

## **ARTICLE X. PLANNING.**

### **§ 1. PURPOSE AND INTENT.**

It is the purpose and intent of this article that the city council establish comprehensive planning as a continuous and ongoing governmental function in order to promote and strengthen the existing role, processes and powers of the City of Austin to prepare, adopt and implement a comprehensive plan to guide, regulate and manage the future development within the corporate limits and extraterritorial jurisdiction of the city to assure the most appropriate and beneficial use of land, water and other natural resources, consistent with the public interest. Through the process of comprehensive planning and the preparation, adoption and implementation of a comprehensive plan, the city intends to preserve, promote, protect and improve the public health, safety, comfort, order, appearance, convenience and general welfare; prevent the overcrowding of land and avoid undue concentration or diffusion of population or land uses; facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, recreational facilities, housing and other facilities and services; and conserve, develop, utilize and protect natural resources.

It is further the intent of this article that the adopted comprehensive plan shall have the legal status set forth herein, and that no public or private development shall be permitted, except in conformity with such adopted comprehensive plan or element or portion thereof, prepared and adopted in conformity with the provisions of this article.

***Amendment note:***

*Section 1 was added by the election of January 19, 1985.*

### **§ 2. THE PLANNING COMMISSION — ORGANIZATION.**

There shall be established a planning commission which shall consist of citizens of the City of Austin who must be registered voters in the city and must have resided within the city for one year next preceding their appointment. The planning commission shall have a number of members equal to the number of members on the council plus two (2) additional members, a minimum of two-thirds of the members who shall be lay members not directly or indirectly connected with real estate and land development. The city manager, the chairperson of the zoning board of adjustment, the director of public works and the president of the board of trustees of the Austin Independent School District shall serve as ex officio members. The members of said commission shall be appointed by the council for a term of two (2) years, five (5) members to be appointed in every odd-numbered year and four (4) members in every even-numbered year. The commission shall elect a chairperson from among its membership and shall meet not less than once each month. Vacancies in an unexpired term shall be filled by the council for the remainder of the term.

***Amendment note:***

*Section 2 appears as amended by at the election of May 7, 1994. Such section was previously renumbered by the election of January 19, 1985. Formerly § 1, said section was previously amended at the election of April 7, 1973.*

### **§ 3. DIRECTORS FOR PLANNING, GROWTH MANAGEMENT AND LAND DEVELOPMENT SERVICES.**

The city council shall create by ordinance the department or departments necessary to provide technical and administrative support in the areas of planning, growth management and land development, and the director(s) of said department(s) shall be appointed by the city manager.

***Amendment note:***

*Section 3 appears as amended at the election of January 19, 1985.*

**§ 4. THE PLANNING COMMISSION — POWERS AND DUTIES.**

The planning commission shall:

(1) Review and make recommendations to the council regarding the adoption and implementation of a comprehensive plan (as defined by Section 5 of this article) or element or portion thereof prepared under authorization of the city council and under the direction of the city manager and responsible city planning staff;

(2) After a comprehensive plan or element or portion thereof has been adopted in conformity with this article:

(a) Review and make recommendation to the council on all amendments to the comprehensive plan or element or portion thereof;

(b) Review and make recommendations to the council on all proposals to adopt or amend land development regulations for the purpose of establishing the relationship of such proposal to, and its consistency with, the adopted comprehensive plan or element or portion thereof. For purposes of this article and subsection, “land development regulations” includes zoning, subdivision, building and construction, environmental, and other police power regulations controlling, regulating, or affecting the use or development of land;

(3) Pursuant to ordinances adopted by the council, exercise control over platting and subdividing land within the corporate limits and the extraterritorial jurisdiction of the city to insure the consistency of any such plats or subdivision with the adopted comprehensive plan or element or portion thereof;

(4) Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the commission are necessary or desirable to implement the adopted comprehensive plan or element or portion thereof during the forthcoming five-year period;

(5) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend annually to the council any changes in or amendments to the comprehensive plan as may be desired or required;

(6) Prepare periodic evaluation and appraisal reports on the comprehensive plan, which shall be sent to the council at least once every five (5) years after the adoption of the comprehensive plan or element or portion thereof;

(7) Require information from the city manager relative to its work;

The commission shall be responsible to and act as an advisory body to the council and shall perform such additional duties and exercise such additional powers as may be prescribed by ordinance of the council not inconsistent with the provisions of this Charter.

***Amendment note:***

*Section 4 appears as renumbered and amended at the election of January 19, 1985. Previously, this material was § 2.*

## **§ 5. THE COMPREHENSIVE PLAN.**

The council shall adopt by ordinance a comprehensive plan, which shall constitute the master and general plan. The comprehensive plan shall contain the council's policies for growth, development and beautification of the land within the corporate limits and the extraterritorial jurisdiction of the city, or for geographic portions thereof including neighborhood, community or areawide plans. The comprehensive plan shall include the following elements: (1) a future land use element; (2) a traffic circulation and mass transit element; (3) a wastewater, solid waste, drainage and potable water element; (4) a conservation and environmental resources element; (5) a recreation and open space element; (6) a housing element; (7) a public services and facilities element, which shall include but not be limited to a capital improvement program; (8) a public buildings and related facilities element; (9) an economic element for commercial and industrial development and redevelopment; and (10) health and human service element.

The council may also adopt by ordinance other elements as are necessary or desirable to establish and implement policies for growth, development and beautification within the city, its extraterritorial jurisdiction, or for geographic portions thereof, including neighborhood, community, or areawide plans. The council shall provide for financing of all elements contained in the comprehensive plan in accordance with law.

The several elements of the comprehensive plan shall be coordinated and be internally consistent. Each element shall include policy recommendations for its implementation and shall be implemented, in part, by the adoption and enforcement of appropriate land development regulations.

The planning commission shall forward the proposed comprehensive plan or element or portion thereof to the city manager, who shall thereupon submit such plan, or element or portion thereof, to the council with recommendations thereon.

The council may adopt, or adopt with changes or amendments, the proposed comprehensive plan or element or portion thereof, after at least one public hearing. The council shall act on such plan, element or portion thereof, within sixty (60) days following its submission by the city manager. If such plan or element or portion thereof is not adopted by the council, it shall, with policy direction, return such plan or element thereof to the planning commission, which may modify such plan or element or portion thereof, and again forward it to the city manager for submission in like manner to the council. Furthermore, all amendments to the comprehensive plan or element or portion thereof recommended by the planning commission shall be forwarded to the city manager and shall be subject to review and adoption in the same manner as for the original adoption of the comprehensive plan as set forth above.

### ***Amendment note:***

*Section 5 appears as renumbered and amended by the election of January 19, 1985. Said section was previously numbered § 4.*

## **§ 6. LEGAL EFFECT OF COMPREHENSIVE PLAN.**

Upon adoption of a comprehensive plan or element or portion thereof by the city council, all land development regulations including zoning and map, subdivision regulations, roadway plan, all public improvements, public facilities, public utilities projects and all city regulatory actions relating to land use, subdivision and development approval shall be consistent with the comprehensive plan, element or portion thereof as adopted. For purposes of clarity, consistency and facilitation of comprehensive planning and land development process, the various types of local regulations or laws concerning the development of land may be combined in their totality in a single ordinance known as the Land Development Code of the City of Austin.

### ***Amendment note:***

*Section 6 appears as renumbered and amended by the election of January 19, 1985. Said section was*

*previously numbered § 5.*

## **§ 7. LEGAL EFFECT OF PRIOR COMPREHENSIVE PLAN.**

Any comprehensive plan or element or portion thereof adopted pursuant to the authority of Article X of this Charter or other law, but prior to the effective date of this amendment shall continue to have such force and effect as it had at the date of its adoption and until appropriate action is taken to adopt a new comprehensive plan or element or portion thereof as required and authorized by this amendment.

### ***Amendment note:***

*Section 7 appears as added by the election of January 19, 1985.*

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