

ORDINANCE NO. _____

1 AN ORDINANCE RELATING TO REQUIREMENTS FOR RESIDENTIAL
2 REMODELLING AND REBUILDING; AMENDING CITY CODE SECTIONS 25-
3 2-963 AND 25-11-63; AMENDING CITY CODE CHAPTER 25-11 TO ADD A
4 NEW ARTICLE 5.
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6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
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8 **PART 1.** City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying*
9 *Structures*) is amended to amend Subsection (A) and to add a new Subsection (G),
10 Subsection (H), and Subsection (I) to read:

11 (A) Except as provided in Subsections (B) and (G), a person may modify or
12 maintain a noncomplying structure.

13 (G) Except as provided in Subsections (H) and (I), alteration or modification of a
14 residential dwelling unit constitutes new construction and must comply with the
15 requirements of this title.

16 (H) A person may remodel a residential structure that is noncomplying based on a
17 requirement of this title if the remodeled structure complies with the
18 requirements of Section 25-11-250 (*Remodel Requirements*).

19 (I) A person may rebuild a residential structure that is noncomplying based on a
20 requirement of this title if the rebuilt structure complies with the requirements
21 of Section 25-11-251 (*Rebuilding Requirements*).
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23 **PART 2.** Subsection (A) of City Code Section 25-11-63 (*Review Periods*) is amended to
24 read:

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

27 Type of permit Days after application filed

28 (1) Commercial buildings, new construction 21

29 (2) Commercial buildings, remodeling and finish-outs 7

30 (3) Residential, new construction 28 [7]

31 (4) Residential, remodeling or rebuilding 28 [2]

- 1 (5) Sign, other than a nonconforming off-premise sign 7
- 2 (6) Replacement of nonconforming off-premise sign 14
- 3 (7) Repair of nonconforming off-premise sign 7
- 4 (8) Demolition 3
- 5 (9) Relocation 3

6
7 **PART 3.** City Code Chapter 25-11 (*Building, Demolition, and Relocation Permits; Special Requirements for Historic Structures*) is amended to rename the chapter
8 *“Building, Demolition, Relocation, Remodel, and Rebuilding Permits; Special*
9 *Requirements for Historic Structures.”*

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12 **PART 4.** City Code Chapter 25-11 is amended to add a new Article 5 to read:

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14 **ARTICLE 5. REMODELING AND REBUILDING PERMITS.**

15 **§ 25-11-250 REMODEL REQUIREMENTS.**

- 16 (A) A remodel of a residential dwelling must comply with the following
17 requirements:
- 18 (1) A remodel must be limited to the original structure and may not expand
19 the structure vertically or horizontally.
 - 20 (2) No more than fifty percent of the exterior walls and supporting structural
21 elements, down to the framing or studs, may be demolished or removed.
22 For purposes of this section, exterior walls and supporting structural
23 elements shall be measured in linear feet, and the roof of the structure
24 shall not be included in the measurement.
 - 25 (3) Alteration of the original foundation, piers, or beams is prohibited, except
26 that repair, reinforcement, and leveling of up to 12” of the original
27 foundation, piers, or beams are allowed to the minimum extent required
28 to ensure structural integrity.
 - 29 (4) A roofline may not be extended beyond the currently applicable height
30 limits.
 - 31 (5) If a wall that is noncomplying with an applicable requirement of the Land
32 Development Code or a technical code is demolished or removed, the
33 wall loses its noncomplying status and must be rebuilt consistent with all
34 applicable requirements.

- 1 (B) In addition to the requirements in Subsection (A) of this section, a remodel
2 must comply with all applicable technical code requirements under Chapter 25-
3 12 (*Technical Codes*).
4

5 **§ 25-11-251 REBUILDING REQUIREMENTS.**

- 6 (A) An original structure may be demolished down to the slab or foundation and
7 rebuilt in accordance with the requirements of this section.

- 8 (B) A rebuilt residential dwelling must be located within the same footprint as the
9 original structure and may not:

- 10 (1) exceed the gross floor area of the original structure, which must be 1,200
11 square feet or less in gross floor area; or
12 (2) exceed the degree of noncompliance of the original structure with a
13 requirement of this code.

- 14 (C) Alteration of the original foundation, piers, or beams is prohibited, except that
15 repair, reinforcement, and leveling of up to 12” of the original foundation, piers,
16 or beams are allowed to the minimum extent required to ensure structural
17 integrity.

- 18 (D) In addition to the requirements in Subsections (A) and (B) of this section, a
19 remodel must comply with all applicable technical code requirements under
20 Chapter 25-12 (*Technical Codes*). If an original structure is noncomplying with
21 a technical code adopted under Chapter 25-12 (*Technical Codes*), the rebuilt
22 structure must comply with all applicable technical code requirements.

- 23 (E) The building official may not issue a permit to rebuild a residential dwelling
24 under this section unless the following requirements are met:

- 25 (1) In addition to all other applicable requirements, an application to rebuild
26 a residential dwelling must include certification from a licensed engineer
27 verifying that the original foundation may safely be used to support the
28 rebuilt structure described in the permit application.

- 29 (2) An applicant must record a restrictive covenant, on a form provided by
30 the building official, providing that the residential dwelling loses its non-
31 complying status as a rebuilt structure if the gross floor area is increased
32 by more than twenty-five percent without approval of the Residential
33 Design and Compatibility Commission under Chapter 25-2, Subchapter E
34 (*Residential Design and Compatibility Standards*), Section 2.8

