

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2022-012

Amendments to the Regulating Plan for the North Burnet/Gateway Zoning District

Background and summary of proposed code amendment:

Initiated by the City Council under [Resolution No. 20230504-020](#). Council Sponsors: Council Member Leslie Pool, Council Member José "Chito" Vela, Council Member Alison Alter, Council Member Zohaib "Zo" Qadri, Council Member Mackenzie Kelly.

Discuss and consider a recommendation for adoption of an ordinance amending City Code Title 25 relating to the North Burnet/Gateway Regulating Plan (the Plan) to:

1. Apply a wider variety of subdistricts to parcels in the North Burnet/Gateway Regulating Plan west of Mopac Expressway.
2. Amend sign regulations.
3. Amend the Land Use Standards.
4. Amend building step-backs.
5. Amend height limitations in certain districts.
6. Amend compatibility standards.

The Imagine Austin Comprehensive Plan identified the North Burnet/Gateway and Domain areas as a Regional Center and Austin's "second downtown." The North Burnet/Gateway Vision Plan was adopted in 2006, followed with adoption of the North Burnet/Gateway Regulating Plan in 2009 that set development and design standards for the area. Multiple amendments to the Plan since 2013 have facilitated the redevelopment of the area's older industrial, office, and warehouse sites in favor of mixed-use development with increased housing density, variety of office spaces, and vibrant store fronts for small retail business. The recent construction of two new Red Line commuter rail stations, one at the Uptown ATX campus and the other at McKalla to serve the Q2 Stadium have generated significant development interest in the area.

On May 19, 2022, City Council initiated amendments to the Commercial Mixed-Use (CMU) Gateway Subdistrict of the North Burnet/Gateway Regulating Plan to increase FAR and building height when using a development bonus as executed in [Ordinance No. 20221027-044](#). With this action, the maximum floor-to-area ratio (FAR) increased from 8:1 to 12:1 and the maximum building height increased from 308 ft. to 420 ft. Following the Council action on CMU-Gateway, the Planning Commission initiated amendments to the Transit-Oriented Development (TOD) subdistrict when using a development bonus. The Commission requested an increase in the maximum FAR and building height when using a development bonus. As a result, the City Council approved [Ordinance No. 20230209-046](#). With this action, the maximum FAR increased from 8:1 to 12:1 and the maximum building height increased from 308 ft. to 491 ft. for the TOD-Gateway subdistrict. Furthermore, for the TOD-Midway zone, the maximum FAR increased from 5:1 to 12:1 and the maximum building height increased from 240 ft. to 491 ft.

Staff Recommendation:

Staff recommends **APPROVAL** of the proposed Code Amendment to the North Burnet/Gateway Regulating Plan as described below:

1. Amend Figure 1-2 to create a new subdistrict: Commercial Mixed-Use Midway (CMU-M). (See **Exhibit "A"**).
2. Apply a wider variety of subdistricts to parcels in the North Burnet/Gateway Regulating Plan west of Mopac Expressway by rezoning properties bounded by Capital of Texas Highway to the north,

MoPac Expressway to the east, and US 183/Research Boulevard. to the west, from Commercial Mixed-Use (CMU) to CMU-Midway (CMU-M). **(See Exhibit “A”).**

3. Amend Figure 4-1 to include development standards for CMU-M relating to FAR and building height when using a development bonus: Maximum FAR: 10:1 and maximum building height: 350 ft. **(See Exhibit “B”).**
4. Amend Section 4.8.2 (Sign Regulations) to include language that aligns with City Code Chapter 25-10 (Sign Regulations) and inserts language similar to downtown. **(See Exhibit “C”).**
5. Amend the Land Use Standards for General Retail Sales in Figure 2-1 to remove square footage limitations under Additional Requirements. **(See Exhibit “D”).**
6. Amend Figure 4-1 to modify the requirement for a 30-foot step-back for building facades above the 5th story from 30-feet to zero feet. **(See Exhibit “B”).**
7. Amend Figure 4-1 under Building Height to eliminate the 120-foot height limit in the Transit-Oriented Development (TOD), Commercial Mixed Use (CMU), and CMU-Gateway subdistricts. **(See Exhibit “B”).**
8. Amend Section 4.2, General Development Standards, to modify Sub-section 4.2.4 (Compatibility Standards) to clarify that Compatibility Standards do not apply in the North Burnet/Gateway area. **(See Exhibit “E”).**

City Council and Board and Commission Actions:

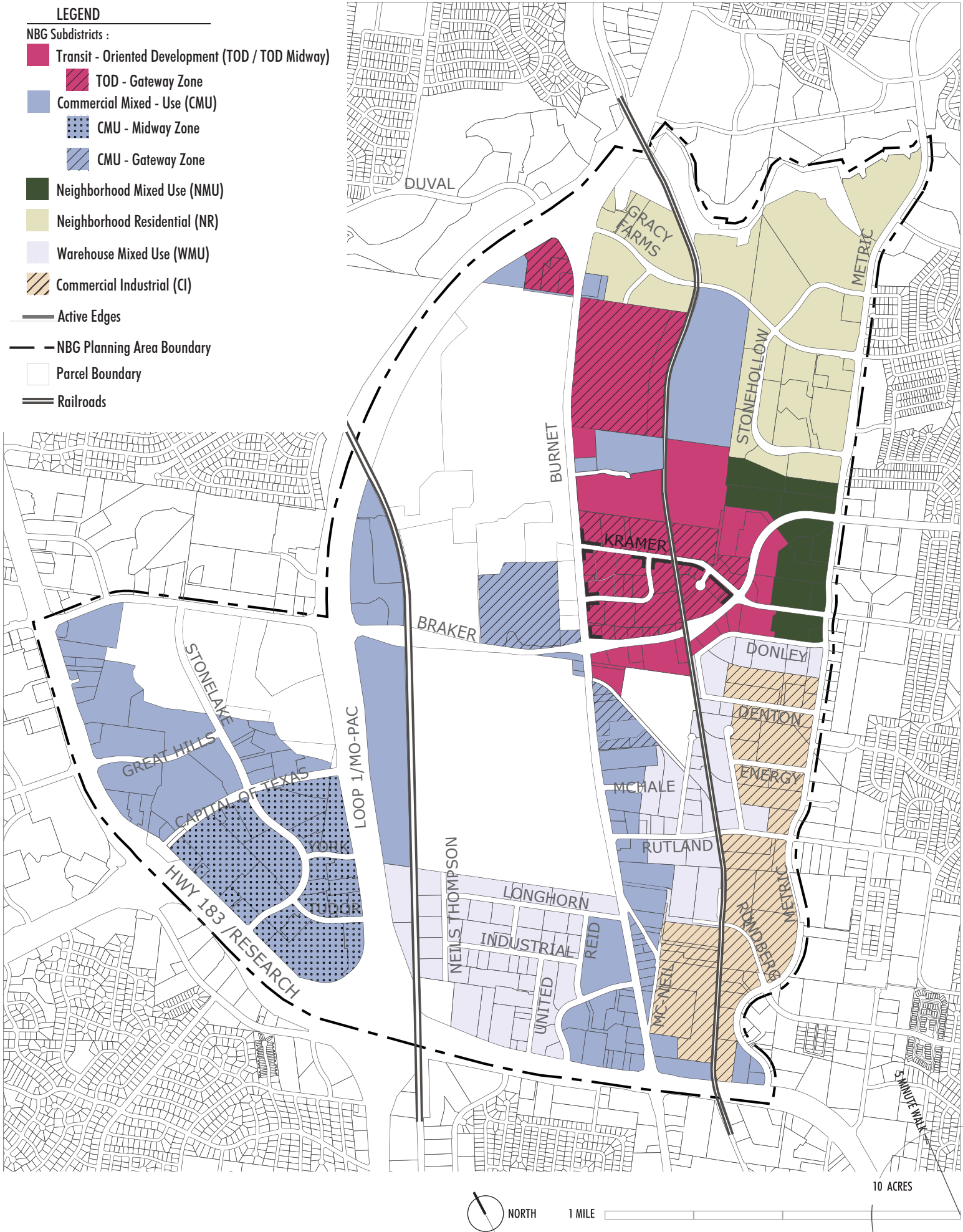
1. **May 4, 2023:** Initiated by the City Council under Resolution No. [Resolution No. 20230504-020](#).
2. **August 16, 2023:** To be reviewed by the Codes and Ordinances Joint Committee.
3. **September 12, 2023:** Public hearing at the Planning Commission.
4. **September 14, 2023:** Set public hearing at City Council
5. **October 19, 2023:** Public hearing at the City Council

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Figure 1 - 2 : North Burnet / Gateway (NBG) Zoning District Subdistrict Map



COMMERCIAL MIXED USE (CMU) 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 setback for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure fire access.	

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:	
CMU Zone	3:1
CMU Midway Zone	10:1
CMU Gateway 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.	

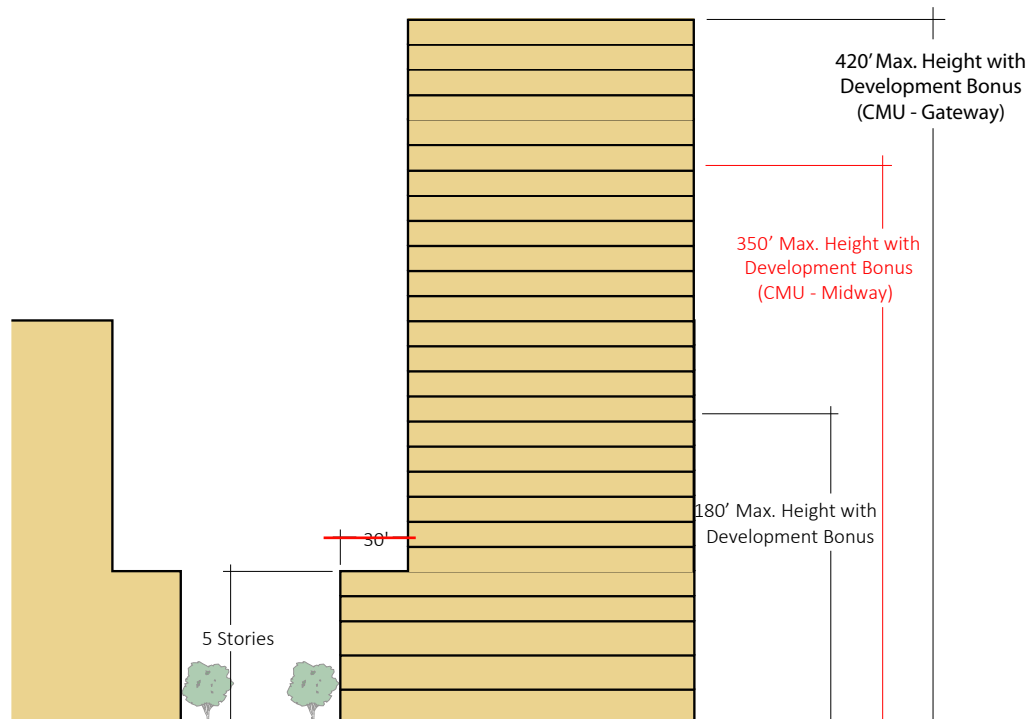


BUILDING HEIGHT	
Minimum Building Height:	
Not applicable	
Maximum Building Height by Right:	
Established on Figure 4-4 (Based on the maximum height allowed by the property's zoning prior to adoption of this Document.)	
Maximum Building Height with Development Bonus*:	
CMU Zone	180 Feet
CMU Midway Zone	350 Feet
CMU Gateway Zone	420 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 the maximum height is 120 feet.	

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.	

Typical examples of buildings in the Commercial Mixed Use Subdistrict.

PLATTING REQUIREMENTS	
If located in the CMU Gateway Zone:	
Section 24-4-171(<i>Access to Lots</i>) of the City Code is modified to permit a lot to abut a dedicated public street or a Major Internal Drive.	



B. Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and streets. Screening materials for solid waste collection and loading areas shall be the same as, or of equal quality to, the materials used for the principal building. Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions may be placed alongside public alleys without the necessity of screening.

4.8. SIGN REGULATIONS

4.8.1. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 4.8 Sign Regulations	●	●	●	●	--	--	●	●	●	--	All development

4.8.2. Sign Regulations

- ~~**A.** Except as provided in Subsection B & Subsection C, all development to which this standard is applicable shall comply with the Sign Regulations in LDC Section 25-10-133, University Neighborhood Overlay Zoning District Signs.~~
- ~~**B.** For all development located on a NBG Core Transit Corridor, one freestanding monument sign is permitted on a lot. The height of this sign shall not exceed 6 feet and the sign area may not exceed 100 square feet.~~
- ~~**C.** Development in the CMU Gateway Subdistrict is not subject to LDC Section 25-10-133, University Neighborhood Overlay Zoning District. All development in the CMU Gateway Subdistrict shall comply with the Sign Regulations established in Chapter 25-10 of the Land Development Code.~~

- A. All development in the NBG Planning Area shall comply with the Sign Regulations in this section:
1. A sign may not exceed 150 square feet of sign area, except that this limitation does not apply along the following roadways within the station area:(1)Burnet Road; (2)Metric Boulevard; (3)Braker Lane; (4)Capital of Texas Hwy; (5)Stonelake Boulevard; (6)Research Boulevard (US183); and (7)MoPac.
 2. A freestanding sign is prohibited.
 3. A roof sign is prohibited.
 4. No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building.
 5. Wall signs are permitted.
- B. A wall sign may be a projecting sign if the sign complies with this subsection.
1. One projecting sign for each building facade is permitted.
 2. The sign area of a projecting sign may not exceed 35 square feet.
 3. A sign may extend from the building facade not more than the lesser of:
 4. six feet; or a distance equal to two-thirds the width of the abutting sidewalk.
 5. For a sign that projects over state right-of-way, the state must approve the sign.
- C. For all development located on a NBG Core Transit Corridor, one freestanding monument sign is permitted on a lot. The height of this sign shall not exceed 6 feet and the sign area may not exceed 100 square feet.

Article 2: Land Use Standards
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use C = Conditional Use -- = Prohibited							
COMMERCIAL USES (cont.)	TOD	CMU	NMU	NR	WMU	CI	ADDITIONAL REQUIREMENTS
Drop-Off Recycling Collection Facility	--	--	--	--	--	P	
Electronic Prototype Assembly	--	P	--	--	P	P	
Electronic Testing	--	P	--	--	P	P	
Equipment Repair Services	--	--	--	--	P	P	
Equipment Sales	--	--	--	--	--	P	
Exterminating Services	--	--	--	--	--	P	
Financial Services	P	P	P	P	P	P	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
Food Preparation	P	P	P	--	P	P	
Food Sales	P	P	P	P	P	--	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
Funeral Services	--	P	--	--	P	P	
General Retail Sales (Convenience)	P	P	P	P	P	P	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
General Retail Sales (General)	P	P	P	--	P	P	Use is limited to 50,000 sq. ft. gross floor area in TOD and NMU Subdistricts.
Hotel-Motel	P	P	--	--	P	--	
Indoor Entertainment	--	P	--	--	P	P	
Indoor Sports and Recreation	--	P	--	--	P	P	
Kennels	--	P	--	--	P	P	
Laundry Services	--	--	--	--	P	P	
Liquor Sales	P	P	P	--	P	--	
Marina	--	--	--	--	--	--	
Medical Offices -- exceeding 5,000 sq. ft. gross floor area	P	P	--	--	P	P	
Medical Offices -- not exceeding 5,000 sq. ft. gross floor area	P	P	P	C	P	P	
Monument Retail Sales	--	--	--	--	--	P	
Off-Site Accessory Parking	P	P	P	--	P	P	An off-street accessory parking use may not exceed one acre in site size. It may not be located within 100 feet of a corner. Not more than one off-site accessory parking use site may be located within a single block. The use must meet all applicable design requirements in this Document.

4.2. GENERAL DEVELOPMENT STANDARDS

4.2.1. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 4.2 General Development Standards	●	●	●	●	●	●	●	●	●	●	All development.

4.2.2. General Development Standards Summary Table

The General Development Standards Summary Pages in Figure 4-1 establish site development standards for each NBG Subdistrict and any additional regulations that apply in a specific subdistrict.

4.2.3. Other Site Development Standards

For all development in the NBG Zoning District:

A. Maximum Units Per Acre

There are no maximum units per acre requirements.

B. Minimum Site Area Requirements

There are no minimum site area requirements.

C. Maximum Building Coverage

Maximum building coverage shall be equal to the maximum impervious cover permitted.

D. Minimum number of Building Stories

1. The minimum number of stories for a building located within the Transit Oriented Development (TOD) subdistrict is two stories. For properties located in all other subdistricts there is no minimum number of building stories.
2. A minimum of 50% of the entire building footprint must be a full two stories.
3. For the purposes of this document, two story minimum is defined in Article 7: Definitions.

4.2.4. Compatibility Standards

~~A. Development within the NBG Planning Area does not trigger the standards in Subsection B below.~~ Article 10 Division 2 of the LDC

~~B. Compatibility standards, as stipulated in Article 10 Division 2 of the LDC shall apply if triggered by:~~

- ~~1. a use allowed in an SF-5 or more restrictive zoning district that is located outside of the NBG Planning Area, or~~
- ~~2. an SF-5 or more restrictive zoning district that is located outside of the NBG Planning Area.~~