

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2014-003 Small Lot Amnesty

Description: Consider amendments to Title 25 of the City Code to limit the redevelopment of existing small lots that are aggregated and developed as a single building site.

Proposed Language: See attached draft ordinance.

Summary of proposed code changes:

- Clarification that the small lot amnesty infill tool may not be used to disaggregate a site comprised of contiguous substandard lots to create a site that is smaller than the minimum lot area requirement.
- Definition of the term “aggregation.”

Background: Initiated by Planning Commission on March 11, 2014.

The small lot amnesty infill tool permits construction or major renovation of existing single-family homes on existing legally-created lots that do not meet current minimum lot standards. To qualify, the lot must have a minimum area of 2,500 square feet and a minimum width of 25 feet. This special use applies to all zoning districts and overlays that permit single-family homes. Under existing regulations that apply city-wide, an existing, legally-created lot less than 5,750 square feet that does not comply with current zoning regulations cannot be legally developed or have substantial improvements made to existing buildings (unless it is a qualified substandard lot (LDC 25-2-943) with a minimum lot area of 4,000 square feet and platted before March 15, 1946). Many legally subdivided lots in older parts of the city that do not meet current standards or do not qualify as substandard lots are sitting vacant or the homes on those lots are deteriorating because major improvements are not allowed.

This infill tool has been used in the past to disaggregate sites into smaller substandard lots. For example, a home that has been built across three substandard lots has been allowed to be demolished to make way for three smaller homes, one on each substandard lot. The intent of the small lot infill tool, and the way it has been presented to neighborhoods through the neighborhood planning process, is to address substandard lots where development/redevelopment would have *otherwise been impossible*, not to allow existing sites that are already developed to be broken down into smaller (albeit existing) lots that don't meet current minimum size requirements.

Although staff in no way opposes small lot infill or the concept of small lot development, they feel that the small lot amnesty tool is not the proper way to achieve said development, and that the cottage and urban home infill tools, as well as the small lot

single-family residential use, are the best way to allow for development on lots or subdivision into lots below 5750 square feet.

Staff Recommendation: Recommended

Board and Commission Actions

February 5, 2015: Recommended by the Codes and Ordinances Subcommittee on a 4-0 vote (Commissioner Oliver absent).

Council Action

December 10, 2015: A public hearing has been scheduled.

Ordinance Number: NA

City Staff: Greg Dutton

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ORDINANCE NO. _____

1 **AN ORDINANCE AMENDING CITY CODE TITLE 25 REGARDING THE**
2 **REDEVELOPMENT OF EXISTING SMALL (SUBSTANDARD) LOTS**
3 **DEVELOPED AS A SINGLE BUILDING SITE.**

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

5 **PART 1.** City Code Section 25-1-21 (*Definitions*) is amended by adding a new
6 definition for the term “Aggregate” and by renumbering the existing definitions (4)
7 through (132) accordingly, with the new definition to read as follows:

- 8 (4) AGGREGATE means creating a site on which a structure has been built
9 across two or more lots, at least one of which is substandard.

10 **PART 2.** City Code Section 25-2-1406 (*Ordinance Requirements*) is amended to read as
11 follows:

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

- 13 (1) must prescribe the special uses described in [Section 25-2-1403](#) (*Special*
14 *Uses*) that are permitted in the district;
- 15 (2) must describe the location of each residential infill special use,
16 neighborhood urban center special use, or neighborhood mixed use
17 building special use, if any;
- 18 (3) may restrict the time of day during which a business in a neighborhood
19 mixed use building special use may be open to the public;
- 20 (4) may restrict a corner store special use, cottage special use, secondary
21 apartment special use, or urban home special use, if any, to a designated
22 portion of the district;
- 23 (5) for a single-family residential use or a secondary apartment special use on
24 an existing legal lot:
- 25 (a) may reduce the required minimum lot area to 2,500 square feet;
- 26 (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.
- (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.
- (10) may apply the requirements of [Section 25-2-1407](#) (*Affordable Housing*) to the district or a designated portion of the district.

PART 3. This ordinance takes effect on _____, 2015.

PASSED AND APPROVED

_____, 2015 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk

DRAFT

**AFFORDABILITY IMPACT STATEMENT**

NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT

CITY COUNCIL AGENDA:

RESOLUTION No:

PROPOSED CODE AMENDMENT:	PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE SECTION 25-2-1406 RELATING TO AN ORDINANCE ZONING OR REZONING PROPERTY AS A NEIGHBORHOOD PLAN COMBINING DISTRICT WOULD BE AMENDED TO INCLUDE THE FOLLOWING LANGUAGE ... SMALL LOT AMNESTY...
IMPACT ON REGULATORY BARRIERS TO AFFORDABLE HOUSING DEVELOPMENT	<p> <input type="checkbox"/> POSITIVE <input checked="" type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL </p> <p> THE PROPOSED AMENDMENT WILL CREATE AN ADDITIONAL REGULATORY BARRIER TO OPPORTUNITIES FOR THE DEVELOPMENT OF AFFORDABLE HOUSING ON PROPERTIES THAT ARE COMPRISED OF MULTIPLE LOTS, ONE OR MORE OF WHICH IS SUBSTANDARD IN SIZE. </p> <p> THE PROPOSED AMENDMENT READS: "A LOT THAT IS AGGREGATED WITH OTHER PROPERTY TO FORM A SITE MAY NOT BE DISAGGREGATED TO SATISFY THIS SUBSECTION." </p> <p> THIS LIMITATION COULD NEGATIVELY IMPACT THE ABILITY OF DEVELOPERS TO BUILD HOUSING AT LOWER COSTS ON SMALL LOTS AND THEREFORE CREATES A BARRIER TO THE POTENTIAL DEVELOPMENT OF AFFORDABLE HOUSING. THE AMENDMENT ESSENTIALLY REMOVES A TOOL THAT CURRENTLY PROVIDES OPPORTUNITIES TO MEET THE IMAGINE AUSTIN GOAL OF A MORE COMPACT AND CONNECTED AUSTIN WHERE THERE ARE A VARIETY OF HOUSING TYPES AVAILABLE IN ALL PARTS OF THE CITY THAT MEET THE FINANCIAL AND LIFESTYLE NEEDS OF AUSTIN'S DIVERSE POPULATION. </p>
LAND USE / ZONING OPPORTUNITIES FOR AFFORDABLE HOUSING DEVELOPMENT	<p> <input type="checkbox"/> POSITIVE <input checked="" type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL </p> <p> THE PROPOSED AMENDMENT WILL HAVE THE SAME IMPACT AS DESCRIBED ABOVE ON LAND USE OPPORTUNITIES FOR AFFORDABLE HOUSING DEVELOPMENT. </p>
IMPACT ON COST OF DEVELOPMENT	<p> <input type="checkbox"/> POSITIVE <input checked="" type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL </p> <p> THE PROPOSED AMENDMENT WILL HAVE A NEGATIVE IMPACT ON THE COST OF DEVELOPMENT BY REMOVING THE OPTION TO DISTRIBUTE LAND COSTS OVER MULTIPLE LOTS AND STRUCTURES. </p> <p> LIMITATIONS TO INCREASED RESIDENTIAL DENSITY CREATE LIMITATIONS TO DEVELOPING A VARIETY OF HOUSING TYPES THAT MAY BE MORE AFFORDABLE TO MORE AUSTIN RESIDENTS. </p>

IMPACT ON PRODUCTION OF AFFORDABLE HOUSING	<input type="checkbox"/> POSITIVE <input checked="" type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL INCREASES IN DEVELOPMENT COSTS COULD ADVERSELY IMPACT THE PRODUCTION OF AFFORDABLE HOUSING.
PROPOSED CHANGES IMPACTING HOUSING AFFORDABILITY:	
ALTERNATIVE LANGUAGE TO MAXIMIZE AFFORDABLE HOUSING OPPORTUNITIES:	(D) A LOT THAT IS AGGREGATED WITH OTHER PROPERTY TO FORM A SITE MAY NOT BE DISAGGREGATED TO SATISFY THIS SUBSECTION. <u>EXEMPTIONS ARE MADE FOR DEVELOPMENTS THAT ARE CERTIFIED S.M.A.R.T. HOUSING.</u>
OTHER HOUSING POLICY CONSIDERATIONS:	
DATE PREPARED:	FEBRUARY 4, 2015
DIRECTOR'S SIGNATURE: _____	

SMALL LOT AMNESTY

Applied Neighborhood-Wide Only

LDC Chapter 25-2-1406

DESCRIPTION

Small lot amnesty permits construction or major renovation of existing single-family homes on **EXISTING legally-created lots** that do not meet current minimum lot standards. To qualify, the lot must have a minimum area of 2,500 square feet and a minimum width of 25 feet. This special use applies to all zoning districts and overlays that permit single-family homes. Under existing regulations that apply city-wide, an existing, legally-created lot less than 5,750 square feet that does not comply with current zoning regulations cannot be legally developed or have substantial improvements made to existing buildings (unless it is a qualified substandard lot (LDC 25-2-943) with a minimum lot area of 4,000 square feet and platted before March 15, 1946). Many legally subdivided lots in older parts of the city that do not meet current standards or do not qualify as substandard lots are sitting vacant or the homes on those lots are deteriorating because major improvements are not allowed.

Development under small lot amnesty must meet the following:

- Front setback: For lots adjacent to a legally developed lot with a front setback less than 25 feet, the minimum front yard setback is equal to the average of the front yard setbacks applicable to adjoining lots.
- Other setbacks: Must comply with base zoning district.
- Parking: Must comply with parking requirements for single-family uses.
- Impervious Cover: Maximum impervious cover is 65% for lots 4,000 square feet or less. For other lot sizes, maximum impervious cover determined by the base zoning district.
- Building Coverage: Must comply with base zoning district.

NEW OPTION:

If small lot amnesty is selected, the neighborhood can also choose to permit the Secondary Apartment Special Use (see page 7) on lots that qualify for small lot amnesty.

Diagram of Existing Small Platted Lots in the East Cesar Chavez Neighborhood

Formerly illegal small lots (East Cesar Chavez NP chose small lot amnesty).



