ORDINANCE NO. 20091105-068

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-1 TO ADD A NEW ARTICLE 17 ESTABLISHING PUBLIC NOTICE AND HEARING REQUIREMENTS FOR INTERLOCAL DEVELOPMENT AGREEMENTS.

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

PART 1. City Code Chapter 25-1 (*General Requirements and Procedures*) is amended to add a new Article 17 to read:

ARTICLE 17. *INTERLOCAL DEVELOPMENT AGREEMENTS.*

§ 25-1-901 DEFINITIONS.

In this article:

(1) DIRECTOR means the Director of the Planning and Development Review Department.

(2) INTERLOCAL DEVELOPMENT AGREEMENT means an agreement between the City and any governmental entity, municipal corporation or political subdivision that establishes or modifies regulations for the use, development, or construction of property containing one or more existing or proposed structures. The term includes new agreements and amendments to existing agreements, but does not include agreements or amendments related to roads or road facilities or the provision of utility services.

§ 25-1-902 LAND USE COMMISSION PUBLIC HEARING AND RECOMMENDATION.

(A) Prior to council consideration of a proposed interlocal agreement, the director shall schedule a public hearing before the Land Use Commission.

(B) The director shall give notice of a public hearing required under Subsection (A) consistent with the following requirements:

(1) If a proposed interlocal development agreement establishes or modifies use, development, or construction regulations applicable to a particular site or structure, the director shall mail notice not later than the 11th day before the date of the hearing as provided under Subsection 25-1-904(A) (*Notice Requirements for Proposed Interlocal Development Agreements*).

(2) If a proposed interlocal development agreement establishes or modifies general use, development, or construction regulations contained in a master plan or agreement applicable to a governmental entity, municipal corporation, or political subdivision, rather than regulations applicable to a particular site or structure, the director shall provide notice as required under Subsection 25-1-132(C) (*Notice of Public Hearing*).

(C) The Land Use Commission shall make a recommendation to the council on a proposed interlocal development agreement not later than the 14th day after the public hearing on the proposed agreement is closed.

(D) The Land Use Commission may recommend that the council:

(1) approve the interlocal development agreement as proposed;

(2) approve a more restrictive interlocal development agreement; or

(3) reject the proposed interlocal development agreement.

§ 25-1-903 CITY COUNCIL HEARING AND ACTION.

(A) The council shall hold a public hearing on a proposed interlocal development agreement not later than the 40th day after the date of the Land Use Commission recommendation.

(B) The director shall give notice of a public hearing required under Subsection (A) consistent with the following requirements:

(1) If a proposed interlocal development agreement establishes or modifies use, development, or construction regulations applicable to a particular site or structure, the director shall provide notice by:

(a) publishing notice not later than the 16th day before the date of the public hearing as provided under Subsection 25-1-132(B)(1) (*Notice of Public Hearing*); and

(b) mailing notice not later than the 16th day before the date of the hearing as provided under Subsection 25-1-904(A) (*Notice Requirements for Proposed Interlocal Development Agreements).*

(2) If a proposed interlocal development agreement establishes or modifies general use, construction, or development regulations contained in a master plan or agreement applicable to a governmental entity, municipal corporation, or political subdivision, rather than a particular site or structure, the director shall provide notice as required under Subsection 25-1-132(C) (*Notice of Public Hearing*).

(C) After a public hearing on a proposed interlocal development agreement, the council may authorize the city manager to:

(1) execute the agreement as proposed;

(2) execute a modified agreement, which may include different use, development, or construction regulations or other conditions not contained in the proposed agreement;

(3) negotiate a new agreement, which shall be subject to review by the Land Use Commission under Section 25-1-903 (*Review and Recommendation of the Land Use Commission*); or

(4) reject the proposed agreement and discontinue negotiations.

§ 25-1-904 NOTICE REQUIREMENTS FOR PROPOSED INTERLOCAL DEVELOPMENT AGREEMENTS.

(A) Mailed notice required under this article shall comply with the requirements of Subsection 25-1-134(B) (*Procedures and Requirements for Notice*) and shall be sent to:

(1) governmental entity, municipal corporation, or political subdivision that is to be a party to the agreement;

(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 subject property; and

(4) utility account addresses located within 500 feet of the site of the subject property, as shown in the City utility records on the date of the filing of the application.

(B) Mailed and published notice required under this article must:

(1) describe the general nature of the proposed interlocal development agreement;

(2) identify the governmental entity, municipal corporation, or political subdivision that is to be a party to the agreement;

(3) generally describe the proposed agreement;

(4) identify the entities that may approve the proposed agreement;

(5) state the earliest date that action on the proposed agreement may occur; and

(6) include the address and telephone number of the accountable official or staff from whom additional information may be obtained.

PART 2. This ordinance takes effect on November 16, 2009.

PASSED AND APPROVED

November 5, 2009

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Lee Leffingwell
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk