

ORDINANCE NO. 20240516-006

AN ORDINANCE AMENDING TITLE 25 (*LAND DEVELOPMENT*) OF THE CITY CODE RELATING TO REGULATIONS THAT APPLY TO PROPERTY WITH ONE DWELLING UNIT AND FLAG LOTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-1-21 (*Definitions*) is amended to amend the definition of “Side Lot Line” to read:

(103) SIDE LOT LINE means a lot line intersecting the front lot line and extending a minimum distance of 25 [~~75~~] feet.

PART 2. Subsection (C) of City Code Section 25-1-22 (*Measurements*) is amended to read:

§ 25-1-22 MEASUREMENTS.

(C) Except as otherwise provided in this title, lot width is measured at the front setback line and at a distance of 20 [~~50~~] feet to the rear of the front setback line.

PART 3. Subsection (B) of City Code Section 25-2-3 (*Residential Uses Described*) is amended to amend the description of “Small Lot Single-Family Residential Use” to read:

§ 25-2-3 RESIDENTIAL USES DESCRIBED.

(B) Residential use classifications are described as follows:

(13) SMALL LOT SINGLE-FAMILY RESIDENTIAL use is the use of a small lot for only one [~~detached~~] dwelling unit, other than a mobile home.

PART 4. The table in City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) is amended to add “Small Lot Single-Family Residential” as a permitted use in SF-1, SF-2, and SF-3 base zoning districts.

PART 5. City Code Section 25-2-779 (*Small Lot Single-Family Residential Use*) is repealed and replaced to read:

§ 25-2-779 SMALL LOT SINGLE-FAMILY RESIDENTIAL USE.

(A) This section applies to a small lot single-family residential use.

- (B) This section supersedes the base zoning district regulations to the extent of conflict.
- (C) Only one dwelling unit is permitted on a lot.
- (D) This subsection applies to small lot single-family residential use on a property zoned single-family residence small lot (SF-4A) district or less restrictive.
 - (1) The minimum lot size is:
 - (a) 3,600 square feet; or
 - (b) for a corner lot, 4,500 square feet.
 - (2) A lot that fronts on a cul-de-sac must have:
 - (a) a chord width of not less than 33 feet at the front lot line;
 - (b) a width of not less than 40 feet at the front yard setback line; and
 - (c) a width of not less than 40 feet at all points 50 feet or more behind the front lot line.
 - (3) The maximum height for a structure is 35 feet.
 - (4) The minimum front yard setback is 15 feet.
 - (5) The minimum street side yard setback is 10 feet.
 - (6) The minimum interior side yard setback is three and one-half feet, except:
 - (a) an interior side yard setback is not required if the interior side yard is adjacent to property zoned single-family residence small lot (SF-4A) district; and
 - (b) the combined width of the interior side yards of a lot may not be less than seven feet.
 - (7) The minimum rear yard setback is five feet, excluding easements.
 - (8) The minimum setback between a rear access easement and a building or fence is 10 feet.

- (9) The maximum building coverage is 55 percent.
- (10) The maximum impervious cover is 65 percent.
- (11) A small lot single-family residential use must comply with the requirements of Section 25-4-232 (*Small Lot Subdivisions*).
- (E) Subsections (F) through (M) apply to small lot single-family residential use on property zoned family residence (SF-3) district or more restrictive.
- (F) Lot Standards.
 - (1) A lot must be at least 1,800 square feet but less than 5,750 square feet.
 - (2) Lot Width.
 - (a) Except for a flag lot, a lot must be at least 15 feet wide.
 - (b) Except for the portion of a flag lot that provides street access, a flag lot must be at least 20 feet wide.
 - (3) A flag lot must comply with Section 25-4-177 (*Flag Lots*).
 - (4) Except as provided in Subdivisions (5) and (6), the following setbacks apply.
 - (a) The minimum street side yard setback:
 - (i) on a Level 1 street is the greater of five feet from the property line or 10 feet from curb, or in the absence of curbs, from the edge of the pavement; or
 - (ii) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line.
 - (b) The minimum side yard setback is:
 - (i) five feet;
 - (ii) zero feet if adjacent to the portion of a flag lot that provides street access; or
 - (iii) zero feet for a side lot line that is shared with a lot that was subdivided to less than 5,750 square feet and was approved on or after August 16, 2024.

- (c) The minimum front yard setback is:
 - (i) 10 feet; or
 - (ii) five feet if the lot is a flag lot;
 - (iii) zero feet if the lot is a flag lot and the front lot line is shared with a lot that is shared with a lot that was subdivided to less than 5,750 square feet on or after August 16, 2024.
- (d) The minimum rear yard setback is:
 - (i) five feet; or
 - (ii) zero feet for a rear lot line that is shared with a lot that was subdivided to less than 5,750 square on or after August 16, 2024.
- (5) Except for a street side yard setback, when an attached dwelling unit abuts a property line, the minimum setback for that property line is zero.
- (6) Projections into Required Yards.
 - (a) A windowsill, belt course, cornice, flue, chimney, eave, awning, box window, or cantilevered bay window may project two feet into a required yard. The two-foot limitation does not apply to a feature required for a passive energy design.
 - (b) A one-story uncovered porch, stoop, or steps may project three feet into a required yard.
- (G) Building cover limits do not apply to a property zoned family residence (SF-3) district or more restrictive.
- (H) Impervious Cover.
 - (1) The maximum impervious cover is the maximum allowed in the base zoning district regulations.
 - (2) Except for a flag lot, the maximum front yard impervious cover for driveways and parking areas is 50 percent.

- (I) Subchapter F (*Residential Design and Compatibility Standards*) does not apply to a property zoned family residence (SF-3) district or more restrictive except as provided in Subsection (J).
- (J) Gross Floor Area.
 - (1) This subsection applies to a property located within the area described in Subsection 1.2.1 of Subchapter F (*Residential Design and Compatibility Standards*).
 - (2) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls, except as provided in this subsection.
 - (3) The gross floor area may not exceed the greater of 1,650 square feet or a floor-to-area ratio of 0.55.
 - (4) The maximum unit size is 2,300 square feet.
- (K) Design standards.
 - (1) This subsection does not apply to a flag lot.
 - (2) The minimum number of street-facing entrances is one.
 - (3) Garage Placement
 - (c) In this subsection,
 - (i) BUILDING FACADE means the front-facing exterior wall or walls of the first floor of the residential structure closest to the primary street, and the term excludes the building facade of the portion of that structure designed or used as a parking structure. Projections from front-facing exterior walls, including but not limited to eaves, chimneys, porches, stoops, box or bay windows, and other similar features as determined by the building official, are not considered part of the building facade.
 - (ii) PARKING STRUCTURE means an attached or detached garage or carport.
 - (d) A parking structure may not be closer to the front lot line than the front-most exterior wall of the first floor of the building façade.

- (e) If a parking structure with an entrance that faces a front-yard abutting public right-of-way is less than 5 feet behind the building façade, the width of the parking structure may not exceed the width of the building façade as measured parallel to the front lot line.

(L) Access Requirements for Driveways.

- (1) For lot widths less than 20 feet, the site may only take vehicular access off an improved alley or from a side street.
- (2) For lot widths 20 feet or greater but less than 30 feet, the site may only take vehicular access off of an improved alley, from a side street, or through a joint-use driveway with adjoining lots.
- (3) For lot widths of 30 feet or greater, the site may take vehicular access off of an improved alley, through a joint-use driveway with adjoining lots, or by individual driveway.

- (M) Short-term rental use is prohibited. This subsection expires on April 1, 2025, or upon passage of a superseding ordinance.

PART 6. Subsection (B) of City Code Section 25-2-981 (*Applicability; Exceptions*) is amended to read:

§ 25-2-981 APPLICABILITY; EXCEPTIONS.

- (B) Division 2 (*Requirements for a Site Plan*) and Division 3 (*Additional Site Plan Requirements in Hill Country Roadway Corridors*) do not apply to:

- (1) property zoned central business district (CBD) or downtown mixed-use (DMU) district;
- (2) a lot containing one single-family residence;
- (3) a lot containing one duplex residence, unless the residence exceeds 4,000 square feet of gross floor area or has more than six bedrooms;
- (4) a two-unit [~~family~~] residential use;
- (5) a secondary apartment special use;

- (6) a small lot single-family residential use on property zoned single family residence large lot (SF-1) district, single family residence standard lot (SF-2) district, or family residence (SF-3) district;
- (7) substantial restoration of a building within one year after the building is damaged;
- (8[7]) restoration of a building designated as a historic landmark; or
- (9[8]) interior or facade remodeling, if the front and side exterior walls of the building remain in the same location.

PART 7. City Code Section 25-2-1406 (*Ordinance Requirements*) is amended to read:

§ 25-2-1406 ORDINANCE REQUIREMENTS.

An ordinance zoning or rezoning property as a NP combining district:

- (1) must prescribe the special uses described in Section 25-2-1403 (*Special Uses*) that are permitted in the district;
- (2) must describe the location of each residential infill special use, neighborhood urban center special use, or neighborhood mixed use building special use, if any;
- (3) may restrict the time of day during which a business in a neighborhood mixed use building special use may be open to the public;
- (4) may restrict a corner store special use, cottage special use, secondary apartment special use, or urban home special use, if any, to a designated portion of the district;
- (5) for a single-family residential use on an existing legal lot platted on or before August 15, 2024 or a secondary apartment special use on an existing legal lot:
 - (a) may reduce the required minimum lot area to 2,500 square feet;
 - (b) may reduce the required minimum lot width to 25 feet; [~~and~~]
 - (c) for a lot with an area of 4,000 square feet or less, may increase the maximum impervious coverage to 65 percent; [~~and~~]

- (d) a lot that is aggregated with other property to form a site may not be disaggregated to satisfy this subsection; and[-]
- (6) may apply the requirements of Section 25-2-1602 (*Front Porch Setback*), Section 25-2-1603 (*Impervious Cover and Parking Placement Requirements*), or Section 25-2-1604 (*Garage Placement*) to the district or a designated portion of the district;
- (7) may restrict front yard parking by including all or a portion of the district in the restricted parking area map described in Section 12-5-29 (*Front or Side Yard Parking*); [~~and~~]
- (8) may apply the requirements of Section 25-2-812(N) (*Mobile Food Establishments*) to the district or a designated portion of the district;[-]
- (9) may modify the following requirements of Subchapter F (*Residential Design And Compatibility Standards*) for the district or a designated portion of the district:
 - (a) the maximum floor-to-area ratio and maximum square footage of gross floor area prescribed by Subchapter F (*Residential Design And Compatibility Standards*);
 - (b) the maximum linear feet of gables or dormers protruding from the setback plane;
 - (c) the height of the side and rear setback planes; [~~and~~]
 - (d) the minimum front yard setback requirement; and[-]
- (10) may apply the requirements of Section 25-2-1407 (*Affordable Housing*) to the district or a designated portion of the district.

PART 8. City Code Section 25-4-177 (*Flag Lots*) is repealed and replaced to read:

§ 25-4-177 FLAG LOTS.

- (A) In this section, SINGLE-FAMILY RESIDENTIAL means:
 - (1) single-family attached residential use;
 - (2) single-family residential use; and

- (3) small lot single-family residential use.
- (B) A flag lot may only be approved in accordance with the requirements of this subsection.
- (1) Except as provided in Subdivision (2), flag lot designs are permitted if the director determines that the subdivision conforms to the Fire Code, utility design criteria, Plumbing Code and requirements for access.
 - (2) In single-family, duplex, two-unit, or three-unit residential subdivisions on previously unplatted land,
 - (a) residential flag lot designs may be used where no more than two dwelling units utilize a shared driveway; and
 - (b) residential flag lot designs with more than two units sharing a driveway may be used if the lots conform to the Fire Code, utility design criteria, Plumbing Code, and requirements for access.
- (C) Minimum Width of a Flag Lot.
- (1) Except as provided in Subdivision (2), the minimum width of a flag lot is:
 - (a) 20 feet; or
 - (b) 15 feet if:
 - (i) two or more contiguous lots share a common driveway and sufficient area is available outside the drive on each lot for utility installation;
 - (ii) the applicant can demonstrate access through an alternative route; or
 - (iii) a driveway is not proposed.
 - (2) The minimum width of a flag lot with at least one but no more than three dwelling units is:
 - (a) 10 feet when:
 - (i) sufficient area is available for utility installation;

- (ii) a driveway is not proposed; or
- (b) five feet when:
 - (i) two or more contiguous lots share a common driveway or walkway and sufficient area is available for utility installation; or
 - (iii) the applicant can demonstrate access through an alternative route.
- (D) For residential subdivisions utilizing a flag lot design, all driveways within the subdivision must be located and designed in a manner that:
 - (1) provides adequate space for required utilities;
 - (2) complies with the Utilities Criteria Manual;
 - (3) complies with the Drainage Criteria Manual;
 - (4) complies with the Fire Code;
 - (5) complies with the Plumbing Code; and
 - (6) complies with applicable tree preservation requirements detailed in the Environmental Criteria Manual.
- (E) All addresses for residential lots utilizing a flag lot design must be displayed at their closest point of access to a public street for emergency responders.

PART 9. Subsection (A) of City Code Section 25-4-232 (*Small Lot Subdivisions*) is amended to read:

§ 25-4-232 SMALL LOT SUBDIVISIONS.

- (A) This section applies to a subdivision with small lots that are zoned single family residence small lot (SF-4A) district or less restrictive.

PART 10. Phased Implementation.

- (1) Except as provided in subpart (2), this ordinance applies only to an application filed on or after August 16, 2024.

- (2) This ordinance applies only to an application filed on or after November 16, 2024, for a property located within:
- (a) the wildland-urban interface area;
 - (b) a census tract that is identified as undergoing active displacement by the Uprooted Report; or
 - (c) a census tract that is identified as vulnerable to displacement by the Uprooted Report.

PART 11. The City Manager is directed to include the number of subdivision applications that are submitted to create small lots allowed in Home Phase 2 as part of the report required by Part 19 of Ordinance No. 20231207-001 (HOME Phase 1).

PART 12. This ordinance takes effect on May 27, 2024.

PASSED AND APPROVED

_____, May 16, 2024

§ _____
§ *Kirk Watson*
§ _____
Kirk Watson
Mayor

APPROVED: _____
Anne L. Morgan
Anne L. Morgan
City Attorney

ATTEST: _____
Stephanie Hall for
Myrna Rios
City Clerk