

ORDINANCE AMENDMENT REVIEW SHEET

AMENDMENT: C2o-2011-009

DESCRIPTION: To amend Title 30-2-87 of the Travis County - City of Austin combined development code (for land located in the City of Austin's Extraterritorial Jurisdiction that is in Travis County) to modify requirements for approval of any residential subdivision to include a cover sheet that provides a consumer protection notice for homebuyers.

BACKGROUND: This amendment was initiated by the Travis County Commissioners Court to change the requirements for plat approval for any residential subdivision which is located in the City of Austin's Extraterritorial Jurisdiction (ETJ) that is in Travis County, by requiring the applicant to include a cover page with a consumer protection notice for homebuyers (see "Attachment A" for the exact verbage). The amendment is intended to notify citizens who purchase lots in the subdivision that there may be fewer local controls in the County for any development near or adjacent to the subdivision, and that development may occur that may not be compatible with their subdivision and may affect the enjoyment and value of their home.

CURRENT REGULATIONS: There are no regulations that address the issue at this time.

ISSUES: On the surface this appears to be a positive measure. County Commissioners routinely receive communication from unhappy homeowners whenever an undesirable development occurs near their homes, and this note would be a warning to those owners that little can be done in the County regarding land use regulation.

However, there have been some concerns stated by the Home Builders Association (HBA) as well as the City of Austin Law Department. The HBA stated that they preferred a separate notification document that would show up with the title commitments and in the sales contract. It is their opinion that more people would be informed by that method than by a cover sheet on a plat. The Law Department sees possible grandfathering issues for plats that are later annexed into the City of Austin.

DEPARTMENTAL COMMENTS: It appears that no one has an objection with advising future home buyers with a notice, but there are concerns about what form it takes. The Commissioners Court would like to see the notice on the plat, whereas the Home Builders Association would prefer a separate notification document that would show up with the title commitments and in the sales contract rather than on the plat.

STAFF RECOMMENDATION: It is the staff's opinion that either form of notice would be reasonable.

BASIS FOR RECOMMENDATION: Any type of consumer protection notice for homebuyers regarding this issue can only benefit the future home owners in Austin's Extraterritorial Jurisdiction in Travis County.

PLANNING COMMISSION ACTION:

CITY COUNCIL ACTION:

ORDINANCE READINGS:

1st

2nd

3rd

ORDINANCE NUMBER:

ASSIGNED STAFF: David Wahlgren 974-6455

ATTACHMENTS

- A - Memorandum (with attachments A and B) to Travis County Commissioners Court from the Executive Manager of the Transportation and Natural Resources Department
- B - Draft Ordinance
- C - Affordability Impact Statement