

Citywide Compatibility - Planning Commission Amendments and Staff Responses

| No. | Planning Commission Amendment | Staff Recommendation | Staff Response | Text Changes |
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| 1 | <p>Replace (B)(2) beginning on line 72 with: (2) A compatibility buffer is not required if the site is zoned: (a) neighborhood office (NO); (b) limited office (LO); or (c) neighborhood commercial (LR).</p> | Not recommended | <p>Staff does not support the amendment and instead recommends keeping the current proposed language:</p> <p>“(2) A compatibility buffer is not required if the site’s zoning ordinance establishes a maximum height of 40 feet or less and the site is zoned: (a) neighborhood office (NO) (b) limited office (LO); or (c) neighborhood commercial (LR).”</p> <p>The intent behind the 40’ height limit is to make it clear that density bonus programs that allow additional height would not be granted this exemption.</p> | No changes made to the staff version of the ordinance. |
| 2 | <p>Replace lines 60-64 (V1 ordinance) with the following: (D) Except as provided by Subsection (E) below or a site-specific amendment to this section, a structure that is located: (1) at least 50 feet but less than 75 feet from a triggering property may not exceed 60 feet; and (2) less than 50 feet from a triggering property may not exceed 40 feet.</p> <p>(E) On lots less than 75 feet wide (as measured from the triggering property line(s)), a structure that is located: (1) at least 50 feet but less than 75 feet from a triggering property may not exceed 60 feet; (2) at least 25 feet but less than 50 feet from a triggering property may not exceed 40 feet; and (3) less than 25 feet from a triggering property may not exceed 35 feet.</p> <p>Replace lines 77-79 (V1 ordinance) with the following: (3) Except as provided in Subdivision (4), the minimum width of a compatibility buffer is 25 feet, and a compatibility buffer must comply with Section 25-8-700 (Minimum Requirements for a Compatibility Buffer).</p> <p>(4) A compatibility buffer located on a lot less than 75 feet wide (as measured from the triggering property line(s)) must comply with the following requirements: (a) The minimum width of a compatibility buffer is 15 feet; (b) The "Screening Zone" required by Section 25-8-700 (Minimum Requirements for a Compatibility Buffer) is increased to 15 feet in width, with the planting requirements of Subsection 25-8-700(D)(1)(b) increased to: (i) 1 large or medium tree; (ii) 2 small trees; and (iii) 15 large shrubs; and (c) A "Restricted Zone" is not required.</p> | Recommended with changes | <p>Staff does not support the first set of changes, which creates a new 35’ height limit between 15’ and 25’ of a triggering property. Instead, staff recommends maintaining the current proposed 40’ height allowance within 50’ of a triggering property, even for sites with a 15’ buffer. The 35’ height limit would create additional complexity in the code and for development projects. The recommendation to allow 40’ of height is also aligned with the separate recommendation to exempt sites zoned LO and LR from the compatibility buffer and sites zoned MF-3 from compatibility entirely. MF-3, LO, and LR allow 40’ of height; therefore, a 40’ tall building could be built up to the base zone setbacks with no landscape buffer. No changes to staff’s proposed text are necessary.</p> <p>For the second set of recommended changes, staff concurs with the Planning Commission recommendation to create a smaller buffer width for sites less than 75’ wide, as measured from the triggering property line(s). This amendment would increase development potential on small sites, enabling additional housing units in small-scale multifamily or mixed-use developments.</p> <p>As proposed by Planning Commission, staff recommends stating the buffer width for sites less than 75’ in width in Chapter 25-2, Article 10 (Compatibility Standards). The additional planting requirements, however, should be placed in Section 25-8-700 (Minimum Requirements for a Compatibility Buffer) and not in Chapter 25-2. The changes to Section 25-8-700 will be made as part of a separate ordinance that will be brought to Council for consideration on May 30. Following consultation with landscape architects, staff recommends the following planting requirements for the 15’ screening zone: 2 small understory trees and 15 shrubs per 25 linear feet.</p> | Incorporated with changes into the staff version of the ordinance. |
| 3 | Ensure that the compatibility requirements for all existing, revised, and new density bonus programs match the requirements for the new density bonus program being considered in 2024. | Policy/Programmatic/Future Action | Staff will continue to consider reduced compatibility requirements for density bonus programs. | General recommendation not in the scope of these code amendments. |

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| 4 | Revise the minimum requirements for compatibility buffers in §25-8-700 to provide greater flexibility, particularly as it relates to the screening zone, to allow for flexibility in the screening criteria and alternative compliance. | Policy/Programmatic/ Future Action | Staff recommends changes to the compatibility buffer that will accomplish the goals of this amendment as part of a separate ordinance that will be brought to Council for consideration on May 30. | General recommendation not in the scope of these code amendments. |
| 5 | For any development with income restricted housing, a development must be required to have a 25-foot compatibility buffer, and then allow 90' of height for an additional 25 feet of distance, and reach allowable height at 50' from a triggering property. | Policy/Programmatic/ Future Action | Staff will continue to consider reduced compatibility requirements for density bonus programs. | General recommendation not in the scope of these code amendments. |
| 6 | Exclude multifamily residential use up to 16 units from compatibility buffers. | Recommended | Exempting small-scale multifamily projects on sites zoned MF-4 or less restrictive from the compatibility buffer requirement would allow more buildable area and make projects more feasible. The 16-unit limit is in line with current proposals for the site plan lite process, which creates a streamlined permitting process for residential projects of 16 units or less. This exemption would remove compatibility requirements from site plan lite review. | Incorporated into the staff version of the ordinance. |
| 7 | Except as provided in Subsection (B), council may grant site-specific amendments to height limits established in Section 25-2-1061 (Compatibility Height Limits) or compatibility buffer established in Section 25-2-1062 (Compatibility Buffer And Setbacks) if council determines that an amendment is appropriate and will not harm the surrounding area. | Recommended | Allowing Council to modify the width of the compatibility buffer in addition to the compatibility height limits would grant additional developable area on sites, potentially leading to the construction of additional housing units. | Incorporated into the staff version of the ordinance. |
| 8 | § 25-2-1062 (B)(4) The minimum width of a compatibility buffer is 15 feet for a structure that is 40 feet or less and includes a residential use. | Not recommended | The reduced buffer allowance for residential structures that are 40' tall or less would have a limited impact and would add complexity. Because the staff recommendation includes an exemption for MF-3 and more restrictive zoning districts, this exemption would only apply to higher intensity (MF-4 and less restrictive) zoning districts, which all have height limits of 60' or greater. Developments in these zoning districts will most likely maximize entitlements and not qualify for this reduced buffer allowance. | No changes made to the staff version of the ordinance. |
| 9 | General; The COA shall develop a plain-language summary of the Compatibility regulations, applications, and impacts and make the summary prominently available on the City's website pages related to building applications and permits, City libraries and community centers, development offices, City Clerk's office, and City Hall 30 days prior to final implementation. The COA shall also make the document available to all ISD libraries, neighborhood contact teams, neighborhood associations, home-owners associations, social justice organizations, and civic and community groups that request a copy. | Policy/Programmatic/ Future Action | Staff supports the goal of providing excellent customer service to Austin residents, including discussion and explanation of land development requirements. DSD has a team dedicated to the service of meeting with homeowners and small businesses to explain land development regulations. DSD will continue to provide clear and consistent information to applicants and residents. | General recommendation not in the scope of these code amendments. |
| 10 | General; For a minimum of one year after final implementation of Compatibility regulations, COA staff shall prioritize meetings with neighborhood contact teams, neighborhood associations, home-owners associations, social justice organizations, and civic and community groups to offer plain-language summaries and detailed descriptions of the application, permitting and platting requirements, financial incentive programs, and other pertinent information. | Policy/Programmatic/ Future Action | Staff supports the goal of providing excellent customer service to Austin residents, including discussion and explanation of land development requirements. DSD has a team dedicated to the service of meeting with homeowners and small businesses to explain land development regulations. DSD will continue to provide clear and consistent information to applicants and residents. | General recommendation not in the scope of these code amendments. |
| 11 | Initiating Site Specific Amendments: For site specific amendments clarify that both Planning Commission or Austin City Council can initiate amendments. | Recommended | This is the intent of the staff recommendation. Clarifying language was added to the ordinance. | Incorporated into the staff version of the ordinance. |
| 12 | General recommendation to consider adding to the 25-2-1063(b) the provision that during the hours of 10pm to 10am, mechanical equipment may not produce sound in excess of 45 decibel along the property line adjoining another property or 25 feet from the property line across a public right of way. | Recommended with changes | At this time, staff recommends maintaining the current 70dBA limit for mechanical equipment and proposes increased screening requirements for rooftop and ground-level mechanical equipment to reduce noise. After discussions with the Development Services Department, it was clear that increased screening requirements would be the most proactive measure to mitigate noise rather than a reduced decibel limit. Lowering the decibel limit without time for a full review by staff could lead to unintended consequences. As part of a future work program, staff recommends creating holistic noise limits that can be enforced regardless of the applicability of | Incorporated with changes into the staff version of the ordinance |

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| | | | <p>compatibility and that are in line with those in peer cities. Additionally, since noise is not a zoning regulation, noise limits should be housed outside of the zoning code going forward. Until there is a more comprehensive approach to controlling excessive noise, staff recommends maintaining the existing protection from noise above 70dBA.</p> | |
| 13 | <p>Apply changes to compatibility standards to certain geographic areas of the city, with the intent to explore an equity overlay to reduce displacement and gentrification impacts in vulnerable neighborhoods.</p> | <p>Policy/Programmatic/ Future Action</p> | <p>Staff acknowledges that the proposed reduction in compatibility standards will increase development pressure on existing multifamily uses as well as Vulnerable and Active Displacement Risk Areas. Staff will continue to monitor displacement and gentrification trends and recommend policy and programmatic options to address these issues.</p> | <p>General recommendation not in the scope of these code amendments.</p> |