

AN ORDINANCE

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "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, DISCLOSING 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," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I" AT PAGES 301-318 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ENACTING A COMPREHENSIVE REVISION, IMPROVEMENT, AND AMENDMENT OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

SECTION 1. The certain ordinance entitled, "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, disclosing 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," which ordinance was passed by the City Council on April 23, 1931, and is recorded in Ordinance Book "I" at pages 301-318 of the Ordinance Records of the City of Austin, shall be, and the same is hereby amended, so as to read hereafter as follows:

PURPOSE

SECTION 1. 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

- Amended 9-22-19 (adding words)

SECTION 2. 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 masculine shall embrace the feminine.

The word "building" includes the word "structure".

The word "shall" is mandatory and not directory.

ACCESSORY BUILDING: Any building customarily incidental to the principal building, including among other things, a garage, servants' quarters, stable, chicken house, storage house, tool or work shed and an apiary not over one hundred (100) square feet in area.

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

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

Amusement Park
5-25-45

APARTMENT HOTEL: A building used or intended to be used as the house of twelve (12) or more families living independently of each other, in which building may be located a cafe, drugstore, clothes-pressing shop, barber shop for the common use and patronage of the residents of said building, the entrances to each of which shall be from within the building only and not from any street, alley, or other public property.

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 and equipped for the preparation of food.

ATTACHED GARAGE: A garage which has one or more walls common with the principal building on a lot; or which is attached to the principal building by an enclosed porch, logia, or passage-way, the roof of which is a part or extension of the roof of the principal building; and for the purpose of the HEIGHT AND AREA regulations of this Ordinance such a garage is to be considered

a part of the principal building.

BOARDING HOUSE: A building, other than a hotel, where lodging and meals, for five (5) or more persons, are served for compensation.

Boulevards
9-22-49

BUILDING: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels; and when supported 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 18.

COMMUNITY CENTER: Any area, zone, or district shown on the Use District Map as a "C" Commercial District measuring not more than nine hundred (900) feet at its greatest dimension, including streets and alleys.

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

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

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 rear lot line plus one-fourth (1/4) of the width of the alley, where an alley exists.

DETACHED GARAGE: A garage wholly separated and independent of the principal building on a lot; or connected to the principal building by an unenclosed or latticed passage-way, pergola, arbor, or covered walk.

FAMILY: 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, apartment hotels, lodging houses and boarding houses, a "family" shall mean five

FILLING STATION: A place where gasoline or oil and grease or accessories are sold, supplied, or dispensed to the retail motor vehicle trade; or where motor vehicles are repaired, or equipped for service, or where electric storage batteries are recharged and cared for; or a place where any two or more such activities are carried on or conducted.

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 building 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: A parcel of land described and recorded as a lot in the records of Travis County, Texas; or in the event any lot or lots or land acreage as recorded are subdivided or cut up into smaller or different parcels of land, or in the event any parcel of such lot or lots or land acreage is used for the purpose of placing on any such parcel a principal building and its accessory buildings, each such parcel of land shall become a separate lot for the purposes of this Ordinance, and the boundaries of each such lot shall be determined and defined so as to contain sufficient area to include the principal building and its accessory buildings to be erected thereon and the open spaces required under this Ordinance.

*See amendment
10-14-48* 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.

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.

*See Amendment
10-14-48* PARKING AREA, PUBLIC: Any open area other than a street, alley or place, used for the temporary parking of more than four (4) self-propelled vehicles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

PARKING AREA, SEMI-PUBLIC: Any open area other than a street, alley or place, used for temporary parking of more than four (4) self-propelled vehicles as an accessory use to semi-public institutions, schools, churches, hospitals and non-commercial clubs.

PERGOLA: A space open on three sides and partially covered on top with beams, lattice or similar skeleton structure supported on posts, pillars or columns.

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.

PORTE COCHERE: A roofed space open on three sides, one story in height, covered with a flat or hipped roof and ordinarily used as a shelter under which vehicles are driven or temporarily parked.

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 line projected the full width of a lot along the rear wall of a building other than a building of accessory use and the rear lot line.

RESIDENCE: A building occupied as the abiding place of one or more persons in which the use and management of sleeping quarters, all appliances for cooking, ventilating, heating, or lighting are under one control and which shall include one and two family dwellings, apartment houses and boarding houses, and which shall be the principal building on any lot in an "A" and "B" Residential District.

RESTAURANT or CAFE: A building or portion of a building, not operated as a dining room in connection with a hotel or boarding house, where food is served for pay and for consumption in the building, and where provision may be made for serving food on the premises outside the building, and where full compliance has been made with all State and City health and sanitary laws and regulations. Said health and sanitary laws and regulations shall include screening the building, dissipation of fumes, odors and smoke, the proper care and sterilizing of kitchen and dining room wares and utensils, the refrigeration of foods kept or stored, and separate toilet facilities for men and women constructed to comply with such health and sanitary regulations.

SERVANTS' QUARTERS: An accessory building located on the same lot or grounds with the main building, and used as living quarters, but without kitchen or cooking facilities, for servants employed on the premises, and not rented or

otherwise used as a separate domicile.

SETBACK: The minimum horizontal distance between the front wall of any projection of the building, excluding steps and unenclosed porch 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".

TOURIST CAMP: Any group of attached or detached buildings containing individual sleeping or living units for overnight tourists, with garage attached or parking facilities conveniently located to each such unit. Nothing in this definition shall be construed to repeal, alter or nullify the definitions or requirements of any other ordinance of the City of Austin on the same subject, and enforcement of the provisions of each ordinance shall be according to the terms thereof.

