AN ORDINANCE AMENDING CITY CODE SECTION 25-2-773 RELATING TO DUPLEX HEIGHT REQUIREMENTS; AMENDING CITY CODE SECTION 25-2-1051 RELATING TO DESIGN STANDARDS AND MIXED USE; AMENDING CITY CODE SECTION 25-2-1406 RELATING TO NEIGHBORHOOD PLAN COMBINING DISTRICTS; AND AMENDING CITY CODE CHAPTER 25-2, SUBCHATER F RELATING TO RESIDENTIAL DESIGN AND COMPATABILITY.

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

PART 1. Subsections (B) and (D) of City Code Section 25-2-773 (Duplex Residential Use) are amended to read

## § 25-2-773 DUPLEX RESIDENTIAL USE.

(B) For a duplex residential use•
(1) minımum lot area is 7,000 square feet,
(2) mınımum lot width is 50 feet,
(3) maximum building cover is 40 percent;
(4) maximum impervious cover is 45 percent, and
(5) maximum building height is the lesser of
(a) 30 feet, or
(b) two stories, except that an attic or basement does not count as a story for purposes of this subsection if it satisfies the requirements for an exemption from gross floor area under Subsections 332 and 346 of Subchapter F (Residenttal Design and Compatibility Standards)
(D) The two dwelling units are subject to the following requirements
(1) The two units must have a common [wallor] floor and ceiling or a common wall, which may be a common garage wall, that
(a) extends for at least 50 percent of the maxımum depth of the building, as measured from the front to the rear of the lot, and
(b) maintans a straight line for a minımum of four foot intervals or segments
(2) The two units must have a common roof [ [, and ]
(3) At least one of the two units must have a fiont porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit
(4) The two units may not be separated by a breezeway, carport, or other open building element

PART 2. Subsection (A) of City Code Section 25-2-1051 (Applicability) is amended to read

## § 25-2-1051 APPLICABILITY.

(A) Except as provided in Section 25-2-1052 (Exceptıons) or another specific provision of this title, this article applies to the following uses
(1) A (a) use m a townhouse and condomınıum residence (SF-6) or less restrictive zoning district and to a civic use described in Subsection (B) that is located on property
(a) $[(-1)]$ across the street from or adjoining property
(1)[(a)] in an urban famıly residence (SF-5) or more restrictive zoning district,
$(11)[(b)]$ on which a use permitted in an SF-5 or more restrictive zoning district is located, other than a dwelling permitted by Section 25-2-894 (Accessory Uses For A Principal Commercial Use), or
(ili)[(e)] in a traditional neighborhood (TN) zoning district, or
(b)[(2)] located 540 feet or less from property in
(1)[(4)] an SF-5 or more restrictive zoning district,
(i1) [(b)] a TN district, or
(111)[(4)] a development reserve (DR) zoning district.
(2) A use listed in Subsections 12.2(K)-(Q) of Subchapter F (Residential Design and Compatıbility Standards), if the owner has agreed to comply with the requirements of this article in a manner prescribed by the director under Subsection 133 of Subchapter F

PART 3. City Code Section 25-2-1406 (Ordinance Requirements) is amended to read

## § 25-2-1406 ORDINANCE REQUIREMENTS.

An ordınance zoning or rezonıng property as a NP combinıng district.
(1) must prescribe the special uses described in Section 25-2-1403 (Special Uses) that are permitted in the district,
(2) must describe the location of each residential infill special use, neighborhood urban center special use, or neighborhood mixed use building special use, if any,
(3) may restrict the time of day during which a business in a neighborhood mixed use building special use may be open to the public,
(4) may restrict a corner store special use, cottage special use, secondary apartment special use, or urban home special use, if any, to a designated portion of the district,
(5) for a single-famıly residential use or a secondary apartment special use on an existing legal lot
(a) may reduce the required mınımum lot area to 2,500 square feet,
(b) may reduce the required mınımum lot width to 25 feet, and
(c) for a lot with an area of 4,000 square feet or less, may increase the maximum impervious coverage to 65 percent,
(6) may apply the requirements of Section 25-2-1602 (Front Porch Setback), Section 25-2-1603 (Impervious Cover and Parking Placement Requirements), or Section 25-2-1604 (Garage Placement) to the district or a designated portion of the district,
(7) may restrict front yard parking by including all or a portion of the district in the restricted parking area map described in Section 12-5-29 (Front or Side Yard Parking), and
(8) may apply the requirements of Section 25-2-812(N) (Mobile Food Establishments) to the district or a designated portion of the district
(9) may modify the following requirements of Subchapter F (Residentıal Design And Compatibility Standards) for the district or a designated portion of the district.
(a) the maxımum floor-to-area ratio and maximum square footage of gross floor area prescribed by Subchapter F (Residential Design And Compatıbiltty Standards),
(b) the maxımum linear feet of gables or dormers protruding from the setback plane,
(c) the height of the side and rear setback planes, and
(d) the mınımum front yard setback requirement.

PART 4. Subsection 122 of Section 1.2 (Applicability) of City Code Chapter 25-2, Subchapter F is amended to amend Subsections I and J and to add new Subsections K-Q to read

### 1.2. APPLICABILITY

### 1.22 Used for a

A Bed and breakfast (group 1) residential use,
B Bed and breakfast (group 2) residential use,
C Cottage special use,
D Duplex residential use,
E Secondary apartment special use,
F. Single-famıly attached residential use;

G Single-famıly residential use,
H Small lot single-family residential use;
I Two-family residential use, [өr]
J Urban home special use ${ }_{2}[-]$

## K Club or lodge,

L. Daycare services (general and limıted),

M Famıly homes,
N Group homes (general and limited),
O. Condo residential,

P Retırement housing (small and large site); or
Q. Townhouse residential

PART 5. Subsections 131 and 133 of Section 13 (Exceptıons) of City Code Chapter 25-2, Subchapter F are amended to read

### 1.3. Exceptions

1.3.1. This Subchapter does not apply to a lot zoned as a single-famıly residence small lot (SF-4A) district unless the lot is adjacent to property zoned as a single-family residence standard lot (SF-1), single-famıly residence standard lot (SF-2) district, or family residence (SF-3) district

133 This Subchapter does not apply to uses listed in subsections $1.2 .2(\mathrm{~K})-(\mathrm{Q})$ of Section 12 if an applicant has agreed, in a manner prescribed by the director, to comply with the requirements of Chapter 25-2, Article 10 (Compatibility Standards). [The stde-wall articulation requtrement does not apply to new construction that is less than 2,000 -square feet in gress-floor area and that ts less-than 32 feet m herght ]

PART 6. Subsection $141(\mathrm{~A})$ of Section 141 (Conflicting Provisions) of City Code Chapter 25-2, Subchapter F is amended to read•

### 1.4. Conflicting Provisions

141 To the extent of conflict, this Subchapter supersedes.
A Section 25-1-21 (Definitions),
B [A] Section 25-2-492 (Site Development Regulations);

C [B] Section 25-2-555 (Famıly Residence (SF-3) District Regulatıons),
D.[G] Section 25-2-773 (Duplex Residential Use),

E[ B$]$ Section 25-2-774 (Two-Famıly Residential Use),
F[E] Section 25-2-778 (Front Yard Setback for Certain Residential Uses),
G [F] Section 25-2-779 (Small Lot Single-Famıly Residential Uses); and
H $[G]$ Section 25-4-232 (Small Lot Subdivisions)
PART 7. Section 21 (Maximum Development Permitted) of City Code Chapter 25-2, Subchapter $F$ is amended to read

### 2.1. MAXIMUM DEVELOPMENT PERMITTED

The maxımum amount of development permitted on a property subject to this Subchapter is limited to the greater of 04 to 10 floor-to-atea ratio or 2,300 square feet of gross floor area, as defined in Section 33 Floor-to-area tatıo shall be measured using gross floor area as defined in Section 3 3, except that the lot area of a flag lot is calculated consistent with the requirements of Section 25-1-22 (Measurements)

PART 8. Subsection B of Section 23 (Average Front Yard Setback) of City Code Chapter 25-2, Subchapter F is amended to read

### 2.3. Average Front Yard Setback

B. Average Front Yard Setback. The following rules apply for purposes of the setback calculation required by paragraph A 2 .

1. A front yard setback is the distance between the front lot line and the closest front exterior wall or building façade of the principal residential structure located on the lot [An-average front yard setback is determmed based on the setbacks of each prine pal residental-structure that is butt withm 50 feet of its frent lot line-]
2. Except as provided in paragraph $3[-]$, average front yard setback is determined using the front yard setback of the four principal residential structures that are: (a) built within fifty feet of the front lot line, and (b) closest to, and [the strbject property] on the same side of the block, as the property subject to the setback required by this section [shall be used-in the ealeutan of average from
yard setback If there are less-than four structures on-the-same-side of the block, the lesser number of strtuettres is used in the caleulation]

3 If less than four structures satisfy the criteria in paragraph B 2, average front yard setback is calculated using the number of existing residential structures on the same side of the street block as the property subject to the setback required by this section If there are no structures on the same side of the block, average front yard setback is calculated using the front yard setbacks of the four structures on the opposite side of the block that are closest to the [strject] property subject to the setback required by this section [and across the street are used-in the ealeulation] If there are less than four structures on the opposite side of the block [aeress-the-street], the lesser number of structures is used in the calculation See Figure 1.

PART 9. Section 2.4 (Rear Yard Setback) of City Code Chapter 25-2, Subchapter F is amended to read

### 2.4. REAR YARD SETBACK.

The principal structure shall comply with the rear yard setback prescribed by other provisions of this Code All other structures shall comply with the rear yard setback provisions of this Code, but the mınımum rear yard setback of a second dwelling unit may be reduced to five feet if the rear lot line is adjacent to an alley See Figure 2

PART 10. Subsections A, B, and D of Section 26 (Setback Planes) of City Code Chapter 25-2, Subchapter F are amended to read

### 2.6 SETBACK PLANES

## A. Side Setback Plane

Except as provided in subsection [B-] D, an inwardly sloping 45degree angle side setback plane begins at a horizontal line 15 feet directly above the side property line. The 15 -foot height of the horizontal line is established for 40 -foot deep portions of the lot beginning at the building line and extending to the rear of the lot, except that the last portion at the rear of the lot may be less than 40 feet deep See Figures 3 through 5

1 For the first portion, the 15 -foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines, the building line, and a line 40 feet from and parallel to the building line.

2 For successive portions other than the last portion, the 15 -foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines and the appropriate two lines that are 40 feet apart and parallel to the building line

3 For the last portion, the 15 -foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines, the appropriate line parallel to the building line, and the rear lot line

## B. Rear Setback Plane <br> Except as provided in subsection D, an [An] inwardly sloping 45degree angle tear setback plane begins at a horizontal line directly above the rear property line at the same elevation as the horizontal line for the last portion of the side setback plane established in paragraph A 3 See Figures 6 through 9

## D. Side and Rear Setback Plane Exceptions for Existing One-Story Buildings.

1 Except as provided in paragraph 3 below, an applicant proposing to add a second story [This subsection-apples] to a one-story building may choose either of the following side setback planes for the portion of the project that is within the building footprint [was] originally constructed, or permitted for [recerved a binldmg permit for the] original construction, before October 1, 2006[;]. [and that is remodeled to-add-a-secend story.]
a The side setback plane required under subsection A
b [1-For the pertom of the constrition that is withen the footprimt of the buldung that was origmally constructed or recerved a butlding permit before Ottober 1, 2006, the] The inwardly sloping 45-degree angle side setback plane that begins at a horizontal line directly above the outermost side 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 and one-half [ten] feet. See Figure 12

The wall plate is the lowest point of the existing first floor ceiling framing that intersects the exterior wall

2 Except as provided in paragraph 3 below, an applicant proposing to add a second story to a one-story building may choose either of the following rear setback planes for the portion of the project that is within the building footprint origınally constructed, or permitted for original construction. before October 1, 2006
a The rear setback plane required under subsection B.
b An inwardly sloping 45-degree angle rear setback plane that begins at a horizontal line directly above the rear property line at a height 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 and one-half feet

3 The side setback plane required under subsection $A$, and the rear setback plane required under subsection $B$, apply to
a any [For the] portion of the proposed construction that is outside of the building footprint originally constructed ${ }_{2}$ or [recerved a bulding permit] permitted for original construction, before October 1, 2006[, the side-setback plane preseribed by subsection 1 above apples-], and
b the entire project, if any portion of the proposed construction requires the removal or demolition of extenor walls

PART 11. Section 27 (Side Wall Articulation) of City Code Chapter 25-2, Subchapter F is amended to add new Subsections 2.7.1 and 2.72 to read:

### 2.7. SIDE WALL ARTICULATION.

271 Except as provided in subsection 272 , if a [A] side wall of a building [that] is more than 15 feet high and is an average distance of less than nine [15] feet [or less] from an interior lot line, the sidewall may not extend in an unbroken plane for more than 36 [32] feet along a side lot line without a sidewall articulation that meets the requirements of this section

A _ To beak the plane, a sidewall articulation must
1 be perpendıcular to the side property line, at least [wall artrulation of not less than] four feet deep, and extend [for a distance] along the side property line for at least [of not less than] 10 feet, as shown in [is requred See] Figures 18 through 20. [-]

2 extend the entire height of the first floor of an addition to, or remodel of, an existing one-story building.

3 extend the entire height of the second story of an addition to, or remodel of, a two or more story building;

4 extend to the height of the top floor of a newly constructed building, and

5 extend evenly upward for its entre height
B. A sidewall articulation cannot-

1 create patios or decks or be screened from view, or
2 serve as an eave or gutter
C Sidewall articulation required under this section may be satisfied by horizontal articulation, such that each story above the first story is setback further from the property line by at least nune feet and extends along the side property line for at least 10 feet

D For purposes of subsection 27 1, wall height

1. excludes side gables, and

Page 10 of 17

2 is measured from the lower of natural or finished grade adjacent to the structure up to the first floor wall plate, which is the lowest point of the existing first floor cenling framing that intersects the exterior wall.
2.72 The requirements of this section do not apply to

A Any side of a structure that is adjacent to a commercial use, unless the commercial use is occupying a residential structure

B An addition to or remodel of an exiting principal structure, or the construction of a new principal structure, provided that the resulting structure is less than 2,000 square feet in net building coverage and less than or equal to 32 feet in height

C An addition to or remodel of an existing second structure, or the construction of a new second structure, provided that the principal structure is exempt under subsection 272 B and the resulting second structure

1 does not exceed 550 square feet,
2. does not exceed the maxımum height allowed in the base zoning district; and

3 Is either detached from the principal structure or connected by a covered breezeway that is open on all sides, with a walkway of no more than six (6) feet in width that is covered by a roof of no more than eight (8) feet in width.

D The addition of a second story to an existing one-story structure if the addition is directly above a portion of the existing one-story structure that was originally constructed, or received a permit for construction, before October 1, 2006

E An extension of the second floor of an existing two-story structure, provided that the building footprint of the structure is not increased

PART 12. Subsection 281 of Section 28 (Modificatıons by the Residentual Design and Compatibility Cominission) of City Code Chapter 25-2, Subchapter F is amended to read
2.8.1. Modifications that May be Approved. The Resıdential Desıgn and Compatibility Commission may

A Approve an increase of up to 25 percent in the
1 Maxımum floor-to-area ratıo or maxımum square footage of gross floor area,

2 Maxımum linear feet of gables or dormers protruding from the setback plane, or

B Waive or modify the side wall articulation requirement of Section 27 (Side Wall Articulation)

C In addition to modifications or waivers under subsections A and B of this section, the Residential Design and Compatibility Commission may waive the requinements of Section 26 (Setback Planes) for a subdivisions that meets the SMART Housing requirement in Section 25-1-703 (Program Requirements) if-

1 The subdivision includes a minımum of 12 lots on at least one acre, and

2 At least $40 \%$ of the units are reasonably priced, as provided in Section 25-1-703(C)-(D)

PART 13. Subsection 28 2(C) of Section 28 (Modificatıons by the Residential Design and Compatibility Commission) of City Code Chapter 25-2, Subchapter F is amended to read
C. Additional Procedures [Criteria] for Historic Properties. [The Residental Destgn and Compatibility Commession may not approve a modification for]

1 If the proposed development of a local historic landmark or a "contributing structure," as defined in Section 25-3351 (Contributing Structure), would require both a modification from the requirements of this Subchapter and a certificate of appropriateness under Section 25-11241, the applicant must request a modification under this section prior to seeking a certificate of appropriateness If the Residential Design and Compatibility Commission determines that the request is consistent with the
approval criteria in subsection B of this section, it shall conditionally approve the modification contingent up subsequent issuance of a certificate of appropriateness by the Historic Landmark Commission under Section 25-11243 The applicant must include a copy of the approved modification with the application for a certificate of appropriateness [A leeal, state, of national historre tandmark, if the modification would adversely impact the tandmark's historic status,]

2 If both a modification from the requirements of this Subchapter and a non-binding recommendation from the Historic Landmark Commission are sought, the Residential Design and Compatibility Commission may not approve a modification for a structure located in the National Register Historic District before the Historic Landmark Commission issues its recommendation [A "contributung structure," as defined-m-Section-252354 (Contributing Struture-Defined), or-a contributmg structure in a National Register historic distriet, if the modification-would adversely impact its status as a eontributing structure, or
> 3. A property listed as Prionty 1-or Promy 2 on the City's most etrrent-survey of historic assets, if the modification would adversely impact the property's-arehtecturat megnegy-or change its prionty ratimg-]

PART 14. Section 33 (Gross Floor Area) of City Code Chapter 25-2, Subchapter F is amended to amend Subsections 3.3.1 and 3.3.2, and to add new Subsections 3.3.3 and 334 , to read

### 3.3. GROSS FLOOR AREA

331 In this Subchapter, GROSS FLOOR AREA means all enclosed space, regardless of its dimensions, that is not exempted under subsections 332 , 3.3.3, or 3.34 [has the meanng assigned by-Section 25-1-21(Defintions), with the following modifications.

33-1. The following shall be meluded in the ealeulation of gross floor area.
A The pertion of a second or thrid story of a bulding that is covered by a roof, meluding a porch, portico, breezeway, passageway, or comidor,

Page 13 of 17

## B. A mezzanme or loft, and]

3.32 Subject to the limitations in paragraph C below, the following parking areas and structures are excluded from gross floor area for purposes of this Subchapter [ $C$ The covered portion of a parking area, except for]
A.[1-] Up to 450 square feet of.
1.[a.] A detached rear parking area that is separated from the principal structure by not less than 10 feet, [ $\because \mathrm{\digamma}]$

2 A rear parkıng area that is 10 feet or more from the principal structure, provided that the parking area is either
a detached from the principal structure, or
b attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width, or

3 [b] A parking area that is open on two or more sides, if
1 it does not have habitable space above it, and
11 the open sides are clear and unobstructed for at least $80 \%$ of the area measured below the top of the wall plate to the fimished floor of the carport
B. [z] Up to 200 square feet of

1. An [am] attached parking area if it used to meet the mınımum parking requirement, or [-]
2. A garage that is less than 10 feet from the rear of the principal structure, provided that the garage is either
a detached from the principal structure, or
b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width

C An applicant may receive only one 450 -square foot exemption per site under paragraph A An applicant who receives a 450 -square foot exemption may receive an additional 200 -foot exemption for the same site under paragraph B, but only for an attached parkıng area used to meet mınımum parkıng requirements

333 [3-32] Porches, basements, and attics that meet the [The] following requirements shall be excluded from the calculation of gross floor area

A A ground floor porch, including a screened porch, provided that.
1 the porch is not accessible by automobile and is not connected to a driveway, and

2 the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it
B. A habitable portion of a building that is below grade if

1 The habitable portion [ Ht ] does not extend beyond the first-story footprint[ [;] and is
a Below natural or finished grade, whichever is lower, and
b Surrounded by natural grade for at least $50 \%$ of its perimeter wall area, if the habitable portion is required to be below natural grade under paragraph 1 a

2 The fimshed floor of the first story is not more than three feet above the average elevation at the intersections of the minımum front yard setback line and the side property lines[, and].

C A habitable portion of an attic, if
1 The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater,

2 It is fully contained within the roof structure;
3 It has only one floor,
4 It does not extend beyond the footprint of the floors below,

5 It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure, and

6 Fifty percent or more of the area has a celing height of seven feet or less

334 An enclosed area shall be excluded from the calculation of gross floor area if it is five feet or less in height For purposes of this subsection
A. Area is measured on the outside surface of the exterior walls; and

B Height is measured from the finished floor elevation, up to etther

1. the underside of the roof rafters; or

2 the bottom of the top chord of the roof truss, but not to collar ties, celling joists, or any type of furred-down celling

PART 15. Section 34 (Height) of City Code Chapter 25-2, Subchapter F is amended to amend Subsection 34 , and to add new a Subsection 34 , to read-

### 3.4. HEIGHT

For purposes of this Subchapter, the HEIGHT of a building or setback plane shall be measured as follows.

341 Height shall be measured vertically 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 gabled roof or dormer with the highest average height [the average height of the highest gable], or

D For other roof styles, the highest point of the building
3.4.6 The habitable portion of a basement that is below natural grade and the habitable portion of an attic do not count toward the number of stories for purposes of Section 25-2-773(B)(5) (Duplex Residential Use) if the area satısfies the requirements for an exemption from gross floor area under subsections 332 B-C of this Subchapter

PART 16. The city council directs the city manager to conform the pictures in City Code Chapter 25-2, Subchapter F, to the code text amendments adopted by this ordinance See. Exhibit A (Corrected Drawings to Replace Figures 12, 18, 19, and 20 in City Code Chapter 25-2, Subchapter F)

PART 17. This ordinance takes effect on June 29, 2008.

## PASSED AND APPROVED

$\qquad$ , 2008


APPROVED:

ATTEST:


# CORRECTED DRAWINGS <br> TO REPLACE FIGURES 12, 18, 19, AND 20 IN CITY CODE CHAPTER 25-2, SUBCHAPTER F 

## EXHIBIT A TO:

## ORDINANCE NO. 20080618-093



[^0]

[^1]
Figure 19: Side Wall Articulation (Existing Side Wall Less Than or Equal to 36 Feet)
An addition to an existing bulding may extend a side wall up to a maximum of $36^{\prime}$ in total length without articulation



[^0]:    Figure 12: Side Setback Plane Exception for Existing Single-Story Buildings
    The side setback planes for an existing single-story building are determined based on the height of the sidewall In this example, the horizontal line that forms the base of the setback plane is placed ten feet and six inches above the sidewall
    height ( 12 feet) The revised plane rises above the standard setback plane within the area of the building footprint The standard setback planes created in sections $26 A$ and $B$ apply outside of the existing footprint

[^1]:    Figure 18: Side Wall Articulation (Existing Side Wall Exceeds 36 Feet) Articulation is required for side walls on additions or new construction that are 15 feet or taller and located
    within 9 feet of the side lot line No wall may extend for more than 36 feet without a projection or recession at least 4 feet in depth and 10 feet in length

