ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 20090312-036 TO MODIFY THE NORTH BURNET/GATEWAY ZONING DISTRICT REGULATING PLAN TO INCREASE THE MAXIMUM FLOOR TO AREA RATIO AND BUILDING HEIGHT IN THE GATEWAY AND MIDWAY ZONES WITHIN THE TRANSIT ORIENTED DEVELOPMENT (TOD) SUBDISTRICT WHEN USING A DEVELOPMENT BONUS.

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

PART 1. FINDINGS.

(1) The North Burnet/Gateway zoning district is comprised of approximately 1,443 acres of land, locally known as the area generally bounded by Metric Boulevard to the east; U.S. Highway 183 to the south and west; and Braker Lane, North Mopac Expressway, and Walnut Creek to the north and northwest, in the City of Austin, Travis County, Texas.

(2) The North Burnet/Gateway zoning district was approved on March 12, 2009, under Ordinance No. 20090312-036 and amended under Ordinance Nos. 20111208-098, 20120322-088, 20130425-104, 20140828-159, 20180412-051, 20180628-088, 20190207-057, 20190620-112, 20190808-101, 20201210-073, 20211014-079, 20220127-082, 20220609-101, and 20221027-044.

(3) The Regulating Plan for the North Burnet/Gateway Zoning District (the "Regulating Plan") identifies and defines subdistricts within the plan area and established boundaries for each subdistrict with a maximum building height and maximum floor-to-area ratio (FAR) when using a development bonus.

(4) The Regulating Plan allows a maximum floor-to-area ratio (FAR) 8:1 and a maximum height of 360 feet with a development bonus in the Transit Oriented Development (TOD)- Gateway Zone Subdistrict.

(5) The Regulating Plan allows a maximum floor-to-area ratio (FAR) 5:1 and a maximum height of 240 feet with a development bonus in the Transit Oriented Development (TOD)- Midway Zone Subdistrict.

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PART 2. Figure 4-3 of the Regulating Plan is amended to make the maximum floor-to-area ratio (FAR) 12:1 with a development bonus in the Transit Oriented Development (TOD)- Gateway Zone Subdistrict, as shown in **Exhibit "A".**

PART 3. Figure 4-5 of the Regulating Plan is amended to make the maximum height 491 feet with a development bonus in the Transit Oriented Development (TOD)- Gateway Zone Subdistrict, as shown on **Exhibit "B"**.

PART 4. Figure 4-1 of the Regulating Plan is amended to read that the maximum floor-to-area ratio (FAR) is 12:1 with a development bonus and the maximum height is 491 feet with a development bonus in the Transit Oriented Development (TOD)- Gateway Zone Subdistrict, as shown on **Exhibit "C"**.

PART 5. Figure 4-3 of the Regulating Plan is amended to make the maximum floor-to-area ratio (FAR) 12:1 with a development bonus in the Transit Oriented Development (TOD)- Midway Zone Subdistrict, as shown in **Exhibit "A"**.

PART 6. Figure 4-5 of the Regulating Plan is amended to make the maximum height 491 feet with a development bonus in the Transit Oriented Development (TOD)- Midway Zone Subdistrict, as shown on **Exhibit "B"**.

PART 7. Figure 4-1 of the Regulating Plan is amended to read that the maximum floor-to-area ratio (FAR) is 12:1 with a development bonus and the maximum height is 491 feet with a development bonus in the Transit Oriented Development (TOD)- Midway Zone Subdistrict, as shown on **Exhibit "C"**.

PART 8. Figure 4-1, Figure 4-3, and Figure 4-5 attached as Exhibits "A", "B" and "C", are incorporated into the Regulating Plan, and the revised figures shall be substituted where appropriate in the Regulating Plan documents.

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PART 9. This ordinance takes effect on _____, 2023.

PASSED AND APPROVED

§
§
_____, 2023§ _____
Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan
City Attorney

Myrna Rios
City Clerk

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Figure 4-3 : Maximum Floor - to - Area- Ratio (FAR) with Development Bonus

EXHIBIT "A"

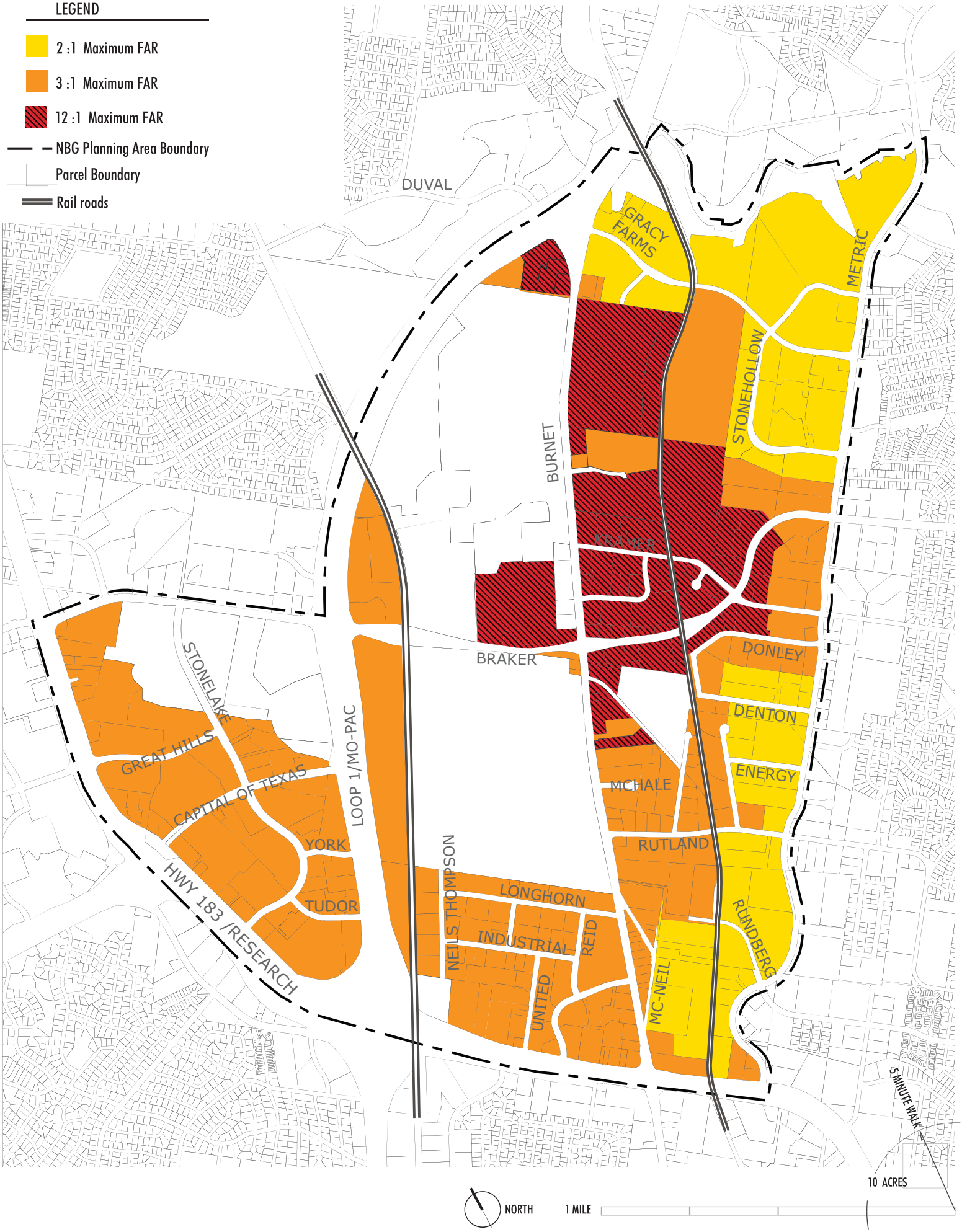


Figure 4-5: Maximum Height with Development Bonus

EXHIBIT "B"

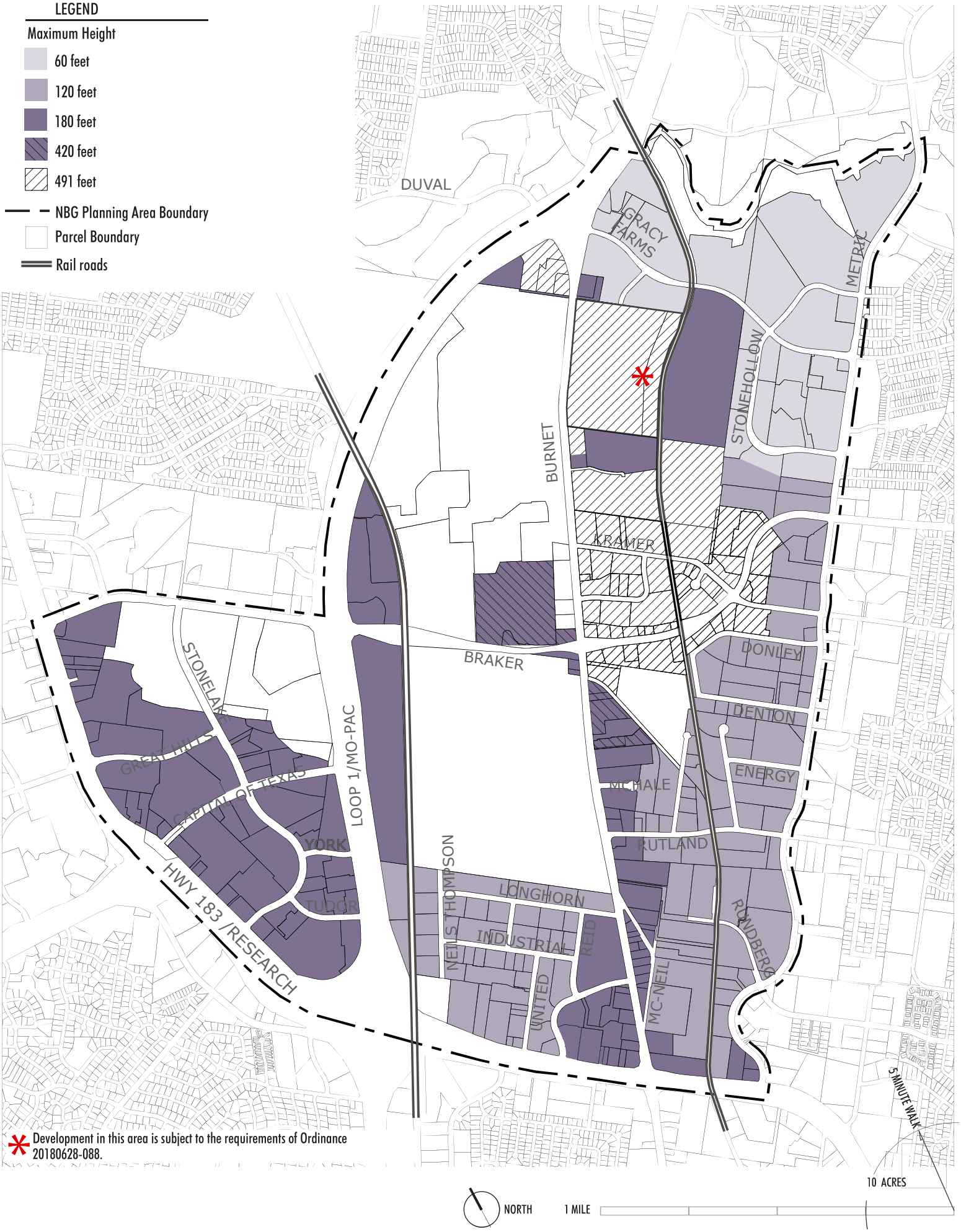


EXHIBIT "C"

FIGURE 4 - 1 TOD : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS

TRANSIT ORIENTED DEVELOPMENT (TOD) SUBDISTRICT

LOT SIZE

Minimum Lot Size	2,500 SF
Minimum Lot Width	20 Feet

MINIMUM SETBACKS

Front Yard and Street Side Yard*:

No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.

Front and Street Side Upper-Story Building Facade Stepbacks:

The building facade at the 6th story and above must be stepped back 30 feet from the ground-level building facade line.

Interior Side Yard: 0 Feet

Rear Yard: 0 Feet

* If the street right-of-way is less than 60 feet in width, the minimum front yard and street side yard setbacks for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure fire access.

MAXIMUM IMPERVIOUS COVER

If located in an urban watershed (Shoal or Little Walnut Creek) :

Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of the this Document.)

If located in a suburban watershed (Walnut Creek)*: 80%

* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.

FLOOR TO AREA RATIO

Maximum Floor-to-Area Ratio (FAR) by Right:

Established on Figure 4-2 (Based on the maximum FAR allowed by the property's zoning prior to adoption of this Document)

Maximum Floor-to-Area Ratio (FAR) with Development Bonus:

TOD Gateway Zone	12:1
TOD Midway Zone	12:1

This FAR may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.



BUILDING HEIGHT

Minimum Building Height:

2 Stories

Maximum Building Height by Right:

Established on Figure 4-4 (Based on the maximum height allowed by the property's zoning prior to adoption of this Document.)

Maximum Building Height with Development Bonus*

TOD Gateway	491 Feet
TOD Midway	491 Feet

This building height may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.

***Exception:** If adjacent to or across the street from NR subdistrict maximum height is 120 feet.

Typical example of buildings in the Transit Oriented Development Subdistrict.

