

## 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.

Conduct a public hearing and consider a recommendation for an ordinance amending City Code Title 25 to modify the Regulating Plan for the North Burnet/Gateway Zoning District:

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.

On May 4, 2023, City Council initiated a comprehensive update to the Plan to meet the City's short- and long-term priorities for housing, employment, small business development, and transportation needs.

Recommendations on the following elements of the Resolution will be brought to the Planning Commission and City Council in early 2024 under a separate code amendment:

1. Keep the base entitlements the same and increase the allowable maximum height and FAR in all subdistricts through a development bonus.
2. Align parking requirements with applicable Council actions associated with citywide parking requirement changes.
3. 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.

**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. 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”**).
3. 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”**).
4. 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”**).
5. Amend Figure 4-3 to modify Maximum FAR when using a development bonus to align with Figure 4-1. (See **Exhibit “C”**).
6. Amend Figure 4-5: Maximum Height with Development Bonus, of the North Burnet/Gateway Regulating Plan as described above. (See **Exhibit “D”**).
7. 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 “E”**).
8. Amend the Land Use Standards for General Retail Sales in Figure 2-1 to remove square footage limitations under Additional Requirements. (See **Exhibit “F”**).
9. 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 “G”**).

**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:** Codes and Ordinances Joint Committee  
Motion to approve staff recommendation by Commissioner Azhar, seconded by Commissioner Hempel with amendments:
  - 1) Commissioner Azhar made an amendment to remove the limitation for food sales square footage, seconded by Commissioner Greenberg (Vote unanimous approval)
  - 2) Commissioner Greenberg Amendment signs allowed to be lighted but not with moving parts or images, seconded by Commissioner Anderson (Vote 6-1 Thompson Nay)Vote as amended (6-0-1 Thompson abstaining)
3. **September 12, 2023:** Public hearing at the Planning Commission.  
Motion to close the public hearing and approve staff recommendation as amended by the Codes and

Ordinances Joint Committee and as amended on the dias made by Vice Chair Hempel, second by Commissioner Azhar as approved on a vote of (11-0).

4. **September 21, 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

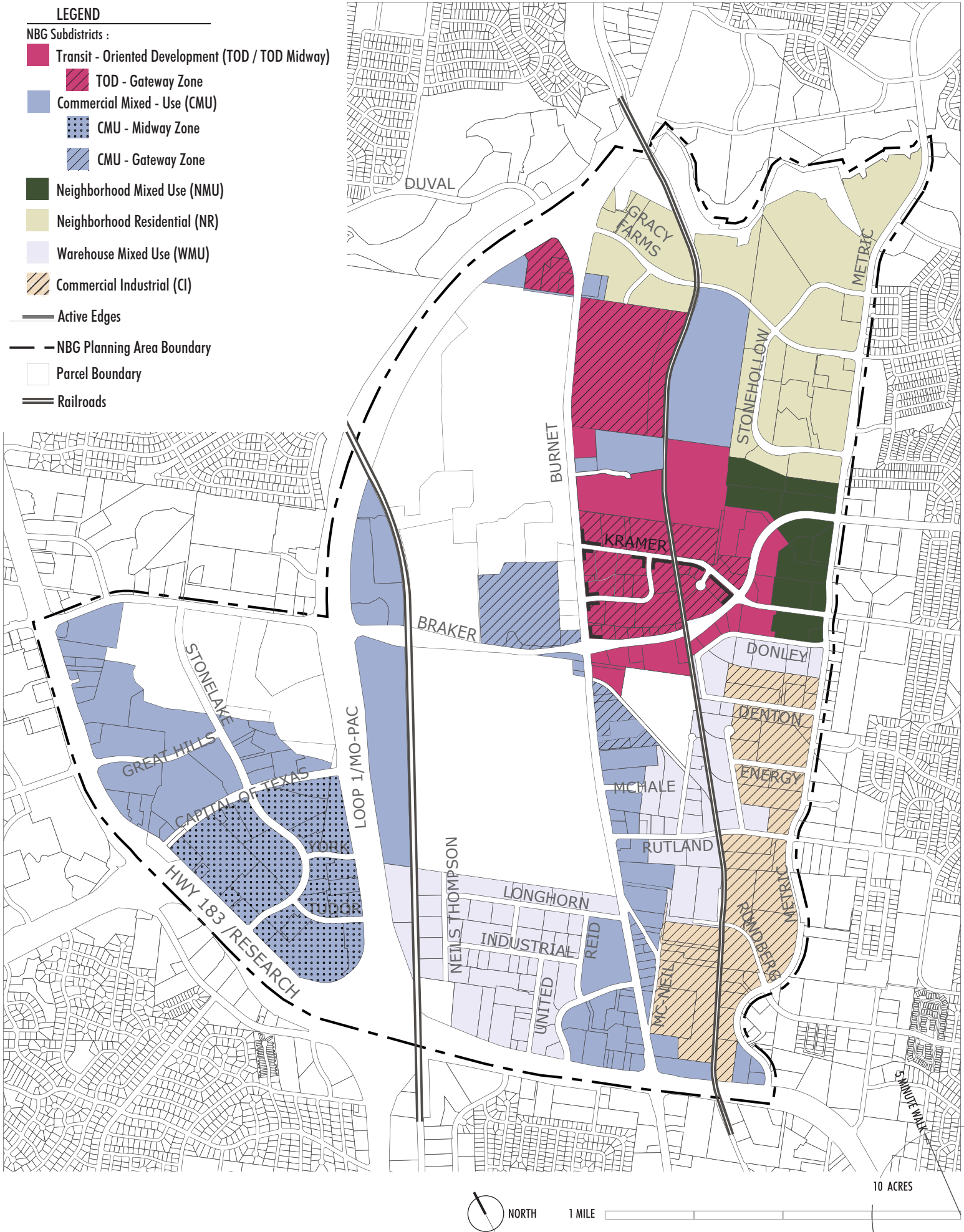


FIGURE 4 - 1 CMU : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS  
**COMMERCIAL MIXED USE (CMU) SUBDISTRICT**

**Exhibit "B"**  
**Revised 08-04-22**

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

MINIMUM SETBACKS	
<b>Front Yard and Street Side Yard*:</b>	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
<del>Front and Street Side Upper-Story Building Facade Stepbacks:</del>	
<del>The building facade at the 6th story and above must be stepped back 30 feet from the ground level building facade line.</del>	
<b>Interior Side Yard:</b>	0 Feet
<b>Rear Yard:</b>	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.	

MAXIMUM IMPERVIOUS COVER	
<b>If located in an urban watershed (Shoal or Little Walnut Creek) :</b>	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property’s zoning prior to adoption of the this Document.)	
<b>If located in a suburban watershed (Walnut Creek)*:</b> 80%	
* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.	

PLATTING REQUIREMENTS	
<b>If located in the CMU Gateway Zone:</b>	
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.	

FLOOR TO AREA RATIO	
<b>Maximum Floor-to-Area Ratio (FAR) by Right:</b>	
Established on Figure 4-2 (Based on the maximum FAR allowed by the property’s zoning prior to adoption of this Document)	
<b>Maximum Floor-to-Area Ratio (FAR) with Development Bonus:</b>	
CMU Zone	3:1
<b>CMU Midway Zone</b>	<b>10:1</b>
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	
<b>Minimum Building Height:</b>	
Not applicable	
<b>Maximum Building Height by Right:</b>	
Established on Figure 4-4 (Based on the maximum height allowed by the property’s zoning prior to adoption of this Document.)	
<b>Maximum Building Height with Development Bonus*:</b>	
CMU Zone	180 Feet
<b>CMU Midway Zone</b>	<b>350 Feet</b>
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.	
<del>*Exception: If adjacent to or across the street from NR Subdistrict the maximum height is 120 feet.</del>	

Typical examples of buildings in the Commercial Mixed Use Subdistrict.

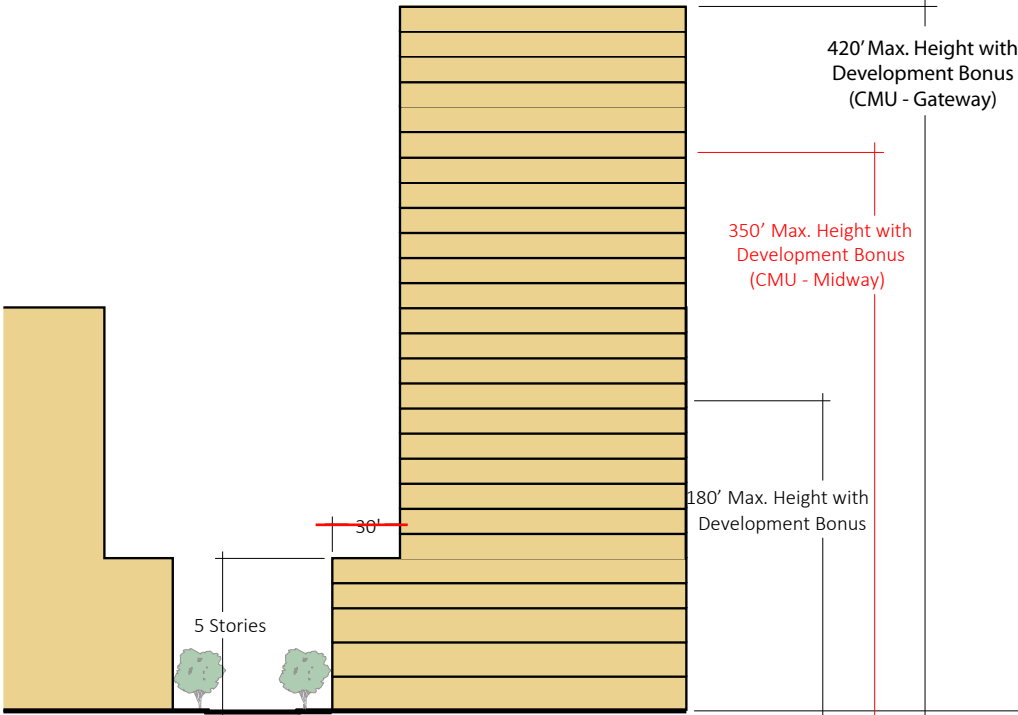




FIGURE 4 - 1 TOD : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS  
**TRANSIT ORIENTED DEVELOPMENT (TOD) SUBDISTRICT**

Exhibit "B"

Revised 10-05-23

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

MINIMUM SETBACKS	
<b>Front Yard and Street Side Yard*:</b>	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
<del>Front and Street Side Upper Story Building Facade Stepbacks:</del>	
<del>The building facade at the 6th story and above must be stepped back 30 feet from the ground level building facade line.</del>	
<b>Interior Side Yard:</b>	0 Feet
<b>Rear Yard:</b>	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	
<b>If located in an urban watershed (Shoal or Little Walnut Creek) :</b>	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of the this Document.)	
<b>If located in a suburban watershed (Walnut Creek)*:</b> 80%	
* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.	

FLOOR TO AREA RATIO	
<b>Maximum Floor-to-Area Ratio (FAR) by Right:</b>	
Established on Figure 4-2 (Based on the maximum FAR allowed by the property's zoning prior to adoption of this Document)	
<b>Maximum Floor-to-Area Ratio (FAR) with Development Bonus:</b>	
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	
<b>Minimum Building Height:</b>	
2 Stories	
<b>Maximum Building Height by Right:</b>	
Established on Figure 4-4 (Based on the maximum height allowed by the property's zoning prior to adoption of this Document.)	
<b>Maximum Building Height with Development Bonus*</b>	
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.	
<del>*Exception: If adjacent to or across the street from NR subdistrict maximum height is 120 feet.</del>	

Typical example of buildings in the Transit Oriented Development Subdistrict.

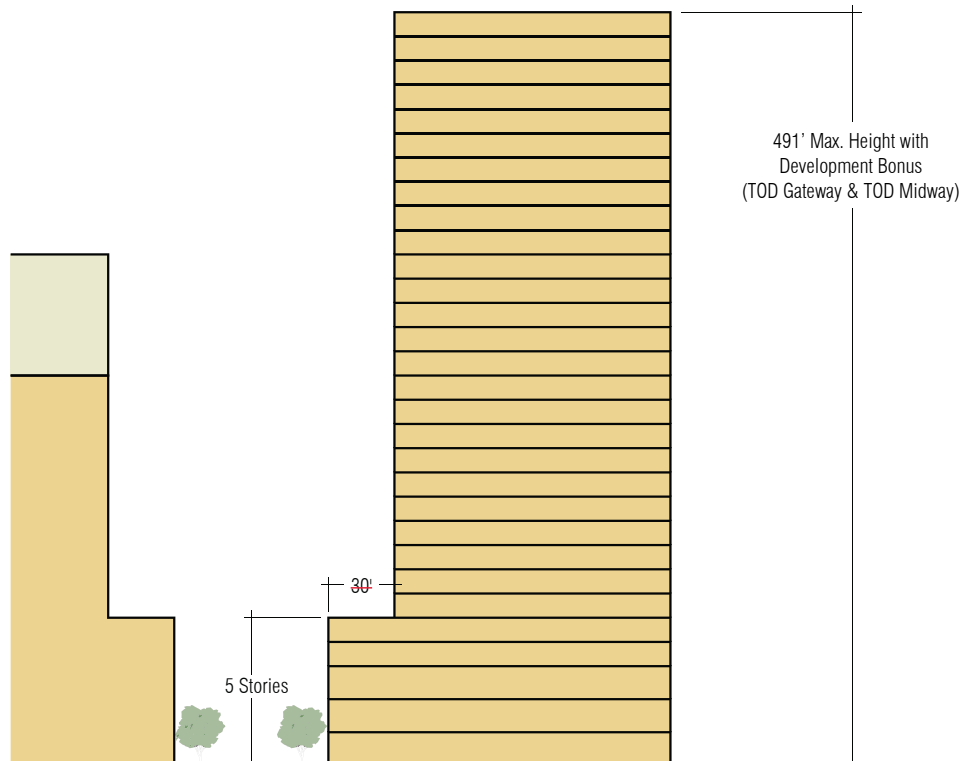


FIGURE 4 - 1 NMU : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS  
**NEIGHBORHOOD MIXED USE (NMU) SUBDISTRICT**

**Exhibit "B"**  
**Revised 10-05-23**

LOT SIZE	
Minimum Lot Size	1,600 SF
Minimum Lot Width	20 Feet

MINIMUM SETBACKS	
<b>Front Yard and Street Side Yard*:</b>	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
<del>Front and Street Side Upper Story Building Facade Stepbacks:</del>	
<del>The building facade at the 6th story and above must be stepped back 30 feet from the ground level building facade line.</del>	
<b>Interior Side Yard:</b>	0 Feet
<b>Rear Yard:</b>	5 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.	

MAXIMUM IMPERVIOUS COVER	
<b>If located in an urban watershed (Shoal or Little Walnut Creek) :</b>	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property’s zoning prior to adoption of this Document.)	
<b>If located in a suburban watershed (Walnut Creek)*:</b>	
	80%
* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.	

FLOOR TO AREA RATIO
<b>Maximum Floor-to-Area Ratio (FAR) by Right:</b>
Established on Figure 4-2 (Based on the maximum FAR allowed by the property’s zoning prior to adoption of this Document)
<b>Maximum Floor-to-Area Ratio (FAR) with Development Bonus:</b>
3:1
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*
<b>Minimum Building Height:</b>
Not applicable
<b>Maximum Building Height by Right:</b>
Established on Figure 4-4 (Based on the maximum height allowed by the property’s zoning prior to adoption of this Document.)
<b>Maximum Building Height with Development Bonus:</b>
120 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.
* Properties may be required to comply with the building height restrictions in Subsection 4.2.10 Compatibility Standards, if triggered by a property outside of the NBG Planning Area.



Typical examples of buildings in the Neighborhood Mixed Use Subdistrict.

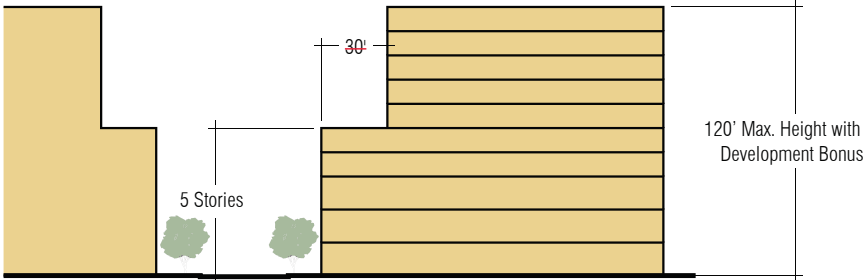


FIGURE 4 - 1 WMU : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS

**WAREHOUSE MIXED USE (WMU) SUBDISTRICT**

**Exhibit "B"**  
**Revised 10-05-23**

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

MINIMUM SETBACKS	
<b>Front Yard and Street Side Yard*:</b>	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
<del>Front and Street Side Upper Story Building Facade Stepbacks:</del>	
<del>The building facade at the 6th story and above must be stepped back 30 feet from the ground level building facade line.</del>	
<b>Interior Side Yard:</b>	0 Feet
<b>Rear Yard:</b>	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.	

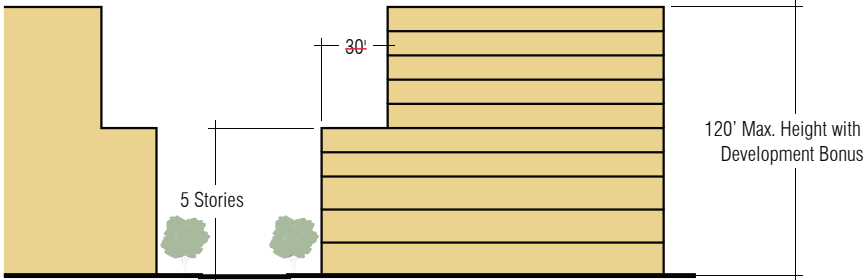
MAXIMUM IMPERVIOUS COVER	
<b>If located in an urban watershed (Shoal or Little Walnut Creek) :</b>	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property’s zoning prior to adoption of the this Document.)	
<b>If located in a suburban watershed (Walnut Creek):</b>	
Not applicable	

FLOOR TO AREA RATIO	
<b>Maximum Floor-to-Area Ratio (FAR) by Right:</b>	
Established on Figure 4-2 (Based on the maximum FAR allowed by the property’s zoning prior to adoption of this Document)	
<b>Maximum Floor-to-Area Ratio (FAR) with Development Bonus: 3:1</b>	
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	
<b>Minimum Building Height:</b>	
Not applicable	
<b>Maximum Building Height by Right:</b>	
Established on Figure 4-4 (Based on the maximum height allowed by the property’s zoning prior to adoption of this Document.)	
<b>Maximum Building Height with Development Bonus: 120 Feet</b>	
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.	



Typical examples of buildings in the Warehouse Mixed Use Subdistrict.





# FIGURE 4 - 1 CI : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS COMMERCIAL INDUSTRIAL (CI) SUBDISTRICT

**Exhibit "B"**  
**Revised 10-05-23**

LOT SIZE	
Minimum Lot Size	5,750 SF
Minimum Lot Width	50 Feet

MINIMUM SETBACKS	
<b>Front Yard and Street Side Yard*:</b>	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
<del>Front and Street Side Upper Story Building Facade Stepbacks:</del>	
<del>The building facade at the 6th story and above must be stepped back 30 feet from the ground level building facade line.</del>	
<b>Interior Side Yard:</b>	5 Feet
<b>Rear Yard:</b>	5 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.	

MAXIMUM IMPERVIOUS COVER	
<b>If located in an urban watershed (Shoal or Little Walnut Creek) :</b>	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of the this Document.)	
<b>If located in a suburban watershed (Walnut Creek):</b>	
Not Applicable	

FLOOR TO AREA RATIO	
<b>Maximum Floor-to-Area Ratio (FAR) by Right:</b>	
Established on Figure 4-2 (Based on the maximum FAR allowed by the property's zoning prior to adoption of this Document)	
<b>Maximum Floor-to-Area Ratio (FAR) with Development Bonus: 2:1</b>	
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	
<b>Minimum Building Height:</b>	
Not applicable	
<b>Maximum Building Height by Right:</b>	
Established on Figure 4-4 (Based on the maximum height allowed by the property's zoning prior to adoption of this Document.)	
<b>Maximum Building Height with Development Bonus: 120 Feet</b>	
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.	



Typical examples of buildings in the Commercial Industrial Subdistrict.

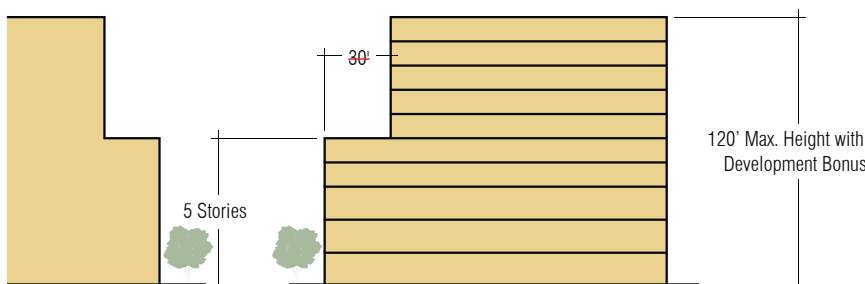


Figure 4-3 : Maximum Floor - to - Area- Ratio (FAR) with Development Bonus

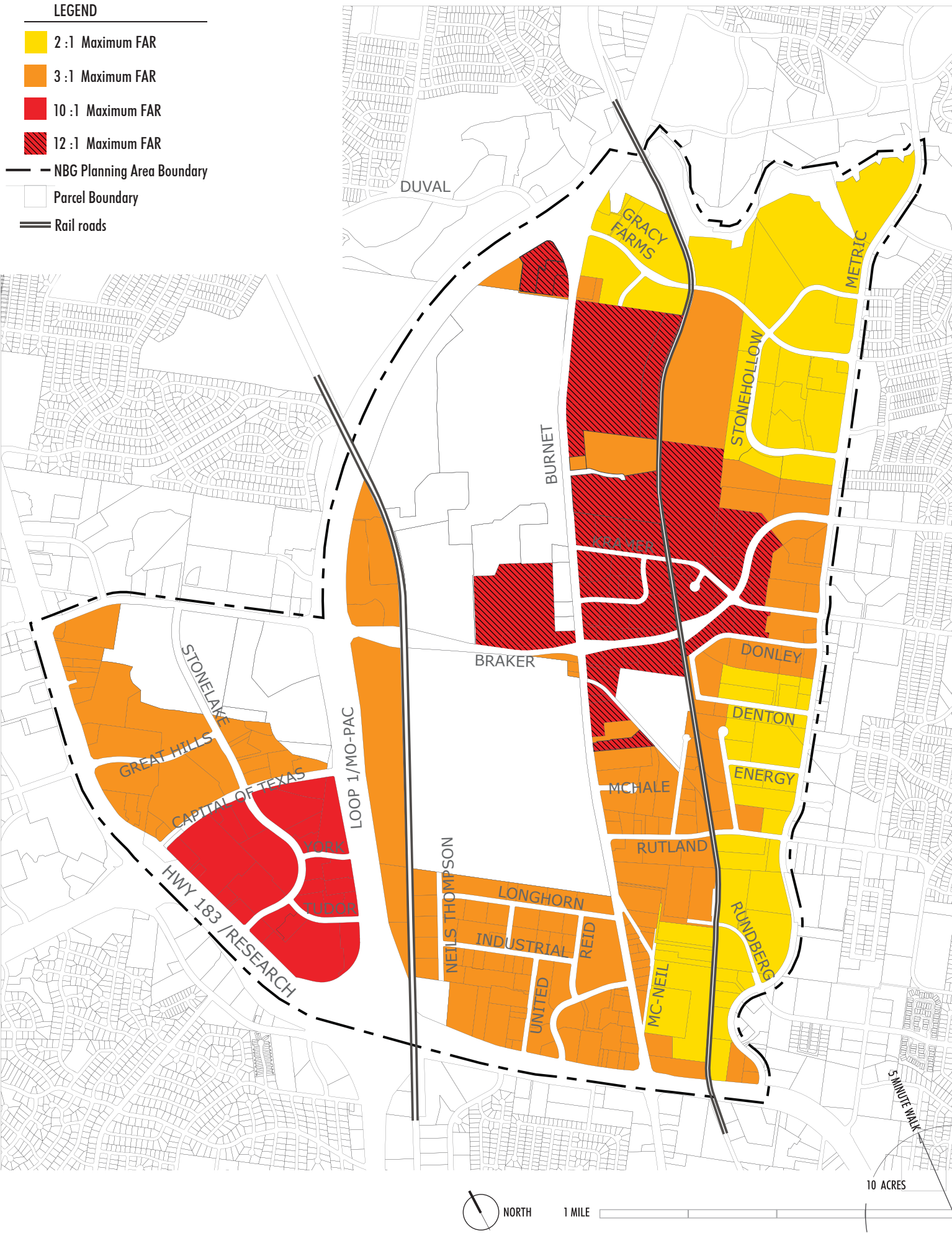
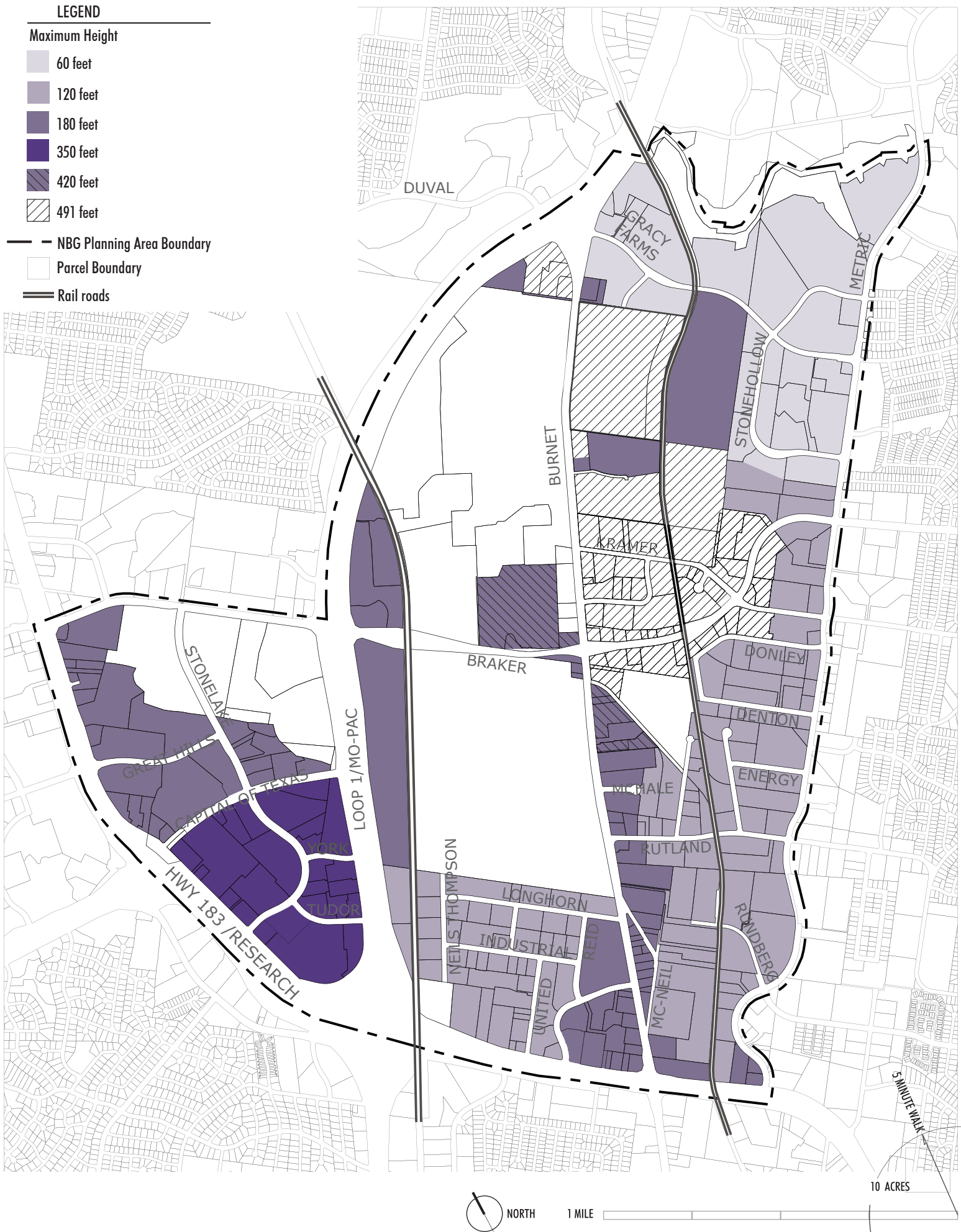


Figure 4-5: Maximum Height with Development Bonus



- 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.  
**A.4. As Amended by the Codes and Ordinances Joint Committee:**  
**Signs above the 2nd floor are allowed to be lighted but not with moving parts or images.**
  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	--	<del>Use is limited to 5,000 sq. ft. in the NR Subdistrict.</del> (As amended by the COJC)
Funeral Services	--	P	--	--	P	P	
General Retail Sales (Convenience)	P	P	P	P	P	P	<del>Use is limited to 5,000 sq. ft. in the NR Subdistrict.</del>
General Retail Sales (General)	P	P	P	--	P	P	<del>Use is limited to 50,000 sq. ft. gross floor area in TOD and NMU Subdistricts.</del>
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.

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	CU	ADDITIONAL REQUIREMENTS
Outdoor Entertainment	--	--	--	--	--	--	
Outdoor Sports and Recreation	<u>P</u>	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(As ammended by the Planning Commission on 9/12/2023)
Pawn Shop Services	--	--	--	--	P	P	
Personal Improvement Services	P	P	P	P	P	--	Use is limited to 5,000 gross sq. ft. in the NR Subdistrict.
Personal Services	P	P	P	P	P	--	
Pet Services	P	P	P	P	P	P	
Plant Nursery	--	P	C	--	P	P	
Printing and Publishing	--	P	C	--	P	P	
Professional Office	P	P	P	P	P	P	Use is limited to 5,000 gross sq. ft. in the NR Subdistrict.
Recreational Equipment Maintenance & Storage	--	--	--	--	--	P	
Recreational Equipment Sales	--	--	--	--	--	P	
Research Assembly Services	--	--	--	--	--	--	
Research Services	--	P	C	--	P	P	
Research Testing Services	--	--	--	--	--	--	
Research Warehousing Services	--	--	--	--	--	--	
Restaurant (General)	P	P	P	--	P	P	
Restaurant (Limited)	P	P	P	P	P	P	Use is limited to 5,000 gross sq. ft. in NR Subdistrict.
Scrap and Salvage	--	--	--	--	--	C	
Service Station	--	P	P	P	P	P	A service station use may have the capability of fueling not more than eight vehicles at one time in the CMU, NMU, and NR subdistricts.
Software Development	P	P	P	P	P	P	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
Special Use Historic	C	C	C	C	C	C	Use must comply with the requirements of LDC Section 25-2-807
Stables	--	--	--	--	--	--	
Theater	P	P	P	--	P	P	
Vehicle Storage	--	--	--	--	--	P	
Veterinary Services	P	P	P	--	P	P	A veterinary services use must be conducted entirely within an enclosed structure. Veterinary hospitals for livestock and large animals not permitted.

## 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.~~



**HOUSING &  
PLANNING**

## **Affordability Impact Statement**

### **North Burnet/Gateway Regulating Plan Amendments**

*Case number: C20-2022-012*

*Initiated by: Resolution No. 20230504-020*

*Date: 9/5/2023*

#### **Proposed Regulation**

The proposed ordinance would implement items 2-7 of Resolution No. 20230504-020, amending the North Burnet/Gateway (NBG) Regulating Plan to do the following (following the numbering convention of the Resolution):

2. Apply a wider variety of subdistricts to parcels in the North Burnet/Gateway Regulating Plan west of Mopac (Create the Commercial Mixed Use – Midway zoning Subdistrict and apply it to an area bounded by Mopac to the east, Hwy 183 to the west and south, and North Capital of Texas Highway to the north)
3. Amend sign regulations in the North Burnet/Gateway Regulating Plan to align with City Code Chapter 25-10 (Sign 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; and
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; and

	<p>6. Eliminate the 120-foot height limit in the Transit-Oriented Development (TOD), Corridor Mixed Use (CMU), and CMU Gateway subdistricts when adjacent to and across the street from Neighborhood Residential (NR) subdistrict</p> <p>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.</p>
<b>Land Use/Zoning Impacts on Housing Costs</b>	<p><input checked="" type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral</p> <p>The proposal will have a positive impact on Land Use/Zoning housing costs. Establishing the Commercial Mixed Use – Midway Subdistrict will increase the maximum allowable height and FAR, exceeding the previous CMU zoning designation in exchange for community benefits like income-restricted affordable housing in a High Opportunity Area. The Austin Strategic Housing Blueprint (ASHB) sets a target of at least 25% of new income-restricted affordable housing should be in high opportunity areas.</p> <p>Additionally, eliminating the 30-foot step-back at the sixth story and above potentially increases the unit yield of residential development, which in turn increases the yield of income-restricted units provided through the NBG development bonus.</p> <p>Many of the proposed amendments increase density as well as the businesses and landscape elements conducive to pedestrian travel. The NBG area partially intersects with the Burnet Imagine Austin Corridor and contains several 803 MetroRapid stations, the current MetroRail Kramer MetroRail station, and Future Broadmoor and McKalla stations, aligning</p>

	<p>with city goals to increased density along transit corridors. However, while item two increases potential residential density in the proposed CMU Midway zoning category, Highway 183 and Mopac serve as barriers that deter pedestrian traffic from the Subdistrict to the rest of NBG.</p>
<p><b>Impact on Development Cost</b></p>	<p> <input type="checkbox"/> Positive <input type="checkbox"/> Negative <input checked="" type="checkbox"/> Neutral </p> <p>The proposal does not increase the cost of development in the NBG Regulating Plan area.</p>
<p><b>Impact on Affordable Housing</b></p>	<p> <input type="checkbox"/> Positive <input type="checkbox"/> Negative <input checked="" type="checkbox"/> Neutral </p> <p>The proposal will increase the potential return of income-restricted units provided by development bonus programs and will overall have a positive impact to housing affordability. Significantly, the proposed increases to current entitlements largely avoid upzoning existing housing. However, the changes may have a negative impact when applied to part of the proposed CMU Midway zone.</p> <p>There are two apartment complexes in the northeast corner of the proposed CMU Midway zone (Arboretum at Stonelake and ALMA Arboretum). These buildings are over 20 years old, and available rental data indicates that the units are rented slightly below the citywide average (Arboretum at Stonelake) and well above the citywide average (ALMA Arboretum). The developments do not contain income-restricted units. As of September 2023, the Arboretum at Stonelake offers one-bedroom units from \$1,180 to \$1,525 per month. A one-bedroom unit affordable to a one-member household in the Austin-Round Rock Metropolitan Statistical Area would have a rent of \$1,227.</p>



	<p>Arboretum at Stonelake is currently providing market-rate dwelling units that meet the North Burnet Gateway regulating plan definition of affordability. If these units are replaced with new market-rate units, it is likely that the new units would charge higher rents than what is currently charged in the older buildings of ALMA and Stonelake. The incentive program – requiring 10% of the bonus area be allocated to income-restricted housing – would provide a much smaller quantity of affordable units than those lost in redevelopment. As a result, Housing staff believes that upzoning the properties containing these apartments could have a negative impact to housing affordability.</p> <p>While ALMA Arboretum provides smaller, more expensive units, displacement caused by redevelopment is significant to the occupying households, which should be taken into consideration when considering increasing bonus entitlements in this area.</p>
<b>Other Policy Considerations</b>	<p>Creating a mixed-use subdistrict (with higher maximum density than current zoning) that is bordered by 183 to the west, Mopac to the east, and North Capital of Texas Highway to the north would intensify residential uses with significant site-based health risks. Significant portions of this area would be within 500 feet of a highway, and nearly all of the area would be within 1000 feet of a highway.</p> <p>The U.S. Centers for Disease Control and Prevention (CDC) recommends limiting development alongside highways and heavily trafficked roads.<sup><a href="#">1</a></sup> A growing body of research indicates a link between residential proximity to highways and childhood asthma, cardiovascular disease, and premature death.<sup><a href="#">2,3,4</a></sup> Many of these diseases have more pronounced negative effects in communities of color, particularly Black communities.<sup><a href="#">5,6</a></sup></p>

In addition to the adverse experience of illness itself, these illnesses add substantial household cost. The CDC estimates the direct costs of asthma at \$3,266 a year in 2015, or \$4,183 in 2023, translating to an additional \$349/month household expense.<sup>7</sup> The degree to which insurance covers this cost varies by individual and the rates of insurance coverage varies by race with people of color being uninsured at higher rates. Indirect costs for these conditions include days of work lost due to illness, losing the ability to work at all because of illness, and increased home costs for managing illness.

Manager's Signature Marla Torrado