

Administrative Services Code Amendment

Background information

As Travis County begins the development of a new Civil Courthouse within downtown via a public-private partnership agreement, their development partner has asked for our confirmation that civic courthouse, civic offices, and city administrative facilities are permitted uses in Downtown Mixed Use (DMU) and Central Business District (CBD) zoning districts. We have reviewed the City of Austin Land Development Code and have determined that whereas it is clear in the Code that administrative offices, business offices, etc., are permitted uses in DMU and CBD zoning, the Permitted Use Chart within the code makes it unclear whether there is a distinction between “non-civic” offices and “civic” offices. Additionally, whereas civic “offices” are referenced in the Code, “courthouses” are not.

The Permitted Uses chart within Section 25-2-491 of the Code is not exhaustive but lists several uses to demonstrate what is permitted and what is not permitted in each zoning district designation. This use chart shows “non-civic” administrative and business offices as permitted in DMU and CBD but not “civic” administrative and business offices. And, again, it does not list courthouses at all.

Given that these uses would be permitted in both DMU and CBD if they were “non-civic” raises a question in the code about why these same uses would be prohibited if they were civic. In short, the permitted uses chart appears to reflect these uses as *prohibited* in error. At best, whether they are permitted or not is ambiguous.

Planning and Zoning staff have discussed this issue and have determined that the City historically has and will continue to deem these uses to be *permitted* uses in both the DMU and CBD zoning districts. To resolve any ambiguity in the current Code related to this issue, we propose the Planning Commission consider initiating a Code Amendment to do the following:

1. Amend the Permitted Uses chart of Section 25-2-491 *Permitted, Conditional, and Prohibited Uses* to make Administrative Services permitted uses in DMU and CBD; and
2. Amend Code Section 25-2-6 (B) (1) *Civic Uses Described* to specifically add “courthouses” to the list of uses that are expressly deemed to be administrative services.

