

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-1 RELATING TO PROJECT DURATION AND PROJECT DORMANCY; INITIATING CODE AMENDMENTS TO CHAPTER 25-1 RELATING TO VESTED RIGHTS APPLICATIONS; AND DECLARING AN EMERGENCY.

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 repeal Article 12 (*Project Duration*).

PART 2. City Code Section 25-1-552 (*Expiration of Permits and Projects*) is amended to read:

§ 25-1-552 EXPIRATION OF PERMITS AND PROJECTS.

(A) A permit expires on May 11, 2004 if the director determines that:

- (1) the permit did not have an expiration date; and
- (2) no progress had been made towards completion of the project.

(B) A project expires if no progress towards completion has been made within five years of the date that the first permit application for the project was submitted.

(C) Progress towards completion of the project shall include ~~[includes]~~ any one ~~[or more]~~ of the following:

- (1) an application for a final plat or plan is submitted to a regulatory agency;
- (2) a good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
- (3) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- (4) fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or

1 (5) utility connection fees or impact fees for the project have been paid to a
2 regulatory agency.

3 [(C)—If all permits for a project expire, the project expires.]
4

5 **PART 3.** The city council initiates amendments to Title 25 (*Land Development*) of the
6 City Code to clarify and improve the review procedures and criteria for applications
7 asserting vested rights under Chapter 245 of the Local Government Code. In preparing a
8 proposed ordinance for consideration by council, the city manager should consider the
9 ordinances and procedures used by other cities.
10

11 **PART 4.** The city council finds that clarifying the requirements for vested rights
12 applications under Chapter 245 of the Local Government Code constitutes an emergency.
13 Because of this emergency, this ordinance takes effect immediately upon its passage for
14 the immediate preservation of the public peace, public health, and safety,
15

16 **PASSED AND APPROVED**
17

18 _____, 2013
19

§
§
§

21 Lee Leffingwell
22 Mayor
23

24 **APPROVED:** _____
25 Karen Kennard
26 City Attorney
27

ATTEST: _____
28 Jannette S. Goodall
29 City Clerk
30