

## **RESOLUTION NO.**

**WHEREAS**, if a proposed land use does not fit clearly within an existing land use category defined by the Land Development Code, the Planning & Development Review Department (“PDRD”) must determine which of the existing zoning categories most closely matches the proposed land use; and

**WHEREAS**, a use determination can significantly impact the type of development allowed within a zoning district, which in turn impacts residents, business owners, landowners, and developers; and

**WHEREAS**, current code does not clearly define the process for obtaining and issuing use determinations and includes an appeal process but no provisions for notifying interested parties; and

**WHEREAS**, citizens are sometimes unaware when a determination is made and thus cannot exercise their right to appeal the determination to the Board of Adjustment; **NOW, THEREFORE**,

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

1. The City Council initiates code amendments to City Code Chapters 25-1 (*General Requirements and Procedures*) and 25-2 (*Zoning*) and directs the City Manager to develop a proposed ordinance that:

- (A) establishes appropriate requirements for the issuance, notification, and appeal of zoning use determinations; and
- (B) requires that use determinations be made either concurrent with issuance of a development approval or as part of a pre-permitting review process that provides for public notice.

2. The City Manager is directed to present a draft ordinance consistent with the terms of this resolution for consideration by the Council within 90 days.

**ADOPTED:** \_\_\_\_\_, 2011

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk

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