

# North Burnet/Gateway Regulating Plan Amendments

**Analysis and Staff Recommendations to the  
NBG Regulating Plan Amendments  
in Response to Council Resolution No. 20230504-020**



# North Burnet/Gateway (NBG) Area

## Location and Context

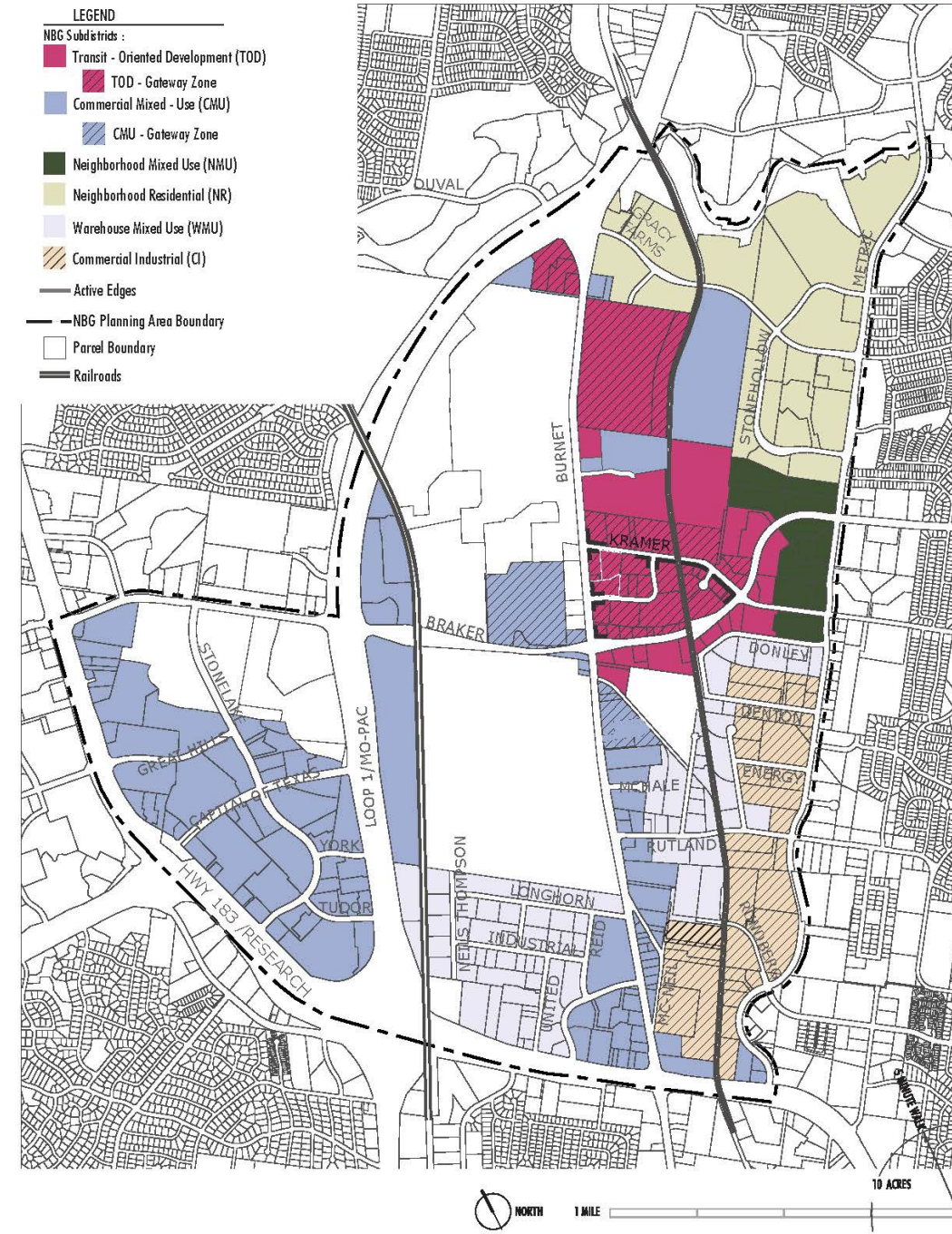
### Specific Regulating District

- Subdistricts are context-based
- Form-based standards
- Roadway Types
- Design standards
- Building standards
- Land uses



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

Revised 10-07-22





# North Burnet/Gateway (NBG) Regulating Plan Amendment Focus

## What has changed?

- Development pattern changes that have spurred increases in land use and zoning entitlements over the last 10 years
- The 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
- City Council policy direction to increase zoning entitlements when using a development bonus





# North Burnet/Gateway (NBG) Regulating Plan Amendment Focus

- Imagine Austin identified the NBG as a Regional Center and Austin's "second downtown"
- Previous amendments facilitated the redevelopment of the area's older industrial, office, and warehouse structures in favor of mixed-use development with housing density, office spaces, and vibrant store fronts for small retail business
- Council supports a comprehensive update to meet the City's short- and long-term priorities for housing, employment, small business development, and transportation



URBAN  
DESIGN  
PLANNING DEPARTMENT

# Recent amendments to the NBG Regulating Plan

## Council-initiated amendments to Commercial Mixed-Use (CMU) Gateway Subdistrict:

- Increase maximum building height up to 420 feet when using a development bonus.
- Increase maximum floor-to-area (FAR) ratio up to 12:1 when using a development bonus.
- Approved by Ordinance No. 20221027-044

## Planning Commission-initiated amendments to Transit-Oriented District (TOD) Gateway and TOD-Midway subdistricts :

- Increase maximum building height up to 491 feet when using a development bonus.
- Increase maximum floor-to-area (FAR) ratio up to 12:1 when using a development bonus.
- Approved by Ordinance No. 20230209-046.



# Council Resolution 20230504-020 direction

**The City Manager is directed to process amendments necessary to accomplish the purposes set forth in this resolution and return with a draft ordinance for City Council consideration by October 19, 2023:**

1. Keep the base entitlements the same and increase the allowable maximum height and FAR in all subdistricts through a development bonus;
2. Apply a wider variety of subdistricts to parcels in the North Burnet/Gateway Regulating Plan west of Mopac;
3. Amend sign regulations in the North Burnet/Gateway Regulating Plan to align with City Code Chapter 25-10 (Sign Regulations), including common area signage, directional signage, free standing and wall signage on buildings, wayfinding signage, park signage, and Capital Metro signage, and any other signage regulations;
4. Adjust the Land Use Standards for General Retail Sales (Figure 2-1) to remove square footage limitations in cases where a single project or property owner may provide retail space to multiple small businesses that will enhance the pedestrian experience;

# Council Resolution 20230504-020 direction

5. Eliminate the current requirement for a 30-foot step-back for building facades at the 6th story and above, which limits potential housing developments, retail choices, or office development;
6. Eliminate the 120-foot height limit in the Transit-Oriented Development (TOD), Commercial Mixed Use (CMU), and CMU Gateway subdistricts when adjacent to and across the street from Neighborhood Residential (NR) subdistrict;
7. Amend Section 4.2.4 Compatibility Standards so that City Code Chapter 2, Article 10, Division 2 shall not apply within the North Burnet/Gateway Regulating Plan boundaries and eliminate Subsections 4.2.4.A. and 4.2.4.B.;
8. Align parking requirements with applicable Council actions associated with citywide parking requirement changes; and
9. Modify the development bonus provisions and fees for the North Burnet/Gateway Regulating Plan to allow maximum height and FAR to be achieved administratively with sufficient community benefit, and the maximums exceeded with council approval, similar to the Downtown Density Bonus Program, achieving greater community benefits such as housing and transit- and mobility-related improvements.

# Timeline of Amendments

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## Short-term items

- COJC – 8/16/23
- PC – 9/12/23
- Set Council Hearing – 9/14/23
- Conduct Council Hearing – 10/19/23

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## Long-term items

- COJC – January 2024
- PC – February 2024
- Set Council Hearing – late February 2024
- Conduct Council Hearing – March 2024

1. Development bonus updates
2. Density Bonus Program creation
3. Parking recommendations



# Planning Commission Consideration on Sept. 12th

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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:

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

# Emerging Analysis and Recommendations

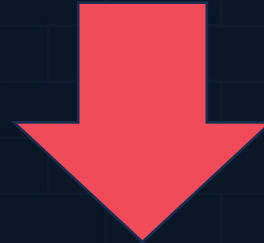
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Keep the base entitlements the same and increase the allowable maximum height and FAR in all subdistricts through a development bonus.

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Related to

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Modify the development bonus provisions and fees for the North Burnet/Gateway Regulating Plan to allow maximum height and FAR to be achieved administratively with sufficient community benefit, and the maximums exceeded with council approval, similar to the Downtown Density Bonus Program, achieving greater community benefits such as housing and transit- and mobility-related improvements.



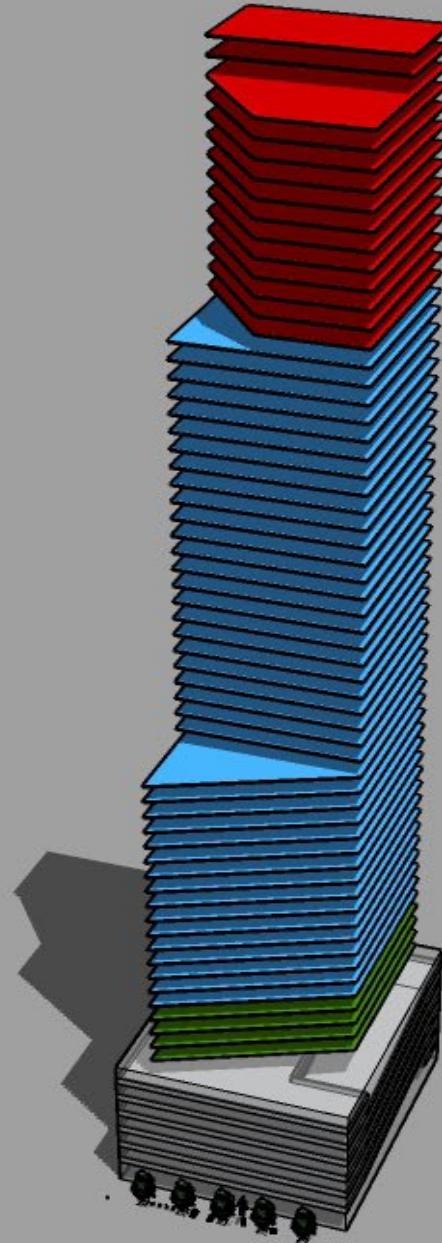
# 1 NBG proposed updates to Development Bonus (DB)

## Analysis

Analyzed existing entitlements of all subdistricts including height and FAR

## Recommendations

1. Craft recommendations for changes to the existing provisions of Article 6 to create **permanent** DB Standards (**Section 6.2.1.B**)
2. Provide a pathway to expand existing community benefits under Article 6
3. Provide a pathway to expand Allocation of City Funds to additional community benefits (**Section 6.2.6.b**)
4. Craft a recommendation to allow an applicant to petition the City Council for additional bonus area that mirrors the Downtown Density Bonus Program (**New section**)



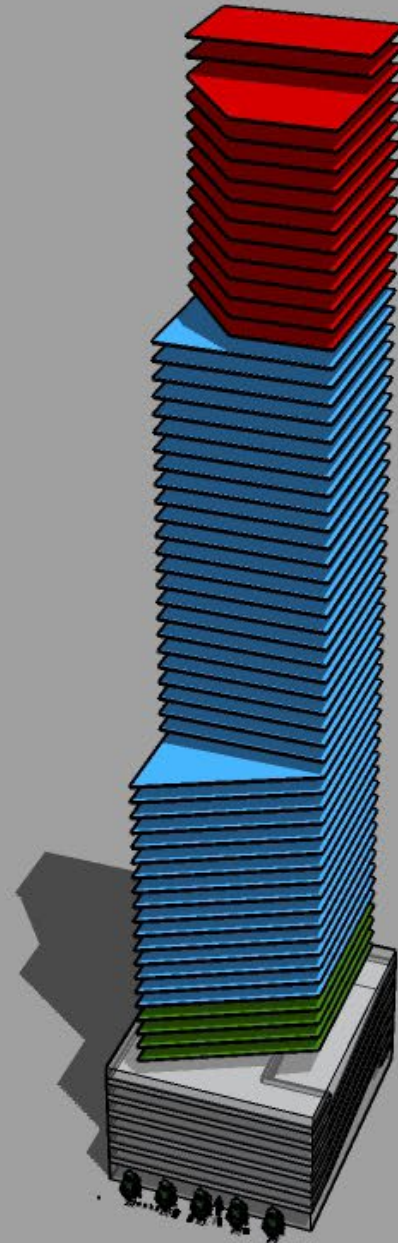
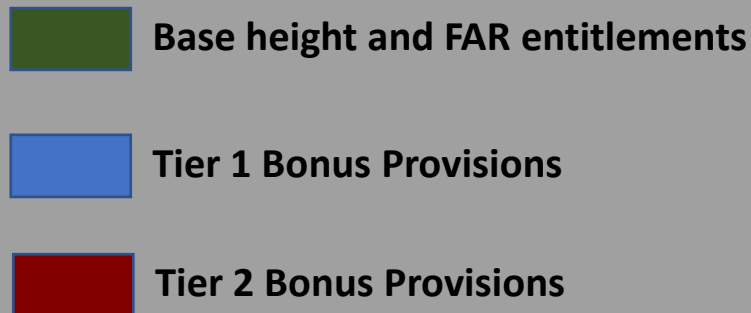
NOTE: IMAGE NOT TO SCALE – FOR ILLUSTRATION PURPOSES ONLY

# NBG Proposed Density Bonus Program

Project assumptions:

- Zoned NBG
- Located in the TOD-Gateway Subdistrict
- Mixed-use building
- Up to 491 feet maximum height\*
- Up to 12:1 maximum FAR\*

\*When using a development bonus as outlined in Article 6



## Tier 2 Bonus Provisions (*Legislative*)

Council-granted maximum height and FAR by providing additional Community Benefits similar to DDBP

