

# Residential Design Standards Task Force Recommendations

2/28/08  
#67

## Late Backup

### YARD SETBACKS

#### **1. Front Yard Setback (Section 2.3) Chart 4.1**

**Issue:** Currently, this Subchapter states that front yard setback averaging is determined based on the setbacks of each principal residential structure that is built within 50 feet of its lot line, but it does not state how it is measured. The illustrations could be looked at as if you can measure from the porch to the front lot line instead of the façade.

**Task Force Recommendation:** Clarify the wording in section 2.3 B. 1 to state that an average front yard setback is determined based on the setbacks of each principal residential structure that is built within 50 feet of its front lot line measured from the closest front exterior wall (building façade) of the principal structure to the front property line.

**NOTE:** Amend drawing on Figure 1: Average Front Yard Setback to illustrate that the measurement begins at the wall of the structure, not the front porch.

#### **2. Rear Yard Setback (Section 2.4) Chart 4.2**

**Issue:** Currently, this Subchapter states that all other structures shall comply with the rear yard setback provisions of this Code but the minimum rear yard setback may be reduced to five feet if the rear lot line is adjacent to an alley. The pictures illustrates that the five foot rear setback must be for a dwelling unit, but the text states any structure, so staff allows five foot setbacks adjacent to alleys for accessory structures as well as dwelling units.

**Task Force Recommendation:** Clarify the wording to state that all other structures shall comply with the rear yard setback provision of this Code, but the minimum rear yard setback may be reduced to five feet for a *secondary dwelling unit* if the rear lot line is adjacent to an alley

### SETBACK PLANES

#### **3. Exception for One Story Buildings (Section 2.6.D.1) Chart 3.1 and 3.3**

**Issue:** There is an exception in the McMansion Ordinance that was intended to encourage remodels of existing structures in the form of second-story additions versus complete residential demolitions. The intent of this provision was to allow higher side setback planes (aka 'modified' setback plane), which in turn allowed for the remodeled home to be taller than might otherwise be allowed under the 'standard' side setback plane for new two-story construction, while still meeting the maximum height limits. In some cases, the 'modified' setback plane used to add a second story on to an existing one-story was lower than the standard side setback plane. Therefore, in order to encourage second-story additions over existing one story structures, the Task Force recommends that the applicant be allowed to choose between the standard setback plane and the 'modified' setback plane.

**Task Force Recommendation:** Allow construction of a second story addition over any existing one story portion of a structure to comply with either the side setback plane required under Section 2.6.A of Subchapter F or the side setback plane allowed under Section 2.6.D for second-story additions to existing buildings.

**NOTE:** If the existing structure is two stories, the remodel tent does not apply. Chart 3.2.

#### **4. Side Setback Plane Exception for Existing One-Story Buildings (for remodel) (Section 2.6.D) Chart 3.4.1**

**Issue:** Currently, the remodel exception tent allows an applicant that is adding a 2<sup>nd</sup> story above an existing one story structure a setback plane height of 10' feet from the wall plate. Many applicants feel that this existing height does not allow enough room for a standard ceiling height.

**Task Force Recommendation:** Raise the (remodel exception) setback plane for a 2<sup>nd</sup> story addition to an existing one-story structure from 10 feet above the 1<sup>st</sup> floor wall plate to 10' 6". This tent cannot be used if the applicant is demolishing part or all of the exterior walls. Chart 3.5

#### **5. Rear Setback Plane Exception for Existing One-Story Buildings (for remodel) (Section 2.6.D) Chart 3.1.1**

**Issue:** Currently, the remodel exception tent allows an applicant that is adding a 2<sup>nd</sup> story above an existing one story structure a setback plane height of 10' feet from the outermost side wall plate, but the ordinance does not give any instructions for a rear tent.

**Task Force Recommendation:** Add that the (remodel exception) setback plane for a 2<sup>nd</sup> story addition to an existing one-story structure be constructed from the outermost rear wall at a height that is equal to the height of the first floor wall plate that was originally constructed or received a building permit before October 1, 2006, plus 10' 6".

This tent cannot be used if the applicant is demolishing part or all of the exterior walls. Chart 3.5

**NOTE:** The code currently state that an applicant goes from the side outermost wall plate up 10 feet. The 10 feet will be amended to 10' 6".

### **SIDE WALL ARTICULATION**

#### **6. Exemption for "new construction" < 2000 sq. ft. and less than 32 feet in height (Section 1.3.3) Chart 1.1 and 1.1.1**

**Issue:** Currently, a building is only exempt from side wall articulation if the proposed construction is new, less than 2000 sq. ft, and less than 32 feet in height.

**Task Force Recommendation:** Exempt addition/remodels (along with new construction) from the side wall articulation requirement as long as the addition/remodel results in the structure being less than 2000 sq. ft. and less than or equal to 32 feet in height.

#### **7. Side wall articulation for structures < 2000 sq. ft. (Section 1.3.3) Chart 1.2**

**Issue:** Ordinance needs clarification

**Task Force Recommendation:** Both structures are exempt from side wall articulation if the structures are detached by a minimum of 6 ft and if:

- Principal structure is less than 2,000 square feet; and
- Principal structure is less than or equal to 32 feet in height; and
- Secondary unit is less than or equal to 550 square feet; and
- Secondary unit is less than or equal to the maximum height allowed.

A detached structure can be attached to the principal structure by a covered breezeway but the breezeway must be completely open on all sides and the walkway may not be more than 6 ft. in width with a roof covering not exceeding 8 ft. in width with no purpose other than to cover the walkway (e.g. no deck or patio).

## 8. Side wall articulation (Section 2.7) Chart 1.13

**Issue:** Many

**Task Force Recommendation:** Do not allow a side wall of a building that is more than 15 feet high and is an average distance of 9 feet or less from the interior lot line to extend in an unbroken plane for more than 36 feet along a side lot line. To break the plane, a perpendicular wall articulation of not less than four feet, for a distance along the side property line of not less than 10 feet, is required. Side wall articulation is not required on the side of the structure adjacent to a commercial use unless the commercial use is occupying a residential structure. **Chart 1.15**

Side wall criteria:

- The roof of the sidewall does not have to be articulated. Chart 1.3
- No patios/decks can be created in articulated section. Chart 1.3
- Screening is not allowed in articulated area. Chart 1.4
- An eave or other features cannot create a broken plane. Chart 1.8
- Articulation is required for all stories of new construction. Chart 1.5
- The measurement for the 36 feet of length will begin at a porch or patio below a habitable space, a porch or patio below a covered balcony, or covered balcony above habitable space. Chart 1.9
- Side gable height is not included when determining if a wall is over 15 ft in height. Chart 1.10
- Articulated areas cannot move around on each floor, and must be the height of the first and second story. 1.14

## 9. Side wall articulation exception for existing one and two-story buildings (Section 2.7) Chart 1.6

**Issue:** When a 2nd story is added on top of an existing building, creating a sidewall over 32' in length and over 15' in height, clarify whether articulation is required on both floors and at what point if the existing 1-story building is longer than 32'.

**Task Force Recommendation:** For the portion of the construction that is on top of the existing one story structure of the building that was originally constructed or received a building permit before October 1, 2006, a sidewall articulation is not required for an existing one story building that is remodeled to add a 2<sup>nd</sup> story within the existing one story portion of the structure for a length (of the existing house) not to exceed 50 ft. An existing 2 story building may extend the 2<sup>nd</sup> floor above the existing one story structure without providing a sidewall articulation for the length of the existing one story structure. A sidewall articulation is required at which point the building footprint is extended and the entire sidewall length exceeds 36 feet. A sidewall articulation is required for the addition or extension of a 3<sup>rd</sup> story.

## 10. Side wall articulation - 15' wall height measurement (Section 2.7) Chart 1.18

**Issue:** Currently, this Subchapter states that a side wall of a building that is more than 15 feet high and is an average distance of 15 feet or less from an interior lot line may not extend in an unbroken plane for more than 32 feet along a side lot line. It is unclear where the 15 feet in

height measurement is taken – is the measurement taken from the existing grade or above the foundation where the wall actually begins?

**Task Force Recommendation:** Clarify where the 15' measurement begins. The wall height is measured from the lower of natural or finished grade, just as height is measured. Section 3.4, Height should read: For purposes of this Subchapter, the HEIGHT of a building, wall height (side wall articulation), or setback plan shall be measured as follows:

NOTE: The Task Force is recommending that the ordinance be amended to read the side wall of a building that is more than 15 feet high and is an average distance of 9 feet or less from an interior lot line may not extend in an unbroken plane for more than 36 feet along a side lot line.

