

ATTACHMENT "I"

ORDINANCE NO.

1 AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-1 AND 25-5  
2 RELATING TO REQUIREMENTS FOR VESTED DEVELOPMENT RIGHTS  
3 UNDER CHAPTER 245 AND CONTINUING USE RIGHTS UNDER SECTION  
4 43.002 OF THE TEXAS LOCAL GOVERNMENT CODE.  
5

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
7

8 PART 1. The city council finds:

9 A. Local ordinances play a critical role in the implementation of state vested  
10 rights laws by: (1) ensuring that determinations of vested rights are based on complete  
11 information; (2) establishing clear procedures for review of claims; and (3) providing  
12 developers, landowners, and community residents with needed certainty regarding when  
13 new construction will be required to meet current regulations.

14 B. On March 28, 2013, the City Council adopted Ordinance No. 20130328-019,  
15 which repealed portions of the City's vested rights regulations and initiated the  
16 development of a new vested rights ordinance. In preparing the ordinance, the Council  
17 directed the city manager to ensure compliance with state law and to consider the  
18 procedures and ordinances adopted by other Texas cities.

19 C. Based on this review, and on consultation with legal counsel, staff  
20 determined that state law does not prohibit a municipality from adopting reasonable  
21 expiration dates that limit how long a project may remain undeveloped before  
22 construction will be required to comply with current regulations. Expiration periods  
23 under the Land Development Code are within the range of expiration periods used by  
24 other Texas municipalities.

25 D. The requirements and procedures of this ordinance are consistent with state  
26 law and draw upon the best practices of other municipalities in implementing state vested  
27 rights legislation.  
28

29 PART 2. City Code Chapter 25-1 (*General Requirements and Procedures*) is amended  
30 to add a new Article 12 to read as follows:

31 **ARTICLE 12. VESTED RIGHTS.**

32 **DIVISION 1.**

33 **PETITION SUBMITTAL AND REVIEW PROCEDURES.**

1       **§ 25-1-531 DEFINITIONS.**

2       (1) In this article, "permit," "project," and "regulatory agency" have the meanings  
3 assigned to them by Chapter 245 of the Local Government Code.

4       (2) PLAT NOTE means a note required by the City of Austin to be placed on the  
5 face of a subdivision plat in order to impose a discretionary condition on site  
6 development or to secure performance of an obligation not otherwise required by the  
7 ordinances, regulations, or rules in effect on the date of plat approval.

8       (3) TYPE 1 (CHAPTER 245) PETITION means a vested rights petition that alleges  
9 rights under Chapter 245 of the Local Government Code to develop property under  
10 ordinances, regulations, or rules other than those in effect on the date the permit  
11 application is submitted.

12       (4) TYPE 2 (CONTINUING USE) PETITION means a vested rights petition that  
13 alleges rights under Section 43.002 of the Local Government Code to continue or begin a  
14 land use that was begun or planned prior to annexation.

15       (5) VESTING DATE means the date on which a project accrued development  
16 rights under Chapter 245 or use rights under Section 43.002 of the Local Government  
17 Code.

18       (6) VESTED RIGHTS means a right conferred by state law to develop property  
19 under ordinances, regulations, or rules other than those in effect on the date a permit  
20 application is submitted. The term includes development rights under Chapter 245 and  
21 use rights under Section 43.002 of the Local Government Code, but does not include a  
22 right existing under common law.

23       (7) VESTED RIGHTS PETITION or PETITION means a petition requesting a  
24 determination of development rights under Chapter 245 or use rights under Section  
25 43.002 of the Local Government Code.

26       **§ 25-1-532 PURPOSE AND APPLICABILITY.**

27       (A) This article establishes requirements for determining whether a project is  
28 entitled to vested rights under Chapter 245 or Section 43.002 of the Local Government  
29 Code. To the extent a project is entitled to vested rights, as determined under this article,  
30 a permit necessary to initiate, continue, or complete the project may be exempt from  
31 current regulations.  
32

33       (B) The purpose of this article is to:

34           (1) Establish a clear and consistent process for evaluating vested rights  
35 claims;

1 (2) Ensure that vested rights determinations are based on accurate and  
2 complete information, including the nature and scope of the original project for  
3 which vested rights are asserted and actual development that has occurred over  
4 time; and

5 (3) Recognize legitimate claims of vested rights under state law, while  
6 ensuring that new development complies to the greatest extent possible with  
7 current regulations.

8 (C) The requirements of this article apply within the planning jurisdiction.  
9

10 **§ 25-1-534 VESTED RIGHTS PETITION REQUIRED.**

11 A petition for vested rights that meets the requirements of Section 25-1-535 (*Contents*  
12 *of Vested Rights Petition*) must be submitted by a landowner or a landowner's agent in  
13 order to request that an application for a permit be reviewed under ordinances,  
14 regulations, or rules other than those in effect on the date the application is filed.  
15

16 **§ 25-1-535 CONTENTS OF VESTED RIGHTS PETITION.**

17 (A) Except as provided in Subsection (B) of this section, a petition for vested rights  
18 required by Section 25-1-534 (*Vested Rights Petition Required*) must be submitted on a  
19 form approved by the director and must include, at a minimum, the following  
20 information:

21 (1) reference to one of the following applications, which must be submitted  
22 concurrent with the vested rights petition:

23 (a) a permit application for development of the property; or

24 (b) a fair notice application submitted under Section 25-1-536(B)  
25 (*Fair Notice Application*);

26 (2) a summary of the basis on which the applicant claims vested rights;

27 (3) the date on which the applicant claims that vested rights accrued and any  
28 permit, fair notice, or other application that was submitted on that date; and

29 (4) a complete chronological history of the project for which vested rights  
30 are claimed, including:

31 (a) a list of permits for development of the property, along with  
32 supporting documents, that were issued or applied for after the date the  
33 applicant claims that vested rights accrued;

(b) a description of any permitted or unpermitted development that occurred on the property after the date the applicant claims that vested rights accrued;

(c) a description of existing development on the property, regardless of whether the development is permitted or unpermitted;

(d) a list of all annexations and zoning changes affecting the property, if any;

(e) any covenants, conditions, or restrictions recorded in the deed records for the property; and

(f) if deemed relevant by the director, evidence regarding progress towards completion of the project under Section 25-1-553 (*Permit Expiration for Dormant Projects*).

(B) The director may allow an applicant to omit information required under this section if, in the sole judgment of the director, an application is associated with a project for which vested rights have been conclusively established by a court order or by a settlement agreement or project consent agreement approved by the city council.

#### **§ 25-1-536 FAIR NOTICE APPLICATION.**

(A) A fair notice application may be used in lieu of a permit application to establish vested rights for a new project or to support a petition requesting a vested rights determination for a continuing project under Section 25-1-534 (*Vested Rights Petition Required*).

(B) The director shall adopt the following fair notice applications:

(1) A Fair Notice Application (Continuing Project) for subdivisions and site plans, which may be used to request a vested rights determination under Section 25-1-535 (*Contents of Vested Rights Petition*) based on one or more prior permit applications. The fair notice application must include information deemed necessary by the director to define the nature of the permit sought, including the scope and intensity of development and the nature of the land use, but need not include construction-level detail.

(2) A Fair Notice Application (New Project), which may be used to establish a vesting date for a new project that is filed for review under current regulations and for which no prior permits have been sought. The application must include a proposed plan for development of the property, including the scope and intensity of development and the nature of the land use, but need not include construction-level detail.

1 (C) A fair notice application expires unless, on or before the deadline established by  
2 Section 25-1-82 (*Application Requirements and Expiration*), the application is updated to  
3 include all information required for a complete permit application.

4 (D) Acceptance of a fair notice application does not authorize construction or have  
5 any effect other than that prescribed by this article.  
6

7 **§ 25-1-537 COMPLETENESS REVIEW FOR VESTED RIGHTS PETITION.**

8 A vested rights petition and associated development application are treated as a single  
9 application for purposes of completeness review and expiration under Section 25-1-82  
10 (*Application Requirements and Expiration*).  
11

12 **DIVISION 2.**  
13 **VESTED RIGHTS DETERMINATIONS.**

14 **§ 25-1-541 VESTED RIGHTS DETERMINATION.**

15 (A) Not later than 10 working days after acceptance of a complete vested rights  
16 petition, the director shall review the petition under Section 25-1-542 (*Criteria for*  
17 *Approval*) and render a determination consistent with the requirements of this section.

18 (B) In acting on a petition, the director may:

19 (1) approve the petition and require the development applications necessary  
20 to initiate, continue, or complete the project to be reviewed in accordance with  
21 regulations in effect on the vesting date, except for those regulations exempt  
22 from vesting under state law;

23 (2) deny the petition and require the development application associated with  
24 the project to be reviewed under current regulations of this title; or

25 (3) approve the petition in part, as authorized by Subsection (C) of this  
26 section.

27 (C) The director may approve a petition in part if a project is legally entitled to  
28 some, but not all, of the rights asserted in the petition, or if a change in the scale or  
29 intensity of development is necessary to maintain conformity with the original project. A  
30 vested rights determination may not waive or modify applicable regulations or provide  
31 relief not required by Chapter 245 or Section 43.002 of the Local Government Code.

32 (D) The director shall provide a written determination to the applicant, which must  
33 state:

34 (1) Whether the petition is approved or denied, in whole or in part, and the  
35 basis for the decision;



- 1 (2) The permit or fair notice application on which the petition is based; and  
2 (3) If the application is approved:  
3 (a) a description of the project for which vested rights are recognized;  
4 and  
5 (b) a vesting date.

6 (E) An applicant may request that the director reconsider a vested rights  
7 determination at any time before the application expires under Section 25-1-82  
8 (*Application Requirements and Expiration*). The director's decision on a reconsideration  
9 request is final and not subject to further reconsideration.

10 (F) A vested rights determination under this section does not affect the availability  
11 of a variance or other administrative remedy authorized by this title.  
12

13 **§ 25-1-542 CRITERIA FOR APPROVAL.**

14 (A) The director shall review a Type 1 (Chapter 245) petition for vested rights  
15 under the criteria described in this subsection.

16 (1) General Standard. A permit application is entitled to development rights  
17 under Chapter 245 of the Local Government Code if the permit is required to  
18 initiate, continue, or complete a project for which a prior application was  
19 submitted to the City of Austin. An application is not entitled to development  
20 rights if it is unrelated to or inconsistent with the original project or if the  
21 original project has been completed, changed, or expired.

22 (2) Review Criteria. In determining whether a petition meets the standard  
23 for approval under this subsection, the director shall consider the following  
24 factors:

25 (a) The nature and extent of proposed development shown on the prior  
26 permit or other application that initiated the project for which vested  
27 rights are claimed;

28 (b) Whether the permit application submitted in connection with the  
29 vested rights petition is related to and consistent with the original project;

30 (c) The nature and extent of prior development of the property,  
31 including any permitting or construction activity that occurred  
32 subsequent to the vesting date requested by the applicant;

33 (d) Any prior vested rights determinations made for development of  
34 the property; and

1 (e) Whether the project has expired in accordance with Division 3  
2 (*Expirations and Extensions*) of this article or other applicable  
3 regulations.

4 (B) The director shall review a Type 2 (Continuing Use) petition for vested rights  
5 under the criteria described in this subsection.

6 (1) General Standard. A permit application is entitled to use rights under  
7 Section 43.002 of the Local Government to the extent that current regulations  
8 would prohibit:

9 (a) continuing to use the land in the manner in which it was being used  
10 on the date the annexation proceedings were instituted, if the land use  
11 was legal at that time; or

12 (b) beginning to use land in the manner that was planned before the  
13 90th day before the effective date of the annexation if:

14 (i) one or more licenses, certificates, permits, approvals, or  
15 other forms of authorization by a governmental entity were  
16 required by law for the planned land use; and

17 (ii) a completed application for the initial authorization was  
18 filed with the governmental entity before the date the annexation  
19 proceedings were instituted.

20 (2) Review Criteria. In determining whether a petition meets the standard  
21 for approval under this subsection, the director shall consider the nature and  
22 extent of development that:

23 (a) occurred on the property prior to initiation of annexation  
24 proceedings, including photographs or other evidence substantiating the  
25 use; or

26 (b) was proposed in one or more required applications submitted to a  
27 governmental entity.

28 (3) Date of Annexation. For purposes of this subsection, annexation  
29 proceedings are deemed to have been instituted on the date of the first public  
30 hearing before the city council on the annexation ordinance for the property.

31 (C) The criteria in this section are intended to assist the director in reviewing Type  
32 1 (Chapter 245) and Type 2 (Continuing Use) petitions for vested rights, but do not limit  
33 the director from considering other factors relevant to the determination of rights for a  
34 particular project.

1       **§ 25-1-543 EFFECT OF VESTED RIGHTS DETERMINATION.**

2       If the director approves a vested rights petition, any permit required to initiate,  
3       continue, or complete the project shall be entitled to the development or continuing use  
4       rights recognized by the vested rights determination, unless the project expires under  
5       Division 3 (*Project Expiration*) of this article or other applicable regulations.  
6

7       **§ 25-1-544 PROJECT CONSENT AGREEMENTS.**

8       (A) The section provides a voluntary mechanism for determining applicable  
9       regulations where the extent of a project's vested rights are unclear and for incentivizing  
10      projects with clearly established vested rights to achieve greater compliance with current  
11      regulations.

12      (B) An applicant may submit a request for a project consent agreement to the  
13      director, in writing, after the director issues a vested rights determination under Section  
14      25-1-541 (*Vested Rights Determinations*) and before the application expires under  
15      Section 25-1-82 (*Application Requirements and Expiration*). The request must identify:

- 16           (1) current regulations for which compliance would be required, other than  
17           regulations exempt from vested rights protections under state law;  
18           (2) additional restrictions on the nature and intensity of the proposed  
19           development; and  
20           (3) any modifications or waivers requested as a condition to the agreement,  
21           including but not limited to provisions for the transfer or averaging of  
22           impervious cover to include additional property or changes to the original  
23           project that increase compatibility with adjacent land uses.

24      (C) The director may recommend a project consent agreement for approval to the  
25      city council if the director finds that the agreement achieves a greater degree of  
26      environmental protection or compatibility with adjacent land uses than would occur if a  
27      project developed to the full extent of its claimed vested rights.

28      (D) In making a determination under Subsection (C) of this section, the director  
29      shall consider:

- 30           (1) the degree to which vested rights for the project have been established;  
31           (2) the importance of particular regulations to achieving adopted planning  
32           goals or policies for the area in which the project is located; and  
33           (3) a recommendation from the environmental officer regarding the  
34           environmental benefits of the proposed agreement, if vested rights from the  
35           regulations of Chapter 25-8 (*Environment*) are asserted for the project.



1 (E) The city council may consider approval of a project consent agreement under  
2 this section only if the agreement is recommended by the director or initiated by the city  
3 council. Before acting on a consent agreement, the council shall hold a public hearing  
4 and the director shall provide notice of the hearing under Section 25-1-132(B) (*Notice of*  
5 *Public Hearing*).

6 (F) In acting on a project consent agreement, the city council may approve, deny, or  
7 modify the agreement based on the standard applicable to the director's review under  
8 Subsections (C) and (D) of this section. A project consent agreement may waive or  
9 modify site development regulations applicable to a project as deemed appropriate by the  
10 city council.

11 (G) A project consent agreement is subject to the expiration requirements specified  
12 in this subsection.

13 (1) A project consent agreement approved by the city council expires on the  
14 90<sup>th</sup> day after approval, unless the applicant has submitted a complete site plan  
15 application for review by the director under the terms of the agreement.

16 (2) Following submittal of a site plan application, a project consent  
17 agreement expires if:

18 (a) the site plan application expires under Section 25-1-82  
19 (*Application Requirements and Expiration*); or

20 (b) the site plan expires under Section 25-5-81 (*Site Plan Expiration*).

21 (3) In approving a project consent agreement, the city council may extend  
22 the expiration periods established under this subsection.  
23

#### 24 § 25-1-545 ADMINISTRATIVE GUIDELINES.

25 (A) The director may adopt guidelines to assist in reviewing petitions for vested  
26 rights under Section 25-1-542 (*Criteria for Approval*) and proposed project consent  
27 agreements under Section 25-1-544 (*Project Consent Agreements*).

28 (B) Guidelines adopted under this section may be used to help address common  
29 questions that arise in determining vested rights, including but not limited to:

30 (a) whether a permit application is consistent with the project for which  
31 vested rights are claimed;

32 (b) whether a project has been completed or changed;

33 (c) whether progress towards completion has been made under Section 25-1-  
34 553 (*Permit Expiration for Dormant Projects*); and

1 (d) the effect of plat notes associated with a project.

2 (C) Guidelines adopted under this section shall be posted on the department's  
3 website and made available to the public, but need not be adopted by administrative rule  
4 under Section 1-2 (*Adoption of Rules*).  
5

6 **DIVISION 3.**  
7 **EXPIRATIONS.**

8 **§ 25-1-551 EXPIRATION REQUIREMENTS GENERALLY.**

9 (A) During the timeframes established under this division, a vested rights  
10 determination for a project approved under Section 25-1-541 (*Vested Rights*  
11 *Determination*) applies to any permit application required to initiate, continue, or  
12 complete the project.

13 (B) If the vesting date approved for a project under Section 25-1-541 (*Vested Rights*  
14 *Determination*) is based on a permit application that is submitted on or after {insert  
15 *effective date of ordinance*}, the project is subject to the expiration periods specified in  
16 Section 25-1-552 (*Expiration of Projects Begun On or After {Insert Effective Date}*).

