



PLANNING
DEPARTMENT

Changes to Residential Uses and Standards (Including HOME Amendments)

Planning Commission Meeting

November 14, 2023



What are the proposed changes?

- ✓ Allow up to 3 homes on property zoned SF-1, SF-2, and SF-3
- ✓ Simplify regulations for building 2 homes
- ✓ Remove duplicative accessory apartment, guesthouse, and on-site worker home provisions
- ✓ Limit applicability of “McMansion” standards to lots with 1 home
- ✓ Allow tiny homes that meet certain standards to be considered a dwelling unit
- ✓ Remove limitation on the number of unrelated adults allowed to live together

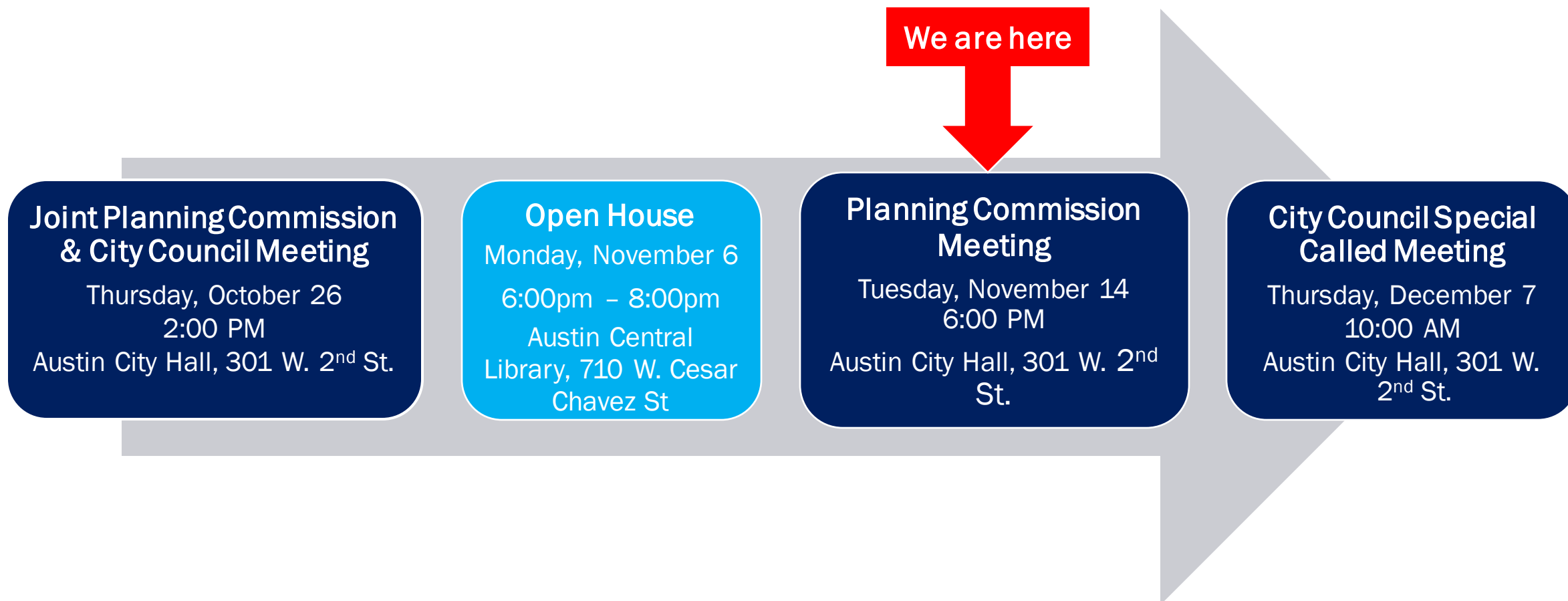


Changes to Proposal Following Joint Meeting

- Moved Tiny Home text to Section 25-1-21 (Definitions).
- Exempted Duplex, Two-Unit, and Three-Unit Uses from Subchapter F by amending Subchapter F.
- Deleted Family Home and Group Home Uses in Subchapter F.
- Substituted substandard lot limitation in Three-Unit Use with a requirement that the lot be at least 5,750 square feet.



Public Hearing Opportunities and Possible Action





Engagement Summary

- 387 community members signed up to speak or registered for or against at the Oct. 26 joint meeting
- As of Nov. 13, staff have received:
 - 55 emails
 - 118 phone calls
 - 386 comments via Speak Up Austin website
 - 10,544 website visitors
- Approximately 70 Open House attendees



For More Information

- Website: publicinput.com/LDCupdates
 - Proposal Summary and Background Information
 - Video of Joint Meeting Presentation
 - Questions and Answers
 - How to provide input
 - How to protest the changes
- Email: LDCupdates@austintexas.gov
- Phone: (512) 974-7220



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Thank You

CODE AMENDMENT REVIEW SHEET

Code Amendments:

- C20-2023-024 Single Family Lot and Use Modifications Phase I
- C20-2023-033 Tiny Homes and RVs in Single Family Zones Phase I
- C20-2023-012 Eliminate Unrelated Adult Occupancy Limits

Description:

The proposed amendments to City Code Title 25 (Land Development Code) will:

- Allow up to three housing units, including tiny homes,¹ on Single-Family zoned property;
- Revise regulations that apply to a property with two housing units; and
- Remove restrictions on the number of unrelated adults living in a housing unit.

Summary of Proposed Code Amendments:

There are two main groups of proposed code amendments that will be considered at the upcoming public hearings:

- The first group of amendments aims to increase housing opportunities on Single-Family (SF) zoned lots
- The second group of amendments seeks to remove restrictions on unrelated adults living in the same housing unit

The first group of amendments, known as Single Family Lot and Use Modifications (HOME Amendments), will be considered in two phases. The first phase will be reviewed at the upcoming public hearings and potentially adopted in December 2023. The second phase will be reviewed and potentially adopted by Spring 2024.

Summary of the Phase 1 Single Family Lot and Use Modifications (HOME Amendments):

- ✓ Create a new Three-Unit Residential Use permitted in SF-1, SF-2, and SF-3 zoning districts.
- ✓ Revise Two-Unit Residential Use regulations to ease site development restrictions and allow Two-Unit Residential Use in SF-1 and SF-2 zoning districts.
- ✓ Revise Duplex Residential Use regulations to allow the use in SF-1 and SF-2 zoning districts and ease site development restrictions.
- ✓ Remove duplicative Accessory Apartment Use.
- ✓ Remove duplicative Accessory Uses to a Principal Residential Use.
- ✓ Limit the applicability of Residential Design and Compatibility Standards “McMansion” to lots with only one housing unit.
- ✓ Allow tiny homes that meet the International Residential Code (IRC) standards to be considered a dwelling unit.

¹ City staff is not proposing any regulations related to recreational vehicles (RVs) at this time.

The second phase of Single Family Lot and Use Modifications (HOME Amendments) will be reviewed and considered for adoption by Spring 2024.

Summary of Potential Phase 2 Single Family Lot and Use Modifications (HOME Amendments):

- ✓ Reduce the minimum lot size for single-family zoned lots.
- ✓ Allow more types of housing in single-family neighborhoods to increase opportunities for housing choices.
- ✓ Adjust site development regulations if necessary, including setbacks, height, impervious cover, and floor-to-area ratio (FAR).
- ✓ Create standards for innovative drainage and utility solutions.
- ✓ Develop criteria for the use of recreation vehicles (RVs) as dwelling units on a single-family lot.

In addition to the amendments related to Single Family Lot and Use Modification (HOME Amendments), amendments to remove the dwelling unit occupancy limit in response to [Resolution No. 20230601-048](#) will be considered at the upcoming public hearings.

Summary of the Proposed Changes to Eliminate Unrelated Adult Occupancy Restrictions:

- ✓ Remove the zoning limitation on the number of unrelated adults allowed to live together ([§25-2-511](#)).
- ✓ Modify the Group Residential Use definition so that the use will align with license requirements for a Food Enterprise ([§25-2-3](#)).
- ✓ Remove Family Home and Group Home definitions in Civic Uses Described ([§25-2-6](#)) and in Group and Family Homes ([§25-2-841](#)).

Code Amendment Text: Please reference Agenda Backup Documents.

Prior City Council Actions:

City Council initiated the above changes to the Land Development Code through the following resolutions:

1. [Resolution No. 20211209-064](#): Expand ADUs
 - Initiated changes on Dec. 9, 2021, directing staff to develop LDC amendments to increase opportunities for Accessory Dwelling Units (ADUs)
2. [Resolution No. 20220609-062](#): Increase ADU Flexibility
 - Initiated changes on Jun. 9, 2022, directing staff to develop LDC amendments to provide additional flexibility for Accessory Dwelling Units (ADUs)
3. [Resolution No. 20230601-048](#): Eliminate Unrelated Adult Occupancy Limits
 - Initiated changes on Jun. 1, 2023, directing staff to develop LDC amendments to remove restrictions on the number of unrelated adults that can live in a housing unit.
4. [Resolution No. 20230720-126](#): Single Family Lot and Use Modifications (Home Amendments)
 - Initiated changes on Jul. 20, 2023, directing staff to develop Land Development Code (LDC) amendments to achieve the following objectives:

- Reduce the minimum lot size on property zoned single-family
- Allow up to three housing units on property zoned single-family (SF)
- Create a new Three-Unit Residential Land Use
- Allow for flexible housing configurations on property zoned SF-1, SF-2, SF-3, and SF-4A/B, including rowhouses, townhomes, duplexes, triplexes, fourplexes, garden homes, and cottage courts

5. [Resolution No. 20230914-083](#): Tiny Homes and RVs

- Initiated changes on Sept. 14, 2023, directing staff to develop LDC amendments to allow Tiny Homes and Recreational Vehicles (RVs) on property zoned single-family (SF)

On Sept. 21, 2023, City Council passed [Ordinance No. 20230921-055](#), which authorized a Joint Public Hearing of the Planning Commission and City Council to hear public testimony on these proposed changes to the Land Development Code. The ordinance also established requirements for public notice of the proposed changes.

On Oct. 5, 2023, City Council set a date of Oct. 26, 2023, for the Joint Planning Commission and City Council Public Hearing.

Review and Adoption Milestones:

The review and adoption process is scheduled for the following dates and times:

- Joint Planning Commission and City Council Meeting: October 26, 2023, at 2:00pm
- Planning Commission Meeting: November 14, 2023, at 6:00pm
- City Council Special Called Meeting: December 7, 2023, at 10:00am

At the Joint Public Hearing, city staff presented the proposed Land Development Code amendments, and members of the public provided feedback. No action was taken at the meeting.

On Nov. 14, Planning Commission will hold a public hearing. During this meeting, Planning Commission will assess the proposed changes and provide recommendations to City Council.

On Dec. 7, City Council will conduct a public hearing to deliberate on the proposed changes and Planning Commission's recommendations. At this meeting, City Council can vote on an ordinance that enacts the proposed changes into law.

Sponsor Department:

Planning Department

City Staff:

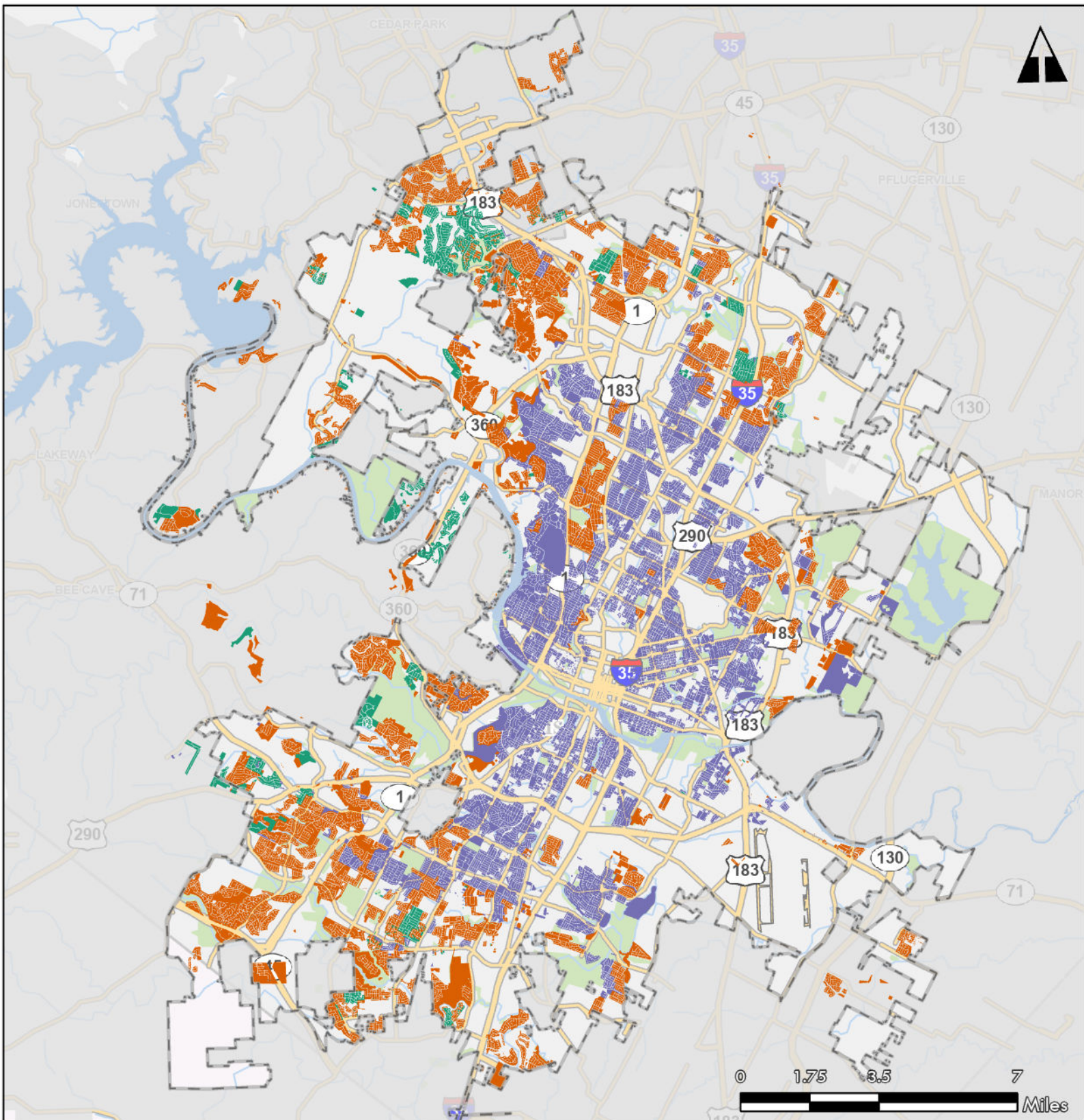
Jordan Feldman, Planning Department, LDCupdates@austintexas.gov, (512) 974-7220

For more information: PublicInput.com/LDCupdates

For Responses to Questions Submitted by Planning Commission and City Council:

<https://services.austintexas.gov/budget/landdevcode/index.cfm>

Exhibit A



Zoning District

- SF-1
- SF-2
- SF-3

Full Purpose City Limits

Areas within Regulating Plans and PUDs were omitted

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**PLANNING COMMISSION MEETING
CHANGES TO DRAFT DOCUMENTS SINCE JOINT MEETING ON 10/26**

- Moved Tiny Home text to Section 25-1-21 (Definitions).
- Exempted Duplex, Two-Unit, and Three-Unit Uses from Subchapter F by amending Subchapter F.
- Deleted Family Home and Group Home Uses in Subchapter F.
- Substituted substandard lot limitation in Three-Unit Uses with a requirement that the lot be at least 5,750 square feet.

PROPOSED ZONING CHANGES – FOR PLANNING COMMISSION MEETING

11/9/2023

ALLOWING UP TO THREE HOUSING UNITS, INCLUDING TINY HOMES¹, ON A SINGLE-FAMILY (SF) ZONED PROPERTY

Current Code:

	SF-1	SF-2	SF-3
Maximum Housing Units Per Lot	1	1	2
Duplex	Not Permitted	Not Permitted	Permitted
Two-Family Residential	Not Permitted	Not Permitted	Permitted

Proposed Changes:

	SF-1	SF-2	SF-3
Maximum Housing Units Per Lot	3	3	3
Duplex	Permitted	Permitted	Permitted
Two-Unit Residential ²	Permitted	Permitted	Permitted
Three-Unit Residential	Permitted	Permitted	Permitted

Changes to Definitions: Modify “Multi-Family Use” and New “Tiny Home”

- 1) Multifamily use will be updated to change the number of housing units to avoid conflict with new “Three- Unit Residential” Use.
- 2) Tiny Home is a housing unit that is 400 square feet or less in floor area excluding loft space.

New Three-Unit Residential Use:

- 1) Property owner must build three housing units on one lot for this use.
- 2) Min Lot Size is 5,750 square feet.
- 3) This section controls if there is a conflict between the regulations of this use and the base zoning district of a lot.
- 4) Max Building Coverage is 40%.
- 5) Max Impervious Cover is 45%.
- 6) Chapter 25-2, Subchapter F “McMansion” standards will not apply.

¹ City staff will propose recreational vehicle (RV)-specific changes at a later time.

² City staff is proposing to change the name of existing “Two-Family Residential” use to “Two-Unit Residential” and updating associated definitions to match.

PROPOSED ZONING CHANGES – FOR PLANNING COMMISSION MEETING

11/9/2023

REVISING REGULATIONS THAT APPLY TO A PROPERTY WITH TWO HOUSING UNITS.

Code Section	Current Code Requirements	Proposed Changes
Duplex (25-2-773)	<ul style="list-style-type: none"> • Min lot area is 7,000 square feet; • Min lot width is 50 feet; • Max building cover is 40%; • Max impervious cover is 45%; and • Max building height is the lesser of: (a) 30 feet; or (b) two stories with some exceptions. • The two units must have common floor and ceiling or a common wall as defined in this section. 	<ul style="list-style-type: none"> • Reduce min lot size to 5,750 square feet. • Chapter 25-2, Subchapter F “McMansion” standards will not apply. • Remove common floor and ceiling/wall requirement. • Follow base zoning district standards for height. • Remove Subsection (D) from §25-2-555
Two-Family (25-2-774)	<p>Subsection controls over base zoning district. The secondary unit:</p> <ul style="list-style-type: none"> • Must be detached; • Must be located 10 feet from the rear of the principal structure or above detached garage; • May not exceed a height of 30 feet or is limited to two stories; • Cannot be used as a short term rental; • Has square footage requirements; • Max 45% Impervious Cover; and • Max 40% Building Cover. 	<ul style="list-style-type: none"> • Change name to Two-<u>Unit</u> Residential Use • Removes primary and secondary distinction; • Removes locational, second-story square footage, building cover, and .15 FAR requirements; • One housing unit cannot exceed 1,100 square feet. • Removes STR-specific regulations. • Chapter 25-2, Subchapter F “McMansion” standards will not apply. • <u>Follow base zoning district standards for height.</u>
Guesthouse (25-2-893(D))	<ul style="list-style-type: none"> • Principal use is single-family residential use. • Min lot size of 10,000 square feet. 	<ul style="list-style-type: none"> • Delete this accessory use
ADU for Employees (25-2-893(E))	<ul style="list-style-type: none"> • Principal use is a single-family residential. • Min lot size of 15,000 square feet. • Occupant of the ADU must be employed on-site. 	<ul style="list-style-type: none"> • Delete this accessory use
Accessory Apartment (25-2-901)	<ul style="list-style-type: none"> • Must be attached to the principal structure. • Age and Disability occupant limitations. • Cannot include converted garage space or a new entrance visible from a street. 	<ul style="list-style-type: none"> • Delete this accessory use

PROPOSED ZONING CHANGES – FOR PLANNING COMMISSION MEETING

11/9/2023

REMOVING RESTRICTIONS ON THE NUMBER OF UNRELATED ADULTS LIVING IN A HOUSING UNIT.

- 1) Delete Section 25-2-511 (*Dwelling Unit Occupancy Limit*)
- 2) Change definition of Group Residential from 6 unrelated adults to 16 adults and third parties that prepare or provide food (requires Austin Public Health permit).
- 3) Delete Family Home, Group Home and the related restrictions.

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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 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.

§ 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.

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(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.~~

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~~§ 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~~

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- ~~(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.~~

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~~(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.

(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;

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- (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.

§ 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) The minimum lot area is 5,750 square feet.
- (3) Each dwelling unit must be in a separate structure.
- (4) The dwelling units may be connected by a covered walkway.

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- (5) One of the dwelling units may not exceed 1,100 total square feet.
- (6) 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) The minimum lot area is 5,750 square feet.
 - (3) Building cover may not exceed 40 percent.
 - (4) 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.~~

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~~§ 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:

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- (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~~21~~³² (*Residential Tours*) or Section 25-2-90~~32~~³² (*Garage Sales*);
 - (8) the keeping of dogs, cats, and similar small animals as household pets.;
 - ~~(9) a single accessory apartment that complies with the requirements of Section 25-2-901 (*Accessory Apartments*).~~

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~~(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;

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- (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.~~

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;

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~~D. Duplex residential use;~~

~~DE~~. Secondary apartment special use;

~~EF~~. Single-family attached residential use;

~~FG~~. Single-family residential use;

~~GH~~. Small lot single-family residential use;

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

~~HJ~~. Urban home special use;

~~IK~~. Club or lodge;

~~JL~~. Daycare services (general and limited);

~~M. Family homes;~~

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

~~KO~~. Condo residential;

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

~~NQ~~. Townhouse residential.

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§ 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
Group Residential	—	—	—
<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
Family Home	P	P	P
Group Home, Class I (General)	C	C	C
Group Home, Class I (Limited)	P	P	P
Group Home, Class II	—	—	—

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§ 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 ⁺	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:			
MAXIMUM DWELLING UNITS PER LOT:	<u>3</u> ⁺	<u>3</u> ⁺	<u>3</u> ⁺
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			

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ORDINANCE NO.

**AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 (ZONING)
RELATING TO DWELLING UNITS AND OCCUPANCY LIMITS.**

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

PART 1. City Code Section 25-1-21 (*Definitions*) is amended to add a new definition for “Tiny Home” and to renumber the remaining definitions accordingly.

(122) TINY HOME means a dwelling unit that is 400 square feet or less in floor area excluding loft space.

PART 2. Subsection (B) of City Code Section 25-2-3 (*Residential Uses Described*) is amended to amend the use descriptions for “Group Residential” and “Multifamily”; to rename “Two-Family Residential” use; to add a new “Three-Unit Residential” use; and to renumber the remaining uses accordingly:

(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 term 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.

PART 3. City Code Section 25-2-6 (*Civic Uses Described*) is amended to delete “Family Home”, “Group Home, Class I (General)”, “Group Home, Class I (Limited)”, and “Group Home, Class II” uses; and to renumber the remaining uses accordingly.

PART 4. The table in City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) is amended to delete “Family Home”, “Group Home, Class I (General)”, “Group Home, Class I (Limited)”, “Group Home, Class II” uses from the table; to rename “Two-Family Residential” use; to add additional base districts where “Duplex” use and “Two-Unit Residential” use are allowed; to add “Three-Unit

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Residential” use to the table; and to make “Three-Unit Residential” use a permitted use in certain base zoning districts:

Residential Uses	SF-1	SF-2	SF-3
Duplex	<u>P</u>	<u>P</u>	P
Two- <u>Unit</u> [Family] Residential	<u>P</u>	<u>P</u>	P
<u>Three-Unit Residential</u>	<u>P</u>	<u>P</u>	<u>P</u>

PART 5. The table in City Code Section 25-2-492 (*Site Development Regulations*) is amended to change the maximum number of dwelling units per lot in certain base zoning districts; and to delete footnotes for SF-1 and SF-3.

Maximum Dwelling Units Per Lot	SF-1 ¹	SF-2	SF-3
	<u>3</u> [+]	<u>3</u> [+]	<u>3</u> ²

PART 6. City Code Section 25-2-511 (*Dwelling Unit Occupancy*) is deleted.

PART 7. Subsection (D) of City Code Section 25-2-555 (*Family Residence (SF-3) District Regulations*) is deleted.

PART 8. City Code Section 25-2-773 (*Duplex Residential Use*) is amended to amend Subsections (B) and (D) to read as follows:

§ 25-2-773 DUPLEX RESIDENTIAL USE.

(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~~

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(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*)].~~

(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.]~~

(1[2]) The two units must have a common roof.

(2[3]) 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.

(3[4]) The two units may not be separated by a breezeway, carport, or other open building element.

PART 9. City Code Section 25-2-774 (*Two-Family Residential Use*) is repealed and replaced to read as follows:

§ 25-2-774 TWO-UNIT AND THREE-UNIT 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) The minimum lot area is 5,750 square feet.

(3) Each dwelling unit must be in a separate structure.

(4) The dwelling units may be connected by a covered walkway.

(5) One of the dwelling units may not exceed 1,100 total square feet.

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

(B) This subsection applies to three-unit residential use.

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- (1) To the extent of conflict, this subsection supersedes the base zoning district regulations.
- (2) The minimum lot area is 5,750 square feet.
- (3) Building cover may not exceed 40 percent.
- (4) Impervious cover for the site may not exceed 45 percent.

PART 10. City Code Section 25-2-841 (*Group and Family Homes*) is deleted.

PART 11. Subsection (C) of City Code Section 25-2-893 (*Accessory Uses for a Principal Residential Use*) is amended to read as follows:

(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 25-2-902[1] (*Residential Tours*) or Section 25-2-903[2] (*Garage Sales*); and
- (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*).~~

PART 12. Subsections (D) and (E) of City Code Section 25-2-893 (*Accessory Uses for a Principal Residential Use*) are deleted and the remaining subsections are re-lettered accordingly.

PART 13. City Code Section 25-2-901 (*Accessory Apartments*) is deleted.

PART 14. Subsection 1.2.2 of Section 1.2 (*Applicability*) in Subchapter F (*Residential Design and Compatibility Standards*) of City Code Chapter 25-2 (*Zoning*) is amended to remove the following uses “Duplex Residential use”, “Two-Family Residential use”, “Family Home”, and “Group Homes (General and Limited)”.

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§ 1.2 APPLICABILITY.

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;]~~
- ~~[DE].~~ Secondary apartment special use;
- ~~[EF].~~ Single-family attached residential use;
- ~~[FG].~~ Single-family residential use;
- ~~[GH].~~ Small lot single-family residential use;
- ~~[I. Two-family residential use;]~~
- ~~[HJ].~~ Urban home special use;
- ~~[IK].~~ Club or lodge;
- ~~[JL].~~ Daycare services (general and limited);
- ~~[M. Family homes;]~~
- ~~[N. Group homes (general and limited);]~~
- ~~[KO].~~ Condo residential;
- ~~[MP].~~ Retirement housing (small and large site); or
- ~~[NQ].~~ Townhouse residential.

PART 15. City Code Chapter 25-2 (*Zoning*) is amended to replace all references of “Section 25-2-774 (*Two-Family Residential Use*)” with “Section 25-2-774 (*Two-Unit and Three-Unit Residential Uses*)”.

PROPOSED ZONING CHANGES – Version 3 (10/25/2023)

ALLOWING UP TO THREE HOUSING UNITS, INCLUDING TINY HOMES¹, ON A SINGLE-FAMILY (SF) ZONED PROPERTY

Current Code:

	SF-1	SF-2	SF-3
Maximum Housing Units Per Lot	1	1	2
Duplex	Not Permitted	Not Permitted	Permitted
Two-Family Residential	Not Permitted	Not Permitted	Permitted

Ordinance Format:
Parts 1,2,4,5, and 9

Redlined Muni Code:
Sections 25-2-3, 25-2-491,
25-2-492, 25-2-774

Proposed Changes:

	SF-1	SF-2	SF-3
Maximum Housing Units Per Lot	3	3	3
Duplex	Permitted	Permitted	Permitted
Two-Unit Residential ²	Permitted	Permitted	Permitted
Three-Unit Residential	Permitted	Permitted	Permitted

Changes to Definitions: Modify “Multi-Family Use” and New “Tiny Home”

- 1) Multifamily use will be updated to change the number of housing units to avoid conflict with new “Three- Unit Residential” Use.
- 2) Tiny Home is a housing unit that is 400 square feet or less in floor area excluding loft space.

New Three-Unit Residential Use:

- 1) Property owner must build three housing units on one lot for this use.
- 2) This use would not be allowed on a substandard lot.
- 3) This section controls if there is a conflict between the regulations of this use and the base zoning district of a lot.
- 4) Max Building Coverage is 40%.
- 5) Max Impervious Cover is 45%.
- 6) Chapter 25-2, Subchapter F “McMansion” standards will not apply.

¹ City staff will propose recreational vehicle (RV)-specific changes at a later time.

² City staff is proposing to change the name of existing “Two-Family Residential” use to “Two-Unit Residential” and updating associated definitions to match.

Redlined Muni Code:
Sections 25-2-555,
25-2-773, 25-2-774,
25-2-893, 25-2-901

Ordinance Format:
Parts 1, 7, 8, 9, 10, 11,
12, and 13

PROPOSED ZONING CHANGES – Version 3 (10/25/2023)

REVISING REGULATIONS THAT APPLY TO A PROPERTY WITH TWO HOUSING UNITS.

Code Section	Current Code Requirements	Proposed Changes
Duplex (25-2-773)	<ul style="list-style-type: none"> Min lot area is 7,000 square feet; Min lot width is 50 feet; Max building cover is 40%; Max impervious cover is 45%; and Max building height is the lesser of: (a) 30 feet; or (b) two stories with some exceptions. The two units must have common floor and ceiling or a common wall as defined in this section. 	<ul style="list-style-type: none"> Reduce min lot size to 5,750 square feet. Chapter 25-2, Subchapter F “McMansion” standards will not apply. <u>Remove common floor and ceiling/wall requirement.</u> <u>Follow base zoning district standards for height.</u> <u>Remove Subsection (D) from §25-2-555.[NEW]</u>
Two-Family (25-2-774)	<p>Subsection controls over base zoning district. The secondary unit:</p> <ul style="list-style-type: none"> Must be detached; Must be located 10 feet from the rear of the principal structure or above detached garage; May not exceed a height of 30 feet or is limited to two stories; Cannot be used as a short term rental; Has square footage requirements; Max 45% Impervious Cover; and Max 40% Building Cover. 	<ul style="list-style-type: none"> Change name to Two-Unit Residential Use Removes primary and secondary distinction; Removes locational, second-story square footage, building cover, and .15 FAR requirements; One housing unit cannot exceed 1,100 square feet; and Removes STR-specific regulations. Chapter 25-2, Subchapter F “McMansion” standards will not apply. <u>Follow base zoning district standards for height.</u>
Guesthouse (25-2-893(D))	<ul style="list-style-type: none"> Principal use is single-family residential use. Min lot size of 10,000 square feet. 	<ul style="list-style-type: none"> Delete this accessory use
ADU for Employees (25-2-893(E))	<ul style="list-style-type: none"> Principal use is a single-family residential. Min lot size of 15,000 square feet. Occupant of the ADU must be employed on-site. 	<ul style="list-style-type: none"> Delete this accessory use
Accessory Apartment (25-2-901)	<ul style="list-style-type: none"> Must be attached to the principal structure. Age and Disability occupant limitations. Cannot include converted garage space or a new entrance visible from a street. 	<ul style="list-style-type: none"> <u>Delete this accessory use.</u> Allowed when only one principal structure on the lot. Removes age and disability occupant limitations; Can include converted garage space; and May not exceed 850 square feet.

REMOVING RESTRICTIONS ON THE NUMBER OF UNRELATED ADULTS LIVING IN A HOUSING UNIT.

PROPOSED ZONING CHANGES – Version 3 (10/25/2023)

- 1) Delete Section 25-2-511 (*Dwelling Unit Occupancy Limit*)
- 2) Change definition of Group Residential from 6 unrelated adults to 16 adults and third parties that prepare or provide food (requires Austin Public Health permit).
- 3) Delete Family Home, Group Home and the related restrictions.

Ordinance Format:
Parts 1, 3, 4, 6, and 10

Redlined Muni Code:
Sections 25-2-3, 25-2-6, 25-2-491, 25-2511, 25-2-841

§ 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~~21~~²⁴ (*Residential Tours*) or Section 25-2-90~~32~~³² (*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.
- (GF) 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
Group Residential	—	—	—
<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
Family Home	P	P	P
Group Home, Class I (General)	C	C	C
Group Home, Class I (Limited)	P	P	P
Group Home, Class II	—	—	—

§ 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 ⁺	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:			
MAXIMUM DWELLING UNITS PER LOT:	<u>3</u> ⁺	<u>3</u> ⁺	<u>3</u> ⁻²
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			

FOR DISCUSSION PURPOSES ONLY

ORDINANCE NO.

Corrected Line 79.
Added Section 25-2-555

**AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 (ZONING)
RELATING TO DWELLING UNITS AND OCCUPANCY LIMITS.**

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

PART 1. Subsection (B) of City Code Section 25-2-3 (*Residential Uses Described*) is amended to amend the use descriptions for “Group Residential” and “Multifamily”; to rename “Two-Family Residential” use; to add a new “Three-Unit Residential” use; and to renumber the remaining uses accordingly:

- (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 term 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.

PART 2. City Code Section 25-2-3 (*Residential Uses*) is amended to add a new Subsection (C) to read:

- (C) A tiny home is a dwelling unit that is 400 square feet or less in floor area excluding loft space.

PART 3. City Code Section 25-2-6 (*Civic Uses Described*) is amended to delete “Family Home”, “Group Home, Class I (General)”, “Group Home, Class I (Limited)”, and “Group Home, Class II” uses; and to renumber the remaining uses accordingly.

PART 4. The table in City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) is amended to delete “Family Home”, “Group Home, Class I (General)”, “Group Home, Class I (Limited)”, “Group Home, Class II” uses from the table; to rename “Two-Family Residential” use; to add additional base districts where “Duplex” use and “Two-Unit Residential” use are allowed; to add “Three-Unit Residential” use to the table; and to make “Three-Unit Residential” use a permitted use in certain base zoning districts:

FOR DISCUSSION PURPOSES ONLY

Residential Uses	SF-1	SF-2	SF-3
Duplex	<u>P</u>	<u>P</u>	P
Two- <u>Unit</u> [Family] Residential	<u>P</u>	<u>P</u>	P
<u>Three-Unit Residential</u>	<u>P</u>	<u>P</u>	<u>P</u>

PART 5. The table in City Code Section 25-2-492 (*Site Development Regulations*) is amended to change the maximum number of dwelling units per lot in certain base zoning districts; and to delete footnotes for SF-1 and SF-3.

Maximum Dwelling Units Per Lot	SF-1 ¹	SF-2	SF-3
	<u>3</u> [+]	<u>3</u> [+]	<u>3</u> ²

PART 6. City Code Section 25-2-511 (*Dwelling Unit Occupancy*) is deleted.

PART 7. Subsection (D) of City Code Section 25-2-555 (*Family Residence (SF-3) District Regulations*) is deleted.

PART 8. City Code Section 25-2-773 (*Duplex Residential Use*) is amended to amend Subsections (B) and (D), and to add a new Subsection (E) to read as follows:

§ 25-2-773 DUPLEX RESIDENTIAL USE.

(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*).~~

FOR DISCUSSION PURPOSES ONLY

(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.]~~

(1[2]) The two units must have a common roof.

(2[3]) 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.

(3[4]) 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.

PART 9. City Code Section 25-2-774 (*Two-Family Residential Use*) is repealed and replaced to read as follows:

§ 25-2-774 TWO-UNIT AND THREE-UNIT 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 **5,750** 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.

FOR DISCUSSION PURPOSES ONLY

- (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.

PART 10. City Code Section 25-2-841 (*Group and Family Homes*) is deleted.

PART 11. Subsection (C) of City Code Section 25-2-893 (*Accessory Uses for a Principal Residential Use*) is amended to read as follows:

(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 25-2-902[1] (*Residential Tours*) or Section 25-2-903[2] (*Garage Sales*); and
- (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*).~~

PART 12. Subsections (D) and (E) of City Code Section 25-2-893 (*Accessory Uses for a Principal Residential Use*) are deleted and the remaining subsections are re-lettered accordingly.

PART 13. City Code Section 25-2-901 (*Accessory Apartments*) is deleted.

PART 14. City Code Chapter 25-2 (*Zoning*) is amended to replace all references of “Section 25-2-774 (*Two-Family Residential Use*)” with “Section 25-2-774 (*Two-Unit and Three-Unit Residential Uses*)”.



Affordability Impact Statement

Single Family Lot and Use Modifications, Phase 1

Case number: C20-2023-024

Initiated by: Resolution No. 20230720-126

Date: October 23, 2023

Proposed Regulation

The proposed amendments would:

- Create a new three-unit residential use to be allowed in SF-1, SF-2, and SF-3 zoning, not allowable on substandard lots and exempted from Subchapter F standards
- Allow two-unit uses and duplexes as permitted uses in SF-1, SF-2, and SF-3 zoning
- For the two-unit use category, limit the size of one unit to 1,100 ft², remove requirements for location, two-story limitation, building coverage, separation, and .15 Floor Area Ratio (FAR), and exempt the use from Subchapter F standards
- For the duplex use category, lower the minimum lot size to 5,750 ft², exempt from Subchapter F standards, and remove the 30-ft/two story height limit
- Redefine multifamily use as having four or more units (increased from three)

- Delete Section 25-2-511 (Dwelling Unit Occupancy Limit), removing restrictions on the number of unrelated adults living in a housing unit
- Create a Tiny Home use category for dwelling units that are 400 ft² or less in floor area excluding loft space and meet International Residential Code requirements

Land Use/Zoning Impacts on Housing Costs

The proposed changes may have some **positive** impacts, reducing zoning impacts on housing costs.

- A recent report developed by city staff and UT researchers found that in Austin, land accounts for over half the total development cost for single-family housing.¹ Accordingly, duplexes and triplexes have lower development cost per unit than developing single family housing (\$400,000 per unit for duplexes compared to nearly \$800,000 for single-family homes). Two-and-three-unit use categories enable savings by reducing land cost per unit. Allowing attached units further lowers development cost by minimizing the materials needed for construction.



Figure 1 - Cost of Housing in the City of Austin (2022), Kennedy, Lopez, Hemeon-McMahon, and Pepper

- Preliminary estimates incorporating the median household income for Texans and statewide debt for credit cards, car payments, and student loans indicate that an 'average' Texas household could secure a mortgage for a home no more expensive than \$200,000. Time for detailed modeling would be needed to calibrate these estimates and to estimate accurate development cost reductions from the

proposed amendments, and how closely those reductions align with the median Texan's buying power.

- In addition to expanding the applicability of multi-unit use categories, the proposal further removes barriers to duplex construction by removing the primary and secondary unit distinction, separation requirements, building coverage requirements, and the .15 FAR requirements from the two-unit use category. Applying multi-unit use categories may also expand the supply and variety of housing choices to create more equitable access to neighborhoods with histories of exclusion and current-day barriers to BIPOC households and workers.
- **However, the lack of size restrictions, lack of preservation incentive, and delaying minimum lot size reductions to Phase Two severely limits the proposal's efficacy.** Lowering minimum lot size will enable the subdivision of single-family lots, which is necessary for selling attached units for ownership. Without subdivision, units must be part of a condominium regime to be sold. This introduces ongoing fees for homeowners that present a barrier to housing affordability, and that are beyond the city's ability to regulate.
- The most recent proposal language does not include Subchapter F unit size restrictions (otherwise known as McMansion standards). This has significant implications:
 - With Subchapter F, sitewide FAR could not exceed .4:1. Thus, the maximum building coverage would be 40% of site area at one story.
 - Without Subchapter F, the maximum building coverage would be 40% of site area at up to three stories, depending on site conditions and relevant overlays.
- A review of average maximum allowable unit sizes in three-unit uses indicates that units may nearly triple their allowable size without Subchapter F Floor-Area-Ratio restrictions. Comparing these results with the average size of single-family homes permitted in 2023 (3,072 ft²) shows that the proposed amendments could allow units in three-unit projects that exceed the size of single-unit uses being built today. Newly-permitted two-unit uses have an average size of 4,164 ft², but code limits the size of one of the units at 1100ft², such that the primary unit is at least 3,064 ft² on average. The proposed amendments would continue this restriction for two-unit uses, but not for three-unit uses. Without unit size restrictions, the proposed amendments may result in units with similar size and price to

current single-unit uses, which would not achieve Resolution No. 20230720-126's goal of facilitating the availability of "smaller, more diverse housing types" for middle-income households.

Base Zoning	Median Allowable Unit Size (ft ²) (Three-unit, with Subchapter F)	Median Allowable Unit Size (ft ²) (Three-unit, without Subchapter F)
SF-1	1941	4500
SF-2	1188	3564
SF-3	1095	3284

- Phase Two will also explore allowing onsite recreational vehicles (RVs) to count as dwelling units, increasing options for Austinites.
- Splitting the items recommended by Resolution No. 20230720-126 into two phases introduces the possibility that the Phase Two amendments may not be implemented, or that there may be a substantial gap between the two phases being implemented. In the interim, Phase One changes alone may not achieve the desired outcome of affordable, diverse housing stock and could increase redevelopment pressure on existing homes, particularly in areas at risk of displacement. While Housing staff recognize that implementing Phase Two amendments quickly allows less time for design standards to be developed, delaying the items in Phase Two could minimize the positive impacts to housing affordability.

Impact on Development Cost

The proposed changes will have a positive impact on development costs, described in the previous section.

Impact on Affordable Housing

The proposed changes may have **mixed** impacts on affordable housing.

- **Removing Unrelated Adult Occupancy Limits**
 - The proposed changes will have a positive impact on housing affordability for Austinites, particularly certain groups of marginalized Austinites. Removing Section 25-2-511 (Dwelling Unit Occupancy Limit) would bring the city of Austin in line with Federal guidelines on

occupancy limits. The Fair Housing Act (FHA), administered by the Department of Housing and Urban Development (HUD), prohibits discrimination in housing based on familial status, among other protected characteristics. Therefore, any occupancy standards implemented must be applied equally to all individuals, regardless of familial status, to ensure compliance with the FHA (HUD, 1998). The proposed changes will make more of the city's current and future housing stock available to students, LGBTQIA+ Austinites, and those with living arrangements that differ from standards based on the nuclear family. Further, this gives all Austinites the option to pay lower individual housing costs by splitting costs between more people, informally and through cooperative housing.

- **Income-Restricted Housing**

- The proposed changes do not directly impact the city's affordable housing incentive programs. As a result, they have a neutral impact to income-restricted affordable housing.

- **Displacement Pressure**

- The proposed changes may have a negative impact on homeowners experiencing precarity and some renters. Increasing entitlements may incentivize rental property owners to redevelop occupied single-family units. This could be mitigated by providing bonus entitlements to incentivize preservation. Three units per lot could be achieved by preserving the existing structure and adding two attached units to the property.
- Further, upzoning historically marginalized neighborhoods has led to displacement. To avoid replicating this pattern, The Government Alliance for Racial Equity (GARE) recommends prioritizing market-based upzoning policies in high opportunity areas to allow for a greater variety of housing types and price points in historically exclusionary neighborhoods.²
- Displacement pressure from property tax may increase as well. The Phase One changes will not increase property taxes directly, as TCAD does not proactively increase appraisal values in responses to changes to a city's land development code.³ However, by increasing the housing capacity of a land parcel, the land could sell for more on the market.⁴ As TCAD land valuation takes the sale price of similar parcels into account, these increased sale prices could eventually

raise land valuations in single-family zoning, further increasing a home's taxable value but at the same time allowing for the cost of the land to be spread out over multiple households.

Other Policy Considerations

- The proposed amendments in their totality are in line with best practices for land use and will lower single-family development costs. In the push to provide diverse, accessible housing to all Austinites, it is important to recognize that development cost is just one contributor to the housing crisis, alongside the right of property owners to arbitrarily raise rent or home sale price. This right would ostensibly be checked by the market. However, as a recent report by city staff and UT researchers says, "Austin's rent prices exemplify a market that can support sudden and large rent increases" as nationwide interest in Austin has grown. Austin's average home sale price was \$393,000 in 2019. It was \$625,000 in 2022⁵. This massive inflation in prices is not a function of zoning and its impact to development cost; Rather, it is the product of land speculation and the right to treat housing as an investment. While Austin's housing market experience unprecedented speculative inflation, newly built units that are not subject to affordability-based deed restrictions will be subject to this warping.
- Market driven solutions to the housing crisis will likely reproduce the same dynamics that play out today, wherein parties with more resources may take advantage of the new regulatory landscape, while those with the fewest resources experience an increase in precarity. In addition to adding more housing choices, the City must address underlying disparities in homeownership, job access, credit, and real estate appraisals. Investments should be made to stabilize existing residents using tools such as home repair loans, mortgage assistance, rental assistance, tenant legal services and representation, and homeowner rights. The City can supplement these stabilizing efforts by providing legal and financial support to protect tenants and homeowners from predatory activity.

Manager's Signature Marla Torrado