

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2015-014 Planned Unit Development Zoning

Description: Consider an amendment to Title 25 of the City Code related to approval requirements for Planned Unit Development zoning cases.

Proposed Language: See attached draft ordinance.

Summary of proposed code changes:

- Will require an affirmative vote of three-fourths of the members of council to zone property that is unzoned or has interim zoning to a planned unit development.

Background: Initiated by Council Resolution 20151001-039

On October 1, 2015, the City Council initiated a code amendment via Resolution 20151001-039, to “address unzoned property on which PUD district zoning is sought, including but not limited to the implications and benefits of a code amendment to §25-2-284 of the Land Development Code to require the affirmative vote of three-fourths of the members of the City Council to approve a proposed PUD district zoning when the Land Use Commission recommends denial of an application to zone a property to a Planned Unit Development.”

Staff Recommendation: Approve proposed ordinance.

Board and Commission Actions

November 17, 2015: Forwarded with no recommendation by the Codes and Ordinances Subcommittee on a 4-0 vote (Commissioner Stevens and Seeger absent).

December 8, 2015: To be reviewed by the Planning Commission.

Council Action

January 28, 2015: A public hearing has been tentatively scheduled.

Ordinance Number: NA

City Staff: Greg Dutton

Phone: 974-3509

Email: greg.dutton@austintexas.gov

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTION 25-2-284 RELATING TO APPROVAL OF PLANNED UNIT DEVELOPMENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (A) of City Code Section 25-2-284 (*Requirement for Approval by Three-Fourths of Council*) is amended to read:

- (A) The affirmative vote of three-fourths of the members of council is required to approve ~~[a proposed rezoning if]~~:
- (1) zoning or rezoning property to a planned unit development if the Land Use Commission recommends denial of the [an] application [to rezone property to a planned unit development]; or
 - (2) ~~[the]~~ a proposed rezoning that is protested in writing by the owners of not less than 20 percent of the area of land:
 - (a) included in the proposed change; or
 - (b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.

PART 2. This ordinance takes effect on _____.

PASSED AND APPROVED

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§

_____, 2015

Steve Adler
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk

RESOLUTION NO. 20151001-039

WHEREAS, Planned Unit Development (PUD) district zoning is a unique zoning category that allows flexibility beyond conventional zoning and subdivision regulations; and

WHEREAS, PUD district zoning aims to produce development that achieves superior community benefits and values than that which can be achieved under conventional zoning; and

WHEREAS, Sec. 211.006 of the Texas Local Government Code permits a city to require the affirmative vote of at least three-fourths of its City Council to overrule the denial of the city's zoning commission with regard to a proposed zoning case; and

WHEREAS, Sec. 25-2-284 of the Land Development Code requires a three-fourths majority vote of the City Council to approve a proposed rezoning when the City's Land Use Commission recommends denial of an application to rezone a property to a Planned Unit Development; and

WHEREAS, Sec. 25-2-284 does not address situations where PUD zoning is sought on unzoned property that has yet to be designated with an initial zoning district; **NOW, THEREFORE,**

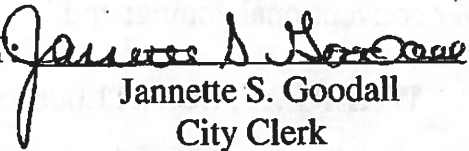
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to study, initiate and propose potential code amendments, working with the Planning Commission, to address unzoned property on which PUD district zoning is sought, including but not limited to the implications and benefits of a code amendment to §25-2-284 of the Land Development Code to require the affirmative vote of three-fourths of the members

of the City Council to approve a proposed PUD district zoning when the Land Use Commission recommends denial of an application to zone a property to a Planned Unit Development. Recommendations, including any code amendments, shall be brought to the Council Planning and Neighborhood Committee at its December, 2015 meeting or as soon as reasonably possible.

ADOPTED: October 1, 2015

ATTEST:


Jannette S. Goodall
City Clerk