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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, small lot single family, or short term rental use, 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 (SF-4) Zoning District;

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

(8) Single Family Residence Condominium (SF-4B) Zoning District;

(9) Urban Family Residence (SF-5) Zoning District; and

1 (10) Townhouse and Condominium Residence (SF-6) Zoning District.

2
3 (C) [~~2~~] Not [~~not~~] more than two [~~three~~] unrelated persons 18 years or older may
4 reside in a dwelling unit of a duplex residential use, in the zoning
5 districts listed in Subsection (B) of this Section, unless:

6
7 (1) [~~a~~] before June 5, 2003;

8
9 (a) [~~i~~] a building permit for duplex structure was issued; or

10
11 (b) [~~ii~~] the use was established; and

12
13 (2) [~~b~~] after June 5, 2003, the gross floor area in the duplex
14 structure does not increase more than 69 square feet, except for the
15 completion of construction authorized before that date or to allow for
16 the compliance with the Americans with Disabilities Act.

17
18 (D) [~~3~~] For [~~for~~] a two-family residential use or a site with a secondary
19 apartment special use not more than two [~~four~~] unrelated persons 18
20 years of age or older may reside in the principal structure, and not
21 more than two unrelated persons 18 years of age or older may reside
22 in the second dwelling unit in the zoning districts listed in Subsection
23 (B) of this Section, unless:

24
25 (1)[~~a~~] before November 18, 2004:

26
27 (a)[~~i~~] a building person for the second dwelling unit
28 was issued; or

29
30 (b) [~~ii~~] the use was established; and

31
32 (2)[~~b~~] after November 18, 2004, gross floor area does not
33 increase more than 69 square feet, except for the
34 completion of construction authorized before the date or
35 to allow for the compliance with the American with
36 Disabilities Act.

37
38 (E) [~~B~~] A group of not more than ten unrelated persons may reside in a
39 dwelling unit if:

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- (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 will expire on February 24, 2016.

PART 3. This ordinance takes effect on _____, 2014.

PASSED AND APPROVED

_____, 2014 §
 §
 §

 Lee Leffingwell
 Mayor

APPROVED: _____ **ATTEST:** _____
 Karen M. Kennard Jannette S. Goodall
 City Attorney City Clerk