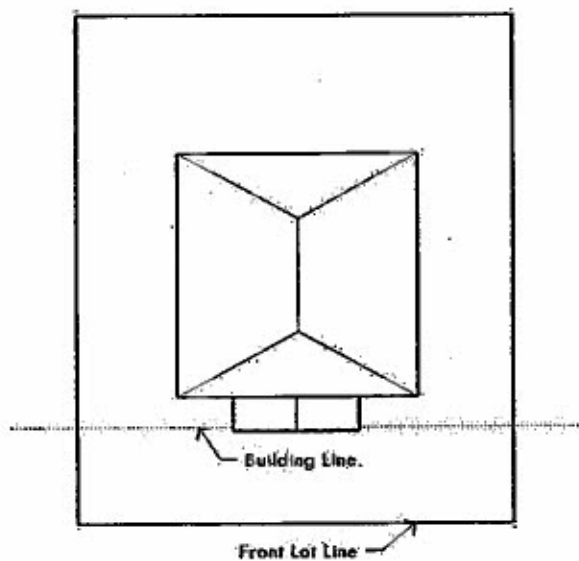


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§ 3.2. BUILDING LINE.

In this Subchapter, BUILDING LINE means a line that is parallel to the front lot line and that intersects the principal residential structure at the point where the structure is closest to the front lot line, including any allowed projections into the front yard setback.



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§ 2.8. MODIFICATIONS BY THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION.

This section provides for modification by the Residential Design and Compatibility Commission of certain requirements of this Subchapter for a proposed development.

2.8.1. Modifications that May be Approved. The Residential Design and Compatibility Commission may:

- A. Approve an increase of up to 25 percent in the:
 - 1. Maximum floor-to-area ratio or maximum square footage of gross floor area;
 - 2. Maximum linear feet of gables or dormers protruding from the setback plane; or
- B. Waive or modify the side wall articulation requirement of Section 2.7 (*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 requirements of Section 2.6 (*Setback Planes*) for subdivisions that meet the S.M.A.R.T. Housing requirement in Section 25-1-703 (*Program Requirements*) if:
 - 1. The subdivision includes a minimum 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).

2.8.2. Modification Procedures.

- A. **Application and Notice.**
 - 1. A person may request a modification listed in subsection 2.8.1, above by filing an application with the Director on a form provided by the Director.
 - 2. Not later than the 14th day after an application is filed, the Director shall:
 - a. Mail notice of the application to:
 - (i) Each notice owner of property immediately adjacent to the subject property;
 - (ii) The appropriate neighborhood association, if any; and,
 - (iii) The neighborhood plan team, if any; and
 - b. Post notice of the application in accordance with Section 25-1-135 (*Posting of Signs*).
- B. **Approval Criteria.** The Residential Design and Compatibility Commission may, after a public hearing, approve a modification if it determines that the proposed development is compatible in scale and bulk with the structures in the vicinity of the development. In making this determination, the commission shall consider:

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1. The recommendation of the neighborhood plan team, if any;
2. The development's:
 - a. Compliance with neighborhood design guidelines, if any;
 - b. Consistency with the streetscape of the properties in the vicinity;
 - c. Consistency with the massing, scale, and proximity of structures located on either side of or behind the development;
 - d. Impact on privacy of adjacent rear yards; and
 - e. Topography and lot shape; and
3. For a development of an entire block, whether the development will have a negative impact on adjacent property.

C. Additional Procedures for Historic Properties.

1. If the proposed development of a local historic landmark or a “contributing structure”, as defined in Section 25-3-351 (*Contributing Structure*), would require both a modification from the requirements of this Subchapter and a certificate of appropriateness under Section 25-11-241, 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 upon subsequent issuance of a certificate of appropriateness by the Historic Landmark Commission under Section 25-11-243. The applicant must include a copy of the approved modification with the application for a certificate of appropriateness.

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.

D. Appeals. An interested party may appeal the Residential Design and Compatibility Commission's decision to the City Council.

E. Board of Adjustment May Grant Variances. This subsection does not prohibit the Board of Adjustment from granting a variance from a requirement of this Subchapter under Section 25-2-473 (*Variance Requirements*).

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20070830-089; Ord. 20080618-093.

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GENERAL INFORMATION FOR SUBMITTAL OF A MODIFICATION REQUEST TO THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION

(The following is intended to provide assistance in explaining the modification process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process).

SUBMITTAL DEADLINE IS THE 2ND TUESDAY OF EACH MONTH FOR A COMPLETENESS CHECK
Must be submitted in person. An approved submittal will be scheduled for the next available RDCC hearing date. Confirm with City Staff sylvia.benavidez@ci.austin.tx.us for any scheduled changes.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application).

1. A completed waiver application indicating all modifications being requested and a completed and reviewed residential application (initial fee \$100.00). An application must include all required information.
2. A tax plat map with subject property clearly marked indicating property within a 300-foot radius. This is available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
3. Check made payable to the City of Austin for the Residential Design and Compatibility Commission notification/sign fee - \$220.00.
4. Other Information -- Although the following is not a requirement of submittal you may wish to include additional information that may assist the Commission in making an informed decision regarding your request, such as: visual aids to support the request, letters from the neighborhood association(s), etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Commission will receive a packet with all information that has been submitted on the Monday prior to the meeting.

Modifications approved by the Commission are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Commission.

Reasonable-Use: Design and Compatibility:

- a. Application must demonstrate to the Commission how this design warrants a waiver from the Residential Design and Compatibility Standards applicable to the property ~~do not allow for a reasonable-use-of-the-property~~. [Note: The Commission cannot approve modifications that are not stated in the Residential Design and Compatibility Standards Ordinance, Subchapter F - 2.8.1].
- b. Application must demonstrate to the Commission how the alteration for which the modification is requested is ~~unique to the property~~ compatible with other area properties.

Area Character:

Application must demonstrate to the Commission how the construction will not negatively alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the ~~zoning regulations of the zoning district in which the property is located~~ RD&C Standards.

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Residential Design and Compatibility Commission Staff:

Sylvia Benavidez sylvia.benavidez@ci.austin.tx.us

974-2522 office 974-6536 fax

Planning and Development Review Department One Texas Center rd

505 Barton Springs Road, 2 Floor

Mailing Address: P. O. Box 1088 Austin, TX 78767-1088

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CITY OF AUSTIN CASE # _____

ROW # _____

TCAD # _____

**APPLICATION TO THE RESIDENTIAL DESIGN AND COMPATIBILITY
COMMISSION (RDCC)**

GENERAL MODIFICATION WAIVER

STREET ADDRESS: LEGAL DESCRIPTION: Subdivision –

Lot(s) Block Outlot Division

LAND STATUS DETERMINATION CASE NUMBER (if applicable) _____

I/We on behalf of myself/ourselves as authorized agent for

affirm that on , ,

hereby apply for a hearing before the Residential Design and Compatibility Commission
for modification Section 2.8.1. of up to 25% increase in one or more of the following:

_____ Maximum Floor to area ratio .4 or Gross floor area 2300 sq ft.

_____ Maximum Linear feet of Gables protruding from setback plane

_____ Maximum Linear feet of Dormers protruding from the setback plane

_____ Side Wall Length Articulation - Waive or modify the side wall articulation
requirement of Section 2.7.

(Please describe request. Please be brief but thorough).

in a ? zoning district.

**Note: Certificate of Appropriateness: H (Historic) or HD (Historic Designation) –
case goes to RDCC first. National Register Historical District (NRHD) Overlay:
without H or HD - case goes to Historic Landmark Commission first.**

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**CITY OF AUSTIN APPLICATION TO THE RESIDENTIAL DESIGN AND
COMPATIBILITY COMMISSION**

GENERAL MODIFICATION WAIVER APPLICANT CERTIFICATE – I affirm that
my statements contained in the complete
application are true and correct to the best of my knowledge and belief.

Mailing Address _____

City, State _____ Zip _____

Phone _____ Printed Name _____

Signature _____ Date _____

OWNER'S CERTIFICATE – I affirm that my statements contained in the complete application
are true and correct to the best of my knowledge and belief.

Mailing Address _____ City,

State _____ Zip _____ Phone _____

Printed Name _____

Signature _____ Date _____

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**CITY OF AUSTIN APPLICATION TO THE RESIDENTIAL DESIGN AND
COMPATIBILITY COMMISSION**

GENERAL MODIFICATION WAIVER APPLICANT CERTIFICATE – I affirm that
my statements contained in the complete
application are true and correct to the best of my knowledge and belief.

Mailing Address _____
City, State _____ Zip _____
Phone _____ Printed Name _____
Signature _____ Date _____

OWNER'S CERTIFICATE – I affirm that my statements contained in the complete application
are true and correct to the best of my knowledge and belief.

