

**ORDINANCE NO. 20110922-087**

**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:

**§ 25-2-901 RESIDENTIAL TOURS.**

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

**§ 25-2-902 GARAGE SALES.**

- (A) A garage sale is allowed as an accessory residential use subject to the requirements of this section.
- (B) A garage sale includes yard sales, carport sales, or similar types of sales involving:

- (1) the sale of used or secondhand tangible property customarily found at a residence; and
  - (2) the production and incidental sale of artwork by an individual responsible for making or producing the artwork.
- (C) A garage sale must be conducted entirely on a property used as the seller's principal residence.
- (D) A garage sale may not be held at the same property more than four days per calendar year or at a property participating in a residential tour under Section 25-2-901 (*Residential Tours*).

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

- (A) As determined by Planning & Development Review Department, a home occupation use under Section 25-2-900 (*Home Occupations*) may include the production of art. However, the sale of art at a residential property is only allowed in connection with a tour or garage sale as authorized by this ordinance.
- (B) A residential tour authorized by this ordinance is not subject to the restrictions in Section 25-2-900 (*Home Occupations*).
- (C) City Code does not regulate internet advertising.

**PART 4.** This ordinance takes effect on October 3, 2011.

**PASSED AND APPROVED**

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    §  
    §      Lee Leffingwell  
         Lee Leffingwell  
         Mayor

**APPROVED:** Karen M. Kennard  
 Karen M. Kennard  
 City Attorney

**ATTEST:** Shirley A. Gentry  
 Shirley A. Gentry  
 City Clerk