

HOME INITIATIVE PHASE I ORDINANCE SUMMARY + FAQ

Austin City Council passed Phase 1 of the HOME Initiative (Home Options for Middle-income Empowerment) on 07 December 2023. Ordinance 20231207-001 amends the Land Development Code relating to occupancy limits and the allowable numbers of dwelling units on lots zoned SF-1, SF-2, and SF-3. The ordinance will go into effect on 05 February 2024 for new applications.

DUPLEX, TWO-UNIT, AND THREE-UNIT RESIDENTIAL USES

In order to allow for three units on SF-zoned lots and simplify the regulations for multiple units on SF-zoned lots, Section 25-2-773 is deleted and replaced with a single set of regulations for Duplex Residential Use, Two-Unit Residential Use, and Three-Unit Residential Use, all of which are allowed on SF-1, SF-2, and SF-3 lots. Due to this simplification, Two-Family, Accessory Apartments are made redundant.

ADU AND DUPLEX SIMPLIFICATION. Former LDC constraints that prevented many Duplex and Two-Family Uses are removed: 10' ADU separations, duplex structural connection requirements, maximum ADU size, etc. Building Codes will dictate separation distances and fire ratings between structures or parts of structures, freeing architects to design to the specific site and program instead of LDC constraints. Some typologies may require IBC versus IRC for specific arrangements of units (three-story stacks, for example), but that is now the project team's decision to make.

SUBCHAPTER F WAIVED. Subchapter F is entirely waived for all structures on a site that uses the Duplex, Two-Unit Residential, or Three-Unit Residential Uses. No tent, no additional documentation and review time, no extra Gross Floor Area definition, no exemption calculations, no sidewall articulation.

SETBACKS. The advantageous setbacks of Subchapter F have been incorporated into the new regulations, but shared by all properties including those outside the Subchapter F boundary or where front yard averaging would not yield smaller setbacks.

FRONT YARD	all sites	15'
REAR YARD	on alley	5'
REAR YARD	adjacent to use allowed on MF or more restrictive zoning	5'
STREET SIDE YARD	on level 1 street	5'
STREET SIDE YARD	on level 2 street or higher	10'

IMPERVIOUS AND BUILDING COVERAGES. IC and BC are only changed for SF-1 lots with the 2 or 3 unit uses. These are increased to 45% and 40%, respectively, to match SF-2 and SF-3. No other environmental or flood-related regulations are changed.

DESIGN AND OTHER STANDARDS. City Council added design standards modeled on other sections of the code to these uses, including:

- ↑ Minimum of one street-facing entrance
- ↑ Front Porch Setback - overhang can encroach 2'
- ↑ 40% Front Yard Impervious Cover (Subchapter D Article 8)
- ↑ No more than 4 Parking Spaces in front and street side yards
- ↑ Garage Placement (from Subchapter D Article 8)
- ↑ One unit in a Duplex or Two-Unit Residential Use cannot be used as a Short Term Rental for more than 30 days in a calendar year (the other unit can).

FAR GRADIENT. The FAR limits only apply to Section 25-2-773 uses for site that are inside the Subchapter F boundary. Outside of this boundary, there are no FAR restrictions as before but you are allowed the two or three units.

The FAR gradient prevents “stealth McMansions” and incentivize additional units by offering additional FAR. It encourages smaller units, and provides more flexibility to set unit sizes. Existing units are not required to be modified to conform to the maximums.

	TWO UNITS	THREE UNITS
TOTAL	0.55 or 3,200 SF	0.65 or 4,350 SF
ANY SINGLE NEW UNIT	0.4 or 2,300 SF	0.4 or 2,300 SF
ANY TWO NEW UNITS	-	0.55 or 3,200 SF

FAR maximums in the chart are the greater of the ratio or the floor value given. Within this section, GROSS FLOOR AREA uses the same definition as the base LDC definition but with the exclusions for parking and loading areas removed. That means garages count toward FAR while “unenclosed spaces” like porches do not. The FAR maximums were calibrated to include the garage and attic exemptions used by the vast majority of projects to account for this; however, this area is no longer required to be built as a garage or attic to gain the area above Subchapter F's 0.40 FAR.

PRESERVATION BONUS. For structures built on or before 31 December 1960, the area of the existing dwelling can be excluded from the FAR maximums if 50% of the existing dwelling unit and 100% of the street-facing facade are preserved. For side-gabled, cross-gabled, hipped, or pyramidal roof form, alterations must be behind the existing ridgeline or peak. For front-gabled, shed roof, or flat roof form, alterations must be the lesser of 15' or half the width of the front wall. If the development requires a 15' clearance on the side of the existing dwelling unit to build other allowable dwelling units, an existing or converted garage or carport may be altered or removed to provide the clearance.

SUSTAINABILITY BONUS. For structures built on or after 01 January 1961 and that are at least 20 years old, the area of the existing dwelling can be excluded from the FAR maximums if 50% of the existing dwelling unit and 100% of the street-facing facade are preserved.

OCCUPANCY LIMITS

The HOME Phase 1 Ordinance fixes issues with occupancy limits formerly contained in zoning. Section 25-2-211 is repealed so that occupancy is governed by life safety and property management regulations only, removing the prejudicial injustice of requiring adults to be "related." As a result, the Family Home and Group Home uses are removed and replaced with one simplified use called GROUP RESIDENTIAL for 16+ individuals with meals.

WHAT'S NOT INCLUDED

Despite many reports to the contrary, the HOME Phase 1 Ordinance does not do or change the following items:

- ↑ Does not outlaw single-family homes
- ↑ Does not allow larger individual homes than Subchapter F
- ↑ Does not force homeowners to subdivide or build additional units
- ↑ Does not change minimum lot sizes (this will be Phase 2)
- ↑ Does not allow RVs or Tiny Homes (definition of Tiny Home added only, may be in Phase 2)
- ↑ Does not change environmental protections or impervious cover (other than SF-1)
- ↑ Does not modify Property Tax calculations
- ↑ Does not override Restrictive Covenants, HOAs, or NCCDs

FREQUENTLY ASKED QUESTIONS

When can I submit a permit? 05 February 2024. DSD is working on updating the forms, instructions, and policies to align with the new ordinance. See their site (linked below) for information.

What changes do I need to make if I'm designing or building a single-family home under Subchapter F?

Nothing at all. Proceed as before.

What if I have a two-unit project in design under Subchapter F? Applicants who complete a Fair Notice Application are guaranteed a one-year extension for review under previous regulations.

What if I can get more area for two units under Subchapter F? With the FAR limits adopted by council, there will be some cases where two units under HOME is less than what can be achieved with extreme basement and attic exemptions. Based on existing permit data, this is under 2% of projects. Sites that support more than 0.55 FAR under Subchapter F are likely to support 3 units at 0.65 FAR under HOME.

Do I need a site plan for two or three units? Site Plan Exemptions are available to residential uses of four or fewer units on a legal lot and outside the floodplain.

Are carports exempt from FAR? For projects using the Duplex, Two-Unit, or Three-Unit Uses, yes, carports are exempt. This leaves room for interpretation and some potential for abuse which may need to be clarified in Phase 2.

If a porch can be 15' from the property line but the setback is reduced to 15', what does that mean? It means the text was not sufficiently proofread. The only encroachment benefit for a porch is the additional 2' of overhang.

If I build 2 or 3 units, will it be reviewed under IBC and Commercial Review? The HOME Ordinance does not determine this. If the buildings as designed are allowed under IRC (three separate structures, duplex, attached townhouses, etc), then they can be reviewed under IRC. Other forms may require IBC.

LINKS FOR ADDITIONAL INFORMATION



AIA Austin
Housing Advocacy
Resources



CoA DSD
Permitting and
Application Info



Full
Ordinance
Text