

**MOTION SHEET RE: ITEM NO. 59 [VESTED RIGHTS ORDINANCE] –
Managed Growth Agreements**

May 22, 2014

Motion is to 2nd reading draft posted in backup. Provide text of motion to City Clerk and make available for review on the dais.

Summary of motion: Move to amend Section 25-1-553 consistent with the handout provided at the May 19 work session.

Text of amendment: Replace Section 25-1-553 with the following new section.

§ 25-1-553 MANAGED GROWTH AGREEMENTS.

(A) This section provides a voluntary mechanism to request longer project expiration periods than those established under Section 25-1-552 (*Expiration of Projects Begun On or After June 1, 2014*) for large-scale projects or projects located within a planned development center.

(B) To be accepted for review, an application for a proposed managed growth agreement must include all information required by the director, including a proposed expiration date, and must meet the requirements of this subsection.

(1) An application for a managed growth agreement may be submitted concurrent with the first permit application, or before the review period expires, if the project associated with the proposed agreement:

- (a) is filed for review under current regulations;
- (b) does not require a variance approved by the Land Use Commission or Board of Adjustment, unless the project is limited to residential uses that do not require a site plan under Section 25-5-2 (*Exemptions*);
- (c) includes only property located within the zoning jurisdiction, outside of the Barton Springs Zone; and
- (d) includes at least 150 acres of land.

(2) An application for a managed growth agreement may be submitted after approval of the first permit application, but no later than one year before the project expires, if the project associated with the proposed agreement:

(a) complies with the regulations in effect on the date the application for a managed growth agreement was submitted or, in extraordinary circumstances, includes community benefits or superior development features that mitigate noncompliance with current regulations;

(b) does not require a variance approved by the Land Use Commission or Board of Adjustment, unless the project is limited to residential uses that do not require a site plan under Section 25-5-2 (*Exemptions*);

(c) includes only property located within the zoning jurisdiction, outside of the Barton Springs Zone; and

(d) does not impede or delay official City of Austin economic development or sustainability initiatives.

(C) If an application meets the requirements in Subsection (B) of this section, the director shall:

(1) schedule a public hearing on the proposed agreement and provide notice of the hearing under Section 25-1-132(B) (*Notice of Public Hearing*); and

(2) make a recommendation to approve or deny the agreement based on whether the project:

(a) requires a longer period of time to construct than the timeframes established under Section 25-1-552 (*Expiration of Projects Begun On or After June 1, 2014*);

(b) furthers the goals and policies of the Imagine Austin Comprehensive Plan; and

(c) is environmentally superior to the minimum standards applicable to the project under Chapter 25-8 (*Environment*), as determined based on a recommendation from the environmental officer.

(E) The city council may approve or deny a proposed managed growth agreement based on the criteria in Subsection (C) of this section and may establish whatever expiration period the council deems appropriate, but may not waive or modify current regulations applicable to the project.

(F) If a managed growth agreement is approved under this section, the director shall treat the project as vested to the regulations in effect on the date of the first application until the date the agreement expires.