## Tier 1 Bonus Provisions (*Administrative*)

\*When using a development bonus as outlined in Article 6:

1. Up to 491' maximum height
2. Up to 12:1 FAR

## Base height and FAR entitlements

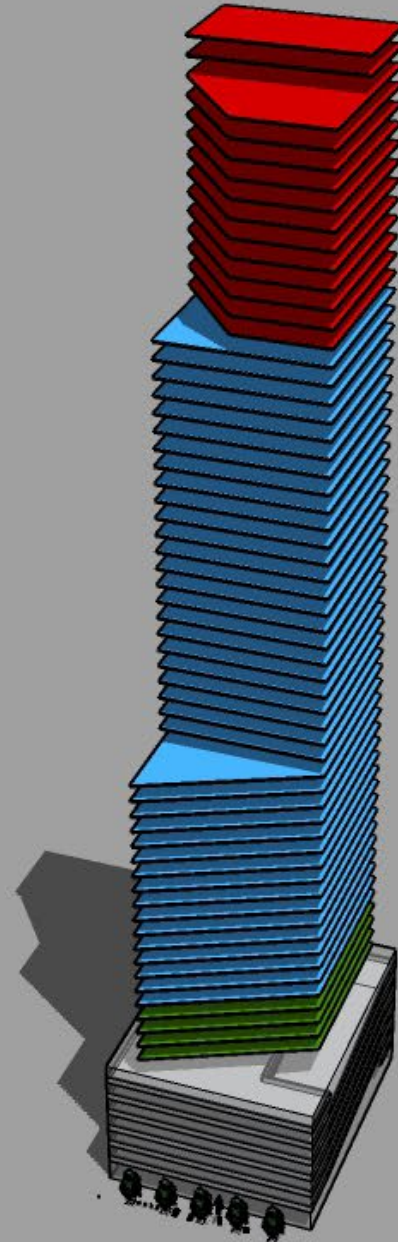
Established by the property's zoning prior to NBG Regulating Plan adoption



# NBG Proposed Density Bonus Program

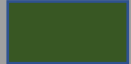
 Base height and FAR entitlements

Base height and FAR entitlements would remain the same as described in Figure 4-1 of the NBG Regulating Plan



**Base height and FAR entitlements**  
Established by the property's zoning prior to NBG Regulating Plan adoption

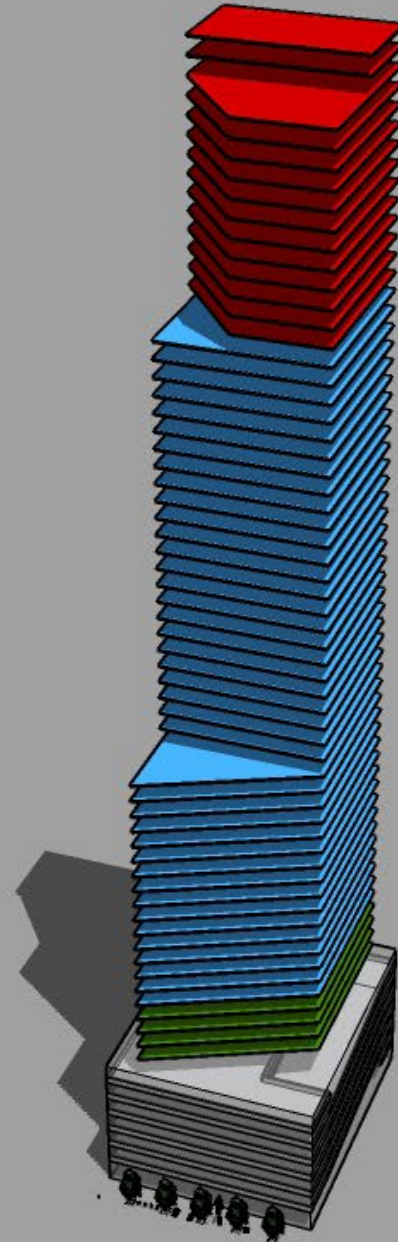
# NBG Proposed Density Bonus Program

 **Base height and FAR entitlements**

Base height and FAR entitlements would remain the same as described in Figure 4-1 of the NBG Regulating Plan

 **Tier 1 Bonus Provisions**

Would be classified as the administrative entitlement when using a development bonus as described in Article 6 of the Regulating Plan



## **Tier 1 Bonus Provisions:**

Allowed up to the height and FAR limits with a development bonus currently outlined in Article 6.  
*Note: Can recommend expansion/modification of the existing bonus provisions including list of community benefits*

## **Base height and FAR entitlements**

Established by the property's zoning prior to NBG Regulating Plan adoption

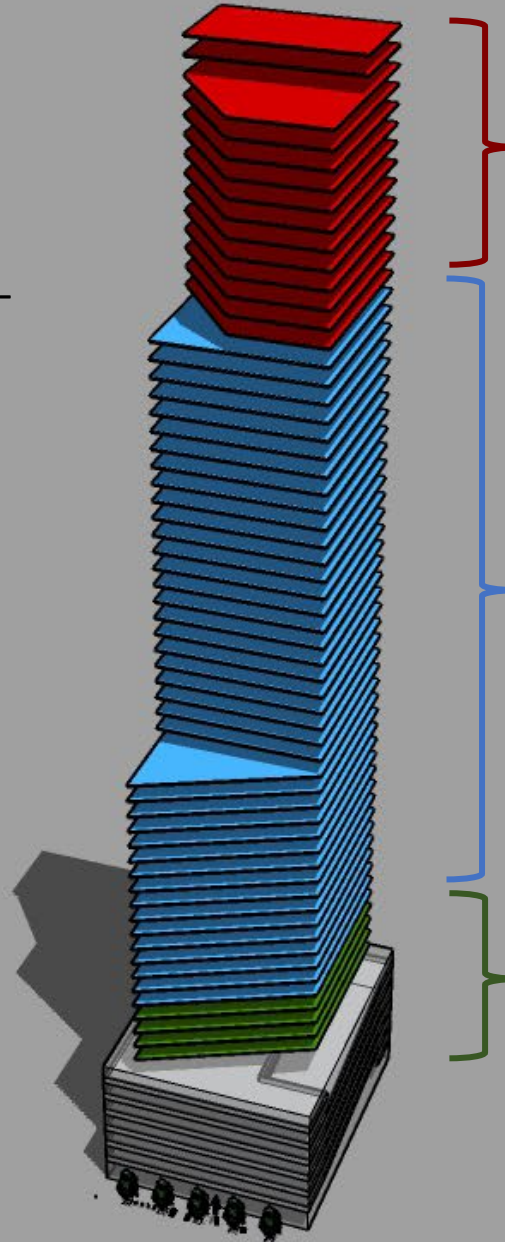


# NBG Proposed Density Bonus Program

**Base height and FAR entitlements**  
Base height and FAR entitlements would remain the same as described in Figure 4-1 of the NBG Regulating Plan

**Tier 1 Bonus Provisions**  
Would be classified as the administrative entitlement when using a development bonus as described in Article 6 of the Regulating Plan

**Tier 2 Bonus Provisions**  
Would permit additional height and FAR through legislative approval by City Council



**Tier 2 Bonus Provisions:**  
Allowed via the provision of additional community benefits by Staff and PC recommendation and approved by Council. This follows the Downtown Density Bonus Program model in 25-2-586(B)(6) and is responsive to the Resolution *(New Section under 6.2.1.7)*

**Tier 1 Bonus Provisions:**  
Allowed up to the height and FAR limits with a development bonus currently outlined in Article 6. *Note: Can recommend expansion/modification of the existing bonus provisions including list of community benefits (Section 6.2.1.C and D)*

**Base height and FAR entitlements**  
Established by the property's zoning prior to NBG Regulating Plan adoption

# Emerging Analysis and Recommendations

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Modify the development bonus provisions and fees for the North Burnet/Gateway Regulating Plan to allow maximum height and FAR to be achieved administratively with sufficient community benefit, and the maximums exceeded with council approval, similar to the Downtown Density Bonus Program, achieving greater community benefits such as housing and transit- and mobility-related improvements.

## Analysis

Analyzed existing entitlements of all subdistricts including height and FAR

## Recommendations

1. Craft permanent Development Bonus (DB) Standards (Section 6.2.1.B)
2. Calibrate development bonus fees (Section 6.2.1.C and D)
3. Craft a recommendation for additional FAR through legislative action of the City Council like 25-2-586 (B)(6)



# Emerging Analysis and Recommendations

2

Apply a wider variety of subdistricts to parcels in the North Burnet/Gateway Regulating Plan west of Mopac

## Analysis

Land use patterns are changing west of MoPac

## Recommendations

1. Creation of a new Subdistrict: Commercial Mixed-Use Midway (modify Figure 1-2)
2. Applies to certain properties west of MoPac
3. Under Tier 1 Development Bonus, would allow up to 350' max. ht. and 10:1 max FAR under CMU-M when using a development bonus
4. Allow applicant to request additional height FAR under proposed Tier 2



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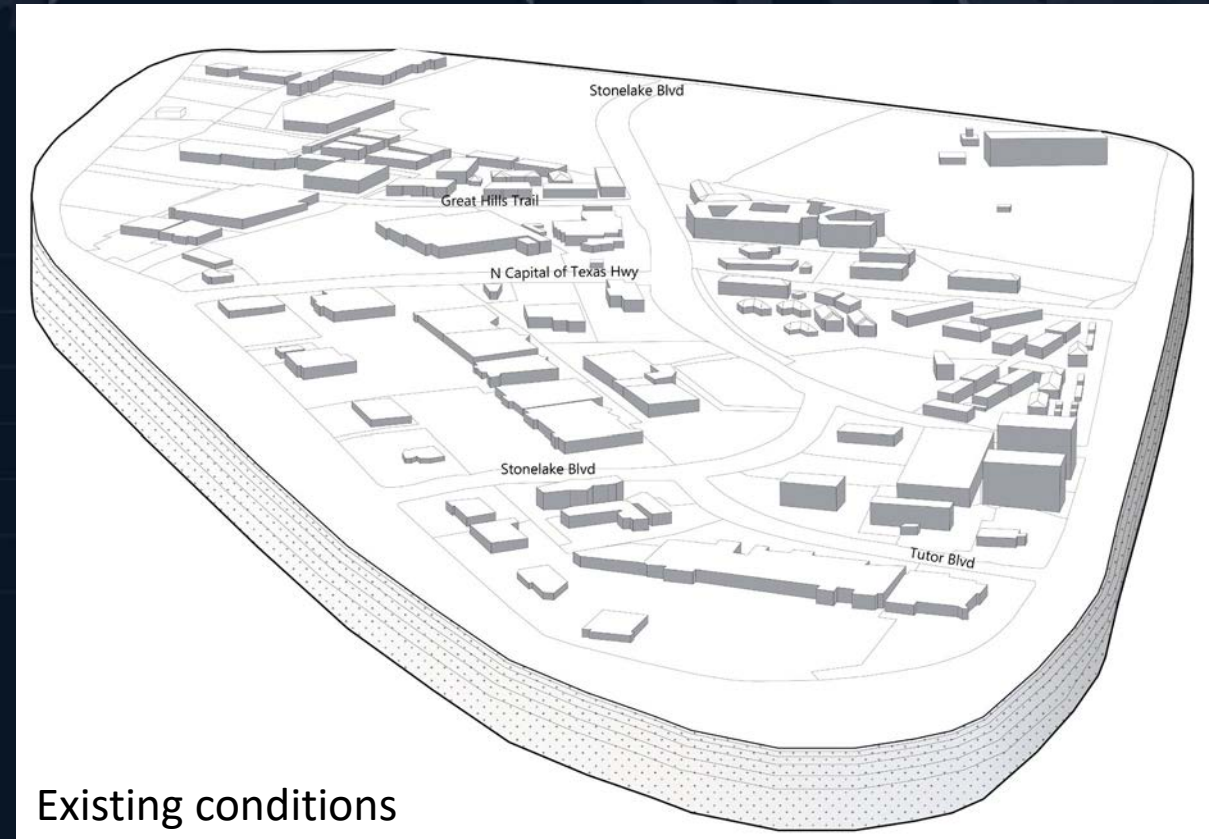
Legend:

- TOD Gateway
- TOD Midway
- Commercial Mixed Use Gateway
- Commercial Mixed Use
- Commercial Mixed Use - Midway
- Warehouse Mixed Use
- Neighborhood Mixed Use
- Neighborhood Residential
- Commercial Industrial
- Red Line Stations



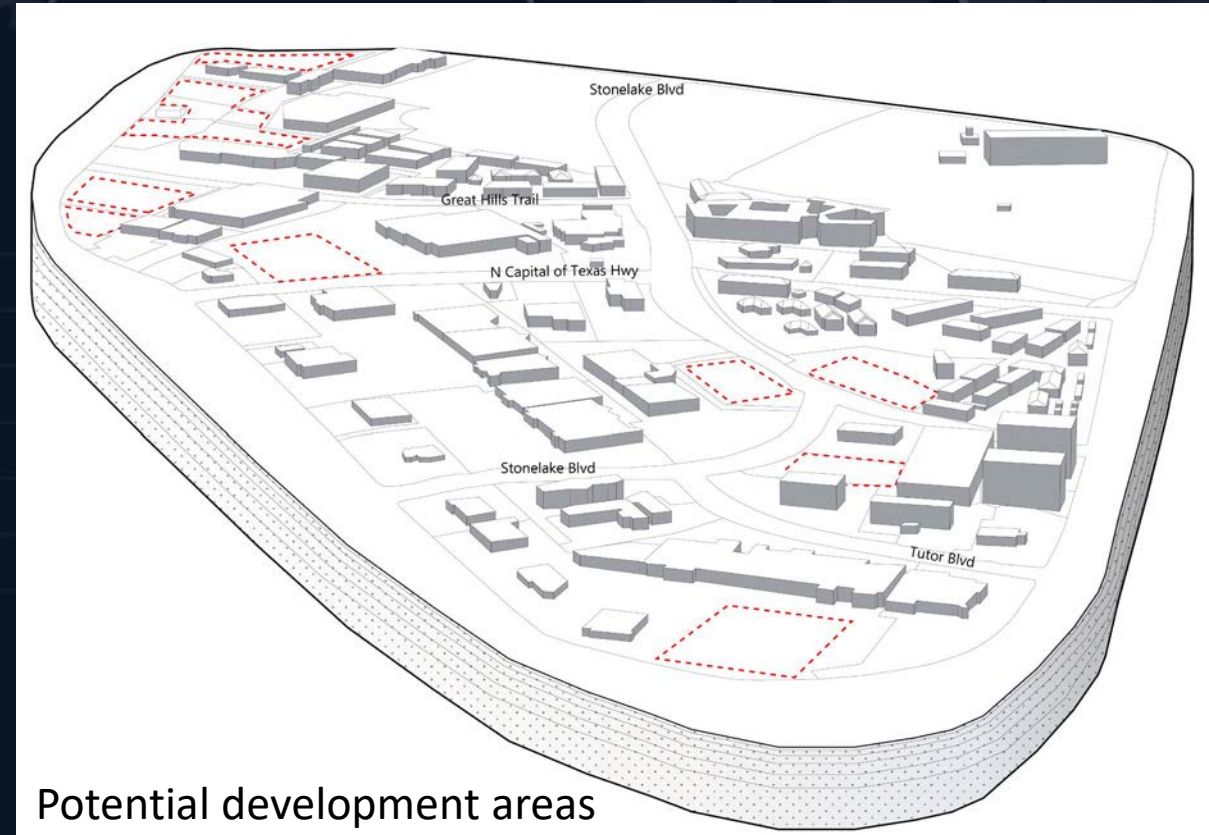
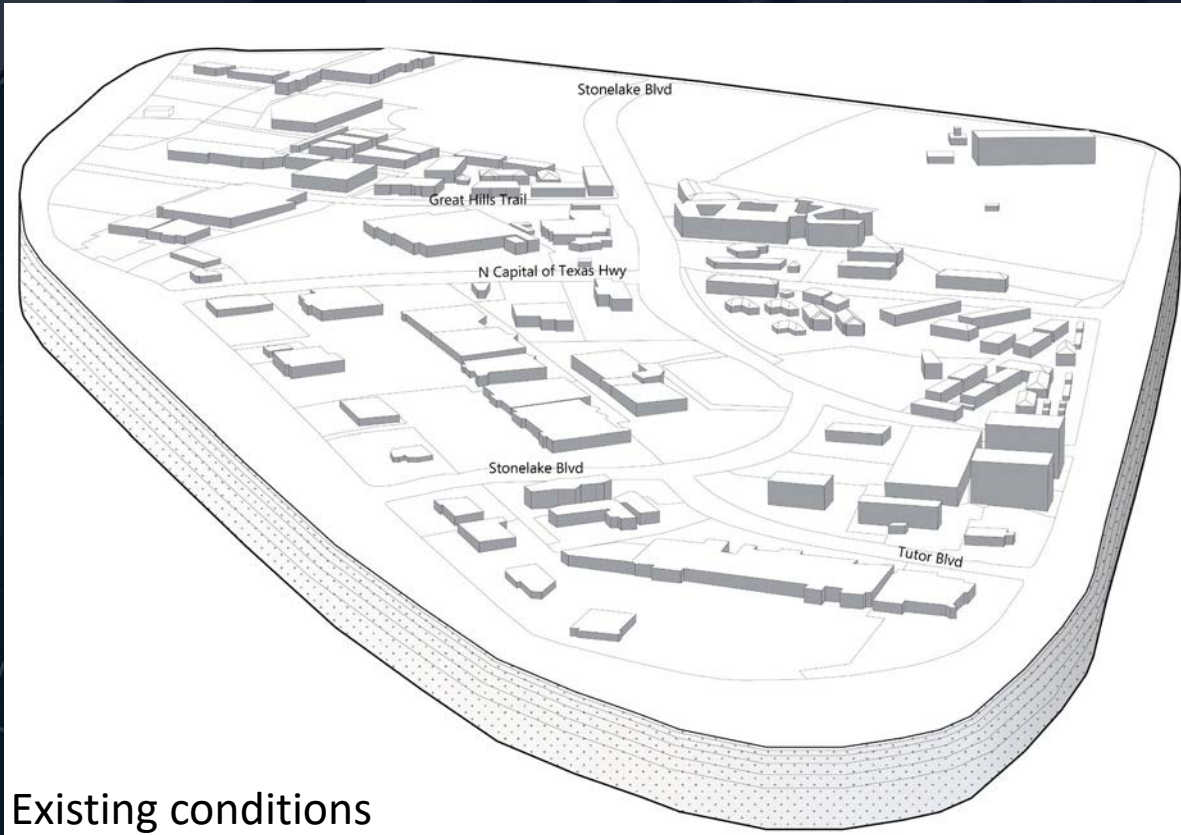
# North Burnet Gateway Regulating Plan

