

**§ 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 a group of more than 16 adults when a third party prepares or provides food ~~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.
- (C) A tiny home is a dwelling unit that is 400 square feet or less in floor area excluding loft space.

**§ 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:
- ~~(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:~~

~~(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.~~~~

**§ 25-2-555 FAMILY RESIDENCE (SF-3) DISTRICT REGULATIONS.** Added edit here

- (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 RESIDENTIAL USE.**

- (A) For a duplex residential use, the base zoning district regulations are superseded by the requirements of this section.
- (B) For a duplex residential use:
  - (1) minimum lot area is ~~5,750~~ 7,000 square feet;
  - (2) minimum lot width is 50 feet;
  - (3) maximum building cover is 40 percent;
  - (4) maximum impervious cover is 45 percent; ~~and~~
  - ~~(5) maximum building height is the lesser of:~~
    - ~~(a) 30 feet; or~~

- ~~(b) two stories, except that an attic or basement does not count as a story for purposes of this subsection if it satisfies the requirements for an exemption from gross floor area under Subsections 3.3.2 and 3.4.6 of Subchapter F (*Residential Design and Compatibility Standards*).~~
- (C) Not more than one required parking space may be located behind another required parking space.
- (D) The two dwelling units are subject to the following requirements:
- ~~(1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that:~~
- ~~(a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and~~
- ~~(b) maintains a straight line for a minimum of four foot intervals or segments.~~
- ~~(12)~~The two units must have a common roof.
- ~~(23)~~At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit.
- ~~(34)~~The two units may not be separated by a breezeway, carport, or other open building element.
- (E) Chapter 25-2, Subchapter F (*Residential Design and Compatibility Standards*) does not apply to duplex residential use.

**§ 25-2-774 TWO-UNIT AND THREE-UNIT FAMILY RESIDENTIAL USES.**

- (A) This subsection applies to two-unit residential use.
- (1) To the extent of conflict, this subsection supersedes the base zoning district regulations.
- (2) Chapter 25-2, Subchapter F (*Residential Design and Compatibility Standards*) does not apply to two-unit residential use.
- (3) The minimum lot area is 5,570 square feet.
- (4) Each dwelling unit must be in a separate structure.

- (5) The dwelling units may be connected by a covered walkway.
- (6) One of the dwelling units may not exceed 1,100 total square feet.
- (7) Impervious cover for the site may not exceed 45 percent.
- (B) This subsection applies to three-unit residential use.
  - (1) To the extent of conflict, this subsection supersedes the base zoning district regulations.
  - (2) Three-unit residential use is not allowed on a substandard lot.
  - (3) Chapter 25-2, Subchapter F (*Residential Design and Compatibility Standards*) does not apply to three-unit residential use.
  - (4) Building cover may not exceed 40 percent.
  - (5) Impervious cover for the site may not exceed 45 percent.
- ~~(A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.~~
- ~~(B) For a two-family residential use the minimum lot area is equivalent to a standard lot.~~
- ~~(C) The second dwelling unit:
  - ~~(1) must be contained in a structure other than the principal structure;~~
  - ~~(2) must be located:
    - ~~(a) at least 10 feet to the rear or side of the principal structure; or~~
    - ~~(b) above a detached garage;~~~~
  - ~~(3) may be connected to the principal structure by a covered walkway;~~
  - ~~(4) may not exceed a height of 30 feet, and is limited to two stories;~~
  - ~~(5) may not exceed:
    - ~~(a) 1,100 total square feet or a floor-to-area ratio of 0.15, whichever is smaller; and~~
    - ~~(b) 550 square feet on the second story, if any; and~~~~
  - ~~(6) may not be used as a short term rental for more than 30 days in a calendar year if the second dwelling unit was constructed after October 1, 2015.~~~~

~~(D) Impervious cover for the site may not exceed 45 percent.~~

~~(E) Building cover for the site may not exceed 40 percent.~~

~~§ 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.~~

~~(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.
- (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~~2~~<sup>1</sup> (*Residential Tours*) or Section 25-2-90~~3~~<sup>2</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.~~

(DF) 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.

(EG) 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 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.~~
- ~~(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.~~

**§ 25-2-491 PERMITTED, CONDITIONAL, AND PROHIBITED USES.**

- (A) The table in Subsection (C) provides the permitted and conditional uses for each base district. "P" means a use is a permitted use, "C" means a use is a conditional use, and "X" means a use is prohibited. Endnotes provide additional information.
- (B) The requirements of other provisions of this subchapter modify and supersede the requirements of this section, to the extent of conflict.
- (C) Table of permitted, conditional, and prohibited uses.

	SF- 1	SF- 2	SF- 3
Duplex Residential	<u>P</u>	<u>P</u>	P
<del>Group Residential</del>	—	—	—
<u>Three-Unit Residential</u>	<u>P</u>	<u>P</u>	<u>P</u>
Two- <u>Unit Family</u> Residential	<u>P</u>	<u>P</u>	P
<del>Family Home</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>Group Home, Class I (General)</del>	<del>C</del>	<del>C</del>	<del>C</del>
<del>Group Home, Class I (Limited)</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>Group Home, Class II</del>	—	—	—

**§ 25-2-492 SITE DEVELOPMENT REGULATIONS.**

- (A) The table in Subsection (D) establishes the principal site development regulations for each zoning district.
- (B) Except as provided in Subsection (C), if a requirement of Subsection (D) conflicts with another provision of this title, the more restrictive regulation governs.
- (C) The requirements of the other provisions of this subchapter supersede the requirements of Subsection (D), to the extent of conflict.
- (D) Site development regulation table.

	SF-1 <sup>+</sup>	SF-2	SF-3
MINIMUM LOT SIZE (square feet):	10,000	5,750	5,750
MINIMUM CORNER LOT AREA (square feet):			
MINIMUM LOT WIDTH:	60	50	50
MINIMUM CORNER LOT WIDTH:			
<b>MAXIMUM DWELLING UNITS PER LOT:</b>	<b><u>3</u> <sup>+</sup></b>	<b><u>3</u> <sup>+</sup></b>	<b><u>3</u> <sup>-2</sup></b>
MAXIMUM HEIGHT:	35	35	35
MINIMUM SETBACKS:			
FRONT YARD:	25	25	25
STREET SIDE YARD:	15	15	15
INTERIOR SIDE YARD:	5	5	5
REAR YARD:	10	10	10
MAXIMUM BUILDING COVERAGE:	35%	40%	40%
MAXIMUM IMPERVIOUS COVER:	40%	45%	45%
MAXIMUM FLOOR AREA RATIO			