

RESOLUTION NO. 20111215-059

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:

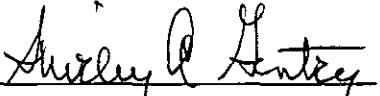
(A) establishes appropriate requirements for the issuance, notification, and appeal of zoning use determinations; and

(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: December 15, 2011

ATTEST:


Shirley A. Gentry
City Clerk