

# FOR CITY COUNCIL MEETING (12/7/23)

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## § 25-1-21 DEFINITIONS.

- (121) THROUGH LOT means a lot, other than a corner lot, abutting more than one street.
- (122) TINY HOME means a dwelling unit that is 400 square feet or less in floor area excluding loft space.
- (12~~32~~) TOWNHOUSE means a dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.

## § 25-2-3 RESIDENTIAL USES DESCRIBED.

- (A) Residential uses include the occupancy of living accommodations on a nontransient basis. Residential uses exclude institutional living arrangements providing 24-hour skilled nursing or medical care and those providing forced residence, including mental hospitals and prisons.
- (B) Residential use classifications are described as follows:
- (5) GROUP RESIDENTIAL use is the use of a site for occupancy by 16 or more adults and when a third party prepares or provides food for the occupants, a group of more than six persons who are not a family, on a weekly or longer basis. This use includes fraternity and sorority houses, dormitories, residence halls, and boarding houses.
- (7) MULTIFAMILY RESIDENTIAL use is the use of a site for four ~~three~~ or more dwelling units, within one or more buildings, and includes condominium residential use.
- (15) THREE-UNIT RESIDENTIAL use is the use of a lot for three dwelling units other than a mobile home.
- (16) ~~TWO-UNIT FAMILY~~ RESIDENTIAL use is the use of a lot for two dwelling units, each in a separate building, other than a mobile home.

## § 25-2-6 CIVIC USES DESCRIBED.

- (A) Civic uses include the performance of utility, educational, recreational, cultural, medical, protective, and governmental functions, and other uses that are strongly vested with public or social importance.
- (B) Civic use classifications are described as follows:
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~~(21)FAMILY HOME use is the use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more than six residents who are suffering from orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.~~

~~(22)GROUP HOME, CLASS I (GENERAL) use is the use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for more than 6 but not more than 15 residents and not more than 3 supervisory personnel. This use includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age or older, maternity homes, emergency shelters for victims of crime, abuse, or neglect, and residential rehabilitation facilities for alcohol and chemical dependence.~~

~~(23)GROUP HOME, CLASS I (LIMITED) use is the use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for not more than 6 residents and 2 supervisory personnel. This use includes foster homes, congregate living facilities for persons 60 years of age or older, maternity homes, and homes for persons with physical or mental impairments not listed in the description of family home use. Persons with physical or mental impairments are persons whose impairments substantially limit one or more of the persons' major life activities, who have a record of the impairment, or who are regarded as having the impairment, as defined in the Americans with Disabilities Act.~~

~~(24)GROUP HOME, CLASS II use is the use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for not more than 15 residents and not more than 3 supervisory personnel. This use includes homes for juvenile delinquents, halfway houses providing residence instead of institutional sentencing, and halfway houses providing residence to those needing correctional and mental institutionalization.~~

## ~~§ 25-2-511 DWELLING UNIT OCCUPANCY LIMIT.~~

~~(A) In this section:~~

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- ~~(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) Except as otherwise provided in this section, not more than six unrelated adults 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, or two-family residential 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:~~
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- ~~(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) Not more than three unrelated adults may reside in a dwelling unit of a duplex residential use, unless:~~
    - ~~(1) before June 5, 2003;~~
      - ~~(a) a building permit for the duplex structure was issued; or~~
      - ~~(b) the use was established; and~~
    - ~~(2) 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.~~
  - ~~(G) For a two-family residential use or a site with a secondary apartment special use not more than four unrelated adults may reside in the principal structure, and not more than two unrelated adults may reside in the second dwelling unit, unless:~~
    - ~~(1) before November 18, 2004:~~
      - ~~(a) a building permit for the second dwelling unit was issued; or~~
      - ~~(b) the use was established; and~~
    - ~~(2) 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) A group of not more than ten unrelated adults may reside in a dwelling unit if:~~
    - ~~(1) a majority of the adults are 60 years of age or older;~~
    - ~~(2) the adults are self-caring and self-sufficient and participate in the daily operation of the dwelling unit; and~~
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~~(3) the adults live together as a single, non-profit housekeeping unit.~~

## § 25-2-555 FAMILY RESIDENCE (SF-3) DISTRICT REGULATIONS.

(A) This section applies in a family residence (SF-3) district.

(B) The rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.

(C) For a retirement housing (small site) use:

- (1) the minimum site area is 18,675 square feet;
- (2) a site may be developed with not more than 122 dwelling units;
- (3) at least 6,225 square feet of site area is required for each dwelling unit; and
- (4) except for a parking space in a driveway, a parking space may not be located in a front street yard.

~~(D) This subsection applies to a duplex residential use.~~

~~(1) On a lot with a lot area of less than 10,000 square feet, a duplex structure may not exceed 4,000 square feet of gross floor area or contain more than six bedrooms.~~

~~(2) On a lot with a lot area of 10,000 square feet or more, a duplex structure may not exceed a floor-to-area ratio of 0.57 to 1.~~

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

(A) To the extent of conflict, this section supersedes the base zoning district regulations.

(B) For a duplex, two-unit, and three-unit residential use:

- (1) minimum lot area is 5,750 square feet;
  - (2) minimum front yard setback is the lesser of the base zoning district or the average front yard calculation as set out in Subsection (F);
  - (3) minimum rear yard setback is the base zoning district or five feet when the lot is adjacent to an alley or another lot with a use that is permitted in a multi-family base zoning district or less restrictive base zoning district;
  - (4) minimum street-side yard setback is 10 feet for a lot located on a corner;
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(5) minimum number of street-facing entrances is one;

(6) maximum building coverage is 40 percent; and

(7) maximum impervious cover is 45 percent.

## (C) Design Standards Applicable to Duplex, Two-Unit, and Three-Unit Residential Use.

### (1) Porches.

(a) A porch that is open on three sides may project into the front yard and include a roof.

(b) A porch that projects into the front yard must be at least 15 feet from the front lot line.

(c) A porch roof or overhang must be at least 13 feet from the front lot line.

### (2) Impervious Cover and Parking Placement.

(a) Impervious cover in a front yard may not exceed 40 percent.

(b) The director may waive front yard impervious cover limitations if the director determines backing a motor vehicle onto the adjacent roadway is unsafe and that a circular driveway or turnaround in the front yard is required.

(c) Not more than four parking spaces may be located in the front street yard, or for a corner lot, not more than four parking spaces may be located in the front street yard and side street yard combined.

### (3) Garage Placement.

(a) In this provision,

(i) BUILDING FACADE means the front-facing exterior wall or walls of the first floor of the principal structure on a lot, and the term excludes the building facade of the portion of the principal structure designed or used as a parking structure. Projections from front-facing exterior walls, including but not limited to eaves, chimneys, porches, stoops, box or bay windows, and other similar features as determined by the building official, are not considered part of the building facade.

(ii) PARKING STRUCTURE means a garage or carport, either attached or detached from the principal structure.

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(b) A parking structure with an entrance that faces the front yard abutting public right-of-way:

- (i) may not be closer to the front lot line than the front-most exterior wall of the first floor of the building facade; and
- (ii) if the parking structure is less than 20 feet behind the building facade, the width of the parking structure may not exceed 50 percent of the width of the building facade, measured parallel to the front lot line, or the line determined by the building official if located on an irregular lot.

(D) 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 legally permitted and occupied 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) A parking structure is excluded from gross floor area when the parking structure is 450 square feet or less and is:
    - (i) detached and is separated by at least 10 feet from each residential structure; or
    - (ii) attached to a residential structure by covered breezeway that is completely open on all sides and is separated by at least 10 feet from each residential structure.
  - (b) A parking structure is excluded from gross floor area when the parking structure is 200 square feet or less and is:
    - (i) attached; or
    - (ii) detached and is separated by at least 10 feet from the rear of each residential structure; or
    - (iii) attached by a covered breezeway that is completely open on all sides and is separated by at least 10 feet from the rear of each structure.
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- (c) 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 following requirements are met.

    - (i) The property owner preserves at least 50 percent of the existing dwelling unit and 100 percent of the street-facing façade and limits remodeling and alterations.
    - (ii) For a structure with a side-gabled, cross-gabled, hipped, or pyramidal roof form, the property owner limits remodeling and alterations to the area behind the existing roof ridgeline or peak.
    - (iii) For a structure with a front-gabled, shed roof or flat roof form, the property owner limits remodeling and alterations to the lesser of 15 feet from the front façade or one-half of the width of the front wall.
    - (iv) If the development requires a 15-foot clearance on the side of the existing dwelling unit to build other allowable dwelling units, an existing or converted carport or garage may be altered or removed to provide the clearance.
    - (v) If the property is designated as a historic landmark or located within a historic district, the Historic Design Standards or applicable design standards apply.
  - (d) 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 property owner preserves at least 50 percent of the existing dwelling unit.
  - (4) Floor-to-area ratio for a duplex or two-unit residential use.

    - (a) The maximum floor-to-area ratio for the site is the greater of 0.55 or 3,200 square feet.
    - (b) Except for an existing dwelling unit, a dwelling unit may not exceed the greater of 0.4 or 2,300 square feet.
  - (5) Floor-to-area ratio for three-unit residential use.

    - (a) The maximum floor-to-area ratio for the site is 0.65 or 3,750 square feet.
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- (b) Except for an existing dwelling unit, a dwelling unit may not exceed the greater of 0.4 or 2,300 square feet.
    - (c) Except for two existing dwelling units, two dwelling units may not exceed the greater of 0.5 or 2,900 square feet.
  - (F) Average Front Yard Setback.
    - (1) The following rules apply for the purpose of calculating the average front yard setback.
    - (2) A front yard setback is the distance between the front lot line and the closest front exterior wall or building façade of the principal residential structure located on the lot.
    - (3) Except as provided in paragraph 4, average front yard setback is determined using the front yard setback of the four principal residential structures that are:
      - (a) built within fifty feet of the front lot line; and
      - (b) closest to, and on the same side of the block, as the property subject to the setback required by this section.
    - (4) If less than four structures satisfy the criteria in paragraph 3, average front yard setback is calculated using the number of existing residential structures on the same side of the street block as the property subject to the setback required by this section.
      - (a) If there are no structures on the same side of the block, average front yard setback is calculated using the front yard setbacks of the four structures on the opposite side of the block that are closest to the property subject to the setback required by this section.
      - (b) If there are less than four structures on the opposite side of the block, the lesser number of structures is used in the calculation.
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## § 25-2-788 SHORT-TERM RENTAL (TYPE 1) REGULATIONS.

(A) This section applies to a short-term rental use that:

- (1) is rented for periods of less than 30 consecutive days; and
- (2) is owner-occupied or is associated with an owner-occupied principal residential unit.

(B) A short-term rental use under this section may not:

- (1) include the rental of less than an entire dwelling unit, unless all of the following conditions are met:
  - (a) a partial unit must at a minimum include the exclusive use of a sleeping room and shared use of a full bathroom;
  - (b) the owner is generally present at the licensed short-term rental property for the duration of any short-term rental of a partial unit;
  - (c) not more than one partial unit at the property is simultaneously rented for any period less than 30 consecutive days; and
  - (d) rental of the partial unit is limited to a single party of individuals;
- (2) operate without a license as required by Section 25-2-791 (*License Requirements*);
- (3) operate without providing notification to renters as required by Section 25-2-792 (*Notification Requirements*); or
- (4) include a ~~secondary dwelling unit or~~ secondary apartment except as provided by ~~Section 25-2-774(C)(6) (*Two Family Residential Use*) and~~ 25-2-1463(C)(6) (*Secondary Apartment Regulations*).

## § 25-2-789 SHORT-TERM RENTAL (TYPE 2) REGULATIONS.

(A) This section applies to a short-term rental use that:

- (1) is rented for periods of less than 30 consecutive days;
- (2) is not part of a multifamily residential use; and
- (3) is not owner-occupied and is not associated with an owner-occupied principal residential unit.

(B) A short-term rental use under this section may not:

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- (1) include the rental of less than an entire dwelling unit;
  - (2) operate without a license as required by Section 25-2-791 (*License Requirements*);
  - (3) operate without providing notification to renters as required by Section 25-2-792 (*Notification Requirements*); or
  - (4) include a ~~secondary dwelling unit~~ or secondary apartment except as provided by ~~Section 25-2-774(C)(6) (Two-Family Residential Use)~~ and 25-2-1463(C)(6) (*Secondary Apartment Regulations*).
- (C) If a license for a short-term rental (Type 2) use meets the requirements for annual renewal under Section 25-2-791(E) (*License Requirements*) and the property received a notice of violation related to the life, health, or public safety of the structure, the property is subject to an inspection every three years by the building official to determine if the structure poses a hazard to life, health, or public safety.
- (D) A short-term rental (Type 2) use may not be located on a lot that is within 1,000 feet of a lot on which another short-term rental (Type 2) use is located unless the license:
- (1) was issued on or before November 23, 2015;
  - (2) is not suspended after November 23, 2015; and
  - (3) is renewed timely.

## ~~§ 25-2-841 GROUP AND FAMILY HOMES.~~

- ~~(A) A group home may not be located within a one-half mile radius of another group home. This requirement does not apply to a group home for persons sixty years of age or older. The council may waive this requirement.~~
- ~~(B) A family home may not be located within a one-half mile radius of any other family home. The council may waive this requirement.~~
- ~~(C) The residents of a group home or family home may not park on the premises of the home or an adjacent public right-of-way more than one motor vehicle for each bedroom.~~
- ~~(D) This subsection prescribes limits to the number of supervisory personnel.~~
- ~~(1) Not more than two supervisory personnel may reside in a group home, class I (limited) at one time.~~
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~~(2) Not more than three supervisory personnel may reside in a group home, class I (general) at one time.~~

~~(3) Not more than three supervisory personnel may reside in a group home, class II at one time.~~

## **§ 25-2-893 ACCESSORY USES FOR A PRINCIPAL RESIDENTIAL USE.**

(A) For a principal residential use, this section prescribes the requirements for an accessory use.

(B) This subsection provides for vehicle storage as an accessory use.

(1) Not more than one motor vehicle for each licensed driver residing on the premises may be stored on the premises.

(2) Notwithstanding the limitation of Subsection (B)(1), a private garage for the storage of not more than four motor vehicles is permitted.

(3) Except for an antique vehicle or recreational vehicle, a motor vehicle with a capacity of one ton or greater is prohibited.

(4) Not more than one commercial vehicle may be stored on the premises.

(5) Except as provided in Subsection (B)(6), an inoperable motor vehicle may not be stored on an adjacent public right-of-way. A motor vehicle is inoperable if, for more than 72 hours, the vehicle:

(a) does not have license plates or has license plates that have been expired for more than 90 days;

(b) does not have a motor vehicle safety inspection sticker or has a motor vehicle inspection safety sticker that has been expired for more than 90 days; or

(c) cannot be started or legally operated in a public right-of-way.

(6) The prohibition of Subsection (B)(5) does not apply to:

(a) an antique or recreational vehicle stored at an owner's residence; or

(b) a vehicle under repair for less than 60 days, if not more than one other vehicle is also under repair.

(7) Up to two vehicles that are either antique or recreational vehicles may be stored on the premises, if the storage area is not a health hazard and is either in an enclosed building or screened from public view with a solid wood or masonry fence at least six feet high.

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(C) The following are permitted as accessory uses:

- (1) recreational activities and recreational facilities for use by residents;
- (2) religious study meetings;
- (3) playhouses, patios, cabanas, porches, gazebos, and household storage buildings;
- (4) radio and television receiving antenna and dish-type satellite receivers;
- (5) solar collectors;
- (6) home occupations that comply with Section 25-2-900 (Home Occupations);
- (7) on-site sales as authorized by Section 25-2-90~~21~~<sup>32</sup> (*Residential Tours*) or Section 25-2-90~~32~~<sup>32</sup> (*Garage Sales*);
- (8) the keeping of dogs, cats, and similar small animals as household pets;~~;~~  
~~and~~
- ~~(9) a single accessory apartment that complies with the requirements of Section 25-2-901 (*Accessory Apartments*).~~

~~(D) A guest house is permitted if the principal use is a single-family residential use located on a lot with at least 10,000 square feet of area. A guest house may be occupied only by occasional nonpaying guests of the permanent residents.~~

~~(E) A single accessory dwelling is permitted if the principal use is a single-family residential use located on a lot with at least 15,000 square feet of area. An accessory dwelling may be occupied only by a family that has at least one member employed on-site for security, maintenance, management, supervision, or personal service.~~

~~(D)~~<sup>F</sup> A residential convenience service is permitted if the principal use is a multifamily use or a mobile home park use. A residential convenience service is a commercial use that is operated as an integral part of the principal use, is not identifiable from outside the site, and is intended to be patronized solely by the residents of the principal use.

~~(E)~~<sup>G</sup> A dock is permitted as an accessory use if the requirements of this subsection are met.

- (1) A dock may be located off-site.
  - (2) A dock may not include habitable space or living quarters or other elements not necessary to the function of a dock, such as space
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conditioning, sinks, toilets, or wastewater or potable water lines or connections.

- (3) A dock may include only the following as appurtenances and means of access:
- (a) a storage closet that meets the requirements of Subsection (A);
  - (b) a roof;
  - (c) a second floor;
  - (d) marine lockers;
  - (e) railings;
  - (f) a non-potable water pump and hose bib;
  - (g) electrical connections;
  - (h) lighting and fans;
  - (i) non-mechanized access, including a staircase, pedestrian bridge, gangway, and gates;
  - (j) non-mechanized recreational equipment, such as slides or swings; and
  - (k) accessories or slips that may accommodate the mooring or storage of boats in compliance with the requirements of Section 25-2-1176 (*Site Development Regulations for Docks, Marinas, and Other Lakefront Uses*).
- (4) Only one dock is permitted for a principal residential use, even if the use is located on more than one lot.
- (~~FH~~) A use other than one described in this section is permitted as an accessory use if the director determines that the use is necessary, customary, appropriate, incidental, and subordinate to a principal use.
- (~~GI~~) An accessory use may generate not more than ten guest vehicles trips a day or 30 guest vehicles trips a week.

## ~~§ 25-2-901 ACCESSORY APARTMENTS.~~

~~(A) An accessory apartment is a separate dwelling unit that is contained within the principal structure of a single-family residence, and that is occupied by at least one person who is 60 years of age or older or physically disabled.~~

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~~(B) If space within a principal structure is converted to an accessory apartment, the accessory apartment may not include:~~

~~(1) converted garage space; or~~

~~(2) a new entrance visible from a street.~~

~~(C) The building official may not issue a building permit for construction or remodeling of an accessory apartment unless the applicant delivers to the building official an affidavit verifying that one of the proposed occupants of the accessory apartment is 60 years of age or older or physically disabled.~~

## Subchapter F Residential Design and Compatibility Standards

### 1.2.2. Used for a:

A. Bed and breakfast (group 1) residential use;

B. Bed and breakfast (group 2) residential use;

C. Cottage special use;

~~D. Duplex residential use;~~

~~D~~E. Secondary apartment special use;

~~E~~F. Single-family attached residential use;

~~F~~G. Single-family residential use;

~~G~~H. Small lot single-family residential use;

~~I. Two-family residential use;~~

~~H~~I. Urban home special use;

~~I~~K. Club or lodge;

~~J~~L. Daycare services (general and limited);

~~M. Family homes;~~

~~N. Group homes (general and limited);~~

~~K~~O. Condo residential;

~~M~~P. Retirement housing (small and large site); or

~~N~~Q. Townhouse residential.

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