



City of Austin

Recommendation for Action

File #: 24-4688, Agenda Item #: 2.

5/16/2024

Posting Language

Conduct a public hearing and consider an ordinance amending City Code Title 25 (*Land Development*) to revise regulations that apply to lots with one housing unit, flag lots, and small lots (also known as HOME Phase 2); create regulations that allow properties to be used for charging electric vehicles; create regulations, including a density bonus program that modifies height and compatibility in exchange for community benefits, for properties that are located within a half mile of the planned Phase 1 Light Rail and Priority Extensions (also known as the Equitable Transit-Oriented Development (ETOD) overlay); and revise height, building placement, and other related regulations that apply to property and are in addition to the base zoning regulations (also known as Compatibility Standards).

Lead Department

Planning Department.

Fiscal Note

This item has no fiscal impact.

Council Committee, Boards and Commission Action:

April 30, 2024 - Planning Committee took the following actions:

Compatibility.

On a 10-0 vote, the Commission's recommendation to send this item to full Council was made on Vice-Chair Azhar's motion and Commissioner Maxwell's second. Commissioners Cox, Mushtaler, and Phillips abstained.

HOME Phase 2.

On a 8-1 vote, the Commission's recommendation to send this item to full Council was made on Vice-Chair Azhar's motion and Commissioner Maxwell's second. Commissioners Cox, Howard, Mushtaler, and Phillips were off the dais.

EV Charging.

On a 13-0 vote, the Commission's recommendation to send this item to full Council was made on Vice-Chair Azhar's motion and Commissioner Maxwell's second.

ETOD.

On a 9-1 vote, the Commission's recommendation to send this item to full Council was made on Vice-Chair Azhar's motion and Commissioner Maxwell's second. Commissioner Woods was absent.

Additional Backup Information:

Reducing Minimum Lot Sizes for One Residential Unit (HOME Phase 2)

Council Direction. Land Development Code amendments to reduce the minimum lot size for one residential unit were initiated as part of Resolution No. 20230720-126 (HOME Initiative) with a goal of increasing housing options by providing homeowners with the choice and flexibility to be creative with their space and the property they already own.

Proposal. The proposed code amendments would reduce the lot size required for one home and revise site development rules to allow ownership of one home on a smaller lot, also known as “fee-simple ownership.” Larger lot sizes are still allowed. The proposed changes:

- Lower the minimum lot size for one unit from 5,750 sq ft to 2,000 sq ft;
- Adjust development standards for lots under 5,750 sq ft including:
 - Reducing the minimum lot width and setbacks,
 - Adding design standards for driveways, front yards, and garage placement,
 - Allowing for a variety of detached and attached housing types,
 - Removing Residential Design and Compatibility standards (e.g., McMansion or Subchapter F) and;
- Adjust regulations that apply to “flag lots” to facilitate easier subdivision. Flag lots usually have long, slender driveways (also known as “flag poles”) connecting the buildable area of the lot to the street.

Citywide Compatibility (C20-2023-019)

Council Direction. Modifications to Austin’s citywide compatibility regulations were initiated with a goal of improving the City’s ability to deliver increased housing supply in Austin. Modifying Austin’s compatibility regulations will bring them more in line with the regulations of peer cities.

Proposal. Austin’s existing compatibility regulations limit the height of buildings near single-family homes and apply to taller buildings such as apartments, offices, or restaurants. The regulations also regulate screening, noise, and building design. Compatibility regulations gradually allow for taller buildings as the distance from single-family homes increases. The existing regulations limit height within 540 ft (equivalent to about two city blocks) of a single-family home, which far exceeds the distance that most peer cities use to apply compatibility restrictions. The proposed regulations:

- Simplify citywide compatibility regulations;
- Limit where compatibility regulations apply;
- Require a compatibility buffer that requires landscaping;
- Allow additional height and flexibility within 75 ft; and
- End compatibility regulations at 75 ft.

Electric Vehicle (EV) Charging Land Use (C20-2023-021)

Council Direction. Amendments to City Code Title 25 (Land Development) to create a new land use for “Electric Vehicle Parking” were initiated by Resolution No. 20230608-082. The resolution directed staff to consider options that would prevent the new use from becoming concentrated within activated or residential areas, allow the use through the conditional use permit process, and limit the use to General Commercial Services (CS) or less restrictive zoning districts.

Proposal. The proposed amendments will create an Electric Vehicle Charging Use that would be allowed in General Commercial Services (CS), Commercial Liquor Sales (CS-1), Commercial Highway (CH), Industrial Park (IP), Major Industry (MI), Limited Industrial Services (LI), and Research and Development (R&D) zoning districts.

- This use would be a permitted use when:
 - the site abuts suburban roadways, highways, hill country roadways, or internal circulation routes;
 - the site abuts core-transit corridors, future core-transit corridors, and urban roadways if the nearest Electric Vehicle Charging use is at least 1,000 feet away and the site does not exceed 25,000 square feet in area;

- when the base zoning district is commercial or industrial and a service station use is an existing use or was a previous use for the site unless the use was already converted to a residential, restaurant (general), or restaurant (limited) use;
- This use would be conditional when the site abuts core-transit corridors, future core-transit corridors, and urban roadways and the nearest Electric Vehicle Charging use is less than 1,000 feet away or the site exceeds 25,000 square feet in area.

Equitable Transit-Oriented Development (ETOD) Overlay (Phase 1 LRT) (C20-2023-004)

Council Direction . Amendments to the Land Development Code to create and apply a new ETOD Overlay district along the Phase 1 Light Rail Line and Priority Extensions were initiated through Resolution 20240201-054. The goal is to encourage equitable transit-oriented development along the Light Rail Line by prohibiting certain non-transit supportive uses (included in the notice) and by applying a density bonus program in non-single-family zones that would allow up to 60 feet of additional height in exchange for providing affordable housing.

Proposal. The proposal amends City Code Title 25 (Land Development) to create an ETOD Overlay Combining District and an ETOD Density Bonus Combining District and applies these combining districts to certain non-single-family zoned lots within a half-mile of the Phase I Austin Light Rail Alignment and Priority Extensions.

- The ETOD Overlay Combining District prohibits or makes conditional certain non-transit supportive uses.
- The ETOD Density Bonus Combining District:
 - Creates a density bonus program that allows residential uses;
 - Modifies development regulations to increase maximum height by up to 60 feet (with a total height of up to 120 feet);
 - Modifies various site development standards;
 - Allows developments to participate in a density bonus program if they provide affordable rental or affordable ownership housing or fees-in-lieu that meet certain requirements; and
 - Provides an incentive to preserve certain existing commercial uses and existing housing that is attainable to households that cannot afford market rate housing.