Apply a wider variety of subdistricts west of Mopac



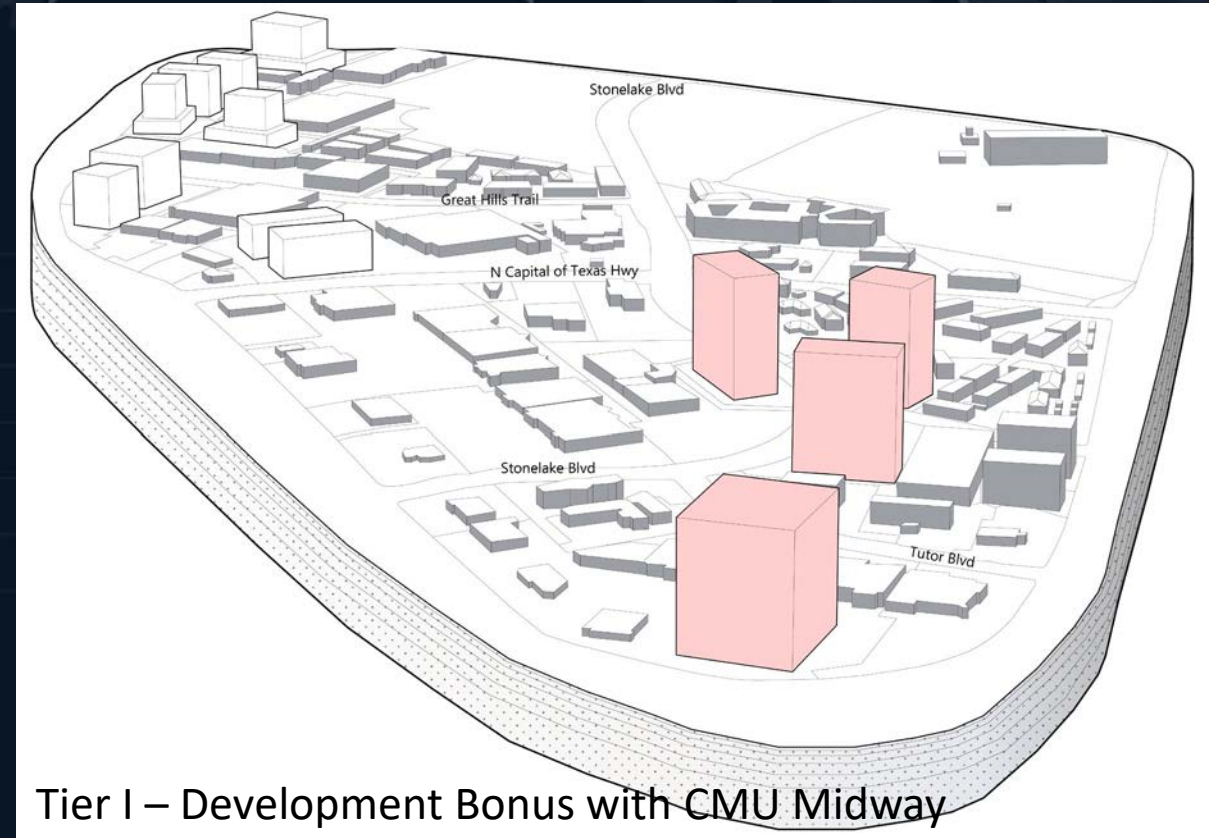
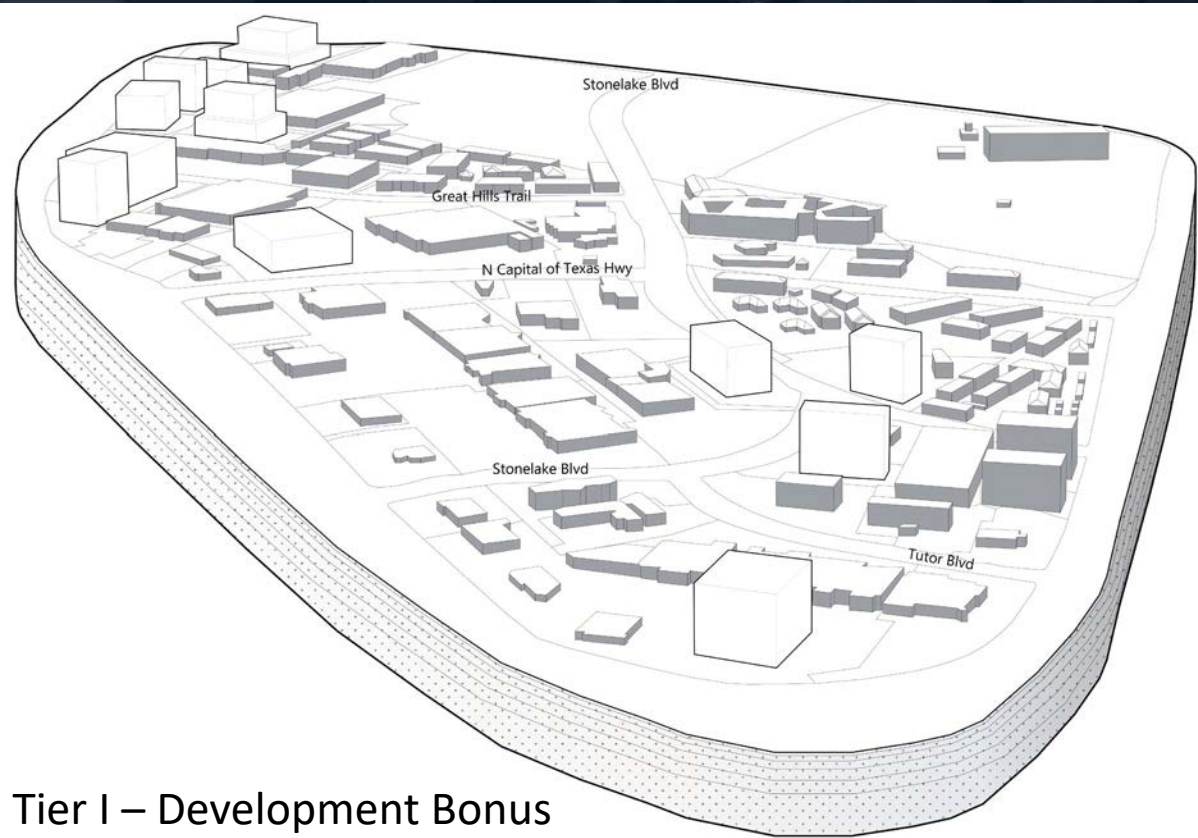


# North Burnet Gateway Regulating Plan

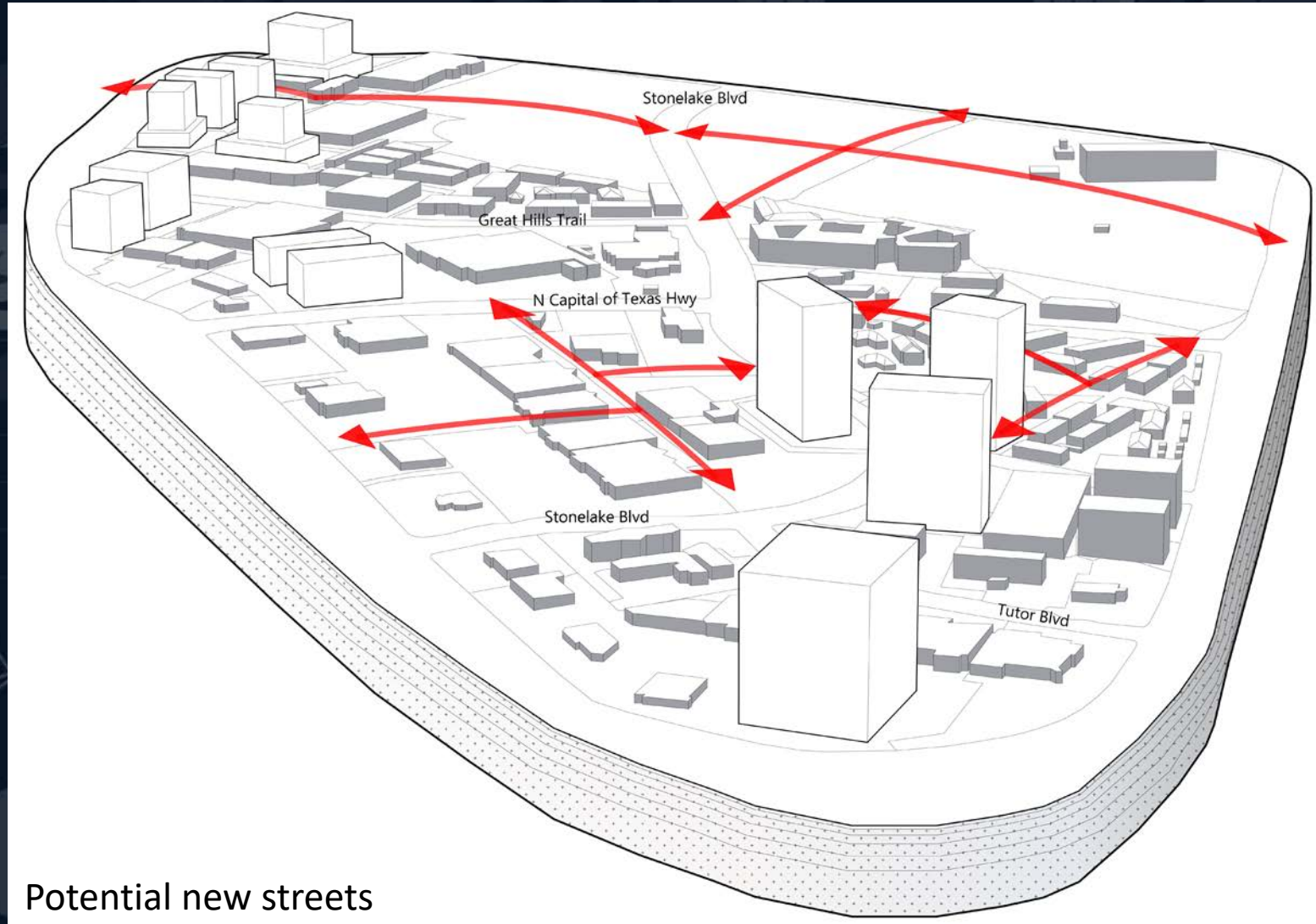




# North Burnet Gateway Regulating Plan



# North Burnet Gateway Regulating Plan



Potential new streets



# Emerging Analysis and Recommendations

3

Amend sign regulations in the North Burnet/Gateway Regulating Plan to align with City Code Chapter 25-10 (Sign Regulations), including common area signage, directional signage, free standing and wall signage on buildings, wayfinding signage, park signage, and Capital Metro signage, and any other signage regulations

## Analysis

Signs within the NBG are currently required to comply with the University Neighborhood Overlay Zoning District Signs (LDC Section 25-10- 133) per **Section 4.8.2.A:**

**All development shall comply with UNO District Signs except development in the CMU-Gateway Subdistrict.**

## Recommendations

Amend Section 4.8.2 to include NBG-specific signage



# Emerging Analysis and Recommendations

## 3 Recommendations – based on Downtown Austin Signs

- 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. Signs above the 2nd floor are allowed to be lighted but not with moving parts or images.~~ (COJC Recommendation)
  - 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.

# Emerging Analysis and Recommendations

4

Adjust the Land Use Standards for General Retail Sales (Figure 2-1) to remove square footage limitations in cases where a single project or property owner may provide retail space to multiple small businesses that will enhance the pedestrian experience

## Analysis

Current Land Use Standards under Figure 2-1 place additional square footage requirements for General Retail Sales:

1. General Retail Sales (Convenience) - Use is limited to 5,000 sq. ft. in the NR Subdistrict.
2. General Retail Sales (General) - Use is limited to 50,000 sq. ft. gross floor area in TOD and NMU Subdistricts.
3. Food Sales – Use is limited to 5,000 sq. ft. if in NR Subdistrict (*COJC Recommendation*)

## Recommendation

Amend Article 2, Figure 2-1: NBG Zoning District Land Use Table to remove square feet limitations for General Retail Sales (Convenience and General) and Food Sales as recommended by the COJC

# Emerging Analysis and Recommendations

5

Eliminate the current requirement for a 30-foot step-back for building facades at the 6th story and above, which limits potential housing developments, retail choices, or office development

## Analysis

Under the provisions in Figure 4-1 and Article 5.9, a 30-foot step-back is required for all development 6 stories or higher in all subdistricts. The intent was to minimize the canyon effect along certain roadway types and to lessen the scale and proportion impact on the pedestrian next to the public realm. While a step-back can lessen the visual and scale impact of development, it has hampered efforts to increase buildable space for housing. Furthermore, the step-back creates an inconsistent floorplate for parking and garage configurations as outlined in Article 5.8.



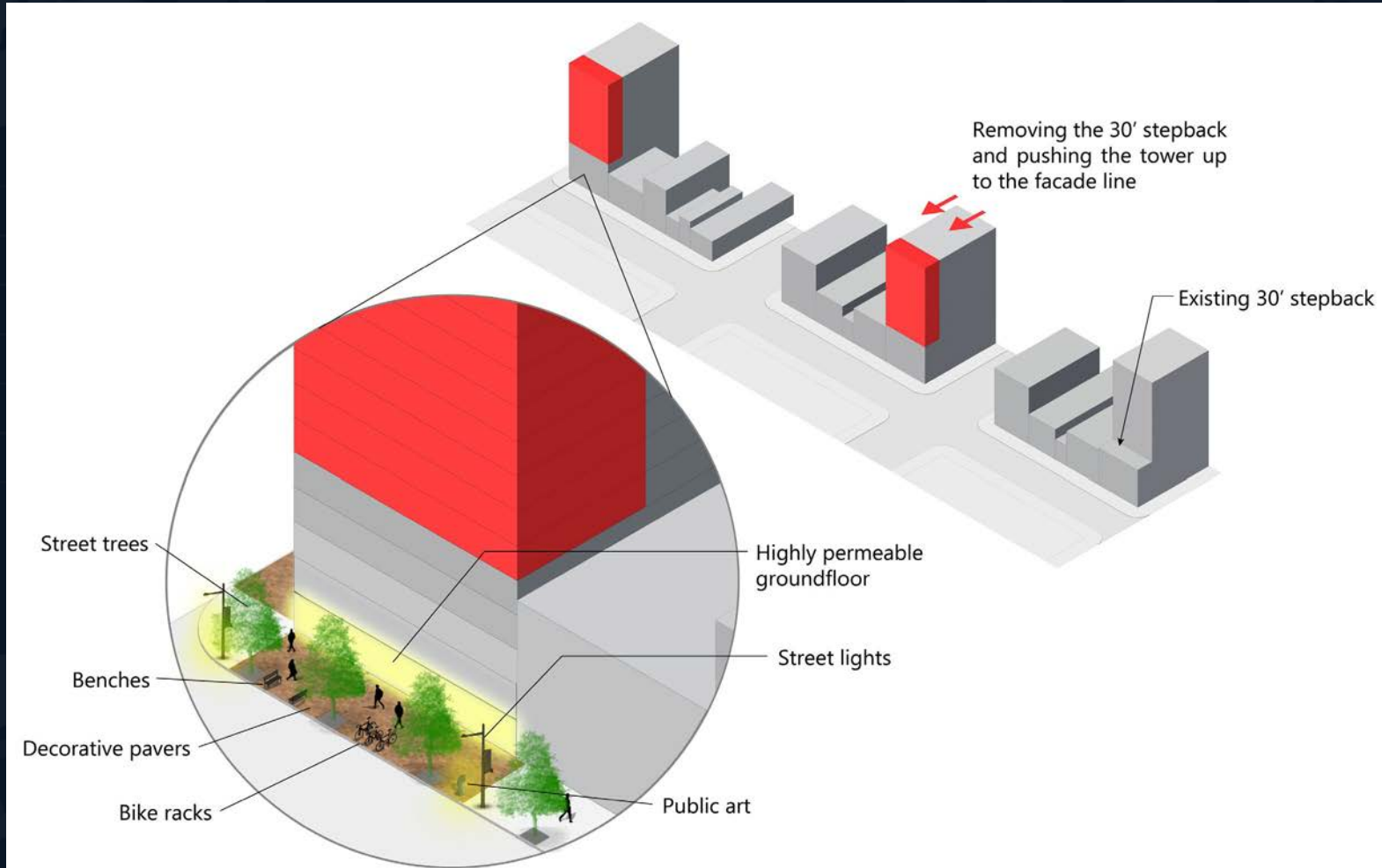
# Emerging Analysis and Recommendations

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## Recommendation

Modify reference to 30'-step-back in Figure 4-1 to zero feet. Additionally, modify Article 5.9.

Since the 30'-stepback is being modified, Staff recommends the inclusion additional streetscape improvements with focus on where the building meets the streetscape to create a consistent pedestrian realm **as an additional community benefit under the bonus provisions.**



# Emerging Analysis and Recommendations

6

Eliminate the 120-foot height limit in the Transit-Oriented Development (TOD), Commercial Mixed Use (CMU), and CMU Gateway subdistricts when adjacent to and across the street from Neighborhood Residential (NR) subdistrict

## Analysis

Provisions under Article 4, Figure 4-1, limit height to 120 feet if adjacent to or across the street from NR subdistrict.

## Recommendation

Modify provisions under Article 4, Figure 4-1 to remove height limit of 120 feet if adjacent to or across the street from NR subdistrict as the provision has hampered efforts to increase buildable space for housing and **clarify development is allowed to use TOD Gateway development entitlements when using a development bonus.**

# Emerging Analysis and Recommendations

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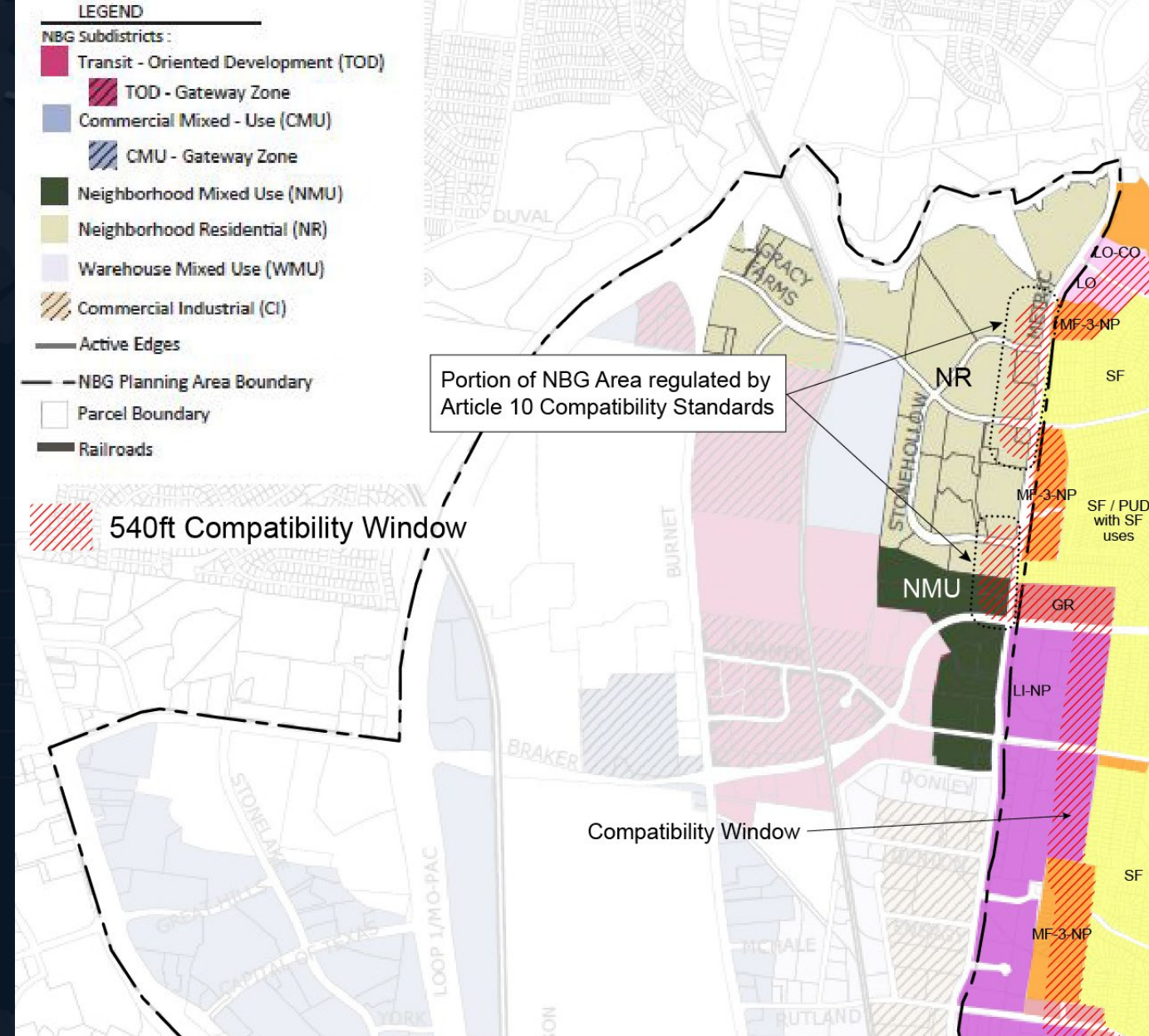
Amend Section 4.2.4 Compatibility Standards so that City Code Chapter 2, Article 10, Division 2 shall not apply within the North Burnet/Gateway Regulating Plan boundaries and eliminate Subsections 4.2.4.A. and 4.2.4.B.

## Analysis

Current compatibility standards only apply to the Neighborhood Mixed Use (NMU) and Neighborhood Residential (NR) Subdistricts. There is a small number of properties affected by Compatibility Standards

## Recommendation

Modify Article 4.2.4





# Emerging Analysis and Recommendations

8

Align parking requirements with applicable Council actions associated with citywide parking requirement changes

## Analysis

Recent Council policy direction under Resolution No. 20230504-022 initiates amendments to City Code Title 25 to eliminate minimum off-street motor vehicle parking requirements in the City and directed the City Manager to return with recommendations for developments proposing no on-site parking that allow for accessible parking spaces on-street, adjacent to or reasonably nearby the development and located on an accessible route. The recommendations should ensure accessible parking spaces comply with all design, accessibility, and location requirements of the ADA and FHAA, as appropriate.

## Recommendation

Pending outcomes of citywide parking recommendations to align NBG parking regulations.

# Timeline of Amendments

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## Short-term items

- COJC – 8/16/23
- PC – 9/12/23
- Set Council Hearing – 9/14/23
- Conduct Council Hearing – 10/19/23

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## Long-term items

- COJC – January 2024
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1. Development bonus updates
2. Density Bonus Program creation
3. Parking recommendations