

**ORDINANCE NO. 20100624-149**

**AN ORDINANCE AMENDING CITY CODE SECTIONS 25-2-963 AND 25-11-63 RELATING TO REQUIREMENTS FOR NON-COMPLYING RESIDENTIAL STRUCTURES.**

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

**PART 1.** Subsection (A) of City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to read:

- (A) Except as provided in Subsections (B) and (C) of this section, a person may modify or maintain a noncomplying structure.

**PART 2.** City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to add a new Subsection (B) to read as follows and to renumber the remaining subsections accordingly:

- (B) The following requirements must be met in order to modify, maintain, or alter a non-complying residential structure:
- (1) Demolition or removal of walls must comply with the following requirements:
    - (a) No more than fifty percent of exterior walls and supporting structural elements of the existing structure may be demolished or removed, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate. For purposes of this subsection, exterior walls and supporting structural elements are measured in linear feet and do not include the roof of the structure or interior or exterior finishes.
    - (b) Replacement or repair of structural elements, including framing, is permitted if required by the building official to meet minimum health and safety requirements.
  - (2) Replacement or alteration of an original foundation may not change the finished floor elevation by more than one foot vertically, in either direction.
  - (3) For any residential use other than a single-family use in an SF-3 or more restrictive zoning district, the following requirements must be met in

order to add square footage or convert accessory space into conditioned or habitable space:

- (a) If the lot is non-complying with current lot size or lot width requirements, the cost of improvements may not exceed 20 percent of the value of the structure before the improvements.
- (b) Compliance with current parking and occupancy regulations is required.
- (4) If a noncomplying portion of a structure is demolished, it loses its noncomplying status and may only be rebuilt in compliance with current code.

**PART 3.** Subsection (E) of City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to read as follows:

- (E) A person may modify a building that is a noncomplying structure based on a yard setback requirement of this title if:
  - (1) the modified portion of the building:
    - (a) does not extend further into the required yard setback than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section;
    - (b) unless located in a street side yard, is not greater in height than the existing noncomplying portion of the building, except for a vertical change in finished floor elevation allowed under Subsection (B)(2) of this section; and
    - (c) complies with the height requirements of this title; and
  - (2) the additional length of a modified portion of the building does not exceed the lesser of 50 percent of the length of the noncomplying portion of the building or 25 feet measured from the existing building and parallel to the lot line.

**PART 4.** Subsection (A) of City Code Section 25-11-63 (*Review Periods*) is amended to read:

- (A) The building official shall approve or disapprove an application for the following permits by the deadlines prescribed in this subsection.

Type of permit	Days after application filed
(1) Commercial buildings, new construction	21
(2) Commercial buildings, remodeling and finish-outs	7
(3) Residential, new construction	7
(4) Residential, remodeling <u>of a complying structure</u>	2
(5) <u>Residential, remodeling of or additions to a non-complying structure</u>	7
<del>(6)</del> <del>(5)</del> Sign, other than a nonconforming off-premise sign	7
<del>(7)</del> <del>(6)</del> Replacement of nonconforming off-premise sign	14
<del>(8)</del> <del>(7)</del> Repair of nonconforming off-premise sign	7
<del>(9)</del> <del>(8)</del> Demolition	3
<del>(10)</del> <del>(9)</del> Relocation	3

**PART 5.** This ordinance takes effect on July 5, 2010.

**PASSED AND APPROVED**

\_\_\_\_\_, June 24, 2010

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§ M. Metz FOR  
Lee Leffingwell  
Mayor

**APPROVED:** Karen M. Kennard  
Karen M. Kennard  
Acting City Attorney

**ATTEST:** Shirley A. Gentry  
Shirley A. Gentry  
City Clerk