

**ORDINANCE NO. 20240201-027**

**AN ORDINANCE AUTHORIZING JOINT PUBLIC HEARINGS BETWEEN CITY COUNCIL AND PLANNING COMMISSION TO CONSIDER AMENDMENTS TO CITY CODE CHAPTER 25-2 (*ZONING*); ESTABLISHING THE NOTICE REQUIREMENTS FOR JOINT PUBLIC HEARINGS; AND WAIVING CITY CODE SECTIONS 25-1-501 (*INITIATION OF AMENDMENT*) AND 25-1-502 (*AMENDMENT; REVIEW*).**

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

**PART 1. Findings.**

- (1) Chapter 211 of the Texas Local Government Code (Chapter 211) applies to changes in zoning regulations, classifications, and boundaries. Section 211.007(d) of the Texas Local Government Code authorizes the governing body of a municipality to prescribe the type of notice to be given of the time and place of a joint public hearing that includes the governing body and zoning commission. Under this process, the zoning commission makes recommendations to the governing body in a subsequent and separate public meeting. After the zoning commission provides its recommendations, the governing body considers the zoning commission's recommendations and acts on the proposed ordinances.
- (2) The City Council finds that utilizing the joint public hearing process established in state law provides an additional opportunity for the public to provide input to both the City Council and the Planning Commission.
- (3) The City Council finds that utilizing the joint hearing process requires waivers of existing City Code related to the amendment process that include public hearing and notice requirements.

**PART 2.** The City Council authorizes joint public hearings, waives City Code Section 25-1-502 (*Amendment; Review*), and directs the City Manager and City Clerk to prepare for joint public hearings between the Planning Commission and City Council for the purpose of considering changes to City Code Chapter 25-2 (*Zoning*).

**PART 3.** The City Council adopts notice requirements described in **Exhibit A** as the required notice for joint public hearings.

**PART 4.** Because City Code Section 25-1-502 (*Amendment; Review*) is being waived in this ordinance, City Code Section 2-1-207 (*Codes and Ordinances Joint Committee*) does not apply to the amendments that will be included in joint public hearings.

**PART 5.** The City Council waives City Code Sections 25-1-501 (*Initiation of Amendment*).

**PART 6.** Nothing in this ordinance limits the City Manager's discretion to use the standard state law process for amendments subject to Chapter 211 when the City Manager determines that the standard state law process is appropriate.

**PART 7.** This ordinance takes effect on February 12, 2024.

**PASSED AND APPROVED**

\_\_\_\_\_, February 1, 2024

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Kirk Watson  
Mayor

**APPROVED:**

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Anne L. Morgan  
City Attorney

**ATTEST:**

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Stephanie Hall for  
Myrna Rios  
City Clerk

## NOTICE REQUIREMENTS

### EXHIBIT A

The City Council adopts the following notice requirements for the joint public meeting process:

(A) Published Notice.

- (1) At least 10 days before a joint public hearing, the City Manager is directed to provide published notice of a joint public hearing and the subsequent Planning Commission and City Council meetings.
- (2) The City Manager is directed to publish the notice described in this subsection in the *Austin American-Statesman*.

(B) Mailed Notice.

- (1) In this subsection,
  - (a) AMENDMENT means a change to a zoning regulation found in Chapter 25-2 (*Zoning*) or a non-codified ordinance; and
  - (b) IMPACTED PROPERTY means a property that is:
    - (i) subject to or would be required to follow the amendment if adopted; or
    - (ii) located within 200 feet of a property that is subject to or would be required to follow the amendment if adopted.
- (2) A notice required to be mailed under this subsection must include the information described in Subsection (D).
- (3) At least 10 days before a joint public hearing, the City Manager is directed to mail notice one time to each entity registered on the City's community registry.
- (4) If a joint public hearing includes an amendment that will prohibit one or more existing uses, at least 10 days before the joint public hearing, the City Manager is directed to mail notice to each occupant of a property that is subject to or would be required to follow the amendment if adopted.
- (5) Except as provided in Subdivision (6), at least 10 days before a joint public hearing, the City Manager is directed to mail notice to each property owner and utility account holder for each parcel located within the City's full purpose and limited purpose jurisdictions.

- (6) For an amendment that will apply only to one or more specific geographic areas or addresses, at least 10 days before a joint public hearing, the City Manager is directed to mail notice to each property owner and utility account holder of an impacted property.
- (C) City's Website and Internet.
  - (1) The City Manager is directed to post the information described in Subsection (D) on the City's website.
  - (2) The City Manager is directed to post on at least one of the City's social media websites the information described in Subsection (D):
    - (a) at least two times before the joint public hearing; and
    - (b) after the joint public hearing, at least one time:
      - (i) before the Planning Commission meeting; and
      - (ii) before the City Council meeting.
- (D) A notice or post required by this ordinance must include:
  - (1) the dates, times, and locations for the joint public hearing and the subsequent Planning Commission and City Council meetings;
  - (2) a brief description of the amendments that will be considered at those meetings;
  - (3) state that a property owner may have the right to protest the amendments; and
  - (4) a website link that will allow a member of the public to:
    - (a) learn more about the amendments and protest requirements; and
    - (b) provide feedback on the proposed amendments.