
DIVISION 2. - RESIDENTIAL ZONING DISTRICT (R)

Sec. 107-68. Permitted uses; restrictions on dwellings.

- (a) No land, building or structure shall be used, and no building or structure shall be hereafter constructed or altered, except for one or more of the following uses:
 - (1) Dwellings;
 - (2) Accessory buildings or structures;
 - (3) Home occupations;
 - (4) Any use otherwise authorized in a residential zoning district pursuant to applicable state or federal law, including community homes pursuant to V.T.C.A., Human Resources Code ch. 123 and, as applicable, religious assembly uses pursuant to the Texas Religious Freedom and Restoration Act which are operated in conformance with those applicable laws and in compliance with this Code;
 - (5) The following shall be permitted provided that such use of property has continued without interruption or change in ownership of the property since 12 months after the original adoption of this article, but not otherwise:
 - a. Parks, playgrounds, recreation buildings, city buildings, nonprofit libraries or museums, or fire stations;
 - b. Public water or wastewater facilities, including reservoirs, filler beds, surface or below surface tanks, artesian wells, pumping plants, wastewater disposal facilities, or city administration buildings; and
 - c. Subdivision sales offices.
- (b) Notwithstanding the permitted use of a dwelling as provided in subsection (a), a permitted use of a dwelling shall not include the following:
 - (1) Occupancy by a fraternity or sorority;
 - (2) Residence in a dwelling by three or more persons unrelated to each other by blood, marriage, or adoption;
 - (3) Occupancy of a dwelling that has been subdivided into two or more living areas with separate kitchen and bathroom facilities that are segregated by permanent wall(s) or partition(s), two or more of which living areas have separate and exclusive means of ingress and egress to the exterior of the dwelling.
- (c) As used in this section, "resident" and "residents" shall mean a person or persons who primarily lives, sleeps, and maintains possessions in the dwelling, or for which rent is paid for the person's use or occupancy, whether pursuant to a lease agreement, month-to-month tenancy or other agreement.

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- (d) The number of residents in a dwelling, regardless of relationship by blood, marriage, or adoption, may not exceed the lowest number of residents derived from the following with any resulting fraction for the number of residents being rounded down:
- (1) The total gross square footage of air-conditioned space in the dwelling divided by 300 square feet;
 - (2) The number of areas in the dwelling intended as sleeping quarters meeting the requirements of minimum room areas as defined by the most recent International Residential Code adopted by the city and having at least one attached closet, multiplied by two;
 - (3) A maximum of ten residents.
- (e) Each person who enters into a lease or other contract that authorizes or provides for residence or occupancy of a dwelling proscribed by subsections (b)(1) and (3), including an owner of the affected property, shall be deemed to have violated the restriction on use applicable to a residential zoning district.
- (f) An owner or sub-lessor of a dwelling who enters into an oral or written lease or other agreement (directly or through an agent) that authorizes or permits a residency or occupancy of a dwelling in violation of this section shall be guilty of an unauthorized occupancy of a dwelling when such a residency or occupancy actually occurs.

(Code 1995, § 14.02.202; Ord. No. 2013-12-18(B), 12-18-2013; Ord. No. 2015-12-16(B), § 2, 12-16-2015; Ord. No. 2019-08-21(A), § 2, 8-21-2019)

[Sec. 107-69. Prohibited uses.](#)

- (a) All uses not expressly permitted or authorized in the residential district by this article are prohibited. By way of example, but not in limitation, the following are prohibited:
- (1) Storage or accumulation within the public view of any salvage materials, discarded material, compost piles, lumber, waste products or scrap material, debris or junk;
 - (2) Parking or storing any regulated vehicle;
 - (3) Any use that constitutes a nuisance by reason of dust, noise, glare or other conditions that are offensive or detrimental to other property in a residential district or the occupants of that property;
 - (4) The display within the public view of any products, materials, motor vehicles, equipment or other personal property for sale, lease, rent, trade, exchange or other disposition, except in connection with a garage or yard sale conducted by the resident of the home where such goods are displayed and provided that any such garage or yard sale is neither conducted for more than two consecutive days nor held more frequently than two times on any lot in any calendar year. Substantially all of the items offered for sale at an allowed garage or yard sale must be owned by (not consigned, loaned or entrusted to) the resident of the affected lot;
 - (5) The display within the public view of any signs, except as permitted by chapter 24, article II; and

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- (6) The offer for sale of goods, furnishings, appliances, or fixtures in or around a home by a person who does not reside in the home, including such arrangements as the sale of furnishings or estate sale items by a third party in connection with the marketing of real property for sale. This prohibition does not include:
- a. An incidental offer for sale of items by third parties in connection with an allowed garage or yard sale described in subsection (a)(4) of this section; or
 - b. A sale of items, where the net sale proceeds will be earned by or contributed to a nonprofit charitable, religious, civic, or political entity or organization that is exempt from income taxes pursuant to the Internal Revenue Code.
- (7) The rental of any residential amenity including, but not limited to, any feature of a residential dwelling, or place, except where the amenity is included as part of the rental of a dwelling for longer than 30 days.
- (b) Notwithstanding anything to the contrary in subsection (a) of this section, the following are permitted uses in a residential zoning district:
- (1) Storage of construction debris and construction materials generated or stored in connection with activity authorized by a valid building or demolition permit issued by the building official, subject to all regulations and restrictions applicable to the issuance of such permit; for the avoidance of doubt, upon the expiration, revocation, or suspension of a building permit, materials and debris must be removed from the property;
 - (2) Parking or storing a regulated vehicle if:
 - a. The regulated vehicle is located behind an opaque fence, hedge, or other allowed screening structure that is at least six feet high that substantially screens the regulated vehicle from view from a public street;
 - b. The regulated vehicle is not otherwise visible from a public street (as, for example, when it is stored behind the home on the lot); or
 - c. The regulated vehicle is located on a driveway on the property, so long as it is not on such property during any part of the hours 9:00 p.m. to 7:00 a.m. the following day for more than two consecutive nights;
 - (3) Parking or storing a recreational vehicle on a lawfully installed driveway for not more than ten total days in any six-month period; and
 - (4) Parking or storing a vehicle other than a regulated vehicle in any yard within public view, is permitted if the vehicle:
 - a. Is on a lawfully installed driveway;
 - b. Is operable; and
 - c. Bears such indicia of a current and valid registration, inspection, and license as may be required by applicable law for operation or transport on a public street.
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- (c) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Recreational vehicle means a vehicular type unit primarily designed as temporary living quarters for recreational camping or travel use that either has its own mode of power or is mounted on or towed by another vehicle and is for personal use.

Regulated vehicle means any motor vehicle, camper, trailer, recreational vehicle, or boat, other than a conventional passenger vehicle, motorcycle, golf cart, or NEV.

(Code 1995, § 14.02.203; Ord. No. 2013-12-18(A), 12-18-2013; Ord. No. 2015-12-16(B), § 3, 12-16-2015; Ord. No. 2019-02-20(A), § 2, 2-20-2019; Ord. No. 2024-08-21-04, § 2, 8-21-2024)

DIVISION 3. - COMMERCIAL DISTRICT (C)

Sec. 107-117. Permitted uses.

- (a) No area, building, or structure within the land may be used, constructed, or altered, except as follows:
- (1) Uses permitted in the residential district, excluding dwelling uses or subdivision sales offices;
 - (2) Administrative, professional, and business offices and services, including account, architecture, attorney, computer services (including research and design) engineer, physician, veterinary services, broker, consultant, insurance agent, property management, investment, personnel, travel, secretarial, telephone answering, photocopy and reproduction, real estate agent, or similar administrative, professional, and business offices;
 - (3) Accessory structures, other than buildings, and uses customarily incidental to these administrative, professional, or business offices;
 - (4) Retail bakeries;
 - (5) Barbershops or beauty shops;
 - (6) Craft or hobby shops;
 - (7) Department, sporting goods, novelty, variety, or toy stores;
 - (8) Drugstores;
 - (9) Laundry pickup and dry cleaning pickup stations;
 - (10) Florist shops;
 - (11) Antique stores;
 - (12) Household or office furniture, furnishings, or appliance stores;
 - (13) Jewelry or optical goods stores;
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- (14) Shoe repair shops;
 - (15) Variety stores;
 - (16) Wearing apparel shops;
 - (17) Health and wellness/fitness center;
 - (18) Camera or photography supply stores;
 - (19) Art and photography studios; and
 - (20) Retail uses which supply the everyday shopping needs of residents of the city.

(Ord. No. 2024-06-12-07, § 2(Exh. A), 6-12-2024)

[Sec. 107-118. Special uses.](#)

- (a) Subject to approval by the city council, the following special uses may be permitted in the C district:
 - (1) Facilities for assembling of and testing electronics components;
 - (2) Child day care facilities, provided this is the only use on the particular lot;
 - (3) Banks or savings and loan associations, including automated teller machines (ATMs);
 - (4) Parking garages, provided that the garage is an accessory to the primary use on the same lot or an adjacent commercial lot;
 - (5) For lots with frontage on Bee Cave Road, a personal wireless telephone service facility;
 - (6) Research laboratories;
 - (7) Cafes, cafeterias, or restaurants without outdoor dining;
 - (8) Cafes, cafeterias, or restaurants with outdoor dining;
 - (9) Convenience stores;
 - (10) Grocery or food specialty stores;
 - (11) Package liquor stores;
 - (12) Automotive service stations;
 - (13) Parking garages, provided that the garage is an accessory to the primary use on the same lot or an adjacent commercial lot;
 - (14) Clinics without overnight facilities;
 - (15) Hardware stores; and
 - (16) Facilities for assembling computer software products.

(Ord. No. 2024-06-12-07, § 2(Exh. A), 6-12-2024)

DIVISION 7. - PARK ZONING DISTRICT (P)

Sec. 107-236. Permitted uses.

No land, building or structure shall be used, and no building or structure shall be hereafter constructed or altered except for one or more of the following uses:

- (1) Athletic fields and sports facilities such as baseball, football and soccer fields and other sports-related facilities;
- (2) Picnic areas;
- (3) Playgrounds;
- (4) Recreational centers;
- (5) Swimming pools; and
- (6) Accessory uses customarily incidental to any of the foregoing permitted uses.

(Code 1987, ch. 11, subch. G, art. X, § 3; Code 1995, § 14.02.513)

Sec. 107-237. Special uses.

Subject to city council approval, the following special uses may be permitted in a park district:

- (1) Concession stands;
- (2) Special events; and
- (3) Other special uses permitted upon approval of the city council.

(Code 1987, ch. 11, subch. G, art. X, § 4; Code 1995, § 14.02.51)