17 (C) If all permits for a project expire, the project expires.

18 (D) A permit application submitted after a project expires constitutes a new project  
19 and is subject to the current regulations of this title, except that:

20 (a) if a site plan associated with a project remains active at the time the  
21 project expires, the vested rights determination for the project applies to any  
22 application for a building permit necessary to complete construction of the site  
23 plan for as long as the site plan remains active; and

24 (b) an application to extend a site plan associated with a project may be  
25 approved in accordance with Section 25-5-62 (*Extension of Released Site Plan*  
26 *by Director*) or Section 25-5-63 (*Extension of Released Site Plan by The Land*  
27 *Use Commission*).

28 (E) The expiration of a project associated with a preliminary plan or a final plat  
29 does not affect the validity of a platted lot under this title.  
30

31 **§ 25-1-552 EXPIRATION OF PROJECTS BEGUN ON OR AFTER \_\_\_\_\_.**

32 (A) The project expiration periods under this section apply if the vesting date  
33 approved for a project under Section 25-1-541 (*Vested Rights Determination*) is based on  
34 a permit application that is submitted on or after {insert *effective date of ordinance*}.

35 (B) If the vesting date approved for a project under Section 25-1-541 (*Vested Rights*  
36 *Determination*) is based on a preliminary plan, the project expires:

1 (1) in the desired development zone, the later of:

2 (a) five years after the date an application for a preliminary plan was  
3 submitted; or

4 (b) for a lot within a single-family or duplex subdivision that is platted  
5 before the preliminary plan expires under Section 25-4-62 (*Expiration of*  
6 *Approved Preliminary Plan*) or Section 30-2-62 (*Expiration of Approved*  
7 *Preliminary Plan*), five years after the date a final plat application was  
8 approved for the lot; and

9 (2) in the drinking water protection zone, the later of:

10 (a) three years after the date an application for a preliminary plan was  
11 submitted; or

12 (b) for a lot within a single-family or duplex subdivision that is platted  
13 before the preliminary plan expires under Section 25-4-62 (*Expiration of*  
14 *Approved Preliminary Plan*) or Section 30-2-62 (*Expiration of Approved*  
15 *Preliminary Plan*), three years after the date a final plat application was  
16 approved for the lot.

17 (C) If the vesting date approved for a project under Section 25-1-541 (*Vested Rights*  
18 *Determination*) is based on a final plat that is not associated with a preliminary plan, the  
19 project expires:

20 (1) in the desired development zone, five years after the date a final plat  
21 application was submitted; or

22 (2) in the drinking water protection zone, three years after the date a final  
23 plat application was submitted.

24 (D) If the vesting date approved for a project under Section 25-1-541 (*Vested Rights*  
25 *Determination*) is based on a site plan, the project expires on the date that the site plan  
26 expires under Chapter 25-5, Article 1, Division 4 (*Revision, Extension, and Replacement*)  
27 or other applicable regulation.

28 (E) If the vesting date approved for a project under Section 25-1-541 (*Vested Rights*  
29 *Determination*) is based on a building permit, the project expires on the date that building  
30 permit expires under Section 25-12-267 (*Expiration*) or other applicable regulation.

31 (F) If the vesting date approved for a project under Section 25-1-541 (*Vested Rights*  
32 *Determination*) is based on an application not specifically addressed in this section, the  
33 project expires on the dates provided for a final plat under Subsection (C) of this section.  
34

1 **PART 3.** City Code Chapter 25-1 (*General Requirements and Procedures*) is amended  
2 to repeal Article 13 (*Dormant Project Expiration*) and to add a new Section 25-1-553 to  
3 read as follows:  
4

5 **§ 25-1-553 PERMIT EXPIRATION FOR DORMANT PROJECTS.**

6 (A) This section is adopted under Section 245.005 of the Local Government Code  
7 to provide expiration dates for permits that lack an expiration date under applicable  
8 regulations. This section does not apply to a permit that is subject to an expiration date  
9 under the regulations applicable to the permit. For purposes of this section, a permit that  
10 is not subject to an expiration date is an "unexpired permit."

11 (B) If an unexpired permit was approved prior to May 11, 2000, then the permit  
12 expired on May 11, 2004, unless the applicant submits evidence sufficient to show that  
13 progress towards completion of the project was made under Subsection (D) of this  
14 section prior to May 11, 2000.

15 (C) If an application for an unexpired permit was submitted after September 5,  
16 2005, then the permit expires five years after the permit was approved unless the  
17 applicant submits evidence sufficient to show that progress towards completion of the  
18 project was made prior to that date under Subsection (D) of this section.

19 (D) For purposes of this section, progress towards completion of a project includes  
20 any one of the following:

- 21 (1) an application for a final plat or plan is submitted to a regulatory agency;  
22 (2) a good-faith attempt is made to file with a regulatory agency an  
23 application for a permit necessary to begin or continue towards completion of  
24 the project;  
25 (3) costs have been incurred for developing the project including, without  
26 limitation, costs associated with roadway, utility, and other infrastructure  
27 facilities designed to serve, in whole or in part, the project (but exclusive of  
28 land acquisition) in the aggregate amount of five percent of the most recent  
29 appraised market value of the real property on which the project is located;  
30 (4) fiscal security is posted with a regulatory agency to ensure performance  
31 of an obligation required by the regulatory agency; or  
32 (5) utility connection fees or impact fees for the project have been paid to a  
33 regulatory agency.  
34

35 **PART 4.** City Code Chapter 25-1 (*General Requirements and Procedures*) is amended  
36 to repeal Article 7, Division 4 (*Special Exceptions*) and to renumber Division 5  
37 (*Adjustments*) accordingly.



1  
2 **PART 5.** City Code Section 25-5-62 (*Extension of Released Site Plan by Director*) is  
3 amended to add a new Subsection (D) to read as follows and to renumber the remaining  
4 subsections accordingly:

5 (D) If a site plan is associated with a project that has expired for purposes of vested  
6 rights under Chapter 25-1, Article 12, Division 3 (*Expirations*), the director may extend  
7 the expiration date of the site plan one time for a period of one year under the  
8 requirements of this subsection.

9 (1) If the site plan substantially complies with the requirements that would  
10 apply to a new application, the director may grant an extension if the criteria in  
11 Subsection (C) of this section are satisfied.

12 (2) If the site plan does not substantially comply with the requirements that  
13 would apply to a new application, the director may grant an extension if the  
14 there is good cause for the requested extension and:

15 (a) the applicant filed the original application for site plan approval  
16 with the good faith expectation that the site plan would be constructed;  
17 and

18 (b) the requirements for a traffic impact analysis under Subsection  
19 (C)(2) of this section have been met; and

20 (c) the applicant constructed at least one structure shown on the  
21 original site plan that is suitable for permanent occupancy; or

22 (d) the applicant has constructed a significant portion of the  
23 infrastructure required for development of the original site plan.  
24

25 **PART 6.** City Code Section 25-1-82 (*Application Requirements*) is amended to read as  
26 follows:

27 **§ 25-1-82 APPLICATION REQUIREMENTS AND EXPIRATION.**

28 (A) The responsible director may adopt rules establishing the requirements for an  
29 application.

30 (B) The responsible director or building official may permit an applicant to omit  
31 required information from an application that the responsible director or building official  
32 determines is not material to a decision on the application. An applicant who disagrees  
33 with a determination under this subsection may appeal the decision to the city manager.



1 (C) ~~[Except as provided in Subsection (B), the]~~ The responsible director or building  
2 official may not accept an application unless the application is determined to be complete  
3 in accordance with this subsection ~~[and the applicant has paid the required fee].~~

4 (1) The responsible director or building official shall accept an application as  
5 complete if the applicant has paid the required fee and provided the information  
6 required to be included in the application no later than the 45<sup>th</sup> day after the  
7 application is submitted.

8 (2) If an application is rejected as incomplete, the responsible director or  
9 building official shall provide the applicant a written explanation identifying the  
10 deficiencies and the information required to complete the application 10  
11 working days after receipt of the application.

12 (3) An application expires if it is not complete on or before the 45<sup>th</sup> after the  
13 application is submitted. An applicant may submit an update to provide  
14 additional information and to correct deficiencies at any time before the  
15 application expires.

16  
17 PART 7. This ordinance takes effect on \_\_\_\_\_, 2013.

18  
19 PASSED AND APPROVED

20  
21  
22  
23 \_\_\_\_\_, 2013

§  
§  
§

\_\_\_\_\_  
Lee Leffingwell  
Mayor

26  
27  
28 APPROVED: \_\_\_\_\_

Karen Kennard  
City Attorney

29 ATTEST: \_\_\_\_\_

Jannette S. Goodall  
City Clerk