

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

City of Austin Code, Volume III, Title 25 – Land Development

Chapter 25-1, General Requirements and Procedures

ARTICLE 2. DEFINITIONS; MEASUREMENTS.

§ 25-1-21 DEFINITIONS. – page 2

§ 25-1-22 MEASUREMENTS. – page 11

§ 25-1-23 IMPERVIOUS COVER MEASUREMENT. – page 12

Chapter 25-2, Zoning

Subchapter A. Zoning Uses, Districts, and Map

ARTICLE 1. ZONING USES

§ 25-2-3 RESIDENTIAL USES DESCRIBED. – page 13

Subchapter C. Use and Development Regulations

ARTICLE 2. PRINCIPAL USE AND DEVELOPMENT REGULATIONS.

Division 2. Requirements for All Districts.

§ 25-2-511 DWELLING UNIT OCCUPANCY LIMIT. – page 14

Division 3. Exceptions.

§ 25-2-531 HEIGHT LIMIT EXCEPTIONS. – page 15

ARTICLE 4. ADDITIONAL REQUIREMENTS FOR CERTAIN USES.

Division 1. Residential Uses.

Subpart A. Requirements for Specific Uses.

§ 25-2-771 SINGLE-FAMILY RESIDENTIAL USE IN A MULTIFAMILY DISTRICT. – page 16

§ 25-2-773 DUPLEX RESIDENTIAL USE. – page 16

§ 25-2-779 SMALL LOT SINGLE-FAMILY RESIDENTIAL USE. – page 17

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

Chapter 25-1, General Requirements and Procedures

ARTICLE 2. DEFINITIONS; MEASUREMENTS.

§ 25-1-21 DEFINITIONS.

Unless a different definition is expressly provided, in this title:

(1) **ACCESSORY**, when used as an adjective to describe a land use, means incidental to, and customarily associated with, a principal use.

(2) **ACCOUNTABLE OFFICIAL** means the City officer or employee designated by this title or the city manager with a particular administrative or enforcement responsibility.

(3) **ADVISORY BODY** means a City board, commission, or other appointed body that does not make a final decision and whose review is not required by state law.

(4) **APPROVAL** means:

(a) a final decision granting or approving an application; or

(b) an approval granted subject to modifications or conditions.

(5) **APPROVAL AUTHORITY** means the City officer, employee, or body charged with reviewing and determining whether to approve an application.

(6) **ATTACHED**, when used with reference to two or more buildings, means having one or more common walls or being joined by a covered porch, loggia, or passageway.

(7) **BASE DISTRICT** means a zoning district established by this chapter to prescribe basic regulations governing land use and site development.

(8) **BLOCK** means one or more lots, tracts, or parcels of land bounded by streets, railroads, or subdivision boundary lines.

(9) **BUFFER ZONE** means a strip of land used to separate one land use from another incompatible land use.

(10) **BUILDING COVERAGE** means the area of a lot covered by buildings or roofed areas, but excludes ground level paving, landscaping, open recreational facilities, incidental projecting eaves, balconies, and similar features.

(11) **BUILDING LINE** means a line beyond which a building must be set back from the street line.

(12) **BUILDING SERVICE EQUIPMENT** means plumbing, mechanical, electrical, and elevator equipment necessary for the occupancy or use of a structure.

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

- (13) CARPORT means a roofed space used as shelter for a parked vehicle.
- (14) CHANGE, when used in reference to a land use, means the replacement of an existing use with a new use, or a change in the nature of an existing use. A change of ownership, tenancy, name, or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use.
- (15) COLLECTOR STREET means a street collecting traffic from other streets and serving as the most direct route to a thoroughfare.
- (16) COMBINING DISTRICT means a zoning district established by this title to prescribe regulations to be applied to a site in combination with regulations applicable to a base district.
- (17) COMMON AREA means an area held, designed, or designated for the common use of the owners or occupants of a townhouse project, planned unit development, apartment, condominium, mobile home park, or subdivision.
- (18) COMMON SIDE LOT LINE means a side lot line between two or more lots.
- (19) COMPREHENSIVE PLAN means the plan adopted by the city council in accordance with [Article X](#), [Section 5](#), of the City Charter.
- (20) CONDEMNATION includes a purchase or donation of property under the threat of condemnation, but excludes a dedication of property as a condition of zoning, subdivision, site plan, or building permit approval.
- (21) CONDITIONAL USE means a use that is allowed on a discretionary and conditional basis in accordance with the conditional use process established in Chapter [25-5](#) (*Site Plans*).
- (22) CONTRACTOR means a person employed by an owner to develop property.
- (23) CORNER LOT means a lot located at the intersection of two streets, or of two segments of a curved street, forming an angle of not more than 135 degrees.
- (24) CURB means a vertical sloping structure located along the edge of a roadway, normally constructed integrally with the gutter, that strengthens and protects the pavement edge and clearly defines the pavement edge.
- (25) DENIAL means a final decision denying an application.
- (26) DESIRED DEVELOPMENT ZONE means the area not within the drinking water protection zone.
- (27) DEVELOPMENT means the construction or reconstruction of a building or road; the placement of a structure on land; the excavation, mining, dredging, grading, or filling of land; the

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include:

- (a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas;
- (b) removal of trees or vegetation damaged by natural forces;
- (c) agricultural activity that is not prohibited by Section [25-8-321](#) (*Clearing Of Vegetation*); or
- (d) the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

(28) DIRECTOR, when used without a qualifier, means the director of the Watershed Protection and Development Review Department or the director's designee.

(29) DOMINANT SIDE YARD, when used in reference to a small lot, means the side yard having the larger width.

(30) DRINKING WATER PROTECTION ZONE means the areas within the Barton Springs Zone, the Barton Creek watershed, all water supply rural watersheds, and all water supply suburban watersheds, as described in Section [25-8-2](#) (*Descriptions Of Regulated Areas*), that are in the planning jurisdiction.

(31) DRIPLINE, when used in reference to a tree, means a line on the ground encircling the tree that is directly beneath the outermost portion of the tree canopy.

(32) DRIVE-IN SERVICE means the sale of products or the provision of services to occupants in vehicles.

(33) DRIVEWAY means a surfaced area providing vehicular access between a street and an off-street parking or loading area.

(34) DRIVEWAY APPROACH means an area between the roadway and private property designed for and intended to provide vehicular access from the roadway to private property.

(35) DWELLING UNIT means a residential unit other than a mobile home providing complete, independent living facilities including permanent provisions for living, sleeping, eating, and cooking.

(36) EFFICIENCY, when used in reference to a dwelling unit, means a dwelling unit containing not more than 400 square feet of floor area, and not having a bedroom or sleeping area separate from the principal living area.

(37) ENCLOSED means a roofed or covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, or an open space of less than 100 square feet fully surrounded by a building or walls exceeding eight feet in height.

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

(38) FLAG LOT means a lot that abuts a street by means of a strip of land that does not comply with the requirements of this chapter for minimum lot width, is not less than 15 feet wide, and is used for access.

(39) FLOOR AREA RATIO means the ratio of gross floor area to gross site area.

(40) FRONT LOT LINE means:

(a) for an interior lot, the lot line abutting the street;

(b) for a corner lot, the lot line designated as the front lot line by a subdivision or parcel map, or, if none, the shorter lot line abutting a street;

(c) for a through lot, the lot line abutting the street that provides the primary access to the lot; and

(d) for a flag lot, the lot line designated as the front lot line by a subdivision or parcel map, or if none, the line determined by the building official to be the front lot line.

(41) FRONT YARD means a yard extending the full width of a lot between the front lot line and the front setback line.

(42) GRADE means the horizontal elevation of a finished surface.

(43) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.

(44) GROSS SITE AREA means the total site area.

(45) GUTTER means a shallow water drainage area adjacent to a curb.

(46) HEIGHT, when used in reference to a building, means the vertical distance from the average of the highest and lowest grades adjacent to the building to:

(a) for a flat roof, the highest point of the coping;

(b) for a mansard roof, the deck line;

(c) for a pitched or hip roof, the average height of the highest gable; or

(d) for other roof styles, the highest point of the building.

(47) HILL COUNTRY ROADWAY means a roadway described in Chapter [25-2, Subchapter C, Article 11](#) (*Hill Country Roadway Requirements*).

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

- (48) HILL COUNTRY ROADWAY AREA means an area described in Chapter [25-2](#), [Subchapter C](#), [Article 11](#) (*Hill Country Roadway Requirements*).
- (49) HISTORIC DISTRICT means an area included in a historic area (HD) combining district.
- (50) HISTORIC LANDMARK means a structure or site designated as a historic landmark (H) combining district.
- (51) INTERESTED PARTY means a person who meets the criteria established by Section [25-1-131](#) (*Interested Parties*).
- (52) INTERIOR LOT means a lot other than a corner lot.
- (53) INTERIOR LOT LINE means a lot line not abutting a street.
- (54) INTERIOR YARD means a yard, not adjacent to a street, that is determined on the basis of an interior lot line.
- (55) INTERNAL STREET means a private street in a mobile home park, planned unit development, planned development area, or other similar development.
- (56) LAND USE COMMISSION means the Planning Commission or the Zoning and Platting Commission, as determined in accordance with Section [25-1-46](#) (*Land Use Commission*).
- (57) LANDSCAPED AREA means an area devoted to plant material, planters, brick, stone, water, aggregate, and other landscape features, excepting smooth concrete or asphalt, where the use of inorganic materials does not predominate over the use of plants.
- (58) LARGE LOT means a lot of at least 10,000 square feet.
- (59) LOADING SPACE means an area used for loading or unloading goods from a vehicle in connection with the use of the site on which the loading space is located.
- (60) LOCAL STREET means a street that serves traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.
- (61) LOT means:
- (a) a parcel of real property with a unique designation shown on a plat, record of survey, parcel map, or subdivision map recorded in the office of the County Clerk; or
 - (b) a parcel of real property established under zoning or subdivision regulations.
- (62) LOT LINE means a line or series of connected line segments bounding a lot.

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

(63) MAINTENANCE EASEMENT, when used in reference to a small lot, means an easement granted by the owner of one lot to the owner of an adjoining lot for maintenance of a dwelling within five feet of a common side lot line.

(64) MIRRORED GLASS means glass with a reflectivity index greater than 20 percent.

(65) MOBILE HOME means a movable dwelling constructed on a chassis, designed for use without a permanent foundation, and designed to be connected to utilities. The term excludes manufactured modular housing designed to be set on a permanent foundation and recreational vehicles.

(66) MOBILE HOME PARK means a unified development of mobile home spaces for rent or lease, including common areas and facilities for management, recreation, laundry and utility services, storage, and similar services for the convenience of residents.

(67) MUNICIPAL UTILITY DISTRICT means a district created under Chapters 50 and 54 of the Texas Water Code.

(68) NEIGHBORHOOD ORGANIZATION means a an association that has registered as a neighborhood organization under this title.

(69) NOTICE OWNER means the owner of real property as shown on the records of the tax appraisal district in the county in which the property is located.

(70) OPEN SPACE means an outdoor or unenclosed area, located on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, excluding parking facilities, driveways, utility, and service areas.

(71) PARKING FACILITY means an area on a site for one or more off-street parking spaces together with driveways, maneuvering areas, and similar features, excluding commercial off-street parking and private garages.

(72) PARKING SPACE means an area designated for parking a motor vehicle, excluding an area in a public right-of-way.

(73) PARKING STRUCTURE means a building that includes five or more off-street parking spaces together with driveways, maneuvering areas, and similar features.

(74) PEDESTRIAN WAY means the portion of a street right-of-way not used for a roadway.

(75) PERMITTED USE means a use of property authorized by this title.

(76) PLANNED DEVELOPMENT AREA means a combining district authorized by this chapter or an area subject to a planned development area agreement approved by the City.

