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

September 22, 2011

Lee Leffingwell
Mayor

Karen M. Kennard
City Attorney

Shirley A. Gentry
City Clerk