TRAILER CAMP: Any open area, other than a street, alley or other public place, used exclusively for the parking or temporary storage of non-self-propelled vehicles containing living or sleeping accommodations which are designed and used for highway travel.

*Sec. Amendment
11-3-66*

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

USED CAR JUNK AREA: Any open area, other than a street, alley or public place, used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked cars or their parts.

USED CAR SALES AREA: Any open area, other than a street, alley or public place, used for the display and sale of used automobiles and where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises.

USE DISTRICT REGULATIONS

SECTION 3. (a) 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 seven (7), known respectively as:

- "A" Residence District;
- "B" Residence District;
- "C" Commercial District;
- "C-1" Commercial District;
- "C-2" Commercial District;
- "D" Industrial District; and
- "E" Heavy Industrial District.

(b) The boundaries of such districts are shown upon the map accompanying this Ordinance and made a part of this Ordinance, said map being designated as "USE DISTRICT MAP", and said map and all 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.

(c) Except as hereinafter provided, no building shall be erected or

altered, nor shall any building or land be used for any purpose other than is permitted in the Use District in which such building or land is located, and in no case shall there be more than one (1) building on one (1) lot except as hereinafter provided.

"A" RESIDENCE DISTRICT

SECTION 4. In "A" Residence District no building or land shall be used and no building hereafter shall be 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. Tilling of the soil 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. 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.
13. Accessory uses, which shall include:
 - (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, millinery, or beauty culture, engaged in by persons of the immediate family within their own dwelling and employing not more than one (1) outside person not a member of the immediate family and residing on the premises.
 - (b) The renting of rooms or lodgings, or the serving of meals for compensation to not more than four (4) persons,

See amendment
5-25-45

See amendment
10-14-48

where all utilities are under the control of the permitted family unit. In one-family dwellings, not to exceed one set of utility meters is permitted; and in two-family dwellings, not to exceed two sets of utility meters are permitted.

(c) A detached private garage or an attached 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 the same is located shall contain not less than two thousand (2000) square feet for each vehicle space provided. Not more than one of such vehicles shall be a commercial vehicle.

(d) A private stable, where provision is made for not more than two (2) horses or mules, a poultry shed, a storage room, or other outhouse. The keeping of fowls or small animals, other than livestock, is permitted in this District if not kept primarily for gain. The keeping of horses, cows, and other livestock, not primarily for gain, and only within an enclosure, is permitted in this District, but any stable, shed, or enclosure for such animals shall be distant at least one hundred (100) feet from every adjoining lot in any residence district.

(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 (1) to four (4).
3. Any fence, hedge or enclosure wall on a 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.

(f) Signs as provided under Section 11.

See amendment
10-14-43
adding (g)
(h)

"B" RESIDENCE DISTRICT

See amendment
12-5-46
adding B-1
amendment
10-14-45

SECTION 5. In "B" Residence District no building or land shall be used and no building hereafter shall be 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.

See amendment
10-14-43

Amended
10-14-48

- 7. Institutions of an educational, philanthropic or eleemosynary nature.
- 8. Accessory uses, which shall include:

Sec.
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12-5-46

(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, millinery, or beauty culture, engaged in by persons of the immediate family within their own dwellings and employing not more than one (1) outside person not a member of the immediate family and residing on the premises.

(b) A detached private garage or an attached private garage in a compartment as a part of the main building, provided that the capacity of the same shall not exceed one (1) vehicle for every five hundred (500) square feet of lot area and not more than two (2) of such vehicles shall be commercial vehicles.

(c) A private stable, where provision is made for not more than two (2) horses or mules, a poultry shed, a storage room, or other outhouse. The keeping of fowls or small animals, other than livestock, is permitted in this District if not kept primarily for gain. The keeping of horses, cows, and other livestock, not primarily for gain, and only within an enclosure, is permitted in this District, but any stable, shed, or enclosure for such animals shall be distant at least one hundred (100) feet from every adjoining lot in any residence district.

- (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

11.

Sec. amendment
10-14-48
(P.)
(a.)

"C" COMMERCIAL DISTRICT

SECTION 6. In "C" Commercial District, all buildings and land, except as otherwise provided in this Ordinance, may be used for any use, except the following uses, which are prohibited in "C" Commercial District:

1. All uses excluded from the "C-2" Commercial District, "D" Industrial District and "E" Heavy Industrial District.
2. Bakery, using soot producing fuel.
3. Blacksmith or horse-shoeing.
4. Blast furnace.
5. Boiler works.
6. Bottling works, where located in a "Community Center", or when engaged in the manufacture of alcoholic beverages.
7. Brick, tile or terra cotta manufacturing.
8. Building material storage yard.
9. Junk yard, bone yard, or refuse yard, whether open or closed.
10. Contractor's plant or storage yard.
11. Coal, coke, or wood yard exceeding three hundred eighty-four (384) cubic feet in volume, and any coal, coke or wood yard less than four (4) feet from any building or property line, or where noise producing or dust producing apparatus is used in connection therewith.
12. Cooperage works.
13. Cotton gin.
14. Dyeing 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, when located in a "Community Center" as defined in this Ordinance.
19. Livery stable and riding academies.
20. Lumber yard and planing mill.
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 land.
31. The sale, storage, dispensing, or otherwise handling of malt, vinous, and spirituous liquors for on-site or off-site consumption.
32. Manufacture of floor-sweeping compound.
33. Veterinary hospitals for the treatment of cats, dogs or any other domestic animals.
34. Gasoline filling stations, except where a legal permit has been issued by the City Council of the City of Austin, Texas, for the erection, maintenance, and operation of the same.
35. Creameries and ice cream mixing plants.
36. Wholesale and storage ware houses.
37. Second-hand merchandising establishments, where merchandise is displayed, stored, or offered for sale on the premises outside of a building or open space enclosed with a wall, fence or other opaque barrier not less than six (6) feet in height.
38. Used car sales area, where located in a "Community Center" as defined in this Ordinance.
39. Used car
40. Trailer Camps where located in a "Community Center".
41. Tourist Camps where located in a "Community Center".
42. Storage of rawhides or skins.

"C-1" COMMERCIAL DISTRICT

SECTION 7. In "C-1" Commercial District, buildings and land may be used for any use permitted in "A" Residence District or in "B" Residence District, but may not be used for any use prohibited or permitted in "C-2" Commercial District, except the following uses, which are hereby permitted in "C-1" Commercial District:

1. All uses permitted in a "C" Commercial District.
2. The sale, dispensing and otherwise handling of beer and wine as defined by State law, to be sold in bottles or any other lawful container direct to the consumer, for consumption on or off the premises, but not for resale, only by a person having a (1) Retail Dealer's On-Premise License, or a (2) Wine and Beer Retailer's Permit, lawfully issued from the State of Texas, which permit holder also holds a lawful supplementary license authorizing said person to sell such beverages during any and

all of the day as prescribed in Section 10 (a), Article II of the "Texas Liquor Control Act", provided that the land or building is used at said location as a restaurant or cafe as defined in Section 2 hereof, and that where food or refreshments are served on the premises, outside of the building, a solid fence, dense hedge, or other opaque barrier not less than six (6) feet high to within ten (10) feet of any street line or more than three (3) feet high for the remaining ten (10) feet to the street line, is placed on the property lines where the premises abut or adjoin a Residence "A" or Residence "B" District, or any land improved and used for residential purposes; and further provided that no facilities are provided for any loud speaker or amplifier for broadcasting or playing on the outside of the building any instrumental music, songs, or speech.

*See Amendments 8-20-42
12-22-42*

*See Amendment
12-23-48*

"C-2" COMMERCIAL DISTRICT

SECTION 8. In "C-2" Commercial District, no building or land, except as otherwise provided in this Ordinance, may be used for any use prohibited in "C" Commercial, "D" Industrial, and "E" Heavy Industrial District, except the following uses which are hereby permitted in "C-2" Commercial District:

1. The sale, storage, dispensing or otherwise handling of malt, vinous, and spirituous liquors for on-site or off-site consumption.
- + 2. Bottling works.
- + 3. Coal, coke or wood yards.
- + 4. Retail plating works.
- + 5. Contractor's plant and storage yards.
- + 6. Light manufacturing occupying not more than fifty percent (50%) of the total floor area of the building, using non-soot producing fuel, odorless materials, and reasonably noiseless machinery.
- + 7. Veterinary hospitals for the treatment of cats, dogs or any other small domestic animals.
- + 8. Creameries and ice cream mixing plants.
- + 9. Wholesale and storage warehouses.
10. All uses permitted in a "C" Commercial District and "C-1" Commercial District.
- + 11. Used car junk area.

"D" INDUSTRIAL DISTRICT

SECTION 9. In "D" Industrial District, all buildings and land, 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 uses, which are hereby prohibited in "D" Industrial District;

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. Dyestuff manufacture.
17. Exterminator and insect poison manufacture.
18. Emery cloth and sand paper manufacture.
19. Fat rendering.
20. Fertilizer 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. Incinerator 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. Pyroxlin manufacture.
35. Rubber or gutta percha manufacture or treatment.
36. Salt works.
37. Shoe blacking manufacture.
38. Soda and compound manufacture.
39. Smelters.
40. Stock yards.
41. Storage or baling of scrap paper, iron, bottles, rags or junk conducted as a business.

42. Stove polish manufacture.
43. Tallow, grease or lard manufacture or refining from animal fat.
6-10-43 44. Sulphuric, nitric or hydrochloric acid manufacture.
45. Tanning or curing of rawhides or skins.
46. Tar distillation or manufacture.
47. Tar roofing or water proofing manufacture.
48. Chewing tobacco manufacture or treatment.
49. Vinegar manufacture.
50. Wool pulling or scouring.
51. The retail sale, serving, dispensing or otherwise handling of malt, vinous and spirituous liquors for on-site and off-site consumption but not the storage thereof for wholesale purposes only.
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" HEAVY INDUSTRIAL DISTRICT

*Amended
6-10-43*
SECTION 10. (a) In "E" Heavy Industrial District, buildings and land, except as otherwise provided in this Ordinance, may be used for any use permitted in "D" Industrial District, and for any other use not in conflict with any ordinance of the City of Austin regulating nuisances, (except the retail sale, serving, dispensing, and otherwise handling of malt, vinous, and spirituous liquors for on-site or off-site consumption, but not the storage of the same for wholesale purposes only).

(b) But no building shall be used, and no occupancy permit shall be issued, for any of the uses listed below in subsection (d) until and unless the location of such use shall have been approved by the Board of Adjustment after notice and hearing; and the Board of Adjustment shall in no event approve the location of any use which, after investigation, the Board finds would be

reasonably calculated to be obnoxious, extra-hazardous, or dangerous to the public or to persons or property at or near such location, or if the location of such use might be reasonably calculated to be detrimental to the public peace, health, safety, and general welfare. The approval of the Board of Adjustment, and the continued enjoyment of any use so approved by the Board, shall be contingent upon provision being made for the installation and maintenance of the best practical means known for the abatement of obnoxious or offensive fumes, gas, dust, smoke, odor, water carried waste, noise, vibration, or similar nuisances.

(c) The Board may require the installation, operation and maintenance, in or in connection with the proposed use, of such devices and such methods of operation as, in the judgment of the Board, may be reasonably required to prevent or reduce fumes, gas, dust, odor, water carried waste, noise, vibration or similar nuisances, and may impose such conditions regarding the extent of open spaces between such use and surrounding properties as will tend to prevent or reduce the injury which might result from the proposed use to surrounding properties and neighborhood.

(d) The uses, the location of which shall first be approved by the Board of Adjustment under this section, are as follows:

1. Acid manufacture.
2. Cement, lime, gypsum or plaster of paris manufacture.
3. Distillation of bones.
4. Explosives, manufacture or storage.
5. Fat rendering.
6. Fertilizer manufacture.
7. Garbage, offal or dead animal reduction or dumping.
8. Gas manufacture.
9. Glue manufacture.

10. Petroleum refining.
11. Smelting of tin, copper, zinc, or iron ores.
12. Stock yards or slaughter of animals.
13. Tannery.
14. Storage or baling of rags, paper, iron or junk.

Amended (6-12-43) 15.
16.

SIGNS

SECTION 11. 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 (1) 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 sixty-four (64) 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 sixty-four (64) square feet pertaining to the sale of an addition or of a subdivision, the area of which subdivision exceeds one (1) acre of land, for a period not to exceed two (2) years.

5. Beer and Wine: In a "C-1" Commercial District only one sign of any character, not exceeding six (6)^{square} feet in area visible from the outside of the building, shall be displayed indicating the sale or dispensing of wine or beer, and that said sign shall not be placed on the sidewalk or other public

property.

6. 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 12. (a) 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 otherwise provided in this Ordinance, but if such non-conforming use is discontinued, any future use of said land shall be in conformity with the provisions of this Ordinance.

(b) Certificates of occupancy for non-conforming uses existing at the time of the passage, amendment, supplement or change of this Ordinance shall be issued by the Building Inspector and the certificate shall state that the use is a non-conforming use and does not conform with the provisions of this Ordinance. The Building Inspector shall notify all owners and occupants of property being used as non-conforming uses and said occupants shall within thirty (30) days after receipt of such notice, apply at the office of the Building Inspector for a certificate of occupancy.

(c) The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, except as otherwise provided in this Ordinance, 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.

(d) 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.

(e) Nothing herein shall prevent the substantial restoration within a period of twelve (12) months of a building which has been damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind, to an extent that the cost of such restoration does not exceed seventy-five percent (75%) of the assessed valuation for tax purposes of said building immediately prior to such damage or the continuance of any use existing therein immediately prior thereto.

(f) 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.

(g) No buildings or land or premises, where a non-conforming use is discontinued for more than ninety (90) days, or is superseded by a use permitted in the district in which it is located, shall again be devoted to any use prohibited in such district.

(h) Any existing non-conforming "restaurant" or "cafe", as defined in this Ordinance, in a "C-1" Commercial District or a "C" Commercial District shall be discontinued or made to conform to all of the requirements prescribed by this Ordinance for a "C-1" Commercial District within six (6) months after the effective date of Section 7 of this Ordinance; and if such non-conforming "restaurant" or "cafe" be located in a "C" Commercial District and shall conform to the requirements of a "C-1" Commercial District, nevertheless such "restaurant" or "cafe" shall continue to be a non-conforming use as is provided for non-conforming uses in all other instances under this Ordinance.

(i) Any existing "second-hand merchandising establishment", "used car sales area", or "used car junk area", as those terms may be defined in this Ordinance, which does not conform to the requirements of Section 6 of this Ordinance, relating to permitted "C" Commercial District uses, shall be discontinued, or made to conform to such requirements, within six (6) months from the date this amendatory provision of Section 12 becomes effective.

HEIGHT AND AREA REGULATIONS

6-23-49
SECTION 13. (a) 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

(b) The boundaries of such districts, shown upon the Map accompanying this Ordinance and made a part hereof, 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.

(c) Except as hereinafter provided, no building shall be erected or structurally altered, or any building or land used, except in conformity with the regulations herein established for the "Height and Area" District in which such building or land is located.

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

(e) No lot shall hereafter have any building altered or placed thereon, which building is to be used as a residence, unless such lot abuts for at least thirty-five (35) feet on a street; or in the event such lot does not abut on a street, such lot shall have access to a street by means of an uninterrupted easement or right-of-way, other than an alley, and shall abut on said easement at least thirty-five (35) feet, which easement or right-of-way shall not be parallel and adjacent to an alley and must be at least ten (10) feet wide if intended to serve one (1) lot and eighteen (18) feet wide if intended to serve

more than one (1) lot, which easement or right-of-way must be reserved and maintained for that purpose as long as any such building is used as a residence, and such easement or right-of-way shall be filed for record in the office of the County Clerk of Travis County, Texas.

(f) Where two (2) or more buildings are erected on one (1) or more lots and an easement is provided for access to the buildings, as in the case of "Residence Courts", the building or buildings on the first lot or portion of lot which abuts on a street shall have the said buildings front upon the street and not upon the easement, but all other buildings to the rear of the same shall front upon the easement.

FIRST HEIGHT AND AREA DISTRICT

SECTION 14. (a) 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 changed shall exceed thirty-five (35) feet. See Section 13 (a) and (b).

6-10-43
REAR YARD AND SIDE YARD: There shall be a rear yard, and a side yard on each side of the building. The combined area of the rear yard and the side yards shall be not less than forty-five percent (45%) of the total area of the lot behind and to the rear of the front set-back lines; provided, that no rear yard shall be less than five (5) feet in depth and that the total width of side yards shall be not less than thirty percent (30%) of the total width of the lot, except that in no case shall the total width of side yards be

required to be more than fifteen (15) feet, and that the least side yard shall in no case be less than five (5) feet wide, except for corner lots in which case no side yard shall be less than three feet (3' 0") wide. See Section 18, (h) and (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 ($2\frac{1}{2}$) inches for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

6-10-43
SETBACK: There shall be a setback line from the front street line of not less than twenty-five (25) feet for the building line and a minimum distance of fifteen (15) feet from the front street line to the front line of any porch, and there shall be a set-back line for any wall of not less than twelve (12) feet from any side street line and a set-back line for any porch of not less than five (5) feet from any side street line, provided that when twenty-five (25) percent or more of all the frontage on one side of a street between two (2) intersecting streets has been built up, at the time of the passage of this Ordinance, with buildings having a minimum set-back line of less than twenty-five (25) feet from the front street line or less than twelve (12) feet from the side street line, no building hereafter erected or structurally altered shall project beyond the minimum lines so established; but in no event shall any building hereafter placed on a corner lot of record at the time of the passage of this Ordinance be required to be less than seventy percent (70%) of the width of the lot.

(b) The front wall of any building placed on a lot which does not abut on a street but which has access to a street by an easement or right-of-way as herein provided shall not be less than fifteen (15) feet distant from the nearest line of said easement or right-of-way or shall be not less than fifteen (15) feet from the front lot line, as the case may be; and no front porch line shall be nearer than five (5) feet to such easement or right-of-way line or nearer than five (5) feet to such front lot line.

10-18-48

(c) A private garage, private stable, poultry shed, storage room or other accessory buildings, shall be so located and placed on a lot that no part thereof shall be a lesser distance from the front property line than seventy-five percent (75%) of the mean depth of the lot measured from the front property line to the rear property line, provided that in no case shall the distance from the front property line be required to be greater than ninety (90) feet, and a set-back line for any such accessory building of not less than twenty (20) feet from any other street line, provided that on corner lots abutting on an alley or common property line and fronting in opposite directions on both sides of and parallel to any side street, the set-back distance from the side street for any such accessory building shall be not less than twelve (12) feet; provided further that in no case shall the said building be less than three (3) feet from any property line.

(d) 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 thirty-five hundred (3500) square feet per family for interior lots and four thousand (4000) square

feet per family for corner lots abutting on two streets, one street and an alley or an easement; provided, however, that where a lot 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.

10-14-48 (e) Every building hereafter erected or structurally altered which is located in the "B" Residence District and FIRST HEIGHT AND AREA DISTRICT shall provide a lot area of not less than two thousand (2000) square feet per family.

7-3-46 (f)

SECOND HEIGHT AND AREA DISTRICT

SECTION 15. (a) 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 18 (a) and (1).

REAR YARD AND SIDE YARD: There shall be a rear yard, and a side yard on each side of the building. The combined area of the rear yard and the side yards shall be not less than forty-five percent (45%) of the total area of the lot behind and to the rear of the front set-back lines; provided, that no rear yard shall be less than five (5) feet in depth and that the total width of side yards shall be not less than thirty percent (30%) of the total width of the lot, except that in no case shall the total width of side yards be required to be more than fifteen (15) feet, and that the least side yard shall in no case be less than five (5) feet wide. See Section 18 (h) and (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 ($2\frac{1}{2}$) inches for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

6-10-44
SET-BACK: There shall be a set-back line from the front street line of not less than twenty-five (25) feet for the building line and a minimum distance of fifteen (15) feet from the front street line to the front line of any porch, and there shall be a set-back line for any wall of not less than ten (10) feet from any side street line and a set-back line for any porch of not less than four (4) feet from any side street line, provided that when twenty-five percent (25%) or more of all the frontage on one side of a street between two (2) intersecting streets has been built up, at the time of the passage of this Ordinance, with buildings having a minimum set-back line of less than twenty-five (25) feet from the front street line or less than ten (10) feet from the side street line, no building hereafter erected or structurally altered shall project beyond the minimum lines so established, but in no event shall any building hereafter placed on a corner lot of record at the time of the passage of this Ordinance be required to be less than seventy percent (70%) of the width of the lot.

(b) The front wall of any building placed on a lot which does not abut on a street but which has access to a street by an easement or right-of-way as herein provided shall be not less than ten (10) feet distant from the nearest line of said easement or right-of-way, or shall be not less than ten (10) feet from the front lot line as the case may be, and no front porch line shall be nearer than five (5) feet to such easement or right-of-way line or

nearer than five (5) feet to such front lot line.

9-3-46
(c) Where all the frontage on one side of a street between two intersecting streets is located in a "C" Commercial, "C-1" Commercial, "C-2" Commercial, "D" Industrial or "E" Heavy Industrial District, and a SECOND HEIGHT AND AREA DISTRICT, the set-back regulations may be waived and in any such case, set-back requirements for corner lots from streets intersecting such street may be waived.

10-11-46
(d) A private garage, private stable, poultry shed, storage room, or other accessory buildings shall be so located and placed on a lot that no part thereof shall be a lesser distance from the front property line than seventy-five percent (75%) of the mean depth of the lot measured from the front property line to the rear property line, provided that in no case shall the distance from the front property line be required to be greater than ninety (90) feet, and a set-back line for any such accessory building of not less than twenty (20) feet from any other street line, provided that on corner lots abutting on an alley or common property line and fronting in opposite directions on both sides of and parallel to any side street, the set-back distance from the side street for any such accessory building shall be not less than ten (10) feet; provided further that in no case shall the said building be less than three (3) feet from any property line.

10-11-46
(e) LOT AREA PER FAMILY: Every building hereafter erected or structurally altered shall provide a lot area of not less than one thousand (1000) square feet per family.

THIRD HEIGHT AND AREA DISTRICT

SECTION 16. (a) 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.

10-14-14
REAR YARD AND SIDE YARD: There shall be a rear yard and a side yard on each side of the building. The combined area of rear yard and side yards shall not be less than thirty percent (30%) of the total area of the lot behind and to the rear of the front set-back line; provided that no side yard shall be less than three (3) feet wide and in no case shall be less than one (1) inch wide for each foot of building height, and that no rear yard shall be less than five (5) feet in depth, and that no rear yard shall be required to be more than twenty-five (25) feet in depth; and provided further, that where a THIRD HEIGHT AND AREA DISTRICT coincides with a "C" Commercial District, "C-1" Commercial District, "C-2" Commercial District, "D" Industrial District, or "E" Heavy Industrial District, the rear yard may be reduced to five (5) feet in depth.

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 18 (i).

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.

6-10-43
SET-BACK: There shall be a set-back line from the front street line of not less than twenty-five (25) feet for the building line and a minimum distance of fifteen (15) feet from the front street line to the front line of any porch, and there shall be a set-back line for any wall of not less than ten (10) feet from any side street line and a set-back line for any porch of not less than four (4) feet from any side street line, provided that when twenty-five (25) percent or more of all the frontage on one side of a street between two intersecting streets has been built up, at the time of the passage of this Ordinance, with buildings having a minimum set-back line of less than twenty-five (25) feet from the front street line or less than ten (10) feet from the side street line, no building hereafter erected or structurally altered shall project beyond the minimum lines so established, but in no event shall any building hereafter placed on a corner lot of record at the time of the passage of this Ordinance be required to be less than seventy percent (70%) of the width of the lot.

(b) The front wall of any building placed on a lot which does not abut on a street but which has access to a street by an easement or right-of-way as herein provided shall be not less than five (5) feet distant from the nearest line of said easement or right-of-way or shall be not less than five (5) feet from the front lot line as the case may be, and no front porch line shall be nearer than five (5) feet to such easement or right-of-way or nearer than five (5) feet to such front lot line.

8-3-44
(c) Where all the frontage on one side of a street between two intersecting streets is located in a "C" Commercial, "C-1" Commercial, "C-2"

Commercial, "D" Industrial, or "E" Heavy Industrial District, and a THIRD HEIGHT AND AREA DISTRICT, the set-back regulations may be waived and in any such case, set-back requirements for corner lots from streets intersecting such street may be waived.

(d) A private garage, private stable, poultry shed, storage room, or other accessory buildings shall be so located and placed on a lot that no part thereof shall be a lesser distance from the front property line than seventy-five percent (75%) of the mean depth of the lot measured from the front property line to the rear property line, provided that in no case shall the distance from the front property line be required to be greater than ninety (90) feet, and a set-back line for any such accessory building of not less than twenty (20) feet from any other street line, provided that on corner lots abutting on an alley or common property line and fronting in opposite directions on both sides of and parallel to any side street, the set-back distance from the side street for any such accessory building shall be not less than ten (10) feet; provided further that in no case shall the said building be less than three (3) feet from any property line.

(e) 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 17. 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 15).

HEIGHT: No building shall hereafter be erected or structurally altered exceeding a height of two hundred (200) feet on the street line except as follows: the building's height may be increased above the two hundred (200) foot height by increasing the height three (3) feet for each foot set back from the street line.

SIDE YARD: A side yard, if provided, shall be not less than three (3) feet. See Section 18 (h) and (i).

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 18 (h) and (i).

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.

Sec 17 - A *used*

9-22-47

HEIGHT AND AREA DISTRICT EXCEPTIONS

SECTION 18. The foregoing requirements in the "height and area" districts shall be subject to the following exceptions and regulations:

(a) In 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 DISTRICTS 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, stage towers or scenery lofts, sugar refineries, tanks, water 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 percent (25%) of the area of the lot, and provided that each such tower shall be removed at least twenty-five (25) feet from every lot other than a street line, and at least fifty (50) feet from any other tower.

6-1-44 (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.

10-14-48
(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, a "C-1" Commercial Use District, or a "C-2" Commercial Use District, the building height may be increased above the ninety (90) foot height by increasing the height three (3) feet for each one (1) foot set-back from the building line.

10-14-48
6-9-50
(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 private easement as required in Section 13 of this Ordinance, one-fourth (1/4) of such alley or street or private easement may be assumed to be a portion of the yard or court.

6-10-43
(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 sills, belt courses, cornices and ornamental features not to exceed four (4) inches.

(j) No cornice shall project over the street lines 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 (3½) feet, and the ordinary projections of chimneys and flues, not to exceed twelve (12) inches, where same are so placed as not to obstruct the light and ventilation, may be permitted.

(1) Where a SECOND HEIGHT AND AREA DISTRICT coincides with a "C" Commercial Use District, a "C-1" Commercial Use District, or a "C-2" Commercial 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

10-12-48 SECTION 19. (a) Side and Rear Yards. The space in a side or rear yard shall be open and unobstructed except for a porte-cochere or pergola and the ordinary projections of window sills, belt courses, cornices, chimney, flues, 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 percent (40%) of the rear yard area.

(b) Areas 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.

(c) Set-backs for Resubdivided Lots of Record. Where any lot or lots, as defined in Section 2 of this Ordinance, originally recorded as commonly fronting in the same direction on a street or easement, are resubdivided or any portion of said lots is sold or partitioned off by metes and bounds so that the newly created lot or lots face or front in a direction making an angle of ninety (90) degrees more or less with the original frontage and abutting on the property line of the adjacent original lot or lots, the garage of the new corner lot thus created shall be attached to or built into the principal structure on the said lot, and the garage or accessory buildings of the newly created inner lot or lots shall be set back the maximum distance from the original front property line of the original lots so subdivided.

Where any lots of record abutting on a common property line and originally facing or fronting in directions making an angle of ninety (90) degrees more or less with each other, are resubdivided or any portion thereof sold or partitioned off by metes and bounds, the newly created lot or lots shall be considered to front in the same direction as the ^{other} original lots in the block and adjacent thereto, and the set-back of the garage and accessory buildings as well as the principal building shall conform to the same regulations as the original adjacent lots.

(d) *added*

BOUNDARIES OF DISTRICTS

SECTION 20. 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 in 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 21. Nothing herein contained shall require any change in the plans, construction or designated use of a building lawfully and 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 lawful building permit

has been issued heretofore 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 land existing, or buildings under construction, or building permits issued at the time of the passage of this Ordinance, shall apply to buildings or land 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 22. 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 23. The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the City of Austin.

PLATS

SECTION 24. 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 complete and accurate record of such applications and plats shall be kept in the office of the Building Inspector.

CERTIFICATE OF OCCUPANCY AND COMPLIANCE

SECTION 25. (a) No existing building, and 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 proposed use of building or land comply 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 cents (50¢) each.

(b) 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.

(c) 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 spaces for another building.

(d) Before the issuance of a certificate of occupancy and a permit to engage in the sale of wine or beer in connection with a "restaurant" or "cafe", as defined in this Ordinance, in a "C-1" Commercial District, by the Building Inspector, to whom the applicant has been certified as having complied with all ordinances of the City of Austin applicable to the sale of wine or beer, the applicant shall file with the City Clerk a certificate from the City Health Officer showing that he has complied with all sanitary and health laws, ordinances, and regulations of the State of Texas, and the City of Austin.

BOARD OF ADJUSTMENT

SECTION 26. (a) There is hereby created and established a Board of Adjustment. The Board of Adjustment shall consist of five (5) members, who shall be elected by the City Council, three (3) members of which shall serve for the term ending

January 1, 1932, and two (2) members of which shall serve for the term ending January 1, 1933, and thereafter the terms of such members shall be for a period of two (2) years from the termination of their respective terms, or until their successors have been elected by the City Council. 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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 27. The Board of Adjustment shall have the following powers:

(a) 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.

(b) To hear and decide special exceptions to the terms of this Ordinance establishing districts or zones, but in harmony with the general purpose and intent of the Ordinance and in accordance with the following general or specific rules:

(1) Where a Use District boundary line divides a lot of record in a single ownership at the time of the passage of this Ordinance, the Board may permit a use authorized on either portion of such lot to extend to the entire lot, but not more than twenty-five (25) feet beyond the boundary line of the district in which such use is authorized.

(2) A temporary and conditional permit may be allowed for a maximum period of two (2) years for exceptions to or variances from the Use District regulation of this Ordinance, where fully justified by the conditions and circumstances affecting the permit, to prevent unnecessary hardship and unjust discrimination, and to promote the general welfare of the community; and such permit or any renewal thereof may be extended from the date of expiration for an additional period not to exceed two (2) years on the same grounds on which the original permit was granted. The granting of temporary and conditional permits shall be confined by the Board, insofar as practicable, to undeveloped sections of the City.

(3) Provisions of this Ordinance may be interpreted by the Board in such way as to carry out the intent and purpose of the plan as shown upon the maps fixing the several districts, accompanying and made a part of this Ordinance, where the street lay-out on the ground actually varies from the street lay-out as shown on such maps.

(4) The Board may permit in any district such modification of the requirements of the district regulation as the Board may deem necessary to secure an appropriate development of a lot where adjoining such lot on two (2) or more sides there are lots occupied by buildings which do not conform to these regulations.

*Amended
5.25.15*

(5) The Board may permit a transitional use between "A" Residence District and "B" Residence District, where the side of a lot in the "A" Residence District abuts upon a lot zoned for "B" Residence purposes, as follows: On a lot in "A" Residence District which abuts upon a lot zoned for "B" Residence purposes, the Board may permit an apartment house for the accommodation of not to exceed four (4) families.

(c) To authorize , upon appeal in specific cases, after notice and hearing and subject to appropriate conditions and safeguards, such variance 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 and purpose of this Ordinance will be observed and substantial justice done.

SECTION 28. (a) In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of the general laws, 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 the end shall have all the powers of the City Building Inspector from whose action the appeal is taken.

(b) The concurring vote of four (4) 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.

(c) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, 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 manner and upon the terms provided by the general law.

(d) The reversal of any order, requirement, decision, or determination of the Building Inspector or any decision in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under this Ordinance, made by the Board of Adjustment shall lapse at the expiration of ninety (90) days where action by the appellant is not taken pursuant thereto within said period.

PENALTIES AND REMEDIES

SECTION 29. (a) 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 or land 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 Dollars (\$200.00); 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 land, 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 violations, shall each be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in this Section.

(b) But 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 or about such land; 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.

INTERPRETATION, PURPOSE AND CONFLICT

SECTION 30. 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 any easements, covenants or other agreements between parties; but wherever this Ordinance imposes a greater restriction upon the use of buildings or land, 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 31. (a) 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 (15) days prior to the time fixed for such hearing.

1-25-52
(b) Any proposed ordinance for the amendment, supplement, change or repeal of this Ordinance, shall either be proposed to the City Council by the Board of Adjustment, or shall be referred by the City Council to the Board of Adjustment for consideration and report, before any final action

shall be taken thereon by the City Council. In the event the report of the Board of Adjustment 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 (20%) of property situated in the area bounded by lines two hundred (200) 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 (4) members of the City Council.

(c) Whenever the owners of at least fifty percent (50%) of all the property situated within the area bounded by a line two hundred (200) feet in all directions from any property proposed to be changed, shall present a petition, duly signed and acknowledged, to the City Council, requesting an amendment, supplement or change of the regulations prescribed for such property, it shall be the duty of the City Council to vote upon the proposal presented by said petition within ninety (90) days after the filing of same with the City Council, in accordance with the above procedure.

*Amended
11-11-48*

(d) No amendment, supplement, change or repeal of any section of this Ordinance which has been legally rejected by both the City Council and the Board of Adjustment, shall be again considered either by the City Council or the Board of Adjustment on an appeal or petition by an appellant or application before the expiration of one (1) year from the date of the original action.

*Added
11-11-48*

VALIDITY OF ORDINANCE

Added 1-11-50

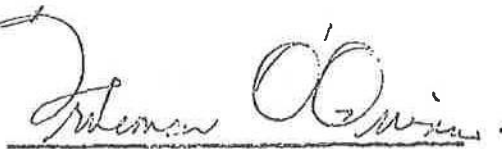
SECTION 32. Should the courts declare any section or any part of a section of this Ordinance invalid or unconstitutional, or in conflict with any other section or part of a section, then such decision shall affect only that section or part of section of this Ordinance. It is further expressly provided 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.

SECTION 2. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance shall 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.

SECTION 3. Whereas, on account of the great growth and development and the marked increase in the population of the City of Austin; and 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, in the absence of amendment, improvement and revision of the Zoning Ordinance, 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, an emergency is created 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.

APPROVED:

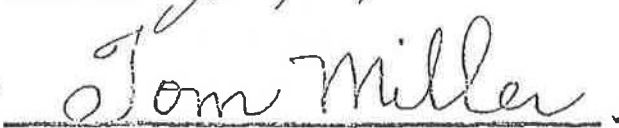

City Attorney

PASSED:

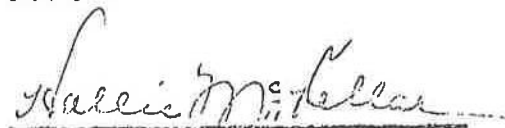
APPROVED:

JULY 17, 1941
JULY 17, 1941

JULY 17, 1941


Mayor

ATTEST:


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

George Darter

of The American Statesman

a newspaper published in said County and State, who, being
duly sworn by me, states that the attached advertisement was
published in said newspaper on the following dates, to-wit:

July 21, 1941

and that the following is a true copy of said advertise-
ment.

AN ORDINANCE
An ordinance amending an ordinance
entitled "An Ordinance relating to
the conditions and character of build-
ings with a comprehensive plan; and
relating and defining 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
fronts or rear yards, the location and
use of buildings, structures and land
for trade, business, residences and other
purposes; and dividing the City of Aus-
tin into districts, zones, and subsections
and prescribing the various regulations,
restrictions, exceptions, penalties and
uses of buildings, structures or land within
in each district or zone; and providing
uniform regulations for the several classes
and kinds of buildings or structures and
uses within the districts or zones; and
providing for a board of adjustment; and
repealing the several ordinances and
the several orders and resolutions, and
the resolutions and resolutions and pro-
visions applicable to each district and
providing for a board of adjustment; and
defining the power of appeal and pro-
viding certain penalties and remedies
and defining in emergency" which ordin-
ance was passed by the City Council on
April 22, 1940, and recorded in Ordinance
Book 27, at page 101, and the ordi-
nance passed by the City of Austin, Tex-
as, for a comprehensive plan, am-
endment, and amendments to said ordi-
nance; repealing all ordinances or parts
of ordinances in conflict herewith and
declaring an emergency.

George Darter

and to before me, this the 21

July, A. D., 1941.

Notary Public
Notary Public in and for Travis
County, Texas

that the foregoing stated Ordinance was published
in the American Statesman, a
newspaper published in the City of Austin,

Notary Public City Clerk.