

Council Committee Agenda Item Referral

Council Member or Executive Sponsor: **Mayor and Council**

Description of Item:

The Neighborhood and Planning Committee is requested to explore the potential repeal or amendment of Section 25-2-833 et seq. and Section 25-5-2(F), and consider strategic creation of more compatible zoning districts for public schools (within legal limits) that will afford protections and predictability to neighbors and schools alike.

Actions taken to date:

Issue:

The City of Austin has the governmental power as a home rule city to regulate the appropriate land development of public schools in relation to their surrounding areas, subject to limitations under state law. See Atty. Gen. Opinion No. GA-697 (2009). City Code currently exempts public schools from a number of material site development regulations in the Land Development Code (i.e., impervious cover, landscaping, subdivision, and traffic impact analysis). Austin Independent School District and several other school districts utilize intergovernmental agreements with the City of Austin to regulate development of their schools; however, such agreements do not apply to all schools.¹ Further, in the event that any facility ceases to operate as a school, it is unclear what protections neighborhoods have with respect to incompatible future uses. Generally, it is requested the Council look at the related policy issues. The Council Committee is also asked to examine current zoning classifications that allow for school uses.

¹ A Section 25-2-833 repeal or amendment may have less impact in a case where a public school's development is guided by interlocal agreements (authorized by state law) that supersede development regulations. However, in the absence of a conflict, a repeal or amendment of Section 25-2-833 might operate to apply standard Land Development Code regulations to schools.

Council Committee Assigned:

- Audit and Finance
- Austin Energy Oversight Committee
- Economic Opportunity Committee
- Health and Human Services Committee
- Housing and Community Development Committee

- Mobility Committee
- Open Space, Environment and Sustainability Committee
- Planning and Neighborhoods Committee
- Public Safety Committee
- Public Utilities Committee

Mayor Signature & Date: