

ORDINANCE NO. _____

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;

- 1 (ii) impair the use of adjacent property that is developed in
2 compliance with city code; or
- 3 (iii) grant a special privilege that is inconsistent with other
4 properties in the area or in the district in which the property is
5 located.

6 **PART 3.** This ordinance takes effect on _____, 2012.

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8 **PASSED AND APPROVED**

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12 _____, 2012

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Lee Leffingwell
Mayor

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17 **APPROVED:** _____
18 Karen M. Kennard
19 City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk