

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTION 25-2-893 AND ADDING NEW SECTIONS 25-2-901 AND 25-2-902 TO ESTABLISH REQUIREMENTS FOR RESIDENTIAL TOURS AND GARAGE SALES; AND CLARIFYING REQUIREMENTS FOR ART PRODUCTION ON RESIDENTIAL PROPERTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (C) of City Code Section 25-2-893 (*Accessory Uses for a Principal Residential Use*) is amended to read:

(C) The following are permitted as accessory uses:

- (1) recreational activities and recreational facilities for use by residents;
- (2) religious study meetings;
- (3) playhouses, patios, cabanas, porches, gazebos, and household storage buildings;
- (4) radio and television receiving antenna and dish-type satellite receivers;
- (5) solar collectors;
- (6) home occupations that comply with Section 25-2-900 (*Home Occupations*);
- (7) on-site sales as authorized by Section 25-2-901 (*Residential Tours*) or Section 25-2-902 (*Garage Sales*);
- ~~[(7)]~~(8) the keeping of dogs, cats, and similar small animals as household pets;
and
- ~~[(8)]~~(9) a single accessory apartment that complies with the requirements of Section 25-2-901 (*Accessory Apartments*).

PART 2. City Code Chapter 25-2, Article 5 (*Accessory Uses*) is amended to add new Sections 25-2-901 and 25-2-902 to read as follows:

1
2 **§ 25-2-901 RESIDENTIAL TOURS.**

- 3 (A) Participation on an annual or semi-annual tour is allowed as an accessory
4 residential use subject to the requirements of this section and all other
5 applicable regulations.
- 6 (B) As authorized by this section, a tour is an organized event in which multiple
7 residential properties are opened to members of the public for any lawful
8 purpose, including:
- 9 (1) the appreciation and study of architecture; and
- 10 (2) the production and incidental sale of artwork by an individual responsible
11 for making or producing the artwork.
- 12 (C) To qualify as an accessory use under this section, a residential tour that includes
13 the production or sale of art must comply with the requirements of this
14 subsection.
- 15 (1) A tour organizer must provide the dates of the tour and the address of all
16 participating properties to the City of Austin Cultural Arts Division.
- 17 (2) A residential property may not:
- 18 (a) participate on a tour more than 12 days per calendar year;
- 19 (b) include more than six guest artists, in addition to the primary artist;
20 or
- 21 (c) include a garage sale.

22
23 **§ 25-2-902 GARAGE SALES.**

- 24 (A) A garage sale is allowed as an accessory residential use subject to the
25 requirements of this section.
- 26 (B) A garage sale includes yard sales, carport sales, or similar types of sales
27 involving:
- 28 (1) the sale of used or secondhand tangible property customarily found at a
29 residence; and
- 30 (2) the production and incidental sale of artwork by an individual responsible
31 for making or producing the artwork.

1 (C) A garage sale must be conducted entirely on a property used as the seller's
2 principal residence.

3 (D) A garage sale may not be held at the same property more than four days per
4 calendar year or at a property participating in a residential tour under Section
5 25-2-901 (*Residential Tours*).
6

7 **PART 3.** The City Council finds that:

8 (A) As determined by Planning & Development Review Department, a home
9 occupation use under Section 25-2-900 (*Home Occupations*) may include the
10 production of art. However, the sale of art at a residential property is only
11 allowed in connection with a tour or garage sale as authorized by this
12 ordinance.

13 (B) A residential tour authorized by this ordinance is not subject to the restrictions
14 in Section 25-2-900 (*Home Occupations*).

15 (C) City Code does not regulate internet advertising.
16

17 **PART 4.** This ordinance takes effect on _____, 2011.
18

19 **PASSED AND APPROVED**

20
21 §
22 §
23 _____, 2011 §
24 _____
25 Lee Leffingwell
26 Mayor
27

28 **APPROVED:** _____
29 Karen M. Kennard
30 City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk