

*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(A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.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 (1) must be contained in a structure other than the principal structure;
34
35

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1 (2) must be located:
2

3 (a) at least [~~15~~] 10 feet to the rear or side of the principal structure; or
4

5 (b) above a detached garage;
6

7 (3) may be connected to the principal structure by a covered walkway;
8

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

11 [~~(5)~~] ~~unless the secondary apartment has vehicular access from a rear alley, it~~
12 ~~must be served by a paved driveway, and the portion of the driveway~~
13 ~~that crosses the front yard must be at least 9 feet and not more than 12~~
14 ~~feet wide;~~
15

16 [~~(6)~~](4) may not exceed a height of 30 feet, and is limited to two stories;
17 [and]
18

19 [~~(7)~~](5) may not exceed **[a gross floor area of]:**
20

21 (a) **[850 total square feet] a floor-to-area ratio of 0.15; [or] and**
22

23 (b) 550 square feet on the second story, if any[-]; and
24

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

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

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

29 **(c) is renewed timely.**
30

31 (D) Impervious cover for the site may not exceed 45 percent.
32

33 (E) Building cover for the site may not exceed 40 percent.
34

35 [~~(F)~~] ~~Other than in a driveway, parking is prohibited in the front yard.~~
36

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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:	[1]<u>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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<p>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</p>	<p>2 spaces for each dwelling unit</p>	<p>None</p>
<p><u>Secondary apartment special use</u> <u>Two family residential</u></p>	<p><u>Principal unit: 2 spaces</u> <u>Secondary unit: 1 space</u></p>	<p><u>None</u></p>
<p>Accessory apartment Condominium residential Multifamily residential</p>	<p>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</p>	<p>None</p>
<p>Duplex residential Single-family attached residential -Standard -If larger than 4,000 sq. ft. or more than 6 bedrooms</p>	<p>4 spaces 4 spaces or 1 space for each bedroom, whichever is greater</p>	<p>None</p>
<p>Bed and breakfast residential</p>	<p>1 space plus 1 space for each rental unit</p>	<p>None</p>
<p>Group residential</p>	<p>1 space plus 1 space for each 2 lodgers or tenants</p>	<p>Schedule C</p>
<p>Retirement Housing</p>	<p>80% of the parking otherwise required by this table for the residential use classification</p>	<p>Schedule C</p>

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

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

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

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

8 (1) include the rental of less than an entire dwelling unit;

9 (2) operate without a license as required by Section 25-2-791 (*License*
10 *Requirements*); [~~or~~]

11 (3) operate without providing notification to renters as required by
12 Section 25-2-792 (*Notification Requirements*); or[-]

13 **(4) include a secondary dwelling unit or secondary apartment.**

14
15 **PART 8.** Subsection (C) of City Code Section 25-2-791 (*License Requirements*) is
16 amended to read as follows:

17 (C) The director shall issue a license under this section if:

18 (1) the application includes all information required under Subsection (B)
19 of this section;

20 (2) the proposed short-term rental use complies with the requirements of
21 Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*), Section
22 25-2-789 (*Short-Term Rental (Type 2) Regulations*), or Section 25-2-
23 790 (*Short-Term Rental (Type 3) Regulations*);

24 (3) for a short-term rental use regulated under Section 25-2-789 (*Short-*
25 *Term Rental (Type 2) Regulations*), no more than 3% of the single-
26 family, detached residential units within the census tract of the
27 property are short-term rental (**including Type 2 and Type 1 second**
28 **dwelling unit or secondary apartment**) uses as determined by the
29 Director under Section 25-2-793 (*Determination of Short-Term Rental*
30 *Density*); and

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- 1 (a) the structure has a valid certificate of occupancy or
2 compliance, as required by Chapter 25-1, Article 9
3 (*Certificates of Compliance and Occupancy*); or
4 (b) the structure has been determined by the building official,
5 not to pose a hazard to life, health, or public safety, based on
6 a minimum life-safety inspection;

- 7 (4) for a short-term rental use regulated under Section 25-2-790 (*Short-*
8 *Term Rental (Type 3) Regulations*), located in a non-commercial
9 zoning district, no more than 3% of the total number of dwelling units
10 at the property and no more than 3% of the total number of dwelling
11 units located within any building or detached structure at the property
12 are short-term rental (Type 3) uses as determined by the Director
13 under Section 25-2-793 (*Determination of Short-Term Rental*
14 *Density*); and

- 15 (a) the structure and the dwelling unit at issue have a valid
16 certificate of occupancy or compliance, as required by
17 Chapter 25-1, Article 9 (*Certificates of Compliance and*
18 *Occupancy*); or
19 (b) the structure and the dwelling unit at issue have been
20 determined by the building official not to pose a hazard to
21 life, health, or public safety, based on a minimum life-safety
22 inspection[-];

- 23 (5) for a short-term rental use regulated under Section 25-2-790 (*Short-*
24 *Term Rental (Type 3) Regulations*), located in a commercial zoning
25 district, no more than 25% of the total number of dwelling units at the
26 property and no more than 25% of the total number of dwelling units
27 located within any building or detached structure at the property are
28 short-term rental (Type 3) uses as determined by the Director under
29 Section 25-2-793 (*Determination of Short-Term Rental Density*); and

- 30 (a) the structure and the dwelling unit at issue have a valid
31 certificate of occupancy or compliance, as required by
32 Chapter 25-1, Article 9 (*Certificates of Compliance and*
33 *Occupancy*); or
34 (b) the structure and the dwelling unit at issue have been
35 determined by the building official not to pose a hazard to

