

ORDINANCE NO. 20151119-080

**AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-2 AND 25-6
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- (A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.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~~] equivalent to a standard lot.
- (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~~]
 - ~~[(7)]~~(5) may not exceed [~~a gross floor area of~~]:

(a) ~~[850 total square feet]~~ 1,100 total square feet or a floor-to-area ratio of 0.15, whichever is smaller; [or]and

(b) 550 square feet on the second story, if any[-]; and

(6) may not be used as a short term rental for more than 30 days in a calendar year if the second dwelling unit was constructed after October 1, 2015.

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

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

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

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

§ 25-2-1463 SECONDARY APARTMENT REGULATIONS.

- (A) A secondary apartment is not permitted in combination with a cottage or urban home special use.
- (B) A secondary apartment must be located in a structure other than the principal structure. ~~[The apartment may be connected to the principal structure by a covered walkway.]~~
- (C) The secondary apartment:
- (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 secondary apartment 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]~~

~~[(7)](5) may not exceed [a gross floor area of]:~~

(a) ~~[850 total square feet]~~ 1,100 total square feet or a floor-to-area ratio of 0.15, whichever is smaller; [or]and

(b) 550 square feet on the second story, if any[-]; and

(6) may not be used as a short term rental for more than 30 days in a calendar year if the secondary apartment was constructed after October 1, 2015.

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

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

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

PART 3. The “Residential Uses” portion of the table in Part 1 of City Code Chapter 25-6 Appendix A (*Tables of Off-Street Parking and Loading 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
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<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: If located greater than .25 miles from an activity corridor that is served by a bus or transit line - 1 space; if located less than or equal to .25 miles from an activity corridor that is served by a bus or transit line - 0 spaces. For purposes of this requirement, activity corridor is defined in the Imagine Austin Comprehensive Plan, as adopted by Ordinance No. 20120614-058.</u>	<u>None</u>
Accessory apartment Condominium residential Multifamily residential	Efficiency dwelling unit: 1 space 1 bedroom dwelling unit: 1.5 spaces Dwelling unit larger than 1 bedroom: 1.5 spaces plus 0.5 space for each additional bedroom	None
Duplex residential Single-family attached residential -Standard -If larger than 4,000 sq. ft. or more than 6 bedrooms	4 spaces 4 spaces or 1 space for each bedroom, whichever is greater	None
Bed and breakfast residential	1 space plus 1 space for each rental	None

	unit	
Group residential	1 space plus 1 space for each 2 lodgers or tenants	Schedule C
Retirement Housing	80% of the parking otherwise required by this table for the residential use classification	Schedule C

PART 4. Subsection (B) of City Code Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*) is amended to read as follows:

- (B) A short-term rental use under this section may not:
- (1) include the rental of less than an entire dwelling unit, unless all of the following conditions are met:
 - (a) a partial unit must at a minimum include the exclusive use of a sleeping room and shared use of a full bathroom;
 - (b) the owner is generally present at the licensed short-term rental property for the duration of any short-term rental of a partial unit;
 - (c) not more than one partial unit at the property is simultaneously rented for any period less than 30 consecutive days; and
 - (d) rental of the partial unit is limited to a single party of individuals;
 - (2) operate without a license as required by Section 25-2-791 (*License Requirements*); ~~or~~
 - (3) operate without providing notification to renters as required by Section 25-2-792 (*Notification Requirements*); or[-]
 - (4) include a secondary dwelling unit or secondary apartment except as provided by Section 25-2-774(C)(6) (*Two Family Residential Use*) and 25-2-1463(C)(6) (*Secondary Apartment Regulations*).

PART 5. Subsection (B) of City Code Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*) is amended to read as follows:

- (B) A short-term rental use under this section may not:

- (1) include the rental of less than an entire dwelling unit;
- (2) operate without a license as required by Section 25-2-791 (*License Requirements*); ~~or~~
- (3) operate without providing notification to renters as required by Section 25-2-792 (*Notification Requirements*); or[-]
- (4) include a secondary dwelling unit or secondary apartment except as provided by Section 25-2-774(C)(6) (*Two Family Residential Use*) and 25-2-1463(C)(6) (*Secondary Apartment Regulations*).

PART 6. Subsection (C) of City Code Section 25-2-791 (*License Requirements*) is amended to read as follows:

- (C) The director shall issue a license under this section if:
- (1) the application includes all information required under Subsection (B) of this section;
 - (2) the proposed short-term rental use complies with the requirements of Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*), Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), or Section 25-2-790 (*Short-Term Rental (Type 3) Regulations*);
 - (3) for a short-term rental use regulated under Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), no more than 3% of the single-family, detached residential units within the census tract of the property are short-term rental (including Type 2 and Type 1 second dwelling unit or secondary apartment) uses as determined by the Director under Section 25-2-793 (*Determination of Short-Term Rental Density*); and
 - (a) the structure has a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or
 - (b) the structure has been determined by the building official, not to pose a hazard to life, health, or public safety, based on a minimum life-safety inspection;
 - (4) for a short-term rental use regulated under Section 25-2-790 (*Short-Term Rental (Type 3) Regulations*), located in a non-commercial zoning district, no more than 3% of the total number of dwelling units at the property and no more than 3% of the total number of dwelling

units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (*Determination of Short-Term Rental Density*); and

- (a) the structure and the dwelling unit at issue have a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or
 - (b) the structure and the dwelling unit at issue have been determined by the building official not to pose a hazard to life, health, or public safety, based on a minimum life-safety inspection[-];
- (5) for a short-term rental use regulated under Section 25-2-790 (*Short-Term Rental (Type 3) Regulations*), located in a commercial zoning district, no more than 25% of the total number of dwelling units at the property and no more than 25% of the total number of dwelling units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (*Determination of Short-Term Rental Density*); and
- (a) the structure and the dwelling unit at issue have a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or
 - (b) the structure and the dwelling unit at issue have been determined by the building official not to pose a hazard to life, health, or public safety, based on a minimum life-safety inspection.

PART 7. Subsections (A) and (D) of City Code Section 25-2-793 (*Determination of Short-Term Rental Density*) is amended to read as follows:

§ 25-2-793 DETERMINATION OF SHORT-TERM RENTAL DENSITY.

- (A) The director shall determine on an annual basis the total number of single-family, detached residential structures within each census tract and use that number to calculate the maximum number of licenses for Type 2 short-term rentals that may be issued under Section [~~25-2-790~~] 25-2-791 (~~[Registration]~~ License Requirements).

- (D) For a short-term rental use regulated under Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), one short-term rental (Type 2) license per census tract may be permitted if no other property within the census tract is currently licensed as a short-term rental (Type 2 or Type 1 secondary dwelling unit or secondary apartment) use and the use complies with all other license requirements, even if approval of a single Type 2 license in the census tract would otherwise exceed the density cap under Subsection (A) or (B) of this section or fail to meet the standard of Section 25-2-791(C)(3).

PART 8. Regulations related to two-family residential use and secondary apartments will be analyzed as part of the CodeNext review of the Land Development Code. The CodeNext team is directed to review and report on Austin's two-family residential use and secondary apartment regulatory, economic, and fiscal impacts as part of the CodeNext process, including impact on housing affordability options throughout the city.

PART 9. This ordinance takes effect on November 30, 2015.

PASSED AND APPROVED

_____, November 19, 2015

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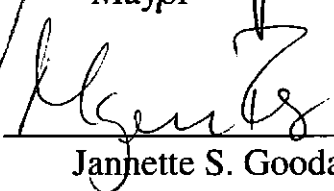
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
Interim City Attorney

ATTEST:

 For

Jannette S. Goodall
City Clerk