

**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 secondary units.
- 5) Prohibit use as Type 2 Short Term Rental
- 6) Apply the ordinance citywide, i.e., to all properties throughout the city that can currently build an ADU.

**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. The most contested items are 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 as approved by Council on first reading on June 18, 2015. The goal is to facilitate the expansion and provision of housing options.

In section 25-2-893 E, change term “accessory dwelling” to “employee dwelling”. The recommendation to change “accessory dwelling” to “employee dwelling is intended to reduce confusion as “accessory dwelling” has been used throughout this code amendment process to refer to “two family residential” use and “secondary apartments”. The change is to the terminology only and will not change any of the regulations.

#### Summary of Proposed Amendments

| PROPOSED AMENDMENT                           | PC/STAFF RECOMMENDATION  | PLANNING & NEIGHBORHOODS COMMITTEE RECOMMENDATION  |
|--|--|--|
| 10' Building separation                      | Recommended  | Recommended  |
| Allow entrance within 10' of a property line | Recommended  | Recommended  |
| Remove driveway requirement                  | Recommended  | Recommended  |
| 1 off street parking space required          | Recommended  | Recommended  |
| Prohibit Type 2 STR                          | Recommended  | Recommended and secondary dwellings operating as an STR prior to October 1, 2015 will count toward the 3% per census tract cap |
| Apply city wide                              | Recommended  | Not discussed  |
| ADDED AMENDMENTS (by P&N Committee 09/21/15) |  |  |
| Reduce minimum lot size                      | No change from current code  | Reduce to 5,750 square feet and include SF-2 properties  |
| Increase maximum structure size              | No change from current code  | Increase maximum to 0.15 FAR with 550 SF maximum on 2 <sup>nd</sup> floor  |
| Preservation Bonus                           | Unresolved issues:<br>If the structure size is increased to 0.15 FAR, how much more square footage would the bonus offer?<br>How intact does the older primary structure need to be to qualify?<br>Maintenance requirements for the older primary structure (so it is not allowed to disintegrate due to neglect)?<br>Restrictive covenants are cumbersome for reviewers | Allow a larger second dwelling if the older primary structure remains; place restrictive covenant on older primary structure   |

#### **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. **(Public hearing closed).**

**May 19, 2015:** Ordinance as written recommended by Codes and Ordinances subcommittee on 3-0 vote (Commissioners Stevens and Oliver absent). Subcommittee also recommends developing pre-approved plans and investigating the feasibility of sub meters (rather than separate meters) as both could facilitate the construction of secondary units.

**May 26, 2015:** Planning Commission approved proposed ordinance on consent 5-0 vote (Commissioners Hatfield, Hernandez, Stevens and Shieh absent).

**June 1, 2015:** Community Development Commission endorsed proposed ordinance with additional recommendations. (See recommendation sheet).

**Council Action**

**June 9, 2015:** Planning and Neighborhoods Council Committee recommended further discussion of issues at August and September meetings.

**June 18, 2015:** Approved on first reading, 10-1. (**Public hearing closed**).

**August 17, 2015:** Planning and Neighborhoods Committee discussed possibility of creating a loan fund; recommended asking City Manager to request more research. Discussed pre-approved plans and need to identify resources required to create plans. Recommended PC/staff parking recommendation to reduce off-street parking requirement to 1 space and grandfather legally non-compliant parking, 3-1. Recommended PC/staff recommendation to prohibit Type 2 short term rentals, 4-0.

**September 21, 2015:** Planning and Neighborhoods Committee discussed lot size, parking requirement, structure size and AWU meter issue. (See above table under Staff Recommendation. See Planning and Neighborhoods committee report).

**Ordinance Number:** NA

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