## **FAR EXEMPTIONS**

### **11. Garage/Carport Exemption (Section 3.3.1 C) Chart 2.3**

**Issue:** Currently, a person proposing a detached parking area less than 10 ft. to the rear of the principle structure would not receive square footage deductions. However, an attached parking area used to meet minimum parking requirements can receive up to a 200 sq. ft. exemption and a detached rear parking area 10 feet or more from the principal structure can receive up to the 450 sq. ft. exemption.

**Task Force Recommendation:** Detached garages less than 10 ft. from the rear of the principal structure can receive up to a 200 sq. ft. exemption. A detached garage can be attached to the principal structure by a covered breezeway but the breezeway must be completely open on all sides and the walkway may not be more than 6 ft. in width with a roof covering not exceeding 8 ft. in width with no purpose other than to cover the walkway (e.g. no deck or patio).

*The RDCC can also grant up to a 450 sq. ft. exemption if detached by at least 6 ft. (Section 2.8.1)*

### **12. Garage/Carport Exemption (Section 3.3.1.C) Chart 2.4**

**Issue:** Currently a person who has a detached rear parking area 10 ft or more from the principal structure would not receive the up to 450 sq. ft. exemption if the detached parking area was attached to the primary structure by a walkway. The City considers the walkway as attaching the parking area to the primary structure. Therefore the applicant would not receive any square footage exemptions for detached parking

**Task Force Recommendation:** To allow rear parking areas that are connected to the principal structure by an open walkway/breezeway to receive a deduction of:

- Up to 450 sq ft. if the parking area is 10 ft or more from the principal structure or
- Up to 200 sq ft if the parking area is less than 10 ft. from the principal structure (The 200 sq ft would be given to a detached rear parking area whether it was attached by a walkway/breezeway or not).

The breezeway must be completely open on all sides and the walkway may not be more than 6 ft. in width with a roof covering not exceeding 8 ft. in width with no purpose other than to cover the walkway (e.g. no deck or patio).

### **13. Parking area – Gross Floor Area (Section 3.3.1.C) Chart 2.9.1**

**Issue.** Clarify existing code language

**Task Force Recommendation:** An applicant may receive only one 450 square foot exemption per site in section 3.3.1.C. An applicant can receive one 450 square foot exemption and receive up to 200 square feet of an attached parking area if it used to meet the minimum parking

requirement. An applicant can only receive one 200 square foot exemption per site for attached parking under Section 3.3.1.C.2.

#### **14. Parking Area open on two or more sides (Carport) (Section 3.3.1. C) Chart 2.6**

**Issue:** Currently, if an applicant is proposing to construct a carport, they are allowed to take up to 450 sq ft from the FAR calculation. A carport is defined as a parking area that is open on two or more sides, but the definition does not specifically state of how large the opening may be. Many proposed carports have only partial openings which contribute mass to the structure.

**Task Force Recommendation:** Give a specific measurement (percentage) of the opening of the carport. The ordinance should state that in order to get the carport/parking exemption, the open sides of a carport must be clear and unobstructed by any materials for a minimum of 80% of the area measured below the top of the top wall plate to the finished floor of the carport.

*RDCC can waive up to 25% of the required opening (80% can go to 60%). (Section 2.8.1)*

#### **15. Porch Calculation – Gross Floor Area (Section 3.3.2A) Chart 2.9.2**

**Issue:** Currently, this Subchapter allows ground floor porches to be excluded from gross floor area. Applicants are constructing second floor habitable space over existing porches, which adds mass to the structure.

**Task Force Recommendation:** Exempt up to 200 square feet of ground floor porches/patios which have habitable space or a covered balcony above.

#### **16. Porch – Accessibility Chart 2.9.2**

**Issue:** There have been instances where an applicant is calling what could be used as a carport a porch to get the entire area exempted from the FAR calculation.

**Task Force Recommendation:** A first floor porch must not be accessible by automobile and must be disconnected from any driveway to be called a porch and to receive any applicable FAR exemptions.

#### **17. Below Grade (Basement) and Attic Exemption (Section 3.3.2.B & C) Chart 2.11 and 2.13**

**Issue:** The City's duplex regulations limit the height of a duplex to two stories. Pursuant to the International Residential Code (IRC), which the City utilizes in the residential building review process, a basement or attic is considered a story. Therefore, if one were to construct a basement, current administration of the duplex regulations in conjunction with the IRC definition of a story would prohibit an applicant from building more than one story above a basement.

However, the McMansion Ordinance encourages basements and attics in that both may be excluded from the square footage/FAR limitation of the McMansion Ordinance if they are constructed in the manner provided by the McMansion regulations.

**Task Force Recommendation:** Do not count the habitable portion of a building that is below grade (a 'basement') and the habitable portion of an attic towards the number of stories under City Code Section 25-2-773, Duplex Residential Use regulations, if the habitable portion of a building that is below grade or the habitable portion of an attic meet the requirements for exemption from the gross floor area limitation of Subchapter F, Section 3.3.2 B & C

## **18. Below Grade (Basement) Exemption (Section 3.3.2 B) Chart 2.10**

**Issue:** Currently, the ordinance is written to allow a habitable portion of a building that is below grade to receive an exemption even if the habitable portion creates mass to the side and rear property owners.

**Task Force Recommendation:** Clarify that the ordinance state that in order for the area below grade to be exempt from FAR it must meet the existing requirements of Article 3.3.2.B and the area must qualify as a basement and not a story above grade per the International Residential Code. In establishing if this additional requirement is met,

- 1.) Below grade portions must be achieved below the lower of natural grade or finished grade; and
- 2.) The exempted habitable space below grade must have at least 50 percent of the building perimeter surrounded by the natural grade.

**NOTE:** The Task Force vote was 4-2-1. There were other possibilities which included limiting FAR (.6), adjusting the tents (making the segments smaller) and reducing the façade (brought forward by the Residential City Inspection Division).

## **19. Attic exemption (Section 3.3.2.C) Chart 2.12, 2.14 & 2.15**

**Issue:** Currently, one of the criteria for the attic exemption states that the attic must be the highest habitable portion of the building. If an applicant is finishing out the highest part of a portion of a building, but not the highest portion of the entire structure, the applicant would not receive the attic exemption even though this would not add additional mass to the structure.

**Task Force Recommendation:** Allow an attic exemption if the structure meets all attic exemption requirements and revise number (5) in Section 3.3.2.C to read the highest habitable portion of the section of any structure with no useable space located directly above any portion of that section of the building

## **DEFINITIONS**

### **20. Wall Plate Definition Chart 3.4**

**Issue:** Currently, this Subchapter does not include a definition for wall plate which is an issue if someone currently has an existing one story and wants to remodel to add a second story.

**Task Force Recommendation:** Include a definition for clarity – The wall plate is the lowest point of the existing first floor ceiling framing where it intersects the exterior wall.

### **21. Gross Floor Area (Section 3.3) Chart 2.2**

**Issue:** Currently, this Subchapter defines GROSS FLOOR AREA as the meaning assigned by Section 25-1-21 (Definitions), with some modifications. Because the definition of GFA is enclosed space with a height under 6', applicants are constructing space with a ceiling height of 5'11" which does not reduce the mass of the structure.

**Task Force Recommendation:** Revise the definition of GFA for purposes of this Subchapter to any area that is enclosed. This would remove the 6' height provision.

## **OTHER**

### **22. Flag Lots Chart 6.1 and 6.1.1**

**Issue:** There is a concern that the portion of the flag lot that is used for access, essentially the 'pole' of the flag lot, does not function as a part of the lot yet allows for an increase in the square footage of the home since the square footage of this access area is used in the floor-to-area ratio (FAR) calculation. Therefore the Task Force recommends that this access area be excluded in the gross site area used to calculate the FAR limit under the McMansion Ordinance and be consistent with the way the building/impervious coverage is calculated for lot size.

**Task Force Recommendation:** Provide that the gross site area of a flag lot for purposes of calculating the floor-to-area ratio (FAR) limitation of Subchapter F not include the total area which is the portion from the front lot line to a point where the lot meets the minimum lot width, and maintains or exceeds that lot width for a minimum of 50 feet.

NOTE: This portion should be consistent with city staff proposed changes as of 12/13/2007.

### **23. Applicability (Section 1.2.2) Chart 6.2**

**Issue:** Currently the following uses are not subject to Compatibility Standards or Subchapter F: Residential Design and Compatibility Standards: Club or Lodge, Day Care Services general and limited, Family Homes, Group Homes general and limited, Condo Residential, Retirement Housing small and large site, and Townhouse Residential.

**Task Force Recommendation:** Anyone proposing to construct one of the above-referenced uses would have a choice of complying with either the Compatibility Standards of the Land Development Code or Subchapter F: Residential Design and Compatibility Standards.

### **24. Exceptions (Section 1.3.1) Chart 6.4a**

**Issue:** Currently, this Subchapter does not apply to a lot zoned small lot (SF-4A) unless the lot is adjacent to property zoned (SF-2) or (SF-3). The mention of (SF-1) zoning is not included.

**Task Force Recommendation:** Any proposed development in a (SF-4A) district would have to comply with Subchapter F if the proposed development is adjacent to (SF-2) or (SF-3) zoning, but not (SF-1) zoning. This portion of the ordinance should be amended to state "This Subchapter does not apply to a lot zoned as a single-family residence small lot (SF-4A) district unless the lot is adjacent to property zoned as a single-family residence standard lot (SF-1) district, (SF-2) district, or family residence (SF-3) district.

### **25. Land Use Chart 6.3**

**Issue:** The permitted use table in the Land Development Code 25-2-491(C) online does not comply with Ordinance 040617-Z1.

**Task Force Recommendation:** The online table needs to be corrected to reflect all changed adopted in the ordinance. (The online table shows more uses than allowed).

### **26. Subdistricts Chart 7.8**

**Issue:** Currently the ordinance allows under 25-2-1406 of the LDC, for a neighborhood plan combining district to modify certain development standards of this subchapter, but it does not allow for modifications by subdistrict.

**Task Force Recommendation:** Amend the ordinance such that modifications could be made by subdistricts within a neighborhood plan.

**NOTE:** The Task Force recommends that there be a definition for subdistricts and that there is a mechanism developed such that subdistrict information be made available via GIS (single point of access for all information).

### **Additional recommendations outside of Subchapter F**

#### **27. Remodel Definition Chart 6.6**

Task Force voted and approved the following language with regard to remodels for residential structures:

Handle remodel of a non-complying structure as follows:

- Interior remodeling - fine.
- Exterior changes - If more than 50% of the exterior walls are removed within a 5 year period then the building must be brought into compliance regarding use, setbacks, height, FAR, and building tent.

The following information must still be considered and approved:

- Definition of wall

#### **28. Duplex Chart 5.3**

Task Force voted (4-0) on 11-09-2007 to draft a resolution to Council Member McCracken stating that the following language added to Part 3 (D) (1) may achieve his intent though not all TF members agree that this is an appropriate approach. The language: a common wall must be one contiguous plane and the common wall must be located perpendicular to the front lot line if the front lot line is straight. If the front lot line is not straight, then the common wall must be located perpendicular to the building line. The intent is to encourage units side by side or top and bottom.



Residential Regulations Task Force  
6 Month Review

Topic	#	Subject	Item/Question/Suggestion	Status	Action Required
1. Side Wall Articulation	1	Exemption for "new construction" < 2000 sq.ft. (Section 1.3.3)	Apply for remodel/additions also as long as resulting structure < 2000 sq ft	TF recommended on 05 04 07	Code amendment Task Force directed expedition on 08 29 07
	1 1		Change language to reflect "less than or equal to 32 ft in height" instead of just "less than" for the side wall articulation exemption for both new constructions and remodels (Section 1 3 3 of the code)	TF consensus on 11 02 07 to use "less than or equal to 32' in height"	Code amendment
	2		Relax to apply to each structure if detached Detached defined as in 2 4	TF recommended relaxation for each structure on 05 04 07 TF consensus (6-0) on 10 26 07 Detached structure can be connected w/ a covered but completely open on all sides walkway/breezeway that is a max of 6' in width and cover is 8' max width with no other purpose but to cover walkway (e.g. no deck or patio above cover)	Code amendment
	3	Clarify wording/intention and resolve open issues (Section 2.7)	Can 1st or 2nd story patio/deck be created in articulated section? Can articulated area be covered by a roof?	TF answer on 09 07 07 No, Yes	None
	4		Is screening allowed for articulated area?	TF answer on 09 07 07 No	None
	5		Is articulation required for all stories of new construction?	TF answer on 09 07 07 Yes	None
	6		When 2nd story added on top of existing building, creating a sidewall over 32' in length and over 15' in height is articulation required on both floors and at what point if existing 1-story building is longer than 32'?	TF recommended remodel exception on 09 07 07 exempt 2nd story addition on top of existing building (permit before Oct 1, 2006) from articulation up to 50'	Code amendment
	7		If second story is stepped in from outermost wall of 1st story, how far should it step in to eliminate the articulation requirement (horizontal articulation)?	William to bring proposal	
	8		What constitutes an unbroken plane on a sidewall – can eave or other feature create a broken plane?	TF answer on 09 07 07 No	None
	9		Clarify the term of a sidewall Does the sidewall constitute such space as a porch or patio below a habitable space?	TF answer on 09 07 07 Yes, sidewall would not include uncovered porch but would include covered porch	None
	10		Is side gable height included when determining if wall is over 15' in height?	TF answer on 09 07 07 No	None
	11		Clarify that if demolition permit for existing side wall (part or all of side wall torn down) then articulation is required as per new construction	TF on 09 07 07 after hearing from staff decided not to include	None
	12	Suggestions to give flexibility for design (Section 2.7)	Give more latitude to RDCC so can grant >40' length (including removing articulation requirement altogether) if appropriate w/o going to BOA	Code change initiated by Council, supported by TF	Code amendment Scheduled to FC 08 14 07 Council 05 30 07

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Topic	#	Subject	Item/Question/Suggestion	Status	Action Required
	13		Instead of requiring 4' articulation, require that any side wall beyond 32' in length have articulation that must be set back at least 9' from the property line (if structure is 9' from property line then no articulation would be required)	TF recommend on 09 07 07 to require articulation if 9' or less rather than 15' or less and to change unbroken plane from 32' to 36'	Code amendment
	14		Allow articulated area to move around on each floor	TF on 09 07 07 no	None
	15		Only require articulation on any side adjacent to residential (could apply if adjacent to SF-2/SF-3 as per SF-4a applicability)	TF recommend on 09 07 07 to not require articulation next to a commercial use unless the commercial use is occupying a SF structure	Code amendment
	16		Seeking additional input from AIA (William to report)	Feedback that it was an onerous requirement No suggestions on how to change	None
	17		Alternative Compliance	William may submit one for horizontal articulation (see 1 7)	None
	18		For sidewall articulation is the 15' measured at existing grade or above the foundation where the wall actually begins?	TF on 11 28 07 intent was to be measured at existing grade consistent with building and setback plane height measurements in ordinance (section 3 4 2) Code should be changed to clarify this	Code amendment
2. FAR	1	FAR for small lots 2500-4000 sq. ft. (2.1)	Is 2300 sq ft too big on small lots? Proposed substandard lot modification allows rebuilding on lots as small as 2500 sq ft and 2300 sq ft is 92 FAR for those lots One neighborhood that has adopted small lot amnesty has requested 4 FAR extend for small lots	TF consensus (6-0) on 07 11 07 not to change	None
	2	Storage Space (3.3.1)	Storage space is excluded from GFA but only if enclosed and height under 6' Issue with fake/drop ceilings being used to bring ceiling ht under 6' Still adds to mass and false ceiling can later be taken away According to staff, builders are dropping heights to 5'11" and creating storage areas which does not reduce the mass of the structure Staff suggested revising the def of GFA to any area that is enclosed and removing the 6' condition	Staff recommendation to revise def of GFA to any area that is enclosed and removing the 6' condition TF consensus (7-0) on 10 26 07 to change the definition of GFA to the total enclosed area of all floors in a building measured to the outside surface of the exterior walls	Code amendment
	3	Garage/carport exemption (3.3.1.C)	Consider exemption for detached garages 6' or 8' away from house - currently gets no exemption whereas attached gets 200 sq ft exemption and detached 10' away gets 450 sq ft exemption	Consensus on 07 11 07 that garages detached by < 10 ft to receive 200 sf exemption and RDCC can grant up to 450 sf exemption if detached by at least 6'	Code amendment

Residential Regulations Task Force  
6 Month Review

Topic	#	Subject	Item/Question/Suggestion	Status	Action Required
	4		Consider counting as detached garage if covered but open walkway/breezeway with no living space above	Consensus on 07 11 07 that open walkway/breezeway allowed to be covered if walkway is open on all sides, max of 6' in width and cover is 8' max width with no purpose other than to cover walkway (e.g. no deck or patio)	Code amendment
	5		Suggestion made to match exempted area with dimensions of actual parking space (8 5' x 17' = 144 5 sq ft)	Consensus on 07 20 07 not to change	None
	6		Ask staff – can large opening in 1 side wall serve to allow attached garage to meet the requirement for being open on two or more sides?	Staff reply on 07 30 07 that criteria can be met by any size opening. Consensus (7-0) on 11 28 07 to define what is meant by "open" for a carport as such: open sides of a carport must be clear and unobstructed by any materials for a minimum of 80% of the area measured below the top of the top wall plate to the finished floor of the carport and the RDCC can waive up to 25% of the required opening (down to 60%)	Code amendment
	7		Concern about 450-square foot exemption for carports that are open on two or more sides but have mass more similar to an attached garage (which receives 200 sq ft exemption)	See above (same issue)	None
	8		Would carport with covered balcony/terrace/patio on top be eligible for gross floor area exemption (has habitable space above it)	TF voted no by consensus on 07 20 07	None
	9		Clarification needed for minimum parking requirement	TF agreed on 07 20 07 no need to address	None
	9 1		Number of times a 200ft exemption can be claimed on the same lot. Code reads "the covered portion of a parking area, except for up to 200 square feet of an attached parking area if it is used to meet the minimum parking requirement." Currently, staff interpretation is that if an applicant has two separate attached garages which are both used for minimum parking, the applicant is receiving up to 200 square feet for each	TF recommended (3-1) on 11 02 07. Can only get one 450 sq ft exemption per site (In 3 3 1 C can get either 1 a OR 1 b but not both). Can only get one 200 sq ft exemption per site for attached parking structure (3 3 1 C 2)	Code amendment
	9 2		Carport space being called first story porch to get entire area exempted from FAR. Also issue that covered first floor porch with habitable space on top could add to mass	TF recommended (4-2-1) on 10 26 07. 1) First floor porch must not be accessible by auto and must be disconnected from any driveway. 2) Max of 200 sq ft of first floor porch space with habitable space or covered porch above is exempt from FAR	Code amendment

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Topic	#	Subject	Item/Question/Suggestion	Status	Action Required
	10	<b>Basement exemption (3.3.2.B)</b>	For sloped sites consider a split-level home with a basement – what is a story?	TF recommended (4-0) on 11/9/07 To be exempt from FAR and in addition to the existing requirement of Article 3.3.2.B, the structure has to qualify as a basement and not a story above grade per IRC In establishing if this additional requirement is met, below grade portions must be achieved below natural grade as opposed to finished grade TF voted again on 11/28/07 and recommended same (4-2-1) with clarification that any portion that qualifies as a basement will be exempt Other TF solutions proposed included making the tent segments smaller and limiting the overall FAR to 6 (including all exempt space) Staff proposed setting a maximum facade height	Code amendment
	11		Basement counted as story so duplex not allowed to take advantage of since limited to 2 story Consider adding language stating that basement space that meets all requirements of 3.3.2.C will not be counted as a story	TF approved motion on 06/29/07 moving that basement and attic spaces that meet requirements of 3.3.2.B and C, which exempt such spaces from the square footage calculation, will not be counted as stories for purposes of calculating a story for 25-2-773	Code amendment Task Force directed expedition on 06/29/07
	12	<b>Attic space exemption (3.3.2.C)</b>	Are attic space exemptions for all detached structures (home, garage, etc )?	TF clarified that attic space exemptions may apply for all detached structures on 05/04/07	None
	13		Attic space counted as story so duplex not allowed to take advantage of since limited to 2 story Consider adding language stating that attic space that meets all requirements of 3.3.2.C will not be counted as a story	Same status for item 10, basement exemption, above	Code amendment Task Force directed expedition on 06/29/07
	14		Can part of a floor be designed as habitable attic to qualify for the GFA exemption?	TF consensus on 11/28/07 yes as long as the exempted portion has its own roof Language should be changed to clarify	Code amendment
	15		An attic must be the "highest habitable portion of a building" Does this allow for an attic to be excluded if it is located above the highest habitable portion or higher (as in raised 1' higher) over any habitable non-attic space?	TF consensus on 11/28/07 no, intent was that there be no habitable space directly above any portion of the exempted area Language should be changed to clarify	Code amendment
	16	<b>Areas with ceiling hts &gt; 15' counted twice (3.3.3)</b>	Consider counting stairways and elevator shafts at a rate less than 2 times Suggestions made to a) count 1/5 b) count once and c) 5 per floor)	TF consensus on 11/28/07 for no change	None
	17	<b>FAR for multiple lots</b>	Address distribution of FAR with combined lots - should not be able to put all FAR on one lot when GFA is calculated using multiple lots	TF consensus on 11/28/07 for no change - nothing we can really do about this problem	None

Residential Regulations Task Force  
6 Month Review

Topic	#	Subject	Item/Question/Suggestion	Status	Action Required
3. Setback Planes	1	Exception for One-Story Buildings (2.6.D.1)	Allow regular side setback plane (2.6.A) to be used as alternative when adding on to existing one-story building	TF recommended on 05/04/07	Code amendment Task Force directed expedition on 06/29/07
	1.1		Is there a rear setback plane exception for existing one-story buildings? Need to clarify one way or another	TF consensus on 11/28/07 that remodel exemption apply to rear setback as well	Code amendment
	2		Treatment for existing 2 story structure adding a 3rd story, or existing one story adding a 2nd and 3rd story above existing	TF clarified on 05/04/07	None
	3		If only part of existing structure is 1 story can exception be used for the portion of building that is 1 story?	TF recommended on 05/04/07	Code change needed to clarify, Task Force directed expedition on 06/29/07
	4		"Wall plate" not defined. Consider measuring from the top of the first floor ceiling joist or knee wall in attic rather than the first floor wall plate. Doug's suggestion: The top plate is the first and last horizontal member (uppermost member of the wall) that caps the top of a normal wall frame (of at least 7' in height) and is the support member for the roof and ceiling structure. Staff reported back on 10/26/07 with suggestion that needs to be defined as where the ceiling meets the wall.	TF consensus (6-0) on 09/21/07 to recommend Doug's definition subject to staff review. TF consensus on 10/26/07 to go with staff rec instead. wall plate is lowest point of existing 1st floor ceiling framing where it intersects the exterior wall.	Code amendment
	4.1		Suggestion to raise setback plane for 2nd story addition to an existing one-story building from 10 feet above 1st floor wall plate to 11 ft above 1st floor wall plate.	TF recommended on 09/21/07 to raise setback plane for remodel exception to 10' 6" (vote was 4-1-1)	Code amendment
	5		Clarify that if demolition permit for existing side wall (part or all of side wall torn down) then this exception may not be used.	TF recommended on 06/29/07	Code amendment Task Force directed expedition on 06/29/07
	6		When speaking of height of first floor wall plate add language to say "as exists before remodel" to restrict floor level so can't be raised.	Determined on 06/29/07 that no change necessary since language reflecting this intent already exists in 2.6.D. (From 2.6.D "[Side setback plane exception for existing one-story buildings applies to one-story building and first floor wall plate] that was originally constructed or received a building permit for the original construction before October 1, 2006.")	None
	8	Exception for Side Gabled Roof (2.6.E.4)	Consider allowing 30' gable anywhere in 40' segment for first tent segment	TF on 11/28/07 no change	None
	9		Shed roof in Figure 14 unexpected – more than task force intent. Is this ok?	TF on 11/28/07 no change	None
	10		Revisit side gables in general – are exceptions working ok? Look at case where dormer created to make structure compliant with ordinance.	TF on 11/28/07 no change	None

Residential Regulations Task Force  
6 Month Review

Topic	#	Subject	Item/Question/Suggestion	Status	Action Required
	11		Is there any allowable protrusion through the rear tent? If not need to add sentence to clarify. If so, change wording from side-gabled roof exception to side and rear-gabled roof exception.	TF on 11/28/07 no allowable protrusions through rear tent. Code change not needed as protrusion just for side tent in code.	None
4. Setbacks	1	Front Yard Setback (2.3)	Clarify if setback averaging is from the front lot line to the building façade or to the closest projection (e.g. porch). NPs have specific front porch setback provisions so we probably shouldn't change anything here (i.e. should be closest projection as per current code).	TF consensus (6-0) on 11/28/07. Figure 1 is incorrect. Add clarification to code that it is to the frontmost projection of the building façade (e.g. porch).	Code amendment
	2	Rear Yard Setback (2.4)	Clarify if reduction of minimum rear yard setback to 5' when adjacent to alley applies to secondary structures (as text in Figure 2 indicates) or all structures except for the main structure, e.g. 2nd story office, (as language indicates).	TF recommended (5-0-1) on 11/28/07. 5' setback should apply only for dwelling units. Add language to 2.4 to indicate this: "minimum rear yard setback may be reduced to five feet for dwelling units if the rear lot line."	Code amendment
5. Definitions	1	Building Line (3.2)	Consider using different terminology since Building Line has a commonly associated meaning already (Front Building Setback Line suggested by staff).	TF on 11/28/07 leave alone.	None
	2	Height (3.4.1.C)	Redefine "average height of highest gable" to clarify.	TF on 11/28/07 leave alone.	None
	3	Duplex Definition (Part 3 D.1 amending 25-2-773)	Consider rewording "must have a common wall or floor and ceiling." Address zipper walls.	TF received letter from Council Member McCracken dated 10/26/07 expressing his view on what urban duplex requirements should be in the context of SF-3 zoning. TF recommended (4-0) on 11/09/07 to send a letter to Council Member McCracken stating that the following language added to Part 3(D)(1) may achieve his intent though not all TF members agree that this is an appropriate approach. A common wall must be one contiguous plane and must be located perpendicular to the front building line.	None by TF. Council member McCracken to bring forward alternate proposal for SF-3 district only.
	4	Sidewall	See Topic 1, Side Wall Articulation, Item # 9. Clarify the term of a sidewall. Does the sidewall constitute such space as a porch or patio below a habitable space?	See 1.9	None
	5	Wall Plate	See Topic 3, Setback Planes, Item 4. "Wall plate" not defined. Consider measuring from the top of the first floor ceiling joist or knee wall in attic rather than the first floor wall plate.	See 3.4	See 3.4
6. Council-directed Additional Items	1	Flag Lots	Modify code so pole not counted in GFA consistent with not being counted for impervious cover calculation.	TF recommendation from Phase 2.	Code amendment. Task Force directed expedition on 06/28/07.

Residential Regulations Task Force  
6 Month Review

Topic	#	Subject	Item/Question/Suggestion	Status	Action Required
	1 1		Need to define "pole" Address shared flag lots w/shared access	Joi had handout with proposal	Staff proposal to be brought forward
	2	Applicability	Address uses not subject to Compatibility Standards or McMansion Club or Lodge, Day Care Services general and limited, Family Homes, Group Homes general and limited, Condo Residential, Retirement Housing small and large site, Townhouse Residential	TF recommended on 09 07 07 that these 10 uses be given choice of complying with either McMansion or Compatibility Standards Staff to report on impact since commercial reviewers don't currently deal with McMansion	Code amendment
	3		Need ordinance application to SF-4B (same as SF-4A in section 1 3 1)	Use is condo so should be taken care of - staff reported that this is the case Staff needs to fix the online use chart 25-2-491(c) to be consistent with ordinance 040617-Z-1	None from Residential Task Force
	4a		Should criteria for SF-4A in section 1 3 1 include adjacency to SF-1?	TF recommendation on 09 21 07 to include SF-1 in SF-4a criteria	Code amendment
	4b		Also consider where SF-4A abuts SF-2/3 only at rear and across an alley - should rear tent only apply?	Joi said alley would not be an issue TF decided no change - RDCC or BOA can address if issue	None
	5		Consider applicability to Single-family attached residential subdivision (Section 25-4-233)	Covered with uses already in ordinance	None
	6	Noncomplying Structures	Get rid of loophole whereby tear down to foundation and rebuild but declare a remodel so can use previous non-compliances The changes we made to fix this did not have the intended affect Heritage group supposed to address but not being followed through by city	TF recommend (4-0) on 11/9/07 Handle remodel of a noncomplying structure such that 1) any interior remodelling is fine and 2) exterior changes are limited such that if > 50% of the exterior walls are removed within a 5 year period then the building must be brought into compliance regarding use, setbacks, height, FAR and building tent It was also determined that "exterior wall" needs to be defined Council Member Kim's office is also bringing forward a proposal which we should review	Code amendment

Residential Regulations Task Force  
6 Month Review

Topic	#	Subject	Item/Question/Suggestion	Status	Action Required
	7	<b>Height Definition for Non-residential</b>	Reference to natural grade, closing loophole needed	Interested parties have drafted approach Presentation made to Council Land Use & Transportation Committee on 05 30 07 Stakeholder mtngs ongoing	None from Residential Task Force
	8	<b>Neighborhood Modifications</b>	Staff recommends overlay district for Non-N'hood Planning Area requesting modifications with overlay district being later replaced by Neighborhood Plan (NP) combining district rezoning	Requests from Non-N'hood Planning Areas would require their own Code amendments Staff would process when requests are filed	None from Residential Task Force
	9		For NP areas, currently need to send notice all property owners in area (since all zoned "-NP" ) Is there a mechanism so a neighborhood can make changes more easily?	Staff issue	None from Residential Task Force
	10	<b>Graphics in Ordinance</b>	Suggested that we add language stating that pictures in ordinance should have as much legal weight as words in code	TF on 11 28 07 no change	None
	11	<b>Affordable Housing Incentives Task Force (AHITF) Recommendations (Review directed by Council on 06/07/07)</b>	Assuming that development meets affordability requirements and no opposition from nearby and adjacent neighborhoods, Establish 2400 square feet as threshold for applicability of wall articulation requirements (with proper n'hood notification)	Heard from AHITF and NHCD staff on 07 20 07 On 8/17/07 decided to try to address issues with general articulation proposal On 11 03 07 went through NHCD letter dated 10 26 07 TF consensus to take no further action	None
	12		Assuming development meets affordability requirements and no n'hood opposition, Establish exemption from wall articulation requirements for new subdivisions of tracts of at least one acre, where resulting subdivision would result in construction of at least five housing units	Heard from AHITF and NHCD staff on 07 20 07 On 8/17/07 decided to try to address issues with general articulation proposal On 11 03 07 went through NHCD letter dated 10 26 07 TF consensus to take no further action	None
	13		Establish, or confirm the approvability of, alternative methods of compliance for the topographic survey requirements (Such can be done via a rules change, Code amendment not necessary )	Heard from AHITF and NHCD staff on 07 20 07	None
<b>7. Miscellaneous Issues</b>	1	<b>Permits</b>	Need objective criteria for determining amount of work that needs to be done to keep permit from expiring	Staff looking into issue	None
	2	<b>Inspections</b>	Framing inspections – are these being done at each step as planned?		None
	3		Are eyeball inspections of height and setback plane working? Need add to every step to check these Consider requiring survey if within a certain amount pushing the envelope for height and setback plane like do with impervious cover of 43%		None
	4	<b>Boundaries (1.2.1)</b>	Do these need to be adjusted? Neighborhood south of southern boundary (Southwood) reports McMansion problems		None
	5	<b>Irregular lots</b>	Any examples to see how working? Add figure of common irregularity in Austin as diagram in code		None



Residential Regulations Task Force  
6 Month Review

Topic	#	Subject	Item/Question/Suggestion	Status	Action Required
	6	<b>Application Process. Sealed floorplans and elevations</b>	Concerns raised about application requirement for floorplans and elevations sealed by prescribed tradespeople	Staff looking into issue. Not ready at this time to remove requirement	None
	7	<b>Duplex Connection Requirement (applies citywide, LDC 25-2-773)</b>	Requests made to amend duplex connection requirements of 25-2-773. Concern that 50% connection requirement too onerous. Suggestion to remove connection requirement altogether or limit connection requirement only to McMansion area if still required.	See 5.3	See 5.3
	8	<b>Subdistricts</b>	Request made to amend ordinance such that modifications could be made by subdistricts within a neighborhood plan.	TF recommends (6-0) on 07.11.07 with recommendation that mechanism developed such that subdistrict info be made available via GIS (single point of access for all info).	Code amendment. Task Force directed expedition.
	9	<b>Never platted large acreage sites</b>	Request made to consider large sites where lots have never been platted but are inside McMansion boundaries for exemption or special application of McMansion rules.	TF decided no action necessary - can go to BOA.	
	10	<b>Historic Structures</b>	Should special consideration be made for historic structures that are moved onto a lot and do not meet the McMansion regulations?	TF on 11.28.07: no.	None
	11	<b>Relief for "hardship" cases</b>	Request made to consider greater waivers than what RDCC can grant currently for hardship cases as in SF adjacent to commercial, etc. Need to find out when BOA can consider something a hardship.	TF decided no action necessary - can go to BOA.	None

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# Residential Design Standards Task Force

Six Month Review & Recommendations

February 28, 2008

# Agenda



## ◆ History

- Evolution of Subchapter F (“McMansion”) Ordinance
- Applying the McMansion Ordinance
- Common Terminology
- Task Force Process

## ◆ Recommendations

- Residential Design & Compatibility Commission
- Residential Design Standards Task Force

# History: Evolution of McMansion

## **February 16, 2006. 1<sup>st</sup> Interim Ordinance**

- ◆ 0.4 FAR or 2,500 sf, excluding:
  - Uncovered balconies
  - Habitable space below grade
  - Garages

## **March 9, 2006. 2<sup>nd</sup> Interim Ordinance**

- ◆ 0.4 FAR or 2,500 sf, excluding:
  - Habitable space below grade
  - Garages
- ◆ Setback averaging

# History: Evolution of McMansion

## **June 22, 2006. 3<sup>rd</sup> Interim Ordinance**

- ◆ 0.4 FAR or 2,300 sf, excludes:
  - Uncovered balconies
  - Habitable space below grade and habitable attics
- ◆ Setback averaging
- ◆ Clarified definitions such as natural grade, height
- ◆ Limited height to 32 feet
- ◆ Created tents/envelopes
- ◆ Created Residential Design & Compatibility Commission (RDCC) and McMansion Boundaries
- ◆ Established common wall criteria for duplexes
- ◆ Amended regulations regarding noncomplying structures

# History: Evolution of McMansion

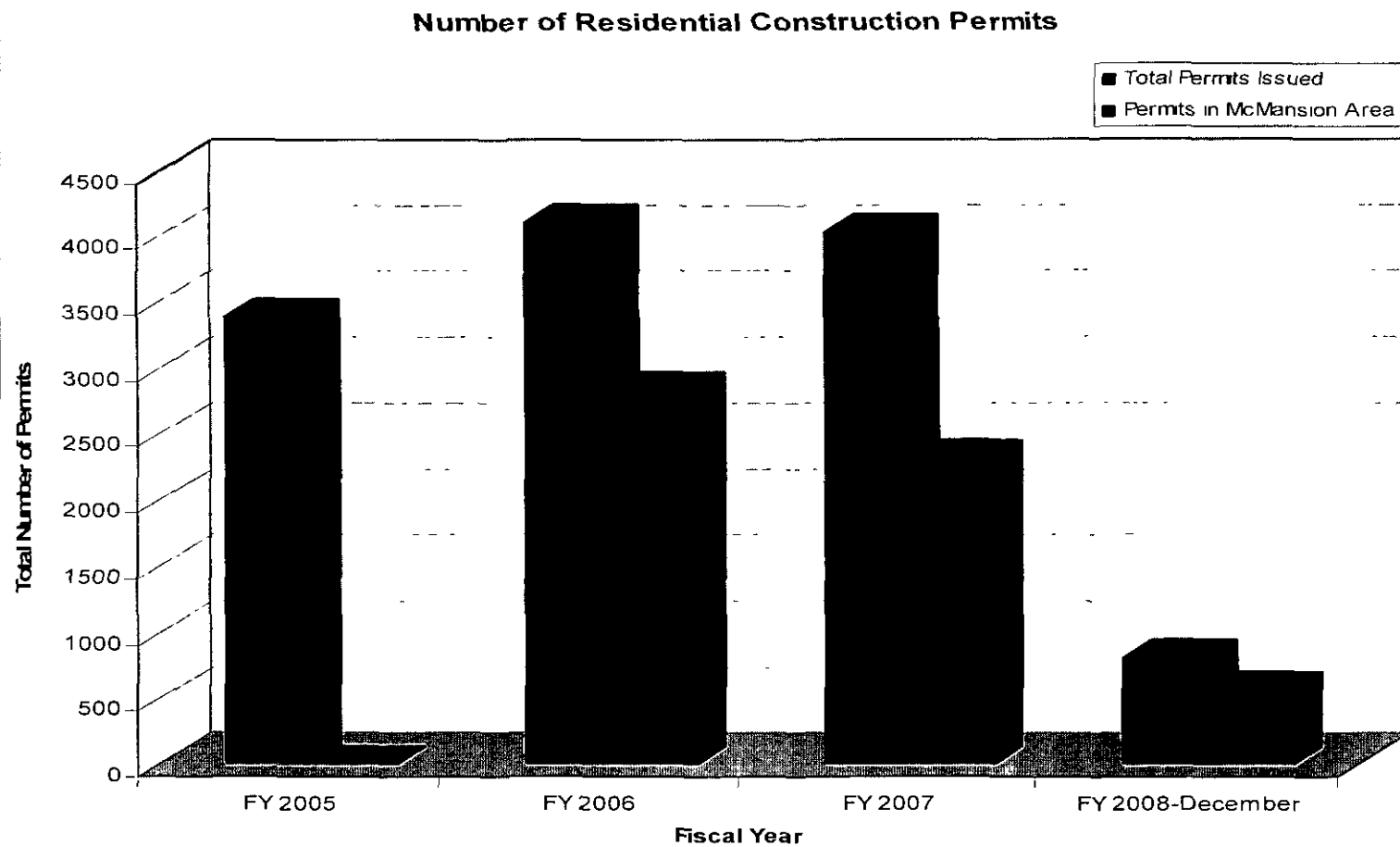
## **September 28, 2006. Final Ordinance**

- ◆ Clarified and added requirements for noncomplying structures
- ◆ Amended requirements for demolition permits
- ◆ Amended height requirements for small and large sites of zoned as SF5 and more restrictive

## **April 2007. Six Month Review begins**

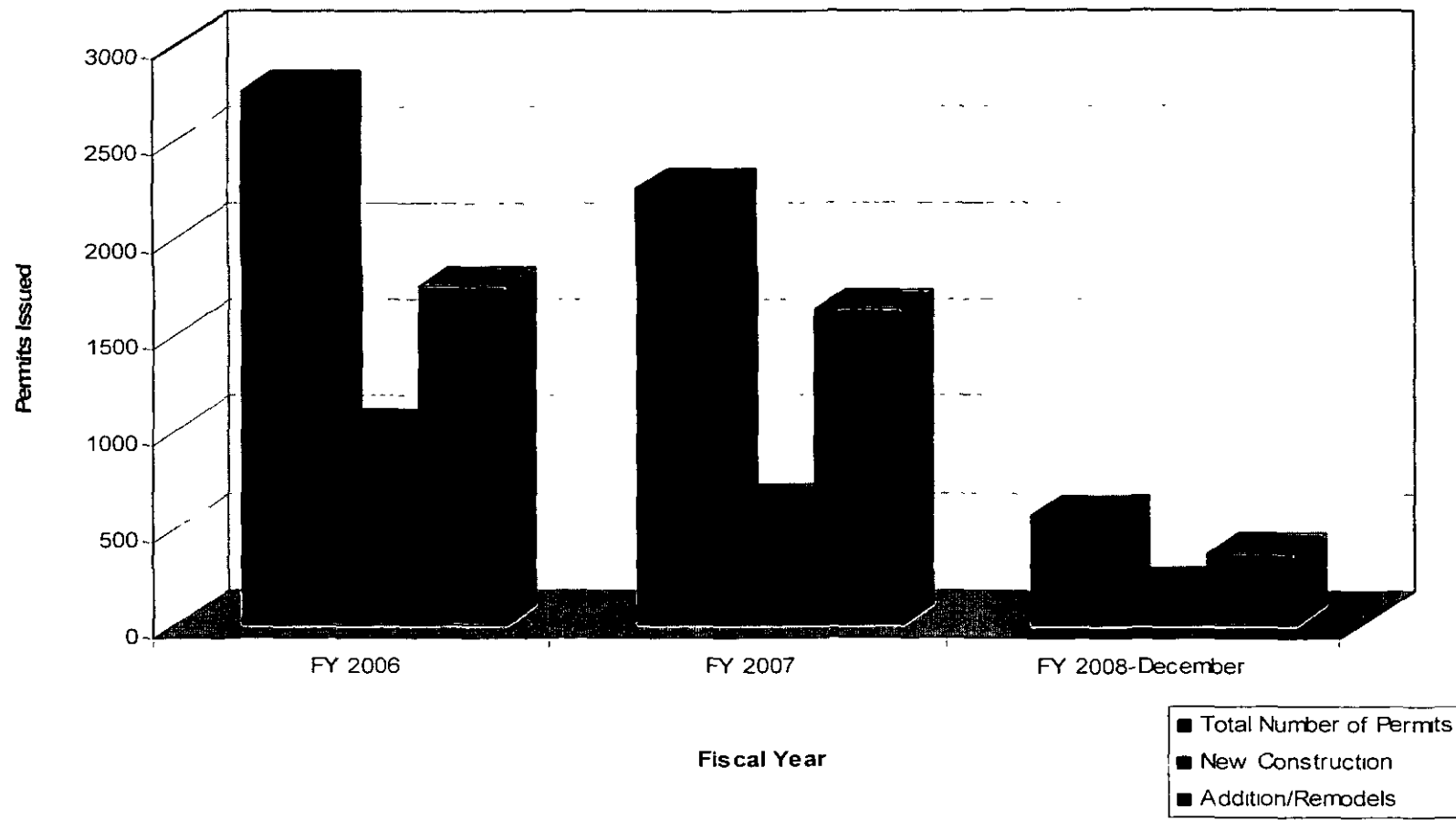
- ◆ Members include:
  - Laura Morrison
  - Dannette Chimenti
  - Karen McGraw
  - William Burkhardt
  - Terry Mitchell
  - Michael Cannatti
  - Chris Allen

# Applying McMansion



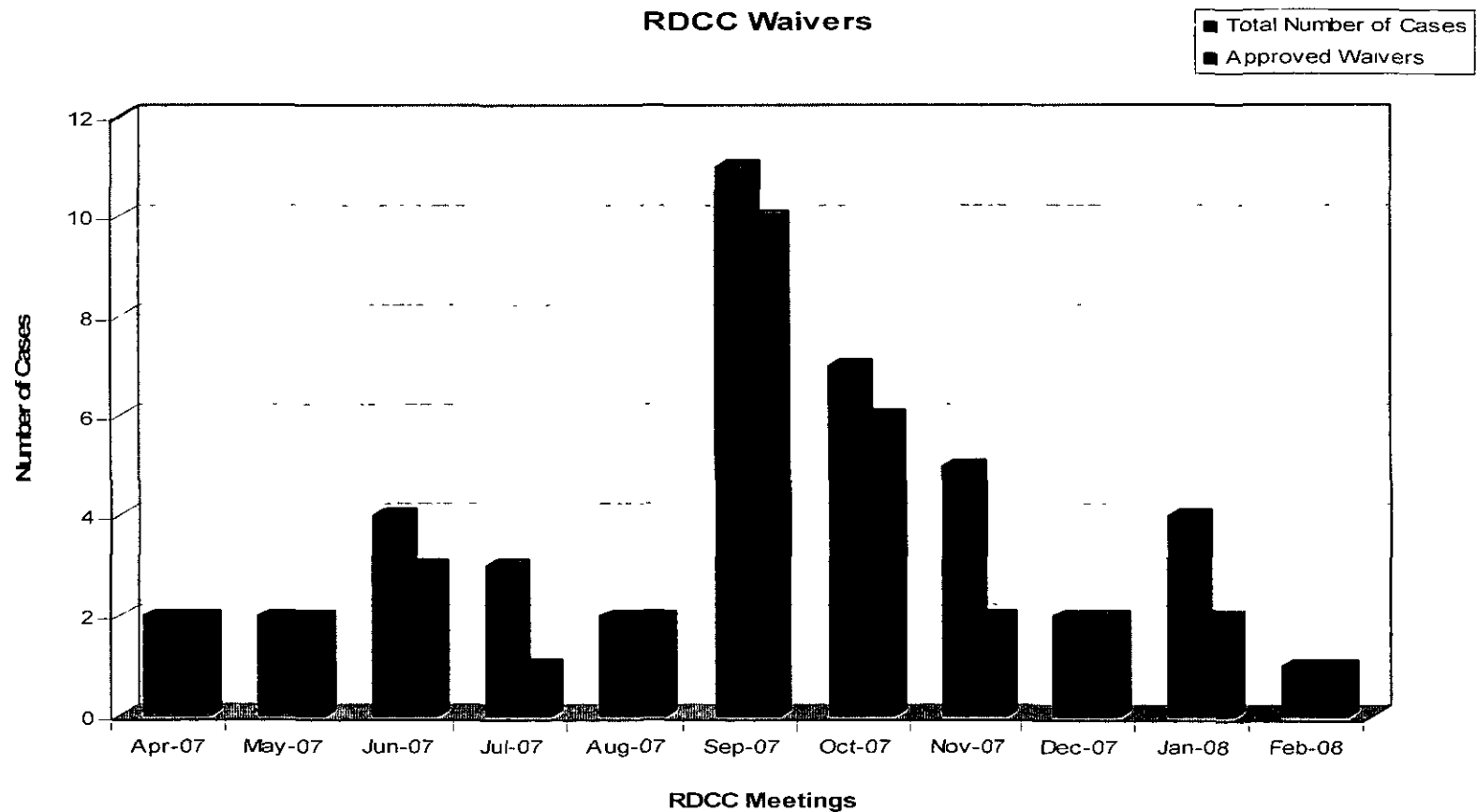
# Applying McMansion

Residential Construction Building Permits in McMansion Boundary Area





# Applying McMansion



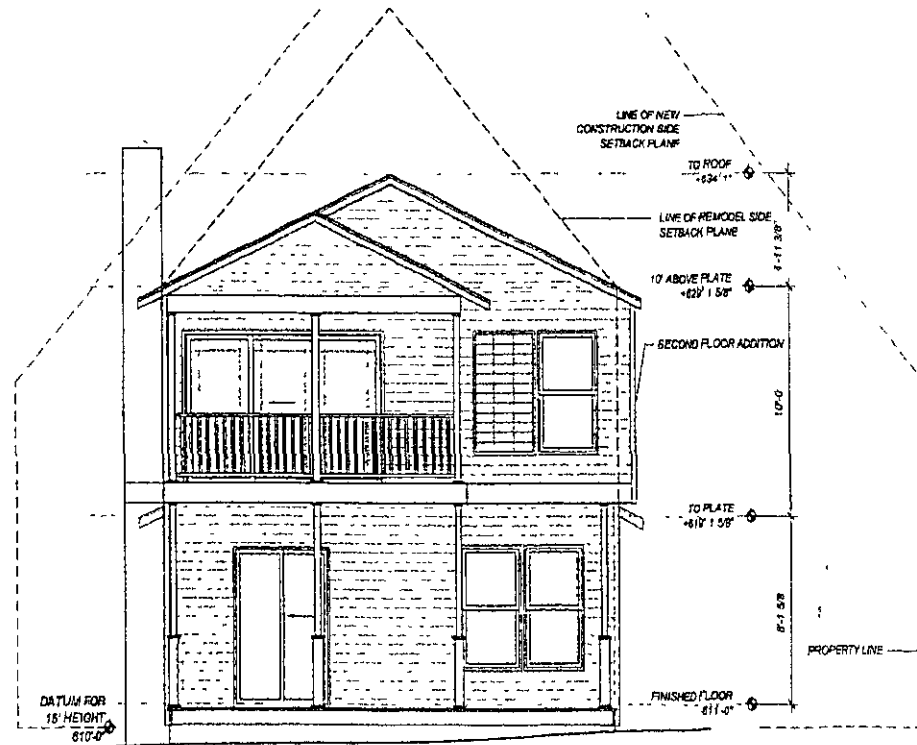
# Terminology: Setback Planes/Envelope/Tents

## ◆ Standard Tent

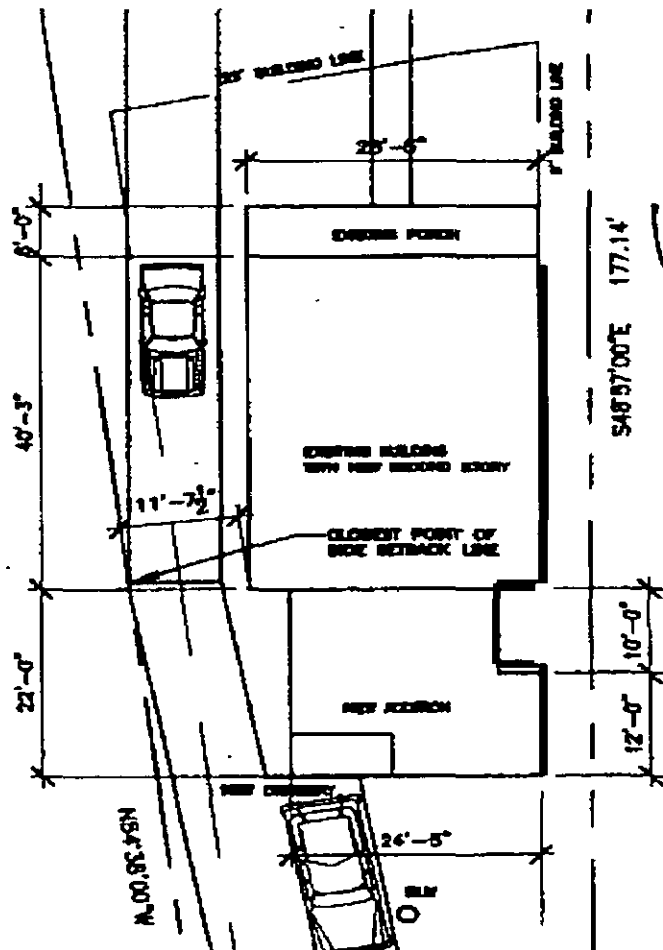
- 15 ft high
- Property line

## ◆ Modified Tent

- 10 ft high
- Existing building



# Terminology: Sidewall Articulation



◆ Spacing of a side wall for a minimum of 4 ft in depth by 10 ft in length, required when:

- 15 ft wall height
- 32 ft wall length
- 15 ft wall distance from property line

# Terminology: FAR Exemptions

## Habitable Space Below Grade



# Terminology: FAR Exemptions

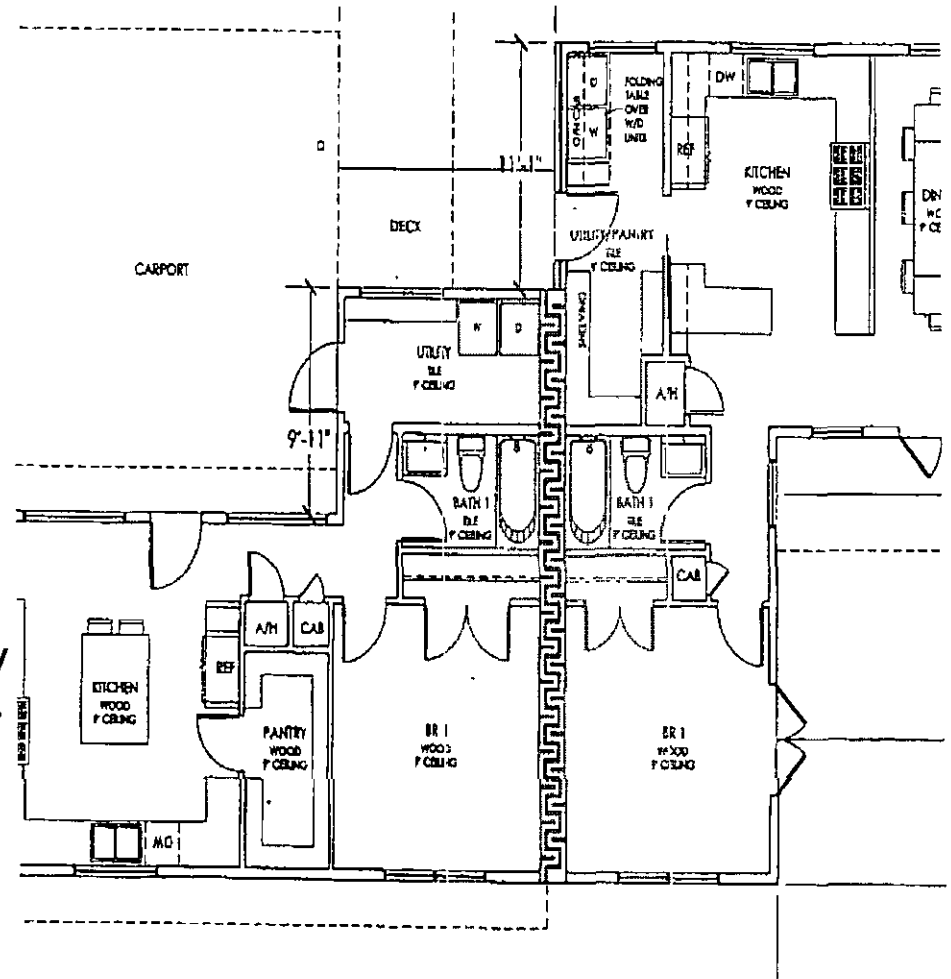
## Habitable Space Below Grade



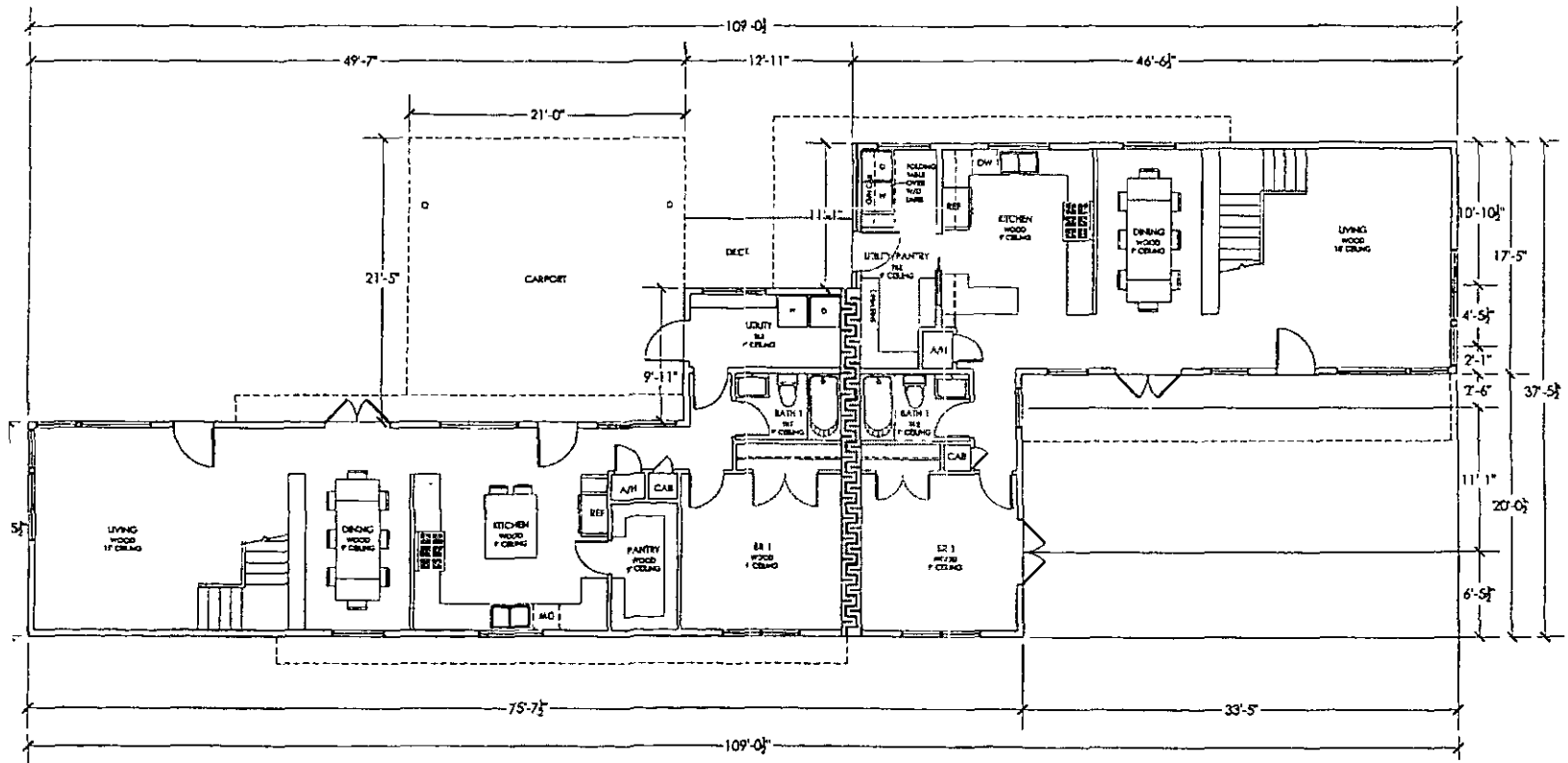
# Duplex Terminology: Zipper Wall

## ◆ Two dwelling units:

- Must have a common wall, for at least 50% of the maximum depth of the building;
- Must have a common roof; and
- May not be separated by a breezeway, carport, or other open building element



# Duplex Terminology: Zipper Wall



# RDCC Recommendations

- ◆ Amend Subchapter F Section 2.8.2.C to allow the RDCC to:
  - Consider and grant modifications to contributing structures in a National Register historic district; and
  - When certificates of appropriateness are sought for historic landmarks, consider and grant *modifications prior to review by the Historic Landmark Commission*



# Task Force Process

- ◆ April 2007 – December 2007.
  - Members held 17 meetings
  - Meetings lasted approx 2 hours each
  - Task Force worked from a spreadsheet of identified issues.
  - Recommendations received a vote by members
  - Final draft document reviewed and received a vote on intent, content and language



**Laura Morrison**

Residential Design Standards Task Force

# Residential Design Standards Task Force (RDSTF) Recommendations

## Staff Response

Jessica Kingpetcharat-Bittner, Principal Planner  
WPDRD Residential Review

# Staff Presentation on RDSTF Recommendations

- ◆ Adopt RDCC Recommendations to provide the Commission with authority to consider and approve modification requests from historic landmarks and historic contributing structures.
- ◆ Refer the RDSTF Recommendations to the Planning Commission for additional input from the architecture and building design community.

# Additional Staff Recommendations

- ◆ Allow horizontal articulations to stories above the first floor to qualify under the sidewall articulation requirement.
- ◆ Clarify height measurements when considering gables and dormers.
- ◆ Clarify criteria for habitable attic space FAR exemptions.

## Next Steps: Items for Potential Action

- ◆ Initiate RDCC recommended amendments to 25-2 Subchapter F of the Land Development Code granting the RDCC with authority to consider and approve modification requests for contributing structures and historic landmarks.

# Next Steps:

## Items for Potential Action (cont...)

- ◆ Direct the Planning Commission to:
  - Consider and provide comment on the RDSTF recommendations
  - Consider and recommend code amendments to 25-2 Subchapter F to:
    - ◆ Allow horizontal articulations to stories above the first floor to qualify as sidewall articulations
    - ◆ Clarify height measurements
    - ◆ Clarify criteria for habitable attic space and habitable space below grade FAR exemptions
    - ◆ Clarify duplex requirements



# Residential Design Standards Task Force Recommendations

## Staff Response