

RESOLUTION NO. 20230608-045

WHEREAS, Austin is in a housing crisis; and

WHEREAS, almost every zoning district has height limits that allow zoning to be used to establish appropriate height limits in different areas; and

WHEREAS, staff has recommended limiting compatibility to 100 feet from a triggering property in the past; and

WHEREAS, the 25 feet no build setback imposed on multifamily structures by compatibility are stricter than the side and rear setbacks for single family structures in the same footprint; and

WHEREAS, height limits imposed by compatibility are consistently identified as one of the largest impediments to building housing, especially in central corridors; and

WHEREAS, in other cities that have rules limiting building height based on proximity to single-family zoning, those height limits rarely limit height more than 100 feet from a single-family property; and

WHEREAS, Austin's current compatibility limits that end at 540 feet from a single-family property are far stricter than the limits in other cities; and

WHEREAS, compatibility requirements are triggered based on the distance between the new development and another property, existing base zoning district of properties within a certain distance of the new development, and existing uses of properties within a certain distance of the new development; and

WHEREAS, the City Council adopted Ordinance No. 20221201-056, which created the Corridor Overlay; and

WHEREAS, the Corridor Overlay modified compatibility requirements on approximately 122 segments of Austin's roadways; and

WHEREAS, the Corridor Overlay modified height limitations, distance requirements, properties that trigger compatibility; and

WHEREAS, the Corridor Overlay removed caps on the number of stories within height limits; and

WHEREAS, the type of changes made in the Corridor Overlay would be positive changes if implemented city-wide; and

WHEREAS, a simple city-wide wide approach to compatibility reform will provide more consistency and be easier to understand for neighbors, the development community, and development review staff; and

WHEREAS, in December of 2022, the City's equity analysis concluded that the compatibility changes adopted in Ordinance No. 20221201-056 were inequitable due to it not being city-wide; and

WHEREAS, the City Manager is analyzing the impact of compatibility and the analysis ("Study") is expected to be presented in July; **NOW, THEREFORE,**

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

City Council initiates amendments to City Code Title 25 (*Land Development*) to create a simple, city-wide standard for height and setbacks that are triggered by proximity to single-family zoning and uses (also known as "Compatibility Standards"). The amendments should, at a minimum, achieve the following goals:

1. Change the application of Compatibility Standards so that our rules are in line with our peer cities. The City Manager's recommendation should be informed by the Study.
2. Re-define "triggering property" so that the property contains only residential units and is zoned RR, LA, SF-1, SF-2, SF-3, SF-4A, SF-4B, or SF-5.
3. When triggered, mirror the Corridor Overlay and apply height and setback limits established in the Compatibility Standards to the following types of developments:
 - a. A development that includes:
 - i. a residential use that is developed under the site development regulations that apply to multi-family or commercial base zoning districts; and
 - ii. at least 17 residential units; and
 - iii. a structure (or a portion of a structure) will exceed 40 feet in height and will be constructed within 100 feet of a triggering property.
 - b. A development that includes non-residential uses.
4. Set height limits and reduce the minimum number of feet for no-build setbacks (currently up to 25 feet from the triggering property) so that those requirements are equal to or less restrictive than what applies to single-family structures.

5. Modify the existing waiver provisions for Compatibility to allow for (a) a larger variety of waivers, and (b) more opportunities for waivers.
6. Remove the maximum number of stories and increase height limitations by at least five feet for structures constructed within 100 feet of a triggering property.
7. Modify the limitations on what can be constructed within the “no-build” setback to mirror the uses allowed in the Corridor Overlay and found in City Code Section 25-2-769.04 (*Compatibility and Setback Requirements*).
8. In order to maximize affordability, consider reducing or eliminating compatibility limits further for projects that are participating in a new or existing density bonus program that provides affordable units or other community benefits such as childcare serving lower income families or cultural spaces for music and arts leased at low or no cost.

BE IT FURTHER RESOLVED:

In addition to the amendments described above, City Council initiates amendments to Compatibility Standards that are recommended by the City Manager. City Council encourages the City Manager to consider recommending regulations that are similar to those adopted by other Texas cities.

BE IT FURTHER RESOLVED:

The City Manager is directed to explore the practical and legal feasibility of creating an administrative process that would allow owners of a property subject to Compatibility Standards to request a waiver to Compatibility Standards if agreed to by owners of triggering properties. If the City Manager determines that this kind of

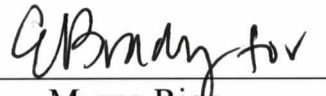
process is feasible, the City Manager is directed to prepare any amendments necessary to create the process.

BE IT FURTHER RESOLVED:

The City Manager is directed to process the amendments necessary to accomplish the goals of this Resolution and return with a draft ordinance for City Council consideration no later than December 1st, 2023.

ADOPTED: June 8, 2023

ATTEST:


Myrna Rios
City Clerk