

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A TEMPORARY PROGRAM TO EXTEND CERTAIN SITE PLANS EXPIRED PRIOR TO THE REPEAL OF PROJECT DURATION; AND WAIVING CITY CODE SECTIONS 25-1-82, 25-1-217, 25-1-502, 25-5-44, 25-5-62, AND 25-5-81.

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

PART 1. The city council makes the following findings:

(A) Prior to the adoption of Ordinance No. 20130328-019, site plans were subject to multiple expiration periods that complicated the development process and caused confusion for applicants.

(B) This confusion, coupled with a downturn in the economy, resulted in the expiration of many site plans that were begun in good faith and in full compliance with then-current regulations.

(C) The provisions of this ordinance establish a temporary program authorizing the director, under certain conditions, to approve extensions that reinstate previously expired site plans and allow additional time for construction to begin.

PART 2. EXTENSION OF EXPIRED SITE PLANS.

(A) A request to extend an expired site plan in accordance with this section must be submitted on a form approved by the director and include the fee required for a site plan extension.

(B) The director may approve a request to extend an expired site plan under this section if:

- (1) the site plan application was submitted on or after January 1, 2006, and filed for review under regulations in effect on the date of submittal;
- (2) the site plan expired under former City Code Chapter 25-1, Article 12 (*Project Duration*);
- (3) the property included in the site plan was:
 - (a) located in the City's full-purpose jurisdiction on the date the site plan application was submitted; and
 - (b) not subject to a notice of construction issued following expiration of the site plan; and

(4) the director finds that the request meets the criteria required for a one-year administrative extension under Section 25-5-62 (*Extension of Released Site Plan by the Director*).

(C) A site plan extended under this section expires one year after the extension is approved, unless the Land Use Commission grants an additional extension under Section 25-5-63 (*Extension of Released Site Plan by the Land Use Commission*).

(D) Extension of a site plan under this section includes any variances or waivers previously approved in connection with the site plan.

PART 3. City Code Section 25-1-217 (*Expiration of Variance or Special Exception*), Section 25-1-502 (*Amendment; Review*), Section 25-5-44 (*Release of Previously Approved Site Plan*), Section 25-5-62 (*Extension of Released Site Plan by the Director*), and Section 25-5-81 (*Site Plan Expiration*) are waived to the extent of a conflict with this ordinance.

PART 4. This ordinance expires on September 1, 2014. Expiration of this ordinance does not affect the validity of a site plan extended in accordance with Part 2 of this ordinance.

PART 5. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

_____, 2013

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Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk