

**ORDINANCE NO. 20080807-091**

**AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE TO PROVIDE FOR THE SELECTION OF CERTAIN INCENTIVES FOR THE DEVELOPMENT OF AFFORDABLE HOUSING IN A NEIGHBORHOOD PLAN COMBINING DISTRICT; AND TO REPEAL SECTION 25-2-780 OF THE CITY CODE RELATED TO AFFORDABLE HOUSING.**

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

**PART 1.** Section 25-2-1406 (*Ordinance Requirements*) of the City Code is amended to read:

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

An ordinance zoning or rezoning property as a NP combining district.

- (1) must prescribe the special uses described in Section 25-2-1403 (*Special Uses*) that are permitted in the district;
- (2) must describe the location of each residential infill special use, neighborhood urban center special use, or neighborhood mixed use building special use, if any;
- (3) may restrict the time of day during which a business in a neighborhood mixed use building special use may be open to the public;
- (4) may restrict a corner store special use, cottage special use, secondary apartment special use, or urban home special use, if any, to a designated portion of the district;
- (5) for a single-family residential use or a secondary apartment special use on an existing legal lot:
  - (a) may reduce the required minimum lot area to 2,500 square feet;
  - (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;
- (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*).
  - (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 2.** Chapter 25-2 (*Zoning*) of the City Code is amended to add Section 25-2-1407 to read:

**§ 25-2-1407 AFFORDABLE HOUSING.**

- (A) This section only applies to property that is subject to a NP combining district zoning or rezoning ordinance that applies the requirements of this section under Section 25-2-1406 (*Ordinance Requirements*).
- (B) A provision in this section applies only if:
  - (1) the director of the Neighborhood Housing and Community Development Department certifies that the development complies with the City's S.M.A.R.T. Housing Program; and
  - (2) ten percent or more of the dwelling units are reserved for a period of not less than 20 years for rental or purchase by an occupant whose gross

household income does not exceed 60 percent of the median family income for the Austin metropolitan statistical area.

(C) This subsection applies in a single family residence standard lot (SF-2) district or single family residence (SF-3) district.

- (1) The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.
- (2) A noncomplying structure may be replaced with a new structure if the new structure does not increase the existing degree of noncompliance with yard setbacks

(D) This subsection applies to a duplex residential use.

- (1) The minimum lot area is 5,750 square feet
- (2) The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.
- (3) A maximum of eight bedrooms are permitted

(E) This subsection applies to a two family residential use.

- (1) The minimum lot area is 5,750 square feet.
- (2) The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.
- (3) The second dwelling unit may not exceed a gross floor area of 850 square feet. All of the allowed gross floor area may be on the second story, if any. The gross floor area limitation does not apply to a lot with 7,000 or more square feet of area.

(F) This subsection applies to a secondary apartment special use.

- (1) The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.

(2) The second dwelling unit may not exceed a gross floor area of 850 square feet. All of the allowed gross floor area may be on the second story, if any. The gross floor area limitation does not apply to a lot with 7,000 or more square feet of area.

**PART 3.** Section 25-2-780 (*Affordable Housing*) of the City Code is repealed.

**PART 4.** This ordinance takes effect on August 18, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_ August 7 \_\_\_\_\_, 2008

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Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk