

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 25-2-774 (TWO-FAMILY RESIDENTIAL USE), 25-2-1463 (SECONDARY APARTMENT REGULATIONS), AND CHAPTER 25-6 APPENDIX A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS) OF THE CITY CODE RELATING TO ACCESSORY DWELLING UNITS.

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

PART 1. City Code Section 25-2-774 (*Two-Family Residential Use*) is amended to read as follows:

§ 25-2-774 TWO-FAMILY RESIDENTIAL USE.

- (A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.
- (B) For a two-family residential use the minimum lot area is 7,000 square feet.
- (C) The second dwelling unit:
 - (1) must be contained in a structure other than the principal structure;
 - (2) must be located:
 - (a) at least ~~[15]~~ 10 feet to the rear or side of the principal structure; or
 - (b) above a detached garage;
 - (3) may be connected to the principal structure by a covered walkway;
 - ~~[(4) may not have an entrance within 10 feet of a lot line;]~~
 - ~~[(5) unless the second dwelling unit has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;]~~
 - ~~[(6)]~~(4) may not exceed a height of 30 feet, and is limited to two stories;
[and]

1
2 [~~(7)~~](5) may not exceed a gross floor area of;

3
4 (a) 850 total square feet; or

5
6 (b) 550 square feet on the second story, if any;

7
8 | (67) may not be used as a Type 2 short term rental.

9
10 (D) Impervious cover for the site may not exceed 45 percent.

11
12 (E) Building cover for the site may not exceed 40 percent.

13
14 [~~(F) Other than in a driveway, parking is prohibited in the front yard.~~]

15
16 **PART 2.** City Code Section 25-2-1463 (*Secondary Apartment Regulations*) is amended
17 to read as follows:

18 **§ 25-2-1463 SECONDARY APARTMENT REGULATIONS.**

19 (A) A secondary apartment is not permitted in combination with a cottage or
20 urban home special use.

21
22 (B) A secondary apartment must be located in a structure other than the principal
23 structure. [~~The apartment may be connected to the principal structure by a~~
24 ~~covered walkway~~].

25
26 (C) The secondary apartment:

27
28 (1) must be contained in a structure other than the principal structure;

29
30 (2) must be located:

31
32 (a) at least [~~15~~] 10 feet to the rear or side of the principal structure; or

33
34 (b) above a detached garage;

35
36 (3) may be connected to the principal structure by a covered walkway;

37
38 [~~(4) may not have an entrance within 10 feet of a lot line;~~]

39
40 [~~(5) unless the secondary apartment has vehicular access from a rear alley, it~~
41 ~~must be served by a paved driveway, and the portion of the driveway~~]

1 ~~that crosses the front yard must be at least 9 feet and not more than 12~~
2 ~~feet wide;]~~

3
4 [(6)](4) may not exceed a height of 30 feet, and is limited to two stories;
5 [and]

6
7 [(7)](5) may not exceed a gross floor area of;

8
9 (c) 850 total square feet; or

10
11 (d) 550 square feet on the second story, if any;

12
13 (67) may not be used as a Type 2 short term rental.

14
15 (D) Impervious cover for the site may not exceed 45 percent.

16
17 (E) Building cover for the site may not exceed 40 percent.

18
19 ~~[(F) Other than in a driveway, parking is prohibited in the front yard.]~~
20

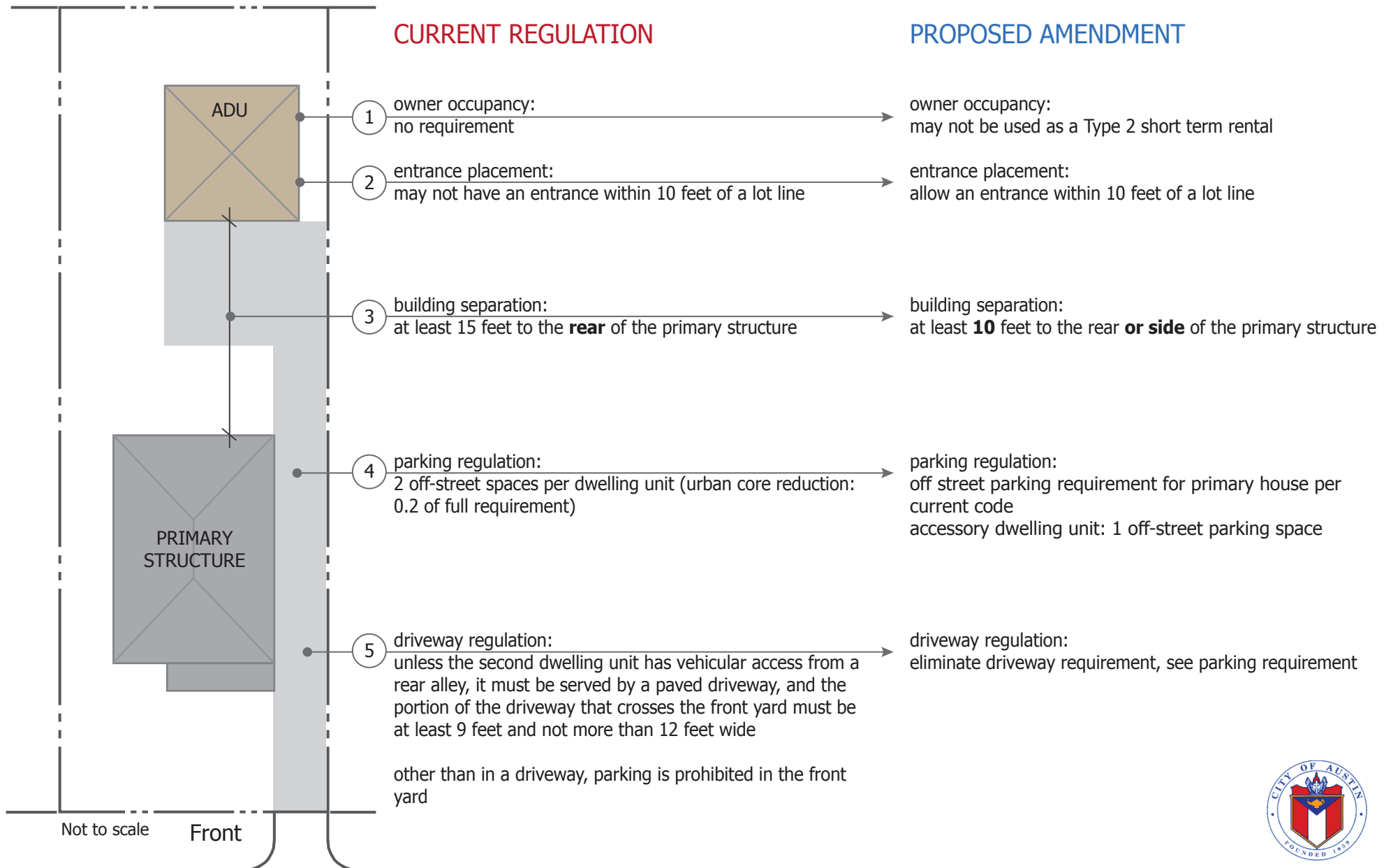
21 **PART 3.** City Code Chapter 25-6 Appendix A (*Tables of Off-Street Parking and Loading*
22 *Requirements*) is amended to read as follows:

CHAPTER 25-6 APPENDIX A.

PART 1 – MOTOR VEHICLES

Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement
<i>Residential Uses</i>		
Cottage special use Mobile home residential [Secondary apartment special use] Single-family residential Small lot single-family residential Townhouse residential [Two family residential] Urban home special use	2 spaces for each dwelling unit	None
<u>Secondary apartment special use</u> <u>Two family residential</u>	<u>Principal unit: 2 spaces</u> <u>Secondary unit: 1 space</u>	<u>None</u>

PART 4. This ordinance takes effect on _____, 201__.



UNCHANGED REGULATIONS

25-2-774 Two-Family Residential

For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.

For a two-family residential use the minimum lot area is 7,000 square feet.

Second dwelling unit:

1. Must be contained in structure other than principal structure
2. Can be located above a garage
3. May be connected to a principal structure by a covered walkway
4. May not exceed 30 feet in height and is limited to 2 stories
5. May not exceed gross floor area of 850 square feet or 550 square feet on the second story, if any

Impervious cover for site may not exceed 45 percent.

Building cover for site may not exceed 40 percent.

25-2-1463 Secondary Apartment

A secondary apartment is not permitted in combination with a cottage or urban home special use.

A secondary apartment:

1. Must be contained in structure other than principal structure
2. Can be located above a garage
3. May be connected to a principal structure by a covered walkway
4. May not exceed 30 feet in height and is limited to 2 stories
5. May not exceed gross floor area of 850 square feet or 550 square feet on the second story, if any

Impervious cover for site may not exceed 45 percent.

Building cover for site may not exceed 40 percent.

25-2-1462 Secondary Apartment Permitted in certain zoning districts

1. SF-1 through SF-3, SF-5 and SF-6
2. MF-1 through MF-6
3. MU



ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2014-012 accessory dwelling units

Description: Consider an ordinance amending City Code Title 25 to reduce regulatory barriers to building accessory dwelling units including minor setback changes and reduced parking and driveway requirements.

Proposed Language: See attached draft ordinance.

Summary of proposed code changes:

- 1) Reduce building separation from 15 feet to 10 feet.
- 2) Allow an entrance within 10 feet of a property line.
- 3) Remove driveway placement requirement.
- 4) Change parking requirement to 1 off street space for all secondary units.
- 5) Prohibit use as Type 2 Short Term Rental
- 6) Apply the ordinance citywide, i.e., to all properties throughout the city that can currently build an ADU.

Background: Initiated by Council Resolution 20140612-062.

In June 2014, City Council approved a resolution to develop an ordinance that reduces regulatory barriers to make accessory dwelling units easier to build, in particular, “eliminating parking and driveway requirements.”

Staff held two public meetings in September and October 2014. The goal of the first meeting was to solicit feedback from community members on what they considered to be the positive and negative impacts of more ADUs. The proposed amendments were presented at the second public meeting where community members could comment on specific recommendations. The proposed ordinance is a result of discussions with zoning, comprehensive planning, CodeNext and residential review staff and community comments.

The proposed ordinance was presented and discussed at the Codes and Ordinances Subcommittee meeting three times, the second of which was attended by many community members who spoke both in support of and opposition to the changes. The most contested items are reducing the parking requirement and whether the ordinance should be applied citywide or on an opt-in/out basis.

Discussion at Planning Commission included questions about affordability, short term rentals, opting in and out and parking requirements.

Staff Recommendation: Approve the proposed ordinance. The goal is to facilitate the expansion and provision of housing options.

Board and Commission Actions

March 17, 2015: No recommendation by the Codes and Ordinances Subcommittee on a 2-1 vote (Commissioner Stevens nay; Commissioners Chimenti and Zaragoza absent).

April 28, 2015: Planning Commission sent the ordinance back to the Codes and Ordinances subcommittee with amendments on a 5-3 vote (Commissioners Oliver, Nortey and Hernandez nay; Commissioner Roark absent). The amendments were to revise parking requirements, prohibit use as Type 2 short term rentals, and consider a list of additional considerations submitted by a stakeholder. **(Public hearing closed).**

May 19, 2015: Ordinance as written recommended by Codes and Ordinances subcommittee on 3-0 vote (Commissioners Stevens and Oliver absent). Subcommittee also recommends developing pre-approved plans and investigating the feasibility of sub meters (rather than separate meters) as both could facilitate the construction of secondary units.

May 26, 2015: Planning Commission approved proposed ordinance on consent 5-0 vote (Commissioners Hatfield, Hernandez, Stevens and Shieh absent).

June 1, 2015: Community Development Commission endorsed proposed ordinance with additional recommendations. (See recommendation sheet).

Council Action

June 9, 2015: Planning and Neighborhoods Council Committee

June 18, 2015: A public hearing has been set.

