

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CITY CODE TITLE 25 AND TITLE 30
RELATING TO LAND DEVELOPMENT APPLICATIONS; WAIVING CODE
PROVISIONS RELATED TO PROCESSING LAND DEVELOPMENT CODE
AMENDMENTS; AND DECLARING AN EMERGENCY.**

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

PART 1. City Code Section 25-1-46 (*Land Use Commission*) is amended to read as follows:

§ 25-1-46 LAND USE COMMISSION.

- (A) The Planning Commission or the Zoning and Platting Commission may act as the Land Use Commission, as prescribed by this section.
- (B) The Planning Commission or the Zoning and Platting Commission may act as the Land Use Commission to consider an application for preliminary plan, plat, or subdivision construction plan. The determination of which commission shall act as the Land Use Commission for a particular preliminary plan, plat, or subdivision construction plan application shall be made by the director based on agenda management considerations. Regardless of the initial determination, either Commission may act as the land use commission for subsequent consideration of the application.
- (C)[B] Except as provided in Subsection B, a [A] determination of which commission shall act as the land use commission to consider a particular application is made on the date that the application is filed. After the determination is made, the designated commission continues to act as the land use commission until the application is approved or denied.
- (D)[C] Except as provided in Subsection B, t[F]he Zoning and Platting Commission shall act as the Land Use Commission for all applications, except as provided in Subsection (E) [(D)].

1
2 (E)~~[D]~~ Except as provided in Subsection (B), t~~[F]~~he Planning Commission shall
3 act as the land use commission for property that is wholly or partly within:
4

- 5 (1) the boundaries of a neighborhood plan that the council has adopted
6 as a component of the comprehensive plan;
7
8 (2) the former Robert Mueller Municipal Airport site;
9
10 (3) a transit oriented development (TOD) district;
11
12 (4) the old Enfield neighborhood planning area; or
13
14 (5) the boundaries of a proposed neighborhood plan that the Planning
15 Commission is considering as an amendment to the comprehensive
16 plan. In this subsection, Planning Commission consideration of a
17 proposed neighborhood plan:
18
19 (a) begins on the effective date of a council resolution or
20 ordinance directing the Planning Commission to consider a
21 neighborhood plan for an identified area; and
22
23 (b) ends on the date that the council adopts or rejects the proposed
24 neighborhood plan or withdraws its directive to the Planning
25 Commission to consider a neighborhood plan for the area.
26

27 (F)~~(E)~~ A liaison committee of the Planning Commission and the Zoning and
28 Platting Commission is established. The chair of each commission shall
29 appoint two commission members to serve on the committee. The
30 committee shall meet regularly to exchange information relating to the
31 commissions and make recommendations to the commissions on common
32 policies, objectives, issues, and activities.
33

34 ~~[(F) Reserved.]~~
35
36

PART 2. City Code Section 25-1-61 (*Order of Process*) is amended to read as follows:

§ 25-1-61 ORDER OF PROCESS.

(A) An applicant must obtain approvals in the following order:

- (1) zoning;
- (2) subdivision;
- (3) site plan; and
- (4) building permit.

(B) ~~[An applicant may concurrently file applications for the approvals listed in Subsection (A).]~~ An applicant must obtain approvals for subdivision development in the following order:

- (1) preliminary plan, if required;
- (2) plat; and
- (3) subdivision construction plan.

(C) An applicant may concurrently file zoning and site plan applications if no subdivision is required.

(D) An applicant may concurrently file subdivision, site plan, and building permit applications, if no zoning or rezoning is required or requested.

(E) The director may authorize concurrent review of applications for subdivision development under the following circumstances:

- (1) Plat and preliminary plan if the director determines the preliminary plan is substantially complete and outstanding deficiencies are of an administrative nature that will not require significant changes to the layout or design of the subdivision.

- 1
2 (2) Plat and subdivision construction plan if the preliminary plan has
3 been approved and the director determines the preliminary plan is
4 substantially complete and outstanding deficiencies are of an
5 administrative nature that will not require significant changes to the
6 layout or design of the subdivision.
7

8 **PART 3.** The following sections of the City Code are renumbered as follows:
9

- 10 (1) Section 25-1-63 (*Disapproval and Denial*) is renumbered to be
11 Section 25-1-64.
12
13 (2) Section 25-1-64 (*Transfer of Permit or Approval*) is renumbered to
14 be Section 25-1-65.
15

16 **PART 4.** City Code Chapter 25-1 (*General Requirements and Procedures*) is amended
17 to add a new Section 25-1-63 to read as follows:
18

19 **§ 25-1-63 PROJECT ASSESSMENT.**
20

21 In this section, SUBDIVISION means preliminary plan, plat, or subdivision
22 construction plan.
23

- 24 (A) A person considering subdivision in the planning jurisdiction may request
25 that the director prepare a project assessment of the proposed development.
26
27 (B) A project assessment is required before submitting an application if the
28 application as designed requires consideration of discretionary approvals
29 such as:
30
31 (1) A variance or waiver from a provision in Title 25;
32
33 (2) A variance or waiver from criteria manuals adopted to implement
34 the provisions of Title 25;
35
36 (3) An alternative method of compliance allowed under Title 25 or the
37 associated criteria manuals;
38
39 (4) A recommendation from an advisory board or commission; or
40
41 (5) Other discretionary considerations as specified by rule.
42

- 1 (C) A project assessment is based on information provided by the requestor.
2
3 (D) A project assessment includes:
4
5 (1) an explanation of the procedures and requirements of this title for
6 subdivision;
7
8 (2) an identification of potential major issues for the project, including
9 whether:
10
11 (a) the proposed land use conforms to the Comprehensive Plan
12 and current zoning;
13
14 (b) proposed arterials, if any, comply with the Transportation
15 Plan;
16
17 (c) proposed collector streets, if any, are adequate for the
18 projected traffic;
19
20 (d) there are significant environmental issues;
21
22 (e) there is an official floodplain map delineated;
23
24 (f) adequate utilities are available; and
25
26 (g) the proposed density is:
27
28 (i) consistent with the requirements of this title;
29
30 (ii) appropriate, considering the surrounding land use or
31 zoning; and
32
33 (iii) consistent with watershed requirements.
34
35 (E) A recommendation included in a project assessment is not a final
36 determination on a variance or waiver. A recommendation included in a
37 project assessment remains valid for 180 days.
38

- 1
2 (F) After the request is received, the director shall deliver a project assessment
3 to the requestor within the time frame established by the director by
4 administrative rule. After its delivery, the requestor may seek a meeting
5 with the director or the director's designee to discuss the project
6 assessment.
7

8 **PART 5.** City Code Section 25-1-64 (*Disapproval and Denial*) is amended to read as
9 follows:
10

11 **§ 25-1-64 DISAPPROVAL AND DENIAL.**
12

- 13 (A) This section does not apply to an application for a preliminary plan, plat, or
14 subdivision construction plan. An application that is disapproved may be
15 updated and resubmitted for review before the update deadline expires. A
16 disapproved application that is not updated is denied when the update
17 deadline expires. An application that does not comply with the requirement
18 of the City Code on the update deadline is denied.
19
20 (B) An application that is denied may not be updated. A new application is
21 required.
22

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

26 **§ 25-1-82 – NON-SUBDIVISION APPLICATION REQUIREMENTS AND**
27 **EXPIRATION.**
28

29 This section does not apply to an application for preliminary plan, plat, or subdivision
30 construction plan.
31

- 32 (A) The responsible director may adopt rules establishing the requirements for
33 an application, including timelines for completing staff review and
34 deadlines by which an application must be updated to meet the
35 requirements of this title and other applicable regulations. An application
36 expires unless it is approved on or before the deadline established by the
37 director under this section.
38

- 1
- 2 (B) The responsible director or building official may permit an applicant to
- 3 omit required information from an application that the responsible director
- 4 or building official determines is not material to a decision on the
- 5 application. An applicant who disagrees with a determination under this
- 6 subsection may appeal the decision to the city manager.
- 7
- 8 (C) The responsible director or building official may not accept an application
- 9 unless the application is determined to be complete in accordance with this
- 10 subsection.
- 11
- 12 (1) The responsible director or building official shall accept an
- 13 application as complete if the applicant has paid the required fee and
- 14 provided the information required to be included in the application
- 15 no later than the 45th day after the application is submitted.
- 16
- 17 (2) If an application is rejected as incomplete, the responsible director or
- 18 building official shall provide the applicant a written explanation
- 19 identifying the deficiencies and the information required to complete
- 20 the application 10 working days after receipt of the application.
- 21
- 22 (3) An application expires if it is not complete on or before the 45th day
- 23 after the application is submitted. An applicant may submit an
- 24 update to provide additional information and to correct deficiencies
- 25 at any time before the application expires.
- 26
- 27 (D) In establishing application deadlines under Subsection (A) of this section,
- 28 the director shall provide that no application for which notice is required
- 29 under Section 25-1-712, (*Tenant Notification Required*) may be approved
- 30 or posted for public hearing until after the required notification period.
- 31

32 **PART 7.** The following sections of the City Code are renumbered as follows:

33

- 34 (1) Section 25-1-83 (*Applications Relating to a Closed Municipal Solid*
- 35 *Waste Landfill*) is renumbered to be Section 25-1-84.
- 36
- 37 (2) Section 25-1-84 (*Processing Cycles*) is renumbered to be Section
- 38 25-1-85.
- 39
- 40 (3) Section 25-1-85 (*Sequence of Review*) is renumbered to be Section
- 41 25-1-86.
- 42

- 1 (4) Section 25-1-86 (*Board and Commission Schedule*) is renumbered to
2 be Section 25-1-87.
3
4 (5) Section 25-1-87 (*Extension of Review Period*) is renumbered to be
5 Section 25-1-88.
6
7 (6) Section 25-1-88 (*Extension of Update Deadline*) is renumbered to be
8 Section 25-1-89.
9
10 (7) Section 25-1-89 (*Tolling of Application Period*) is renumbered to be
11 Section 25-1-90.
12

13 **PART 8.** City Code Chapter 25-1 (*General Requirements and Procedures*) is amended
14 to add a new Section 25-1-83 to read as follows:
15

16 **§ 25-1-83 SUBDIVISION APPLICATION REQUIREMENTS AND**
17 **EXPIRATION.**
18

19 This section applies only to an application for preliminary plan, plat, or subdivision
20 construction plan.
21

- 22 (A) The responsible director may adopt rules establishing the requirements for
23 an application, including timelines for completing staff review as well as
24 when an application may be updated to meet the requirements of this title
25 and other applicable regulations. The rules adopted must be in accordance
26 with the timelines for action established within Section 25-4-32 (*Action*
27 *Within 30 Days*).
28
29 (B) An application for preliminary plan or plat expires 90 days after the
30 application is accepted unless the application has been approved.
31
32 (C) An application for subdivision construction plan expires one year after the
33 application is accepted unless the application has been approved.
34
35 (D) An application that has been disapproved with reasons may be updated to
36 address those reasons until the application expires.
37
38 (E) The responsible director may permit an applicant to omit required
39 information from an application that the responsible director determines is
40 not material to a decision on the application.
41

1 (F) The responsible director shall accept an application only if the applicant
2 has paid the required fee and provided the required information, which
3 includes:

4 (1) information regarding vested rights;

5 (2) information regarding zoning;

6 (3) information regarding transportation;

7 (4) information regarding utility service;

8 (5) information regarding requested variances or waivers;

9 (6) information regarding floodplain delineation or modifications;

10 (7) information regarding parkland dedication;

11 (8) information regarding fiscal; and

12 (9) information regarding real estate documents that may be required
13 based on the design of the proposed development.

14 **PART 9.** City Code Section 25-1-86 (*Sequence of Review*) is amended to read as
15 follows:

16 **§ 25-1-86 SEQUENCE OF REVIEW.**

17 (A) An application for a preliminary plan or plat shall be placed on a Land Use
18 Commission agenda not later than the 30th day after the director has
19 accepted an application.

20 (B)[(A)] Except as provided in subsection (A), a[A]n application may not be
21 placed on a board or commission agenda unless staff review is finished and
22 a staff recommendation is available for board or commission consideration.
23 This requirement does not apply if staff review is not finished by the
24 deadline prescribed by this title.

1
2 ~~(C)~~~~(B)~~ Except as provided in subsection (A), an application may not be
3 placed on the Land Use Commission or council agenda unless
4 recommendations from all other boards and commissions required to
5 review the application are available for Land Use Commission or council
6 consideration. The responsible director may waive this requirement if the
7 responsible director determines that:
8

- 9 (1) a board or commission did not review the application in a reasonable
10 period of time; and
11
12 (2) the delay is attributable to the board or commission and not the
13 applicant.
14

15 **PART 10.** City Code Section 25-1-88 (*Extension of Review Period*) is amended to read
16 as follows:
17

18 **§ 25-1-88 EXTENSION OF REVIEW PERIOD.**
19

20 This section does not apply to an application for preliminary plan, plat, or subdivision
21 construction plan. For all other development applications:
22

- 23 (A) The responsible director or building official may extend a review period
24 one time. The applicant must agree to an extension period that exceeds the
25 length of the original review period.
26
27 (B) The responsible director shall give notice under Section 25-1-133(B)
28 (*Notice of Applications and Administrative Decisions*) of an extension of a
29 review period.
30
31 (C) If staff review is not finished at the expiration of an extended review
32 period, the responsible director shall move an application to the next phase
33 of process with the notation that staff review is not finished.
34

35 **PART 11.** City Code Section 25-1-89 (*Extension of Update Deadline*) is amended to
36 read as follows:
37

38 **§ 25-1-89 EXTENSION OF UPDATE DEADLINE.**
39

40 This section does not apply to a preliminary plan, plat, or subdivision construction plan.
41 For all other development applications:
42

- 1 (A) If the time required for staff review of an application exceeds the review
2 time established by the director under Section 25-1-82 (*Non-Subdivision*
3 *Application Requirements and Expiration*), the responsible director shall
4 extend the deadline for submitting an update to the application by the
5 number of days that staff exceeded the established review time. The
6 responsible director shall notify the applicant of the new deadline for
7 submitting an update.
8
- 9 (B) An applicant who is not entitled to an automatic extension under
10 Subsection (A) of this section may request that the responsible director
11 extend a deadline for submitting an update to an application, other than an
12 application for a site plan, subdivision, or subdivision construction plan, in
13 accordance with this subsection.
14
- 15 (1) A request for an extension under this subsection must be filed with
16 the responsible director in writing before expiration of the deadline
17 established by the director under Section 25-1-82 (*Non-Subdivision*
18 *Application Requirements and Expiration*) and must include a
19 justification for the request.
20
- 21 (2) The responsible director must give notice under Section 25-1-133(B)
22 (*Notice of Applications and Administrative Decisions*) of an
23 extension request under this subsection.
24
- 25 (3) The responsible director may grant an extension request under this
26 subsection if the responsible director determines that good cause
27 exists for the extension. An extension period may not exceed the
28 length of the original time period for submitting an update to the
29 application.
30
- 31 (4) An interested party may appeal the responsible director's decision
32 under this subsection to the Land Use Commission.
33

34 **PART 12.** City Code Section 25-1-90 (*Tolling of Application Period*) is amended to
35 read as follows:
36

37 **§ 25-1-90 TOLLING OF APPLICATION PERIOD.**
38

39 This section does not apply to a preliminary plan, plat, or subdivision construction plan.
40 For all other development applications:
41

- 1 (A) This section establishes a "stop the clock" provision tolling the expiration
2 period for an application that requires discretionary review by the Land
3 Use Commission, Board of Adjustment, or city council.
4
- 5 (B) A deadline established by the director under Section 25-1-82 (*Non-*
6 *Subdivision Application Requirements and Expiration*) for obtaining
7 approval of an application is tolled if, prior to expiration of the application,
8 the director determines that:
9
- 10 (1) approval of the application requires:
11
- 12 (a) discretionary review, as authorized under this title, by the
13 Land Use Commission, Board of Adjustment, or city council,
14 other than a zoning change or code amendment; and
15
- 16 (b) the application meets all other requirements for approval,
17 except for payment of fees, posting fiscal surety, and other
18 code requirements as determined by the director under Section
19 25-1-82 (*Non-Subdivision Application Requirements and*
20 *Expiration*; or
21
- 22 (2) the applicant has provided a 120- or 270-day notification to tenants
23 of a multi-family building or mobile home park, as required by
24 Section 25-1-712 (*Tenant Notification Required*).
25
- 26 (C) If an applicant obtains all required discretionary approvals from the Land
27 Use Commission, Board of Adjustment, or city council, any additional
28 updates required for approval of the application must be submitted no later
29 than 120 working days after the date of the approval. An application
30 expires if the applicant does not comply with this deadline.
31
- 32 (D) An application expires if the Land Use Commission, Board of Adjustment,
33 or city council denies a required discretionary approval or fails to take
34 action after considering the matter at a public hearing.
35
- 36 (E) If expiration of an application is tolled under this section pending required
37 approval by the Land Use Commission, Board of Adjustment, or city
38 council, the expiration period for all other applications associated with the
39 same project is also tolled.
40
41

1 **PART 13.** City Code Section 25-1-152 (*Postponement and Continuation of Public*
2 *Hearings*) is amended to add a new subsection (E) to read as follows:

- 3
4 (E) The body conducting a public hearing regarding a preliminary plan or plat
5 may not postpone or continue the hearing, unless it can do so without
6 exceeding the time limitations in Section 25-4-32 (*Action Within 30 Days*)
7 and Section 25-4-39 (*Action Within 15 Days after Applicant Response*).
8

9 **PART 14.** City Code Section 25-1-214 (*Public Hearing and Notice*) is amended to
10 read as follows:

11
12 **§ 25-1-214 PUBLIC HEARING AND NOTICE.**

- 13
14 (A) This subsection does not apply to a preliminary plan, plat, or subdivision
15 construction plan. For all other development applications:
16

17 (1)~~(A)~~ The Board of Adjustment or Land Use Commission, as applicable,
18 shall hold a public hearing on an application for a variance or special
19 exception not later than the 45th day after the date the application is
20 filed.
21

22 (2)~~(B)~~ The building official or responsible director, as applicable, shall
23 give notice under Section 25-1-132(A) (*Notice Of Public Hearing*)
24 of a public hearing on an application for a variance or special
25 exception, and, for a variance or special exception heard by the
26 Board of Adjustment, by posting one or more signs.
27

- 28 (B) For an application to replat without vacation of the preceding plat, the
29 director shall give notice under 25-1-132(B) (*Notice of Public Hearing*) if:
30

31 (1) During the preceding five years any of the area to be platted was
32 limited by an interim or permanent zoning classification to
33 residential use for not more than two residential units per lot; or
34

35 (2) Any lot in the preceding plan was limited by deed restriction to
36 residential use for not more than two residential units per lot.
37
38

1 **PART 15.** City Code Section 25-1-536 (*Completeness Review for Vested Rights*
2 *Petition*) is amended to read as follows:

3
4 **§ 25-1-536 COMPLETENESS REVIEW FOR VESTED RIGHTS PETITION.**

- 5
6 (A) A vested rights petition and associated permit or Fair Notice (New Project)
7 application are treated as a single application for purposes of completeness
8 review and expiration under Section 25-1-82 (*Non-Subdivision Application*
9 *Requirements and Expiration*). This subsection does not apply to a permit
10 for a preliminary plan, plat, or subdivision construction plan.
11
12 (B) A vested rights petition and permit for a preliminary plan, plat, or
13 subdivision construction plan, are not treated as a single application for the
14 purposes of completeness review and expiration under Section 25-1-83
15 (*Subdivision Application Requirements and Expiration*).
16

17 **PART 16.** Subsection (C) of City Code Section 25-1-605(*Fee In-Lieu of Parkland*
18 *Dedication*) is amended to read as follows:

- 19
20 (C) If an applicant seeks payment of fee in-lieu of parkland dedication, the
21 director shall not accept a preliminary plan or plat application until the
22 applicant shall request payment, and the director shall determine whether
23 payment will be allowed. The director shall, at the request of an applicant,
24 determine whether payment of a fee in-lieu of parkland dedication will be
25 allowed prior to formal submittal of a site plan, ~~[or subdivision~~
26 ~~application.]~~ The director may establish requirements for obtaining the
27 determination in the Parkland Dedication Operating Procedures and may
28 require an applicant to provide information relevant to the criteria in
29 Subsection (B) of this section. A determination issued under this
30 subsection is valid for a period of one-year from the date of issuance.
31

32 **PART 17.** City Code Chapter 25-2, Subchapter B, Article 2, Division 5, Subpart D
33 (*Planned Unit Development Standards*), Section 4.2 is deleted in its entirety and
34 reserved for future use.
35
36

1 **PART 18.** City Code Chapter 25-4 (*Subdivision*) is amended to add a new Section
2 25-4-30 to read as follows:
3

4 **§ 25-4-30 IDENTIFICATION OF MUNICIPAL AUTHORITY.**
5

- 6 (A) The municipal authority for review of a preliminary plan and plat is the
7 Land Use Commission.
8
9 (B) The municipal authority for review of a subdivision construction plan is
10 the director.
11

12 **PART 19.** City Code Section 25-4-32 (*Action Within 30 Days*) is amended to read as
13 follows:
14

15 **§ 25-4-32 ACTION WITHIN 30 DAYS.**
16

- 17 (A) The requirements of this section are mandated by state law and supersede
18 any contrary provisions of the City Code.
19
20 (B) The director shall schedule an application for preliminary plan or plat
21 approval for consideration by the Land Use Commission [~~or council~~] not
22 later than the 30th day after the application is accepted [~~filed~~].
23
24 (C) The director shall either approve or approve with conditions an application
25 for minor plats or certain replats pursuant to 25-4-33 (*Administrative*
26 *Approval of Certain Subdivision Application*), or schedule the application
27 for Land Use Commission to approve, approve with conditions, or
28 disapprove with reasons not later than the 30th day after the application is
29 accepted.
30
31 (D) The director shall either approve, approve with conditions, or disapprove
32 with reasons an application for subdivision construction plan not later than
33 the 30th day after the application is accepted.
34
35 (E) A condition for approval or reason for disapproval must be in writing and
36 may not be arbitrary. The condition or reason must:
37
38 (1) be directly related to requirements adopted under Texas Local
39 Government Code Chapter 212 Subchapter A (*Regulation of*
40 *Subdivisions*); and
41

(2) include a citation to the law, including a statute or municipal ordinance, that is the basis for the condition for approval or reason for disapproval.

(F)[(E)] Except as provided in subsection (C), The Land Use Commission [~~or council~~] shall [~~act on~~] approve, approve with conditions, or disapprove with reasons an application for preliminary plan or plat [~~approval~~] not later than the 30th day after the application is accepted [~~filed~~].

(G)[(D)] If the director fails to comply with subsection (C) or (D), or the Land Use Commission fails to comply with Subsection (E), the application for preliminary plan, plat, or subdivision construction plan is approved by operation of law, unless the time for action is extended by the Land Use Commission upon written request by the applicant, filed 7 days before the Land Use Commission is scheduled to act. [The council shall act on an appeal of Land Use Commission action on an environmental variance that is associated with a preliminary plan not later than the 30th day after the Land Use Commission action.]

PART 20. The following sections of the City Code are renumbered as follows:

- (1) Section 25-4-33 (*Original Tract Requirement*) is renumbered to be Section 25-4-34.
- (2) Section 25-4-34 (*Board and Commission Review of Requests Associated with Subdivision Application*) is renumbered to be Section 25-4-35.
- (3) Section 25-4-35 (*Variance Filing and Consideration*) is renumbered to be Section 25-4-36.
- (4) Section 25-4-36 (*Variance Determination*) is renumbered to be Section 25-4-37.
- (5) Section 25-4-37 (*Infrastructure Construction or Fiscal Security for Plat Approval*) is renumbered to be Section 25-4-38.
- (6) Section 25-4-38 (*Acceptance of Offered Dedication*) is renumbered to be Section 25-4-39.

1 **PART 21.** City Code Chapter 25-4 (*Subdivision*) is amended to add a new Section
2 25-4-33 to read as follows:
3

4 **§ 25-4-33 ADMINISTRATIVE APPROVAL OF CERTAIN SUBDIVISION**
5 **APPLICATIONS.**
6

- 7 (A) In this Section, MINOR PLAT means a plat with four or fewer lots fronting
8 on an existing street and not requiring the creation of any new street or the
9 extension of municipal facilities.
- 10 (B) The director may, without action of the Land Use Commission, approve or
11 approve with conditions:
- 12 (1) an amended plat;
- 13 (2) a minor plat or replat involving four or fewer lots fronting on an
14 existing street and not requiring the creation of any new street or the
15 substantial extension of municipal facilities; or
- 16 (3) a replat under Local Government Code section 212.0145 that does not
17 require the creation of any new street or the extension of municipal
18 facilities.
- 19 (C) The director may, for any reason, elect to present the plat for approval to the
20 Land Use Commission.
- 21 (D) If the director cannot approve or approve with conditions, the amended plat,
22 plat, or replat, the director shall refer the matter to the Land Use
23 Commission.

24 **PART 22.** Subsections (E) and (G) of City Code Section 25-4-34 (*Original Tract*
25 *Requirement*) are repealed and the remaining subsections are renumbered accordingly.
26

27 **PART 23.** Subsection (A) of City Code Section 25-4-35 (*Board and Commission*
28 *Review of Requests Associated with Subdivision Application*) is amended to read as
29 follows:
30

- 1
2 (A) The director shall determine, as part of a project assessment under Section
3 25-1-63 (Project Assessment), whether board or commission review of a
4 request associated with an application for preliminary plan or plat approval
5 is required under this section. The director shall schedule an associated
6 request for board or commission review on the earliest available date.
7 ~~[after expiration of the initial review period for the application for~~
8 ~~preliminary plan or plat approval.]~~
9

10 **PART 24.** City Code Section 25-4-36 (*Variance Filing and Consideration*) is amended
11 to read as follows:
12

13 **§ 25-4-36 VARIANCE FILING AND CONSIDERATION.**
14

- 15 (A) An applicant shall file an application for a variance from a subdivision
16 requirement when the applicant submits an application for preliminary plan
17 approval, or if a preliminary plan is not required, when the applicant files
18 an application for ~~[final]~~ plat approval. The director shall accept an
19 application associated with a preliminary plan, plat, or subdivision
20 construction plan, only if a project assessment has been complete.
21
- 22 ~~[(B) An applicant may file an application for a variance after filing an~~
23 ~~application for approval of a preliminary plan or plat if the need for the~~
24 ~~variance becomes apparent after staff review.~~
25
- 26 ~~[(C) An applicant may not file an application for a variance less than seven days~~
27 ~~before a deadline for placing the application for preliminary plan or plat~~
28 ~~approval on the agenda of a board or commission.]~~
29
- 30 ~~[(B)]~~ (D) The Land Use Commission shall concurrently consider an application
31 for a variance and an application for preliminary plan or plat approval, ~~;~~
32 ~~unless the applicant requests a separate public hearing on the application~~
33 ~~for a variance and pays the required notice fee. The director shall schedule~~
34 ~~a requested separate hearing on an application for a variance for the first~~
35 ~~available meeting of the Land Use Commission after board or commission~~
36 ~~review of the application for a variance is complete.]~~
37
- 38 ~~[(C)]~~ (E) The requirement of Section 25-1-214 (*Public Hearing And Notice*) that
39 the Land Use Commission hold a public hearing not later than 45 days
40 after the date an application for a variance is filed does not apply to an
41 application for a variance from a subdivision requirement.
42

PART 25. City Code Chapter 25-4 (*Subdivision*) is amended to add a new Section 25-4-39 to read as follows:

§ 25-4-39 ACTION IN 15 DAYS AFTER APPLICANT RESPONSE.

- (A) The requirements of this section are mandated by state law and supersede any contrary provisions of the City Code.
- (B) In this Section, APPLICANT RESPONSE means the information provided by the applicant to the director to address the conditions of approval or reasons for disapproval of an application for preliminary plan, plat, or subdivision construction plan.
- (C) An applicant response:
 - (1) must adequately address each condition of approval or reason for the disapproval;
 - (2) must include only changes only as necessary to address the condition of approval or reason for disapproval; and
 - (3) may not include substantial changes unrelated to the condition of approval or reason for disapproval.
- (D) Upon receipt of an applicant response to a preliminary plan or plat application that requires Land Use Commission consideration, the director shall:
 - (1) determine if the applicant response meets the requirements in subsection (C), and
 - (2) schedule the application for consideration by the Land Use Commission not later than the 15th day after the applicant response was submitted.
- (E) Upon receipt of an applicant response to a plat or replat subject to administrative approval under Section 25-4-33 (*Administrative Approval of Certain Subdivision Application*) the director shall:

- (1) determine if the applicant response meets the requirements in subsection (C), and
 - (2) approve or approve with conditions the plat or replat not later than 15 days after the applicant response was submitted; or
 - (3) schedule the plat or replat for Land Use Commission to approve, approve with conditions, or disapprove with reasons not later than the 15th day after the Applicant Response is submitted.
- (F) Upon receipt of an applicant response to a subdivision construction plan, the director shall:
- (1) determine if the applicant response meets the requirements in subsection (C), and
 - (2) approve, approve with conditions, or disapprove with reasons no later than 15 days after the applicant response was submitted.
- (G) If the applicant response as submitted complies with the provisions of subsection (C), and the Land Use Commission or the director fail to comply with the time limits for action in this Section, the application for preliminary plan, plat, or subdivision construction plan is approved by operation of law.

PART 26. City Code Section 25-4-53 (*Concurrent Applications*) is deleted in its entirety and reserved for future use.

PART 27. City Code Section 25-4-55 (*Notice*) is amended to read as follows:

§ 25-4-55 NOTICE.

- (A) The director shall give notice under Section 25-1-133(A) (*Notice of Applications and Administrative Decisions*) of the acceptance ~~[filing]~~ of an application for preliminary plan ~~[approval.]~~ that requires a land use commission variance.
- ~~[(B) The director shall give notice under Section 25-1-132(A) (Notice Of Public Hearing) of a public hearing on Land Use Commission consideration of an application for preliminary plan approval. Notice is not required if the director has recommended disapproval of a preliminary plan.]~~

1
2 ~~(C) — The director shall give notice under Section 25-1-132(B) (Notice Of~~
3 ~~Public Hearing) of a public hearing of council consideration of an~~
4 ~~application for preliminary plan approval, except that publication of the~~
5 ~~notice is not required]~~
6

7 (B)~~[(D)]~~ The director shall give additional notice if required by state law.
8

9 **PART 28.** City Code Section 25-4-56 (*Staff Review of Application for Preliminary Plan*
10 *Approval*) is amended to read as follows:
11

12 **§ 25-4-56 STAFF REVIEW OF APPLICATION FOR PRELIMINARY PLAN**
13 **APPROVAL.**
14

- 15 (A) The director shall promptly deliver a copy of an application for preliminary
16 plan approval to each reviewing department or agency.
17
- 18 (B) A reviewing department or agency shall prepare and deliver to the director
19 a written report of comments and recommendations regarding an
20 application for preliminary plan approval before the expiration of the staff
21 review period described in this section.
22
- 23 (C) ~~[Initial]~~ S[s]taff review period for an application for preliminary plan
24 approval is established by the director by administrative rule under Section
25 25-1-83~~[2]~~ (*Subdivision Application Requirements and Expiration*).
26
- 27 (D) An applicant may file with the director an update to an application for
28 preliminary plan approval before expiration of the application. ~~[not later~~
29 ~~than one year after the application was filed, unless days have been added~~
30 ~~under Section 25-1-88(A) (*Extension of Update Deadline*).]~~
31
- 32 (E) The staff review period of an update to an application for preliminary plan
33 approval is established by the director by administrative rule.
34

35 **PART 29.** City Code Section 25-4-57 (*Commission Action on Preliminary Plan*) is
36 amended to read as follows:
37

38 **§ 25-4-57 COMMISSION ACTION ON PRELIMINARY PLAN.**
39

40 ~~[(A) — The director shall schedule an application for preliminary plan approval for~~
41 ~~public hearing and consideration by the Land Use Commission on the first~~
42 ~~available meeting after the director determines that:~~

- (1) ~~staff review and board or commission review is complete;~~
- (2) ~~if applicable, the applicant has obtained a commitment for water or wastewater service from the entity providing the service; and~~
- (3) ~~for land located in the zoning jurisdiction, the land is zoned for the uses proposed.]~~

~~[(B) Except as provided in Subsection (C),] T[the Land Use Commission shall approve an application for preliminary plan approval that complies with the Comprehensive Plan and the requirements of this title.~~

~~[(C) If an application for preliminary plan approval was filed concurrently with an application described in Subsection 25-4-53(A)(1), (2), (3), (4), or (5) (Concurrent Applications), the Land Use Commission shall recommend approval or disapproval of the preliminary plan and the concurrent application to council.]~~

PART 30. City Code Section 25-4-58 (*Council Action on Preliminary Plan*) is deleted in its entirety and reserved for future use.

PART 31. City Code Section 25-4-60 (*Denial of Preliminary Plan*) is deleted in its entirety and reserved for future use.

PART 32. City Code Section 25-4-82 (*Review of Application for Plat Approval; Expiration*) is amended to read as follows:

**§ 25-4-82 REVIEW OF APPLICATION FOR PLAT APPROVAL;
EXPIRATION.**

- (A) The director shall promptly deliver a copy of an application for plat approval to each reviewing department or agency.
- (B) After the application is accepted ~~[filed]~~, a reviewing department or agency shall prepare and deliver to the director a written report of comments and recommendations regarding an application for plat approval not later than the deadline established by the director under Section 25-1-83~~[2]~~
(*Subdivision Application Requirements and Expiration*).

- 1
2 (C) After the application is accepted ~~[filed]~~, the director shall determine
3 whether an application for plat approval complies with the criteria for
4 approval. ~~[and give notice under Section 25-1-133(B) (*Notice of*~~
5 ~~*Applications and Administrative Decisions*) of the determination not later~~
6 ~~than the deadline established by the director under Section 25-1-82~~
7 ~~(*Application Requirements and Expiration*)-. If the director recommends~~
8 ~~disapproval, the notice shall state the reasons for the recommendation.-]~~
9
10 (D) An applicant may file with the director an update to an application for plat
11 approval before the application expires under the expiration period
12 established under 25-1-83(B)(*Subdivision Application Requirements and*
13 *Expiration*). ~~[not later than one year after the application is filed, unless~~
14 ~~days have been added under Section 25-1-88(A) (*Extension of Update*~~
15 ~~*Deadline*)-.]~~
16
17 (E) After an ~~[the]~~ update is filed, the director shall determine whether an
18 update to an application for plat approval complies with the criteria for
19 approval. ~~[and give notice under Section 25-1-133(B) (*Notice of*~~
20 ~~*Applications and Administrative Decisions*) of the determination not later~~
21 ~~than the deadline established by the director under Section 25-1-82 (~~
22 ~~*Application Requirements and Expiration*)-]. If the director recommends~~
23 ~~disapproval, the notice shall state the reasons for the recommendation.-]~~
24
25 ~~[(F) An application for plat approval expires one year after filing if the director~~
26 ~~determines that the application does not comply with the criteria for~~
27 ~~approval, unless the applicant has submitted a written request to the~~
28 ~~director for review of the application by the Land Use Commission. If the~~
29 ~~applicant requests review by the Land Use Commission, the Land Use~~
30 ~~Commission shall determine whether the application complies with the~~
31 ~~criteria for approval and approve or deny the application.-]~~
32

33 **PART 33.** City Code Section 25-4-83 (*Scheduling of Application for Plat Approval:*
34 *Expiration*) is amended to read as follows:
35

36 **§ 25-4-83 SCHEDULING OF APPLICATION FOR PLAT APPROVAL. [;**
37 **EXPIRATION].**
38

- 39 (A) The director shall schedule an application for plat approval for
40 consideration by the Land Use Commission, if required, not later than the
41 30th day after the application has been accepted for staff review. ~~[or~~
42 ~~council after:~~

- 1
2 (1) ~~the director determines that the application complies with the criteria~~
3 ~~for approval;~~
4
5 (2) ~~the director determines under Section 25-1-112 (Fiscal Security) the~~
6 ~~amount of fiscal security required as a condition of plat recordation;~~
7
8 (3) ~~the owners of the land included in the proposed plat sign the plat and~~
9 ~~each owner's signature is acknowledged; and~~
10
11 (4) ~~the director approves subdivision construction plans for the proposed~~
12 ~~plat, or]~~
13

14 (B) T[~~t~~]he applicant must include[s] the following note on the proposed plat:
15 The owner of this subdivision and the owner's successors and assigns are
16 responsible for construction of subdivision improvements that comply with
17 City of Austin regulations. The owner understands that plat vacation or
18 replatting may be required, at the owner's expense, if plans to construct this
19 subdivision do not comply with the regulations.
20

21 [~~(B) An application for plat approval expires on the 90th day after the director's~~
22 ~~determination under Subsection (A)(1) unless Subsections (A)(2) through~~
23 ~~(4) are satisfied.]~~
24

25 (C) After accepting an update to a plat application, the director shall schedule
26 an application that was previously approved with conditions or
27 disapproved with reasons for reconsideration by the land use commission
28 not later than the 15th day after accepting the update.
29

30 **PART 34.** City Code Chapter 25-4 (*Subdivision*) is amended to add a new Section
31 25-4-88 to read as follows:
32

33 **§ 25-4-88 NOTICE OF PLATS.**
34

35 (A) The director shall give notice under Section 25-1-133 (A) (*Notice of*
36 *Applications and Administrative Decisions*) of the acceptance of an
37 application for a plat that requires a Land Use Commission approved
38 variance.
39

- 1
2 (B) The director shall give notice under Section 25-1-132(B) (*Notice of Public*
3 *Hearing*) of a public hearing at the Land Use Commission on an
4 application for the replat of a subdivision that requires a Land Use
5 Commission approved variance.
6
7 (C) The director shall give notice after a replat has been approved
8 administratively by providing written notice by mail not later than the 15th
9 day following the approval of the replat to each owner of a lot in the
10 original subdivision that is within 200 feet of the lots replatted according to
11 the most recent municipal or county tax roll. Notice under this subsection
12 must include:
13
14 (1) the zoning designation of the property after the replat; and
15
16 (2) a telephone number and e-mail address an owner of a lot may use to
17 contact the municipality about the replat.
18
19 (D) The director shall give additional notice if required by state law.
20

21 **PART 35.** City Code Section 25-4-100 (*Updates to Application for Subdivision*
22 *Construction Plans*) is amended to read as follows:
23

24 **§ 25-4-100 UPDATES TO APPLICATION FOR SUBDIVISION**
25 **CONSTRUCTION PLANS.**
26

27 An applicant may file an update to a subdivision construction plan application until the
28 underlying application has expired under Section 25-1-83 (*Subdivision Application*
29 *Requirements and Expiration*). [~~not later than one year after the date the application is~~
30 ~~filed.~~]
31

32 **PART 36.** Subsection (A) of City Code Section 25-4-175 (*Flag Lots*) is amended to
33 read as follows:
34

- 35 (A) A flag lot may only be approved in accordance with the requirements of
36 this subsection.
37

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- (1) In single-family or duplex residential subdivisions on previously unplatted land, flag lot designs may be used where no more than two dwelling units utilize a shared driveway. