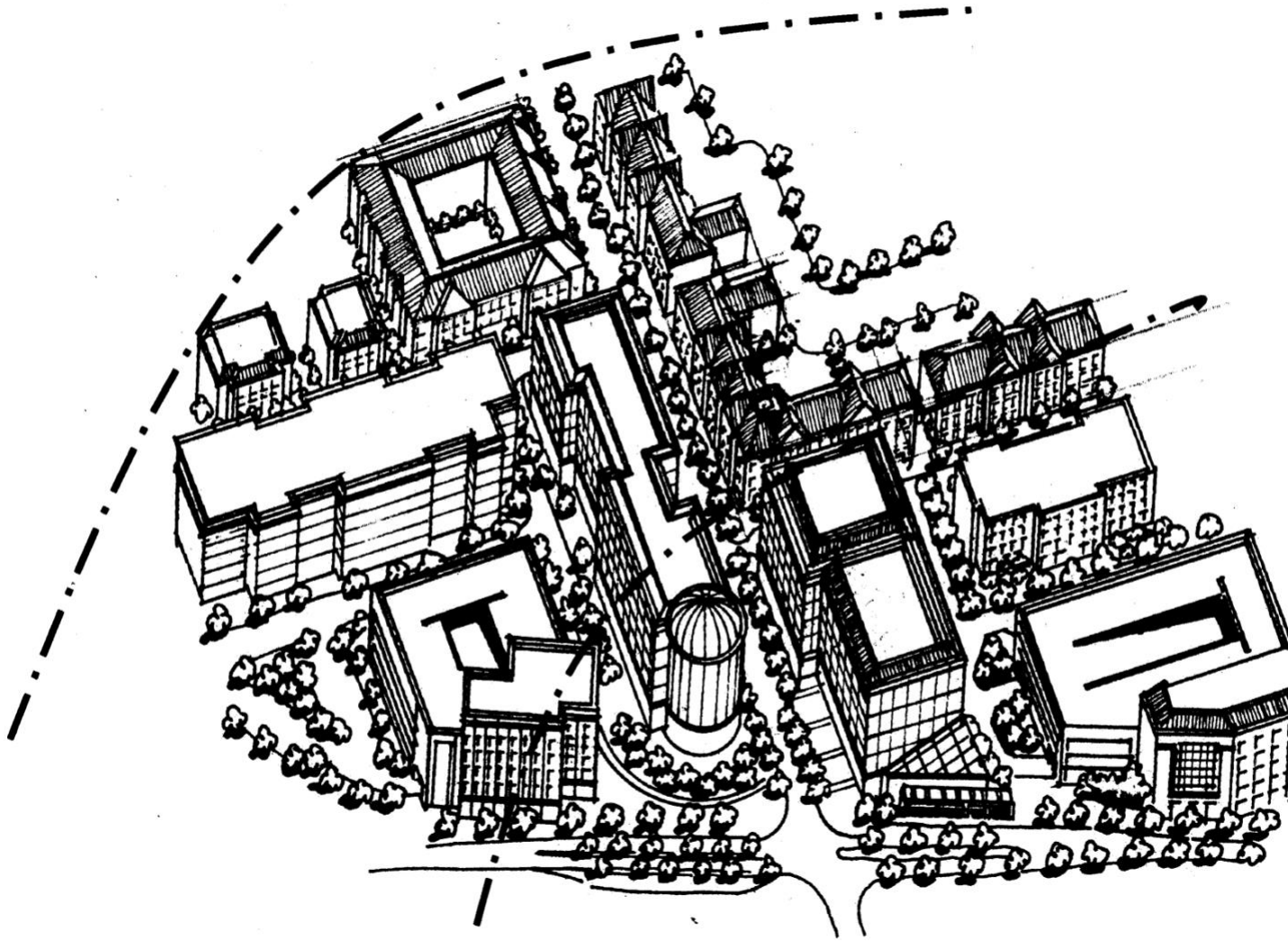


# TOD CODE

Sec. 35-208. - Transit-Oriented Development.



### Transit-Oriented Development

#### STATEMENT OF PURPOSE

*Transit-oriented development (TOD) encourages a mix of residential, commercial, and employment opportunities within identified light rail station areas or other high capacity transit areas. The use pattern is intended to encourage a mixture of residential, commercial, and employment opportunities within transit corridors or areas served by transit. A TOD is intended to promote transit supportive development, ensure access to transit, and to limit conflicts between vehicles and pedestrians and transit operations. A TOD allows for a more intense and efficient use of land at increased densities for the mutual re-enforcement of public investments and private development. Uses and development are regulated to create a more intense built-up environment, oriented to pedestrians, to provide a density and intensity that is transit supportive. The TOD development standards also are designed to support a safe and pleasant pedestrian environment near transit stations by encouraging an intensive area of shops and activities, with amenities such as benches, kiosks, and outdoor cafes, and by limiting conflicts between vehicles and pedestrians. It is the intent of this section that a TOD be restricted to areas within one-half (½) of a mile of a transit station, an area equivalent to a ten-minute walking distance.*

The TOD use pattern implements the following policies of the master plan:

- *Urban Design, Policy 1c: Support and promote mixed-use residential development that will include a mix of multi-family units and single-family homes in varying sizes, types and price ranges.*
- *Urban Design, Policy 1e: Permit zero setbacks for commercial and multi-family developments.*
- *Urban Design, Policy 5a: Provide incentives which promote the use of mass transportation systems to employment centers and regional destinations.*
- *Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.*
- *Urban Design, Policy 5e: Promote public and private sector, ride-sharing, flexible working hours, parking management innovations, and mixed-use developments as means of reducing the demand for peak period vehicular trips.*
- *Urban Design, Policy 5j: Encourage growth within walking distance of downtown employment centers and within walking distance of future high capacity transit terminals in neighborhood centers.*
- *Urban Design, Policy 5j: Promote mixed-use development in the downtown area and neighborhood centers that ties directly into transit facilities and reinforce the pedestrian character of the area.*

(a)

**Applicability.** The provisions of this section apply to any use or development located within a transit-oriented development special district ("TOD").

(b)

**Processing Procedures.** Development consistent with the regulations established herein may occur as of right in any transit-oriented development special district. Variances shall be processed as set forth in subsections (1) and (2), below, except for applications within the Edwards Recharge Zone District (ERZD) or utility conversion districts.

(1)

**Variances - Incorporated Areas.** Within the incorporated areas of the city:

A.

A variance to the requirements of subsection (c) shall be processed in accordance with [section 35-482](#) of this chapter.

B.

A variance to the requirements of subsections (b) and (d) through (n) shall be processed in accordance with [section 35-483](#) of this chapter.

(2)

**Variances - Extraterritorial Jurisdiction.** Within the ETJ, variances shall be processed in accordance with [section 35-483](#) of this chapter.

(c)

**Size and Location of Site.** The TOD shall consist of two (2) subdistricts known as the "TOD Core" ("TOD-C") and the "TOD Periphery" (TOD-P), which shall be subject to the

requirements set forth in this section. Following any rezoning to a TOD, the official zoning map shall be amended to denote the subdistricts.

(d)

**Locational Criteria.**

(1)

All areas within one-quarter ( $\frac{1}{4}$ ) of a mile of a transit station or major bus boarding location shall be classified as "TOD-C."

(2)

All areas between one-quarter ( $\frac{1}{4}$ ) of a mile and one-half ( $\frac{1}{2}$ ) of a mile from a transit station or a major bus boarding location shall be classified as "TOD-P." No land area shall be zoned "TOD-P" unless it adjoins an area zoned "TOD-C."

(e)

**Uses and Density.**

*STATEMENT OF PURPOSE*

*Purpose and Findings: Because most transit users will walk only one-quarter ( $\frac{1}{4}$ ) to one-half ( $\frac{1}{2}$ ) of a mile to a transit facility, transit influence areas require high densities on small areas of land. The city therefore finds and determines that uses inconsistent with transit will undermine the most efficient use of limited land areas within a TOD. Accordingly, the uses permitted within the TOD-C and TOD-P zoning subdistricts are those which are dependent upon, or which may generate, a relatively high level of transit usage. Uses which would interfere with transit usage and which generate few transit trips are not permitted. Further, the city finds and determines that minimum levels of density as set forth in Table 208-1 are required to support transit ridership, and that lower levels of density will not support transit ridership and will cause further personal vehicular mode dependence and create unacceptable levels of vehicular congestion.*

(1)

The Use Matrix is not applicable to a transit-oriented development (TOD) special district provided, however, no building permit shall be issued unless the requested use conforms to a zoning site plan approved as part of a rezoning to a "TOD" special district. The zoning site plan shall indicate a mix of commercial, office, and residential uses.

(2)

The requested densities, in terms of number of units per gross residential acre and total number of dwelling units shall be set forth in the application. The application shall comply with Table 208-1 hereto. The applicable land use categories are set forth in column (A). The minimum land area which shall be devoted to the land use is shown in column (B), and the maximum land area which shall be devoted to the land use is shown in column (C). Minimum land area is stated as the percentage of gross land area. The density for the particular use shall be at least the amount set forth in column (B) for residential uses, and shall not exceed the amount shown in column (C). The density may exceed the amount prescribed in column (C), up to the amount prescribed in column (D), if development rights are transferred pursuant to [section 35-361](#) of this chapter. The floor area ratio (FAR) for the particular use shall be at least the amount set forth in column (E) and shall not exceed the amount shown in column (F). The FAR may exceed the amount prescribed in column (F), up to the amount prescribed in column (G), if development rights are transferred pursuant to [section 35-361](#) of this chapter.

**Table 208-1**

(A) Location/Size	(B) Minimum Density	(C) Maximum Density	(D) Maximum Density with TDR	(E) Minimum FAR	(F) Maximum FAR	(G) Maximum FAR with TDR
TOD-C						
Less than 2 acres	16	40	80	2.5	6.0	12.0
2 acres or more	12	36	72	2.0	4.0	6.0
TOD-P						
Less than 2 acres	12	36	70	1.5	4.0	6.0
2 acres or more	8	32	60	1.0	2.0	4.0

(3)

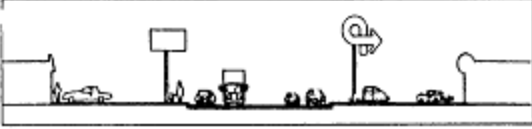
Density or floor area ratio may exceed the maximum density prescribed in Table 208-1 if development rights are purchased in accordance with [section 35-361](#) of this chapter.

(f)

**Traffic Impact Analysis.** See traffic impact analysis standards, [section 35-502](#) of this chapter. The adopted level of service for a TOD use pattern shall be LOS "E." The following measures shall not be considered acceptable for mitigation of a reduction in the adopted level of service for a TOD use pattern: pavement widening, turn lanes, or median islands.



Transit oriented development



Conventional development

Buildings within a TOD district feature small front setbacks in order to provide efficient pedestrian movement

(Source: USDOT, A Guide to Land Use and Public Transportation (Dec. 1989))

*Transit Oriented Development*

(g)

**Lot Arrangement and Dimensions.** The front setback shall be established as follows:

(1)

Minimum front setback: Zero (0) feet from the edge of the sidewalk. A minimum setback of five (5) feet from the property line shall be required where streetscape planting is required pursuant to [section 35-512](#) of this chapter.

(2)

Maximum front setback: Fifteen (15) feet.

(3)

Retail Uses with an existing front setback of not less than twenty (20) feet may file a minor site plan for redevelopment of the parking areas with liner buildings in accordance with the standards set forth in the infill use pattern regulations, above.

(h)

**Transportation.** For a proposed TOD which involves a subdivision, the street design standards shall conform to subsection [35-506\(d\)](#) of this chapter, Table 506-4 "Traditional Street Design Standards." Any proposed TOD shall conform to the following:

(1)

**Pedestrian Access.** New retail, office and institutional buildings within the "TOD-C" district shall provide for convenient pedestrian access to transit through the measures listed below:

A.

Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable due to unique topography.

B.

Pedestrian connections shall connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped, streets, access ways and walkways on-site shall be aligned or stubbed to allow for extension to the adjoining property.

C.

A direct pedestrian connection shall be provided between the nearest transit stop and building entrances on the site.

D.

A transit passenger landing pad accessible to disabled persons shall be provided.

(i)

**Stormwater Management.** A transit-oriented development shall comply with the stormwater management standards, [section 35-504](#) of this chapter.

(j)

**Utilities.** See utilities standards, [section 35-507](#) of this chapter.

(k)

**Parks and Open Space.** The parks and open space standards shall not apply to transit-oriented developments.

(l)

**Natural Resource Protection.** Transit-oriented developments shall comply with chapter 34 of the City Code.

(m)

**Buffers, Landscaping, Streetscape Planting and Tree Preservation.** The buffer standards, [section 35-510](#), shall not apply to a transit-oriented development. A transit-oriented development shall comply with the landscaping standards (section [35-511](#)) and tree preservation standards (section [35-513](#)) of this chapter. A transit-oriented development shall comply with the streetscape planting standards (section [35-512](#)) of this chapter provided, however, that street trees may be planted in the sidewalk and conform to the Americans with Disabilities Act.

(n)

**Parking.** The minimum parking requirements within the "TOD-C" and "TOD-P" districts are as follows:

**Table 208-2**  
Transit-Oriented Development Parking

Area	Minimum Parking Requirement
TOD-C, within 500 feet of a Transit Center, Station, Stop, or Major Transit Loading/Boarding Location	None
TOD-C, balance of area	Fifty (50) percent of the parking spaces required by the parking standards of this chapter.
TOD-P	Seventy-five (75) percent of the parking spaces required by the parking standards of

	this chapter.
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- (1) The maximum number of parking spaces shall not exceed the amount set forth in the parking standards (subsection [35-526\(b\)](#)) of this chapter.
- (2) Existing development shall be allowed to redevelop up to seventy-five (75) percent of existing parking areas for transit oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit oriented developments, and similar facilities, where appropriate.
- (3) All other provisions of the parking standards shall apply to a transit-oriented development.
- (o) **Outdoor Storage.** The outdoor storage standards shall apply to transit-oriented development.
- (p) **Urban Design.** All new buildings shall comply with the commercial urban design criteria (subsection [35-204\(o\)](#)).  
Parking garages, where allowed, shall have a minimum fifteen-foot proscenium setback from the property line.

(Ord. No. 96564 § 1, 2) (Ord. No. 100126) (Ord. No. 2009-01-15-0001, § 2, 1-15-09)