

Part VI - Summary of the TOD Ordinance

The Transit Oriented Development (TOD) District 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. The first phase, now completed:

- identified the TOD type for each station
- developed TOD districts around each of the rail stations,
- created a TOD base zoning district,
- identified interim development regulations relating to use, site development standards and parking for properties within a TOD district, and
- established a station area planning process.

The second phase, currently underway, is to conduct the station area planning processes for each TOD.

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. Uses include
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.

(u.p.a. = dwelling units per acre)	Average density	Typical building height	Uses include...
Neighborhood center TOD	15-25 u.p.a.	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.

(u.p.a. = dwelling units per acre)	Average density	Typical building height	Uses include...
Town center TOD	25-50 u.p.a.	2 to 8 stories	Townhomes, low- and mid-rise condominiums, apartments, retail and office, and mixed use buildings.
Regional center TOD	> 50 u.p.a.	3 to 10 stories	Mid-rise condominiums, apartments, major retail and office, and mixed use buildings.
Downtown TOD	> 75 u.p.a.	6 stories or more	Mid- and high-rise condominiums, apartments, large retail and office, and mixed use buildings.

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 and buildings that are oriented toward
 - 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. predominately residential but may also include retail and office uses
 - b. 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. 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 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)

TOD ZONING:

The TOD District ordinance created a new base zoning district (TOD), which was added to Chapters 25-2 and 25-6 of the City Code. Properties within the six TOD districts above retained their base district zoning during phase one of the planning process. 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 after 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 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 a specified percentage of wall area constructed of glass with a specific visible transmittance rating.

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 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 (CapMetro land). 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.