

## ORDINANCE AMENDMENT REVIEW SHEET

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**Amendment:** C20-2011-002

**Description:** Amend Chapters 25-1 and 25-2 of the City Code to (1) allow the City Council or the Land Use Commission to initiate a single zoning case for multiple non-contiguous properties if those have interim zoning or are unzoned, and (2) waive zoning application fees for one year from the time of annexation for properties where the interim zoning does not permit the existing use.

**Background:**

When properties are annexed, they automatically receive an interim zoning designation in accordance with the objective criteria in Section 25-2-222 of the City Code. Interim zoning serves as a regulatory placeholder until property owners, staff, Commission, Council, and other stakeholders have the opportunity to consider the most appropriate zoning through a formal process that includes notification, staff review, and public hearings.

Currently, nearly 14,000 acres of property in Austin carry an interim zoning designation. Although a few properties are zoned each year due to applications received from property owners or through the neighborhood planning process, the acreage of land with interim zoning continues to increase due to annexation.

Land Development Code Section 25-2-243 requires that the property within a proposed zoning district be contiguous. Therefore, to zone of all this property under current rules would require the initiation of hundreds of zoning cases, resulting in significant administrative challenges and overloading Commission and City Council agendas.

An example of an area that might be included in a single zoning case is the Del Valle area north of SH 71, west of SH 130, south of the Colorado River, and east of Ed Bluestein Blvd. Interim zoning was applied when this area was annexed for limited purposes in 1998 in order to establish City land use authority. It was converted to full purpose jurisdiction in 2001. The land uses are varied. In this area, approximately 421 acres have interim zoning. Other large communities that still have a lot of interim zoning include Circle C, Onion Creek, Berdoll Farms/Los Cielos, Anderson Mill, and River Place (See Table 1).

*Table 1. Examples of Communities with Significant Interim Zoning*

<b>Annexation Area</b>	<b>Year Annexed</b>	<b>Acres of Interim Zoning</b>
Circle C	1997	1,784
Del Valle	1998	421
Onion Creek	2003	608
Berdoll Farms/Los Cielos	2003-2006	375
Anderson Mill	2008	810
River Place	2009	897

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Upon annexation, zoning application fees are often waived for one year upon the request of property owners, but it is on an ad hoc basis. The waivers are written into the annexation ordinances. Under the code amendment, the application fees would be waived for properties smaller than 25 acres with existing or planned uses that become nonconforming after annexation. The waiver would begin when the annexation ordinance is approved and would expire one year after the effective date of annexation.

The Planning and Development Review Department asked the Planning Commission to initiate this code amendment.

**Departmental Comments:**

This code change will facilitate the zoning of thousands of properties across the city that currently have interim zoning. Furthermore, considering multiple neighboring but non-contiguous tracts in a single case allows for a more comprehensive view of the zoning for a particular area.

The waiver of zoning application fees is recommended to provide an incentive for owners of certain properties to submit zoning applications. The benefit would be fewer properties with interim zoning and nonconforming uses.

This code amendment will help the City achieve the land use goals in the comprehensive plan by facilitating the zoning of property for the most appropriate use.

The draft Affordability Impact Statement issued by the Neighborhood Housing and Community Development Department states that the code amendment is expected to decrease regulatory barriers to housing development and reduce the cost of development.

**Staff Recommendation:**

Planning and Development Review Department staff recommends approval of the proposed code amendment.

**Zoning and Platting Commission Action:**

**May 3, 2011:** The public hearing was opened and continued to May 17, 2011.

**May 17, 2011:** The amendment is scheduled for continuation of the public hearing and action.

**Planning Commission Action:**

**December 14, 2010:** The Planning Commission initiated the amendment.

**May 17, 2011:** The Codes and Ordinances Committee is scheduled to consider the amendment.

**May 24, 2011:** The amendment is scheduled for public hearing and action.

**City Council Date and Action:**

**June 9, 2011:** The amendment is scheduled for public hearing and action.

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**Ordinance Readings:**

1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**Ordinance Number:**

**City Staff:** Jackie Chuter

**Phone:** 974-2613

**Email:** [jackie.chuter@ci.austin.tx.us](mailto:jackie.chuter@ci.austin.tx.us)

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