(77) PLANNED UNIT DEVELOPMENT means land developed as a single unit under unified control.

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

(78) PLANNING JURISDICTION means the city and its extraterritorial jurisdiction.

(79) PRELIMINARY PLAN means a map or drawing of a proposed plat, intended for consideration by the Land Use Commission or the city council in accordance with the requirements of this title.

(80) PRINCIPAL USE means the primary function of a site, building, or facility.

(81) QUEUE LINE means an area for temporary parking of motor vehicles while awaiting service or other activity.

(82) QUEUE SPACE means a space for a motor vehicle in a queue line.

(83) PROPERTY means real property.

(84) REAR LOT LINE means the lot line that does not intersect the front lot line, or that is determined in accordance with Section [25-1-22](#) (*Measurements*).

(85) REAR YARD means a yard extending the full width of a lot between the rear lot line and the rear setback line, excluding any area located within the street side yard of a corner lot.

(86) RECORD OWNER means the owner of real property as shown by the deed records of the county in which the property is located.

(87) RECREATIONAL VEHICLE means a vehicle or trailer designed for temporary dwelling or recreational purposes, and includes travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, boats, and boat trailers.

(88) RELEASE means:

(a) the written certification of the director that a site plan has been approved, that the site plan complies with this title, and that the conditions of approval for the site plan have been satisfied; or

(b) the written certification of the director and the presiding officer of the Land Use Commission, that a plat has been approved, that the plat complies with this title, and that the conditions of approval for the plat have been satisfied.

(89) RESPONSIBLE DIRECTOR means:

(a) the director of the Watershed Protection and Development Review Department or the director's designee; or

(b) the director of the Neighborhood Planning and Zoning Department or the director's designee for responsibilities arising under:

(i) Chapter [25-2](#), Subchapter [A](#), [B](#), or [D](#); or

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

(ii) Chapter [25-3](#), except [Article 3](#).

(90) REVISION means a change in an approved or released plan that is initiated by an applicant.

(91) RIGHT-OF-WAY means land dedicated or reserved for streets, utilities, or other public facilities.

(92) ROADWAY means the portion of a street right-of-way used for vehicular travel.

(93) SCREENED means hidden from the view of a person standing at ground level on an abutting site by an architectural or landscape feature that is, or will grow to, at least six feet in height.

(94) SETBACK LINE means a line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a yard and governing the placement of structures and uses on the lot.

(95) SIDE LOT LINE means a lot line intersecting the front lot line and extending a minimum distance of 75 feet.

(96) SIDEWALK means the paved portion of a pedestrian way.

(97) SIDE YARD means a yard extending the depth of a lot from the front yard to the rear lot line between the side lot line and the side setback line. For a corner lot, a street side yard is a yard that extends from the front yard to the rear lot line.

(98) SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may not cross a public street or right-of-way.

(99) SITE PLAN means a plan for a development, other than a subdivision construction plan, submitted by an applicant to demonstrate that the development complies with the requirements of this title.

(100) SMALL LOT means a lot with an area of less than 5,750 square feet.

(101) SPECIAL EXCEPTION means the waiver of a requirement because of vested rights established in accordance with the procedures prescribed by [Article 7](#), [Division 3](#) (*Special Exceptions*).

(102) STAFF means a City employee.

(103) STANDARD LOT means a lot of at least 5,750 square feet and less than 10,000 square feet.

(104) STREET LINE means a lot line abutting a street.

(105) STREET YARD means a yard adjacent to a street and determined on the basis of a street lot line.

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

(106) STRUCTURAL ALTERATION means a change in the supporting members of a building including load bearing walls, columns, girders, and beams over eight feet long.

(107) STRUCTURE means a building of any kind, or a piece of work artificially built- up or composed of parts joined together in a definite manner.

(108) SUBDIVIDE means:

(a) to divide land into two or more lots or sites for the purpose of sale or development;

(b) to resubdivide an existing lot; or

(c) to combine of two or more lots into the same number or fewer lots with different boundaries.

(109) SUBORDINATE SIDE YARD, when used in reference to a small lot, means the side yard having the smaller width.

(110) SUBSTANDARD LOT means a lot or tract recorded by deed or plat that does not comply with current area, width, or depth requirements, but that complied with the requirements in effect when it was placed on record.

(111) TECHNICAL CODE means the Uniform Building Code, the National Electrical Code, the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Fire Code, the Guidelines for Solar Energy Installations, the Uniform Housing Code, or the Uniform Code for the Abatement of Dangerous Buildings, as adopted by the city council.

(112) THROUGH LOT means a lot, other than a corner lot, abutting more than one street.

(113) TOWNHOUSE means a dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.

(114) TOWNHOUSE GROUP means two or more contiguous townhouses.

(115) TOWNHOUSE LOT means the portion of a townhouse development that is intended for separate ownership as the location of a single townhouse and associated private yard area.

(116) TRANSPORTATION PLAN means the Austin Metropolitan Area Transportation Plan or an equivalent plan adopted by the city council as part of the Comprehensive Plan.

(117) UPDATE means additional information, a plan, or a plat submitted by an applicant in response to comments by a review entity.

(118) USE means the conduct of an activity, or the performance of a function, on a site or in a structure.

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

(119) USE EASEMENT, when used in reference to a small lot, means an easement granted by the owner of a small lot with the subordinate side yard to the owner of a small lot with a dominant side yard along the common lot line, and which allows the occupant of the dwelling unit on the lot having the dominant side yard the use, enjoyment, and privacy of the dominant side yard.

(120) VALUE or VALUATION, when used in reference to a structure, means the estimated cost to replace the structure in kind, based on current replacement costs.

(121) VARIANCE means a waiver of a provision of this title under [Article 7, Division 2 \(Variances\)](#).

(122) WATER CONTROL AND IMPROVEMENT DISTRICT means a district created under Chapters 50 and 51 of the Water Code.

(123) WATER DISTRICT means a district created under Title 4 of the Water Code.

(124) WORKING DAY excludes a Saturday, Sunday, or an official City holiday.

(125) YARD means an open space on a lot adjoining a lot line.

(126) ZERO LOT LINE means a common lot line on which a wall of a structure may be constructed.

(127) ZONING MAP means the zoning district map of the City as adopted by ordinance.

Source: Sections 13-1-22, 13-2-1, 13-2-401, 13-2-435, and 13-5-61; Ord. 990225-70; Ord. 990805-46; Ord. 000309-39; Ord. 000406-85; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16.

§ 25-1-22 MEASUREMENTS.

(A) Lot area is the net horizontal area within the lot lines, excluding the portion of the lot:

(1) that provides street access, if the lot is a flag lot; or

(2) that is located below 492.8 feet of elevation above sea level, if the lot is adjacent to Lake Austin.

(B) Lot depth is the horizontal distance between the mid-point of the front lot line and the midpoint of the rear lot line.

(C) Except as otherwise provided in this title, lot width is measured at the front setback line and at a distance of 50 feet to the rear of the front setback line.

(D) In determining required yards and setbacks for an irregularly shaped lot or a lot bounded by only three lot lines, the rear lot line is:

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

- (1) a line ten feet long;
- (2) parallel to the front lot line; and
- (3) at the most distant location from the front lot line.

(E) A distance from a structure to a line or location is measured from the exterior face of the nearest wall or vertical support of the structure to the line or location. For a structure that does not have a wall or vertical support, the building official shall determine the point of measurement.

Source: Sections 13-2-1, 13-2-602, and 13-2-603; Ord. 990225-70; Ord. 031211-11.

§ 25-1-23 IMPERVIOUS COVER MEASUREMENT.

(A) Except as otherwise provided in this section, impervious cover is the total horizontal area of covered spaces, paved areas, walkways, and driveways.

(B) Impervious cover excludes pools, ponds, fountains, and areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians.

(C) For an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, 50 percent of the horizontal area of the deck is included in the measurement of impervious cover.

(D) The measurement of impervious cover to determine compliance with Chapter [25-8, Subchapter A](#) (*Water Quality*) is prescribed by Chapter [25-8, Subchapter A, Article 1, Division 4](#) (*Impervious Cover Determinations*).

Source: Ord. 000406-85; Ord. 031211-11.

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

Chapter 25-2, Zoning

Subchapter A. Zoning Uses, Districts, and Map

ARTICLE 1. ZONING USES

§ 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:

(1) BED AND BREAKFAST RESIDENTIAL use is the use of a residential structure to provide rooms for temporary lodging for overnight guests on a paying basis.

(2) CONDOMINIUM RESIDENTIAL use is the use of a site for attached or detached condominiums, as defined in the Texas Property Code.

(3) DUPLEX RESIDENTIAL use is the use of a site for two dwelling units within a single building, other than a mobile home.

(4) GROUP RESIDENTIAL use is the use of a site for occupancy by a group of more than six persons who are not a family, on a weekly or longer basis. This use includes fraternity and sorority houses, dormitories, residence halls, and boarding houses.

(5) MOBILE HOME RESIDENTIAL use is the use of a site for occupancy of mobile homes on a weekly or longer basis. This use includes mobile home parks and mobile home subdivisions.

(6) MULTIFAMILY RESIDENTIAL use is the use of a site for three or more dwelling units, within one or more buildings, and includes condominium residential use.

(7) RETIREMENT HOUSING (LARGE SITE) use is the use of a site for more than 12 dwelling units designed and marketed specifically for the elderly, the physically handicapped, or both.

(8) RETIREMENT HOUSING (SMALL SITE) use is the use of a site for 3 to 12 dwelling units designed and marketed specifically for the elderly, the physically handicapped, or both.

(9) SINGLE-FAMILY ATTACHED RESIDENTIAL use is the use of a site for two dwelling units, each located on a separate lot, that are constructed with common or abutting walls or connected by a carport, garage, or other structural element.

(10) SINGLE-FAMILY RESIDENTIAL use is the use of a site for only one dwelling unit, other than a mobile home.

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

(11) SMALL LOT SINGLE-FAMILY RESIDENTIAL use is the use of a small lot for only one detached dwelling unit, other than a mobile home.

(12) TOWNHOUSE RESIDENTIAL use is the use of a site for townhouses.

(13) TWO-FAMILY RESIDENTIAL use is the use of a lot for two dwelling units, each in a separate building, other than a mobile home.

Source: Section 13-2-2; Ord. 990225-70; Ord. 990520-38; Ord. 031211-11; Ord. 041118-57.

ARTICLE 2. PRINCIPAL USE AND DEVELOPMENT REGULATIONS.

Division 2. Requirements for All Districts.

§ 25-2-511 DWELLING UNIT OCCUPANCY LIMIT.

(A) Notwithstanding any other provision of this code, except as provided in Subsection (B):

(1) not more than six unrelated persons may reside in a dwelling unit;

(2) not more than three unrelated persons 18 years of age or older may reside in a dwelling unit of a duplex residential use, unless:

(a) before June 5, 2003:

(i) a building permit for the duplex structure was issued; or

(ii) the use was established; and

(b) after June 5, 2003, the gross floor area and the number of bedrooms in the duplex structure did not increase, except for the completion of construction authorized before that date; and

(3) for a two-family residential use or a lot with a secondary apartment special use, not more than four unrelated persons 18 years of age or older may reside in the principal structure, and not more than two unrelated persons 18 years of age or older may reside in the second dwelling unit, unless:

(a) before (effective date of ordinance):

(i) a building permit for the second dwelling unit was issued; or

(ii) the use was established; and

(b) after (effective date of ordinance), the gross floor area and the number of bedrooms on the site did not increase, except for the completion of construction authorized before that date.

(B) A group of not more than ten unrelated persons may reside in a dwelling unit if:

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

- (1) a majority of the persons are 60 years of age or older;
- (2) the persons are self-caring and self-sufficient and participate in the daily operation of the dwelling unit; and
- (3) the persons live together as a single, non-profit housekeeping unit.

Source: Section 13-2-1; Ord. 990225-70; Ord. 030605-49; Ord. 031211-11; Ord. 0411118-59.

Division 3. Exceptions.

§ 25-2-531 HEIGHT LIMIT EXCEPTIONS.

- (A) This section provides exceptions to zoning district height limits.
- (B) Subsection (C) applies to:
 - (1) parapet walls, chimneys, vents, and mechanical or safety features including fire towers, stairways, elevator penthouses, heating or cooling equipment, and protective covers; and
 - (2) ornamental towers, cupolas, domes, and spires that are not designed for occupancy.
- (C) A structure described in Subsection (B) may exceed a zoning district height limit by the greater of:
 - (1) 15 percent;
 - (2) the amount necessary to comply with a federal or state regulation;
 - (3) for a stack or vent, the amount necessary to comply with generally accepted engineering standards; or
 - (4) for a spire, 30 percent.
- (D) The height of a home radio or television receiving antenna or a flagpole may not exceed the lesser of:
 - (1) a .50 feet; or
 - (2) if attached to a building, 25 feet above the building; or
 - (3) if located on the ground, 125 percent of the zoning district height limit.
- (E) A radio tower operated by a licensed amateur radio operator may not exceed a height of 60 feet plus 15 feet for antennae. The Land Use Commission may approve a greater height as a conditional use.

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

(F) An antenna located on a building in a non- residential zoning district may exceed the zoning district height limit by not more than 20 feet.

Source: Section 13-2-608; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 040826-67.

ARTICLE 4. ADDITIONAL REQUIREMENTS FOR CERTAIN USES.

Division 1. Residential Uses.

Subpart A. Requirements for Specific Uses.

§ 25-2-771 SINGLE-FAMILY RESIDENTIAL USE IN A MULTIFAMILY DISTRICT.

A single-family residential use in a multi-family district must comply with the site development regulations for a family residence (SF-3) district prescribed by Section [25-2-492](#) (*Site Development Regulations*).

Source: Ord. 041118-57.

§ 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 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.

(C) Not more than one required parking space may be located behind another required parking space.

Source: Section 13-2-254; Ord. 990225-70; Ord. 000309-39; Ord. 030605-49; Ord. 031120-44; Ord. 031211-11.

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

§ 25-2-779 SMALL LOT SINGLE-FAMILY RESIDENTIAL USE.

- (A) This section applies to a small lot single-family residential use.
- (B) This section supersedes the base zoning district regulations to the extent of conflict.
- (C) Only one dwelling unit is permitted on a lot.
- (D) The minimum lot size is:
 - (1) 3,600 square feet; or
 - (2) for a corner lot, 4,500 square feet.
- (E) A lot that fronts on a cul-de-sac must have:
 - (1) a chord width of not less than 33 feet at the front lot line;
 - (2) a width of not less than 40 feet at the front yard setback line; and
 - (3) a width of not less than 40 feet at all points 50 feet or more behind the front lot line.
- (F) The maximum height for a structure is 35 feet.
- (G) The minimum front yard setback is 15 feet.
- (H) The minimum street side yard setback is 10 feet.
- (I) The minimum interior side yard setback is three and one-half feet, except:
 - (1) an interior side yard setback is not required if the interior side yard is adjacent to property zoned SF-4A; and
 - (2) the combined width of the interior side yards of a lot may not be less than seven feet.
- (J) The minimum rear yard setback is five feet, excluding easements.
- (K) The minimum setback between a rear access easement and a building or fence is 10 feet.
- (L) The maximum building coverage is 55 percent.
- (M) The maximum impervious cover is 65 percent.
- (N) A small lot single-family use must comply with the requirements of Section [25-4-232](#) (*Small Lot Subdivisions*).

Land Development Code Excerpts Relevant to Single-family & Duplex Regulations

Source: Ord. 041118-57.