

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 2.7)	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 06.29.07.		
	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' 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 in addition on top of existing building (permit before Oct. 1, 2006) from articulation up to 50'	Code amendment		

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	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 Sched. to PC 08.14.07, Council 08.30.07		
	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:	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		

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	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?				
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 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 07.11.07 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.		

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	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. Suggestions made to require >75% or >90% to be unobstructed by any materials to classify as "open". Apply for carport and porch (allow railing for porch). Need staff to look at example from previous TF meeting.			
	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		

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	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 an attached parking area if it is used to meet the minimum parking requirements. 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		
	10	Basement exemption (3.3.2.B)	For sloped sites consider a split-level home with a basement – what is a story?				
	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.		

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Topic	#	Subject	Item/Question/Suggestion	Status	Action Required		
	12	Attic space exemption (3.3.2.C)	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?				
	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?				
	16	Areas with ceiling hts > 15' counted twice (3.3.3)	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).				
	17	FAR for multiple lots	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.				
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.				
	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		
	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 (6-10) 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.		

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	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 for remodel	TF recommended on 09.21.07 to raise setback plane 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.	TF recommended 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	None		
	8	Exception for Side Gabled Roof (2.6.E.4)	Consider allowing 30' gable anywhere in 40' segment for first tent segment.				
	9		Shed roof in Figure 14 unexpected – more than task force intent. Is this ok?				
	10		Revisit side gables in general – are exceptions working ok? Look at case where dormer created to make structure compliant with ordinance.				
	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.				
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).				
	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).				
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).				

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	2	Height (3.4.1.C)	Redefine "average height of highest gable" to clarify.				
	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.				
	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	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 06.29.07.		
	1.1		Need to define "pole". Address shared flag lots w/shared access.	Staff to look into and propose language			
	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		
	2.1		Table in 25-2-491(c) as accessed through amlegal website has error, showing: workshop, art gallery, food prep, printing & publishing as permitted uses in residential (see Ord 040617-Z-1). Staff (8/06) noted in email : "Conclusion: Art gallery; art workshop; food preparation; and printing and publishing uses are not allowed in an SF-5 or more restrictive zoning district, as is correctly shown in the permitted uses chart online at http://www.ci.austin.tx.us/development/downloads/permittedusechart.pdf ." Staff was to get the amlegal version corrected but it has not yet happened.				
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	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.			
	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 4-233)	Covered with uses 25- 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.				
	7	Height Definition for Non-residential	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 on 05.30.07.	None from Residential Task Force.		
	8	Neighborhood Modifications	Staff recommends overlay district for Non-N'hood Planning Area requesting modifications with overlay district being later replaced by Neighborhood Plan (combining district rezoning.		Requests from Non-N'hood Planning Areas would require their own Code amendments. Staff would process when requests are filed.		
	9		For NP areas, currently need to send notice all property owners in area (since zoned "-NP"). Is there a mechanism so a neighborhood can make changes more easily?				
	10	Graphics in Ordinance	Suggested that we add language stating that pictures in ordinance should have as much legal weight as words in code.				

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	11	Affordable Housing Incentives Task Force (AHITF) Recommendations (Review directed by Council on 06/07/07)	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		
7. Miscellaneous	1	Permits	Need objective criteria for determining amount of work that needs to be done to keep permit from expiring.				
	2	Inspections	Framing inspections – are these being done at each step as planned?				
	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 push the envelope for height and setback plane like do with impervious cover of 43%				
	4	Boundaries (1.2.1)	Do these need to be adjusted? Neighborhood south of southern boundary (Southwood) reports McMansion problems				
	5	Irregular lots	Any examples to see how working? Add figure of common irregularity in Austin as diagram in code				

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	6	Application Process: Sealed floorplans and elevations	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. Request staff comment on 11/1/07 letter from Precision			
	7	Duplex Connection Requirement (applies citywide; LDC 25-2-773)	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	Subdistricts	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	Code amendment - Task Force directed expedition.		
	9	Never platted large acreage sites	Request made to consider large sites where lots have never been platted but inside McMansion boundaries for exemption or special application of McMansion rules.	TF decided no action necessary - can go to BOA.	None		
	10	Historic Structures	Should special consideration be made for historic structures that are moved or a lot and do not meet the McMansion regulations?				
	11	Relief for "hardship" cases	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		