

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0100
1207 W. 22nd Street

P.C. DATE: December 13, 2016

ADDRESS: 1207 W. 22nd Street

AREA: 0.3028 Acres (13,189.968 s.f)

DISTRICT: 9

OWNER: Bernard Reingold and Brian Copeland

AGENT: Mike McHone Real Estate (Mike McHone)

FROM: SF-3-CO-NP

TO: SF-4A-NP

NEIGHBORHOOD PLAN AREA: Central Austin Combined (West University)

SCENIC ROADWAY: No

CAPITOL VIEW CORRIDOR: No

WATERSHED: Shoal Creek

TIA: N/A

DESIRED DEVELOPMENT ZONE: Yes

SUMMARY STAFF RECOMMENDATION:

Staff supports Single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning at this location, with the addition of the following conditions:

1. Building height shall not exceed 30 feet.
2. The following land uses shall be prohibited: Club or lodge use and community recreation (private) use.

This makes the Staff recommendation Single family residence-small lot-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

December 13, 2016: *TO GRANT REZONING FROM SF-3-CO-NP TO SF-4A-CO-NP, AS RECOMMENDED BY STAFF, WITH THE FOLLING ADDITIONS: IMPERVIOUS COVER SHALL NOT EXCEED 45% ON EACH LOT; THE MAXIMUM FLOOR TO AREA RATIO (F.A.R.) SHALL NOT EXCEED 0.4 TO 1 ON EACH LOT; AND, SITE DEVELOPMENT SHALL BE LIMITED TO NO MORE THAN ONE DWELLING UNIT PER LOT. APPROVED ON CONSENT, (8-0) [P. Seegar- 1st, T. White- 2nd; A. Pineyro-DeHoyos, K. McGraw, T. Nuckols, J. Shieh- Absent]*

ISSUES:

The subject property is currently a single tract zoned SF-3-CO-NP, and is developed with one single family residence and one duplex residence. The Applicant proposes rezoning and subdividing the tract into three lots with three single family residences. An application for resubdivision is currently under review by the City, but cannot be approved unless the SF-4A-NP rezoning is granted.

DEPARTMENT COMMENTS:

The subject property is currently a single tract zoned SF-3-CO-NP, and is developed with one single family residence and one duplex residence. Under current code, only one house or duplex could be constructed on the

property; however these residences were constructed in 1949 and are considered existing nonconforming uses. The house is located immediately at the eastern corner of West 22nd and Cliff Street, while the duplex faces West 22nd and is adjacent to residences to the east. Immediately south of the property are the Cranfill-Beacham Apartments, which are located on property zoned SF-3-CO-NP, MF-2-CO-NP, and MF-2-H-CO-NP. The historic apartments are considered existing nonconforming land use on the SF-3-CO-NP property since they were on the property since the late 1950s. The apartments are now condominium units. Across Cliff Street to the west are single family homes zoned SF-3-H-CO-NP. Across West 22nd Street to the north are properties zoned SF-3-CO-NP and are developed with both single family homes and duplexes. Across the alley to the east are properties that are also zoned SF-3-CO-NP and developed with both single family homes and duplexes.

As stated in the Issues section, the Applicant proposes redeveloping the subject property as three lots with three single family residences. This type of redevelopment requires resubdivision, as well. Separate from the Applicant has filed a private restrictive covenant to address possible concerns from the neighborhood. The private restrictive covenant includes several items, including building plans, site plans, materials, and a limit of four (4) unrelated adults in each house. Please see *Exhibit C (Private Restrictive Covenant)*.

Staff has not received any correspondence in favor or in opposition to the rezoning request. However, Staff has received questions about occupancy limits for the property and proposed development. The City of Austin modified its regulations on residential occupancy most recently in 2016, and the regulations vary based on housing type, when it was constructed, extent of remodeling, relationship of individuals in the housing unit, and other factors. Please see *Exhibit D (Dwelling Unit Occupancy Limit Code Section)*. Based on these standards, the existing single family house is permitted six (6) unrelated adult residents [(25-2-511 (B) and (E))] and the duplex is permitted six (6) unrelated adult residents per unit [(25-2-511 (B) and (F))]. Therefore, the current structures are permitted up to 18 total unrelated adult residents on the property. If redeveloped as proposed by the Applicant, the three single family residences would each be permitted four (4) residents, for a total of 12 residents on the property.

The only rezoning cases in the area within the past ten years have been historic zoning cases, adding the H-designation to the existing zoning classification. No changes to base zoning districts have been made since the creation of the West University Neighborhood Plan Area (NPA), which is now part of the Central Austin Combined Neighborhood Plan in 2004. The zoning ordinance associated with the West University NPA (Ord. No. 040826-57) attached conditional overlays to many of the properties in the area, including the subject property. The conditions attached to this property in 2004 were a building height limit of 30 feet, and prohibition of Club or lodge use and community recreation (private) use. In order to maintain consistency, Staff recommends continuing these restrictions.

STAFF RECOMMENDATION:

Staff recommends Single family residence-small lot-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning for the subject property.

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Rezoning should not contribute to the over zoning of the area.*
3. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*
4. *Zoning should be consistent with approved and existing residential densities.*

Single-family residence small lot (SF-4A) district is the designation for a moderate density single-family residential use on a lot that is a minimum of 3,600 square feet. An SF-4A district use is subject to development standards that maintain single family neighborhood characteristics. The proposed development is consistent with this description. The recommended SF-4A-CO-NP zoning will allow redevelopment that will add housing that complies with current development standards and will not increase the density in the area. The current structures and configuration of the property do not meet modern standards, and the grandfathered occupancy limits are more

intense than what is possible under the proposed development. SF-4A-CO-NP is also suitable in an area where there is already a mix of small and large single family homes, duplexes, condominiums and multifamily.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-CO-NP	Single family residential, Duplex residential
<i>North</i>	SF-3-CO-NP	Single family residential, Duplex residential
<i>South</i>	SF-3-CO-NP, MF-2-CO-NP, MF-2-H-CO-NP	Single family residential, Duplex residential
<i>East</i>	SF-3-CO-NP	Single family residential, Duplex residential
<i>West</i>	SF-3-H-CO-NP	Single family residential, Duplex residential

SCHOOLS: Bryker Woods Elementary, O Henry Middle, Austin High

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
 Caswell Heights Neighborhood Association
 Old Enfield Homeowners Association
 Central Austin Community Development Corporation
 SEL Texas
 University Area Partners
 Austin Heritage Tree Foundation
 The Original West University Neighborhood Association
 Austin Independent School District
 Friends of Austin Neighborhoods
 West Campus Cottages COA
 Sierra Club, Austin Regional Group
 Shoal Creek Conservancy
 Bike Austin
 Austin Neighborhoods Council
 Preservation Austin
 Pease Park Conservancy

CITY COUNCIL DATE/ACTION:

January 26, 2017

December 15, 2016: This item was postponed to January 26, 2017 at the request of staff was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
 e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

ADDITIONAL STAFF COMMENTS:**SITE PLAN**

SP1. Site plans will be required for any new development other than single-family or duplex residential.

TRANSPORTATION

TR1. FYI, additional right-of-way maybe required at the time of subdivision and/or site plan.

TR2. FYI, Chad Crager, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

TR3. FYI, a traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR4. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
W. 22 nd Street	65'	30'	Local	No	No	No
Cliff Street	58'	28'	Local	No	No	No

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

COMPREHENSIVE PLAN

The West University portion of the Central Austin Combined Neighborhood Plan (CACNP) Future Land Use Map (FLUM) designates this property as single family. Zone SF-4A is permitted under this land use designation. The following CACNP elements are applicable to this case:

Goal One: Preserve the integrity and character of the single-family neighborhoods:

Objective 1.1: Rezone property as needed to ensure that new development is compatible with the desired residential character of each neighborhood.

Objective 1.2: New single-family construction in residential areas should complement, reflect, and respect the vernacular building traditions of single-family houses in the area.

Recommendation 3: The scale and massing of new houses should be consistent with the vernacular building traditions.

Recommendation 4: Design tools should be applied where needed to promote new development that is in character with existing single-family houses.





The CACNP appears to support residential uses in the planning area as long as this project preserve the integrity, architectural vernacular, scale, massing, and character of the existing single family neighborhood.

Imagine Austin- The comparative scale of the site relative to adjacent residential uses, as well as the site not being located along an Activity Corridor or within an Activity Center, falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning

WATER UTILITY

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CREEK BUFFER

ZONING CASE#: C14-2016-0100
LOCATION: 1207 W. 22nd Street
SUBJECT AREA: .0328
GRID: H24
MANAGER: Heather Chaffin

EXHIBIT
B



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

RESTRICTIVE COVENANT

THE STATE OF TEXAS §
 §
 COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

This Restrictive Covenant is made to be effective on the date hereinafter set forth by BERNARD REINGOLD and BRIAN COPLAND, each of Travis County, Texas ("Reingold & Copland"), and TIM LEAGUE and wife KARRIE LEAGUE, of Travis County, Texas ("League").

RECITALS:

A. Reingold & Copland are the owners of that certain tract of land more particularly described as Lot 17 and the North 25 Feet of Lot 16, Block 3, of CARRINGTON'S SUBDIVISION OF OUTLOTS NO. 26, 27 AND 28 IN DIVISION "D," OF THE CITY OF AUSTIN, a subdivision in Austin, Travis County, Texas, according to the map or plat thereof recorded in Volume 1, Page 94 of the Plat Records of Travis County, Texas, and locally known as 1207 W. 22nd Street, Austin, Texas (the "**Reingold & Copland Property**").

B. League are the owners of that certain tract of land more particularly described as Lots 1-3, Block 4 of CARRINGTON'S SUBDIVISION OF OUTLOTS NO. 26, 27 AND 28 IN DIVISION "D," OF THE CITY OF AUSTIN, a subdivision in Austin, Travis County, Texas, according to the map or plat thereof recorded in Volume 1, Page 94 of the Plat Records of Travis County, Texas, and locally known as 1305 W. 22nd Street, Austin, Texas (the "**League Property**").

C. Reingold & Copland have submitted an application to rezone the Reingold & Copland Property as "Single-Family Residence Small Lot (SF-4A) District" to allow for the construction of three (3) single family residences on the Property in accordance with the plans attached hereto as Exhibit A (the "**Plans**").

D. Reingold & Copland have agreed to impose certain restrictions, covenants and conditions on the Reingold & Copland Property for the benefit of League, and League's heirs, executors, administrators and assigns, and the future owners of the League Property, as hereinafter set forth, which restrictions, covenants and conditions shall be and do constitute covenants to run with the tract and shall be binding upon Reingold & Copland, and their respective heirs, executors, administrators and assigns, and all subsequent owners of the Reingold & Copland Property or any portion thereof.

NOW, THEREFORE, in consideration of the premises, TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Reingold & Copland and League hereby covenant, agree and declare as follows:

1. Reingold & Copland do each hereby declare that the Reingold & Copland Property shall be held, used, occupied, transferred, sold and conveyed subject to the following restrictions, covenants and conditions:

- a. The Reingold & Copland Property shall be developed and used only for the construction of three (3) single family residences, which shall be constructed only in strict accordance with the plans, sketches and drawings prepared by Kipp + Flores Architects dated June 21, 2016, for the 1207 W. 22nd Street project attached hereto as Exhibit A (the "Plans"), including specifically, but without limitation of the generality of the foregoing, the square footages, maximum floor area ratios, maximum impervious cover, maximum number of bedrooms, heights, setbacks and building locations, driveways and parking areas, floor plates and floor plans, elevations and architectural design as set forth and shown on the Plans. No improvements other than as shown on the Plans shall be constructed or installed on the Reingold & Copland Property, except as approved by the owner of the League Property as provided below.
- b. Any changes or modifications to the Plans, and any material changes, modifications or additions to the residences constructed on the Reingold & Copland Property in accordance the Plans, shall require the prior written consent of owners of the League Property at the time of any such change, modification or addition. For purposes of this Restrictive Covenant, a material change, modification or addition shall be a change that fails to comply with the provisions of paragraph 1(c) or that creates additional bedrooms, bathrooms or additional rooms, either by addition of square footage or interior renovation, including construction of additional walls, finishing of unfinished spaces, or enclosure of a garage, to accommodate or that might allow the occupancy of more than four (4) unrelated adults within the residence. By way of example, a remodel of the interior to widen doorways or enhance accessibility of existing rooms solely to accommodate a resident with a handicap or an elderly resident would not be a material change for purposes of this Restrictive Covenant.
- c. In addition to the foregoing, only two (2) types of materials shall be used on the exteriors of each of the three (3) residences constructed on the Reingold & Copland Property; provided the same two (2) types of materials are not required to be used on all three (3) residences, but no more than two (2) types of materials shall be used on any one of the residences. By way of example only for the avoidance of any confusion, such two (2) types of materials may be Hardy Board and shingles; or Hardy Board and stone; or shingles and stone, or any other siding material and stone, or any other siding material and shingles, but no more than two (2) types of any such materials. It is expressly understood that the foregoing is not intended to limit the materials to those set forth in the examples that

may be used so long as only two (2) types of any materials are used on the exterior of any one of the residences.

- d. Not more than four (4) unrelated adults may reside in or occupy any one of the residences constructed on the Reingold & Copland Property.

2. The foregoing restrictions, covenants and conditions shall be deemed to be covenants running with the land, are solely for the benefit of League and League's heirs, executors, administrators and assigns, and the future owners of the League Property. If the owner of any portion of the Reingold & Copland Property, or their heirs, executors, administrators, assigns, or the future owners of all or any part of the Reingold & Copland Property, or their respective tenants or other persons entitle to occupy or use all or any part of the Reingold & Copland Property, shall violate or attempt to violate any of the foregoing restrictions, covenants and conditions, it shall be lawful for League, or League's heirs, executors, administrators and assigns, or the future owners of the League Property, to prosecute any proceeding at law or in equity against the persons or person violating or attempting to violate any such restrictions, covenants and conditions by injunction to restrain violation, to enforce specific performance, to recover damages, or other appropriate legal or equitable remedy. If a proceeding claiming a violation of any restrictions, covenants or conditions is found by a court of competent jurisdiction to not constitute a violation, the owner of all or any part of the Reingold & Copland Property, or their heirs, executors, administrators, assigns, or the future owners of all or any part of the Reingold & Copland Property shall be entitled to seek to recover such damages or other legal or equitable remedy to which such owners may be entitled.

3. This Restrictive Covenant may be modified and amended, or terminated as to all or any part of the Reingold & Copland Property only by a written instrument executed by the owners of the League Property and the owners of all or any part of the Reingold & Copland Property at the time of such modification, amendment or termination and recorded in the Official Public Records of Travis County, Texas. Notwithstanding the foregoing, in the event the League Property is subdivided into two or more lots, this Restrictive Covenant shall terminate and be of no further force and effect as of the date the plat of such subdivision of the League Property creating such two or more lots is recorded in the Official Public Records of Travis County, Texas.

4. Should a court of competent jurisdiction determine any provision of this Restrictive Covenant is unenforceable, such determination shall not affect the validity or enforceability of any other provision of this Restrictive Covenant.

[signature page follows]

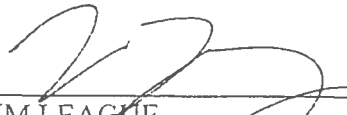
EXECUTED by the parties on the dates of their respective acknowledgements below to be effective the date this Restrictive Covenant is recorded in the Official Public Records of Travis County, Texas.


REINGOLD & COPLAND:


BERNARD REINGOLD


BRIAN COPLAND

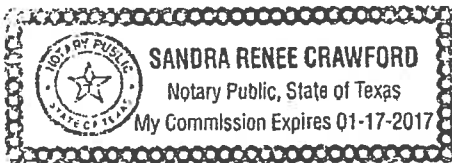
LEAGUE:


TIM LEAGUE


KARRIE LEAGUE

THE STATE OF TEXAS §
COUNTY OF HARRIS §
TRAVIS §

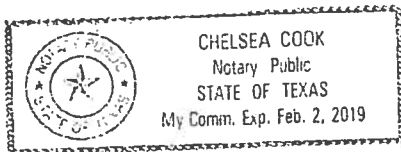
This instrument was acknowledged before me on the 11th day of October, 2016, by BERNARD REINGOLD.



Sandra Renee Crawford
NOTARY PUBLIC, State of Texas
Print Name: SANDRA RENEE CRAWFORD

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

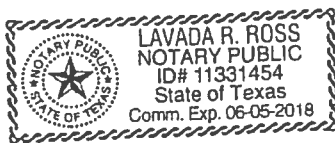
This instrument was acknowledged before me on the 17th day of October, 2016, by BRIAN COPLAND.



Chelsea Cook
NOTARY PUBLIC, State of Texas
Print Name: Chelsea Cook

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

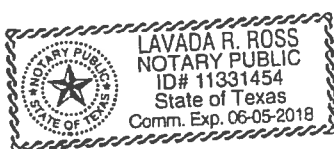
This instrument was acknowledged before me on the 21 day of October, 2016, by TIM LEAGUE.



Lavada R. Ross
NOTARY PUBLIC, State of Texas
Print Name: Lavada R. Ross

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 24 day of October, 2016, by KARRIE LEAGUE.



Lavada R. Ross
NOTARY PUBLIC, State of Texas
Print Name: Lavada R. Ross

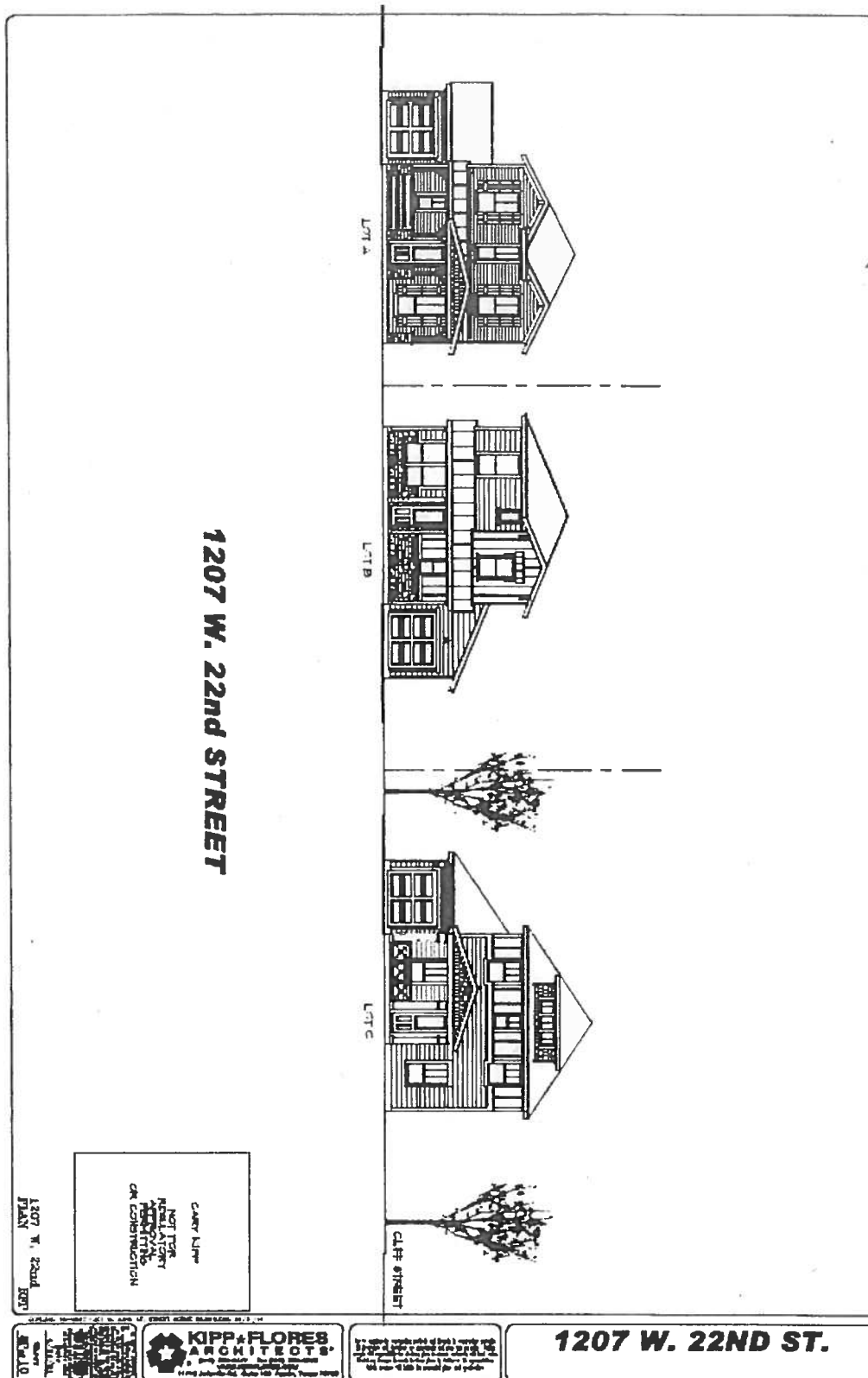


Exhibit A – Page 1



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 MURDER OF MARTIN LUTHER KING, JR.
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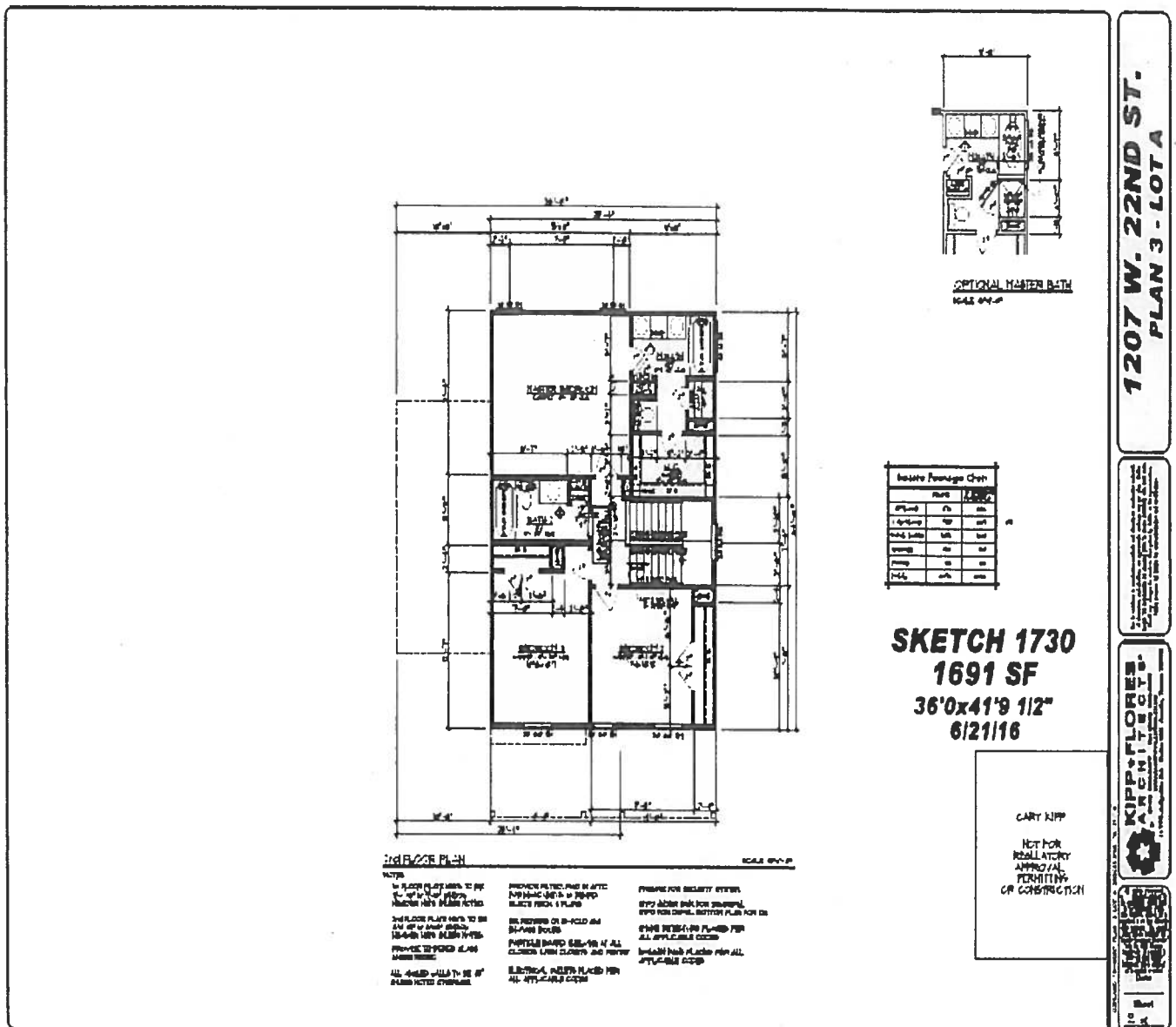
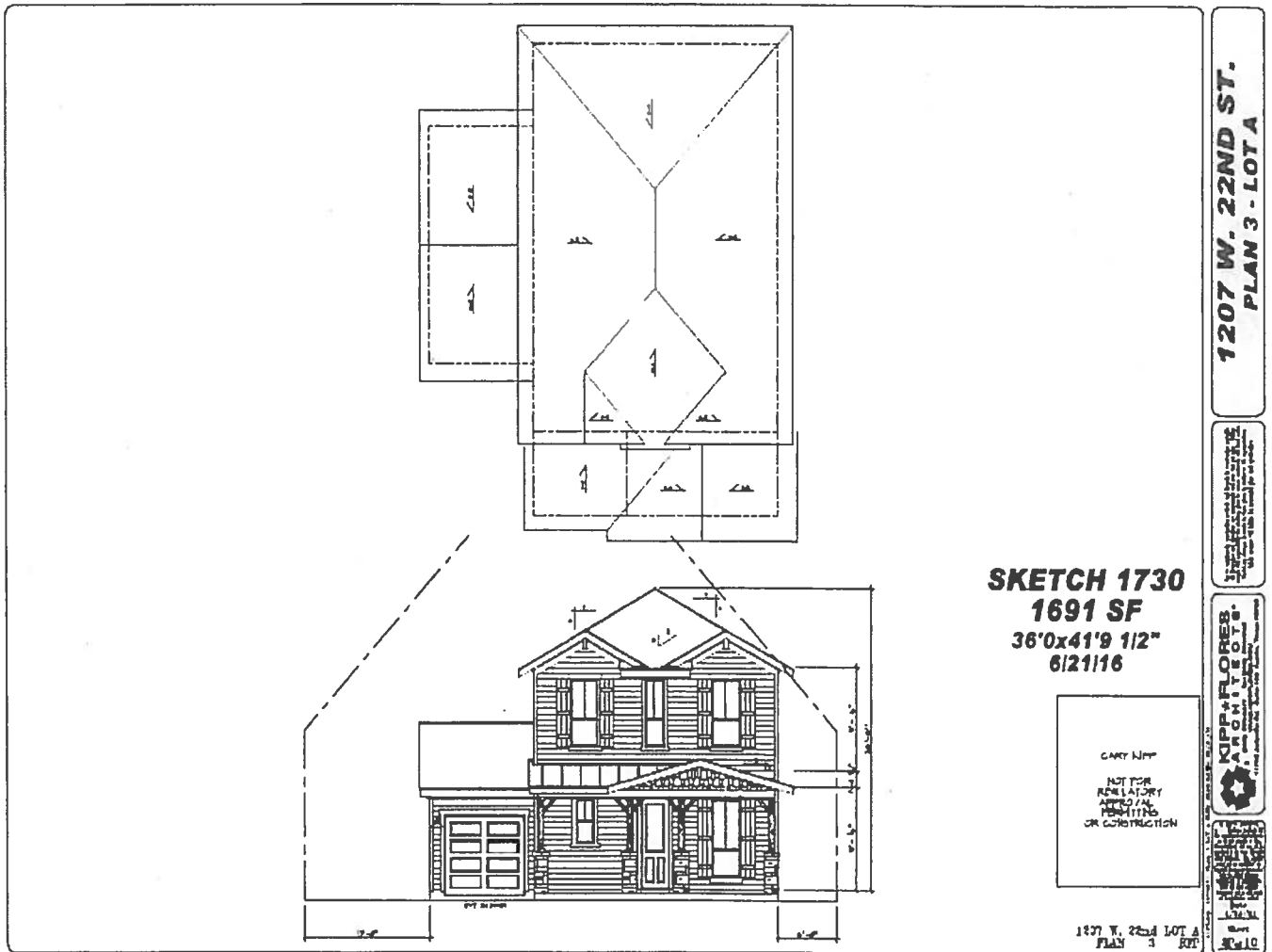
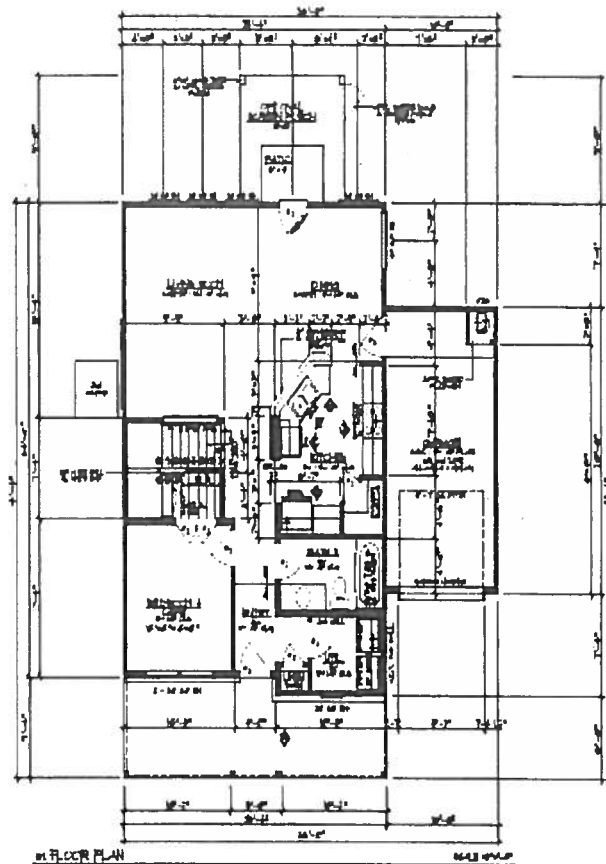


Exhibit A – Page 4





Singer's Foodways Chart		
	Food	Place
1940-1949	Pa	Ma
1950-1959	Pa	Ma
1960-1969	Pa	Ma
1970-1979	Pa	Ma
1980-1989	Pa	Ma
1990-1999	Pa	Ma
2000-2009	Pa	Ma

CART KIPP
NOT FOR
REGULATORY
APPROVAL
PERMITTING
OR CONSTRUCTION

IN FLOCTE PLAN

529

IN ALIEN-FLIGHTERS TO ME
9-1 UP IN 7-000000
HONORARY WIFE JAMES B. JAMES

IN ALIEN-FLIGHTERS TO ME
9-1 UP IN 7-000000
HONORARY WIFE JAMES B. JAMES

FROM THE DEPARTMENT OF
4-000000

ALL RIGHTS RESERVED TO ME
9-1 UP IN 7-000000

[illegible]

FROM THE RECENT BYTES

BYO JAMES HAS FOR PAPERING
BYO FOR BOML BOTTOM PLAN AND PA
BROWN DETECTORS PLACED FOR
ALL APPLICABLE BYES

SHAWNS ARE PLACED FOR ALL
APPLICABLE CODES

4

[illegible]

SECRET

Exhibit A – Page 6

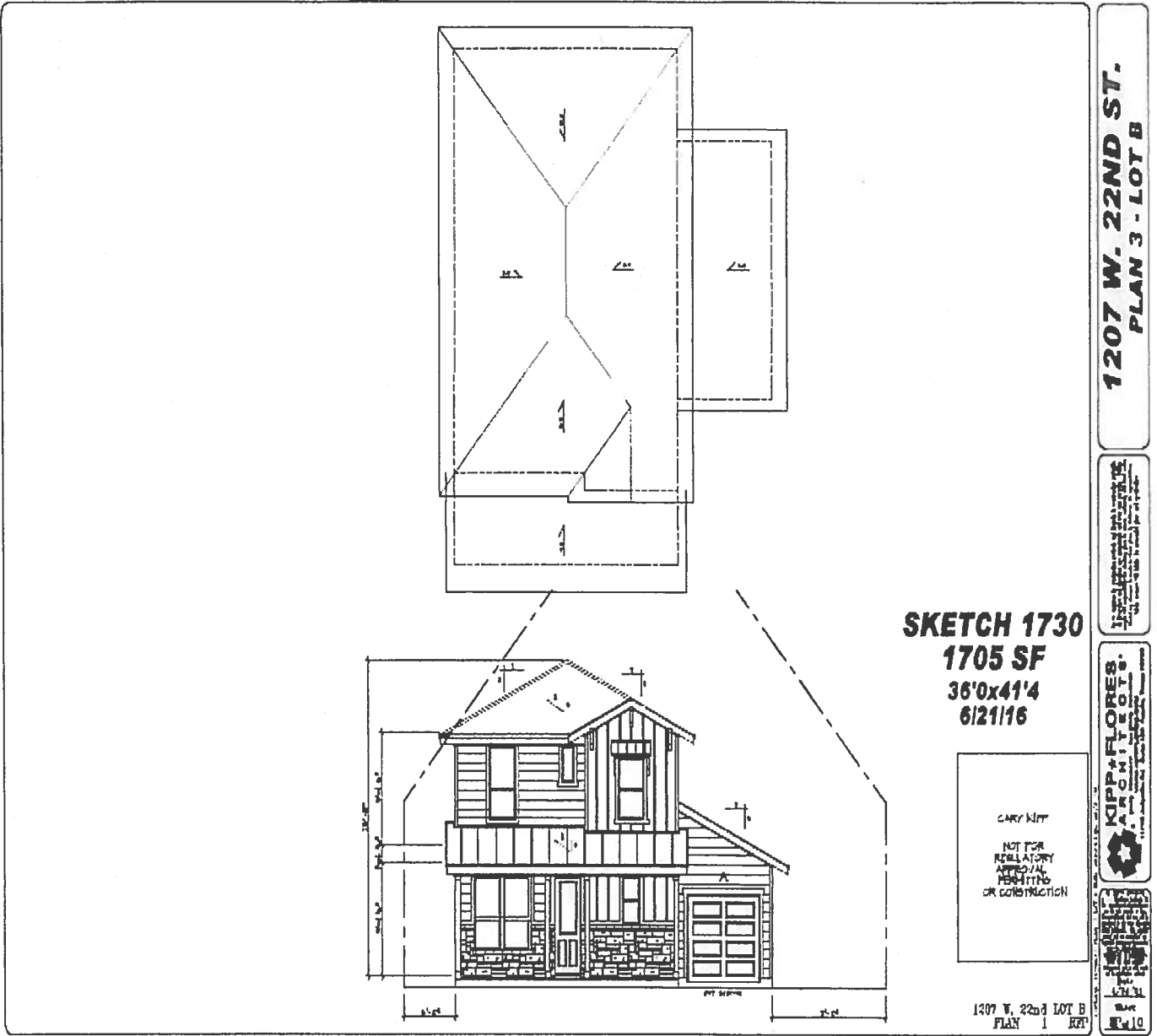
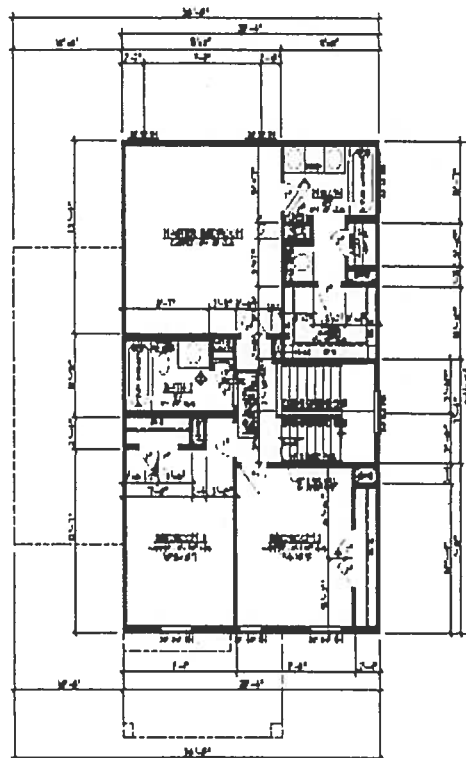


Exhibit A – Page 8



2ND FLOOR PLAN

SCALE 1/8" = 1'-0"

NOTES:

1. ALL FLOOR PLACES SHALL BE 1/2" MIN. THICK. ALL FLOOR PLACES SHALL BE 1/2" MIN. THICK. ALL FLOOR PLACES SHALL BE 1/2" MIN. THICK.

2. PROVIDE FLOORING IN ALL ROOMS. PROVIDE FLOORING IN ALL ROOMS. PROVIDE FLOORING IN ALL ROOMS.

3. PROVIDE FOR SECURITY SYSTEM. PROVIDE FOR SECURITY SYSTEM. PROVIDE FOR SECURITY SYSTEM.



OPTIONAL MASTER BATH
SCALE 1/8" = 1'-0"

Room	Area	Notes
Bedroom	10' x 12'	
Bath	5' x 7'	
Hall	3' x 4'	
Living	12' x 14'	
Kitchen	10' x 12'	
Dining	10' x 12'	
Breakfast	8' x 10'	
Garage	12' x 14'	
Porch	10' x 12'	
Backyard	12' x 14'	

SKETCH 1730
1691 SF
36'0"x41'4"
6/21/16

CART KIPP

NOT FOR
 REGULATORY
 APPROVAL
 PERMITTING
 OR CONSTRUCTION

1207 W. 22ND ST.
 PLAN 3 - LOT C

2. This sketch is not intended to be used for any regulatory approval, permitting, or construction purposes. It is for informational purposes only.

KIPP FLORES
 ARCHITECT
 1207 W. 22ND ST.
 LOT C

1207 W. 22ND ST.
 LOT C

1207 W. 22ND ST.
 LOT C

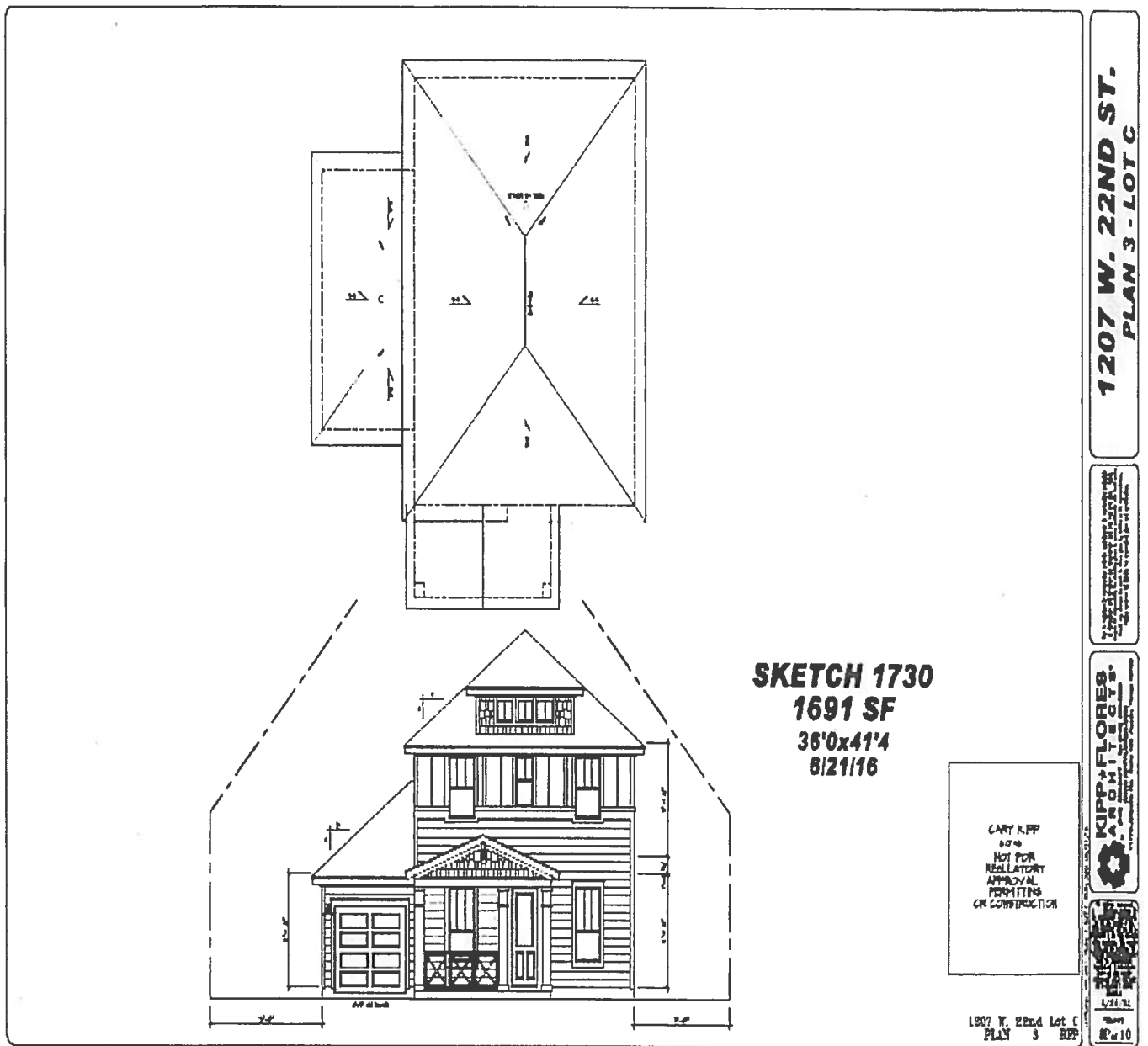


Exhibit A – Page 11

CONSENT OF LENDER

The Bank of River Oaks ("Lender") is the holder of a promissory note (the "Note") dated November 20, 2015, in the original principal amount of \$1,126,000.00, executed by Bernard Reingold and Brian Copland, which Note is secured in part by the Deed of Trust, Security Agreement and Financing Statement of even date, executed by Bernard Reingold and Brian Copland, to R.A. Lane, Jr., Trustee, for the benefit of Lender, and recorded under Document No. 2015 2007096617 in the Official Public Records of Travis County, Texas.

Lender acknowledges and consents to the foregoing Restrictive Covenant and subordinates all of its liens on the Reingold & Copland Property, as defined therein, to the rights and interests of the current and future owners of all or any part of the League Property, and confirms that any foreclosure of its liens will not extinguish the rights of such owners of all or any part of the League Property's rights and interests under the Restrictive Covenant.

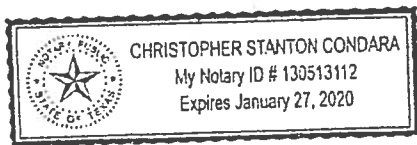
This Consent is binding on Lender and its successors and assigns.

THE BANK OF RIVER OAKS

By: [Signature]
Name: R.A. LANE, JR.
Title: CEO

THE STATE OF TEXAS §
COUNTY OF Harris §

This instrument was acknowledged before me on the 18th day of October, 2016, by Andy Lane, as C of THE BANK OF RIVER OAKS, a Texas State Banking Corporation, on behalf of said Corporation.



[Signature]
Notary Public, State of Texas

AFTER RECORDING, PLEASE RETURN TO:

R. Alan Haywood
Graves, Dougherty, Hearon & Moody
P.O. Box 98
Austin, Texas 78767



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

[Signature]
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

October 24 2016 01:17 PM

FEE: \$ 90.00 2016177219

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

(A) In this section:

EXHIBIT D

- (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:
 - (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
 - (3) the adults live together as a single, non-profit housekeeping unit.

Source: Section 13-2-1; Ord. 990225-70; Ord. 030605-49; Ord. 031211-11; Ord. 0411118-59; Ord. 20100923-127; Ord. 20140320-062, Pts. 1, 3, 3-31-14; Ord. No. 20160223-A.1, Pt. 3, 3-5-16.