

*ORDINANCE RECOMMENDED BY PLANNING COMMISSION WITH
COUNCIL PLANNING AND NEIGHBORHOODS COMMITTEE CHANGES*
BOLED AND IN A DIFFERENT FONT

ORDINANCE NO.

**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superseded by the requirements of this section.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]~~ 5,750 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;]~~

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1 ~~[(6)]~~(4) may not exceed a height of 30 feet, and is limited to two stories;
2 ~~[and]~~

3
4 ~~[(7)]~~(5) may not exceed ~~[a gross floor area of]:~~

5
6 **(a) [850 total square feet] a floor-to-area ratio of 0.15; [or] and**

7
8 (b) 550 square feet on the second story, if any~~[-]; and~~

9
10 (6) may not be used as a Type 2 short term rental **unless the license for the**
11 **short-term rental use:**

12 **(a) was issued before January 1, 2016;**

13 **(b) is not suspended on or after January 1, 2016; and**

14 **(c) is renewed timely.**

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

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

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

21
22 **PART 2.** City Code Section 25-2-1463 (*Secondary Apartment Regulations*) is amended
23 to read as follows:

24 **§ 25-2-1463 SECONDARY APARTMENT REGULATIONS.**

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

27
28 (B) A secondary apartment must be located in a structure other than the principal
29 structure. ~~[The apartment may be connected to the principal structure by a~~
30 ~~covered walkway.]~~

31
32 (C) The secondary apartment:

33
34 (1) must be contained in a structure other than the principal structure;

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(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]~~ a floor-to-area ratio of 0.15; [or] and

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

(6) may not be used as a Type 2 short term rental **unless the license for the short-term rental use:**

(a) was issued before January 1, 2016;

(b) is not suspended on or after January 1, 2016; and

(c) is renewed timely.

(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.]~~

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PART 3. The “Residential Uses” portion of the Zoning Use Summary Table (Land Development Code) in City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) is amended to read as follows:

§ 25-2-491 PERMITTED, CONDITIONAL, AND PROHIBITED USES

Two-Family Residential is now a Permitted Use in SF-2.

	SF-2
Two-Family Residential	<u>[-]P</u>

PART 4. The “Site Development Table” in City Code Section 25-2-492 (*Site Development Regulations*) is amended to read as follows:

§ 25-2-492 SITE DEVELOPMENT REGULATIONS

The MAXIMUM DWELLING UNITS PER LOT for SF-2 is now 2.

	SF-2
MAXIMUM DWELLING UNITS PER LOT:	<u>[1]2</u>

PART 5. 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
<i>Residential Uses</i>		

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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>
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 unit	None
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

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PART 6. City Code Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*) is amended to add a new subsection (C) to read as follows:

(C) A short-term rental use under this section may include a second dwelling unit or secondary apartment.

PART 7. Subsection (B) of City Code Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*) is amended to read as follows:

(A) 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.

PART 8. 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

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- (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

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life, health, or public safety, based on a minimum life-safety inspection.

PART 9. 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 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 10. The City Manager is directed to research and identify any opportunities for a preservation bonus to allow property owners to receive additional property allowances as long as they preserve the existing primary structure.

