



Interim Single-Family Development Regulations - FAQ

WHERE DO THESE TEMPORARY REGULATIONS APPLY?

The temporary regulations don't apply to every property in the City of Austin. They are limited to subdivisions which were originally platted before the City established drainage requirements.

The temporary regulations apply to properties subdivided before March 7, 1974, or to tracts that are not required by law to be subdivided.

Then, the temporary regulations apply if you are constructing a new single-family home

- on a property where a home was demolished or moved or
- on a property where a home will be demolished or moved.

If a house never existed on a property, the temporary regulations do not apply.

If you are remodeling your home to increase its size, the temporary regulations apply.

The temporary regulations do not apply to duplexes, two-family residential or secondary apartments.

If you apply for a permit to demolish or move a home, you must concurrently apply for a residential construction building permit.

WHAT ARE THE RESTRICTIONS? WHAT CAN I BUILD?

New homes:

If you are building a new single-family home on a property where the house was or will be demolished or moved, the maximum size of the new home is limited to the greater of the following

- 0.4 to 1 floor-to-area ratio (FAR);
- 2,500 square feet; or
- 20 percent more square feet than the home that was moved or will be moved.

Additions:

If you are adding on to your home, the maximum size of your home after the remodel is limited to the greater of the following

- 0.4 to 1 floor-to-area ratio (FAR);
- 2,500 square feet; or
- the existing size plus 1000 square feet, if the property carries a homestead exemption for property tax purposes.

HOW DOES THE CITY MEASURE SQUARE FEET?

Square footage is measured as the total enclosed area of all floors in a building, if the floor has a clear height of more than six feet. Parking facilities (e.g., garages, carports), driveways, unenclosed porches and atria airspace do not count in your square footage measurement.

WHAT IS FLOOR-TO-AREA RATIO (FAR)?

FAR measures the square footage of a building relative to the amount of land on which it sits.

The City of Austin defines FAR as the ratio of the gross floor area to the gross site area (total lot area). That is, the square footage of a home (as defined above) compared to the square footage of the lot.

For example, if a home is 4,000 square feet in size and the size of the lot is 10,000 square feet, the FAR is 4,000 divided by 10,000, which is equal to 0.40.

WHAT IF I WANT TO BUILD A HOME OR ADD ON TO A HOME BEYOND THE LIMITS ALLOWED UNDER THIS ORDINANCE?

The temporary regulations allow for waivers to the ordinance.

The City Council may waive part or all of these development regulations if they determine that:

- a. the regulation imposes undue hardship on the applicant; and
 1. the development proposed will not adversely affect the public health, safety and welfare; or
 2. the applicant is proposing to mitigate the effect of the redevelopment by providing adequate safeguards which the Council finds would adequately protect the health, safety and welfare of the public;
- b. a development agreement permits the activity; or
- c. the applicant has a right acquired under Texas Local Government Chapter 245, or has a common law vested right that has been fully adjudicated by a court of competent jurisdiction.

The applicant for the waiver must prove all of the facts necessary to satisfy the criteria listed above.

To apply for a waiver, an application must be submitted. The Director of the City's Watershed Protection and Development Review Department will make a recommendation to the City Council on each application. The Council will then hold a public hearing to consider the request.

PROPOSED ORDINANCE REVISIONS FOR CONSIDERATION ON FEBRUARY 16TH

- Add duplexes at the request of the Planning Commission
- At the request of Council, the waiver process has been streamlined and shortened to 10 days.
- Staff will recommend that provisions be added permitting a waiver if the applicant is willing to provide appropriate drainage facilities at the applicants' cost.

For additional information, please visit our website at http://www.ci.austin.tx.us/zoning/sf_regs.htm or contact Tina Bui at (512) 974-2755.