

## Upcoming Changes to the Land Development Code – Version: 11/13/2023

### Case Number: C20-2023-010 ELIMINATE MINIMUM PARKING REQUIREMENTS

This amendment was *approved by Council on November 2*. It eliminated parking requirements throughout the City except for ADA required spaces.

Most existing commercial and multi-family zoned areas in NWACA were built with adequate on-site parking (more than adequate in some cases; the Far West Blvd shopping centers, for instance). Eliminating parking requirements will probably cause problems in older single family residential/commercial transition areas especially those not served with transit.

Note that performance venues (i.e. bars) are now conditional uses in most retail commercial districts which now have no parking requirements.

Taken in tandem with the HOME resolution amendments (C20-2023-024 Ph 1 and Ph 2) the elimination of residential on-site parking requirements could potentially line narrow neighborhood streets without sidewalks, with cars.

### Case Number: C20-2023-024 SINGLE FAMILY LOT AND USE MODIFICATIONS PH 1

This proposed HOME amendment has two parts; use modification and duplex lot size and standards.

Part 1: Collapses SF zoning and creates a new three-unit residential use that allows up to three housing units, including tiny homes, on an SF-zoned property. The three-unit residential use is described on the City's table shown below:

#### **Current Code:**

	<b>SF-1</b>	<b>SF-2</b>	<b>SF-3</b>
Maximum Housing Units Per Lot	1	1	2
Duplex	Not Permitted	Not Permitted	Permitted
Two-Family Residential	Not Permitted	Not Permitted	Permitted

#### **Proposed Changes:**

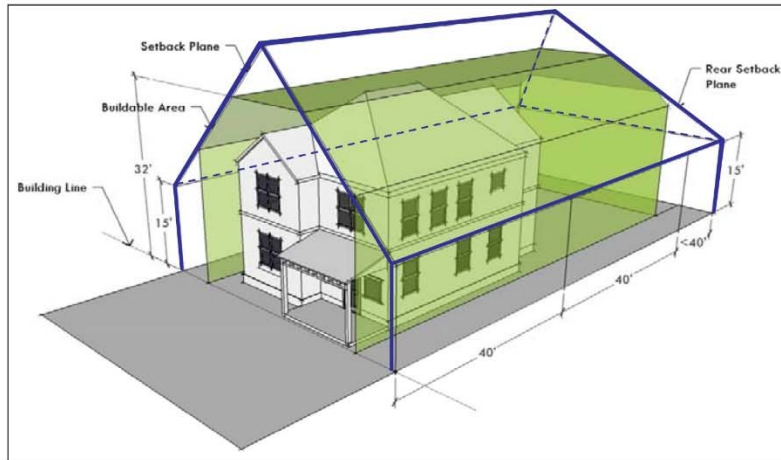
	<b>SF-1</b>	<b>SF-2</b>	<b>SF-3</b>
Maximum Housing Units Per Lot	3	3	3
Duplex	Permitted	Permitted	Permitted
Two-Unit Residential <sup>2</sup>	Permitted	Permitted	Permitted
Three-Unit Residential	Permitted	Permitted	Permitted

The proposal creates a new Three-Unit Residential Use:

- 1) Max Building Coverage is 40%.
- 2) Max Impervious Cover is 45%.
- 3) Chapter 25-2, Subchapter F “McMansion” standards will not apply.

**C. Buildable Area**

The buildable area, as defined in Section 3.3., consists of the smallest area within the front, side, and rear yard setbacks; maximum height limit; and the combined side and rear setback planes. See Figures 10 and 11.



**Figure 10: Buildable Area (Combination of Yard Setbacks, Maximum Height Limit, and Setback Planes)**

The heavy blue line indicates the "tent" formed by the side and rear setback planes. The buildable area is the smallest area included within the front, side, and rear yard setbacks; maximum height limit; and the combined side and rear setback planes (shown here as the green area).

Part 2 reduces the minimum lot size for duplex (two unit) and three unit residential to 5750 sq ft and changes development standards; eliminating the limit the number of stories for duplexes, but retaining the 35 ft height limit, and eliminating FAR limits.

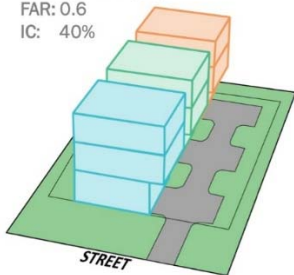
**The most important change is the reduction of minimum lot size to 5750 sq ft. The proposal would permit up to 3 houses on a 5750 sq ft lot.**

Most single-family lots in NWACA are already zoned (SF-3), which allows a duplex and an ADU. The issues here are lot size, the number of stories, and parking now that there are no longer parking requirements.

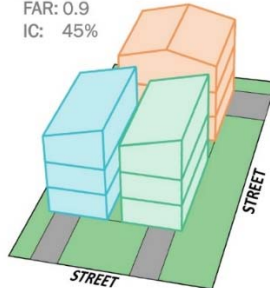


**Three-Unit Use Examples**

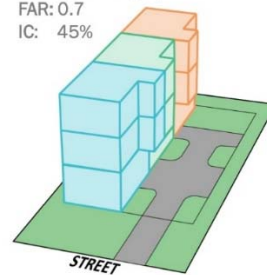
Zoning: SF-1  
 Lot Size: 10,000 sf, 75 ft x 133 ft  
 Unit: 1,900 sf (3x)  
 FAR: 0.6  
 IC: 40%



Zoning: SF-3  
 Lot Size: 8,000 sf, 65 ft x 123 ft  
 Unit: 2,100 sf (2x), 3,200 sf  
 FAR: 0.9  
 IC: 45%



Zoning: SF-3  
 Lot Size: 5,750 sf, 50 ft x 115 ft  
 Unit: 1,300 sf (3x)  
 FAR: 0.7  
 IC: 45%



Case Number: C20-2023-033 TINY HOMES AND RV'S IN SINGLE FAMILY

The proposed amendment allows tiny homes and RVs in single family zoning districts as ADUs.

A tiny home is defined as a housing unit that is 400 square feet or less in floor area excluding loft space. Assuming no conflict with deed restrictions, a 400 square foot ADU doesn't seem especially problematic in NWACA.

Case Number C20-2023-012 REMOVING RESTRICTIONS ON THE NUMBER OF UNRELATED ADULTS LIVING IN A HOUSING UNIT

This proposal has three parts:

1) Delete Section 25-2-511 (*Dwelling Unit Occupancy Limit*)

Currently Section 25-2-511 prohibits more than six unrelated adults residing in a dwelling unit. Absent a design component, this amendment invites the construction of "stealth dorms" with inadequate resident parking. This may not be a NWACA issue, but it will be an issue elsewhere.

It should be noted that conditions in these and all houses are subject to the City's Property Maintenance Code which is enforced by the City's Code Compliance Office. Section 404.4.1 of the Code requires that, except for qualifying efficiency units, a bedroom must contain at least 70 square feet; and a bedroom occupied by more than two adults must contain at least 120 square feet plus an additional 50 square feet for each adult in excess of three. The Code also establishes standards for light and ventilation among other things.

2) Change definition of Group Residential from 6 unrelated adults to 16 adults and third parties that prepare or provide food (requires Austin Public Health permit).

3) Delete Family Home, Group Home, and the related restrictions.

Family Homes and Group Homes are supervisory homes that are included in the Civic Use zoning district and are described in Section 25-2-6 (21-24). Note that GROUP HOME, CLASS II use is the use of a site for the provision of a family-based facility providing 24-hour care in a protected living arrangement for not more than 15 residents and not more than 3 supervisory personnel. This use includes homes for juvenile delinquents, halfway houses providing residence instead of institutional sentencing, and halfway houses providing residence to those needing correctional and mental institutionalization.

A group home may not be located within a one-half mile radius of another group home. This requirement does not apply to a group home for persons sixty years of age or older. Currently, the council may waive this requirement.

A family home may not be located within a one-half mile radius of any other family home. Currently, the council may waive this requirement.

## Case Number C20-2023-019 CITYWIDE COMPATIBILITY

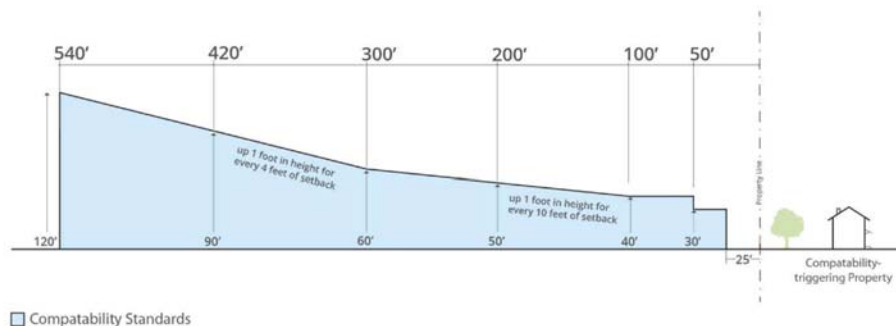
The purpose of compatibility standards is to ensure that there is a transition between new, potentially taller development and less tall residential development. Compatibility standards generally apply to sites that are within 540 feet of the property line of property used or zoned SF-5 or a more restrictive zoning district.

Currently, outside of certain transit corridors, the standards establish a 25 ft no-build zone from the property that triggers compatibility, a 30 ft height limit for the next 50 ft, and a 40 ft limit for the next 50 ft. At that point builders get up to 1 ft in additional height for each additional 10 ft of setback out to 300 ft from the triggering property and then 1 additional foot of height for each additional 4 ft of setback up to 540 ft from the triggering property. Given that the maximum height for MF-5, GO, and GR is only 60 ft, compatibility is irrelevant in most cases beyond 300 ft from the triggering property.



### Citywide Compatibility Standards

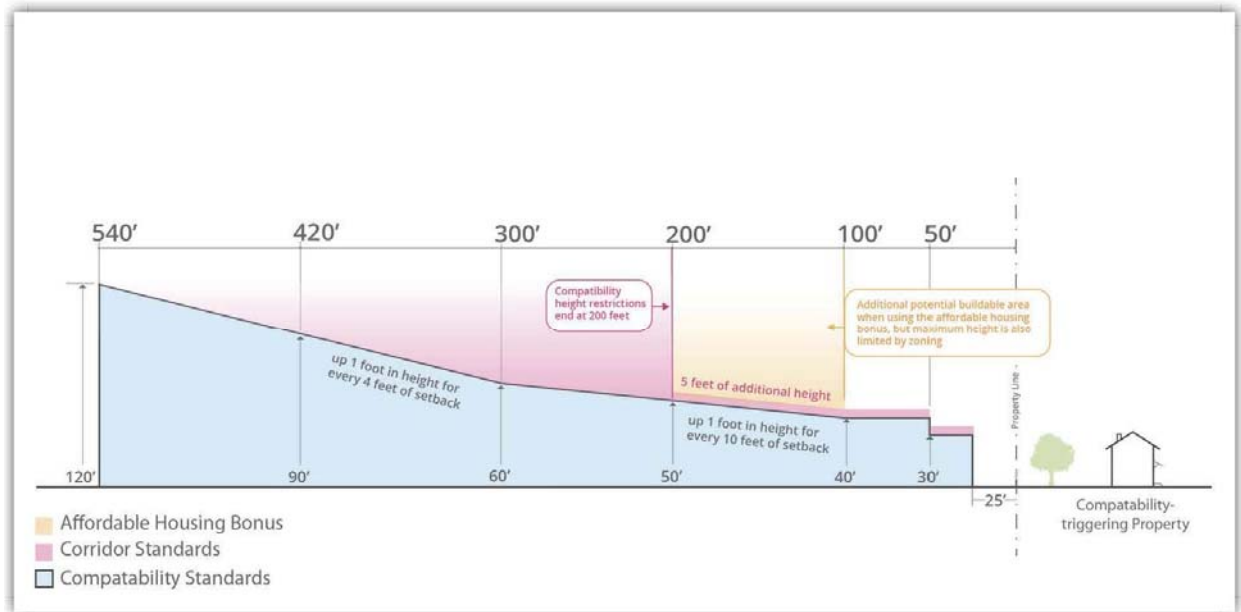
- [Title 25, Chapter 2, Subchapter C, – Land Development, Article 10. Compatibility Standards](#)
  - The City of Austin's compatibility standards generally apply to sites that are within 540 feet of the property line of an urban family residence (SF-5) or more restrictive zoning district.
  - Compatibility standards also apply when a site is adjacent to a lot on which a use permitted in an SF-5 or more restrictive zoning district is located.



On December 1, 2022, City Council adopted an ordinance that relaxes compatibility standards for residential or mixed-use project on sites with frontage along a defined set of corridors: Medium, Larger, or Light Rail Corridor. For these projects, compatibility restrictions will be triggered by zoning only (not by use). Compatibility restrictions will only apply if the triggering property is on the same side of the corridor as the site and an additional 5' of compatibility height will be allowed.

In addition, Compatibility restrictions will end at 200' from a triggering property on a Larger or Light Rail Corridor and Compatibility restrictions will end at 300' from a triggering property on a Medium Corridor.

For projects providing affordable housing, compatibility restrictions will end at 100' from a triggering property on a Light Rail Line or Large Corridor. And, compatibility restrictions will allow 65' of height at a distance of 150' from a triggering property and 90' of height at 250' from a triggering property on a Medium Corridor.



Compatibility Diagram for Larger and Light Rail Corridors

In June, City Council adopted a resolution to extend the corridor standards city-wide. Ordinance adoption is anticipated in March of 2024.

**Problems with this city-wide approach will probably occur in older single family residential/ commercial transition areas where the commercial zoned lots are shallow and the corridor narrow.**

#### Case Number C20-2023-035 SINGLE FAMILY LOT AND USE MODIFICATIONS PH 2

The HOME resolution states that the goal of Ph 2 is to reduce the minimum lot size in single-family zoning districts to **2,500 square feet** or less so that existing standard-size lots can be subdivided and be developed with a variety of housing types such as row houses, townhomes, tri-and four-plexes, garden homes, and cottage courts.

According to the HOME resolution Phase 2 will adjust:

- 1) Setbacks, height, impervious cover, and floor-to-area ratio (FAR);
- 2) Regulations that impact the re-development of existing substandard lots;
- 3) Limit the applicability of Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards (also known as the “McMansion Ordinance”) so that it applies only when one dwelling unit is proposed to be constructed on a lot; and
- 4) Eliminate minimum site area and building coverage requirements; and
- 5) If legally feasible, allow for innovative:
  - a) methods to mitigate potential runoff from additional impervious cover;

- b) utility layouts and connections to support multiple units on smaller lots; and
- 6) Preserve trees or other natural features, and mitigate floodplain areas by allowing for alternative equivalent compliance and administrative modifications for single-family developments that will be developed:
- 7) Any additional site development regulations necessary to facilitate the creation and development of smaller lots and more housing units in single-family zoning districts consistent with this Resolution.

**Hearings about Phase 2 may begin as early as December, and action by Council is currently scheduled for Spring of 2024.** NWACA residents need to engage with the City Council and our District 10 representatives on City boards and commissions regarding Ph 2.

### **Some Possible Next Steps After the November 15 Meeting**

#### **Your current Zoning:**

To see your home's current zoning, do an address search at <https://maps.austintexas.gov/GIS/PropertyProfile/>

#### **Deed Restrictions:**

To find out if your property has deed restrictions, you can either

- Call the Travis County Clerk – 512-854-0000, and follow the prompts to get someone dealing with real property records, or
- Go online to <https://www.tcsearch.org/> and use the Real Estate tab to get to a page where you search by homeowner name, address, and other data. Check the Warranty Deed or a plat that shows any recorded restrictions.

#### **More information:**

- See this Speak Up Austin web page: <https://publicinput.com/v1473>
- Materials provided at the October 26 Joint Public Hearing including a draft resolution and a presentation about the changes from the Austin Planning Department can be found at <https://www.austintexas.gov/department/city-council/2023/20231026-reg.htm>

#### **To Protest the Proposed Changes:**

See this Speak Up Austin web page: <https://publicinput.com/v1473#3> To be sure a protest is received and processed before the December 7 Council meeting, submit it two weeks prior.

#### **To Testify at the December 7 Special City Council Meeting**

- Monitor the City Council Meeting page for latest information
- General information on signing up to speak at an Austin City Council meeting is at <https://tinyurl.com/SigningUpToSpeak>

#### **To email comments to All City Council Members**

- Use this web page: <https://www.austintexas.gov/email/all-council-members>
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#### **Questions/Comments**

If you would like to contact departmental staff with questions about these amendments, you may email [LDCupdates@austintexas.gov](mailto:LDCupdates@austintexas.gov) or call 512-974-7220