

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-1 AND 25-2 RELATING TO ZONING SPECIAL EXCEPTIONS AND RELATED FEE WAIVERS FOR EXISTING RESIDENTIAL STRUCTURES.

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

PART 1. Subsection (B) of City Code Section 25-1-366 (*Fee Waiver Program for Existing Residential Structures*) to read as follows:

- (B) A fee waiver or refund authorized under Subsection (A) of this section:
- (1) applies only to existing residential structures and does not cover permits for remodels, except to the extent required by the building official to address minimum life and safety requirements;
 - (2) applies only if the residential use for which a special exception is sought is allowed in an SF-3 or more restrictive zoning district;
 - (3) does not cover fees for re-inspections or for after-hours inspections; and
 - (4) expires on June 6, [2016] 2017.

PART 2. Subsection (B) of City Code Section 25-2-476 is amended to read:

- (B) The Board 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 10 years, if the application for a special exception is submitted on or before June 6, [2016] 2017;

- (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 3. This ordinance takes effect on _____, 2016.

PASSED AND APPROVED

_____, 2016 §
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Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk