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## ZONING & LAND USE 101

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Zoning is a method of categorizing land into different uses: residential, commercial, industrial, civic and agricultural. The purpose of zoning is to encourage compatibility with adjacent areas; reserve areas for same uses; and ensure adequate access, service and parking while minimizing adverse effects on nearby land uses. Establishing zoning districts also enables planning for infrastructure (i.e. utilities and traffic generation). The City of Austin has created **zoning districts** to establish **site development regulations** and **performance standards**. The intent is to promote compatible land use patterns; to ensure proper design and construction standards; and to protect and preserve places and areas of historical, cultural, or architectural significance.

### Residential Districts: Single Family and Multi-family

Residential districts are further divided into 16 different designations. Most of these are

- **single-family (SF-1 through SF-6)**
- **multi-family (MF-1 through MF-6)**

These designations are based upon density, lot size, environmental conditions, surrounding uses, public infrastructure and location. Each specific district has a list of permitted uses, i.e. duplexes are allowed in SF-3 but not within SF-2. A property *used* as single family, but with different zoning classification, has the same compatibility protections as those zoned as SF-1 through SF-5.

### Commercial Districts

Examples of the 13 commercial zoning districts are:

- **neighborhood office (NO)**
- **limited office (LO)**
- **general office (GO)**
- **neighborhood commercial (LR)**
- **community commercial (GR).**

Commercial district designations are based on type of use, customer base, location, surrounding use and traffic generation. These properties are located along the periphery of the neighborhood and are intended to separate residential uses from more intensely developed zoning districts.

## Industrial Districts

Examples of industrial zoning districts are

- **industrial park (IP)**
- **limited industrial services (LI).**

Industrial uses are located remote from residential and commercial uses in order to protect against the adverse effects of some industrial uses.

## Code Documentation

District zoning regulations are outlined in the City of Austin Title 25 Land Development Code <http://www.ci.austin.tx.us/development/zoning2.htm>

The code defines regulations for height, number of stories, percentage of occupied lot, population density, location and use of buildings and the special needs of historic and cultural resources.

Additional specific districts regulations can be found in Title 25-2

[http://austintech.amlegal.com/nxt/gateway.dll/?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin\\_a ll\\_mc\\$anc](http://austintech.amlegal.com/nxt/gateway.dll/?f=templates$fn=default.htm$3.0$vid=amlegal:austin_a ll_mc$anc)

Subchapter F of the same chapter outlines the Zoning for Residential Design and Compatibility Standards, otherwise known as **the McMansion Ordinance**.

For permitted **uses** in each district, go to

<http://www.ci.austin.tx.us/development/downloads/permittedusechart.pdf>

## PERMITTING \* BUILDING CODES 101

City of Austin requires **permits** and a **site plan approval (or site plan exemption)** If you are erecting, constructing, enlarging, altering, repairing, improving, removing, converting, moving, demolishing any building or structure. The permit and review processes ensure that the proposed construction complies with Austin's land use (appropriate zoning and zoning regulations) and construction standards (structural integrity, fire safety, tapping into water and sewer lines, extension of electrical service, etc.)

## Permit and Review Processes

Once a building permit has been issued and construction has commenced, **inspections** are performed by the City to ensure compliance with the construction standards. Once all requirements are met, a **certificate of occupancy** and/or final acceptance will be issued.

Zoning, site plan, and building permits are primarily reviewed and coordinated by Austin's **Review and Inspection Department**, *One Texas Center, 505 Barton Springs Road., 974-6370*.

- Development Assistance Center, 1<sup>st</sup> floor: get information & applications
- Intake Center, 4<sup>th</sup> floor: submit applications

An application can be downloaded at <http://www.ci.austin.tx.us/development/bpinfo1.htm>

Permits and inspections are imperative to make sure that construction is safe and does not pose a hazard to you or your neighbors (flooding, fire, etc.) but also ensures that all properties are developed within the same guidelines.

- If there is a question of a project under construction, you may view permit and site plan status at <https://www.ci.austin.tx.us/devreview/index.jsp>
- If you are concerned about a property and whether a permit has been issued, you can contact 3-1-1 and ask for **code enforcement**.
- If a property owner is considering demolition of any portion of a structure, a **demolition permit** is required.  
If your structure is at least 50 years of age, the City's **Historic Preservation Office** must review the application. This process protects and enhances neighborhoods, buildings and sites that reflect elements of Austin's cultural, social, economic, political and architectural history. If HP determines the project may meet the historical significance criteria, neighbors within 500-feet are notified and the demolition review goes before the **City's Historic Landmark Commission**.

## **NEIGHBORHOOD PLAN \* AMENDMENTS \* ZONING \* VARIANCES \* WAIVERS 101 \***

### **Managing Future Growth by Comprehensive Planning**

The 1979 *Austin Tomorrow Comprehensive Plan* recommended the development of **neighborhood planning areas** to address distinctively different neighborhood areas. The intent is to preserve and enhance the livability of Austin by managing future growth. Neighborhood plans may identify locations for **mixed use**. In this context, mixed use refers to the addition of housing to a commercial corridor or node where it contributes to urban vitality and reduces sprawl. Currently, there is a new Comprehensive Plan under way. To learn more, go to [www.ImagineAustin.net/](http://www.ImagineAustin.net/).

The SRCC neighborhood includes two **Neighborhood Plan (NP)** areas:

- **Greater South River City (GSRC)**: the portion of our neighborhood west of IH 35
- **East Riverside/Oltorf Combined (EROCC)**: the portion of our neighborhood east of IH 35

The City and residents of these two areas met for over a year in order to develop neighborhood plans that:

- focused on land use, transportation, urban design, zoning, creeks and the environment
- identified the neighborhood's visions and goals
- implemented changes to neighborhood zoning to reflect these visions and goals.

Although the neighborhood made recommendations, the final plans, adopted by City Council in 2005 and 2006 respectively, reflected the City's final decisions.

In order to help accomplish the visions and goals the NP identified design guidelines for each area. These guidelines can be viewed through the City website under each plan by name at:

[http://www.ci.austin.tx.us/planning/neighborhood/planning\\_areas.htm](http://www.ci.austin.tx.us/planning/neighborhood/planning_areas.htm)

### **Amendments**

If a property owner is considering changing the *use* of a property from what is allowed in the current zoning classification, the process involves a zoning change and an amendment to the **Future Land Use (FLUM) map**. The process required for any FLUM changes include the following steps:

1. Prior to public hearing, the City is required to provide a 10-day notice to property owners within 500-feet as well as to the neighborhood organization (SRCC) and the appropriate Neighborhood Plan Contact Team (NPCT) for either GSRC or EROC.
2. SRCC members\*\* will vote on whether to support the amendment and forwards the vote, in the form of a recommendation to the Land Use Commission (LUC) and City Council.
3. The Neighborhood Plan Contact Team (NPCT) reviews the zoning case for appropriateness and compatibility with the NP vision and goals. The NPCT votes on whether to support the amendment. The NPCT recommendation is given to the LUC and City Council.
4. LUC holds a public hearing, then makes a recommendation to City Council;
5. City Council holds a public hearing then makes a final determination.

\*\* Information on how to be an eligible SRCC voting member, go to [www.srccatx.org/](http://www.srccatx.org/)

### **Zoning Variance and Waiver Requests**

SRCC also reviews and votes on whether to support **zoning variance** and/or **zoning waiver requests**. These requests are changes to the zoning *regulations*, not to the zoning use or classification. Variance requests are made at an open public hearing before the **Board of Adjustments**. The request must 'demonstrate **hardship**'. As defined by the City, hardship criteria is:

1. "the requirement does not allow for a reasonable use of property;
2. the hardship for which the variance is requested is unique to the property and is not generally characteristic of the area in which the property is located;
3. development under the variance does not alter the character of the area adjacent to the property;
4. development under the variance does not impair the use of adjacent property that is developed in compliance with the City requirements;

5. development under the variance does not impair the purposes of the regulations of the zoning district in which the property is located.”

If the request is specific to the *design* of the proposed development, the Applicant has the choice of going to the **Residential Design and Compatibility Commission (RDCC)**, in an open public hearing.

Prior to public hearing, the City is required to provide a 10-day notice to property owners within 500-feet as well as to the neighborhood organization. If any resident would like to voice concerns or learn more about a proposed development, they should notify SRCC Zoning & Planning Committee immediately. SRCC encourages an applicant to contact SRCC as early as possible in order to expedite understanding of the request and to endeavor to work out a mutually agreeable position. The SRCC Zoning & Planning Committee will make a presentation at a SRCC meeting and eligible SRCC members\*\* will vote whether to support the request. The decisions will be presented to the appropriate commission. Due to the limited 10-day only notification requirement, it is important that SRCC and the City be familiar with any concerns so that they can be addressed prior to commission vote. Neighbor opposition or support is often weighted in the final determination.