

1087

AN ORDINANCE.

AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSED RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY.

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

PURPOSE.

SECTION 1. THAT the zoning regulations and districts as herein adopted and established have been made in accordance with a comprehensive plan, for the purpose of promoting the health, safety, morals and general welfare of the community of the City of Austin. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for the particular uses; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

DEFINITIONS

SECTION 2. THAT for the purposes of this ordinance, the certain terms and words used herein are defined and interpreted as follows:

Words used in the present tense include the future; words in the singular number include the plural number, and words used in the plural number include the singular number.

The word "Building" includes the word "Structure".

The word "shall" is mandatory and not directory.

Any words not herein defined shall be construed as defined in the Building Code of the City of Austin.

ACCESSORY USE: A use customarily incident to the principle use.

ALLEY: A public space or thoroughfare not over twenty (20) feet nor less than twelve (12) feet wide.

APARTMENT HOUSE: A building or portion thereof used or intended to be used as the home of three or more families or households living independently of each other.

APARTMENT HOTEL: A building used or intended to be used as the house of three or more families living independently of each other, in which building may be located a cafe

drugstore, laundry, clothes pressing shop, barber shop for the common use and patronage of the residents of said building.

BOARDING HOUSE: A building, other than a hotel, where lodging and meals for five or more persons are served for compensation.

BUILDING: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels; and when separated by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building except as provided in Section 16 (Also see Building Code).

CURB LEVEL: The mean level of the established curb in front of the building.

FAMILY: A "family" is any number of individuals living together as a single house-keeping unit; however, when computing the minimum lot area per family in cases of apartment houses and apartment hotels, a family shall mean five persons.

DEPTH OF REAR YARD: The minimum horizontal distance between the rear line of a building other than a building for an accessory use, and the centerline of the alley, where an alley exists, otherwise the rear lot line.

DEPTH OF LOT: The mean horizontal distance between the front and rear lot lines.

FILLING STATION: A place where gasoline and/or oil and grease and/or accessories are sold, supplied, or dispensed to the retail motor vehicle trade and/or where motor vehicles are repaired, or equipped for service, and/or where electric storage batteries are recharged and cared for.

HEIGHT OF BUILDING: The vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. For buildings set back from the street line the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided its distance from the street line is not less than the height of such grade above the established curb level.

HEIGHT OF COURT OR YARD: The vertical distance from the lowest level of such court or yard to the highest point of any bounding wall.

HOTEL: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which, as a rule, the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, and in which there are more than twelve (12) sleeping rooms, and which may include a public dining room for the accommodation of more than twelve (12) guests and a general kitchen.

INNER COURT: An open, unoccupied space surrounded on all sides by walls, or by walls and a lot line.

LENGTH OF OUTER COURT: The mean horizontal distance between the open and closed ends of the court.

LODGING HOUSE: A building, other than a hotel, where lodging for five (5) or more persons is provided for compensation.

LOT: Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.

LOT, CORNER: A lot situated at the junction of two or more streets, and having a width not greater than fifty (50) feet.

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: An interior lot having frontage on two streets.

LOT LINES: The lines bounding a lot as defined herein.

NON-CONFORMING USE: A building or premises occupied by a use that does not conform with the regulations of the use district in which it is situated.

ONE-FAMILY DWELLING: A detached building having accommodations for and occupied by only one family.

OUTER COURT: An open reserved space on the same lot with a building, extending to and opening upon a street, alley or yard.

PLACE: An open unoccupied space reserved for purposes of access for abutting property.

PORCH: A roofed space open on three sides; one or more stories in height.

PRIVATE GARAGE: A building for the storage of motor vehicles where no repair facilities are maintained and where no motor vehicles are kept for hire or sale and where no filling station is maintained.

PUBLIC GARAGE: Any building except those described as a private garage, where motor vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale, and where a filling station may be maintained.

PRIVATE STABLE: A stable with a capacity for not more than four (4) horses or mules.

PUBLIC STABLE: A stable with a capacity for more than four (4) horses or mules.

REAR YARD: A space, unoccupied except by a building of accessory use as hereinafter permitted, extending for the full width of the lot between a building other than a building of accessory use and the rear lot line.

SETRACK: The minimum horizontal distance between the front line of any projection of the building, excluding steps and uninclosed porches, and the street line.

SIDE YARD: An open, unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the street line to the rear yard.

SIGNS: Any device or surface on which letters, illustrations, designs, figures or symbols are painted, printed, stamped, raised, projected or in any manner outlined or attached and used for advertising purposes.

STREET: A public thoroughfare more than twenty (20) feet wide.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, girders, or beams over eight (8) feet long.

TENEMENT HOUSE: See "Apartment House".

TWO-FAMILY DWELLING: A detached or semi-detached building having separate accommodations for and occupied as a dwelling by two (2) families.

USE DISTRICT REGULATIONS

SECTION 3. THAT in order to regulate and restrict the location of trades and industries and the location of buildings erected or altered for specified uses, the City of Austin is hereby divided into "Use Districts", of which there shall be five, known respectively as:

- "A" Residence District,
- "B" Residence District,
- "C" Commercial District,
- "D" Industrial District, and
- "E" Unrestricted District.

The boundaries of such districts are shown upon the MAP attached hereto and made a part of this ordinance, said map being designated as "USE DISTRICT MAP", and said map and all the notations, references and other things shown thereon shall be as much a part of this ordinance as if the matters and things shown and set forth by and on said map were all fully described herein.

Except as hereinafter provided, no building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the Use District in which such building or premises is located.

"A" RESIDENCE DISTRICT

SECTION 4. THAT in "A" Residence District no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

1. One-Family Dwellings,
2. Two-Family Dwellings,
3. Churches,
4. Schools,
5. Libraries,
6. Museums,
7. Fire Stations,
8. Parks and Playgrounds,
9. Farming and truck gardening, nurseries and greenhouses.
10. Utilities stations, when owned by the City, except garbage incinerators, sewage disposal plants and abattoirs,
11. Temporary buildings, accessory to new constructions,
12. Temporary uses for a period to be determined by the City Council.
13. Private clubs, except those clubs the chief activity of which is a service customarily carried on as a business and clubs with more than two (2) sleeping rooms.
14. Accessory uses, which shall be understood to include, among other things:
 - a. An office, such as that of a physician, dentist, musician, artist or other professional person when located within or directly attached to his or her dwelling, which is used primarily as a dwelling; and home occupations such as dressmaking or millinery engaged in by persons of the immediate family within their own dwelling.
 - b. The renting of rooms or lodgings, or the serving of meals for compensation to not more than four (4) persons,
 - c. A private garage, when located not less than sixty (60) feet from the front lot line, and not less than twenty (20) feet from any other street line, or a private garage in a compartment as a part of the main building, having a capacity of not more than four (4) vehicles if the area of the lot upon which same is located shall contain not less than 2,000 square feet for each vehicle space provided. Of the vehicles to be stored not more than one (1) shall be commercial vehicle.
 - d. A private stable, located not less than eighty (80) feet from the front lot line.
 - e. A fence, hedge or enclosure wall, provided
 - (1) A solid fence or enclosure wall shall not exceed a height of six (6) feet,
 - (2) An ornamental fence exceeding six (6) feet in height shall have a ratio of solid portion to open portion not in excess of one to four,
 - (3) Any fence, hedge or enclosure wall on a corner lot, and situated within fifteen feet of the intersection of the two street lines, shall not exceed a height of three (3) feet.
 - f. Signs as provided under Section 9.

"B" RESIDENCE DISTRICT

SECTION 5. THAT in "B" Residence District no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in "A" Residence District,
2. Apartment Houses,
3. Apartment Hotels,
4. Clubs, Fraternities, Lodges, Sororities and Dormitories,
5. Boarding and Lodging Houses,
6. Hospitals and Clinics for human beings only,
7. Institutions of an educational, philanthropic or eleemosynary nature,
8. Accessory uses which shall include among other things:

a. An office, such as that of a physician, dentist, musician, artist or other professional person when located within or directly attached to his or her dwelling, which is used primarily as a dwelling; and home occupations such as dressmaking or millinery engaged in by persons of the immediate family within their own dwellings.

b. A private garage, when located not less than sixty (60) feet from the front lot line and not less than twenty (20) feet from any other street line, or a private garage in a compartment as a part of the main building, provided the capacity of same shall not exceed one (1) vehicle for every five hundred (500) square feet of lot area.

c. A private stable, located not less than eighty (80) feet from the front lot line.

d. A fence, hedge, or enclosure wall, provided

(1) A solid fence or enclosure wall shall not exceed a height of six (6) feet;

(2) An ornamental fence exceeding six (6) feet in height shall have a ratio of solid portion to open portion not in excess of one (1) to four (4).

(3) Any fence, hedge or enclosure wall on corner lot, and situated within fifteen (15) feet of the intersection of the two street lines, shall not exceed a height of three (3) feet.

e. Signs as provided under Section 9.

"C" COMMERCIAL DISTRICT.

SECTION 6. THAT in "C" Commercial District, all buildings and premises, except as otherwise provided in this ordinance, may be used for any use permitted in the "B" Residence District or for any other use, except the following:

1. All uses excluded from the "D" Industrial District and "E" Unrestricted District.
2. Bakery, using soot producing fuel.
3. Blacksmith or Horseshoeing.
4. Blast Furnace.
5. Boiler Works.
6. Bottling Works.
7. Brick, Tile or Terra Cotta Manufacture.
8. Building Material Storage yard.
9. Junk yard, bone yard, or refuse yard, whether open or closed.
10. Contractor's plant or storage yard, except as provided in Section III.

11. Coal, Coke or wood yard.
12. Cooperage works.
13. Cotton gin.
14. Dyeing, and/or cleaning works, using soot producing fuel.
15. Forge Plant.
16. Ice plant or storage house, using soot producing fuel.
17. Iron, steel, brass or copper foundry.
18. Laundry, using soot producing fuel.
19. Livery stable.
20. Lumber yard.
21. Oiled, rubber or leather goods manufacture.
22. Plating Works.
23. Rolling Mill.
24. Rock crusher.
25. Sauer Kraut Manufacture.
26. Sausage Manufacture.
27. Stone Mill or Quarry.
28. Stone Yard or Monument Works.
29. Soap Manufacture.

30. Any kind of manufacture or treatment other than the manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.

31. A private garage accessory to a one family dwelling or a two family dwelling when located less than sixty (60) feet from the front lot line and less than twenty (20) feet from any other street line.

"D" INDUSTRIAL DISTRICT.

SECTION 7. THAT in "D" Industrial District, all buildings and premises except as otherwise provided in this ordinance, may be used for any use permitted in the "C" Commercial District, or for any other use except the following:

1. Abattoirs,
2. Acetylene gas manufacture,
3. Acid manufacture,
4. Ammonia, Bleaching Powder or Chlorine manufacture,
5. Arsenal,
6. Asphalt manufacture or refining,
7. Candle manufacture,
8. Carpet and bag cleaning,
9. Celluloid manufacture,
10. Cemeteries,
11. Coke Ovens,
12. Crematory,
13. Creosote treatment or manufacture,
14. Disinfectants manufacture,
15. Distillation of bones, coal or wood,
16. Dye stuff manufacture,
17. Exterminator and insect poison manufacture,
18. Emery cloth and sand paper manufacture,

19. Fat rendering
20. Fertiliser manufacture,
21. Fireworks or Explosive manufacture or storage,
22. Gas (illuminating or heating) manufacture,
23. Glue, size or gelatine manufacture,
24. Gunpowder manufacture or storage,
25. Incineration or Reduction of Garbage, Dead Animals, Offal or Refuse,
26. Lamp Black Manufacture,
27. Oilcloth or Linoleum manufacture,
28. Ore Reduction,
29. Paint, Oil, Shellac, Turpentine or Varnish manufacture,
30. Paper and Pulp Manufacture,
31. Petroleum Products, refining or wholesale storage of Petroleum,
32. Potash Works,
33. Printing Ink Manufacture,
34. A private garage accessory to a one family dwelling or a two family dwelling when located less than sixty (60) feet from the front lot line and less than twenty (20) feet from any other street line.
35. Pyroxin manufacture,
36. Rubber or Gutta Percha manufacture or treatment,
37. Salt Works,
38. Shoe Blacking manufacture,
39. Soda and Compound manufacture,
40. Smelters,
41. Stock Yards,
42. Storage or Baling of Scrap Paper, Iron, Bottles, Rags or Junk conducted as a business.
43. Stove Polish manufacture,
44. Tallow, Grease or Lard manufacture or refining from animal fat,
45. Sulphuric, Nitric, or Hydrochloric Acid Manufacture,
46. Tanning, Curing or Storage of Rawhides or Skins,
47. Tar Distillation or manufacture,
48. Tar roofing or water proofing manufacture,
49. Chewing tobacco manufacture or treatment,
50. Vinegar manufacture,
51. Wool Pulling or Scouring,
52. And in general those uses which have been or may be declared a nuisance in any court of record, or which may be obnoxious, or offensive by reason of the emission of odor, dust, smoke, gas, or noise.

"E" UNRESTRICTED DISTRICT.

SECTION 8. THAT in "E" Unrestricted District, buildings and premises may be used for any purposes whatsoever not in conflict with any ordinance of the City of Austin regulating nuisances.

SIGNS

SECTION 9. THAT in "A" Residence District and in "B" Residence District, it shall be unlawful for any person, firm or corporation to place, erect, construct or use any sign except as follows:

(1) NAME PLATES: In "A" Residence District and in "B" Residence District not to exceed two (2) square feet in area as an accessory use to a lot or building on which placed and bearing one name plate for each family housed, which name plate may state the occupation of each occupant.

(2) LEASE OR SALE: Signs pertaining to the lease or sale of a lot or building upon which placed and not exceeding a total area of eight (8) square feet.

(3) ACCESSORY:

In "A" and "B" Residence Districts as an accessory use to any use permitted not exceeding fifteen (15) square feet in area.

(4) TEMPORARY:

a. A temporary sign to be displayed during construction and in connection with construction operations.

b. A temporary sign not exceeding eight (8) square feet pertaining to the sale of an addition or of a subdivision, the area of which subdivision exceeds one acre of land, for a period not to exceed two (2) years.

SET BACK FOR SIGNS: In "A" and "B" Use Districts signs shall be set back from the front street lines the same distance required by the set back requirements of the Height and Area District provisions of this ordinance.

NON-CONFORMING USES:

SECTION 10. THAT the lawful use of land existing at the time of adoption of this ordinance, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this ordinance.

The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to any use permitted in the same use district as that in which the use existing at the time of the adoption of this ordinance is permitted, according to the provisions of this ordinance. Whenever a use district shall be hereafter changed, any then existing non-conforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted, provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been changed to a more restricted use or a conforming use, such use shall not thereafter be changed to a less restricted use.

Whenever the use of any building has become non-conforming by virtue of a change of the use district, such use may nevertheless be continued or may be changed to a use permitted in the use district in which the use was located before such change, provided, all other regulations governing the new use be complied with.

In Residence "A" and in Residence "B" Districts, any non-conforming use not conducted within a building shall be discontinued within four (4) years from the date this ordinance shall become effective.

HEIGHT AND AREA DISTRICT REGULATIONS.

SECTION 11. THAT in order to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and determine the area of yards, courts and other open spaces surrounding buildings, and to regulate and limit the density of population,

the City of Austin is hereby divided into districts, of which there shall be four (4), known respectively as:

First Height and Area District,
Second Height and Area District,
Third Height and Area District,
Fourth Height and Area District.

The boundaries of such districts, shown upon the map attached hereto and made a part of this ordinance, are hereby established, said map being designated as the "Height and Area District Map", and said map and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

Except as hereinafter provided, no building shall be erected or structurally altered except in conformity with the regulations herein established for the height and area district in which such building is located.

No lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed by this ordinance.

FIRST HEIGHT AND AREA DISTRICT

SECTION 12. THAT in the First Height and Area District, the height of buildings, the minimum dimensions of yards and courts, and the minimum lot area per family shall be as follows:

HEIGHT: No building hereafter erected or structurally altered shall exceed thirty-five (35) feet. See Section 16 (a) and (b).

REAR YARD: There shall be a rear yard having a minimum depth of twenty-five (25) feet. See Section 16 (1).

SIDE YARD: There shall be a side yard on each side of the building and the total width of side yards shall be not less than 30% of the total width of the lot, provided that the least side yard shall be not less than three (3) feet wide. See Section 16 (G & I).

INNER COURT: The least dimension of an inner court shall be not less than six (6) feet, nor less than two and one-half (2½) inches for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

SETBACK: There shall be a setback line of not less than twenty-five (25) feet for the building line and a minimum of fifteen (15) feet for the front line of any porch, provided that when twenty-five (25) percent or more of all the frontage on one side of a street between the two intersecting streets at the time of the passage of this ordinance has been built up with buildings having a minimum setback line of more, or of less, than twenty-five (25) feet from the street line, no building hereafter erected or structurally altered shall project beyond the minimum setback line so established; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street of record at the time of the passage of this ordinance to less than thirty-two (32) feet.

LOT AREA PER FAMILY: Every building hereafter erected or structurally altered which is located in the "A" Residence District and the First Height and Area District shall provide a lot area of not less than three thousand (3,000) square feet per family; provided, however, that where a lot is held under a distinct ownership from adjacent lots and of record at the time of the passage of this ordinance has less area than herein required, this regulation shall not apply.

Every building hereafter erected or structurally altered which is located in the "B" Residence District and the First Height and Area District shall provide a lot area of not less than two thousand (2,000) square feet per family.

SECOND HEIGHT AND AREA DISTRICT.

SECTION 13. THAT in the Second Height and Area District, the height of buildings, the minimum dimensions of yards and courts, and the minimum lot area per family shall be as follows:

HEIGHT: No building hereafter erected or structurally altered shall exceed forty-five (45) feet. See Section 16 (a) and (1).

REAR YARD: There shall be a rear yard having a depth of not less than twenty-five (25) feet. See Section 16 (1).

SIDE YARD: There shall be a side yard on each side of the building and the total width of side yards shall be not less than thirty (30) percent of the total width of the lot, provided that the least side yard shall not be less than three (3) feet wide.

INNER COURT: The least dimension of an inner court shall be not less than six (6) feet, nor less than two and one-half ($2\frac{1}{2}$) inches for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

SETBACK: There shall be a setback line of not less than twenty-five (25) feet for the building line and a minimum of fifteen (15) feet for the front line of any porch; provided, that when twenty-five (25) percent or more of all the frontage on one side of a street between two intersecting streets at the time of the passage of this ordinance has been built up with buildings having a minimum setback line of more, or of less, than twenty-five (25) feet from the street line, no building hereafter erected or structurally altered shall project beyond the minimum setback line so established; provided, that no building shall be required to set back more than forty (40) feet in any case, and provided further, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street, of record at the time of the passage of this ordinance, to less than thirty-two (32) feet. Where all the frontage on one side of a street between two intersecting streets is located in a "C" Commercial, "D" Industrial, or "E" Unrestricted District, and a Second Height and Area District, the setback regulations may be waived.

LOT AREA PER FAMILY: Every building hereafter erected or altered shall provide a lot area of not less than seven hundred fifty (750) square feet per family.

THIRD HEIGHT AND AREA DISTRICT

SECTION 14. THAT in the Third Height and Area District, the height of buildings, the minimum dimensions of yards and courts, and minimum lot area per family shall be as follows:

HEIGHT: No building hereafter erected or structurally altered shall exceed ninety (90) feet.

REAR YARD: There shall be a rear yard of not less than twenty-five (25) feet. See Section 16 (1) and (h).

SIDE YARD: There shall be a side yard on each side of the building having a width of not less than six (6) feet. A side yard shall in no case be less than one (1) inch wide for each foot of building height nor less than one (1) inch wide for each foot of building length. See Section 16 (1) and (h).

OUTER COURT: The least dimension of an outer court shall not be less than five (5) feet, nor less than two (2) inches for each foot of height of such court, nor less than two (2) inches for each foot of length of such court from the closed end. See Section 16 (1).

