ORDINANCE NO. 20121108-091

AN ORDINANCE AMENDING SECTION 25-2-476 OF THE CITY CODE RELATING TO GRANTING OF SPECIAL EXCEPTIONS.

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

PART 1. City Code Section 25-2-476 (*Special Exceptions*) is amended to read:

(A) [~~Subject to the limitations under Subsection (B) of this section, the~~] The Board of Adjustment [~~may~~] shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (*Zoning*) if the board finds that the special exception meets the requirements of this section.

(B) The Board [~~may~~] shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 15 years, if the application for a special exception is submitted on or before June 6, 2013;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; and

(d) granting a special exception would not:

(i) alter the character of the area;

(ii) impair the use of adjacent property that is developed in compliance with city code; or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

PART 2. This ordinance takes effect on November 19, 2012.

PASSED AND APPROVED

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§
November 8, 2012 §

Lee Leffingwell
Mayor

APPROVED:

Karen M. Kennard
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk