

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- (A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.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 ~~[45]~~ 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 ~~(6) on a wall within 10 feet of a lot line that abuts a lot zoned SF-5 or more~~
9 ~~restrictive use, the second story may only have clerestory windows with a sill~~
10 ~~height of 66 inches above the second story finished floor.~~
11

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

13
14 (D) Impervious cover for the site may not exceed 45 percent.

15
16 (E) Building cover for the site may not exceed 40 percent.

17
18 [~~(F) Other than in a driveway, parking is prohibited in the front yard.~~]
19

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

22 **§ 25-2-1463 SECONDARY APARTMENT REGULATIONS.**

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

25
26 (B) A secondary apartment must be located in a structure other than the principal
27 structure. [~~The apartment may be connected to the principal structure by a~~
28 ~~covered walkway~~].
29

30 (C) The secondary apartment:

31
32 (1) must be contained in a structure other than the principal structure;

33
34 (2) must be located:

35
36 (a) at least [~~15~~] 10 feet to the rear or side of the principal structure; or

37
38 (b) above a detached garage;

39
40 (3) may be connected to the principal structure by a covered walkway;
41

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

2
3 ~~[(5) unless the secondary apartment has vehicular access from a rear alley, it~~
4 ~~must be served by a paved driveway, and the portion of the driveway~~
5 ~~that crosses the front yard must be at least 9 feet and not more than 12~~
6 ~~feet wide;]~~

7
8 ~~[(6)](4)~~ may not exceed a height of 30 feet, and is limited to two stories;
9 ~~[and]~~

10
11 ~~[(7)](5)~~ may not exceed a gross floor area of;

12
13 (c) 850 total square feet; or

14
15 (d) 550 square feet on the second story, if any;

16
17 ~~(6) on a wall within 10 feet of a lot line that abuts a lot zoned SF-5 or more~~
18 ~~restrictive use, the second story may only have clerestory windows with a sill~~
19 ~~height of 66 inches above the second story finished floor.~~

20
21 ~~(67) may not be used as a Type 2 short term rental.~~

22
23 (D) Impervious cover for the site may not exceed 45 percent.

24
25 (E) Building cover for the site may not exceed 40 percent.

26
27 ~~[(F) Other than in a driveway, parking is prohibited in the front yard.]~~

28
29 **PART 3.** City Code Chapter 25-6 Appendix A (*Tables of Off-Street Parking and Loading*
30 *Requirements*) is amended to read as follows:

31 **CHAPTER 25-6 APPENDIX A.**

32 **PART 1 – MOTOR VEHICLES**
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34
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1

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>Second unit: 0-1 spaces if 550</u> <u>sq. ft. or less, 1 space if more than</u> <u>550 sq. ft.</u>	<u>None</u>

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

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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 units.
- 5) Prohibit use as Type 2 Short Term Rental
- 6) Apply the ordinance citywide.

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. Items of high interest include 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 with an amendment to the parking requirement. Staff recommends that the parking requirement be further reduced based on the size of the unit to 0 off-street spaces for units 550 square feet or less and 1

off-street space for units larger than 550 square feet. Reducing the parking requirement reduces the cost of construction, reduces impervious cover and allows greater flexibility in site planning including possibly saving trees. The parking requirement is a minimum and may be exceeded if all regulations are met should a property owner want to build off-street parking. The areas throughout the city that are most conducive to secondary units are central and better served by transit and other transportation alternatives. The goal is to expand and provide 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.

Council Action

December 11, 2014: Postponed to January 29, 2015.

January 29, 2015: Postponed to March 5, 2015

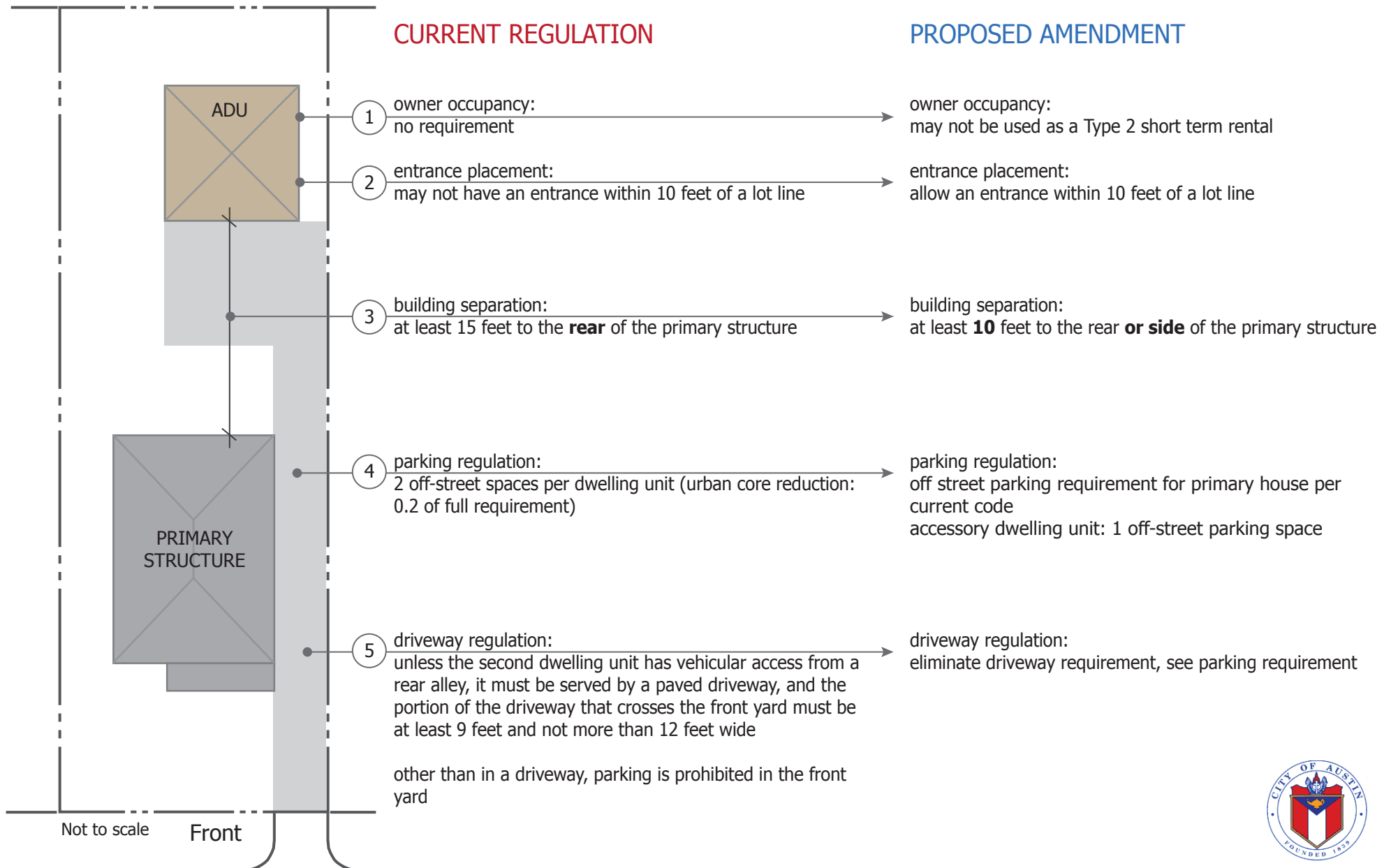
March 5, 2015: Postponed to May 7, 2015.

May 7, 2015: Postponed to June 18, 2015.

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

Ordinance Number: NA

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



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





City of Austin, Neighborhood Housing and Community Development Office
P.O. Box 1088, Austin, Texas 78767
(512) 974-3100 Fax (512) 974-3161 www.cityofaustin.org/housing

FY 2015 Area Median Family Income
For Travis County, Texas
\$76,800 (4-person household)
MSA: Austin – Round Rock, TX.

2015 HOME Program Income Limits by Household Size

Effective Date: May 1, 2015

Median Income Limit	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household	6 Person Household	7 Person Household	8 Person Household
20%	10,750	12,300	13,800	15,360	16,600	17,800	19,050	20,300
* 30%	16,150	18,450	20,750	24,250	28,400	32,550	36,750	40,900
(30% MFI is defined by HUD as extremely low-income)								
40%	21,500	24,600	27,650	30,720	33,200	35,650	38,100	40,550
* 50%	26,900	30,750	34,600	38,400	41,500	44,550	47,650	50,700
(50% MFI is defined by HUD as very low income)								
* 60%	32,250 \$806/mo.	36,850 \$921/mo.	41,450 \$1036/mo.	46,080 \$1152/mo.	49,750	53,450	57,150	60,850
65%	34,950 \$874/mo.	39,950 \$999/mo.	44,950 \$1124/mo.	49,920 \$1248/mo.	53,900	57,900	61,900	65,900
70%	37,650 \$941/mo.	43,000 \$1075/mo.	48,400 \$1210/mo.	53,760 \$1344/mo.	58,050	62,350	66,650	70,950
* 80%	43,050 \$1076/mo.	49,200 \$1230/mo.	55,350 \$1384/mo.	61,450 \$1536/mo.	66,400	71,300	76,200	81,150
(80% MFI is defined by HUD as low-income)								
100%	53,750 \$1344/mo.	61,450 \$1536/mo.	69,100 \$1727/mo.	76,800 \$1920/mo.	82,950	89,100	95,250	101,400
120%	64,500	73,750	82,950	92,160	99,550	106,900	114,300	121,650
140%	75,250	86,000	96,750	107,520	116,100	124,700	133,300	141,950

*** Income provided by HUD.**

Other income limits calculated by NHCD based on the formula used by HUD.

HUD rounds to the nearest \$50 dollars

MFI Chart was expanded to include other percentages used by NHCD.

\$\$/mo. - indicates 30% of gross income for rent, which is considered affordable

Type 2 STR's by PerCent

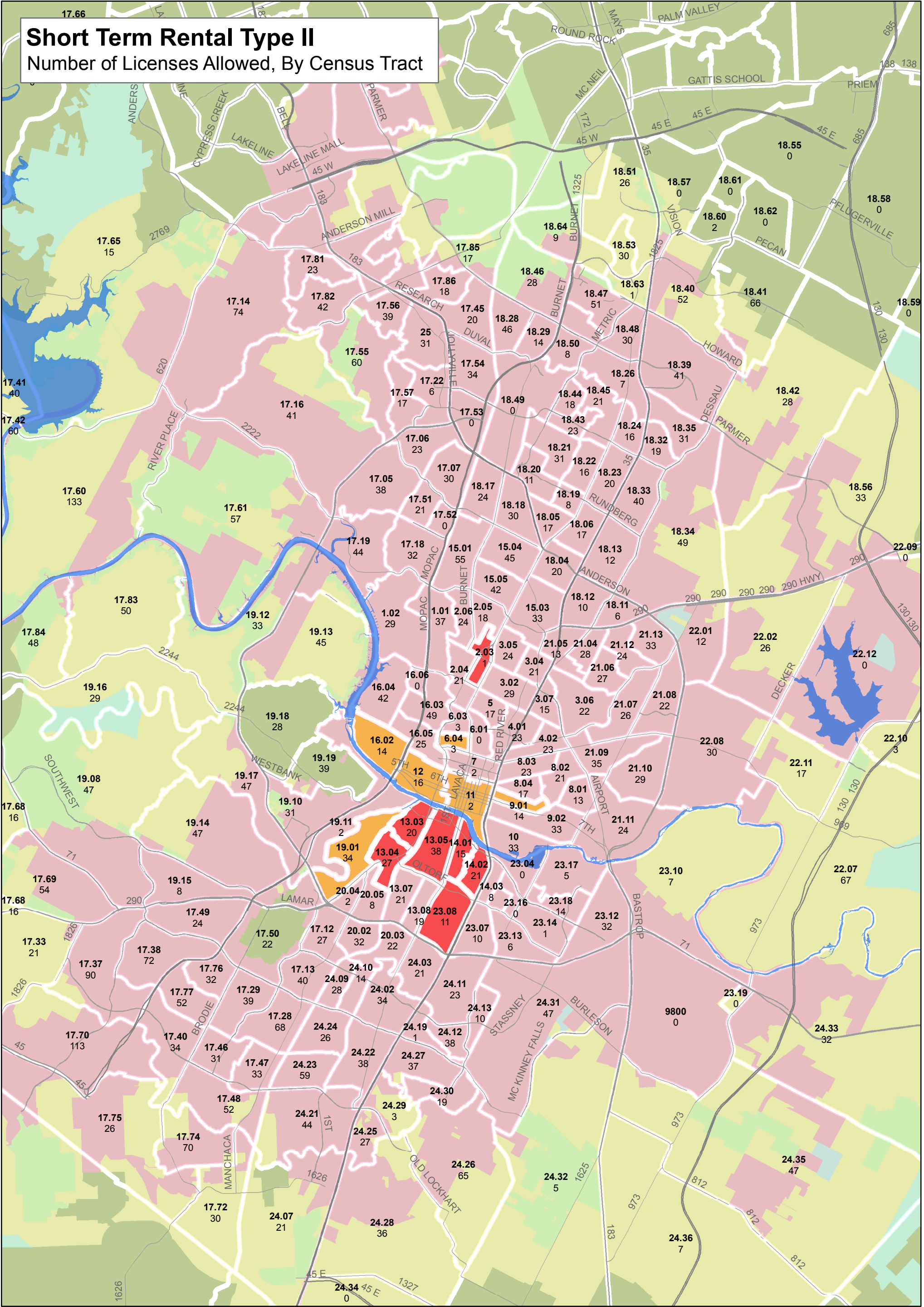
Census Tract	3 % Cap	Licenses Issued	PerCent Issued	Licenses Remaining
23.15	1	1	100	0
19.11	2	2	100	0
2.03	1	1	100	0
13.04	27	27	100	0
13.05	38	38	100	0
23.16	1	1	100	0
14.02	21	21	100	0
10	33	32	97	1
19.01	34	32	94	2
9.01	14	13	93	1
16.02	14	13	93	1
14.01	15	13	87	2
23.08	11	9	82	2
13.03	20	16	80	4
13.08	19	14	74	5
12	16	11	69	5
6.04	3	2	67	1
6.03	3	2	67	1
3.02	29	18	62	11
14.03	8	5	62	3
8.04	17	9	53	8
8.03	23	12	52	11
11	2	1	50	1
20.05	8	4	50	4
13.07	21	9	43	12
16.05	25	10	40	15
9.02	33	13	39	20
5	17	5	29	12
2.04	21	6	29	15
4.02	23	6	26	17