INNER COURT: The least dimension of an inner court shall not be less than six (6) feet, nor less than two and one-half ($2\frac{1}{2}$) inches for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

SETBACK: There shall be a setback line of not less than twenty-five (25) feet for the building line and a minimum of fifteen (15) feet for the front line of any porch, provided that when twenty-five (25) percent or more of all the frontage on one side of a street between two intersecting streets at the time of the passage of this ordinance has been built up with buildings having a minimum setback line of more, or less, than twenty-five (25) feet from the street line, no building hereafter erected or structurally altered shall project beyond the minimum setback line so established; provided, that no building shall be required to set back more than forty (40) feet in any case; and provided further that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street, and of record at the time of the passage of this ordinance, to less than thirty-two (32) feet; provided, however, when all the frontage on one side of a street between two intersecting streets is located in a "C" Commercial, "D" Industrial, or "E" Unrestricted District, and a Third Height and Area District, the setback regulations may be waived.

LOT AREA PER FAMILY: Every building hereafter erected or structurally altered shall provide a lot area of not less than five hundred (500) square feet per family.

FOURTH HEIGHT AND AREA DISTRICT.

SECTION 15. THAT in the Fourth Height and Area District, the height of buildings and the minimum dimensions of yards and courts shall be as follows, provided, however, all buildings or parts of buildings hereafter erected or structurally altered for residential purposes shall conform to the regulations of the Third Height and Area District (See Section 13).

HEIGHT: No building shall hereafter be erected or structurally altered exceeding a height of 150 feet on the street line except as follows: the building's height may be increased above the 150 foot height by increasing the height three (3) feet for each foot setback from the street line.

REAR YARD: There shall be a rear yard of not less than five (5) feet. See Section 16 (i) and (h).

SIDE YARD: A side yard, if provided, shall be not less than five (5) feet. See Section 16 (i) and (h).

OUTER COURT: The least dimension of an outer court shall be not less than five (5) feet wide, nor less than two (2) inches wide for each foot of height of such court, and not less than two (2) inches wide for each foot of length of such court from the enclosed end. See Section 16 (i) and (h).

INNER COURT: The least dimension of an inner court shall be not less than six (6) feet wide, nor less than two (2) inches wide for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

HEIGHT AND AREA DISTRICT EXCEPTIONS

SECTION 16. THAT the foregoing requirements in the height and area districts shall be subject to the following exceptions and regulations:

(a) That the First and Second Height and Area Districts, public or semi-public buildings, hospitals, sanitariums or schools may be erected to a height not exceeding

seventy-five (75) feet when set back from all lot lines not less than one foot for each foot such buildings exceed thirty-five (35) and forty-five (45) feet, respectively, in height.

(b) One and two-family dwellings in the First Height and Area District may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided.

(c) Parapet walls exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, pent houses, stacks, stage towers or scenery lofts, sugar refineries, tanks, water towers, radio towers, ornamental towers, monuments, cupolas, domes and spires and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted ordinances of the City of Austin.

(d) In the Third and Fourth Height and Area Districts, towers for occupancy may be erected above the height limit herein established, provided the largest horizontal dimension of any such tower shall not exceed thirty (30) feet, provided the total area shall not exceed twenty-five (25) percent of the area of the lot, and provided that each such tower shall be removed at least twenty-five (25) feet from every lot line other than a street line, and at least fifty feet from any other tower.

(e) A commercial building in the First, Second and Third Height and Area Districts may waive the requirements for side yards, but if a side yard be provided it shall have a minimum width as required.

(f) A commercial building in the First, Second and Third Height and Area Districts may reduce the minimum depth of rear yards to five (5) feet.

(g) Where a Third Height and Area District coincides with a "C" Commercial Use District, the building height may be increased above the ninety (90) feet height by increasing the height three (3) feet for each one (1) foot set back from the building line.

(h) In computing the depth of a rear yard or the width of a side yard or outer court, or in the minimum lot area per family, for any building where such yard or court opens onto an alley or street, one-half of such alley or street may be assumed to be a portion of the yard or court.

(i) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of skylight above the bottom of such yard or court, and except for the projection of mills, belt courses, cornices and ornamental features not to exceed four (4) inches.

(j) No cornice shall project over the street line more than five (5) percent of the width of such street, and shall in no case project more than four (4) feet.

(k) Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3-1/2) feet, and the ordinary projections of chimneys and flues, where same are so placed as not to obstruct the light and ventilation may be permitted.

(l) Where a Second Height and Area District coincides with a "C" Commercial Use District, the building height may be increased above the forty-five (45) foot height, by increasing the height three (3) feet for each one (1) foot set back from the building line.

SPECIAL AREA REGULATIONS AND EXCEPTIONS

SECTION 17. (1) Side And Rear Yard. The space in a side or rear yard shall be open and unobstructed except for a porte-cochere and the ordinary projections of window sills, belt courses, cornices, eaves and other ornamental features. A building and any accessory building erected on the same lot shall for the purpose of side and rear yard requirements be considered as a single building, except that a private garage, or other accessory building not over twenty-five (25) feet in height may occupy not to exceed forty (40) percent of the rear yard area.

(2) Area Not To Be Diminished. The lot, open space, or yard areas required by this Ordinance for a particular building shall not be diminished and shall not be included as a part of the required lot, open space, or yard area of any other building. If the lot, open space, or yard areas required by this Ordinance for a particular building are diminished, the continued existence of such building shall be deemed to be a violation of this ordinance. The lot, open space, or yard areas of buildings existing at the time of the passage of this ordinance shall not be diminished below the requirements herein provided for buildings hereafter erected, and such required areas shall not be included as a part of the required areas of any building hereafter erected.

BOUNDARIES OF DISTRICTS.

SECTION 18. THAT where uncertainty exists with respect to the boundaries of various districts as shown on the maps accompanying and made a part of this ordinance, the following rules shall apply:

(a) The district boundaries are either streets or alleys, unless otherwise shown, and where the designation on the maps accompanying and made a part of this ordinance indicating the various districts are approximately bounded by street or alley line, said street or alley shall be construed to be the boundary of such district.

(b) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks or lots, the district boundary shall be construed to be lot lines, and where the designations on the maps accompanying and made a part of this ordinance indicating the various districts are approximately bounded by lot lines, said lot lines shall be construed to be the boundaries of such district, unless said boundaries are otherwise indicated on the maps.

(c) In unsubdivided property, the district boundary lines on the maps accompanying and made a part of this ordinance shall be determined by use of the scale contained on such maps.

(d) Where the street layout actually on the ground varies from the street layout as shown on the zoning map, the Board of Adjustment may apply the designations shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular area in question.

COMPLETION OF EXISTING BUILDINGS.

SECTION 19. THAT nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this ordinance, and which entire building shall be completed within two (2) years from the date of the passage of this ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and which entire building shall be completed within two (2) years from the date of the passage of this ordinance. If an amendment to this ordinance is hereafter adopted changing the boundaries of districts, the provisions of this

ordinance with regard to buildings or premises existing or buildings under construction or building permits issued at the time of the passage of this ordinance, shall apply to buildings or premises existing or buildings under construction or building permits issued in the area affected by such amendment at the time of the passage of such amendment.

CONFLICT WITH OTHER LAWS.

SECTION 20. THAT wherever the regulations made under this ordinance require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards than are required in any other law or ordinance, the provisions of this ordinance shall govern. Wherever the provisions of any other statute or ordinance requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a less number of stories, or requires a greater percentage of lot to be left unoccupied or imposes other higher standards than are required by this ordinance, the provisions of such statute or ordinance shall govern.

ENFORCEMENT.

SECTION 21. THAT the provisions of this ordinance shall be administered and enforced by the Building Inspector of the City of Austin.

PLATS

SECTION 22. THAT all applications for building permits shall be accompanied by a plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the location and size of the proposed building, the location of proposed accessory buildings, all in relation to lot lines, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plats shall be kept in the office of the Building Inspector.

CERTIFICATE OF OCCUPANCY AND COMPLIANCE.

SECTION 23. THAT no building hereafter erected or structurally altered shall be occupied, used, or changed in use, until a certificate of occupancy and compliance shall have been issued by the Building Inspector, stating that the building and/or proposed use of building or premises complies with all the building and health laws and ordinances and with the ordinances relating to electrical and plumbing installation, and with the provisions of this ordinance. Certificates of occupancy and compliance shall be applied for coincident with the application for the building permit and shall be issued within five (5) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of this ordinance and the laws and ordinances above mentioned. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to persons having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate, but for copies of any original certificate there shall be a charge of Fifty (\$0.50) Cents each.

The use of a building already erected at the passage of this ordinance shall not be changed from one class of use to another, unless and until a certificate of occupancy and compliance with the provisions of this ordinance shall have been obtained from the Building Inspector.

No yard, court or other open spaces provided about any building for the purpose of complying with the provisions of this ordinance shall again be used as a yard, court or other open space for another building.

BOARD OF ADJUSTMENT.

SECTION 24. THAT there is hereby created and established a Board of Adjustment. The Board of Adjustment shall consist of five members, who shall be elected by the City Council, three members of which shall serve for the term ending January 1st, 1932, and two members of which shall serve for the term ending January 1st, 1933, and thereafter the term of such members shall be for a period of two years from the termination of their respective terms. Members of the board may be removed by the City Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant from any cause.

The Board shall meet and organize as soon as practicable and shall elect one of its members as Chairman, and shall have a Secretary. The members of the Board and the Secretary shall receive such compensation as may be determined and fixed by the City Council.

The Board shall adopt rules necessary for its government and procedure, not inconsistent with the terms of this ordinance. Meetings of this Board shall be held at the call of the Chairman, and at such other times as the Board may determine. Such Chairman, or in his absence the Acting Chairman, shall administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board and shall be a public record.

Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department or board of the City of Austin affected by any decision of the Building Inspector. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Building Inspector and with the Board of Adjustment a notice of appeal, which shall specify the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal from the action of the Building Inspector shall stay all proceedings in furtherance of such action unless the Building Inspector certifies to the Board after the notice of appeal shall have been filed with him that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In event the Building Inspector shall make and file such certificate, his action shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record, upon application of the party aggrieved by the action of the Building Inspector, and after notice to him and upon due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and shall decide such appeal within a reasonable time. Upon the hearing of such appeal, any interested party may appear in person, or by agent or attorney.

SECTION 25. THAT the Board of Adjustment shall have the following powers:

1. To hear and decide appeals, where it is alleged there is error in any order, requirement, decision or determination made by the City Building Inspector in the enforcement of this ordinance.

2. To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass.

3. To authorize, upon appeal in specific cases, after notice and hearing and subject to appropriate conditions and safeguards, such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, the literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance will be observed and substantial justice done.

SECTION 26. THAT in exercising the above mentioned powers, the Board of Adjustment may in conformity with the provisions of the general law reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the City Building Inspector from whose action the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Building Inspector, or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance, or to effect any variation of this ordinance.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any tax-payer, or any officer, department, or board of the City of Austin, may present any such matter to a court of record for review, after the final action of the Board thereon, and in the matter and upon the terms provided by the general law.

PENALTIES AND REMEDIES.

SECTION 27. THAT any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, or who shall use any building and/or premises contrary to the provisions and requirements of this ordinance, shall be deemed guilty of a misdemeanor, and shall be liable to a fine, and upon conviction of any such violation shall be fined in any sum of not more than two hundred (\$200.00) Dollars, and each day any such violation shall be permitted to exist shall constitute a separate and distinct offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, or shall be used, and any architect, builder, contractor, agent or any other person employed in connection therewith, who may have assisted or contributed to the commission of any such violation, shall each be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in this section.

But it is provided that in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of the general law or of the terms of this ordinance, the City of Austin, in addition to imposing the penalties above provided, may institute any appropriate action or proceedings in court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, or to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business, or use, in and/or about such premises;

and the definition of any violation of the terms of this ordinance as a misdemeanor, shall not preclude the City of Austin from invoking the civil remedies given it by law in such cases, but same shall be cumulative of and in addition to the penalties prescribed for such violation.

REPEALING CLAUSE.

SECTION 28. THAT all ordinances and parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby expressly repealed; but all ordinances and parts of ordinances pertaining to the same subject matter and not in conflict and inconsistent with the terms of this ordinance, shall continue in full force and effect and shall be deemed cumulative of this ordinance.

INTERPRETATION, PURPOSE AND CONFLICT.

SECTION 29. THAT in interpreting and applying the provisions of this ordinance, there shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare of the community. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that wherever this ordinance imposes a greater restriction upon the use of buildings, premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, covenants, and agreements, the provisions of this ordinance shall control.

CHANGES AND AMENDMENTS.

SECTION 30. THAT the City Council may from time to time, after public notice and hearing, amend, supplement, or change the regulations and districts herein established or that may hereafter be established. Such notice shall state the time and place of hearing, and in substance the proposed amendment or change to be made, and shall further state that objections thereto will be heard at the hearings, and that information concerning such proposed amendment or change is on file in the office of the City Clerk for public examination. Such notice shall be completed by publication thereof one time in a daily newspaper of general circulation, not less than fifteen days prior to the time fixed for such hearing.

Any proposed ordinance for the amendment, supplement, change or repeal of this ordinance shall be referred to the City Plan Commission for consideration and report before any final action shall be taken thereon by the City Council. Such report shall be made by the City Plan Commission as early as practicable after such reference to it. In the event the report of the City Plan Commission on the proposed ordinance for the amendment, supplement, change or repeal of this ordinance, shall be adverse thereto; or in the event a protest against the proposed amendment, supplement, change or repeal be presented in writing to the City Council, duly signed and acknowledged by the owners of at least twenty percent of property situated in the area bounded by lines two hundred feet in each direction and on each side of the area included in such proposed amendment, such ordinance for the amendment, supplement, change or repeal of this ordinance, shall not be passed, except by an affirmative vote of at least four members of the City Council.

Whenever the owners of at least fifty percent of the frontage on any street within any district shall present a petition duly signed and acknowledged to the City Council, requesting an amendment, supplement or change of the regulations prescribed for such districts or part thereof, it shall be the duty of the City Council to vote upon the proposal presented by said petition within ninety days after the filing of same with the City Council.

VALIDITY OF ORDINANCE.

SECTION 31. THAT should the courts declare any section or any part of a section of this ordinance invalid or unconstitutional, or in conflict with any other section or part of a section, then such decision shall affect only that section or part of section of this ordinance. It is further expressly provided that each section and part of a section herein, so far as an inducement for the passage of this ordinance is concerned, is independent of every other section and every other part of section, and not any section or any part of section is an inducement for the enactment of any other section or part of section of this ordinance.

WHEN EFFECTIVE - - EMERGENCY.

SECTION 32. THAT whereas, on account of the congestion in the streets in the City of Austin, and the danger from fire, panic, and the undue concentration and congestion of population and the lack of adequate ordinances controlling the construction and use of buildings and other structures within the City of Austin, and the lack of regulations restricting and regulating the use to which lands and buildings in the City of Austin may be devoted, creates an emergency in behalf of the public peace, health, safety and general welfare, necessitating that this ordinance become effective at once; and it is accordingly ordained that this ordinance become effective immediately upon its passage, as in such cases is made and provided by the Charter of the City of Austin.

PASSED: April 23, 1931.

APPROVED, April 23, 1931,

Approved:

(Sgd) J. Bouldin Rector,
City Attorney.

(Sgd) P. W. McFadden, Mayor.

Attest:

(Sgd) Hallie McKellar,
City Clerk.

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS :

COUNTY OF TRAVIS. | Before me, the undersigned authority, a notary public in and for the County of Travis and State of Texas, on this day personally appeared G. Rose, who, after being duly sworn, says that she is the bookkeeper of the AUSTIN AMERICAN-STATESMAN, a daily newspaper published in said County and State, and that the publication, of which the annexed is a true copy, was published to-wit: April 24, 1931.

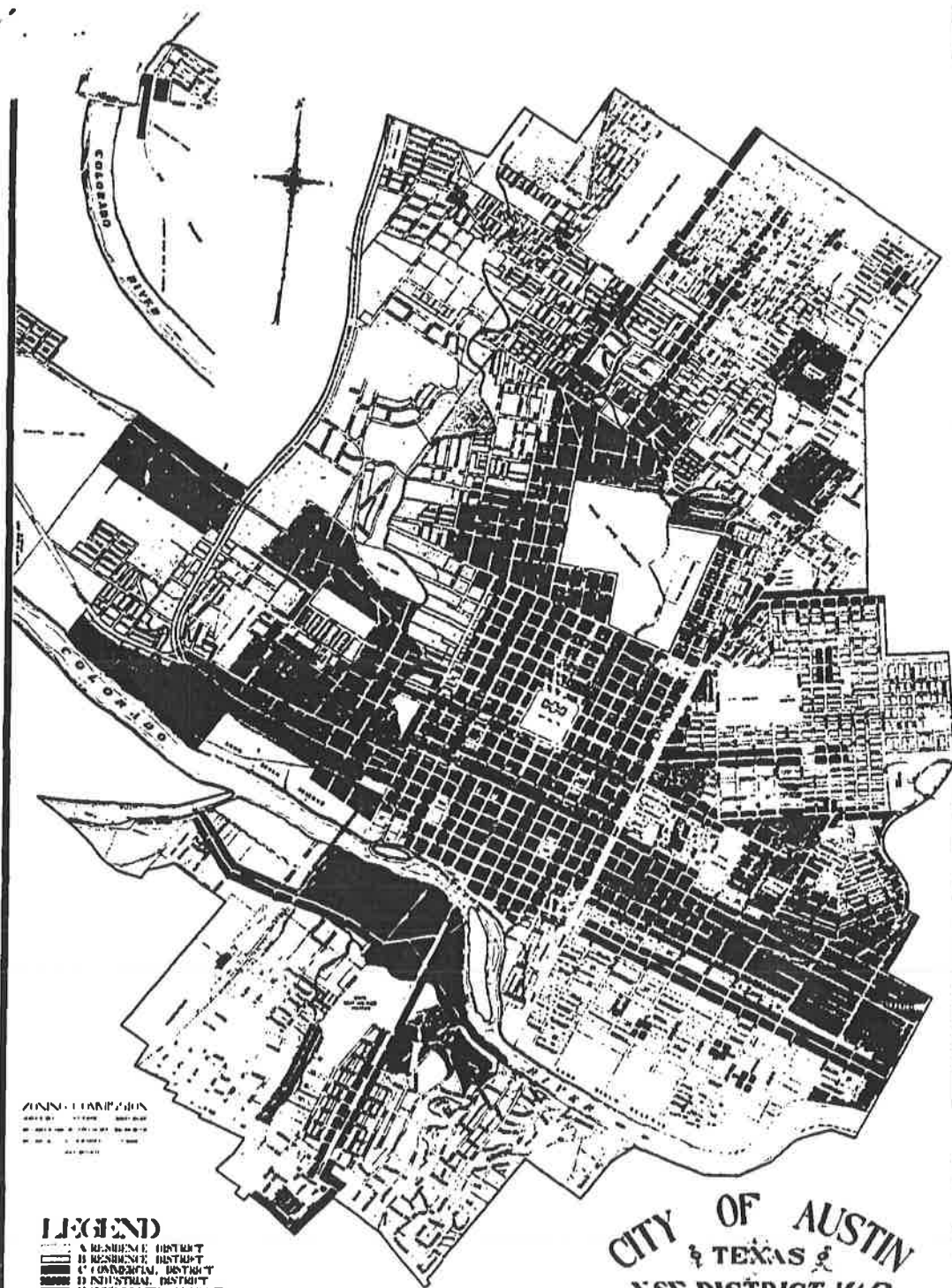
(Sgd) G. Rose.

Sworn and subscribed to before me, this the 28th day of April, A. D. 1931.

(sgd) Louis N. Goldberg,
Notary Public in and for the
County of Travis, State of Texas.

I hereby certify that the foregoing Ordinance was published, as required by the City Charter, on April 24, 1931, in the Austin American-Statesman, a daily newspaper published in the City of Austin.

Hallie McKellar City Clerk.



ZONING CLASSIFICATION
 A RESIDENCE DISTRICT
 B RESIDENTIAL DISTRICT
 C COMMERCIAL DISTRICT
 D INDUSTRIAL DISTRICT
 E UNRESTRICTED DISTRICT
 CITY OR STATE PROPERTY

LEGEND
 A RESIDENCE DISTRICT
 B RESIDENTIAL DISTRICT
 C COMMERCIAL DISTRICT
 D INDUSTRIAL DISTRICT
 E UNRESTRICTED DISTRICT
 CITY OR STATE PROPERTY

**CITY OF AUSTIN
 & TEXAS
 USE DISTRICT MAP
 ADOPTED BY CITY COUNCIL
 1958 718**

