

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 TO AMEND THE DWELLING UNIT OCCUPANCY LIMIT FOR DUPLEX AND TWO-FAMILY RESIDENTIAL USES AND SECONDARY APARTMENT SPECIAL USE.

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

PART 1. City Code Section 25-2-511 is amended to read:

§ 25-2-511 DWELLING UNIT OCCUPANCY LIMIT.

- (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;
 - (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 does not increase more than 69 square feet, except for the completion of construction authorized before that date or to allow for compliance with the Americans with Disabilities Act; and
 - (3) for a two-family residential use or a site 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 November 18, 2004 [~~(effective date of ordinance)~~]:
 - (i) a building permit for the second dwelling unit was issued; or
 - (ii) the use was established; and
 - (b) after November 18, 2004 [~~(effective date of ordinance)~~], the gross floor area [~~and the number of bedrooms~~] does not

1 increase more than 69 square feet, except for the completion of
2 construction authorized before that date or to allow for
3 compliance with the Americans with Disabilities Act.

4 (B) A group of not more than ten unrelated persons may reside in a dwelling unit
5 if:

6 (1) a majority of the persons are 60 years of age or older;

7 (2) the persons are self-caring and self-sufficient and participate in the
8 daily operation of the dwelling unit; and

9 (3) the persons live together as a single, non-profit housekeeping unit.

10 **PART 4.** This ordinance takes effect on _____, 2010.

11
12 **PASSED AND APPROVED**

13
14 §
15 §
16 _____, 2010 § _____
17 Lee Leffingwell
18 Mayor
19

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21 **APPROVED:** _____
22 Karen M. Kennard
23 Acting City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk