

## Residential Development Regulations Task Force Recommendations

#	Issue	Task Force Recommendation	Current Practice/Impact	Commission Recommendation
<b>FRONT YARD SETBACKS</b>				
1	Section 2.3 states that front yard setback averaging is determined based on the setbacks of each principal residential structure that is built within 50 feet of its lot line, but it does not state how it is measured. The illustrations could be looked at as if you can measure from the porch to the front lot line instead of the façade.	<p>Clarify the wording in section 2.3 B. 1 to state that an average front yard setback is determined based on the setbacks of each principal residential structure that is built within 50 feet of its front lot line measured from the closest front exterior wall (building façade) of the principal structure to the front property line.</p> <p><u>NOTE:</u> Amend drawing on Figure 1: Average Front Yard Setback to illustrate that the measurement begins at the wall of the structure, not the front porch.</p>	<p>Current practice requires the setback to be determined from the building façade rather than the porch.</p> <p>Amendment would clarify and be consistent with current practice.</p>	<p><b>Planning Commission</b> Recommended.</p> <p>Consistent with current staff practice.</p>
<b>REAR YARD SETBACKS</b>				
2	Section 2.4 states that all other structures shall comply with the rear yard setback provisions of this Code but the minimum rear yard setback may be reduced to five feet if the rear lot line is adjacent to an alley. The pictures illustrates that the five foot rear setback must be for a dwelling unit, but the text states any structure, so staff allows five foot setbacks adjacent to alleys for accessory structures as well as dwelling units. Prior to McMansion, no dwelling unit could be within 10 feet of rear property line. This provision would allow secondary dwelling units to locate no closer than 5 ft to the rear lot line if adjacent to alley.	Clarify the wording to state that all other structures shall comply with the rear yard setback provision of this Code, but the minimum rear yard setback may be reduced to five feet for a <i>secondary dwelling unit</i> if the rear lot line is adjacent to an alley.	<p>Current code allows a one-story accessory structure 15 ft in height or less to be located 5 feet from the rear property line, regardless of the presence of an alley. Additionally, staff currently allows a 5 ft setback for all accessory structures and secondary dwelling units when the lot is adjacent to an alley.</p> <p>Amendment prevents only two story accessory structures, not secondary dwelling units, from locating within 10 ft of rear property line.</p>	<p><b>Planning Commission</b> Recommended.</p>
<b>SETBACK PLANES</b>				
3	There is an exception in the McMansion Ordinance that was intended to encourage remodels of existing structures in the form of second-story additions versus complete residential demolitions. The intent of this provision was to allow higher side setback planes (aka 'modified' setback plane), which in turn allowed for the remodeled home to be taller than might otherwise be allowed under the 'standard' side setback plane for new two-story construction, while still meeting the maximum height limits. In some cases, the 'modified' setback plane used to add a second story on to an existing one-story was lower than the standard side setback plane. Therefore, in order to encourage second-story additions over existing one story structures, the Task Force recommends that the applicant be allowed to choose between the standard setback plane and the 'modified' setback plane.	<p>Allow construction of a second story addition over any existing one story portion of a structure to comply with either the side setback plane required under Section 2.6.A of Subchapter F or the side setback plane allowed under Section 2.6.D for second-story additions to existing buildings.</p> <p><u>NOTE:</u> If the existing structure is two stories, the remodel tent does not apply. Chart 3.2.</p>	<p>When adding a second story over an existing one story structure, applicants may only use the "modified" tent.</p> <p>Amendment relaxes the requirement by allowing the applicant to choose between the standard tent or modified tent IF the applicant is adding a second story over an existing one story. This choice will not apply if the existing structure is already a two story structure.</p>	<p><b>Planning Commission</b> Recommended.</p>

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<b>SETBACK PLANES</b>				
4	The remodel exception tent allows an applicant that is adding a 2 <sup>nd</sup> story above an existing one story structure a setback plane height of 10' feet from the wall plate. Many applicants feel that this existing height does not allow enough room for a standard ceiling height.	<p>Raise the (remodel exception) setback plane for a 2<sup>nd</sup> story addition to an existing one-story structure from 10 feet above the 1<sup>st</sup> floor wall plate to 10'6".</p> <p>This tent cannot be used if the applicant is demolishing part or all of the exterior walls. Chart 3.5</p>	<p>When adding a second story over an existing one story structure, the modified tent height is raised 10' above the wall plate of the first floor.</p> <p>The amendment would relax the requirement by increasing the height by an additional ½ foot. But, the modified tent would not be an option if the applicant is demolishing all or part of the exterior walls. Only the roof can be removed to qualify for the modified tent.</p>	<b>Planning Commission Recommended.</b>
5	The remodel exception tent allows an applicant that is adding a 2 <sup>nd</sup> story above an existing one story structure a setback plane height of 10' feet from the outermost side wall plate, but the ordinance does not give any instructions for a rear tent.	<p>Add that the (remodel exception) setback plane for a 2<sup>nd</sup> story addition to an existing one-story structure be constructed from the outermost rear wall at a height that is equal to the height of the first floor wall plate that was originally constructed or received a building permit before October 1, 2006, plus 10' 6".</p> <p>This tent cannot be used if the applicant is demolishing part or all of the exterior walls. Chart 3.5</p> <p><u>NOTE:</u> The code currently states that an applicant starts from the side outermost wall plate up 10 feet. The 10 feet will be amended to 10" 6".</p>	<p>Staff currently applies the rear tent from the rear property line since no other requirement is stipulated.</p> <p>The amendment would be more consistent with the determining setback planes by using the existing structure rather than the side property lines. The additional option to allow an applicant to choose between the modified tent or standard tent if the walls are not being demolished would further relax the requirement.</p>	<b>Planning Commission Recommended.</b>
<b>SIDEWALL ARTICULATION</b>				
6	A building is exempt from side wall articulation if the proposed construction is new, less than 2000 sq. ft, and less than 32 feet in height.	Exempt addition/remodels (along with new construction) from the side wall articulation requirement as long as the addition/remodel results in the structure being less than 2000 sq. ft. and less than or equal to 32 feet in height.	<p>Current code does not exempt remodels resulting in structures less than 2,000 sq ft and less than 32 ft in height.</p> <p>The amendment relaxes the requirement by also exempting addition and remodel/additions from the sidewall articulation requirement as long as the final structure is less than or equal to 32 ft in height and less than 2,000 sq ft.</p>	<b>Planning Commission Recommended.</b>

