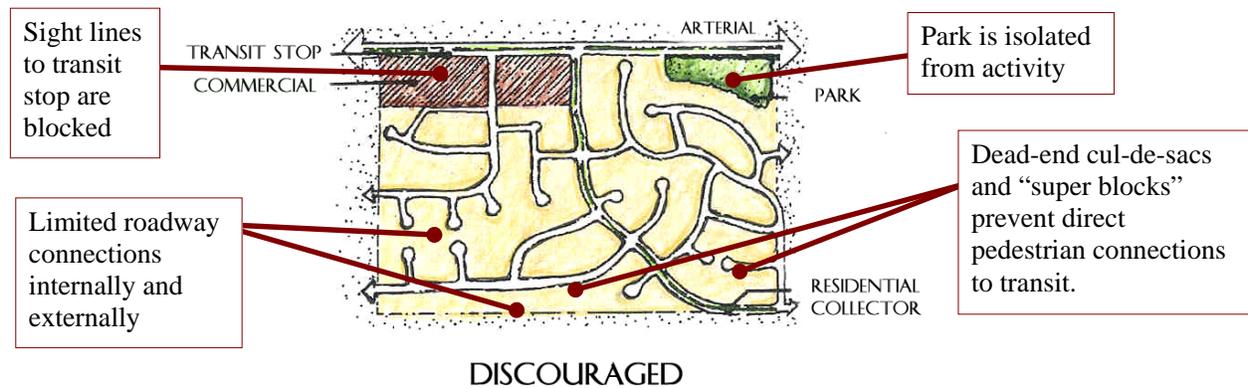


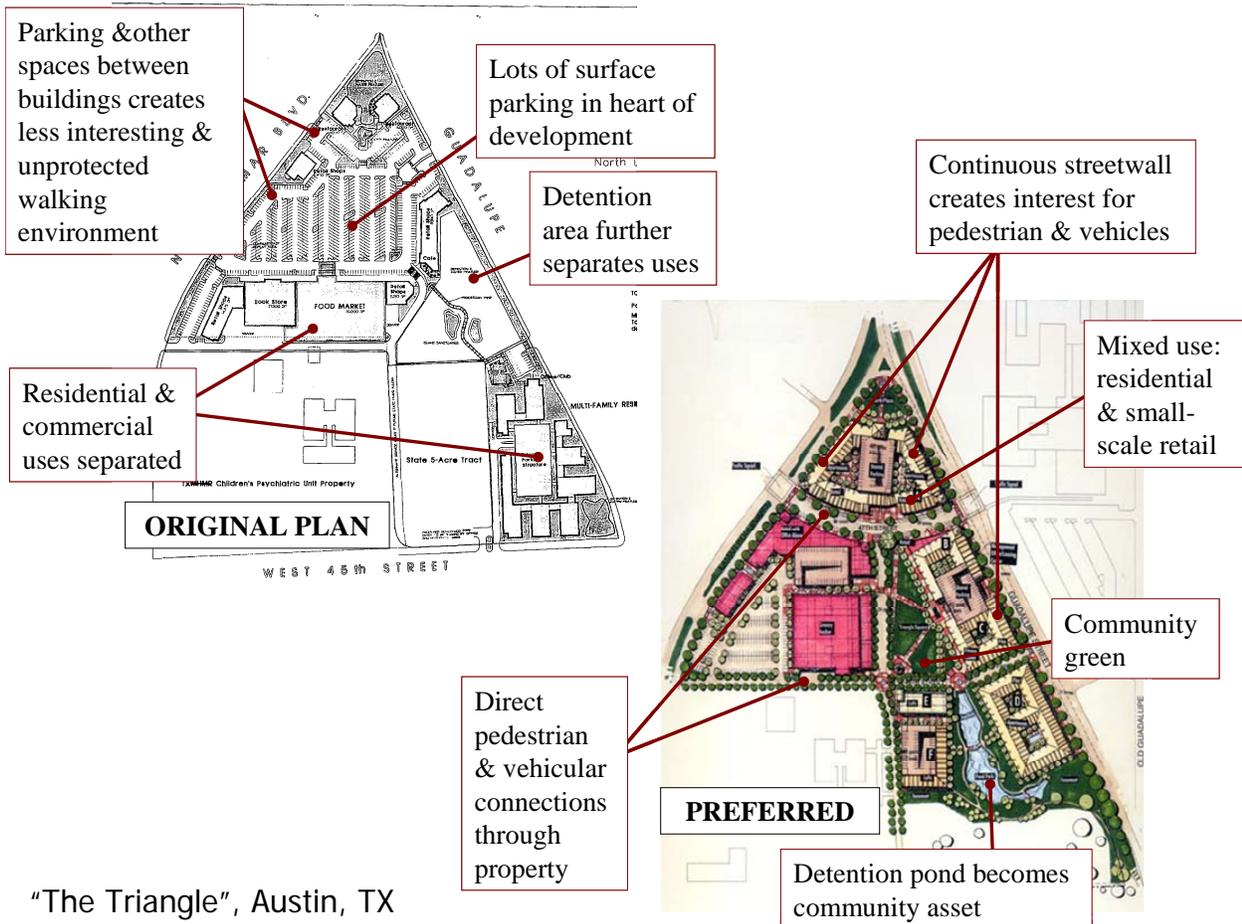
*Unique transit stops and buildings act as landmarks for the station area -
Fish Creek/Lacombe, Station Calgary*

- Orient buildings to the street to create a visually interesting and safer pedestrian environment and to shape the public realm.
- Public open spaces near a transit station emphasize the station as a public place, provide comfortable walking and drop-off areas for transit users, and act as central activity and gathering points for the local community; small parks or plazas can be strategically placed throughout the area.

Applying the TOD Principles and Best Practices

Below are some example conceptual site plans to illustrate the best practices do's and don'ts.





"The Triangle", Austin, TX

Part V – City of Austin TOD Implementation

Step 1. The Development of the TOD Ordinance

On July 29, 2004, the Austin City Council approved a resolution directing staff to begin the process of developing Transit-Oriented Development (TOD) regulations. The Council resolution established a Community Advisory Group (CAG) consisting of representatives from the Design, Planning, Urban Transportation and Zoning and Platting Commissions as well as private stakeholders. Their primary function was to review and provide feedback on staff proposals for the TOD Ordinance.

Before developing the initial ordinance, city staff held focus group meetings with neighborhood and environmental interests, development representatives, design professionals, and affordable housing advocates to gain public input. Staff then drafted a TOD ordinance and collected feedback at several stakeholder meetings with a variety of community and interest groups such as neighborhood associations, neighborhood planning teams, the Downtown Austin Alliance (DAA), and the Real Estate Council of Austin (RECA). The draft ordinance underwent continued refinement and revision during the fall of 2004 based on stakeholder input.

As a result of the CAG and public feedback, the adopted TOD Ordinance established:

- A two-phase implementation approach:
 - During Phase I, TOD district boundaries are established; a TOD district zoning classification is identified; gateway, midway and transition zones are designated; interim regulations affecting such issues as land use, parking and building setbacks are applied to the properties within TOD district boundaries to set the stage for transit-oriented development patterns prior to the development of a Station Area Plan (SAP).
 - During Phase II, a Station Area Plan (SAP) is created to establish specific design standards and development goals for a particular TOD district. A separate SAP process is required for each TOD district in order to respond to the diverse conditions of each site. The SAP will include a housing affordability analysis and feasibility review that describes strategies for achieving specified affordability goals and the inclusion of housing for a variety of income levels.

In late December 2004 and early January 2005, city staff presented the draft ordinance to the Urban Transportation Commission, the Zoning and Platting Commission, the Design Commission, and the Planning Commission for review and comment. The City Council was first presented with the draft TOD Ordinance at a public hearing on January

27, 2005 and after several months of review, the ordinance was adopted on May 19, 2005.

The TOD Ordinance created TOD districts around five future Urban Commuter Rail stations and one Bus Rapid Transit Park and Ride facility. Phase I implementation was completed with adoption of the ordinance. A TOD district zoning overlay that applies the interim development standards was placed on properties in the TOD districts.

On March 9, 2006 the TOD Ordinance was amended to include a seventh TOD district in Oak Hill (Ordinance# 20060309-057). Because Capital Metro has not yet selected a location for a station in Oak Hill, no specific location for the TOD district is identified.

Step 2. Station Area Planning (SAP)

The TOD ordinance established that each identified TOD will have a station area plan for the purpose of creating a development vision and plan tailored for each district. A SAP will contain a land use strategy, urban design standards, and zoning recommendations to realize the vision, developed through an educational and participatory planning process.

SAP's should be oriented toward the future but based in reality and financially feasible, responsive to citywide goals and market forces, while reflective of TOD principles. The specifics of site design and layout developed during the SAP process will speak to the unique characteristics of each site and its surroundings and the role it plays within the larger context. Some districts are surrounded by undeveloped land while others are adjacent to established neighborhoods. As such, a key principle of TOD is to create plans that are sensitive to their surrounding environment.

Future development projects within each TOD should be compatible with the vision created during the SAP process. Even though development and/or redevelopment may occur on a parcel-by-parcel basis, there will be a plan in place to serve as a guide and provide an understanding of what developers should work towards in a particular TOD district. Projects that have the SAP vision as their foundation are more likely to be supported by the surrounding community.

Each station area plan:

- Will establish permitted and conditional uses
- Will prescribe site development regulations
- Will stipulate requirements for street, streetscape and other public area improvements
- May amend the location of a gateway, midway or transition zone

- Will include a housing affordability analysis and feasibility review that describes potential strategies for achieving housing affordability goals (refer to TOD Ordinance for specifics pertaining to the individual TOD districts)
- Will include an analysis of the need for public parking
- May include consideration of public and civic art in or near transit stations
- Must be included (via the adopted neighborhood plan amendment process) in an adopted neighborhood plan, if any.

The Neighborhood Planning & Zoning Department will hire a consultant to conduct the station area planning activities for each of the identified TOD districts. This primary consultant will coordinate with separate consultants who will conduct detailed market assessments and housing affordability feasibility studies for each TOD district. The purpose of the market assessment is to ensure that station area plans are realistic from a market perspective and attract private sector investment. The affordable housing study is necessary to identify public and private sector strategies to achieve housing affordability goals within the areas covered by the station area plans. Economic Research Associates (ERA) has been hired by Capital Metro to conduct the market assessments and the Neighborhood Housing and Community Development Department has selected Diana McIver & Associates for the affordable housing studies.

It is anticipated that the primary consultant will be selected and contract signed by the end of May 2006. Station area plans for the six first phase TODs are estimated to be completed by the start of the commuter rail service in the third quarter of 2008.

Each SAP process will follow this general structure:

Preliminary work will be performed by the consultant that includes reviewing, analyzing and organizing baseline information for the TOD areas.



An introductory public meeting will be held to present TOD concepts, goals and the station area planning process.



A public workshop will be held to present urban design, land use, transportation, open space and housing concepts and gather public input. The consultant will draft a preliminary station area plan utilizing public input, the market assessment and the affordable housing feasibility analysis.



A second workshop will be held to present the draft preliminary plan, identify major issues, and collect stakeholder feedback.



The consultant will prepare the Draft SAP.
A third workshop will be held to present the Draft SAP and gather public input.



The consultant will revise the Draft SAP and develop a presentation for City boards and commissions.



The Draft SAP will be presented to appropriate boards and commissions; public input will be documented for the City Council presentation.



The Draft SAP will be presented to the City Council and Capital Metro Board of Directors.



The Draft SAP will be revised and finalized per the City Council's direction.

Part VI - Summary of the TOD Ordinance

(The complete adopted ordinance can be found in Appendix A)

The Transit Oriented Development (TOD) Ordinance (#20050519-008) was adopted by the Austin City Council on May 19, 2005 to plan for development around future commuter rail stations. The plan consists of two phases.

Phase I (now completed):

- developed TOD districts around five future Urban Commuter Rail stations and one Bus Rapid Transit Park and Ride facility,
- identified the TOD type for each station (to provide guidance for station area planning in phase 2),
- Identified Gateway, Midway, and Transition Zones,
- created a TOD base zoning district classification (for use when station area planning is complete),
- identified interim development regulations relating to use, site development standards and parking for properties within a TOD district, (for phase 1, TOD district functions as an overlay district), and
- established a station area planning process.

Phase II, currently underway, is to conduct the station area planning processes for each TOD district.

TOD DISTRICTS:

The TOD ordinance established districts around future urban commuter rail stations that provide for development that is compatible with and supportive of public transit and a pedestrian-oriented environment.

There are four types of TOD districts:

1. Neighborhood center TOD - located at the commercial center of a neighborhood; lowest density of all classifications (average density at approximately 15-25 dwelling units per acre). Typical building height is one to six stories. (Density, building height and land use specifications are to provide guidance for station-area planning and are not prescriptive.)
2. Town center TOD - located at a major commercial, employment or civic center; moderate densities relative to other classifications.
3. Regional center TOD - located at the juncture of regional transportation lines or at a major commuter or employment center; greater densities relative to other classifications but less than in a downtown TOD.
4. Downtown TOD - located in a highly urbanized area; highest density of all classifications; allows for high-rise development.

(dua = dwelling units per acre)	Average density	Typical building height	Uses include...
Neighborhood center TOD	15-25 dua	1 to 6 stories	Small lot single-family, single-family with an accessory unit, townhomes, low-rise condominiums, apartments, neighborhood retail and office, and mixed use buildings.
Town center TOD	25-50 dua	2 to 8 stories	Townhomes, low- and mid-rise condominiums, apartments, retail and office, and mixed use buildings.
Regional center TOD	> 50 dua	3 to 10 stories	Mid-rise condominiums, apartments, major retail and office, and mixed use buildings.
Downtown TOD	> 75 dua	6 stories or more	Mid- and high-rise condominiums, apartments, large retail and office, and mixed use buildings.

(Density, building height and land use specifications are to provide guidance for station-area planning and are not prescriptive.)

Each TOD district may be divided into distinct zones that establish the intensity or scale of development.

1. **Gateway zone** – The area that immediately surrounds the station platform, where passengers enter or exit transit vehicles; typically 300-500 feet from the edge of the station platform:
 - a. has the highest level of “transit integration” with streetscapes that connect the station platform with surrounding buildings that are oriented toward the station
 - b. provides for good connections between the station platform and surrounding buildings
 - c. provides ground floor pedestrian-oriented retail uses and employment or residential uses in the upper floors
 - d. has the highest density and building height in a TOD district
2. **Midway zone** – The area between a gateway zone and a transition zone
 - a. is predominately residential but may also include retail and office uses
 - b. has a variety of building types
 - c. has density and building height lower than in a gateway zone but higher than in a transition zone
3. **Transition zone** – the area at the periphery of the TOD district
 - a. is predominately residential but may also include retail and office uses
 - b. development intensity is compatible with existing or future development outside of the TOD district
 - c. has the lowest density and building height in a TOD district

The original TOD ordinance established six TOD districts:

1. Convention Center TOD (downtown)
2. Plaza Saltillo TOD (neighborhood center)
3. Martin Luther King, Jr. Blvd. TOD (neighborhood center)
4. Lamar Blvd./Justin Lane TOD (neighborhood center)
5. Northwest Park and Ride TOD (town center)
6. North IH-35 Park and Ride TOD (town center)

An amendment to the TOD ordinance, adopted March 9, 2006, established a town center TOD district in Oak Hill; specific boundaries will be determined after Capital Metro specifies a station location.

7. Oak Hill (town center)

TOD ZONING:

Properties within the six TOD districts above retained their base district zoning during phase one of the planning process. A TOD district zoning overlay was added to implement the TOD interim regulations described in the next subsection.

The TOD Ordinance also created a new base zoning district (TOD), which was added to Chapters 25-2 and 25-6 of the City Code. After the completion of phase two, each property within the TOD district will have TOD base district zoning. The specifics of the TOD zoning will be determined during the station area planning process.

Compatibility Standards

Compatibility standards remain in place during phase I. After a station area plan has been adopted, compatibility standards will no longer apply except to properties within a transition zone, if triggered by property outside the TOD district.

Nonconforming Uses

Nonconforming uses are subject to Group "D" regulations prescribed by Austin City Code Section 25-2-947.

TOD DISTRICT INTERIM REGULATIONS:

Until a station area plan and TOD zoning are adopted, the following interim regulations will apply to properties within a TOD district:

Uses (uses that do not support transit-oriented development were restricted):

In a TOD district, the following are prohibited:

Automotive sales	Convenience storage	Recycling center	Drive-in service
Automotive washing	Equipment repair services	Vehicle storage	
Basic industry	Equipment sales	Scrap and salvage services	

In a TOD district, the following uses that would otherwise be permitted, are conditional:

- Automotive repair services
- Automotive rentals
- Commercial off-street parking

In a TOD district, a residential use is permitted above the first floor of a commercial building (i.e. permits a mixed use building)



In a gateway zone, the following residential uses are prohibited:

Single-family	Single-family attached	Small lot single-family	Duplex
Two-family	Secondary apartment	Urban home	Cottage home

In a gateway zone, a transportation terminal is permitted if it is operated by a government entity.

In a midway zone, the following residential uses are prohibited:

Single-family	Single-family attached	Duplex	Two-family
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Site Development Standards (refer to the TOD Ordinance for exception criteria):

Within a TOD district:

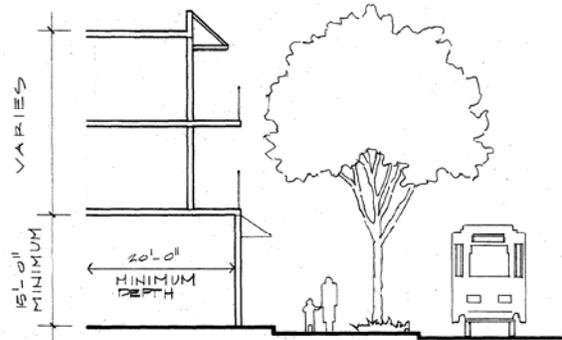
1. Maximum front and street side yard setbacks are 15 feet.
2. Minimum front and street side yard setbacks are the lesser of 10 feet or the setbacks prescribed by Section 25-2-492.



Within a gateway zone:

1. Building entrances are required on the principal street and on a street with transit service, if any.

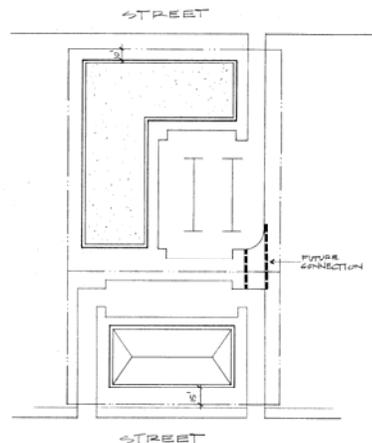
2. Buildings constructed along a front or street side yard setback line must, for a depth of at least 20 feet, provide a minimum distance of 15 feet between the finished ground floor and the structural portion of the ceiling.



3. In a commercial or mixed-use building, a ground level wall that faces a public street must have 50% of wall area between 2 and 10 feet above grade constructed of glass with a 0.6 visible transmittance rating (in lay terms: you can see through the glass, it is not mirrored, frosted, etc.).

Parking Regulations and Requirements

1. 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.
2. 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 (see TOD Ordinance for exceptions).



3. The minimum off-street parking is 60% of that prescribed in Appendix A (Tables of Off-Street Parking and Loading Requirement)
4. The parking requirements prescribed for property zoned Central Business District (CBD) apply to a downtown TOD district.

Saltillo Plaza TOD

A station area plan may not create a gateway or midway zone outside the 11-acre site of the Saltillo Redevelopment Master Plan (land owned by CapMetro). In a transition zone, the station area plan cannot prescribe site development regulations that increase building height over the maximum prescribed by the applicable zoning district before adoption of the station area plan.

Amendments to Station Area Plans

The Austin City Council may amend a station area plan at any time. Amendments initiated by land owners cannot be proposed more than once each calendar year for each property owned. There is a one-year waiting period after station area plan adoption before applications will be accepted. After the one-year waiting period, applications can be filed in the month of February for a station area plan west of IH-35 and in July for plans east of IH-35. For exceptions to these rules refer to page 10 of the ordinance.

Affordable Housing

A station area plan shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving specified affordable housing goals. Refer to the adopted ordinance for the specific details of the goals.

Part VII – TOD Resources

Additional information about the City of Austin TOD program is available on the Neighborhood Planning and Zoning Department webpage:

<http://www.ci.austin.tx.us/planning/>.

For those wanting to learn more about transit-oriented development concepts and issues, the following resources are either available on-line or at the Neighborhood Planning and Zoning Department (NPZD). In addition, NPZD has available literature reviews on many topics related to TOD prepared by students at the University of Texas Community and Regional Planning Department.

Non web-based publications:

Dittmar and Ohland, *The New Transit Town. Best Practices in Transit-Oriented Development*. Island Press, Washington, D.C. 2004.

Dunphy, Cervero, et.al, *Developing Around Transit: Strategies and Solutions that Work*. ULI-the Urban Land Institute, Washington, D.C. 2003.

Dunphy, Robert, Deborah Myerson, and Michael Pawlukiewicz. *Ten Principles for Successful Development Around Transit*. ULI-the Urban Land Institute, Washington, D.C. 2003.

Internet links to professional association and interest group publications, web-based data sources and organizations promoting TOD and Smart Growth.

- ☞ Center for Transit Oriented Development:
<http://www.reconnectingamerica.org/html/TOD/index.htm>
http://www.reconnectingamerica.org/html/TOD/case_studies.htm
- ☞ Congress for New Urbanism:
<http://www.cnu.org/>
- ☞ NewUrbanism.org:
<http://www.newurbanism.org/pages/532107/>
- ☞ TransitOrientedDevelopment.org:
<http://www.transitorienteddevelopment.org/pages/1/index.htm>
- ☞ TransitVillages.org
<http://www.transitvillages.org/pages/448644/index.htm>
- ☞ Urban Land Institute
Their Online Bookstore has a number of publications related to TOD.
www.uli.org
- ☞ Smart Growth Network
www.smartgrowth.org
- ☞ Pennsylvania Environmental Council
http://www.pecpa.org/final_pec/html/TOD.htm

Transit Oriented Development is happening all over North America. The City's TOD webpage provides links to many other area-specific TOD websites.

Bibliography

Citizens' Planning Committee (CPC). *Citizens' Planning Committee Report*. January 1995.

Citizens' Planning Committee (CPC). *From Chaos to Common Ground: A Blueprint for Austin*. April 1996.

Citizens' Planning and Implementation Committee (CPIC). *The Challenges for Austin's Future*. September 1997.

Envision Central Texas (ECT). <http://www.envisioncentraltexas.org/>. Accessed February 12, 2006.

Dunphy, Robert, Deborah Myerson, and Michael Pawlukiewicz. *Ten Principles for Successful Development Around Transit*. Washington, D.C.: ULI-the Urban Land Institute, 2003.

APPENDICES

Appendix A - Adopted TOD Ordinance

Appendix B - City Council resolution to create a TOD Ordinance

Appendix C - City Council resolution for SMART Housing in a TOD

Appendix D – City Council resolution and Ordinance to add a TOD district
in the Oak Hill area

APPENDIX A

TRANSIT-ORIENTED DEVELOPMENT (TOD) ORDINANCE

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:

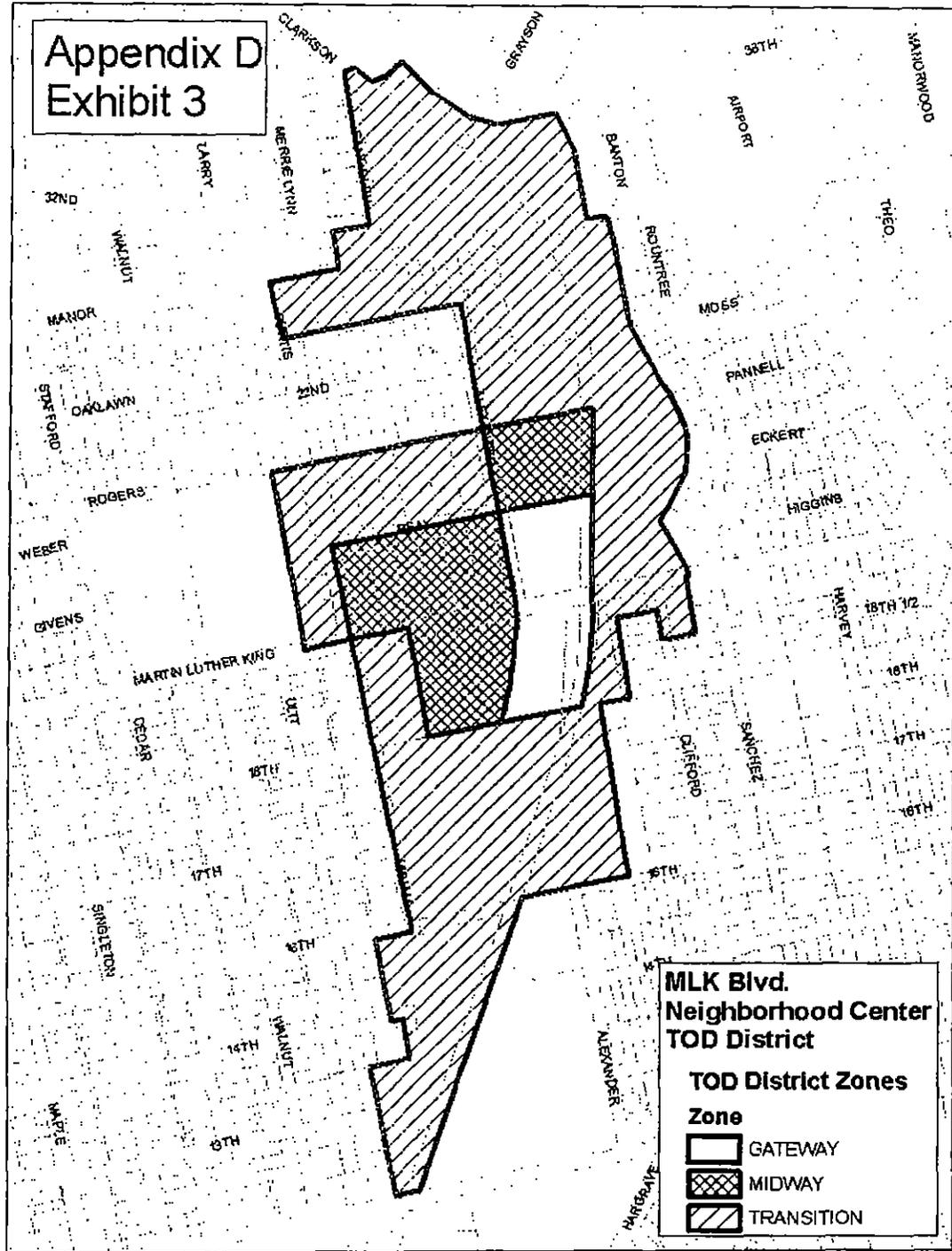
Division 7. Special Provisions For A Transit Oriented Development District.

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

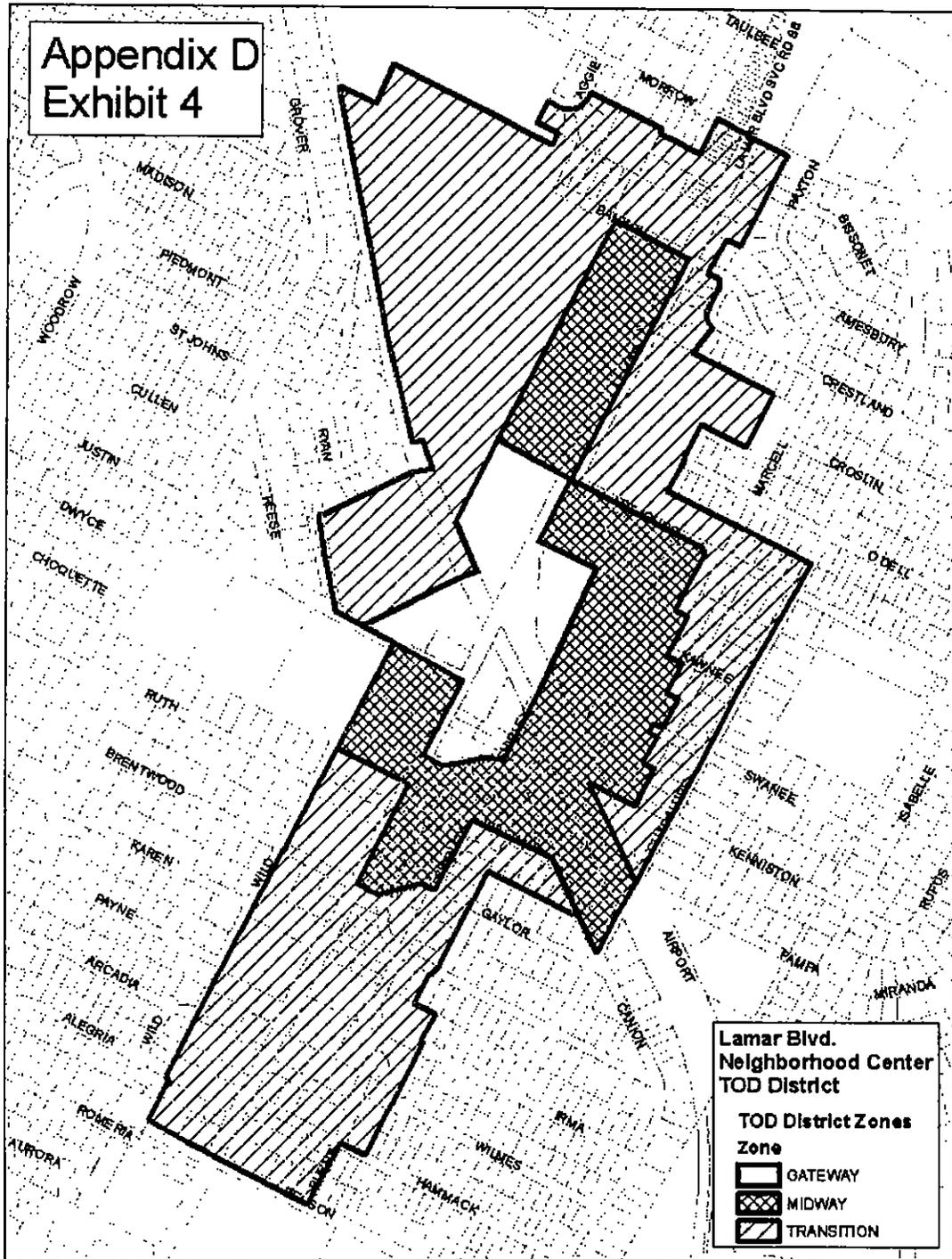
- (A) Except as provided in Subsection (B), in a transit oriented development (TOD) district the minimum off-street parking requirement is 60 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).
- (B) The parking requirements prescribed for property zoned 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 3



Appendix D
Exhibit 4

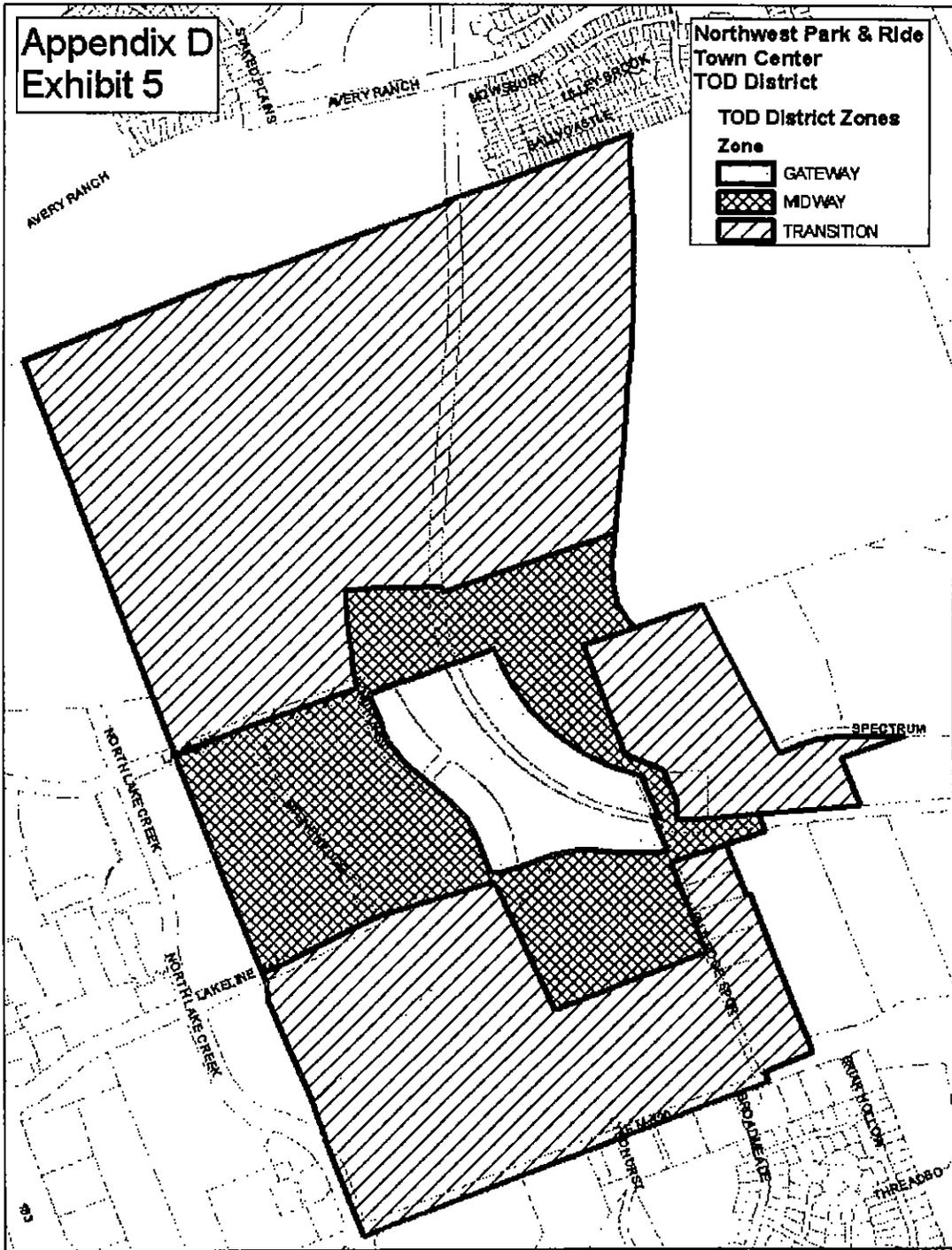


**Appendix D
Exhibit 5**

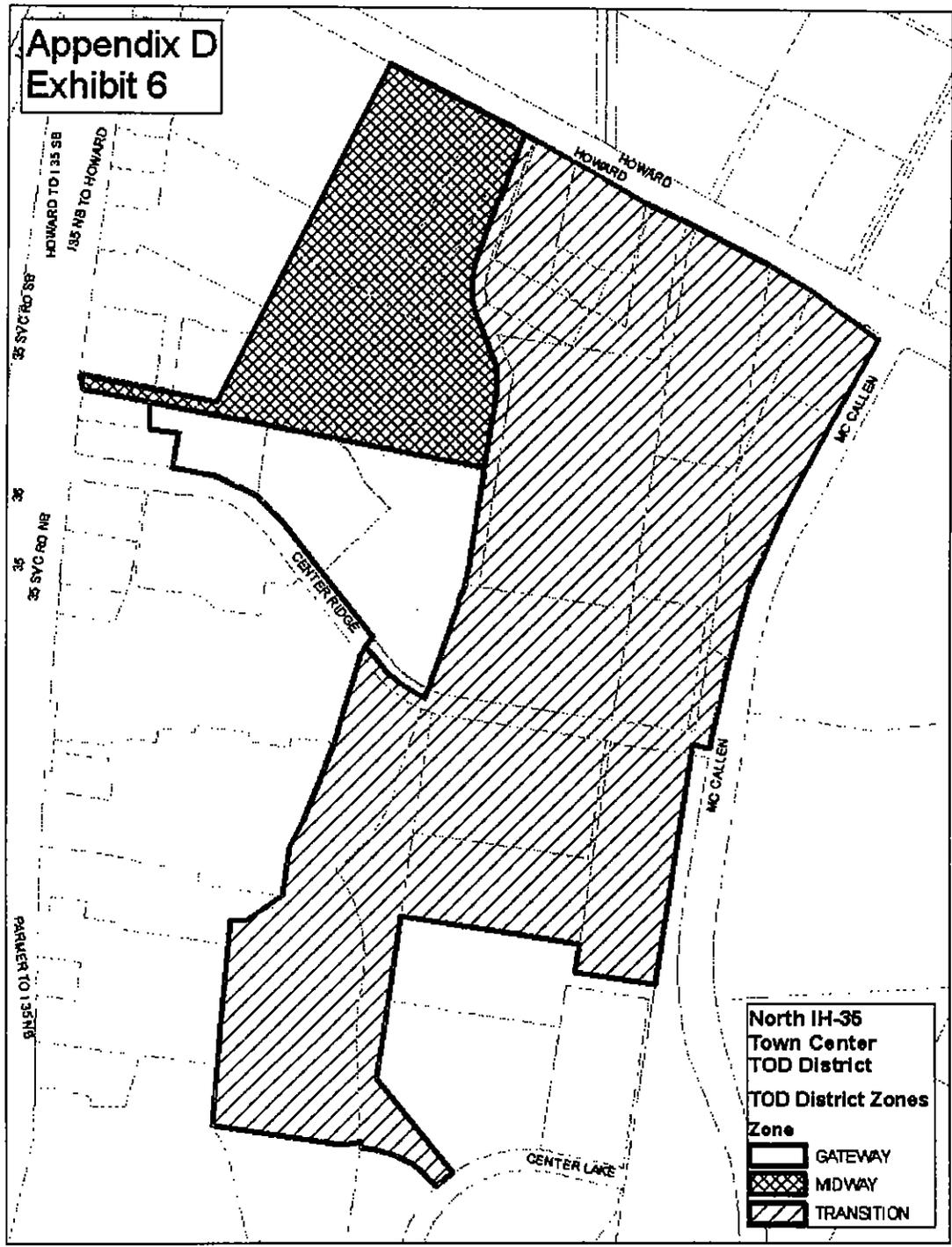
**Northwest Park & Ride
Town Center
TOD District**

TOD District Zones

- Zone**
-  GATEWAY
 -  MIDWAY
 -  TRANSITION



**Appendix D
Exhibit 6**



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

PASSED AND APPROVED

_____ May 19 _____, 2005

§
§
§



Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

APPENDIX B

CITY COUNCIL RESOLUTION TO CREATE A TOD ORDINANCE

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

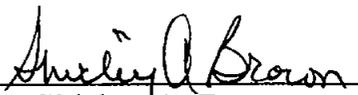
That the Planning Commission shall hold a public hearing on the proposed regulations and shall forward its recommendation to the City Council.

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

APPENDIX C

CITY COUNCIL RESOLUTION FOR SMART HOUSING IN A TOD

RESOLUTION NO. 20050519-009

WHEREAS, the Council adopted Resolution No. 040729-76 directing the City Manager to begin the process of developing regulations regarding transit-oriented development (TOD); and

WHEREAS, the Council approved and implemented the S.M.A.R.T. Housing Policy Initiative by Resolution No. 000420-76 and revised this policy by Resolution No. 040115-44; and

WHEREAS, transit-oriented development should provide opportunities for housing development that serves a mix of income levels; and

WHEREAS, station area plans will establish specific goals for affordable housing; **NOW THEREFORE**,

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

- (A) The goal of transit-oriented development should be that 25% of the new housing in each TOD area 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 shall be 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

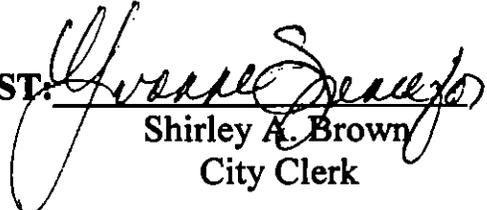
30 years for rental units. Affordable units should generally be evenly dispersed throughout each transit-oriented development district.

- (B) The housing goals for each Station Area Plan may be modified during the Station Area Planning Process to establish affordability percentages and MFI levels appropriate to each Station Area.
- (C) Each Station Area Plan shall include a housing affordability analysis and potential strategies for achieving housing goals prescribed by Ordinance 20050519-008 prior to review of the proposed plan by any commission or the City Council. This analysis will include a feasibility review of the pursuit of additional affordability goals in the TODs such that Austin households of all different income levels would have the opportunity to live within Austin's TOD districts.
- (D) The City Manager shall direct the Community Development Officer to pursue policies, programs or funding sources that may be available to achieve or exceed housing affordability goals within the area of each Station Area Plan. Subject to available funding and developer participation, these tools may include but are not limited to:
- Tax credits for single or multi-family development.
 - Special needs housing grants.
 - Down payment assistance.
 - Mortgage credit certificates.
 - Density bonuses.
 - Rental Housing Development Assistance.

- Bond financing.
- Federal or non-federal funding sources.
- Partnerships with non-profit organizations.
- Tax increment financing districts.
- Community land trusts.
- Parking benefits.
- Infrastructure cost sharing.

ADOPTED: May 19, 2005

ATTEST:


Shirley A. Brown
City Clerk

APPENDIX D

CITY COUNCIL RESOLUTION AND ORDINANCE TO ADD A TOD DISTRICT IN THE OAK HILL AREA

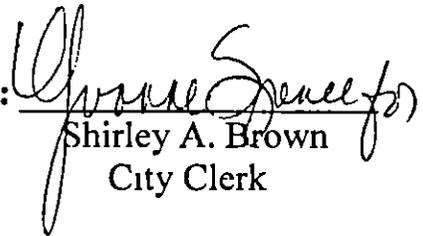
RESOLUTION NO. 20050929-055

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

The City Council directs the City Manager to process an amendment to Chapter 25-2 of the City Code related to the Transit Oriented Development (TOD) Ordinance (Ordinance No. 20050519-008) to add a TOD district in the Oak Hill area, to be located in the general vicinity of the intersection of U.S Highways 290 and 71.

ADOPTED: September 29, 2005

ATTEST:


Shirley A. Brown
City Clerk

ORDINANCE NO. 20060309-057

AN ORDINANCE AMENDING SECTION 25-1-46, SECTION 25-2-766.04, AND CHAPTER 25-2, APPENDIX D OF THE CITY CODE RELATING TO TRANSIT ORIENTED DEVELOPMENT DISTRICTS.

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

PART 1. Section 25-1-46(D) (*Land Use Commission*) of the City Code is amended to read:

- (D) Except as provided in Subsection (B), the Planning Commission shall act as the land use commission for property that is wholly or partly within:
- (1) the boundaries of a neighborhood plan that the council has adopted as a component of the comprehensive plan; [ø]
 - (2) the former Robert Mueller Municipal Airport site; or
 - (3) a transit oriented development (TOD) district.

PART 2. Section 25-2-766.04(A) (*Transit Oriented Development Districts Established And Classified*) of the City Code is amended to read:

- (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.

(7) The Oak Hill TOD district is established as a town center TOD district.

PART 3. Chapter 25-2, Appendix D (*Transit Oriented Development Districts*) of the City Code is amended to add an Exhibit 7 to read:

Appendix D

Exhibit 7

Oak Hill TOD District Boundaries And Zones

The boundaries and zones of the Oak Hill TOD district have not been established. After Capital Metropolitan Transportation Authority selects a transit center site, the boundaries and zones of the TOD district are to be determined through the neighborhood planning process and established by council.

PART 4. This ordinance takes effect on March 20, 2006.

PASSED AND APPROVED

_____ March 9 _____, 2006

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§
§

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk