



**Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 54  
**AGENDA DATE:** Thu 03/25/2004  
**PAGE:** 1 of 2

**SUBJECT:** Conduct a public hearing and approve ordinances amending Section 25-2-513 of the City Code related to structures allowed in setbacks; Section 25-2-531 related to height limit exceptions; and Chapter 25-10 related to signs for certain institutions, and sign regulations in certain sign districts.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Watershed Protection and **DIRECTOR'S**  
**DEPARTMENT:** Development Review **AUTHORIZATION:** Joe Pantalione

**FOR MORE INFORMATION CONTACT:** Luci Gallahan, 974-2669; Martha Vincent, 974-3371

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** Recommended with amendments by the Planning Commission.

**PURCHASING:** N/A

**MBE / WBE:** N/A

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The Board of Adjustment and the Sign Review Board requested the following amendments to Chapters 25-2 and 25-10 of the City Code. The boards asked for these amendments because requests for variances from the Code requirements are frequently requested. The boards typically find these variance requests to be reasonable, there is rarely any opposition, and the boards routinely grant the requests. In reviewing the proposed amendments, the Planning Commission voted to either approve, recommend no change, or recommend additional amendments to these code sections.

**Section 25-2-513 OPENNESS OF REQUIRED YARDS (features allowed in setbacks):**

- Add a box window or cantilevered bay window to the list of features which may encroach two feet into a required yard (Recommended by the Planning Commission).
- Allow uncovered steps or a porch or a stoop that is not more than three feet (changed from two feet) above ground to project three feet into a required yard (Recommended by the Planning Commission).
- Allow a covered porch that is open on three sides to project five feet into a required front yard for any building in a MF-3 or more restrictive zoning district if the building is 25 feet from the property line (Recommended by the Planning Commission).

**Section 25-2-531 HEIGHT LIMIT EXCEPTIONS:**

- Allow a spire to exceed the zoning district height limit by 30 percent. This change would allow church steeples to exceed their height limit by up to 30 percent (Recommended by the Planning Commission).



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Commission).

**Section 25-10-101 SIGNS ALLOWED IN ALL SIGN DISTRICTS WITHOUT AN INSTALLATION PERMIT:**

- Allow schools to have one wall sign and one freestanding sign; (2) restrict the size of each sign to 32 square feet; and (3) increase the height of the freestanding sign to 13 feet above grade (Recommended by Planning Commission in all sign districts with the exception that signs for public institutions in Scenic Roadway Districts would be restricted to the current requirements of one sign per institution, 32 square feet; and a maximum height of six feet).

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**Section 25-10-123 EXPRESSWAY CORRIDOR SIGN DISTRICT:**

- The building official may allow a sign height of up to 50 feet if the view of the sign is obstructed by an elevated highway (not recommended by the Planning Commission).

**Section 25-10-124 SCENIC ROADWAY SIGN DISTRICT REGULATIONS:**

- Allow the internal lighting of a symbol or logo as well as the individual letters for signs in Scenic Roadway District (Recommended by the Planning Commission).

## ORDINANCE AMENDMENT REVIEW SHEET

**Amendment Case #:** C20-03-002

**Planning Commission Date:** September 24, 2003

**Codes and Ordinances Committee Date:** August 20, 2003

**Planning Commission Action:** See Recommendations below

**Sponsoring Department:** Watershed Protection and Development Review Department

### **Purpose/Background:**

The Board of Adjustment (BOA) and the Sign Review Board (SRB) have initiated the following ordinance amendments based on variance requests brought before them. The boards have asked for these amendments because requests for variances to the listed sections in the Land Development Code are frequently requested. The boards typically find these variance requests to be reasonable, there is rarely any opposition, and the boards routinely grant the requests.

In reviewing the proposed amendments, the Planning Commission either approved, recommended no change, or recommended additional amendments to these code sections.

### **Recommendations:**

#### **Section 25-2-513 OPENNESS OF REQUIRED YARDS:**

- Amend subsection (B) to add a box window or cantilevered bay window to the list of features which may encroach two feet into a required yard. Current code requirements allow a window sill, belt course, cornice, flue, chimney, or eave to project two feet into a required yard. This amendment was requested by the BOA and approved by the Planning Commission.
- Modify subsection (C ) to allow uncovered steps or a porch or a stoop that is not more three feet above ground to project three feet into a required yard. Current code requirements allow uncovered steps or a porch or a stoop that is not more than two feet above ground to project into a required yard. This amendment was requested by the Codes and Ordinances Committee and approved by the Planning Commission.
- Modify subsection (G) that allows a covered porch that is open on three sides to project five feet into a required front yard for any building in MF-3 or more restrictive zoning districts by eliminating the restriction that a building permit must be issued before March 1, 1986. Staff recommends adding a restriction that the building must be 25 feet from the property line

before this allowance is granted. This amendment was requested by the Codes and Ordinances Committee and approved by the Planning Commission.

**Section 25-2-531 HEIGHT LIMIT EXCEPTIONS:**

- Amend subsection (C ) to allow a spire to exceed the zoning district height limit by 30 percent. Only a 15% increase in height is allowed by the current code for features which cannot be occupied such as chimneys, vents, ornamental towers, cupolas, and domes. This additional height allowance would apply only to spires, such as church steeples. This amendment was requested by the BOA and approved by the Planning Commission.

**Section 25-10-101 SIGNS ALLOWED IN ALL SIGN DISTRICTS WITHOUT AN INSTALLATION PERMIT:**

- Amend subsection (G) 1. to allow schools to have one wall sign and one freestanding sign; 2. to restrict the size of each sign to 32 square feet; and 3. to increase the height of the freestanding sign to 13 feet above grade. Current code allows for only one sign for a school and a height limit of 6 feet for a freestanding sign. This amendment was requested by the SRB, approved by the Planning Commission in all sign districts except the Scenic Roadway District.

**Section 25-10-123 EXPRESSWAY CORRIDOR SIGN DISTRICT REGULATIONS:**

- Amend subsection (B) to provide for the building official to allow a sign height of up to 50 feet in the Expressway Corridor Sign District, if the view of the sign is obstructed by an elevated highway. Current code requirements restrict all signs in this sign district to a height of 35 feet above frontage street pavement grade; or 20 feet above grade at the base of the sign. This amendment was requested by the SRB, and the Planning Commission voted for no change to current requirements.

**Section 25-10-124 SCENIC ROADWAY SIGN DISTRICT REGULATIONS:**

- Amend subsection (F) to allow the internal lighting of a symbol or logo as well as the individual letters for signs in the Scenic Roadway District. Current code requirements do not allow internal lighting for a sign except for the individual letters. This amendment would allow the company's logo to also be lit. This amendment was requested by the SRB and approved by the Planning Commission.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 25-2-513 AND 25-2-531 OF THE CITY CODE RELATING TO OPENNESS OF REQUIRED YARDS AND HEIGHT LIMIT EXCEPTIONS.**

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

**PART 1.** Section 25-2-513 of the City Code is amended to amend Subsections (B), (C), and (G) to read:

(B) A window sill, belt course, cornice, flue, chimney, ~~[or] eave, box window, or cantilevered bay window~~ may project two feet into a required yard. The two foot limitation does not apply to a feature required for a passive energy design.

(C) Uncovered steps or a porch or stoop that is not more than three ~~[two]~~ feet above ground level may project three feet into a required yard.

(G) This subsection applies to a building located in a multifamily residence medium density (MF-3) or more restrictive district ~~[and for which a building permit was issued before March 1, 1986]~~. A covered porch that is open on three sides may project five feet into a required front yard.

**PART 2.** Section 25-2-531(C) of the City Code is amended to read:

(C) A structure described in Subsection (B) may exceed a zoning district height limit by the greater of:

(1) 15 percent;

(2) the amount necessary to comply with a federal or state regulation; ~~[or]~~

(3) for a stack or vent, the amount necessary to comply with generally accepted engineering standards; or

(4) for a spire, 30 percent.

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

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3 **PASSED AND APPROVED**

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5 §  
6 §  
7 \_\_\_\_\_, 2004 § \_\_\_\_\_  
8 \_\_\_\_\_ Will  
9 \_\_\_\_\_ M ayor

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12 **APPROVED:** \_\_\_\_\_  
13 David Allan Smith  
14 City Attorney

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12 **ATTEST:** \_\_\_\_\_  
13 Shirley A. Brown  
14 City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 25-10-101 AND 25-10-124 OF THE CITY CODE RELATING TO SIGNS FOR PUBLIC, RELIGIOUS, OR CHARITABLE INSTITUTIONS, AND INTERNAL LIGHTING OF SIGNS IN A SCENIC ROADWAY SIGN DISTRICT.**

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

**PART 1.** Section 25-10-101(G) of the City Code is amended to read:

(G) This subsection applies to a bulletin board, changeable copy directory, or a sign relating solely to a public, religious, or charitable institution, and intended for use by the institution at the site on which the sign is located.

(1) Except in a scenic roadway sign district:

(a) one wall sign and one freestanding sign are permitted for each institution;

(b) the sign area of each sign may not exceed 32 square feet; and

(c) a sign may not exceed a height of 13 feet above grade.

(2) In a scenic roadway sign district:

(a) ~~[(1)]~~ one ~~[One]~~ sign is permitted for each institution; ~~[-]~~

(b) ~~[(2)]~~ the ~~[The]~~ sign area may not exceed 32 square feet; and ~~[-]~~

(c) ~~[(3)]~~ a ~~[A]~~ sign may not exceed a height of six feet above grade.

**PART 2.** Section 25-10-124(F) of the City Code is amended to read:

(F) Internal lighting of signs is prohibited, except for the internal lighting of individual letters or symbols.

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

2  
3 **PASSED AND APPROVED**

4  
5 §  
6 §  
7 \_\_\_\_\_, 2004 § \_\_\_\_\_  
8 \_\_\_\_\_ Will  
9 \_\_\_\_\_ M ayor

10  
11  
12 **APPROVED:** \_\_\_\_\_  
13 David Allan Smith  
14 City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk