

**ORDINANCE NO. 041118-59**

**AN ORDINANCE AMENDING SECTIONS 25-2-511, 25-2-774, AND 25-2-1463 OF THE CITY CODE RELATING TO DWELLING UNIT OCCUPANCY LIMITS, TWO-FAMILY RESIDENTIAL USES, AND SECONDARY APARTMENT SPECIAL USES.**

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

**PART 1.** Section 25-2-511(A) of the City Code is amended to read:

(A) Notwithstanding any other provision of this code, except as provided in Subsection (B):

- (1) not more than six unrelated persons may reside in a dwelling unit; ~~and~~
- (2) not more than three unrelated persons 18 years of age or older may reside in a dwelling unit of a duplex residential use, unless:
  - (a) before June 5, 2003:
    - (i) a building permit for the duplex structure was issued; or
    - (ii) the use was established; and
  - (b) after June 5, 2003, the gross floor area and the number of bedrooms in the duplex structure did not increase, except for the completion of construction authorized before that date; and
- (3) for a two-family residential use or a lot with a secondary apartment special use, not more than four unrelated persons 18 years of age or older may reside in the principal structure, and not more than two unrelated persons 18 years of age or older may reside in the second dwelling unit, unless:
  - (a) before (effective date of ordinance):
    - (i) a building permit for the second dwelling unit was issued; or
    - (ii) the use was established; and
  - (b) after (effective date of ordinance), the gross floor area and the number of bedrooms on the site did not increase, except for the completion of construction authorized before that date.

**PART 2.** Section 25-2-774 of the City Code is amended to delete Subsections (C) – (E) and add new Subsections (C) and (D) to read:

(C) The second dwelling unit:

- (1) must be contained in a structure other than the principal structure;
- (2) must be located:
  - (a) at least 15 feet to the rear of the principal structure; or
  - (b) above a detached garage;
- (3) may be connected to the principal structure by a covered walkway;
- (4) may not have an entrance within 10 feet of a lot line;
- (5) unless the second dwelling unit has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;
- (6) may not exceed a height of 30 feet, and is limited to two stories; and
- (7) may not exceed a gross floor area of:
  - (a) 850 total square feet; or
  - (b) 550 square feet on the second story, if any.

(D) Impervious cover for the site may not exceed 45 percent.

(E) Building cover for the site may not exceed 40 percent.

(F) Other than in a driveway, parking is prohibited in the front yard.

**PART 3.** Section 25-2-1463 of the City Code is amended to delete Subsections (C) – (E) and add new Subsections (C) – (F) to read:

(C) A secondary apartment:

- (1) must be contained in a structure other than the principal structure;
- (2) must be located:
  - (a) at least 15 feet to the rear of the principal structure; or
  - (b) above a detached garage;

- (3) may be connected to the principal structure by a covered walkway;
- (4) may not have an entrance within 10 feet of a lot line;
- (5) unless the secondary apartment has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;
- (6) may not exceed a height of 30 feet, and is limited to two stories; and
- (7) may not exceed a gross floor area of:
  - (a) 850 total square feet; or
  - (b) 550 square feet on the second story, if any.

(D) Impervious cover for the site may not exceed 45 percent.

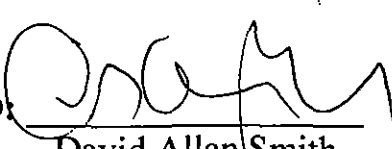
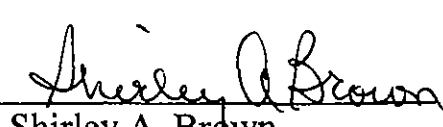
(E) Building cover for the site may not exceed 40 percent.

(F) Other than in a driveway, parking is prohibited in the front yard.

#### **PART 4. EMERGENCY.**

The Council finds that additional regulation of high occupancy uses that are in proximity to single-family residential development is necessary to protect the general health and safety of citizens of the City and to preserve the nature and character of single-family residential areas in the City and that this constitutes an emergency. Because of the emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

#### **PASSED AND APPROVED**

<p>_____, November 18, 2004</p>	<p>§ § § _____ Will Wynn Mayor</p>
<p><b>APPROVED:</b>  _____ David Allan Smith City Attorney</p>	<p><b>ATTEST:</b>  _____ Shirley A. Brown City Clerk</p>