

ORDINANCE NO.

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. [This part is no longer needed based on PC’s amendment.]

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 City Code Section 25-2-779 (*Small Lot Single-Family Residential Use*) is repealed and replaced to read: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

Commented [PL1]: PC recommended leaving current code for Measurements.

Staff recommended amending the requirements so that the flag pole would be considered when measuring a flag lot. See Part 4 in staff version.

For reference, current code:

§ 25-1-22 MEASUREMENTS.

(A) Lot area is the net horizontal area within the lot lines, excluding the portion of the lot:

- (1) that provides street access, if the lot is a flag lot; or
- (2) that is located below 492.8 feet of elevation above sea level, if the lot is adjacent to Lake Austin.

(B) Lot depth is the horizontal distance between the mid-point of the front lot line and the midpoint of the rear lot line.

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

(D) In determining required yards and setbacks for an irregularly shaped lot or a lot bounded by only three lot lines, the rear lot line is:

- (1) a line ten feet long;
- (2) parallel to the front lot line; and
- (3) at the most distant location from the front lot line.

(E) A distance from a structure to a line or location is measured from the exterior face of the nearest wall or vertical support of the structure to the line or location. For a structure that does not have a wall or vertical support, the building official shall determine the point of measurement.

- 26 (C) Only one dwelling unit is permitted on a lot.
- 27 (D) This subsection applies to small lot single-family residential use on a property
28 zoned single-family residence small lot (SF-4A) district or less restrictive.
- 29 (1) The minimum lot size is:
- 30 (a) 3,600 square feet; or
- 31 (b) for a corner lot, 4,500 square feet.
- 32 (2) A lot that fronts on a cul-de-sac must have:
- 33 (a) a chord width of not less than 33 feet at the front lot line;
- 34 (b) a width of not less than 40 feet at the front yard setback line; and
- 35 (c) a width of not less than 40 feet at all points 50 feet or more behind the
36 front lot line.
- 37 (3) The maximum height for a structure is 35 feet.
- 38 (4) The minimum front yard setback is 15 feet.
- 39 (5) The minimum street side yard setback is 10 feet.
- 40 (6) The minimum interior side yard setback is three and one-half feet, except:
- 41 (a) an interior side yard setback is not required if the interior side yard is
42 adjacent to property zoned single-family residence small lot (SF-4A)
43 district; and
- 44 (b) the combined width of the interior side yards of a lot may not be less
45 than seven feet.
- 46 (7) The minimum rear yard setback is five feet, excluding easements.
- 47 (8) The minimum setback between a rear access easement and a building or
48 fence is 10 feet.

- 49 (9) The maximum building coverage is 55 percent.
- 50 (10) The maximum impervious cover is 65 percent.
- 51 (11) A small lot single-family residential use must comply with the requirements
- 52 of Section 25-4-232 (*Small Lot Subdivisions*).

53 (E) Subsections (F) through (L) apply to small lot single-family residential use on

54 property zoned family residence (SF-3) district or more restrictive.

55 (F) Lot Standards.

- 56 (1) A lot must be at least 1,500 square feet but less than 5,750 square feet.
- 57 (2) Lot Width.
- 58 (a) Except for a flag lot, a lot must be at least 15 feet wide.
- 59 (b) Except for the portion of a flag lot that provides street access, a flag
- 60 lot must be at least 20 feet wide.
- 61 (3) A flag lot must comply with Section 25-4-177 (*Flag Lots*).
- 62 (4) Except as provided in Subdivisions (5) and (6), the following setbacks apply.
- 63 (a) The minimum street side yard setback:
- 64 (i) on a Level 1 street is the greater of five feet from the property line
- 65 or 10 feet from curb, or in the absence of curbs, from the edge of
- 66 the pavement; or
- 67 (ii) on a Level 2, Level 3, or Level 4 street is 10 feet from the property
- 68 line.
- 69 (b) The minimum side yard setback is:
- 70 (i) five feet;
- 71 (ii) zero feet if adjacent to the portion of a flag lot that provides street
- 72 access; or

Commented [PL2]: PC Recommendation
Staff Recommendation: 2,000 square feet.

Commented [PL3]: New text: PC amendment to reduce the
minimum width of a lot that is not a flag lot.

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- (iii) zero feet for a side lot line that is shared with a lot containing a small lot single-family residential use.
- (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 containing a small lot single-family residential use.
- (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 containing a small lot single-family residential use.
- (5) The minimum setback is zero feet for any property line that is shared with a lot that is zoned family residence (SF-3) district or more restrictive and contains a small lot single-family residential use.
- (6) 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.
- (7) 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.

Commented [PL4]: New text recommended by PC: Creates zero setbacks when the lot shares a lot line with a lot containing a small lot single-family use.

Staff does not recommend zero setbacks based on an adjacent use.

Commented [PL5]: Subdivision (5) is new text recommended by PC.
Staff does not recommend zero setbacks based on an adjacent use.
Original text for Subdivision (5) is now in Subdivision (6).

Commented [PL6]: New Text: PC Amendment.
Staff recommends following existing requirements in City Code Section 25-2-513 (*Openness of Required Yards*).
§ 25-2-513 OPENNESS OF REQUIRED YARDS.
(A) Except as otherwise provided in this section, a required yard must be open and unobstructed from finished grade to the sky. This restriction does not apply to a yard or part of a yard that is not required by this article.
(B) A window sill, belt course, cornice, flue, chimney, eave, 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.
(C) Uncovered steps or a porch or stoop that is not more than three feet above ground level may project three feet into a required yard.
(D) A parking area may be located in a required yard, unless prohibited by Article 10 (*Compatibility Standards*).
(E) In a townhouse and condominium residence (SF-6) or more restrictive district, a pool, including a swimming pool, reflecting pool, or fountain, may be located in a required yard.
(F) Landscaping may be located in a required yard.
(G) This subsection applies to a building located in a multifamily residence medium density (MF-3) or more restrictive district. A covered porch that is open on three sides may project five feet into a required front yard, a street side yard, or both.
(H) A ramp for a new or an existing single-family or duplex residential unit may be constructed in a required yard if:
(1) a person with a disability requires access to a dwelling entrance that meets the requirements of the Residential Code, Section R320.6 (*Visible dwelling entrance*);
(2) the ramp:
(a) is no wider than 48 inches, except that any portion of a landing for the ramp required for turns may be no wider than 60 inches;
(b) may have a hand railing, but may not have a roof or walls; and
(c) the building official determines that the ramp will not pose a threat to public health and safety; and
(3) encroachment into the required yard:
(a) is the minimum amount necessary to provide access for a person with a disability;
(b) does not extend more than three feet into a side yard setback; and
(c) is not located in a rear yard setback unless:
(i) the dwelling is located on a corner lot;
(ii) access is from an alley; or
(iii) another requirement of this title prohibits location of the ramp in the front or side yard.

99 (1) The maximum impervious cover is the maximum allowed in the base zoning
100 district regulations.

Commented [PL7]: New text: PC amendment.
Staff Recommendation: IC 45 percent.

101 (2) Except for a flag lot, the maximum front yard impervious cover for
102 driveways and parking areas is 50 percent.

Commented [PL8]: PC recommended adding "driveways and
parking areas" to the limitation.
Staff does not recommend.

103 (I) Subchapter F (*Residential Design and Compatibility Standards*) does not apply to a
104 property zoned family residence (SF-3) district or more restrictive except as
105 provided in Subsection (J).

106 (J) Gross Floor Area.

107 (1) This subsection applies to a property located within the area described in
108 Subsection 1.2.1 of Subchapter F (*Residential Design and Compatibility*
109 *Standards*).

110 (2) GROSS FLOOR AREA means the total enclosed area of all floors in a
111 building with a clear height of more than six feet, measured to the outside
112 surface of the exterior walls, except as provided in this subsection.

113 (3) The gross floor area may not exceed the greater of 1,650 square feet or a
114 floor-to-area ratio of 0.55.

Commented [PL9]: PC recommends: 1,650.
Staff recommends: 1,450.

115 (4) The maximum unit size is 2,300 square feet.

5/9/2024: This provision has been reworded for clarity.
No substantive change to the provision.

116 (K) Design standards.

Original Text: The maximum floor-to-area ratio for the lot is the
greater of 0.55 or 1,450 square feet.

117 (1) This subsection does not apply to a flag lot.

118 (2) The minimum number of street-facing entrances is one.

119 (3) Garage Placement

120 (c) In this subsection,

121 (i) BUILDING FACADE means the front-facing exterior wall or
122 walls of the first floor of the residential structure closest to the
123 primary street, and the term excludes the building facade of the
124 portion of that structure designed or used as a parking structure.
125 Projections from front-facing exterior walls, including but not

126 limited to eaves, chimneys, porches, stoops, box or bay windows,
127 and other similar features as determined by the building official,
128 are not considered part of the building facade.

129 (ii) PARKING STRUCTURE means an attached or detached garage or
130 carport.

131 (d) A parking structure may not be closer to the front lot line than the front-
132 most exterior wall of the first floor of the building façade.

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

137 (L) Access Requirements for Driveways.

138 (1) For lot widths less than 20 feet, the site may only take vehicular access off
139 an improved alley or from a side street.

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

143 (3) For lot widths of 30 feet or greater, the site may take vehicular access off of
144 an improved alley, through a joint-use driveway with adjoining lots, or by
145 individual driveway.

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

148 **§ 25-2-981 APPLICABILITY; EXCEPTIONS.**

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

151 (1) property zoned central business district (CBD) or downtown mixed-use
152 (DMU) district;

Commented [PL10]: Modified text: Staff recommends changes to this subsection to account for the lowered minimum lot width recommended by PC.

- 153 (2) a lot containing one single-family residence;
- 154 (3) a lot containing one duplex residence, unless the residence exceeds 4,000
155 square feet of gross floor area or has more than six bedrooms;
- 156 (4) a two-unit ~~[family]~~ residential use;
- 157 (5) a secondary apartment special use;
- 158 (6) a small lot single-family residential use on property zoned single family
159 residence large lot (SF-1) district, single family residence standard lot (SF-2)
160 district, or family residence (SF-3) district;
- 161 (7) substantial restoration of a building within one year after the building is
162 damaged;
- 163 (8) restoration of a building designated as a historic landmark; or
- 164 (9) interior or facade remodeling, if the front and side exterior walls of the
165 building remain in the same location.

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

167 **§ 25-2-1406 ORDINANCE REQUIREMENTS.**

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

- 169 (1) must prescribe the special uses described in Section 25-2-1403 (*Special*
170 *Uses*) that are permitted in the district;
- 171 (2) must describe the location of each residential infill special use,
172 neighborhood urban center special use, or neighborhood mixed use building
173 special use, if any;
- 174 (3) may restrict the time of day during which a business in a neighborhood
175 mixed use building special use may be open to the public;

- 176 (4) may restrict a corner store special use, cottage special use, secondary
177 apartment special use, or urban home special use, if any, to a designated
178 portion of the district;
- 179 (5) for a single-family residential use on an existing legal lot platted on or
180 before May 27, 2024 or a secondary apartment special use on an existing
181 legal lot:
- 182 (a) may reduce the required minimum lot area to 2,500 square feet;
- 183 (b) may reduce the required minimum lot width to 25 feet; ~~and~~
- 184 (c) for a lot with an area of 4,000 square feet or less, may increase the
185 maximum impervious coverage to 65 percent; ~~and~~
- 186 (d) a lot that is aggregated with other property to form a site may not be
187 disaggregated to satisfy this subsection; ~~and~~[-]
- 188 (6) may apply the requirements of Section 25-2-1602 (*Front Porch Setback*),
189 Section 25-2-1603 (*Impervious Cover and Parking Placement*
190 *Requirements*), or Section 25-2-1604 (*Garage Placement*) to the district or a
191 designated portion of the district;
- 192 (7) may restrict front yard parking by including all or a portion of the district in
193 the restricted parking area map described in Section 12-5-29 (*Front or Side*
194 *Yard Parking*); ~~and~~
- 195 (8) may apply the requirements of Section 25-2-812(N) (*Mobile Food*
196 *Establishments*) to the district or a designated portion of the district;[-]
- 197 (9) may modify the following requirements of Subchapter F (*Residential Design*
198 *And Compatibility Standards*) for the district or a designated portion of the
199 district:
- 200 (a) the maximum floor-to-area ratio and maximum square footage of
201 gross floor area prescribed by Subchapter F (*Residential Design And*
202 *Compatibility Standards*);

Commented [PL11]: This is the effective date for this ordinance.
Staff recommends a delayed implementation date for HOME 2.
Under staff recommendation, this date would be August 15, 2024.
PC did not recommend the delayed implementation date.

203 (b) the maximum linear feet of gables or dormers protruding from the
204 setback plane;

205 (c) the height of the side and rear setback planes; ~~and~~

206 (d) the minimum front yard setback requirement; ~~and~~[-]

207 (10) may apply the requirements of Section 25-2-1407 (*Affordable Housing*) to
208 the district or a designated portion of the district.

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

210 **§ 25-4-177 FLAG LOTS.**

211 (A) In this section, SINGLE-FAMILY RESIDENTIAL means:

212 (1) single-family attached residential use;

213 (2) single-family residential use; and

214 (3) small lot single-family residential use.

215 (B) A flag lot may only be approved in accordance with the requirements of this
216 subsection.

217 (1) Except as provided in Subdivision (2), flag lot designs are permitted if the
218 director determines that the subdivision conforms to the Fire Code, utility
219 design criteria, Plumbing Code and requirements for access.

220 (2) In single-family, duplex, two-unit, or three-unit residential subdivisions on
221 previously unplatted land,

222 (a) residential flag lot designs may be used where no more than two
223 dwelling units utilize a shared driveway; and

224 (b) residential flag lot designs with more than two units sharing a
225 driveway may be used if the lots conform to the Fire Code, utility
226 design criteria, Plumbing Code, and requirements for access.

227 (C) Minimum Width of a Flag Lot.

228 (1) Except as provided in Subdivision (2), the minimum width of a flag lot is:

229 (a) 20 feet; or

230 (b) 15 feet if:

231 (i) two or more contiguous lots share a common driveway and
232 sufficient area is available outside the drive on each lot for
233 utility installation;

234 (ii) the applicant can demonstrate access through an alternative
235 route; or

236 (iii) a driveway is not proposed.

237 (2) The minimum width of a flag lot with at least one but no more than three
238 dwelling units is:

239 (a) 10 feet when:

240 (i) sufficient area is available for utility installation;

241 (ii) a driveway is not proposed; or

242 (b) five feet when:

243 (i) two or more contiguous lots share a common driveway or
244 walkway and sufficient area is available for utility installation;
245 or

246 (iii) the applicant can demonstrate access through an alternative
247 route.

248 (D) For residential subdivisions utilizing a flag lot design, all driveways within the
249 subdivision must be located and designed in a manner that:

Commented [PL12]: 5/9/2024: Reworded this provision for clarity.
PC recommended narrower widths.
Staff recommends the original text:
(2)The minimum width of a flag lot with at least one but no more than three dwelling units is:
(a) 15 feet; or
(b) 10 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; or
(ii) the applicant can demonstrate access through an alternative route; or
(iii) a driveway is not proposed.

- 250 (1) provides adequate space for required utilities;
251 (2) complies with the Utilities Criteria Manual;
252 (3) complies with the Drainage Criteria Manual;
253 (4) complies with the Fire Code;
254 (5) complies with the Plumbing Code; and
255 (6) complies with applicable tree preservation requirements detailed in the
256 Environmental Criteria Manual.

257 (E) All addresses for residential lots utilizing a flag lot design must be displayed at
258 their closest point of access to a public street for emergency responders.

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

261 **§ 25-4-232 SMALL LOT SUBDIVISIONS.**

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

264 **PART 10.** [Unnecessary because PC did not recommend a delayed implementation
265 date.]

