

STAFF REC.

ITEM # 86

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2, REGARDING DWELLING OCCUPANCY.

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

PART 1. City Code Section 25-5-511 (*Dwelling Unit Occupancy Limit*) is amended to read as follows:

§ 25-2-511 DWELLING UNIT OCCUPANCY LIMIT.

(A) Except as otherwise provided in this section, not more than six unrelated persons may reside in a dwelling unit. [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;]~~

(B) For a conservation single family residential, single family attached residential, single family residential, or small lot single family, not more than four unrelated persons 18 years or older may reside in a dwelling unit, in the following zoning districts:

(1) Lake Austin Residence District (LA) Zoning District;

(2) Rural Residence District (RR) Zoning District;

(3) Single Family Residence Large Lot (SF-1) Zoning District;

(4) Single Family Residence Standard Lot (SF-2) Zoning District;

(5) Family Residence (SF-3) Zoning District;

(6) Single Family Residence Small Lot (SF-4A) Zoning District;

- (7) Single Family Residence Condominium (SF-4B) Zoning District;
- (8) Urban Family Residence (SF-5) Zoning District; and
- (9) Townhouse and Condominium Residence (SF-6) Zoning District;

Unless, before February 24, 2014

- (a) building permit for the dwelling unit was issued; or
- (b) the use was established; and

after February 24, 2014, the gross floor area does not increase more than 69 square feet, except for the completion of construction authorized before the date or allow for the compliance with the Americans with Disabilities Act, and any interior remodel that requires a building permit does not result in additional sleeping rooms.

(C) [(2)] Not [~~not~~] more than three unrelated persons 18 years or older may reside in a dwelling unit of a duplex residential use, unless:

(1) [~~(a)~~] before June 5, 2003 ;

(a) [(i)] a building permit for duplex structure was issued; or

(b) [(ii)] the use was established; and

(2) [(b)] after June 5, 2003, the gross floor area 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 the compliance with the Americans with Disabilities Act.

(D) [(3)] For [~~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:

(1)~~(a)~~ before November 18, 2004:

(a)~~(i)~~ a building person for the second dwelling unit was issued; or

(b)~~(ii)~~ the use was established; and

(2)~~(b)~~ after November 18, 2004, gross floor area does not increase more than 69 square feet, except for the completion of construction authorized before the date or to allow for the compliance with the American with Disabilities Act.

(E) ~~(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;

(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.

PART 2. This ordinance takes effect on _____, 2014.