Mailing Address _____ City,
State _____ Zip _____ Phone _____
Printed Name _____
Signature _____ Date _____

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RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION COMPLETENESS CHECKLIST

NOTE: PAYMENT OF APPLICATION FEE DOES NOT GUARANTEE AGENDA DATE. YOU WILL BE NOTIFIED OF YOUR AGENDA DATE ONCE YOUR MODIFICATION APPLICATION AS BEEN REVIEWED AND DETERMINED TO BE COMPLETE. A MODIFICATION APPLICATION WILL EXPIRE ON THE SAME DATE THE RESIDENTIAL APPLICATION EXPIRES. A RESIDENTIAL APPLICATION IS VALID FOR 180 DAYS UNLESS AN EXTENSION IS GRANTED.

____ Complete RDCC Waiver Application ____ Complete and Reviewed Residential Application (Including all Checklist Items) ____ Supporting Documentation: Neighborhood support letters (if any) ____ Photos of subject property and surrounding properties

____ Provide a display of photos of the four closest houses with a drawing of the proposed project shown in context and scale. (see example) ~~The four structures that are closest to the subject property on the same side of the block and across the street shall be photographed.~~ If there are less than four structures on the same side of the block or across the street, the lesser number of structures is photographed.

____ If site requires any board hearings (BOA, HLC, etc.)? Case number _____

____ Hearing Date _____

____ Submit ~~approval staff comments to RDCC~~ BoA Decision Sheet.

____ Historic (H) or Historic District (HD) ____ Certificate of Appropriateness ____ National Register Historical District (NRHD) ____ Must submit ~~approval staff comments to RDCC~~ HLC decision and comments.

____ Copy of TCAD's Appraisal Roll indicating: Square footage of subject property Available at Travis Central Appraisal District, 8314 Cross Park Drive, 834-9138

____ A chart listing TCAD Square footage and addresses of residences shown on tax plat map within a 300 foot radius.

____ Aerial view of subject property and properties within a ~~500-foot-radius~~ 300 foot radius.

____ Elevation drawings showing the height of the proposed structure as measured by the City of Austin. Include all buildings on the site.

____ Application must be signed and dated by owner or agent

____ A Site plan must be submitted drawn to scale showing present and proposed construction along with existing footprints of structures on all adjacent lots

____ 1 full set of sealed plans (Site plan, floor plans, elevations and other drawings requested by staff.) legible and to scale (CD or Electronic copy preferred)

____ Check/Cash/Credit Card for notification/sign fee: \$220.00

~~Please consider contacting~~ Provide comments and/or letter from your Neighborhood Association(s) and Neighborhood Contact Team about your request.

Failure to include any of the above mentioned items could result in the postponement or denial of your request. Please be advised that the Commission takes only 10 new cases per month. Please be advised that a request for reconsideration must be filed within 7 days from the Commission meeting.

If you need assistance completing this application (general inquires only) please contact Sylvia Benavidez, 974-2522; 505 Barton Springs Road, 2nd Floor (One Texas Center).

FULL SET OF PLANS NOT REQUIRED FOR INTERIOR REMODEL WITH NO FOOTPRINT MODIFICATION

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Context Exhibit for RDCC Waiver Consideration:

		<div>Subject</div>		
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Per City Code, city departments may adopt "rules" to implement, administer, enforce, or comply with the City Code, an ordinance, or another law for which the department is responsible. Rules have been broadly interpreted to include applications.

Rule changes are processed on a quarterly basis. The process is about to enter the 3rd Qtr. The submittal deadline for the 3rd Qtr. is May 1st.

The following must be accomplished prior to adoption of a rule change:

1. Staff must notify and present the proposed changes to external stakeholders. Verification that staff has met with stakeholders, such as a sign-in meeting sheet or e-mail to stakeholders, is required upon submittal of the rule change.
2. Prior to adoption, an Affordable Impact Statement (AIS) must be prepared by the Neighborhood Housing and Conservation Department. (Per Council direction, rule changes cannot be adopted without an AIS).
3. Internal review of the proposed changes will occur between May 1st and July 5th. .
4. The Rule change will be posted for public comment on July 6th.
5. The earliest the rule can be adopted, assuming there are no objections, is August 6th, but no later than October 3rd. If the rule is adopted with objections from external stakeholders, the rule adoption may be appealed to the City Manager. The City Manager has 30 days from the date of the appeal to issue a decision on the appeal.
6. The posting deadline for the 4th Qtr. Is August 1st.