

## **ORDINANCE AMENDMENT REVIEW SHEET**

**Amendment:** C20-2011-032 Land Uses in DMU and CBD Zoning

**Description:** Consider an ordinance amending Chapter 25-2-491 of the City Code relating to permitted, conditional, and prohibited uses in Downtown Mixed Use (DMU) and Central Business District (CBD) designation, to make electronic prototype assembly and electronic testing conditional in the DMU and CBD base zoning district, unless certain requirements are met, in which case said uses would be permitted (see below).

**Proposed Language:** See attached draft ordinance.

**Staff Recommendation:** Staff recommends this amendment.

**Background:** Initiated by Planning Commission on October 25, 2011

The uses “electronic prototype assembly” and “electronic testing” are currently prohibited in the DMU and CBD base zoning base district. The recommended change to allow these uses stems from companies related to the high tech industry that exist in the downtown area and would like to have the ability to test their products. Electronic prototype assembly and electronic testing do not involve manufacturing or synthesis from raw materials, only assembly and testing of finished components.

There is the possibility, with electronic prototype assembly and electronic testing, for these uses to involve some level of hazardous chemicals, which would be used primarily for cleaning, bonding, and sealing parts. For this reason, staff is recommending that electronic prototype assembly and electronic testing be conditional uses in CBD and DMU base zoning districts, *unless* all of the following requirements are met:

1. The building in which the electronic prototype assembly and electronic testing uses are located be a single-tenant building, not including any pedestrian-oriented uses on the ground floor.
2. The building in which the electronic prototype assembly and electronic testing uses are located must be less than 90 feet in height.
3. The building in which the electronic prototype assembly and electronic testing uses are located cannot contain residential uses.
4. The electronic prototype assembly and electronic testing uses being proposed do not require Group H occupancy, per Chapter 25-12 Article 1 (Building Code).

If all of the above requirements are met (#1-4), then the electronic prototype assembly and electronic testing uses being proposed would be permitted.

### **Board and Commission Actions**

**Downtown Commission:** April 17, 2013 – Unanimously recommend that electronic prototype assembly and electronic testing in CBD and DMU zoning districts be conditional uses, on an 11-0 vote. *(The draft ordinance reviewed at this meeting did not*

*contain the above described requirements to make electronic prototype assembly and electronic testing permitted).*

**Planning Commission Subcommittee on Codes and Ordinances:** May 21, 2013 - Unanimously recommend that electronic prototype assembly and electronic testing in CBD and DMU zoning districts be permitted, with direction to staff to get input from Fire Department staff on possible hazardous materials use, on a 6-0 vote. *(The draft ordinance reviewed at this meeting did not contain the above described requirements to make electronic prototype assembly and electronic testing permitted).*

**Planning Commission:** June 11, 2013 – Unanimously recommend that electronic prototype assembly and electronic testing in CBD and DMU zoning districts be conditional uses unless the above described requirements are met, in which case the uses would be permitted, on an 8-0 vote.

**Council Action**

**City Council:** A public hearing at City Council has been set for June 20, 2013.

**Ordinance Number:** NA

**City Staff:** Greg Dutton

**Phone:** 974-3509

**Email:** greg.dutton@austintexas.gov