



Austin Neighborhoods Council Executive Committee’s Resolution Regarding Charter Schools and City Codes

WHEREAS, in Austin, there are charter schools called “public” charter schools and child serving facilities that are operated by nonprofit corporations that are funded by “public” monies;
WHEREAS, in 2009, the State of Texas (GA-0697) had clearly stated that home rule cities may enforce reasonable land development regulations and ordinances against an independent school district; and
WHEREAS, the City of Austin has exempted “public” charter school facility construction from various City development regulations and ordinances because of outdated codes [Section 25-5-2(F) and (G), Section 25-2-833] that do not conform to State of Texas (GA-0697); and
WHEREAS, these “public” charter schools are using a student -to- land ratio much higher than Austin Independent School District Requirements (AISD); and
WHEREAS, the height, size, and scale of these facilities are incompatible with surrounding residential properties; and
WHEREAS, the transportation infrastructure around such charter schools has not been evaluated for increased traffic generated by these facilities; and
WHEREAS, these types of charter school developments could be applied to any lot and any zoning in any Austin neighborhood; and
WHEREAS, some charter school are locating new schools within boundary limits restricted by state law to prevent students from exposure to the sale of alcohol and sex offender housing.

NOW, THEREFORE,

BE IT RESOLVED THAT the Austin City Council direct the City Manager to:

- Initiate amendments to land development codes and ordinances necessary to ensure that they are consistent and compliant with the Texas Attorney General’s opinion GA-0697; and
- Require and enforce that any “public” charter school comply with City development codes and ordinances; and
- Require and enforce that any “public” charter school facility not exceed an established student-per-acre ratio (to be determined in compliance with AISD standards); and
- Enforce state laws that apply to the illegal location of “public” charter schools within the boundary limits of existing businesses that provide the sale of liquor or that provide housing for sex offenders.

BE IT FURTHER RESOLVED THAT the Austin City Council directs the Code Advisory Group to ensure that a uniform “public” school zoning category is addressed in CodeNEXT.

Presented to the ANC General Membership: July 22, 2015

Approved and Adopted: August 26, 2015

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