

ADU CODE AMENDMENT | PLANNING & NEIGHBORHOODS COMMITTEE | SEPT. 21, 2015

Discussion items: Minimum lot size, gross unit square footage, neighborhood opt in/out

Resolution No. 20140612-062

“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...
- c. Increase maximum gross floor area for 2nd story ADUs...

The ordinance could be applied citywide or as an infill option.”

For a variety of citywide reasons, including increasing cost of housing, high percentage of single person households, and increasing multi-generational households, the goal of this resolution is to reduce regulatory barriers to the development of ADUs; that is, to make it easier to build them, which includes relaxing *and* simplifying regulations.

May 26, 2015 staff recommendation

No recommendation to amend the minimum lot size or maximum gross floor area for secondary dwelling units. Recommend applying the ordinance city-wide.

May 26, 2015 Planning Commission recommendation

No recommendation to amend the minimum lot size or maximum gross floor area for secondary dwelling units. Recommend applying the ordinance city-wide.

CodeNEXT

CodeNEXT will be evaluating and creating code standards with a context-sensitive approach rather than a one-size-fits-all. These will come in the form of new code language to be considered when the code draft is available for public review. The recommendations via CodeNEXT may or may not align with current code amendments as these amendments are based on the existing land development code.

It would be appropriate to address minimum lot size, gross square footage and zoning districts that allow ADUs through the CodeNEXT process, which is a city-wide process. A context sensitive/place based/character district based approach would more effectively capture differences between neighborhoods and determine appropriate types of development within neighborhoods.

It does not make sense to create regulations that may conflict with the future code or that fundamentally differ in philosophy. Through a context sensitive approach, infill tools should not be necessary.

Minimum Lot Size for Accessory Dwelling Units

Currently, all lots zoned SF-3 that are 7,000+ square feet may build a second unit. Additionally, if a neighborhood planning area adopted the Secondary Apartment Infill tool, it opens the opportunity for property owners with lots between 5,750 and 7,000 square feet and in SF-1 and SF-2 zoning districts to build a second unit.

The proposed amendment does not recommend reducing the minimum lot size where ADUs are allowed because the process to do so exists within the neighborhood planning process and infill tools available through that process.

Gross Square Footage for Accessory Dwelling Units

When the original secondary dwelling ordinance was passed in the early 2000s, the maximum square footage was limited to 1,000 square feet. The resulting structures were often four parking spaces on the first floor and 1,000 square feet of living space on the second floor. These structures were out of scale with existing primary dwellings, often one story bungalows. The ordinance was amended to allow 850 square feet maximum, 550 of which can be on the second floor to address the large two story secondary units.

Current research shows many cities' regulations limit the second unit size to about 800 square feet. Some square footage limits are based on lot size; some specify a percentage of the primary structure as the maximum and specify a cap. Austin's 850 square foot maximum is comparable to many other cities' regulations.

Neighborhood Opt In/Out

The proposed ADU amendments are minor and do not warrant administering an opt in/out process for each approved neighborhood planning area. The existing patchwork of regulations based on neighborhood planning areas that have opted in/out of infill tools already burdens residential reviewers and causes confusion for property owners. By opting into the secondary apartment infill tool through the neighborhood planning process, neighborhoods are able to reduce the minimum lot size to 5,750 square feet and the zoning districts where they are allowed; the option allows secondary units in SF-1 and SF-2 zoning districts. Because the proposed amendment does not recommend changing the minimum lot size or the zoning districts where ADUs are allowed, an opt in/out option is unnecessary. Additionally, no change is being proposed for the ADU parking requirement in the urban core, which is mostly covered by adopted neighborhood plans.

Neighborhood planning areas make up about one third of the city's jurisdiction. An opt in/out process would exclude two thirds of city's area including suspended plan areas (South Lamar Combined) and future neighborhood planning areas (North Shoal Creek, Allandale and Rosedale).

Opt in/out adds complexity and time to the review process. Opticos's Code Diagnosis states, "The approach of applying regulations on a pick-and-choose basis has resulted in unpredictable development and has complicated the process of understanding what can be built." (page 10) Further, "the idea of making sure that regulations are relevant for a specific neighborhood is an appropriate consideration. However, the a-la-carte system used in Austin of hand-picking individual pieces of the zoning code has over complicated the system from an administrative and general usability standpoint." (page 12)