

ORDINANCE NO. 20140320-062

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

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) In this section:

- (1) ADULT means a person 18 years of age or older.
- (2) DOMESTIC PARTNERSHIP means adults living in the same household and sharing common resources of life in a close, personal, and intimate relationship.
- (3) UNRELATED means not connected by consanguinity, marriage, domestic partnership or adoption.

(B) ~~{(A)}~~ Except as otherwise provided in this section, not more than six unrelated adults 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;]~~

(C) The regulations in Subsection (D) apply in the area defined in Subchapter F: Residential Design and Compatibility Standards Section 1.2.1.

(D) Except as provided in Subsection (E), for a conservation single family residential, single family attached residential, single family residential, small lot single family, duplex residential use, two-family residential use, or short term rental use, not more than four unrelated adults may reside on a site, 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.

(E) The requirements of Subsection (D) of this section do not apply if:

(1) before March 31, 2014:

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

(2) after March 31, 2014:

- (a) the gross floor area does not increase more than 69 square feet, except to complete construction authorized before March 31, 2014 or to comply with the American with Disabilities Act, or
- (b) any interior remodel that requires a building permit does not result in additional sleeping rooms.

(F) ~~(2)~~ Not ~~not~~ more than three unrelated adults ~~[persons 18 years of age 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 the 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 compliance with the Americans with Disabilities Act. ~~;~~ ~~and~~

(G) ~~(3)~~ For ~~(f)~~ a two-family residential use or a site with a secondary apartment special use not more than four unrelated adults ~~[persons 18 years of age or older]~~ may reside in the principal structure, and not more than two unrelated adults ~~[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 permit for the second dwelling unit was issued; or

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

(2) ~~(b)~~ after November 18, 2004, the gross floor area 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 American with Disabilities Act.

(H) A structure located on a site subject to Subsection (B) that is partially or totally destroyed by a natural disaster, act of god or fire does not become subject to Subsection (D), if a building permit to repair or reconstruct the structure is applied for within one year of the date of the partial or total destruction.

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

(1) a majority of the adults ~~[persons]~~ are 60 years of age or older;

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

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

**PART 2.** This ordinance will expire on March 31, 2016.