Ordinance Number: NA

City Staff: Ming Chu **Phone:** 974-6413 **Email:** ming-ru.chu@austintexas.gov



**COMMUNITY DEVELOPMENT COMMISSION
RECOMMENDATION 20150601-05b**

Date: June 5, 2015

Subject: Accessory Dwelling Units

Motioned By: Commissioner Elizabeth Mueller

Seconded By: Vice Chair Karen Paup

Recommendation: See the recommendation below from the Community Development Commission (CDC) concerning accessory dwelling units.

The CDC endorses the proposed code changes 1-5 of the City of Austin Planning Commission's May 26, 2015 recommendations on C20-2014-012 – accessory dwelling units. The CDC understands item 6 to be a continuation of where accessory dwelling units are currently allowed. The CDC recommends that the City of Austin develop additional strategies to lower costs of building accessory dwelling units, and develop resources to help low-income owners finance them, or any owners that will build accessory dwelling units for low-income tenants.

For reference purposes, the proposed changes endorsed by the CDC are featured below.

- 1) Reduce building separation from 15 feet to 10 feet.
- 2) Allow an entrance within 10 feet of a property line.
- 3) Remove driveway placement requirement.
- 4) Change parking requirement to 1 off street space for all units.
- 5) Prohibit use as Type 2 Short Term Rental.

Date of Approval: June 1, 2015

Record of the Vote: Approved on a 9-0-0 vote. Those members voting aye were Chair Rivera, Vice Chair Paup, and Commissioners Decierdo, Langley, Mueller, Perry, B. Taylor, C. Taylor, and Valadez.

Attest: *[CDC Chair, Gilbert Rivera]*

RESOLUTION NO. 20140612-062

WHEREAS, the Imagine Austin Comprehensive Plan prioritizes the need for a mix of housing types across the city, including both rental and homeownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families; and

WHEREAS, accessory dwelling units (“ADUs”) can provide new housing units without changing the feeling or texture of established neighborhoods and allow more efficient use of existing housing stock and infrastructure; and

WHEREAS, ADUs can help homeowners make ends meet while providing affordable, central-city rental opportunities for single young people, seniors, and multi-generational families by providing a mix of housing that responds to changing family needs and smaller households; and

WHEREAS, 34% of Austinites live in single person households; and

WHEREAS, currently ADUs of up to 850 square feet are allowed on lots of at least 7,000 square feet by right, or on lots that are 5,750 square feet if that neighborhood has opted in to the Secondary Apartment Special Use Infill Option through their neighborhood plan; and

WHEREAS, currently, if an ADU is SMART Housing certified in a neighborhood planning area that has adopted the affordable housing option, it may be allowed increased impervious cover and increased gross floor area; and

WHEREAS, a 500 square foot ADU is likely to be relatively affordable; and

WHEREAS, Portland and other cities have reduced obstacles to ADUs by means such as waiving development fees and parking requirements in an effort to encourage the development of ADUs; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

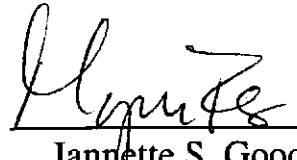
1. The City Council initiates amendments to Title 25 of the City Code and directs the City Manager to develop an ordinance that reduces regulatory barriers to the development of ADUs that are less than 500 square feet in size and located on a lot containing at least one owner occupied structure, whether principal or accessory. The ordinance could be applied citywide or as an infill option.
2. The ordinance should include, but need not be limited to, eliminating parking and driveway requirements.
3. The City Manager is further directed to convene a stakeholder process to develop additional recommendations for ADUs of any size, including but not limited to code amendments that:
 - a. reduce minimum lot size;
 - b. reduce building separation requirements;
 - c. increase maximum gross floor area for 2nd story ADUs;
 - d. create design standards for ADUs; and
 - e. allow a legally non-complying structure to add an ADU, if located on a lot with sufficient area.

Construction of this ordinance should take into account the effect of similar ordinances in peer cities on the supply of housing, particularly affordable housing, and on the character of single-family neighborhoods.

4. The City Manager is directed to present the proposed ordinance to the City Council within 120 days.

ADOPTED: June 12, 2014

ATTEST:


Jannette S. Goodall
City Clerk