

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CITY CODE SECTION 25-2-773 RELATED TO FLOOR-TO-AREA RATIO AND MAXIMUM SQUARE FOOTAGE WHEN CONSTRUCTING TWO NEW DWELLING UNITS AND PRESERVING AN EXISTING DWELLING UNIT.**

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

**PART 1.** Subsection (E) of City Code Section 25-2-773 (*Duplex, Two-Unit, and Three-Unit Residential Uses*) is amended to read:

**§ 25-2-773 DUPLEX, TWO-UNIT, AND THREE-UNIT RESIDENTIAL USES.**

(E) This subsection applies to the area established in Subsection 1.2.1 of Chapter 25-2, Subchapter F (*Residential Design and Compatibility Standards*).

(1) In this subsection,

(a) EXISTING DWELLING UNIT means a dwelling unit that is:

- (i) legally permitted and occupied before December 7, 2023; or
- (ii) described in an application for a residential permit that was submitted on or before December 7, 2023.

(b) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls, except as provided in this subsection.

(2) Gross Floor Area Exclusions.

- (a) For a property that includes an existing dwelling unit that was constructed on or before December 31, 1960, the property owner may exclude the preserved square footage from the gross floor area if the requirements in Subsection (F) are met.
- (b) For a property that includes an existing dwelling unit that was constructed on or after January 1, 1961, and is at least 20 years old, the property owner may exclude the preserved square footage from the gross floor area if the requirements in Subsection (F) are met.

- COA Law Department