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<b>SIDEWALL ARTICULATION</b>				
7	Side wall articulation for structures < 2000 sq. ft. (Section 1.3.3) Chart 1.2. This portion of the code needs clarification	<p>Both structures are exempt from side wall articulation if the structures are detached by a minimum of 6 ft and if:</p> <ul style="list-style-type: none"> <li>• Principal structure is less than 2,000 sq ft; and</li> <li>• Principal structure is less than or equal to 32 ft in height; and</li> <li>• Secondary unit is less than or equal to 550 sq ft; and</li> <li>• Secondary unit is less than or equal to the maximum height allowed.</li> </ul> <p>A detached structure can be attached to the principal structure by a covered breezeway but the breezeway must be completely open on all sides and the walkway may not be more than 6 ft. in width with a roof covering not exceeding 8 ft. in width with no purpose other than to cover the walkway (e.g. no deck or patio).</p>	<p>Current practice allows an exemption from side wall articulation when the two structures are new, not connected, and are each less than 2,000 square feet.</p> <p>The amendment would clarify current practice and would relax the requirement slightly by allowing the two structures to still qualify for exemption from the sidewall articulation requirement if the structures were attached by a covered walkway and if that walkway met certain criteria.</p>	<b>Planning Commission</b> Recommended.

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<b>SIDEWALL ARTICULATION</b>				
8	Requirements for sidewall articulation are considered by some to be too stringent.	<p>Do not allow a side wall of a building that is more than 15 feet high and is an average distance of 9 feet or less from the interior lot line to extend in an unbroken plane for more than 36 feet along a side lot line. To break the plane, a perpendicular wall articulation of not less than four feet, for a distance along the side property line of not less than 10 feet, is required. Side wall articulation is not required on the side of the structure adjacent to a commercial use unless the commercial use is occupying a residential structure.</p> <p>Side wall criteria:</p> <ul style="list-style-type: none"> <li>• The roof of the sidewall does not have to be articulated. Chart 1.3</li> <li>• No patios/decks can be created in articulated section. Chart 1.3</li> <li>• Screening is not allowed in articulated area. Chart 1.4</li> <li>• An eave or other features cannot create a broken plane. Chart 1.8</li> <li>• Articulation is required for all stories of new construction. Chart 1.5</li> <li>• The measurement for the 36 feet of length will begin at a porch or patio below a habitable space, a porch or patio below a covered balcony, or covered balcony above habitable space. Chart 1.9</li> <li>• Side gable height is not included when determining if a wall is over 15 ft in height. Chart 1.10</li> <li>• Articulated areas cannot move around on each floor, and must be the height of the first and second story. 1.14</li> </ul>	<p>Currently, a sidewall articulation is required when a side wall is 15 feet away from the property line, 15 feet in height and 32 feet in length. Additionally, staff does not allow patios, decks, or other similar features in the sidewall articulation.</p> <p>The amendment relaxes the requirement. The sidewall is not required until the structure is 9 feet away from the property line. The criteria outlined supports current practice.</p> <p>Relaxes when sidewall articulation is required. Amendment establishes criteria for side wall articulation that is consistent with current practice.</p>	<b>Planning Commission Recommended.</b>

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<b>SIDEWALL ARTICULATION</b>				
9	When a 2nd story is added on top of an existing building, creating a sidewall over 32' in length and over 15' in height, clarify whether articulation is required on both floors and at what point if the existing 1-story building is longer than 32'.	For the portion of the construction that is on top of the existing one story structure of the building that was originally constructed or received a building permit before October 1, 2006, a sidewall articulation is not required for an existing one story building that is remodeled to add a 2 <sup>nd</sup> story within the existing one story portion of the structure for a length (of the existing house) not to exceed 50 ft. An existing 2 story building may extend the 2 <sup>nd</sup> floor above the existing one story structure without providing a sidewall articulation for the length of the existing one story structure. A sidewall articulation is required at which point the building footprint is extended and the entire sidewall length exceeds 36 feet. A sidewall articulation is required for the addition or extension of a 3 <sup>rd</sup> story.	When adding a 2 <sup>nd</sup> story to an existing one story, current practice requires a sidewall articulation to the 2 <sup>nd</sup> story only. When extending a 2 <sup>nd</sup> story to an existing 2 story, a sidewall articulation is required only to the additional 2 <sup>nd</sup> story area when the sidewall reaches 32 feet in length.  Amendment would relax the requirement by: <ul style="list-style-type: none"> <li>▪ Not requiring a sidewall articulation when adding a 2<sup>nd</sup> story over an existing one story ONLY over the existing 1 story (not to exceed 50 ft).</li> <li>▪ Not requiring a sidewall articulation when extending a 2<sup>nd</sup> story of an existing 2 story over ONLY the existing 1 story (not to exceed 50 ft). If the existing footprint is extended beyond 36 feet, then a sidewall articulation is required.</li> <li>▪ Continuing to require an articulation for an addition or extension of a 3<sup>rd</sup> story.</li> </ul>	<b>Planning Commission</b> Recommended.  When remodeling an existing 1 or 2 story structure, requiring a side wall articulation to the upper floors sometimes encourages increasing the entire structure to make up for the lost space.
10	Currently, this Subchapter states that a side wall of a building that is more than 15 feet high and is an average distance of 15 feet or less from an interior lot line may not extend in an unbroken plane for more than 32 feet along a side lot line. It is unclear where the 15 feet in height measurement is taken – is the measurement taken from the existing grade or above the foundation where the wall actually begins?	Clarify where the 15' measurement begins. The wall height is measured from the lower of natural or finished grade, just as height is measured. Section 3.4, Height should read: For purposes of this Subchapter, the HEIGHT of a building, wall height (side wall articulation), or setback plan shall be measured as follows: NOTE: The Task Force is recommending that the ordinance be amended to read the side wall of a building that is more than 15 feet high and is an average distance of 9 feet or less from an interior lot line may not extend in an unbroken plane for more that 36 feet along a side lot line.	Current practice is to measure the height of the sidewall from lower of finished or natural grade next to the structure to the top plate of the sidewall.  Amendment would apply the height definition under Section 3.4 so that average height of the sidewall would be applied.	<b>Planning Commission</b> Recommends staff alternative recommendation: A sidewall is measured from the lower of natural or finished grade adjacent to the structure to the top plate of the side wall.

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<b>FAR EXEMPTIONS</b>				
11	<p><b>Garage/Carport Exemption:</b> Currently, a person proposing a detached parking area less than 10 ft. to the rear of the principle structure would not receive square footage deductions. However, an attached parking area used to meet minimum parking requirements can receive up to a 200 sq. ft. exemption and a detached rear parking area 10 feet or more from the principal structure can receive up the 450 sq. ft. exemption.</p>	<p>Detached garages less than 10 ft. from the rear of the principal structure can receive up to a 200 sq. ft. exemption. A detached garage can be attached to the principal structure by a covered breezeway but the breezeway must be completely open on all sides and the walkway may not be more than 6 ft. in width with a roof covering not exceeding 8 ft. in width with no purpose other than to cover the walkway (e.g. no deck or patio).  <i>The RDCC can also grant up to a 450 sq. ft. exemption if detached by at least 6 ft. (Section 2.8.1)</i></p>	<p>Parking areas used to meet minimum parking requirements and, if detached, more than 10 ft from the REAR of the principal structure receive a FAR exemption. If the structure is located to the rear and less than 10 ft, it does not receive an exemption.</p> <p>Amendment relaxes the requirement by allowing a detached parking area to be less than 10 ft from the rear of the principal structure to obtain the FAR exemption if it was used to meet the minimum parking requirement.</p>	<p><b>Planning Commission</b> Recommended.</p>
12	<p><b>Garage/Carport Exemption:</b> Currently a person who has a detached rear parking area 10 ft or more from the principal structure would not receive the up to 450 sq. ft. exemption if the detached parking area was attached to the primary structure by a walkway. The City considers the walkway as attaching the parking area to the primary structure. Therefore the applicant would not receive any square footage exemptions for detached parking.</p>	<p>To allow rear parking areas that are connected to the principal structure by an open walkway/breezeway to receive a deduction of:</p> <ul style="list-style-type: none"> <li>• Up to 450 sq ft. if the parking area is 10 ft or more from the principal structure or</li> <li>• Up to 200 sq ft if the parking area is less than 10 ft. from the principal structure (The 200 sq ft would be given to a detached rear parking area whether it was attached by a walkway/breezeway or not).</li> </ul> <p>The breezeway must be completely open on all sides and the walkway may not be more than 6 ft. in width with a roof covering not exceeding 8 ft. in width with no purpose other than to cover the walkway (e.g. no deck or patio).</p>	<p>If a covered walkway is used to connect a “detached” parking area to a principal structure, the “detached” parking area is considered attached and the parking area is only eligible for 200 sq ft exemption.</p> <p>The amendment relaxes the current requirement and grant up to 450 sq ft exemption if the structure is 10 ft or more from the principle structure and up to 200 sq ft exemption if less than 10 ft away. A covered walkway shall not be considered as “attaching” the structures together as long as the covered walkway meets the stated criteria.</p>	<p><b>Planning Commission</b> Recommended.</p>

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<b>FAR EXEMPTIONS</b>				
13	<b>Parking area:</b> Clarify existing code language	Applicant may receive only <u>one</u> 450 square foot exemption per site in section 3.3.1.C. An applicant can receive one 450 square foot exemption and receive up to 200 square feet of an attached parking area if it used to meet the minimum parking requirement. An applicant can only receive <u>one</u> 200 square foot exemption per site for attached parking under Section 3.3.1.C.2.	Currently, applicants can receive an exemption for EACH parking area used to meet minimum parking requirements. In some cases, applicants had multiple parking areas per lot.  The amendment would limit the parking exemptions to one attached and one detached parking exemption per site.	<b>Planning Commission</b> <u>5/13 Action</u> . Referred back to Task Force for additional consideration.  <b>Task Force:</b> Reconsidered and recommended by 6-0 vote again. Intent is to clarify what was originally agreed to under the October 2006 ordinance.
14	<b>Parking Area open on two or more sides:</b> Currently, if an applicant is proposing to construct a carport, they are allowed to take up to 450 sq ft from the FAR calculation. A carport is defined as a parking area that is open on two or more sides, but the definition does not specifically state of how large the opening may be. Many proposed carports have only partial openings which contribute mass to the structure.	Give a specific measurement (percentage) of the opening of the carport. The ordinance should state that in order to get the carport/parking exemption, the open sides of a carport must be clear and unobstructed by any materials for a minimum of 80% of the area measured below the top of the top wall plate to the finished floor of the carport. <i>RDCC can waive up to 25% of the required opening (80% can go to 60%). (Section 2.8.1)</i>	Currently, the code is not specific as to "how open" the parking area must be on each side.  Amendment stipulates that for a parking area to qualify as being open on two or more sides, the opening of the wall should be a minimum of 80%.	<b>Planning Commission</b> Recommended.
15	<b>Porch Calculation:</b> Currently, this Subchapter allows ground floor porches to be excluded from gross floor area. Applicants are constructing second floor habitable space over existing porches, which adds mass to the structure.	Exempt up to 200 square feet of ground floor porches/patios which have habitable space or a covered balcony above.	A ground floor porch is exempted entirely from FAR regardless as to whether or not it has habitable space above it or not.  Amendment would limit the exemption allowed. If habitable space exists above the ground floor porch, the porch may only exempt up to 200 square feet from FAR. If habitable space does not exist above, the entire ground floor porch is exempted.	<b>Planning Commission</b> Recommended.
16	<b>Porch Accessibility:</b> There have been instances where an applicant is calling what could be used as a carport a porch to get the entire area exempted from the FAR calculation.	A first floor porch must not be accessible by automobile and must be disconnected from any driveway to be called a porch and to receive any applicable FAR exemptions	Current code does not restrict the porch being accessible by vehicular access.  Amendment would not grant a FAR exemption if the porch can be accessed by a vehicle.	<b>Planning Commission</b> Recommended.

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<b>FAR EXEMPTIONS</b>				
17	<p><b>Below Grade Exemption:</b> The City's duplex regulations limit the height of a duplex to two stories. Pursuant to the International Residential Code (IRC), which the City utilizes in the residential building review process, a basement or attic is considered a story. Therefore, if one were to construct a basement, current administration of the duplex regulations in conjunction with the IRC definition of a story would prohibit an applicant from building more than one story above a basement.</p> <p>However, the McMansion Ordinance encourages basements and attics in that both may be excluded from the square footage/FAR limitation of the McMansion Ordinance if they are constructed in the manner provided by the McMansion regulations.</p>	<p>Do not count the habitable portion of a building that is below grade (a 'basement') and the habitable portion of an attic towards the number of stories under City Code Section 25-2-773, Duplex Residential Use regulations, if the habitable portion of a building that is below grade or the habitable portion of an attic meet the requirements for exemption from the gross floor area limitation of Subchapter F, Section 3.3.2 B &amp; C</p>	<p>Current code considers a basement or an attic as a story and prohibits a duplex from exceeding two stories.</p> <p>Amendment would not count a basement or attic that qualifies for a FAR exemption as a story. This amendment could increase the allowable square footage of a duplex while still maintaining height requirements. The structure would still have to comply with parking and occupancy requirements.</p>	<p><b>Planning Commission</b> Recommended.</p>
18	<p><b>Below Grade Exemption:</b> Currently, the ordinance is written to allow a habitable portion of a building that is below grade to receive an exemption even if the habitable portion creates mass to the side and rear property owners.</p>	<p>Clarify that the ordinance state that in order for the area below grade to be exempt from FAR it must meet the existing requirements of Article 3.3.2.B and the area must qualify as a basement and not a story above grade per the International Residential Code. In establishing if this additional requirement is met,</p> <ol style="list-style-type: none"> <li>1.) Below grade portions must be achieved below the lower of natural grade or finished grade; and</li> <li>2.) The exempted habitable space below grade must have at least 50 percent of the building perimeter surrounded by the natural grade.</li> </ol> <p><b>NOTE:</b> The Task Force vote was 4-2-1. There were other possibilities which included limiting FAR (.6), adjusting the tents (making the segments smaller) and reducing the façade (brought forward by the Residential City Inspection Division).</p>	<p>Current code considers "below grade" to be below the natural grade when viewing the property from the front set back line.</p> <p>Amendment would define "below grade" to be area of the structure surrounded by the lower of natural or finished grade. The amendments align closer to the requirement of a "traditional" below grade basement. For lots with minimal slope, compliance is relatively easy to achieve. For lots with extensive slopes, compliance maybe more difficult to achieve.</p>	<p><b>Planning Commission</b> Recommended staff/AIA alternative recommendation:</p> <p>Below grade portions must be achieved below the <del>lower of natural grade or finished grade</del>;</p> <p>The exempted habitable space below grade must have at least <del>50-60</del> percent of the building perimeter <u>wall area</u> surrounded by the natural grade.</p>

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<b>FAR EXEMPTIONS</b>				
19	<b>Attic Exemption:</b> Currently, one of the criteria for the attic exemption states that the attic must be the highest habitable portion of the building. If an applicant is finishing out the highest part of a portion of a building, but not the highest portion of the entire structure, the applicant would not receive the attic exemption even though this would not add additional mass to the structure.	Allow an attic exemption if the structure meets all attic exemption requirements and revise number (5) in Section 3.3.2.C to read the highest habitable portion of the section of any structure with no useable space located directly above any portion of that section of the building.	Current code only allows exemption of an attic if that attic is the highest habitable portion of the entire structure.  Amendment relaxes the criteria, recognizing that more than one attic area can exist on different sections of connected structures.	<b>Planning Commission</b> Recommended.
<b>DEFINITIONS</b>				
20	<b>Wall Plate.</b> Currently, this Subchapter does not include a definition for wall plate which is an issue if someone currently has an existing one story and wants to remodel to add a second story.	Include a definition for clarity – The wall plate is the lowest point of the existing first floor ceiling framing where it intersects the exterior wall.	Wall Plate is not currently defined. Staff defers to the architects to identify where the wall plate is located.  Amendment would provide guidance to architects and designers as to where the wall plate is located.	<b>Planning Commission</b> Recommended, with staff’s recommendation to include reference to applicable building code (IRC) terminology.
21	<b>GROSS FLOOR AREA</b> Currently is as the meaning assigned by Section 25-1-21 (Definitions), with some modifications. Because the definition of GFA is enclosed space with a height under 6’, applicants are constructing space with a ceiling height of 5’11” which does not reduce the mass of the structure.	Revise the definition of GFA for purposes of this Subchapter to any area that is enclosed. This would remove the 6’ height provision.  <b>Updated recommendation 6/2/08:</b> The area of a structure may be exempted from gross floor area calculations if the enclosed area to be exempted has a height of 5 feet or less:  <ul style="list-style-type: none"> <li>▪ Where the area to be exempted is measured from the outside surface of the exterior walls, and</li> <li>▪ Where the height of the area to be exempted is measured from the finished floor elevation (FFE) of the floor area to be exempted to: <ul style="list-style-type: none"> <li>○ The underside of the roof rafters, or</li> <li>○ The bottom of the top chord of the roof truss (e.g. underside of roof rafters or as defined in BCM. Height may not be measured to collar ties, ceiling joists or any type of furred down ceiling.)</li> </ul> </li> </ul>	Current practice exempts from FAR any area identified as being less than 6 ft.  Amendment would remove the 6 ft height provision, thereby including all interior space, regardless of height, towards the calculation of FAR.  IRC currently prohibits space less than 5’ in height to be habitable	<b>Planning Commission</b> <u>Action 5/13</u> – Referred back to Task Force  <b>Task Force:</b> Recommended with additional revision to add a new exemption for spaces that are less than 5 ft in height. (See “Updated recommendation as of 6/2/08” under Task Force recommendation column)

## Residential Development Regulations Task Force Recommendations

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<b>OTHER</b>				
22	<b>Flag Lots.</b> There is a concern that the portion of the flag lot that is used for access, essentially the 'pole' of the flag lot, does not function as a part of the lot yet allows for an increase in the square footage of the home since the square footage of this access area is used in the floor-to-area ratio (FAR) calculation. Therefore the Task Force recommends that this access area be excluded in the gross site area used to calculate the FAR limit under the McMansion Ordinance and be consistent with the way the building/impervious coverage is calculated for lot size.	Provide that the gross site area of a flag lot for purposes of calculating the floor-to-area ratio (FAR) limitation of Subchapter F not include the total area which is the portion from the front lot line to a point where the lot meets the minimum lot width, and maintains or exceeds that lot width for a minimum of 50 feet.  NOTE: This portion should be consistent with city staff proposed changes as of 12/13/2007.	Total site area is used to determine FAR. This is inconsistent with how staff calculates impervious cover.  Amendment would be more restrictive because lot area calculation would decrease by removing the "pole" from the lot area calculation.	<b>Planning Commission</b> Recommended.
23	<b>Applicability.</b> Currently the following uses are not subject to Compatibility Standards or Subchapter F: Residential Design and Compatibility Standards: Club or Lodge, Day Care Services general and limited, Family Homes, Group Homes general and limited, Condo Residential, Retirement Housing small and large site, and Townhouse Residential.	Anyone proposing to construct one of the above-referenced uses would have a choice of complying with either the Compatibility Standards of the Land Development Code or Subchapter F: Residential Design and Compatibility Standards.	Listed uses do not have to comply with either Compatibility standards or McMansion standards.  Amendment requires the proposed use to comply with Compatibility standards or McMansion.	<b>Planning Commission.</b> Recommended.
24	<b>Exceptions.</b> Currently, this Subchapter does not apply to a lot zoned small lot (SF-4A) unless the lot is adjacent to property zoned (SF-2) or (SF-3). The mention of (SF-1) zoning is not included.	Any proposed development in a (SF-4A) district would have to comply with Subchapter F if the proposed development is adjacent to (SF-2) or (SF-3) zoning, but not (SF-1) zoning. This portion of the ordinance should be amended to state "This Subchapter does not apply to a lot zoned as a single-family residence small lot (SF-4A) district unless the lot is adjacent to property zoned as a single-family residence standard lot (SF-1) district, (SF-2) district, or family residence (SF-3) district.	Current code applies Subchapter F to SF4A lots adjacent to SF2 and SF3, but not SF1.  Amendment would extend applicability to SF4A lots that are surrounded by SF1 in addition to SF2 and SF3.	<b>Planning Commission.</b> Recommended.
25	<b>Land Use Chart.</b> The permitted use table in the Land Development Code 25-2-491(C) online does not comply with Ordinance 040617-Z1.	The online table needs to be corrected to reflect all changed adopted in the ordinance. (The online table shows more uses than allowed).		<b>Planning Commission.</b> Recommended <u>Note:</u> Revisions will need to be made at a later date.
26	<b>Subdistrict Customization.</b> Currently the ordinance allows under 25-2-1406 of the LDC, for a neighborhood plan combining district to modify certain development standards of this subchapter, but it does not allow for modifications by subdistrict.	Amend the ordinance such that modifications could be made by subdistricts w/in a neighborhood plan. <b>Note:</b> The Task Force recommends that there be a definition for subdistricts and that there is a mechanism developed such that subdistrict information be made available via GIS (single point of access for all information).	Current code only allows approved neighborhood plans to customize McMansion.  Amendment would allow subdistricts to customize McMansion.	<b>Planning Commission.</b> Recommended with clarification that it is critical to first define "subdistricts" prior to adopting this amendment.

## Residential Development Regulations Task Force Recommendations

#	Issue	Recommendation	Current Practice/Impact	Staff Recommendation
<b>OTHER</b>				
28	Duplex Common Wall has become a “zipper wall.”	<p>Task Force voted (4-0) on 11-09-2007 to draft a resolution to Council Member McCracken stating that the following language added to Part 3 (D) (1) may achieve his intent though not all TF members agree that this is an appropriate approach. The language: a common wall must be one contiguous plane and the common wall must be located perpendicular to the front lot line if the front lot line is straight. If the front lot line is not straight, then the common wall must be located perpendicular to the building line. The intent is to encourage units side by side or top and bottom.</p>	<p>Current code requires a common wall to be 50% of the depth of the structure. Depth is determined from the front of the lot to the rear of the lot regardless of the structures orientation. If a structure is oriented t facing the side, the building depth is still determined from the front lot line to the rear. A zipper wall is currently allowed to meet the 50% common wall requirement.</p> <p>The recommended amendment would require the zipper wall to be straight and be perpendicular to the front lot line thereby encouraging only stacked (upstairs/downstairs) duplexes or side by side duplexes.</p>	<p><b>Planning Commission.</b> <u>Action 5/13:</u> Referred back to Task Force.</p> <p><b>Staff recommendation:</b></p> <ul style="list-style-type: none"> <li>▪ Continue requiring the 50% common wall to be the depth of the structure as measured from front to rear of lot.</li> <li>▪ Add requirement that common wall must maintain a straight line for a minimum of 4 foot intervals or segments;</li> <li>▪ Add requirement that at least one unit must have <u>a front porch an entry to the dwelling unit facing the front street. The front porch must have an entry to the dwelling unit facing the front street.</u></li> <li>▪ For corner lots, <u>an entry a front porch must face each street and the front porch must have an entry to the dwelling unit.</u></li> </ul> <p><b>Task Force:</b> Recommends staff recommendation with underlined revisions.</p>
27	“Remodel” is not defined by the Land Development Code	<p>Handle remodel of a non-complying structure as follows:</p> <ul style="list-style-type: none"> <li>▪ Interior remodeling - fine.</li> <li>▪ Exterior changes - If more than 50% of the exterior walls are removed within a 5 year period then the building must be brought into compliance regarding use, setbacks, height, FAR, and building tent.</li> </ul> <p>The following information must still be considered and approved: definition of wall</p>	NA	A separate stakeholder group will be bringing forward a proposed amendment to define the term “remodel” for residential construction.

## ADDITIONAL STAKEHOLDER RECOMMENDATIONS: MCMANSION REVISIONS

#	Issue	Stakeholder Recommendation	Current Practice/Impact	Recommendation
1	<b>RDCC authority.</b> Residential Design and Compatibility Commission (RDCC) cannot grant modification requests to properties that are classified as contributing structures, historic districts, etc.	Allow RDCC to grant modifications to properties in historic districts, contributing structures, etc.	If a project is a contributing structure or in a historic district, only the Board of Adjustment can issue a variance from the McMansion standards.  Amendment would allow RDCC to grant a modification to a contributing structure if HLC reviews first in certain situations.	<b>Planning Commission.</b> <u>Action 5/13:</u> Referred back to Task Force.  <b>Task Force:</b> Recommended.
2	<b>Horizontal articulation.</b> Entire second story articulations away from the property line are not accepted as sidewall articulations. Applicants, to keep the desired square footage assumed by a standard 4 x 10 ft articulation, end up increasing the overall size and mass of the structure to accommodate the 4 x 10 ft articulation.	A sidewall articulation may also include a "horizontal articulation" where the <del>entire</del> floor(s) of a story above the first floor is set back further from the property line by at least 9 feet for at least 36 ft.	Currently, if an entire story above the first floor is set back further from the property line than the first floor, even for new construction, the design does not qualify as a sidewall articulation.  Amendment would give architects additional design freedom while reducing the impact of the structure upon the adjacent lots. The stories above the first floor must be set back further from the property line than the first floor by no less than 9 ft from the property line.	<b>Planning Commission.</b> <u>Action 5/13:</u> Referred back to Task Force.  <b>Task Force:</b> Recommended with revision to limit the length of the articulation to 10 feet instead of 36 feet.
3	<b>Exempting New subdivisions within McMansion Boundaries.</b> Some new, undeveloped subdivisions are located within the McMansion boundaries and are subject to the new development requirements. Additionally, there are cases where SF4A lots are completely surrounded by SF3 lots and, as a result are subject to McMansion as well.	Allow for new undeveloped subdivisions within the McMansion boundaries to be exempt from compliance with Subchapter F	Any residential lot, with the exception of a lot zoned SF4A, located within the McMansion boundaries is subject to McMansion. If the lot is a SF4A lot and surrounded by SF2 or SF3 lots, then it too is subject to McMansion.  Amendment would exempt new undeveloped subdivisions from having to comply with McMansion requirements regardless as to what type of zoning surrounds the subdivision.	<b>Planning Commission:</b> <u>Action 5/13:</u> Referred back to Task Force.  <b>Task Force:</b> Not recommended.
4	<del><b>Altering McMansion Boundaries.</b> Subdivisions in the northwestern are of Austin are located inside McMansion boundaries but have several homes well over 0.4 FAR. Homeowners experience a difficult time remodeling existing homes or building new homes that are compatible with surrounding homes in the area.</del>	<del>Alter McMansion boundaries to take into consideration subdivisions where at least 50% of the lots are above 0.4 FAR are outside of the boundaries; consider VMU-NW boundaries for guidance.</del>	<del>Any lot within the McMansion boundaries are subject to McMansion regulations.  Recommendation could remove subdivisions that have 50% of the subdivision boundaries over 0.4 FAR from McMansion boundaries or retract the boundaries to the same north western boundaries used by VMU.</del>	<del><b>Planning Commission:</b> <u>Action 5/13:</u> Referred back to Task Force.  <b>Removed per direction from City Council</b></del>

## ADDITIONAL STAKEHOLDER RECOMMENDATIONS: MCMANSION REVISIONS

#	Issue	Stakeholder Recommendation	Current Practice/Impact	Recommendation
5	<b>Clarifying attic exemption.</b> Attic requirement for “contained within the roof structure” needs clarification.	Clarify that “contained within the roof structure” means that that roof structure is the roof framing. Further clarify that a dormer is allowed as long as the dormer protrudes from the roof’s frame.	Because the language is vague, staff has not been able to counter that roof structure is specific to roof framing.  Amendment would clarify that roof structure is roof framing and that a dormer or protrusion out of the roof framing will not prevent the habitable attic space from being exempt from FAR.	<b>Planning Commission:</b> <u>Action 5/13</u> : Referred back to Task Force.  <b>Staff Recommendation:</b> Instead of a code amendment, staff recommends a policy memo to clarify its interpretation of “contained within the roof structure” and amend the BCM to clarify the language as well.  <b>Task Force:</b> Recommends a policy memo with the additional clarification that when the attic exemption is applied, the space shall include dormers, gables, etc. when calculating the area with height 7’ or less. Also recommends amending the Building Criteria Manual to reflect the clarification.
6	<b>Consider dormers when calculating height.</b> Dormers are being constructed larger than anticipated and allowing taller habitable attic areas.	Modify height to include the higher gabled roof line	For a pitched or hip roof, height is determined to the average height of the highest gable only.  Amendment would allow height to be measured to “the gabled roof with the highest average height.” This would include a dormer and be closer to “perceived or real” height of the structure.	<b>Planning Commission:</b> <u>Action 5/13</u> : Referred back to Task Force.  <b>Task Force:</b> Recommended
7	<del><b>Expand RDCC Authority.</b> In some cases, it is difficult to obtain a variance from compatibility or impervious cover requirements because a hardship may or may not exist, even when there is support for the variance.</del>	<del>Expand RDCC’s authority to include the ability to grant modifications or waivers from commercial compatibility requirements and impervious cover restrictions. Give applicants the choice of being heard by the RDCC or the BOA. All appeals to the RDCC’s decision should be considered by the Planning Commission. If the appeal is to an issue where RDCC and BOA share joint jurisdiction, then the appeal shall be considered by the City Council.</del>	<del>Currently, the RDCC only has authority to review residential modification requests within the McMansion boundaries, subject to a complete waiver of sidewall articulation requirements or a 25% increase of FAR or protrusions from the tent. Height, impervious cover, commercial compatibility, nonconforming uses, noncomplying status are considered by the BOA contingent upon a hardship of the lot. Appeals of the RDCC’s decision are heard by the City Council.  Amendment would grant the RDCC additional authority to consider: 1. Commercial compatibility for commercial projects 2. Requests for increases to impervious cover RDCC appeals would be heard by the Planning Commission instead of City Council. Where RDCC and BOA shared joint jurisdiction, appeals would be considered by City Council.</del>	<del><b>Planning Commission:</b> <u>Action 5/13</u>: Referred back to Task Force.  Staff: Neutral.  RDCC would need to increase the number cases it considers on an agenda. Currently, RDCC considers 10 cases.  Removed per direction from City Council.</del>

## ADDITIONAL STAKEHOLDER RECOMMENDATIONS: MCMANSION REVISIONS

#	Affordability Impact Statement	AIS Recommendation	Current Practice/Impact	Recommendation
8	Affordability Impact Statement (Item #1 on page 2)	Establish 2,400 sq ft as the threshold for applicability of wall articulation requirements if development is SMART housing certified and neighborhood is notified	Projects that are less than 2,000 sf in gross floor area and less than 32 feet in height are exempt from sidewall articulation requirement.  Recommendation would allow projects that are certified as SMART housing AND 2,400 sq ft to be exempt from sidewall articulation requirement	<b>Planning Commission:</b> <u>Action 5/13</u> : Referred back to Task Force.  <b>Task Force:</b> Alternative Recommendation for both Items 8 and 9:  Expand RDCC Authority to allow Smart Housing certified subdivisions with a minimum of 12 lots on at least one acre with at least 40% of affordable units can apply for a modification from: <ol style="list-style-type: none"> <li>1. Sidewall articulation, and/or</li> <li>2. Setback plane</li> </ol>
9	Affordability Impact Statement (Item #2 on page 2)	Establish Exemption from Residential Design Standards Ordinance Requirements for new subdivision of tracts of at least one acre if SMART Housing-certified and construction consists of at least five (5) housing units.	All projects that currently fall within the McMansion boundaries are subject to McMansion standards regardless as to whether or not the project is smart housing certified.  Amendment would provide administrative authority to exempt smart housing certified subdivisions of at least one acre from McMansion regulations.	<b>Planning Commission:</b> <u>Action 5/13</u> : Referred back to Task Force.  <b>Task Force:</b> No vote required. This recommendation does not require a code amendment. Staff will work with Smart Housing program to determine if an alternative method is available.
10	Affordability Impact Statement (Item #3 on page 2)	Establish an alternate method of compliance for topographic survey requirement; which adds expense to building permit submittals	As part of an application, the City currently requires a signed and sealed topographic survey when there is a change in grade in excess of two feet to help verify height, tents, etc.	<b>Planning Commission:</b> <u>Action 5/13</u> : Referred back to Task Force.  <b>Task Force:</b> No vote required. This recommendation does not require a code amendment. Staff will work with Smart Housing program to determine if an alternative method is available.
11	<del>Affordability Impact Statement (Item #4 on page 2)</del>	<del>Exempt Homes of 1500 sf or less entirely from the residential design standards ordinance</del>	NA	<b>Removed per direction from City Council</b>
12	Affordability Impact Statement (Item #5 on page 2)	Consistent with current SF4A exemption, establish exemption for cottage lot and urban home small-lot developments	Cottage lot and urban home small lot developments are not exempt from McMansion regulations.  Amendment would exempt cottage lot and urban home small lot developments regardless if the project were certified by smart housing.	<b>Planning Commission:</b> <u>Action 5/13</u> : Referred back to Task Force.  <b>Task Force:</b> Not recommended. Alternative recommendation for items 8 & 9 may provide the relief smart housing projects are seeking.
13	Affordability Impact Statement (Item #6 on page 2)	Reference the definition of top plate from the 2006 IRC	NA	<b>Planning Commission:</b> <u>Action 5/13</u> : Referred back to Task Force.  <b>Task Force:</b> No vote required. See Item #20 on Task Force Recommendations.