

# Walkable Places (WP) and Transit-Oriented Development (TOD) Ordinances

## Public Comment Matrix with Staff Recommendations and Proposed Ordinance Amendments

May 28, 2020



**PLANNING &  
DEVELOPMENT  
DEPARTMENT**

#	Topic	Comment Summary	Section(s)	Staff Recommendation	Proposed Ordinance Amendments
1	TOD Street Designation Criteria	Allow the designation of Secondary TOD Streets near high frequency bus routes and METRONext high capacity projects when METRO approves the proposed route and stations with 30% design.	33-444	<b>No Change.</b> The current scope is designed to support substantial public investment in light rail (METRORail) and bus rapid transit (METRORapid) infrastructure. Further evaluation and public engagement are needed before expanding TOD rules to other transit facilities.	<b>No Change.</b>
2		Allow the designation of Secondary TOD Streets near METRO Park and Ride facilities.	33-444		
3		Allow Primary TOD Streets along University Line with this adaptation of the TOD Plan.	33-445	<b>No Change.</b> It's premature to establish Primary Streets and the corresponding mandatory rules before the transit station locations along University Line are finalized and a contract to build the transit infrastructure is approved by METRO.	<b>No Change.</b>
4		It is unclear what is meant by "Infrastructure Design Manual standards".	33-444(7)	<b>Amend.</b> Clarify the criterion focus is on the width of the roadway and location of the back-of-curb or roadway edge, as applicable.	<b>Amend.</b> Orange text on P20-21, Line 816 - 819
5		Allow open ditch streets to be eligible for TOD Street designation.	33-444(6)	<b>Amend.</b> Allow open ditch streets to be eligible for TOD street designation.	<b>Amend.</b> Orange text on P20, Line 814. Add the pedestrian realm width requirement for open ditch streets designated as Secondary TOD Streets. Orange text on P43, Line 1601.
6		Include downtown transit stations into the TOD Street designation process.		<b>No Change.</b> All properties in downtown are within the designated Central Business District (CBD). This designation exempts development from building setback and off-street parking requirements, which are key components of the TOD rules. In addition, the minimum width of a sidewalk in the CBD under Chapter 40 (PG30, Line 1304) is 8' which exceeds the 6' standard required by the TOD rules. The CBD designation covers all streets in downtown, but the TOD Street designation would not. Therefore, the more inclusive CBD designation is the appropriate set of rules to apply to downtown.	<b>No Change.</b>

7		Include Midtown transit stations into the TOD Street designation process.		<p><b>No Change.</b> There is a concurrent proposal to designate Midtown streets as part of the Midtown Walkable Place Pilot Area. The WP Street designation is designed to create context-sensitive rules and therefore will supersede any TOD Street designation that may otherwise apply. If no WP Streets are designated, the Midtown transit stations would be considered for TOD Street designation.</p> <p>TOD Street designation also allows an automatic off-street parking reduction which does not apply to WP Streets. In 2019, City Council addressed the off-street parking requirements for Midtown when it approved market-based parking for the area. At that time, several streets in the southeast part of Midtown were intentionally removed from the market-based parking designation. Designating these streets as TOD Streets will allow off-street parking reduction, which will contradict with the previous City Council action.</p>	<b>No Change.</b>
8	WP Designation Consideration	Support of property owners along WP Streets should be considered during City-initiated designations.	33-423(e)	<p><b>Amend.</b> Revise the ordinance language as “The commission shall hold at least one public hearing on the proposed WPP amendment. Upon the close of the public hearing, the commission shall consider public comments, <u>support from property owners along the proposed WP Streets</u>, and the recommendation of the planning official and determine whether the proposed WPP furthers the objectives and intent of this division.”</p>	<b>Amend.</b> Orange text on P17, Line 641
9	TOD Parking	The additional buildable area achieved by opting into the TOD rules should be exempted from off-street parking requirements.	26-503	<p><b>Amend.</b> Exempt the additional buildable area achieved by opting into the TOD rules along a designated Secondary TOD Street from off-street parking requirements. The 50% reduction currently proposed will only apply to the remainder of the development.</p>	<b>Amend.</b> Orange text on P4 - 5, Line 138 - 149
10		Establish market-based parking along Secondary TOD Streets.	26-503	<p><b>No Change.</b> Further evaluation and public engagement are needed. Until then, market-based parking will be limited to streets nearest to transit stations (Primary TOD Streets).</p>	<b>No Change.</b>
11		Prohibit on-street parking along streets to minimize congestion and protect the adjacent neighborhood.	26-503	<p><b>No Change.</b> Depending on the street conditions, the Traffic Engineer has the authority to establish a “no parking zone” or other parking restrictions when conditions warrant. In addition, residents may apply for Residential Parking Permit to preserve certain residential streets in their neighborhood.</p>	<b>No Change.</b>
12	WP Parking	Automatically authorize a 50% parking reduction along the designated WP Streets.	26-510	<p><b>No Change.</b> The WP Street designation is eligible citywide; therefore, an automatic reduction in off-street parking may not be appropriate for certain streets. The current proposal allows for a streamlined Special Parking Area designation to occur simultaneously with the WP designation; thereby allowing a context sensitive approach for off-street parking requirements</p>	<b>No Change.</b>
13		The additional buildable area achieved by opting into the Walkable Places Ordinance shall be exempted from parking space requirements.			
14		Remove all parking minimums.			

15	Bicycle Parking	Need to encourage more bicycle riders.	Previous 33-634, Current 42-654	<b>No Change.</b> The proposed ordinance requires additional bicycle parking for non-single-family residential uses along TOD and WP Streets.	<b>No change on the ordinance language</b> , but the section is moved to 42-654 as the previous Chapter 33 Article X Enhanced Pedestrian Realm Standards is moved to Chapter 42 Article IV.
16	Ground Floor Facade	Increase ground floor façade transparency along WP and TOD Streets to 40-60% for non-single-family residential uses.	Previous 33-631, Current 42-651	<b>Amend.</b> 1. A minimum of 50% of the ground floor façade along a primary street. 2. A minimum of 40% of the ground floor façade along a secondary street. 3. A building that fronts three or more WP or TOD Streets may have one (1) non-primary street that is exempt from the transparency requirement.	This section is moved to 42-654 as the previous Chapter 33 Article X Enhanced Pedestrian Realm Standards is moved to Chapter 42 Article IV.  <b>Amend.</b> Orange text on P45, Line 1683- 1693
17		“Transparency” into automotive uses should not count toward the ground floor transparency requirement.	Previous 33-631, Current 42-651	<b>Amend.</b> Have ground floor façade transparency calculated based on transparency into interior “occupiable” space.  Occupiable space means an area inside a building intended for human activities (live, work, play, worship, shop, eat, or similar). It excludes areas such as storage or utility areas, parking garages, loading docks, etc.	This section is moved to 42-654 as the previous Chapter 33 Article X Enhanced Pedestrian Realm Standards is moved to Chapter 42 Article IV.  <b>Amend.</b> Orange text on P31, Line 1227, and P45, Line 1683-1689.
18	Safety Buffer	4’ safety buffer and the modification procedure should apply on WP and TOD Streets only.	40-555	<b>No Change.</b> Pedestrian safety applies city-wide. The current proposal aligns with the Infrastructure Design Manual and establishes a process to modify the standard to address unique technical conditions along a street. These modifications will be reviewed by the Planning & Development Department, the Office of the City Engineer, and the Mayor’s Office for People with Disabilities.	As a result of the discussion with HPW, no change on the width of unobstructed sidewalks and safety buffer. However, the width of the sidewalk and the safety buffer is part of the Infrastructure Design Manual. IDM is the primary document where infrastructure technical requirements such as these are maintained. <b>Amend.</b> Orange text on P28, Line 1122 and 1131.
19	Public Engagement/ Notification	Since TOD Street criteria are objective, a public hearing before Planning Commission consideration is unnecessary.	33-446	<b>Amend.</b> Clarify the Planning Commission consideration is a meeting open to public comment but not a “public hearing” due to the objective criteria of the TOD Street designation process.	<b>Amend.</b> Orange text on P22, Line 868-869.
20		Include Super Neighborhood committees and civic associations in the immediate area as part of the notification process for the WPP amendments.	33-425(b)(2)	<b>No Change.</b> These organizations are included if they are currently registered with the Department of Neighborhoods. Otherwise, the Planning & Development Department would not have contact information for unregistered organizations.	<b>No Change.</b>

21	Technical Comments	Oppose granting a Director rule making authority.	33-422(c)	<b>No Change.</b> The director is only authorized to make rules and procedures for the administration of the ordinance approved by City Council. This language does not authorize changes or new ordinance requirements.	<b>No Change.</b>
22		Need clear delegation of authority to regulate the sidewalk ordinance.	40-552	<b>No Change.</b> The Planning & Development Department, in coordination with the Office of the City Engineer (OCE) and the Mayor's Office for People with Disabilities (MOD), is the lead department for reviewing sidewalk width and location standards. OCE is responsible for regulating sidewalk construction technical requirements.	<b>No Change.</b>
23		Combine all related provisions and standards in Chapter 42.		<b>Amend.</b> 1. Relocate Chapter 33 Article X Enhanced Pedestrian Realm Standards to a new article in Chapter 42.  2. Include an ordinance structure exhibit within Chapter 42 to provide chapter cross-reference guidance and minimize confusion.  3. The current structure of the City's Code of Ordinances requires amendments outside of Chapter 42.	<b>Amend.</b> The previous Chapter 33 Article X Enhanced Pedestrian Realm Standards is moved to Chapter 42 Article IV.  Add Sec 42 – 604 Modification of enhanced pedestrian realm standard process to create a process where the City Engineer and Planning Official may administratively approve changes to the selected standards due to safety concerns or technical feasibility. Orange text on P41 - 42, Line 1550 – 1588.
24		Clarify when the ordinance will apply for the reconstruction or resurfacing of an existing parking lot.	40-552 (b)	<b>Amend.</b> Add a criterion to Sec 40-552(b): "Reconstruction of more than 10 parking spaces or 25% of the total area, whichever is greater, of an existing lawfully permitted parking lot. Restriping parking spaces, asphalt resurfacing and other cosmetic, decorative or surface level enhancements shall not be considered reconstruction."	<b>Amend.</b> Orange text on P25, Line 1003 – 1006.
25		<b>Additional comment from HPW after the public comment period:</b> There are additional unique scenarios which should be qualified for sidewalk requirement exceptions.	40-554	<b>Amend.</b> Add the additional scenarios which should be qualified for sidewalk requirement exceptions to Sec 40-554.	<b>Amend.</b> Orange text on P26 – 28, Line 1041 – 1115.
26		<b>Additional comment from HPW after the public comment period:</b> Sidewalk construction cost should be a consideration factor in the sidewalk standard modification process.	40-556	<b>Amend.</b> Add a criterion to allow for a modification to the sidewalk requirements if the cost to construct the sidewalk would be disproportionate to the total project cost.	<b>Amend.</b> Orange text on P30, Line 1192 – 1197.
27		General Comments	Improve pedestrian safety and visibility at driveway/sidewalk intersections along all streets so drivers may see the pedestrian and safely stop.		<b>Amend.</b> Require a pedestrian safety and visibility buffer (like a visibility triangle) at the intersection of an exit driveway and the minimum unobstructed sidewalk along all public streets. No improvements, plantings, or visual obstructions are allowed within this buffer below 8' in vertical height as measured from the sidewalk.

28	Omit Museum Park Station from the TOD Street designation to protect the unique neighborhood characteristics in Museum Park.		<p><b>No Change.</b></p> <ol style="list-style-type: none"> <li>1. Streets adjacent to any light rail or bus rapid transit station will be evaluated based on objective criteria for TOD Street designation.</li> <li>2. WP Street designation via the property owner petition process may be a suitable option for more context-sensitive standards. The WP Street designation would then supersede the TOD Street designation. (Example: Midtown Walkable Places Pilot Area) Further evaluation and public engagement are needed before a City-initiated amendment would be considered for this area.</li> </ol>	<b>No Change.</b>
29	Include Museum Park Station for TOD Street designation to guide developers to build good walkable communities.			
30	Require residential buffering (including light reduction from parking garages, sheathed lighting, and noise baffling) to minimize negative impact created by the high-density development.		<b>No Change.</b> Further research and public engagement are needed before amending the residential buffer standards (Chapter 42, Article III, Division 8). A separate committee will discuss this topic beginning later this year.	<b>No Change.</b>
31	I would like to see walkable areas such as City Centre have a close-by bus stop so that we could visit without a car.		<b>No Change.</b> The Planning & Development Department will forward this comment to METRO for consideration.	<b>No Change.</b>
32	Please consider the area around River Oaks District as a Walkable Place designation.		<b>No Change.</b> WP Street designation via the property owner petition process may be a suitable option for this area. Further evaluation and public engagement are needed before a City-initiated amendment would be considered.	<b>No Change.</b>
33	City should address construction and maintenance of unobstructed wide sidewalks along all city roadways, including open ditched streets.		<b>No Change.</b> The proposed amendments (Chapter 40) address this comment.	<b>No Change.</b>
34	Portion of the road along Uptown BRT is incomplete, unwalkable, and undrivable. Different department and agencies need to do a better job in coordinating plan implementation.		<b>No Change.</b> The Planning & Development Department will continue to coordinate with city departments and outside agencies to improve implementation.	<b>No Change.</b>
35	Walkable Places and TOD result in noise and traffic.		<b>No Change.</b> The purpose of these ordinances is to create pedestrian friendly development rules along certain designated street corridors within the city (Walkable Places) and near METRO light rail and bus rapid transit stations (Transit Oriented Development). The corresponding modifications to the development rules encourage a street environment that fosters walking, bicycling, or transit as a desirable way to move around.	<b>No Change.</b>