

ORDINANCE AMENDMENT REVIEW SHEET

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Amendment: C2O-2010-011 – Occupancy Limits.

Description:

Amend 25-2-511 to amend the dwelling unit occupancy limit for the duplex and two-family residential uses.

Proposed Language:

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 sq. ft., except for the completion of construction authorized before that date or for construction to allow compliance with the American 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 (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)~~ November 11, 2004, the gross floor area ~~and the number of bedrooms~~ does not increase more than 69 sq. ft., except for the completion of construction authorized before that date or construction to allow compliance with the American Disabilities Act.

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

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

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

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

Departmental Comments:

The proposed code amendment would clarify the intent of the initial ordinance, by eliminating the reference to bedrooms, and instead requiring compliance with current occupancy limits if any significant addition to the gross floor area is made.

Staff Recommendation:

Staff recommends approval of the this code amendment

Committee Action:

July 20, 2010: The Codes and Ordinances Committee of the Planning Commission forwarded this item to the full Planning Commission with a recommendation for approval on a vote of 5-0.

Planning Commission Action:

July 27, 2010: This item is scheduled for a public hearing at Planning Commission.

City Council Date and Action:

Ordinance Readings:

1st

2nd

3rd

Ordinance Number:

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