

# Neighborhood Plan Contact Team Training Sheet

## LAND USE AND ZONING

City of Austin  
Planning and Zoning Department  
June 2017

### WHAT IS LAND USE?

**Land use** refers to how land is generally used—including residential, commercial, industrial and open space. Each land use category includes and permits a variety of zoning categories.

In neighborhood planning, the Future Land Use Map (FLUM), and associated goals, objectives, and recommendations of a neighborhood plan set the broad direction on how a community wants to develop in the future.

### WHAT IS ZONING?

**Zoning** establishes the types of uses permitted on a parcel of land. Zoning also sets the development standards for a site such as building height, setbacks, floor to area ratio, neighborhood compatibility, screening, landscaping, and impervious cover limits. Zoning is used to implement the land use plan.

### WHERE IS ZONING?

**Zoning** applies to properties within the full or limited purpose jurisdiction of the City of Austin. Properties located within the Extra Territorial Jurisdiction (ETJ) or the county do not have zoning.



### WHAT IS A FUTURE LAND USE MAP (FLUM) AND HOW DOES IT RELATE TO THE COMPREHENSIVE PLAN?

By adopting a land use map each neighborhood plan amends the Imagine Austin Plan, the city's comprehensive plan. The Texas Local Government Code requires that zoning regulations be adopted in accordance with a comprehensive plan; without the comprehensive plan the city would not have the authority to make zoning changes.

A general definition of a land use plan is a map that serves as a blueprint for future development in a neighborhood planning area. In neighborhood planning we call that map the Future Land Use Map, or the FLUM. When a zoning request conflicts with the FLUM, a plan amendment is required before a zoning change can be approved.

City of Austin  
Land Use and Zoning Resources  
[austintexas.gov/department/plan-amendment-resources](http://austintexas.gov/department/plan-amendment-resources)

The following land use and zoning resources that can be found at the link above.

- Guide to Land Use Standards
- Guide to Zoning including zoning and petition information
- Zoning District Purpose Statements
- Zoning District by Land Use Designation Table



See other side for more information...



## HISTORICAL AND LEGAL CONTEXT OF ZONING

**1916**  
**FIRST ZONING ORDINANCE**  
**Local Government**

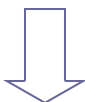
New York City creates first comprehensive zoning code to address tenement housing and the location of industry. This established zoning for public health, safety and welfare.



**1922—1926**  
**STANDARD ZONING ENABLING ACT**

**Federal Government**

U.S. Dept. of Commerce distributes information about NYC's zoning code. This Act permitted state legislatures to give local governments the authority to adopt and enforce zoning ordinances.



**State Governments**

Eventually all 50 states adopt the Standard Zoning Enabling Act, which is still in effect in all but six states.



**1926**  
**VILLAGE OF EUCLID VS.**  
**AMBLER REALTY COMPANY**  
**Federal Government**

Supreme Court upholds constitutionality of Zoning.



**TEXAS AND**  
**CITY OF AUSTIN**

**TEXAS STATE GOVERNMENT**

Municipal authority for cities in Texas are divided into *home-rule* cities and *general-law* cities. A *home-rule* municipality may establish any law or ordinance unless expressly forbidden by the state or federal law. *General-law* authority means that a jurisdiction may only exercise the authority it has been given by state or federal law.

Texas Local Government Code, Chapter 211 gives municipalities the authority to enact zoning regulations for the purpose of public health, safety, morals, or general welfare.

**CITY OF AUSTIN GOVERNMENT**

City of Austin is a *home-rule* municipality. This means the city's laws must conform to and be consistent with the limitations of the general zoning and enabling statutes from the Texas Local Government Code.

**Accepting zoning applications**

The City's Land Development Code, Section 25-2-242 states that a zoning or rezoning request may be initiated by City Council, Land Use Commission or property owners'.

The City does not have the authority to prohibit a complete application from being filed if it meets all requirements of the Code.

**Approval of zoning changes**

Zoning changes are approved or denied by the City Council. City staff and Planning Commission/Zoning and Platting Commission make recommendations on zoning cases, but the City Council has the final authority to zone or rezone a property.