

**ORDINANCE NO. 20090521-062**

**AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-1, 25-5, AND 30-1  
RELATING TO NOTIFICATION FOR SUBDIVISIONS AND SITE PLANS.**

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

**PART 1.** Subsection (A) of Section 25-1-131 (*Interested Parties*) is amended to read:

- (A) An interested party is a person who has an interest in a matter that is the subject of a public hearing or administrative decision. A person has an interest if the person:
- (1) is the applicant or the record owner of property that is the subject of a public hearing or administrative decision; or
  - (2) communicates an interest in a matter; and
    - (a) occupies a primary residence that is within 500 feet of the site of the proposed development;
    - (b) is the record owner of property within 500 feet of the site of the proposed development;
    - (c) is an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development; or
    - (d) has a utility [service] account address located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.

**PART 2.** Subsections (A) and (B) of Section 25-1-132 (*Notice of Public Hearing*) are amended to read:

**§ 25-1-132 NOTICE OF PUBLIC HEARING.**

- (A) For a notice required to be given under this subsection, the responsible director shall give notice of a public hearing before a board or commission by mailing notice not later than the 11th day before the date of the hearing to the:

- (1) applicant;
  - (2) notice owner of property located within 500 feet of the subject property;
  - (3) registered environmental or neighborhood organization whose declared boundaries are within 500 feet of the site of the proposed development;
  - (4) parties to an appeal; and
  - (5) utility [~~service~~] account addresses located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.
- (B) For a notice required to be given under this subsection, the responsible director shall give notice of a public hearing before the council by:
- (1) publishing notice not later than the 16th day before the date of the public hearing; and
  - (2) mailing notice not later than the 16th day before the date of the hearing to the:
    - (a) applicant;
    - (b) notice owner of property located within 500 feet of the subject property;
    - (c) registered environmental or neighborhood organization whose declared boundaries are within 500 feet of the site of the proposed development;
    - (d) parties to an appeal; and
    - (e) utility [~~service~~] account addresses located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.

**PART 3.** Subsection (A) of City Code Section 25-1-133 (*Notice of Application and Administrative Decisions*) is amended to read:

**§ 25-1-133 NOTICE OF APPLICATIONS AND ADMINISTRATIVE DECISIONS.**

- (A) For notice required to be given under this subsection, the responsible director shall mail notice not later than the 14th day after the filing of an application to the:
- (1) applicant;

- (2) notice owner of real property located within 500 feet of the subject property; and
- (3) registered environmental or neighborhood organization whose declared boundaries are within 500 feet of the site of the proposed development; and
- (4) utility [~~service~~] account addresses located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.

**PART 4.** Subsection (C) of City Code Section 25-5-114 (*Time Periods for Determination; Notice*) is amended to read:

**25-5-114 TIME PERIODS FOR DETERMINATION; NOTICE.**

- (C) If the director disapproves a site plan, the director shall notify each interested party of the disapproval. The notice must include the reasons that the site plan does not comply with the requirements of this title. With permission of the interested party, this notice may be provided by electronic mail.

**PART 5.** Subsection (A) of City Code Section 30-1-152 (*Interested Parties*) is amended to read:

**§ 30-1-152 INTERESTED PARTIES.**

- (A) An interested party is a person who has an interest in a matter that is the subject of a public hearing or administrative decision. A person has an interest if the person:
  - (1) is the applicant or the record owner of property that is the subject of a public hearing or administrative decision; or
  - (2) communicates an interest in a matter; and
    - (a) occupies a primary residence that is within 500 feet of the site of the proposed development;
    - (b) is the record owner of property within 500 feet of the site of the proposed development; ~~or~~
    - (c) is an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development; or

- (d) has a utility account address located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.

**PART 6.** Subsections (A), (B), and (C) of City Code Section 30-1-153 (*Notice of Public Hearing*) are amended to read:

**§ 30-1-153 NOTICE OF PUBLIC HEARING.**

- (A) For a notice required to be given under this subsection, the single office shall give notice of a public hearing before a board or commission by mailing notice not later than the 11th day before the date of the hearing to:
- (1) the applicant;
  - (2) a notice owner of property located within [300] 500 feet of the subject property;
  - (3) a neighborhood organization; [~~and~~]
  - (4) a party to an appeal; and
  - (5) utility account addresses located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.
- (B) For a notice required to be given under this subsection, the single office shall give notice of a public hearing before the council by:
- (1) publishing notice not later than the 16th day before the date of the public hearing; and
  - (2) mailing notice not later than the 16th day before the date of the hearing to:
    - (a) the applicant;
    - (b) a notice owner of property located within [300] 500 feet of the subject property;
    - (c) a neighborhood organization; [~~and~~]
    - (d) a party to an appeal; and
    - (e) utility account addresses located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.

- (C) For a notice required to be given under this subsection, the single office shall give notice of a public hearing before a board or commission or the council by:
- (1) mailing notice to a neighborhood organization not later than the 11th day before the date of a hearing scheduled before a board or commission and not later than the 16th day before the date of a hearing scheduled before the council; ~~and~~
  - (2) publishing notice not later than the 16th day before the date of a hearing before the council; and
  - (3) posting a sign on the property stating the date and time of the public hearing.

**PART 7.** Subsections (A) and (C) of City Code Section 30-1-154 (*Notice of Applications and Administrative Decisions*) are amended to read:

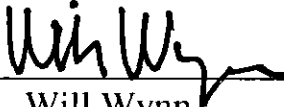
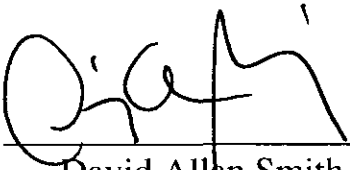
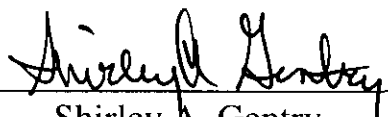
**§ 30-1-154 NOTICE OF APPLICATIONS AND ADMINISTRATIVE DECISIONS.**

- (A) For notice required to be given under this subsection, the single office shall mail notice not later than the 14th day after the filing of an application to the:
- (1) applicant;
  - (2) notice owner of real property located within ~~[300]~~ 500 feet of the subject property; ~~and~~
  - (3) neighborhood organization; and
  - (4) utility account addresses located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.
- (C) Notice provided under this section must:
- (1) describe the general nature of the application, including a description of the project;
  - (2) identify the applicant and the location of the site;
  - (3) generally describe the proposed development;
  - (4) identify the entity that may approve the application;
  - (5) state the earliest date that action under a decision may occur;
  - (6) describe the procedure and requirements for becoming an interested party;

- (7) if the decision may be appealed, describe the procedure for an appeal; and
- (8) include the address and telephone number of the person from whom additional information may be obtained.

**PART 8.** This ordinance takes effect on June 1, 2009.

**PASSED AND APPROVED**

_____ May 21, 2009	§ § §	_____  Will Wynn Mayor
APPROVED: _____  David Allan Smith City Attorney	ATTEST: _____  Shirley A. Gentry City Clerk	