

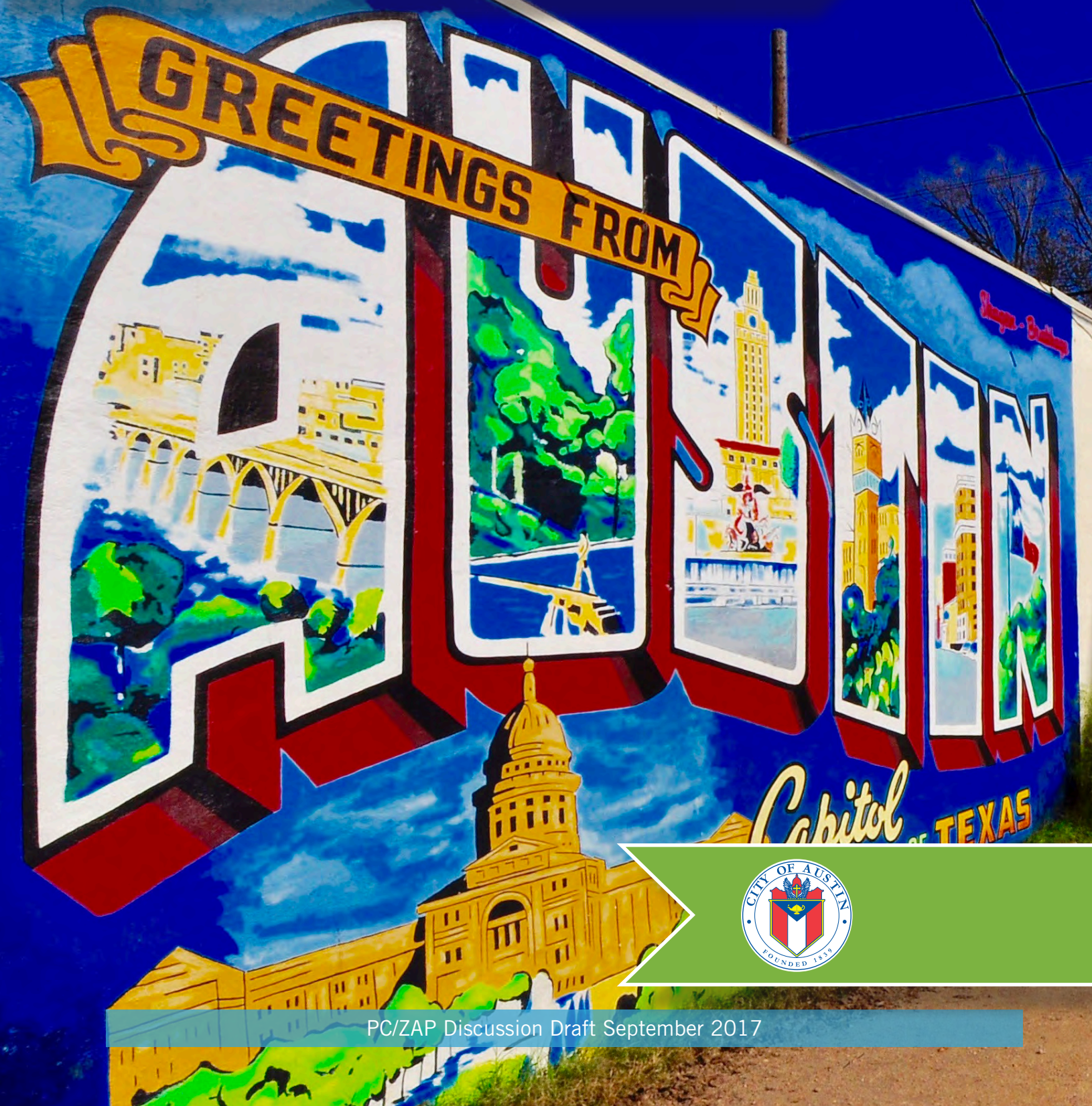
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City of Austin

Land Development Code



PC/ZAP Discussion Draft September 2017

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Zoning Code



- (d) A lot is designated as an interim **Residential 1B (R1B) or Residential 1C (R1C) Zone** if the lot:
 - (i) Is smaller than one acre;
 - (ii) Is included in a final plat or unexpired preliminary plan approved in compliance with Article 23-5B (Subdivision Procedures) or Chapter 30-2 (Subdivision Requirements); and
 - (iii) Does not meet the criteria in Subsections (B)(1)-(B)(2)(c).
- (e) Any unzoned state or federally owned land within the city which is transferred to private interest shall assume an interim classification in compliance with this subsection.
- (f) The Planning Director shall not collect a base zoning application fee between the date of approval of an annexation ordinance and a date one year following the effective date of annexation for property formerly in the extraterritorial jurisdiction, and within the annexed area that has an existing use or planned use as defined by Texas Local Government Code Section 43.002(a) that is not allowed by the interim zoning designated for the property in compliance with this Section, and is smaller than 25 acres in size.

23-4B-3020 Proposed Zoning Boundaries

The boundaries of zones in a Zoning Map Amendment must be contiguous, unless the amendment is initiated by the Land Use Commission or Council.

23-4B-3030 Zoning Map Amendment Initiation

- (A) A Zoning Map Amendment may be initiated by the applicant or the applicant's authorized agent, the Land Use Commission, or the Council.
- (B) **Historic Landmark Overlay Zone.** A Zoning Map Amendment regarding a Historic Landmark Overlay Zone may be initiated by the Historic Landmark Commission, the Council, the applicant, or the applicant's authorized agent.
- (C) **Historic District Overlay Zone**
 - (1) A Zoning Map Amendment regarding an Historic District Overlay Zone may be initiated by:
 - (a) The Historic Landmark Commission;
 - (b) A petition of the applicants of at least 51 percent of the land, measured by land area, in the proposed zone or at least 51 percent of the applicants of individual properties in the proposed zone; or
 - (c) The Council.

- (2) Property owned by the City or other governmental entities shall be fully excluded from the area subject to petition of the applicants, except such property may be included in support if it contains structures or features that contribute to the historic character of the zone, as determined by the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed one-third of the 51 percent of the land in the proposed zone.

23-4B-3040 Zoning Map Amendment Application

- (A) **Application Requirements.** An application for a Zoning Map Amendment must be filed in compliance with Division 23-2B-1 (Application Requirements), and must include any additional information required by the Planning Director to make a recommendation in compliance with this Section. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection (F).
- (B) **Notice of Application.** The Planning Director shall give notice of a Zoning Map Amendment application in compliance with Section 23-2C-5010 (Notice of Application) and Section 23-2C-3040 (Notification Signs), if the application is initiated by the applicant or the applicant's authorized agent.
- (C) **Expiration of Application.** A Zoning Map Amendment application expires if any of the following occur:
 - (1) The Planning Director does not schedule the application for a public hearing with the Land Use Commission within 180 days after the date of filing or with the Land Use Commission or Council within 180 days after the date on which the Land Use Commission or Council grants an indefinite postponement of a scheduled public hearing.
 - (2) The Council does not adopt an ordinance within one year after the Council's public hearing on the application is closed.
- (D) **Extension of Expiration Date.** An applicant may request that the Planning Director or Council extend an application that will expire in compliance with Subsection (C)(2). The request for extension must be in writing, not exceed 180 days, must state good cause for the extension, and may not be for more than 180 days.
- (E) **New Application Restrictions**
 - (1) An applicant may not file a Zoning Map Amendment request that is the same or less restrictive for the same property for 540 days from the date a Zoning Map Amendment application is withdrawn or the Council denies a Zoning Map Amendment application, if the application that is withdrawn or denied:
 - (a) Is not recommended by the Land Use Commission and is withdrawn by the applicant before the Council votes on the application;

23-4D-9090 Historic Landmark and Historic District Overlay Zones

(A) Purpose and Applicability

- (1) The purpose of a Historic Landmark (H) Overlay Zone is to protect, enhance, and preserve individual structures or sites that are of architectural, historical, archaeological, or cultural significance.
- (2) The purpose of a Historic District (HD) Overlay Zone is to protect, enhance, and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance.
- (3) The H and HD Zones apply to all historic sites, structures, or areas as approved in compliance with this Section.

(B) Contributing Structures

- (1) A contributing structure is one that contributes to the historic character of a Historic District (HD) Overlay Zone, was built during the period of significance for the Zone, and which substantially retains its appearance.
- (2) An altered structure may be considered a contributing structure if the alterations are minor and the structure contributes to the overall visual and historic integrity of the zone.
- (3) A structure is designated as a contributing structure by the ordinance establishing the HD Overlay Zone.

(C) Limits on Applications for Historic Designation

- (1) The Historic Landmark Commission may consider no more than a total of three applications per month for an H Overlay Zone designation.
- (2) The Historic Landmark Commission may consider no more than one application per month for an H Overlay Zone designation of property located in any National Register or Local Historic District, unless there would otherwise be fewer than a total of three applications for an H Overlay Zone designation considered in that month.
- (3) Limitations in Subsections (C)(1)-(2) of this Section must not apply to applications initiated by the Historic Landmark Commission in response to a request for a Demolition or Relocation Permit.