Census Tract	3 % Cap	Licenses Issued	PerCent Issued	Licenses Remaining
3.05	24	6	25	18
8.02	21	5	24	16
3.07	15	3	20	12
17.65	15	3	20	12
21.12	24	4	17	20
23.13	6	1	17	5
2.05	18	3	17	15
18.18	30	5	17	25
21.05	13	2	15	11
3.04	21	3	14	18
16.03	49	7	14	42
21.04	28	4	14	24
4.01	23	3	13	20
15.05	42	5	12	37
18.17	24	3	12	21
2.06	24	3	12	21
24.09	28	3	11	25
1.01	37	4	11	33
16.04	42	4	10	38
15.04	45	4	9	41
20.02	32	3	9	29
21.09	35	3	9	32
22.01	12	1	8	11
18.13	12	1	8	11
15.01	55	4	7	51
18.05	17	1	6	16
23.12	32	2	6	30
18.45	21	1	5	20
3.06	22	1	5	21
17.05	38	2	5	36
24.22	38	2	5	36
19.19	39	2	5	37

Census Tract	3 % Cap	Licenses Issued	PerCent Issued	Licenses Remaining
17.61	57	3	5	54
21.07	26	1	4	25
24.24	26	1	4	25
17.12	27	1	4	26
21.06	27	1	4	26
21.11	24	1	4	23
1.02	29	1	3	28
15.03	33	1	3	32
17.18	32	1	3	31
24.12	38	1	3	37
21.1	29	1	3	28
19.1	31	1	3	30
17.54	34	1	3	33
17.6	133	2	2	131
24.21	44	1	2	43
19.13	45	1	2	44
17.83	50	1	2	49
19.08	47	1	2	46
17.69	54	1	2	53
17.13	40	1	2	39
17.37	90	2	2	88
17.19	44	1	2	43
17.77	52	1	2	51
17.38	72	1	1	71
17.28	68	1	1	67
17.14	74	1	1	73

Short Term Rental Type II

Number of Licenses Allowed, By Census Tract



JURISDICTION

Austin 2 Mile ETJ

Austin 5 Mile ETJ

Austin ETJ Ag Dev

Austin Full Purpose

Austin Ltd

LICENSES

100% Issued

>50% Issued

Bold Label- Census Tract
Plain Label - 3% of total count of detached single family in the Census Tract

SS - State School
NUSA - Not in Utility Service Area
DVCF - Del Valle Correctional Facility



01234 Miles

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Code Compliance Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Prepared by E Smith for the Code Compliance Department, 3/17/2014

White Border - Census Tracts

KISS TWO HOUSES ON ONE LOT

Stuart Harry Hersh shersh@austin.rr.com 512-587-5093

1. Allowed on all SF-2, SF-3, SF-5, SF-6, MF, and MU lots regardless of size
2. Must not violate subdivision plat notes, deed restrictions, and restrictive covenants that are valid
3. Not allowed on lots in 100 year or 25 year flood plain or former landfill site
4. No variances on setbacks, building coverage, impervious cover, McMansion, or adopted International Residential Code standards
5. Second house requires only one additional paved parking space that can be placed in tandem or adjacent to existing paved and unpaved parking spaces
6. A water sub-meter with electronic reporting can substitute for purchase of new water and sewer tap
7. Maximum smaller house size is 500 square feet if lot is less than 5,750 square feet
8. Maximum smaller house size is 750 square feet if lot is greater than 5,750 square feet and less than 7,000 square feet
9. Maximum smaller house size is unlimited in size if the lot is 7,000 square feet or greater and development complies with applicable standards referenced above
10. If smaller house has habitable space on the first floor, the house must meet applicable visitability standards.
11. If smaller house or larger house serves household at or below 50% Median Family Income for 40 years through restrictive covenant, S.M.A.R.T. Housing fee waivers and fast track review incentives apply.
12. If smaller house will not be at least 10 feet away from larger house, the International Residential Code standards for fire protection of exterior walls, doors, and windows apply.