

## AGENDA



Thursday, June 7, 2007

**Item(s) to Set Public Hearing(s)**  
**RECOMMENDATION FOR COUNCIL ACTION**
**Item No. 68**

**Subject:** Set a public hearing to approve an ordinance amending Section 25-2-943 of the City Code relating to substandard lots. (Suggested date and time: June 21, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX)

**For More Information:** Greg Guernsey, 974-2387; Sylvia Arzola, 974-6448

**Boards and Commission Action:** Recommended by Planning Commission.

**Prior Council Action:** 10/7/04 - Council directed the City Manager to review and recommend amendments to the provisions of the City Code related to areidential use on a substandard lot.

This action amends Section 25-2-943 of the City Code relating to substandard lots. A substandard lot is a lot or tract recorded by deed or plat that does not comply with current area, lot width, or depth requirements, but that complied with the requirements in effect when it was created.

Under the current Code, a substandard lot may be used for residential use that is permitted in the zoning district in which the lot is located if the lot complies with the following requirements:

1. A substandard lot recorded in the county real property records before March 15, 1946 must: (a) have an area of not less than 4,000 square feet; and (b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is (i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot; (ii) not more than 150 feet in length; and (iii) maintained for access by the property owner; or
2. A substandard lot recorded in the county real property records after March 14, 1946 must: (a) have an area of not less than 5,750 square feet; and (b) be not less than 50 feet wide at the street or at the building line.

The current Code also requires that if a substandard lot is used with one or more contiguous lots for a single use or unified development, then requirements of this chapter apply to the aggregation of lots as if the aggregation were a single lot.

The proposed City wide ordinance would clarify that only the construction of a single family home is allowed to be constructed on a substandard lot and not other residential uses, such as a duplex or a multi-family use. The construction of a new single family home on a substandard lot that is designated as a family residence (SF-3) district would be required to meet current zoning regulations, including building height (maximum 35' or 32' in areas where the new residential design ordinance applies), setbacks (minimum 25' front yard, 5' interior side yard & 10' rear yard), building coverage (maximum 40%), parking (minimum of 2 spaces) and impervious cover (maximum 45%). However, the new SF-3 zone home would not be required to meet the current lot width requirement (minimum 50' wide) or the lot area requirement ( minimum of 5,750 sq. ft.). Planning Commission recommended this portion of the amendment.

The proposed amendment would also prohibit an existing substandard lot that is combined with other lots to form a site to be reduced in size to create a site that is smaller than the minimum lot area requirement.

For example, a three lot property (composed of lots 25 feet wide) developed with a home on one lot, a garage on another lot and an open yard on the third lot that collectively meets the minimum lot width and lot area requires of the Code may not be broken up into three separate lots and developed with a home on each lot. Planning Commission recommended this portion of the amendment.

The final portion of the amendment would allow the replacement of an existing residence on a lot not less than 2,500 sq. ft. in size with a new single family residence, if the existing lot was created before March 15, 1946 and was previously developed with a residence. Planning Commission did not recommend this portion of the amendment. The Planning Commission recommendation would allow a new single family residence on a lot not less than 4,000 sq. ft. in size, if the existing lot was created before March 15, 1946 and was previously developed with or without an existing residence.