(D) Designation Criteria for H and HD Overlay Zones

- (1) The Council may designate a structure or site as an H Overlay Zone if the property:
 - (a) Is at least 50 years old and represents a period of significance of at least 50 years ago, unless the property is of exceptional importance as defined by National Register Bulletin 22, National Park Service (1996);
 - (b) Clearly conveys its historical significance by retaining a high degree of integrity, as defined by the National Register of Historic Places, and does not include an addition or alteration which has significantly compromised its integrity; and
 - (c) Is at least 50 years old and represents a period of significance ending at least 50 years ago, and is individually listed in the National Register of Historic Places; or is designated as a Recorded Texas Historic Landmark, State Antiquities Landmark, or National Historic Landmark; or demonstrates significance in at least two of the following categories:

- (i) **Architecture.** The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; exemplifies technological innovation in design or construction; displays high artistic value in representing ethnic or folk art, architecture, or construction; represents a rare example of an architectural style in the city; serves as an outstanding example of the work of an architect, builder, or artisan who significantly contributed to the development of the city, state, or nation; possesses cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or represents an architectural curiosity or one-of-a-kind building. A property located within a local historic district is ineligible to be nominated for landmark designation in compliance with the criterion for architecture, unless it possesses exceptional significance or has a separate period of significance;
 - (ii) **Historical Associations.** The property has long standing significant associations with persons, groups, institutions, businesses, or events of historic importance which contributed significantly to the history of the city, state, or nation; or represents a significant portrayal of the cultural practices or the way of life of a definable group of people in a historic time;
 - (iii) **Archeology.** The property has, or is expected to yield, significant data concerning the human history or prehistory of the region;
 - (iv) **Community Value.** The property has a unique location, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, a neighborhood, or a particular group; or
 - (v) **Landscape Feature.** The property is a significant natural or designed landscape or landscape feature with artistic, aesthetic, cultural, or historical value to the City.
- (2) The Council may designate an area as a HD Overlay Zone if at least 51 percent of the primary structures within the proposed zone boundary are contributing to the historic character of the zone when the Historic Preservation Officer certifies that the zoning or rezoning application is complete;
 - (3) The Council may modify the proposed boundaries of a historic district to either expand or decrease the size of the district if the modification addresses the purpose of the overlay zoning as noted in Section (A), and the district is no smaller than one block face.

(E) Application Standards

- (1) An application to designate a structure or site as an H or HD Overlay Zone must demonstrate that the structure, site, or area satisfies the criteria for designation and includes the information required by administrative rule.
- (2) A record owner or the record owner's agent filing an application for an applicant-initiated H Overlay Zone designation must affirm that no person involved in the matter was or will be compensated on a contingent fee basis or arrangement.

- (3) Prior to action on an application for H or HD Overlay zoning, a preservation plan submitted as part of an application for an overlay zone shall be forwarded by the Historic Preservation Office (HPO) to the Austin Energy Green Building (or successor) program for review and written recommendations. These recommendations must address the opportunity to incorporate sustainable elements listed in Subsection (G)(3). The recommendations shall be provided to all boards, commissions, and Council prior to public hearing and action on the application.
- (4) An application for an HD Overlay is complete when the HPO certifies that the owners of at least 51 percent of the land or 51 percent of the record owners have signed a petition in favor of the creation of the historic district

(F) Historic Landmark Commission Public Hearing, Review, and Recommendation

- (1) **Hearing Required.** The Historic Landmark Commission shall hold a public hearing in compliance with Article 23-2D (Public Hearings) on a zoning or rezoning application that requests designation, amendment, or removal of a Historic Landmark Overlay Zone or Historic District Overlay Zone
- (2) **Notice.** The Planning Director shall give notice of the public hearing in compliance with Section 23-2C-4020 (Type 1). The Planning Director shall also provide notice of the public hearing by posting signs on the property in compliance with Section 23-2C-3040 (Notification Signs).
- (3) **Review.** The Historic Landmark Commission shall review an application for a H or HD Overlay Zone using the criteria established in Subsection (D).
- (4) **Recommendation**
 - (a) The Historic Landmark Commission shall make a recommendation to the Land Use Commission on a zoning or rezoning application in compliance with this Section not later than the 14th day after the Historic Landmark Commission closes the public hearing on the application and is not 50 years old.
 - (b) The Planning Director shall forward the recommendation of the Historic Landmark Commission to the Land Use Commission and the Council.
- (5) **Contents.** If the Historic Landmark Commission recommends designation of an H or HD Overlay Zone, it shall send a recommendation to the Land Use Commission and the Council that includes:
 - (a) A statement of the reasons for recommending designation of the zone;
 - (b) A legal description of the boundary of the zone;
 - (c) Maps, photographs, and histories of the structures, sites, or areas located in the zone as required by administrative rule;
 - (d) Findings that support the criteria for designating the zone and that establish the importance of the zone; and
 - (e) For a HD Overlay Zone, a Historic Area District Preservation Plan, as described in Subsection (G)(2), and list of designated contributing structures as described in Subsection (B).

- (6) **Two-thirds approval.** If a record applicant of the property files a written statement protesting the zoning or rezoning to a H or HD Overlay Zone, the affirmative vote of two-thirds of the members of the Historic Landmark Commission is required to recommend zoning or rezoning property as a H or HD Overlay Zone.
 - (7) **Decision.** Following the Historic Landmark Commission review and recommendation of an application for an H or HD Overlay Zone, the Land Use Commission shall review and the Council will make a decision on the rezoning application in compliance with Division 23-4B-3 (Zoning Map Amendments).
- (G) **HD Overlay and Preservation Plan Standard**
- (1) An ordinance zoning or rezoning property as an HD Overlay Zone must:
 - (a) Describe the character-defining features of the zone;
 - (b) Include a plan to preserve those features; and
 - (c) List the designated contributing structures.
 - (2) **Preservation Plan Standards**
 - (a) A preservation plan may modify standards relating to building setbacks, building height, compatibility, landscaping, parking, or signs; or
 - (b) A Preservation Plan contains design standards for modifications to existing contributing buildings, additions, new construction, and public facilities, including, but not limited to, standards relating to design, scale, architectural character, or materials for the exterior of a contributing structure or a new structure or public facilities, including street lighting, street furniture, signs, landscaping, utility facilities, sidewalks, and streets.
 - (3) Consistent with the character-defining features of the zone described in compliance with Subsection (G)(1)(a), a preservation plan proposed in compliance with Subsection (G)(2) may allow and encourage applicants to utilize various external materials and mechanisms to promote sustainability, including but not limited to:
 - (a) Roofing systems;
 - (b) Solar technologies;
 - (c) Energy generation and efficiency;
 - (d) Water collection and reuse;
 - (e) Rain-collection systems and drought-tolerant landscape;
 - (f) Native and edible landscaping; and
 - (g) Gardens.
- (H) **Designation on Zoning Map.** The Planning Director shall add the letter "H" or "HD" as a suffix to the base zone designation on the zoning map to reflect a H or HD Overlay Zone, respectively.

(I) **Notice of Designation to Tax Appraisal District**

- (1) The Historic Preservation Officer shall file with the County Tax Appraisal District a copy of an ordinance zoning property as a H or HD Overlay Zone and notice stating that the Council has granted the historic designation.
- (2) The HPO shall mail a copy of the notice described in Subsection (I)(1) to the notice applicant by certified mail.

(J) **Medallions.** With the approval of the applicant, a person may place a medallion approved by the Historic Landmark Commission on a structure or site that is designated as a H Overlay Zone.

Division 23-4E-8: Building Standards

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23-4E-8010 Purpose

This Division sets forth the standards applicable to building design. These standards supplement the standards for each zone. These standards are intended to ensure development that reinforces the highly-valued existing character and scale of Austin’s neighborhoods, corridors, and downtown.

23-4E-8020 Applicability

These standards apply to buildings within all zones and shall be considered in combination with Article 23-4D (Specific to Zones) and this Article.

23-4E-8030 Building Types Overview

- (A) This Section provides an overview of the allowed building types. The names of the building types are representative of a desired form and are not intended to limit uses within a building type. For example, a detached house may have non-residential uses within it, such as a restaurant or office, as allowed by the zone.
- (B) The lot size standards for each building type are set in each zone. They designate the range of lot sizes on which the given building type is allowed to be built. If the lot is smaller or larger than the allowed lot size, a different building type shall be selected.
- (C) **Accessory Building Form Building Types**
 - (1) Accessory Building Form building types allowed in a zone are allowed in addition to the primary building type, except:
 - (a) The Accessory Dwelling Unit building type is not allowed with Large House Form or Multiple House Form building types.
 - (2) Accessory Dwelling Unit is the only Accessory Building Form building type in which accessory dwelling units are allowed.
- (D) The building types are classified in the following categories: House Form, Multiple House Form, Block Form, and Accessory Building Form. Table 23-4D-2060.A, below, provides an overview of the allowed building types by category.

Table 23-4E-8030(A) Austin Building Types Overview

House Form



Cottage House: A compact, detached structure, consisting of one unit facing the fronting street, usually sited on a compact lot.



House: A medium, detached structure, consisting of one unit facing the fronting street.



Duplex: A small to medium structure that houses two stacked or adjacent units in the same building with individual or shared entrances. On interior lots both units face the fronting street, while on corner lots one unit may face the side street.



Multiplex: Medium: A medium structure that consists of multiple stacked or adjacent units with one shared entry or with individual entries along the front.

General Note: Images on this page are illustrative, not regulatory.

Table 23-4E-8030(A) Austin Building Types Overview (continued)

House Form (continued)



Courtyard Building: A medium structure that consists of multiple stacked and/or adjacent units accessed primarily from a courtyard defined on three sides by the building and open on one side to the fronting street. Each unit may have its own individual entry or some units may share a common entry.



Rowhouse: A medium structure composed of small structures attached side-by-side in a series with individual entries along the front.



Multiplex: Large: A medium to large structure that consists of multiple units with one shared entry facing the fronting street (unless additional entries are allowed by Planning Director).

Multiple House Form



Cottage Court: A series of small detached structures (cottages), each containing a single unit. The cottages are arranged to define a shared courtyard, typically perpendicular to the street. The shared courtyard takes the place of a private yard. See Section 23-4D-2220 (Supplementary Cottage Court Building Type Standards) for additional standards.



Cottage Corner: A series of small detached structures (cottages), each containing a single unit, on a corner lot of a block. The cottages are arranged in a row, typically perpendicular to the front lot line, with individual entries along the side street.

General Note: Images on this page are illustrative, not regulatory.

Table 23-4E-8030(A) Austin Building Types Overview (continued)

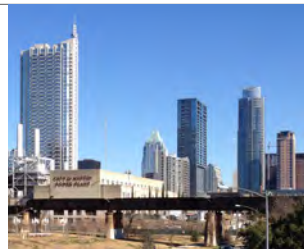
Block Form



Low-rise: A medium to large structure that consists of multiples. Each unit may have its own individual entry, or units may share a common entry. This building type may include a courtyard and shall not include multi-level structured parking.



Block-form: A medium to large structure, typically attached, that provides a vertical mix of uses with ground-floor retail or service uses, and upper-floor service or residential uses.



High-rise/Tower: A large structure with portions or all of the building more than eight stories tall, built on a large lot that may incorporate structured parking. It provides a vertical mix of uses with ground-floor retail or service uses and upper-floor service or residential uses.

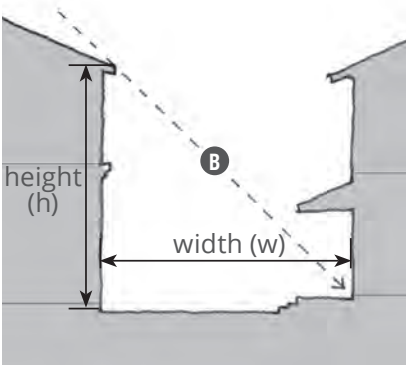
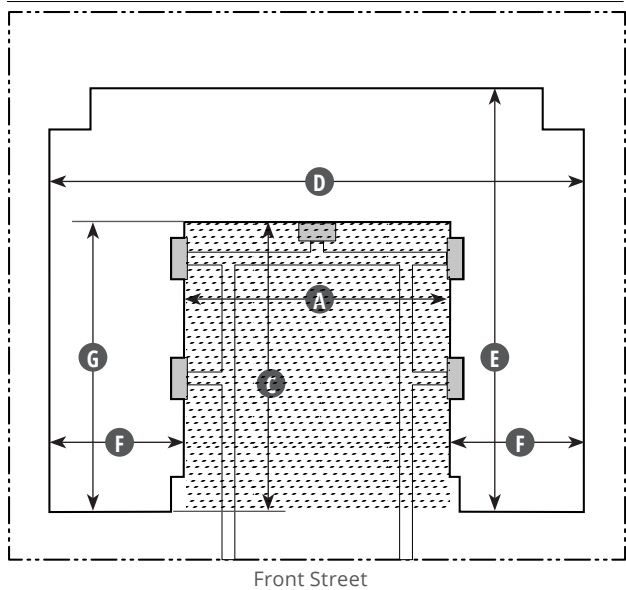
Accessory Building Form



Accessory Dwelling Unit: An additional structure located at the rear of a lot—sometimes positioned above a garage—that provides space for a single small residential unit, a home office, or other small commercial or service use. Also known as a Granny-flat.

General Note: Images on this page are illustrative, not regulatory.

23-4E-8040 Supplementary Courtyard Building Type Standards



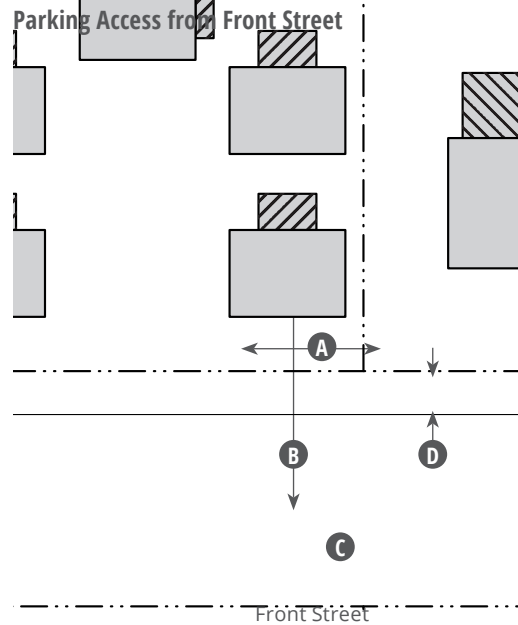
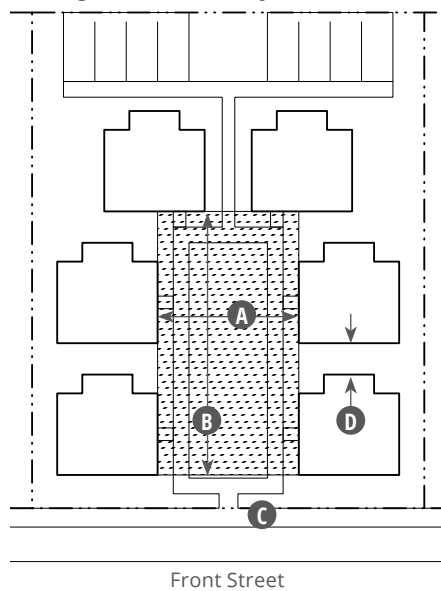
| | | | |
|------------------|--------------------|--------------|------------|
| Key for Diagrams | --- ROW / Lot Line | Encroachment | Open Space |
|------------------|--------------------|--------------|------------|

| A. Courtyard Building | | |
|------------------------------------|---------------------------------|---|
| Courtyard(s) | | |
| Width | 20' min.; 50' max. | A |
| Width-to-Height Ratio ¹ | 1:2 min.; 2:1 max. | B |
| Depth (from front of building) | 20' min.; 50' max. | C |
| Depth-to-Height Ratio ¹ | 1:1 to 3:1 | B |
| Area (total) | 400 sf min.; 50 sf/unit min. | |

| Notes |
|---|
| A minimum of three courtyard edges shall be defined by the building. |
| Min. 75% of units shall front onto the courtyard. |
| Courtyard area shall be common open space. |
| ¹ Height must also comply with height standards defined by zone. |

| A. Courtyard Building (continued) | | |
|-----------------------------------|-----------|---|
| Overall Building Footprint | | |
| Width | 100' max. | D |
| Depth | 100' max. | E |
| Wing Footprints | | |
| Width | 28' max. | F |
| Depth | 50' max. | G |
| Pedestrian Access | | |

| |
|--|
| Pedestrian connections shall link all buildings to the public right-of-way, courtyards, and parking areas. |
| The primary entry of ground floor units shall be directly off of a courtyard or a street. |
| No more than 3 units may enter from one stoop. |
| On corner lots, units in side street facing wing may enter from the side street. |
| Courtyards shall be accessible from the front street. |
| Each unit may have an individual entry. |

23-4E-8050 Supplementary Cottage Court Building Type Standards**Parking Access from Alley****Key for Diagrams**

--- ROW / Lot Line

□ Open Space

A. Cottage Court**Open Space**

| | | |
|-------|--|----------|
| Width | 20' clear, min. | A |
| Depth | 75' clear, min. | B |
| Area | 1000 sf min., total; 200 sf/unit min. | |

A minimum of two sides of the open space shall be defined by building facades.

Open space requirements shall not be met by open space provided in required front or side-street setbacks.

The common court shall not be used for vehicular access or parking.

Private rear yards shall be discouraged.

A. Cottage Court (continued)**Pedestrian Access**

The main entrance to the court shall be from the front street. **C**

Units shall front on to the common court or the street.

On corner lots, units adjacent to side street shall front both the court and the street.

Pedestrian connections should link all buildings to the public right-of-way, court(s), and parking areas.

Miscellaneous

Buildings on the lot shall be separated from one another by a minimum clear distance of 8'. **D**

Driveway and parking areas shall be screened from the common court by buildings.

Parking shall be clustered and shall not be provided adjacent to or attached to individual units.

23-4E-8060 Building Design Standards

- (A) **Purpose.** These building design standards are intended to:
- (1) Strengthen the City’s unique character and help buildings to better function in the City’s environment;
 - (2) Create buildings with appropriate human scale;
 - (3) Ensure that buildings contribute to the creation of a pedestrian-friendly environment through the provision of glazing, shading, and shelter at the pedestrian level;
 - (4) Lessen the impact of branded architecture that does not speak to the city’s unique character and conditions; and
 - (5) Increase the quality, adaptability, and sustainability in the City’s building stock.
- (B) **Applicability.** [Table 23-4E-8060\(A\) \(Applicability of Building Design Standards\)](#) identifies the applicability of this Section:

| Table 23-4E-8060(A): Applicability of Building Design Standards | |
|---|---|
| Standard | Applicability |
| Glazing and Building Facade Relief Requirements | Development of any non-residential land use, except: |
| | Industrial Uses, Religious Assembly and Schools are exempt from glazing requirements. |
| Options to Improve Building Design | Development of any commercial use ≥ 10,000 sf that requires a Building Permit. |
| | Development of any commercial use < 10,000 sf that contains any exterior trademarked design feature. |
| | Any building zoned for industrial use or warehouse use at the point its use is converted to commercial. |
| | Office development is exempt. |

- (C) **Glazing and Building Facade Relief.** Glazing provides interest for pedestrians, connects the building exterior and interior, puts eyes on the street, promotes reusability, and provides a human-scale element on building facades. Projects subject to this Subsection, in compliance with [Table 23-4E-8060\(A\) \(Applicability of Building Design Standards\)](#), must meet the following minimum requirements, but may provide additional glazing and building facade relief beyond what is required under this Subsection:
- (1) On the building facade facing the primary roadway where building frontage is provided under the requirements of [Article 23-4D \(Specific to Zones\)](#):
 - (a) Minimum 40 percent of the wall area below 10 feet in height, as measured from the finished floor level of the building facade’s entry, must consist of glazing, except:
 - (i) If topography, distance, or other physical characteristics remove the building facade from a close physical connection to the primary roadway, no glazing is required.

- (b) Minimum 25 percent of the wall area between 10 feet and 30 feet in height, as measured from the finish floor level of the building facade's entry, must consist of glazing (See Figure 23-4E-8060(1) (Glazing and Building Facade Relief Requirements)).

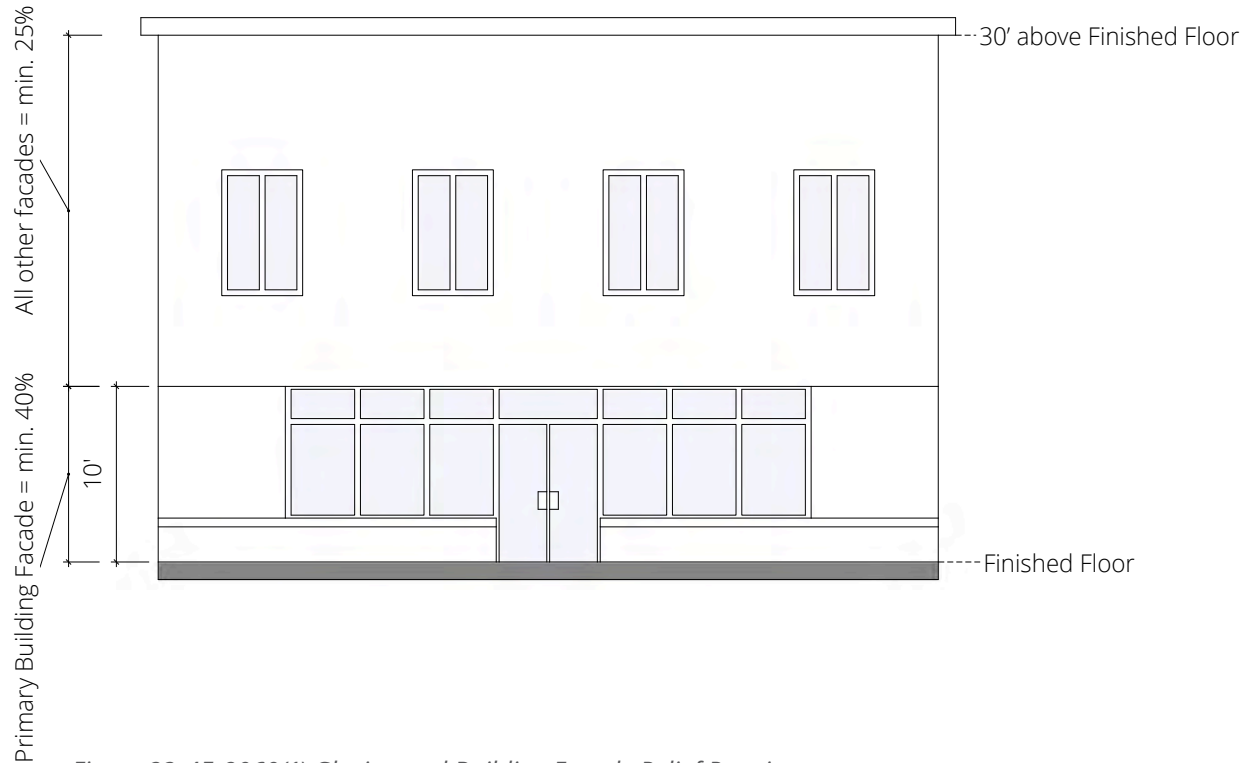


Figure 23-4E-8060(1) Glazing and Building Facade Relief Requirements

- (2) On all other building facades, minimum 25 percent of the wall area between two and ten feet in height, as measured from the finish floor level of this building facade's entry, must consist of glazing or building facade relief unless evergreen vegetative screening is allowed and approved by the Development Services Director.
- (3) **Exemptions**
- (a) One building facade is exempt from glazing and building facade relief requirements. The exempt building facade cannot face a primary roadway or internal circulation route.
 - (b) Any building facade that is built up to an interior property line is not required to have glazing on the building facade if no prohibitions and no contractual or legal impediments exist preventing a building from being constructed on the adjacent property up to the wall of the building facade.
- (4) At least one-half of the total area of all glazing on building facades that face the primary roadway shall have a Visible Transmittance (VT) of 0.6 or higher.
- (5) The requirements in this Subsection may be reduced to the extent that the required level or location of glazing conflicts with the standards of the Adopted Energy Code, Building Code, LEED, or the Green Building Program.

(D) Options to Improve Building Design

(1) General Requirements

- (a) Each building subject to this Subsection must earn one base point from [Table 23-4E-8060\(B\) \(Design Option Points\)](#), and may be required to earn additional points, as provided in [Subsection \(D\)\(2\)](#).
- (b) Developments with multiple buildings are required to earn the applicable number of points for each building, including any additional requirements under [Subsection \(D\)\(2\)](#). Points earned may not be aggregated to count toward minimum requirements for other buildings.

(2) Additional Requirements for Certain Types of Development. The following development requires additional points as specified below. Points required in this Subsection are cumulative.

- (a) A building with exterior trademarked design features requires additional points as follows:
 - (i) Three additional points from [Table 23-4E-8060\(B\) \(Design Option Points\)](#) if features are located 12 feet or less above finished grade and there is no prototypical roof or parapet design.
 - (ii) Five additional points from [Table 23-4E-8060\(B\) \(Design Option Points\)](#), two of which must come from Group B, if such features are located more than 12 feet above finished grade.
- (b) If the building plan depicts any of the following design features, one additional point is required for each design feature, unless otherwise noted.
 - (i) Building is one story and greater than 20 feet tall, floor to bottom of roof structure.
 - (ii) Building facade exceeds 200 feet in width without entrances every 75 feet.
 - (iii) Individual use is greater than 100,000 square feet.
 - (iv) False fronts or shaped parapets are created to increase the apparent size of the building or house corporate signage or logos. Building parapets must not be greater than 50 percent higher than the distance of the building from grade to roof. (For example, a building that is 20 feet tall from the grade to the roof cannot have a parapet greater than 10 feet tall from roof to top of parapet.) See [Figure 23-4E-8060\(2\) \(Standards for Height of False Fronts or Parapets\)](#).
 - (v) Concrete block is used on more than 25 percent of a building facade visible to the public, not including split-faced concrete block.
 - (vi) Concrete block requires two additional points if it is used on more than 75 percent of a building facade visible to the public, not including split-faced concrete block.
 - (vii) Exterior Insulation and Finishing System (EIFS) is used as a material on the ground floor below 10 feet.
 - (viii) Pad building with drive-in or drive-through.

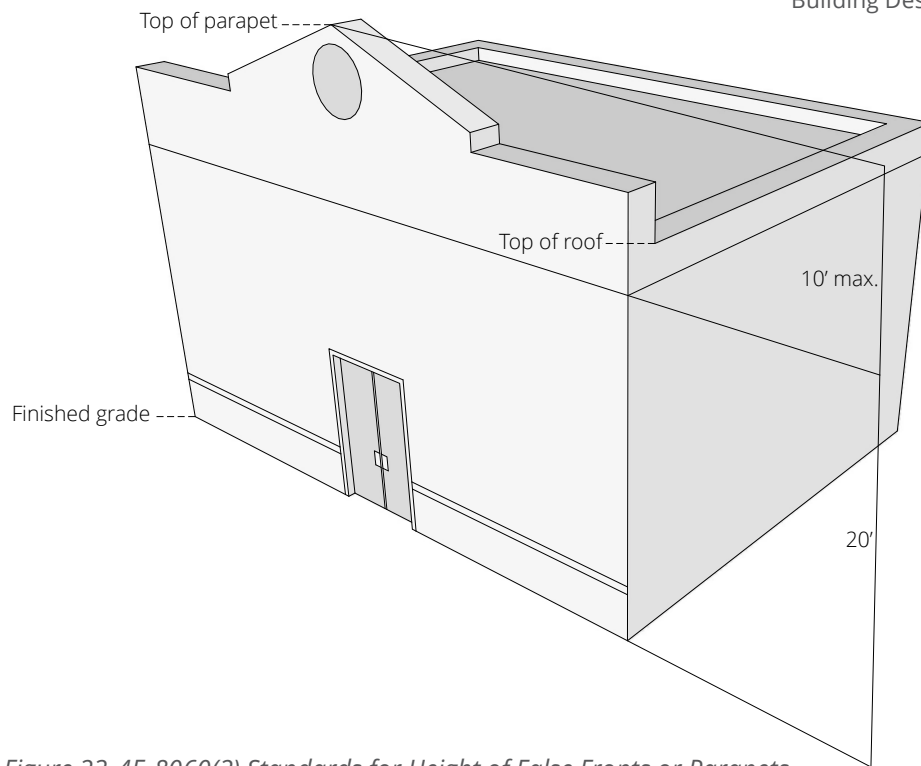


Figure 23-4E-8060(2) Standards for Height of False Fronts or Parapets

Table 23-4E-8060(B) Design Option Points

| Option | Description/Comments |
|---|---|
| Group A: Each option worth 1 point | |
| Achieve star rating under the Austin Energy Green Building Program | Each star of the rating qualifies for one point. No double credit for Austin Energy Green Building Program points from Group B. |
| Provide for liner stores in building facade (1 point for each liner store) | See Division 23-4M-1 (Terms) |
| Provide building facade articulation | See Subsection (D)(3)(a) |
| Provide primary entrance design | See Subsection (D)(3)(b) |
| Provide building entrances/exits under a shade device | Not applicable to emergency or delivery access. Examples include an awning or portico. |
| Provide roof design | See Subsection (D)(3)(c) |
| Use building materials meeting the standards of this Section | Limestone or brick. Brick color must not be a trademarked design feature. |
| Improve storefronts to regulatory standard of Subsection (C) for glazing type/size and shading | Applies only for buildings existing before January 13, 2007. |
| 100% of glazing on ground-floor building facades that face any street or parking lot have a Visible Transmittance (VT) of 0.6 or higher | |

| Table 23-4E-8060(B) Design Option Points (cont.) | |
|--|---|
| Option | Description/Comments |
| Group B: Each option worth 2 points | |
| Complies with neighborhood design guidelines | |
| Design building so that at least 75% of the building facade facing the principal street consists of storefronts with at least two separate entrances facing the principal street | |
| Separate entrances facing the primary roadway | See Subsection (D)(3)(d) |
| Provide sustainable roof | |
| Integrate solar power generation into building design | The specific features and design shall be approved by the Energy Director. Examples include rooftop solar panels or building integrated photovoltaics |
| Group C: Each option worth 3 points | |
| Achieve Green Building rating of 2 stars | |

(3) Standards for Design Options. To satisfy the requirements in [Subsections \(D\)\(1\) and \(D\)\(2\)](#), the design options must comply with the standards of this Subsection.

- (a) **Building Facade Articulation.** Building facade articulation must consist of one of the design features in [Table 23-4E-8060\(C\) \(Building Facade Articulation\)](#), none of which can be trademarked design features. See [Figure 23-4E-8060\(3\) \(Building Facade Articulation\)](#) for reference.

| Table 23-4E-8060(C) Building Facade Articulation | |
|--|---|
| Design Element | Description |
| Changes in plane | Minimum depth of 2', horizontally or vertically Changes at intervals between 20' to 100' |
| Changes in color, texture, or material | Horizontally or vertically Changes at intervals between 20' to 100' |
| Repeating pattern of wall recesses and projections | Minimum relief of 8" Examples include bays, offsets, reveals or projecting ribs |

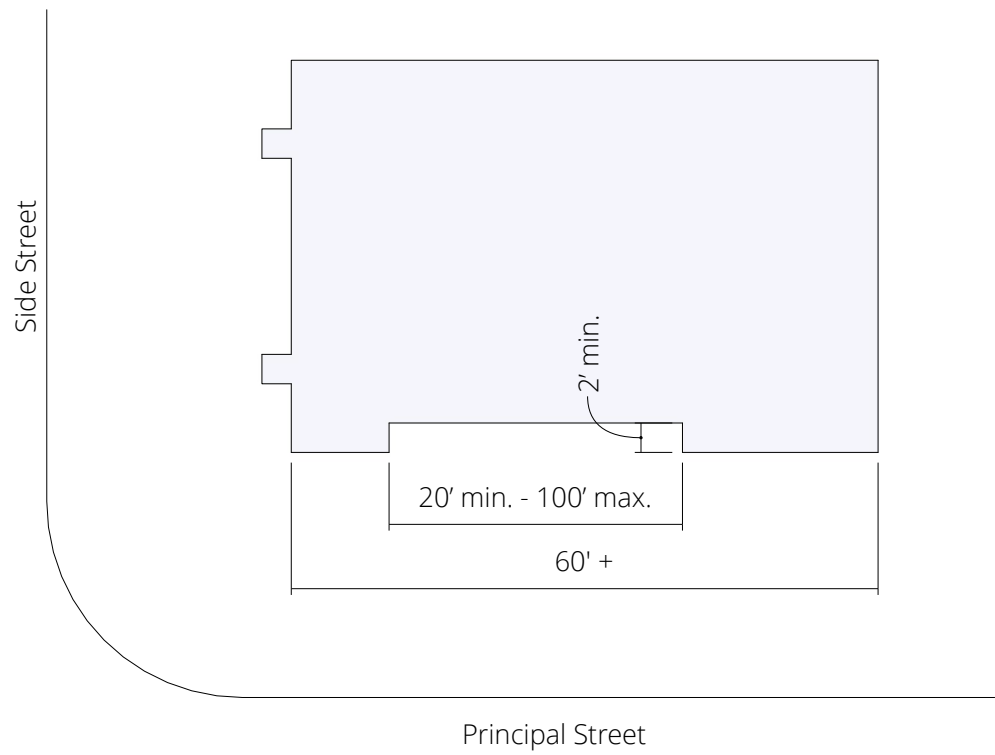


Figure 23-4E-8060(3) Building Facade Articulation

- (b) Primary Entrance Design.** Primary entrance design must consist of at least three of the following design elements at the primary entrance (none of which can be trademarked design features), so that the primary entrance is architecturally prominent and clearly visible from the abutting street:
- (i) Architectural details such as arches, friezes, tilework, murals, or moldings.
 - (ii) Integral planters or wing walls that incorporate landscape or seating.
 - (iii) Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
 - (iv) Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.
 - (v) A repeating pattern of pilasters projecting from the building facade wall by a minimum of eight inches or architectural or decorative columns.
- (c) Roof Design.** Roof design must consist of at least one of the design elements in [Table 23-4E-8060 \(D\) \(Roof Design\)](#), none of which can be trademarked design features. See [Figure 23-4E-8060\(4\) \(Roof Design\)](#) for reference.

| Table 23-4E-8060(D) Roof Design | |
|--|---|
| Design Element | Description |
| Parapets, horizontal top ¹ | Must have 1' (min.) height change occurring horizontally a minimum of every 100' |
| Parapets, no horizontal top ¹ | Must have pitched or rounded tops with a pattern that repeats or varies every 100' (min.) |
| | With at least 2 of the following: |
| | With a slope of at least 5:1 |
| Sloping Roofs | 2 or more slope planes |
| | Overhanging eaves extending at least 3' beyond supporting wall |
| ¹ All parapets must have detailing such as cornices, moldings, trip, or variations in brick coursing. | |

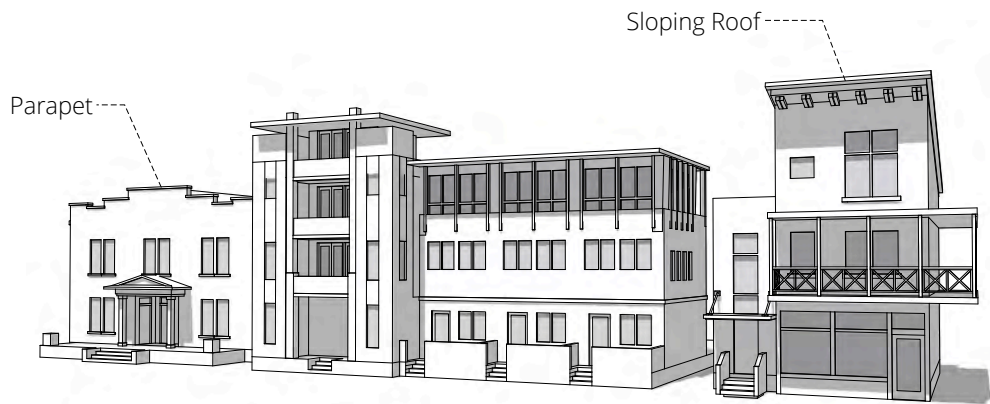


Figure 23-4E-8060(4) Roof Design

(d) Sustainable Roof. A sustainable roof must include one of the roofing options in [Table 23-4E-8060\(E\) \(Sustainable Roofing\)](#). See [Figure 23-4E-8060\(5\) \(Sustainable Roofing\)](#) for reference.

| Sustainable Roofing | Percent of Total Roof Surface | Description |
|--|--------------------------------------|---|
| Solar Reflectance Index (SRI) | 75% (min.) | SRI of 78 or higher for roof with slope \leq 2:12 |
| | | SRI of 29 or higher for roof with slope $>$ 2:12 |
| Vegetated Roof | 50% (min.) | -- |
| Rainwater Collection System | 50% (min.) | -- |
| Combination | 75% (min.) | A combination of vegetated roof with rainwater collection system and SRI1 |
| ¹ In compliance with SRI standards above. | | |

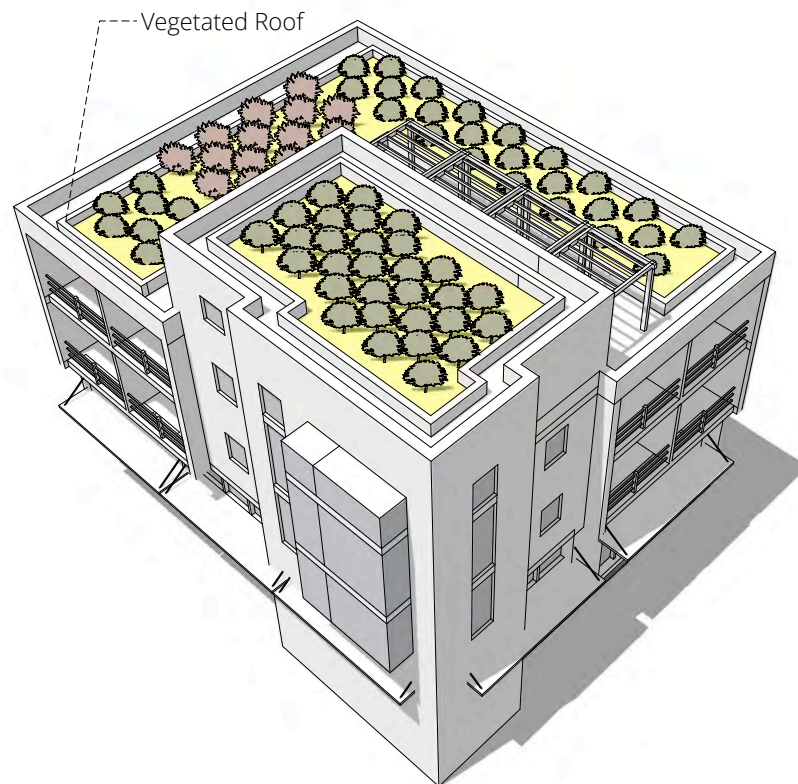


Figure 23-4E-8060(E) Sustainable Roofing

(E) Alternatives to Design Options

- (1) Large Single-Story Buildings.** A single-story commercial building that is 100,000 square feet or more in size may elect as a matter of right to comply with the following standards:
- (a) The building facade must consist of 75 percent masonry (not including concrete blocks), excluding the window area and rear service area on sides visible to the public;
 - (b) The use of trademarked design features above 12 feet and the use of trademarked roof and parapet design features is prohibited;
 - (c) The building meets the “building facade articulation” requirements as defined in this Section;
 - (d) The building has 40 percent glazing on the front building facade and 25 percent glazing and cutouts on each side visible to the public with a Visible Transmittance (VT) of 0.6 or higher; and
 - (e) The building has a Green Building rating of at least two stars.
- (2) Pad-site Buildings with Drive-In and/or Drive-Through Services.** A pad-site building with a drive-in and/or drive-through services, or a single-use drive-in use may comply with the following standards:
- (a) The use of trademarked design features (not including signs or paint colors) above 12 feet is prohibited; and
 - (b) The portion of the building below 12 feet consists of one of the following:
 - (i) Limestone;
 - (ii) Brick that has a different color than the trademarked brick color; or
 - (iii) For a building that occupies a pad or portion of a building within a development or shopping center, the building has similar design characteristics as the rest of the shopping center. This includes use of similar materials, patterns, rhythms, and proportions to the rest of the center.
 - (c) Pad sites shall not have any parking located between the building and the street.

Building, Demolition, and Relocation Permits; Special Requirement Permits For Historic Structures



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23-7A-1010 Jurisdiction

- (A) This chapter applies to property in the city's zoning jurisdiction.
- (B) The provisions of this chapter relating to plumbing, electric, and mechanical permits apply to structures connected to the City's electric and water and wastewater utilities.

23-7A-1020 Notice to Historic Preservation Officer

- (A) The Building Official must notify the Historic Preservation Officer before issuing a permit for a structure over 50 years old.

23-7A-1030 Historic Landmarks and Contributing Structures in Local Historic Districts

- (A) The building official may not issue a building, demolition, or relocation permit unless the requirements of Article 23-7D (Special Requirements for Historic Structures) have been satisfied, if applicable.
- (B) A person may not change, restore, remove, or demolish an exterior architectural feature, accessory structure, or site feature of a designated historic landmark, a structure for which a designation is pending under Section 23-7D-1020 (Pending Historic Zoning Designations), a contributing structure in a local historic district (historic area combining district) or National Register historic district, or a structure confirmed by the City Historic Preservation Office as contributing to a pending local historic district unless the requirements of Article 23-7D (Special Requirements For Historic Structures) have been satisfied.

23-7A-1040 Permit Inspections

- (A) Once the required permits are obtained, it is the responsibility of the permit holder to obtain all the required inspections as per Chapter 23-11 (Technical Codes).

- (B) The Building Official may require additional inspections if the Building Official determines that one or more hazardous conditions exist. An inspection under this subsection must be performed by an inspector approved by the Building Official.
- (C) The Building Official shall ensure that inspections are accomplished in accordance with the technical codes adopted by the city of Austin.

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23-7B-1010 Permit Requirements

- (A) Unless a technical code exempts an activity from its permitting requirements, a person may not perform the following activities without first obtaining the appropriate permit from the Building Official:
 - (1) An activity regulated by Chapter 23-11 (Technical Codes), Division 23-11B-1 (Building Code), Division 23-11B-4 (Electrical Code), Division 23-11B-5 (Mechanical Code), Division 23-11B-6 (Plumbing Code), or Division 23-11B-11 (Residential Code);
 - (2) Constructing, altering, or repairing a sidewalk, curb, gutter, or driveway approach on property under a person's control or in public right-of-way adjoining under a person's control;
 - (3) Erecting, moving, or structurally altering or repairing an outdoor sign;
 - (4) Constructing or structurally altering a pier or other structure in or along the shores of:
 - (a) Lake Austin below an elevation of 504.9 feet above mean sea level;
 - (b) Lady Bird Lake below an elevation of 435.0 feet above mean sea level; or
 - (c) Lake Walter E. Long below an elevation of 554.5 feet above mean sea level;
 - (5) Altering the shoreline or bed of Lake Austin, Lady Bird, or Lake Walter E. Long by filling or dredging; or
 - (6) Causing or permitting the activities described in this section to occur.
- (B) Except as provided in Article 23-7D (Special Permit Requirements for Historic Structures), a permit may be issued for a demolition or removal of any part of a structure.
- (C) A demolition permit is not required to demolish all or part of an interior wall, floor, or ceiling.
- (D) A building permit is required for a relocated building to be placed on its new site.

23-7B-1020 Existing Buildings

- (A) Work performed on all existing buildings must comply with the requirements of the Building Code, Chapter 23-11 (Technical Codes). **Proposed changes to buildings forty (40) or more years of age will be reviewed by the City Historic Preservation Office and may be subject to the provisions in Article 23-7D (Special Permit Requirements for Historic Structures).**

23-7B-1030 Limited Building Permit

- (A) The building official may issue a limited building permit to authorize construction of a portion of a building, structure, or building service equipment before the plans and specifications for the entire project have been submitted or approved if the applicant files information and detailed statements describing the activity to be performed and the building official determines that the activity complies with this title.
- (B) The permittee under a limited building permit proceeds with construction at the permittee's risk. A limited building permit does not guarantee that a permit for the entire building or structure will be approved. A permittee does not acquire vested rights under a permit issued under this section.
- (C) The building official shall provide a permittee with written documentation stating that the permittee does not acquire vested rights under a limited building permit.

23-7B-1040 Licensed Contractor Requirements

Unless state law or the technical codes exempt an activity from the permitting or licensing requirements, the following activity must be performed by a licensed contractor:

- (1) Activity for which a plumbing, electrical, solar, or mechanical permit is required; and
- (2) Activity for which a sidewalk, curb, gutter, or driveway approach permit is required.

23-7B-1050 Asbestos Survey Requirements for Certain Permits

- (A) Any development or demolition activity must comply with applicable provisions of the Texas Department of State Health Services Asbestos Program.

23-7B-1060 Construction and Demolition Materials Diversion Requirements

- (A) Except as provided in Subsection (D), each applicant for a building permit or demolition permit for activities described in Subsection (C) must comply with this Section and Chapter 15-6, Article 9 (Construction and Demolition Material Diversion Program) before a building or demolition permit is issued.
- (B) This section is applicable in the City's zoning jurisdiction.
- (C) Construction and demolition materials diversion is required for

- (1) Construction projects that exceed 5,000 square feet of new, added, or remodeled floor area; and
 - (2) Beginning October 1, 2019, commercial and multifamily projects that required a demolition permit
- (D) Construction and demolition materials diversion is not required for the following activities:
- (1) Construction for which only mechanical, electrical, or plumbing permits are required; or
 - (2) Work for which a building or demolition permit is not required.

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23-7B-2010 Permit Application

A person wishing to obtain a building permit must submit an application on a form prescribed by the Building Official. The application must include the information required in Division 23-11B-1 (Building Code) and Building Criteria Manual.

23-7B-2020 Departmental Review

The Building Official shall submit each application for a building permit to the appropriate city departments for review. Each department shall determine whether an application complies with its regulations, then provide its determination to the Building Official.

23-7B-2030 Review Periods

The Building Official shall approve or disapprove an application for the following permits by the deadlines adopted by administrative rule.

Type of permit

- (1) Commercial buildings, new construction
- (2) Commercial buildings, remodeling and finish-outs
- (3) Residential, new construction
- (4) Residential, remodeling of a **conforming** structure
- (5) Residential, remodeling or additions to a **nonconforming** structure
- (6) Sign, other than a nonconforming off-premise sign
- (7) Replacement of nonconforming off-premise sign
- (8) Repair of nonconforming off-premise sign
- (9) Demolition
- (10) Relocation

23-7B-2040 Verification of Utility Service

When an applicant files an application for a building permit, the applicant must submit verification that utilities for the proposed development are available, in the manner prescribed by the Building Official.

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23-7B-3010 Expiration and Extension of Demolition Permit

- (A) Except as provided in Subsection (C) of this section, a demolition permit expires if:
 - (1) Work authorized by the permit does not begin within two years from the date the permit is issued, except as provided in Subsection (C); or
 - (2) Demolition is not complete within six months from the date work begins.
- (B) The Building Official may grant a single one-year extension of a demolition permit if the permittee requests the extension before the permit expires. An extension must be requested in writing, but does not require an application.
- (C) If a demolition permit expires after work has begun, a subsequent demolition permit issued for the same structure expires if the work is not complete within six months or a lesser time if required by the Building Official based on public health and safety.
- (D) An active demolition permit does not prevent expiration of a site plan under Division 23-6C-1 (Expiration).

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Article 23-7C: Relocation Permits

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23-7C-1010 Permit Requirements

- (A) Except as provided in Subsection (B), a person must obtain a relocation permit to move a building regulated by this title from one site to another or along public-right-of-way. A building permit is also required for relocated buildings to be placed on the new site.
- (B) A relocation permit is not required to move a building that:
 - (1) Is specifically designed and constructed to be portable;
 - (2) Has a loaded height of not more than 14 feet and a loaded width of not more than 14 feet.
- (C) A relocation permit is required to move a building on the same site.

23-7C-1020 Permit Application

- (A) A person must submit an application on a form prescribed by the Building Official.

23-7C-1030 Departmental Review

- (A) The Building Official shall submit each application for a relocation permit to the appropriate city departments for review. The departments shall provide the Building Official with a recommendation on issuance of the permit.
- (B) The applicant may amend the application if it is disapproved and resubmit it through the same process.

23-7C-1040 Permit Issuance

The Building Official shall issue a relocation permit if the Building Official determines that:

- (1) The proposed relocation complies with all applicable regulations;
- (2) The applicant has paid all required fees and deposits; and

- (3) The applicant has obtained all required building permits.

23-7C-1050 Transferability

A permittee may not transfer or attempt to transfer a permit or right granted under this division unless the new moving contractor meets the qualifications of Division 23-7C-2 (Relocation Requirements).

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23-7C-2010 Moving Contractor Requirements

- (A) A building may be moved only by a moving contractor who is bonded and insured in accordance with City rules.
- (B) The Building Official may deny a permit application submitted by a mover who knowingly and repeatedly violates the provisions of this title.

23-7C-2020 Removing Trees During Relocation

A permittee may not remove, or impact in a way that constitutes removal, a tree or shrub located on or over:

- (1) A public right-of-way or public land without written permission from the City Arborist; or
- (2) Private property without written permission of the owner or person in control of the property, as well as written permission from the City Arborist for protected trees as defined in Article 23-3C (Urban Forest Protection and Replenishment).

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Article 23-7D: Special Permit Requirements for Historic Structures

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23-7D-1010 Definitions

- (1) **ALTERATION** means any exterior change, demolition, or modification to a historic landmark or to a contributing property located within a local historic district or National Register historic district.
- (2) **ARCHITECTURAL FEATURE** means an architectural element, which alone or as part of a pattern, embodies the style, design, or general arrangement of the exterior of a building or structure, including but not limited to the kind, color, and texture of building materials, and style and type of windows, doors, lights, porches, and signs.
- (3) **CONTRIBUTING STRUCTURE** means a building, structure, site, feature, or object within a local or National Register historic district that contributes to the historic character of the district, was built during the district's period of significance, and retains its appearance from that time. Contributing structures are designated by the ordinance creating the local historic district or the National Register historic district nomination. In the absence of a determination of whether a structure is contributing, the Historic Preservation Officer may make that determination. The Historic Preservation Officer may also change the status of whether a building is contributing to the historic district if the appearance of the building has changed over time, or the building is now 50 years of age if, at the time of the original designation, the building did not qualify as contributing because of its age. An altered building may still qualify as contributing to a district if the alterations have not significantly affected its historic appearance. A building that was moved into a district at least 50 years ago may also be contributing to the historic district.
- (4) **DEMOLITION BY NEGLECT** means lack of maintenance of any building or structure designated or pending designation as a historic landmark or any building or structure that contributes to a local or National Register historic district, which results in deterioration and threatens the preservation of the structure (see Section 23-7E-1020 Duty to Preserve and Repair).
- (5) **HISTORIC AREA COMBINING DISTRICT** means a district approved by the Council through an ordinance that contains a geographically definable area possessing

particular architectural, cultural, and/or historic importance or significance. A historic area combining district must consist, at a minimum, of one block-face. Typically referred to as a local historic district. Properties in a historic area combining district (local historic district) are zoned HD.

- (6) **HISTORIC INTEGRITY** means the ability of a property to convey its significance. Integrity may be impaired by changes to the location, setting, design, materials, workmanship, association, and feeling of a property.
- (7) **HISTORIC LANDMARK** means a property approved by the Council through an ordinance that identifies a single property possessing particular architectural, cultural, and/or historic importance or significance. Historic landmarks are zoned H.
- (8) **LOCAL HISTORIC DISTRICT** is the common term used to refer to a historic area (HD) combining district.
- (9) **NATIONAL REGISTER HISTORIC DISTRICT** means an area designated in the Federal Register under the National Historic Preservation Act of 1966, as amended, for which maps depicting the area are available for inspection by the public at the Planning and Zoning Department.
- (10) **OWNER OR PROPERTY OWNER** means the record owner of a property or an agent of the property owner.

23-7D-1020 Pending Historic Zoning Designations

- (A) A building, structure, or site is pending historic designation if designation as a historic landmark is pending or the building, structure, or site is confirmed by the Historic Preservation Officer to be contributing to a pending local historic district. A building, demolition, or relocation permit issued for a building, structure, or site in these named circumstances is void.
- (B) A designation is pending under Subsection (A) on the occurrence of the earliest of the following:
 - (1) Two members of the Historic Landmark Commission direct the Historic Preservation Officer in writing, or with a valid vote of the Historic Landmark Commission at a public meeting, to place the building, structure, or site on the Historic Landmark Commission's agenda for consideration of its eligibility for landmark designation as defined in Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones); or
 - (2) A Historic Landmark Commission agenda is posted that includes the Commission's consideration of whether the building, structure, or site is eligible for designation as a historic landmark under Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones); or
 - (3) A Historic Landmark Commission agenda is posted that includes the Commission's consideration of an application for a demolition, relocation, or building permit concerning the building, structure, or site.
- (C) A written order or valid vote of the Historic Landmark Commission under Section (B)(1) must address:
 - (1) Whether the building, structure, or site is eligible for historic zoning under Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones);

- (2) Whether permits intended for structural stabilization or retention of integrity, as defined by Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones), may be issued to maintain the building, structure, or site's eligibility during historic zoning proceedings; and
 - (3) Whether the building, structure, or site's eligibility for historic zoning would be compromised by the issuance of any proposed building, demolition, or relocation permit.
- (D) A designation is no longer pending if:
- (1) The Historic Landmark Commission issues a Certificate of Appropriateness for the work proposed in the application, or approves the demolition, relocation, or building permit, as applicable;
 - (2) The Historic Landmark Commission does not recommend historic zoning designation by the 75th day after the date of the first Historic Landmark Commission meeting at which the application is included as an action item on the agenda; or
 - (3) The Historic Landmark Commission recommends denial of historic zoning designation for the building, structure, or site; or
 - (4) The Council makes a final decision not to designate the structure as a historic landmark.
- (E) The Historic Preservation Officer shall provide the Building Official with a copy of each written order and agenda described in Subsection (B) within 7 calendar days. The failure to do so does not validate a building permit, relocation permit, or demolition permit issued without notice of the written order or agenda.
- (F) An applicant or owner under this section may appeal the Historic Landmark Commission action under this section to the appropriate land use commission consistent with the requirements of Article 23-2I (Appeals).

23-7D-1030 Certificate of Appropriateness Requirements

- (A) A Certificate of Appropriateness is the written approval of the Historic Landmark Commission or the Historic Preservation Office for work on, relocation of, or demolition of a historic landmark or contributing structure within a local historic district.
- (B) Except as provided in Subsection (C), this section applies to a building, structure, or site that is:
 - (1) Designated as a historic landmark;
 - (2) A contributing property within a local historic district;
 - (3) A contributing property within a National Register historic district;
 - (4) Individually listed in the National Register of Historic Properties, a Registered Texas Historic Landmark, a State Antiquities Landmark; or
 - (5) Determined by the Historic Preservation Officer to meet criteria for designation as a historic landmark as defined in Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones).
- (C) This section does not apply to a structure if the Historic Preservation Officer determines that the structure:

- (1) Is less than 50 years old, unless the building has extraordinary importance, as defined by National Register Bulletin 22 (1998);
 - (2) Does not retain historic integrity; and
 - (3) Does not meet at least two of the criteria for designation as a historic landmark as prescribed by Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones).
- (D) A **Certificate** of Appropriateness is required for the following proposals to historic landmarks, contributing properties within local historic districts, **and structures for which a designation is pending under** Section 23-7D-1020 (Pending Historic Zoning Designations):
- (1) Demolition;
 - (2) Relocation; and
 - (3) **The following project types, unless exempted in** Section 23-7D-1040 (Administrative Approval of Certain Applications),
 - (a) All exterior work requiring a building and/or demolition permit;
 - (b) All exterior work not requiring a building and/or demolition permit, including but not limited to the replacement of doors, windows, siding, and roof materials; and
 - (c) Site work.
- (E) **A criminal penalty for a violation of this section applies only to a person who has actual or constructive notice that:**
- (1) The structure is a historic landmark or contributing structure within a local historic district; or
 - (2) **A designation is pending under** Section 23-7D-1020 (Pending Historic Zoning Designations).

23-7D-1040 Administrative Approval of Certain Applications

- (A) **For historic landmarks**, the Historic Preservation Officer may administratively approve applications for Certificates of Appropriateness that consist of:
- (1) **Minor** repair or maintenance work that does not involve changes to architectural and historical value, style, or general design;
 - (2) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;
 - (3) Changes to the exterior paint color;
 - (4) Work that does not visually affect the historic character of the structure or site from the **principal street frontage of the property** and is limited to the construction of:
 - (a) A one-story rear outbuilding;
 - (b) A pool, deck, fence, back porch enclosure, or other minor feature that does not affect the historic context or character of the property; and
 - (5) Signage that conforms to any applicable sign design standards for the property.

- (B) For contributing properties located within a local historic district, the Historic Preservation Officer may administratively approve applications for Certificates of Appropriateness that consist of:
 - (1) Minor repair or maintenance work that does not involve changes to architectural and historical value, style, or general design;
 - (2) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;
 - (3) Work that does not visually affect the historic character of the structure or site from the principal street frontage of the property and is limited to the construction of:
 - (a) A ground-floor, one-story rear addition;
 - (b) A one-story rear outbuilding;
 - (c) A pool, deck, fence, back porch enclosure, or other minor feature that does not affect the historic context or character of the property;
 - (d) Rear addition of up to two stories to a two-story building, if the addition is not visible from the principal street frontage; or
 - (e) A one-story ADU located behind the principal structure, if the ADU is not visible from the principal street frontage;
 - (4) That does not adversely affect the historic character of the structure or site from the principal street frontage of the property and complies with all applicable design standards for the district; and
 - (5) Signage that conforms to any applicable sign design standards for the property.
- (C) For contributing properties located within a National Register historic district, the Historic Preservation Officer may administratively approve applications for projects that consist of:
 - (1) Minor repair or maintenance work that does not involve changes to architectural and historical value, style, or general design;
 - (2) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;
 - (3) A ground-floor, one-story rear addition;
 - (4) A rear outbuilding, including a one-story ADU;
 - (5) Construction of a rear addition up to two stories to a two-story building or structure if the addition is not visible from the principal street frontage of the property;
 - (6) Construction of an ADU up to two stories behind a two-story house, if the ADU is not visible from the principal street frontage of the property;
 - (7) Construction of a pool, deck, fence, back porch enclosure, or other minor feature that does not affect the historic context or character of the property; or
 - (8) Demolition, relocation, and building permits for properties determined non-contributing to the historic character of a National Register Historic District.

23-7D-1050 Procedures for Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures, and Sites

- (A) This section refers to buildings 50 years or older and contributing structures and historic landmarks as defined in Section 23-7D-1010 (Definitions).
- (B) When the Building Official receives an application requesting a building permit, relocation permit, or demolition permit for a structure to which this section applies, the Building Official shall immediately:
 - (1) Notify the Historic Preservation Officer; and
 - (2) Upon receipt of notification by the Historic Preservation Officer that the application will be placed upon the Historic Landmark Commission's agenda, the Building Official shall post a sign on the site and notify property owners, residents, and registered neighborhood associations in accordance with Division 23-2C-5 (Notice of Application and Administrative Decisions).
- (C) The Historic Landmark Commission shall hold a public hearing on an application described in Subsection (D) within 60 days of receipt of a complete application.
- (D) The Building Official shall not issue a building permit, relocation permit, or demolition permit for a structure to which this section applies until the earliest of the following:
 - (1) The Historic Landmark Commission makes a decision not to recommend a historic zoning designation case regarding the structure; or
 - (2) The date on which the Historic Landmark Commission approves an application for a Certificate of Appropriateness, approves an application for demolition or relocation, or makes a recommendation on a building permit in a National Register historic district; or
 - (3) For structures not contributing to a local historic district, the expiration of 75 days after the date of the first Historic Landmark Commission meeting at which the application is posted on the agenda; or
 - (4) For structures contributing to a local or National Register historic district or a pending local historic district, the expiration of 180 days after receipt of a complete application.
- (E) If the Historic Landmark Commission makes a decision to initiate a historic zoning designation case, a designation becomes pending on the structure under Section 23-7D-1020 (Pending Historic Zoning Designations).
- (F) The Historic Preservation Officer may administratively approve applications for project types noted in Section 23-7D-1030 (Certificate of Appropriateness Requirements).
- (G) The Building Official may not release a demolition or relocation permit for a building or structure deemed contributing to a local or National Register historic district until the Historic Landmark Commission has reviewed and made recommendations on the application for a new construction of a primary structure for the site. This requirement may be waived if the Building Official determines that demolition or relocation is necessary for public safety.

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23-7D-2010 Action on a Certificate of Appropriateness

- (A) If the Historic Landmark Commission determines that the proposed work will not adversely affect a significant architectural or historic feature or the historic context of the landmark (H) or contributing structure within a local historic district (HD):
 - (1) The Building Official shall provide the certificate to the applicant within 5 days of receiving the certificate from the Historic Preservation Officer.
- (B) If the Historic Landmark Commission determines that the proposed work will adversely affect or destroy a significant architectural or historic feature or the historic context of the landmark or contributing structure within a local historic district:
 - (1) The Historic Landmark Commission shall, not later than the 7th day after the public hearing, notify the applicant of:
 - (a) The denial; and
 - (b) The changes to the application that are necessary for approval.
- (C) In making a determination under this section for a contributing structure in a local historic district (HD), the Historic Landmark Commission shall first apply any applicable historic district design standards approved under Subsection 23-4D-7070(G) (Historic Area Ordinance and Preservation Plan Standard), followed by the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).
- (D) In making a determination under this section for landmarked structures for which no approved district design standards are applicable, the Historic Landmark Commission shall apply the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).

23-7D-2020 Action on an Application for Demolition or Relocation

- (A) This section applies to an application for demolition or relocation under Section 23-7D-1050 (Procedures for Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures, and Sites).
- (B) The Historic Landmark Commission shall initiate historic zoning if it determines that the building meets the requirements for a historic landmark as defined in Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones).
- (C) The Historic Landmark Commission shall approve the application for demolition or relocation to the Building Official if it determines that the property does not meet the requirements for a historic landmark as defined in Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones).
- (D) The Building Official shall notify the applicant not later than the fifth day after the Historic Landmark Commission approves the application is released or initiates historic zoning.

23-7D-2030 Appeal

- (A) An owner or applicant may appeal an action of the Historic Landmark Commission under Section 23-7D-2010 (Action on a Certificate of Appropriateness) or Section 23-7D-2020 (Action on an Application for Demolition or Relocation) to the Land Use Commission.
- (B) An interested party may appeal a decision of the Historic Landmark Commission to demolish a historic landmark or a contributing property to a local historic district to the land use commission.
- (C) Notices of appeal must be filed in writing with the Historic Preservation Office within five business days after the date of the decision and must specify the appellant's standing to file the appeal, the case number and address of the subject property, and the specific reason for the appeal.
- (D) A decision by the Land Use Commission on an appeal may be appealed to the city council.
- (E) Except as provided by Subsection (A), an appeal must be made in accordance with the appeal procedures in Article 23-2I (Appeals).

23-7D-2040 Changes Prohibited

- (A) Changes to any plans approved by the Historic Landmark Commission or Historic Preservation Officer are prohibited unless the change is approved by the Historic Landmark Commission or the Historic Preservation Officer and the applicant receives a Certificate of Appropriateness for the change.
- (B) The procedure for obtaining a Certificate of Appropriateness for a change is the same as for obtaining the initial Certificate of Appropriateness, with the following exception:
 - (1) The Historic Preservation Officer may administratively approve the new application for a Certificate of Appropriateness if the proposed changes do not have a substantial impact on the historic character of the building or are minor changes from the Certificate of Appropriateness application approved by the Historic Landmark Commission or the Historic Preservation Officer.

- (C) If the applicant does not abide by the plans reviewed and approved by the Historic Landmark Commission and/or the Historic Preservation Office, then the applicant must re-submit for a new determination of appropriateness for any proposed changes to the approved plans.

23-7D-2050 Tolling of Time Limits for Action

For purposes of the time limits for action in Section 23-7D-1050 (Procedures for Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures, and Sites), 23-7D-1020 (Pending Historic Zoning Designations), and Section 23-7D-1010 (Action on a Certificate of Appropriateness), a postponement requested or agreed to by the owner or the owner's agent tolls the running of the time limit from the date of the request until the Historic Landmark Commission meeting to which the case has been postponed.

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Article 23-7E: Maintenance Requirements

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23-7E-1010 Maintenance

- (A) The owner of a building or structure is responsible for the maintenance of the building, structure, and building service equipment. The owner shall:
 - (1) Maintain the building, structure, and building service equipment in a safe and sanitary condition; and
 - (2) Maintain a device or safeguard required by a technical code in the manner required by the technical code under which the device or safeguard was installed.
- (B) The Building Official may inspect a building or structure to determine compliance with this section.

23-7E-1020 Duty to Preserve and Repair

- (A) The owner or other person having legal custody and control of a designated historic landmark or contributing structure in a local or National Register historic district shall preserve the building against decay and deterioration and shall keep it free from any of the following defects:
 - (1) Parts that are improperly or inadequately attached so that they may fall and injure persons or property;
 - (2) Deteriorated foundation as defined in the Building Code;
 - (3) Floor supports that are defective or deteriorated, as defined in the Building Code, or that are insufficient to carry the loads imposed;
 - (4) Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed;
 - (5) Ceilings, roofs, ceiling or roof supports, or other horizontal members that sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed;
 - (6) Broken, missing, or rotted roofing materials or roof components;
 - (7) Fireplaces and chimneys that list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;

- (8) Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, siding;
 - (9) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering;
 - (10) Broken, missing, or rotted window glass, sashes, frames, or exterior doors or door frames;
 - (11) Any other fault, defect, or condition in the structure that renders it structurally unsafe as defined by the Division 23-11B-1 (Building Code); or
 - (12) Any fault, defect, or condition in the structure that allows excessive water infiltration through the building envelope or is not sufficiently watertight as to prevent future deterioration or water infiltration.
- (B) The owner or other person having legal custody and control of a historic landmark or contributing structure in a local or National Register historic district shall, in keeping with the City's minimum housing standards, repair the building if it is found to have any of the defects listed in Subsection (A) of this section.
- (C) The owner or other person having legal custody and control of a historic landmark or contributing structure in a local or National Register historic district shall maintain the property as specified under Chapter 9-1 (Abandoned Property and Vehicles), and Chapter 10-5 (Miscellaneous Public Health Regulations), Articles 2, 3, and 4.
- (D) The owner of a residence with a homestead exemption as defined under state law may apply to the city council for an exemption from certain requirements of this section if public safety is not threatened. The city council may grant an exemption upon a showing of the owner's financial inability to comply with the requirements. An exception under this subsection may be limited in time and may be subject to terms and conditions deemed necessary by the city council.

23-7E-1030 Demolition by Neglect Procedure

- (A) This section refers to contributing structures and historic landmarks as defined in Section 23-7D-1010 (Definitions).
- (B) The Historic Preservation Officer and the Historic Landmark Commission are authorized to work with the property owner or the property owner's agent to devise a plan to stabilize, maintain, rehabilitate, and preserve it subject to this section, and to identify available resources before taking enforcement action.
- (C) Except as provided in Subsection (D), the following procedures apply to enforcement of this chapter.
- (1) The Historic Landmark Commission or the Historic Preservation Officer may initiate an investigation of whether a property is being demolished by neglect.
 - (2) Upon initiation of an investigation, the Historic Preservation Officer shall, in writing:
 - (a) To meet with the property owner to inspect the structure and discuss the resources available for financing any necessary repairs; and
 - (b) Ask Code Compliance staff to investigate the condition of the structure and prepare a report detailing conditions that affect the long-term preservation of the structure; and

- (c) Prepare a written report for the Historic Landmark Commission on the condition of the structure, and the repairs needed to maintain and stabilize the structure. The Historic Preservation Officer will further report on **any** meetings and agreements between the Historic Preservation Office and the property owner to address issues affecting the long-term preservation of the structure, including agreements on the amount of time needed to complete the repairs.
- (3) The Historic Landmark Commission shall review the Historic Preservation Officer's report and may vote to **initiate** a demolition by neglect case **on the property**.
- (4) If the Historic Landmark Commission **initiates** a demolition by neglect case, the Historic Preservation Officer shall take the following actions:
 - (a) Send notice **by certified mail** to the property owner **or the property owner's agent**, describing the required repairs and specifying:
 - (i) That repairs must be started within 60 days; and
 - (ii) A date by which repairs must be completed, as determined by the Historic Preservation Officer.
 - (b) Meet with the property owner or owner's agent within 90 days after the notice is sent to discuss progress in making repairs and to consider any issues that may delay completion of repairs.
- (5) The Historic Preservation Officer may refer a demolition by neglect case to the Building and Standards Commission, the City Attorney, or the appropriate city department for enforcement action to prevent demolition by neglect if the property owner fails to:
 - (a) Start repairs by the deadline set in the notice;
 - (b) Make continuous progress toward completion; or
 - (c) Complete repairs by the deadline set in the notice.
- (6) The Historic Preservation Officer shall provide notice of a referral under Subsection (B)(5) of this section to the property owner. The owner may appeal the referral to the city council.
- (D) If immediate enforcement is necessary to prevent imminent destruction or harm to a designated historic landmark or contributing structure in a local historic district, the Historic Preservation Officer may refer the structure to the appropriate city department and to seek correction of any condition prohibited under Section 23-7E-1020 (Duty to Preserve and Repair).

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Article 23-7F: Enforcement and Penalties

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23-7F-1010 Enforcement and Penalties

- (A) A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the City in an amount not to exceed \$1,000 per day for each violation or an amount not to exceed \$10 per day for each violation if the property is the owner's lawful homestead. An offense under this article is a Class C misdemeanor punishable as provided in Section 1-1-99 (Offenses; General Penalty).
- (B) An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of applicable City technical codes under Chapter 23-11 (Technical Codes).
- (C) If a building, object, site or structure covered by this section is required to be demolished as a public safety hazard and the owner has received two (2) or more notices of violation under Section 23-7E-1030 (Demolition by Neglect Procedure), no application for a permit for a project on the property may be considered for a period of three years from the date of demolition of the structure.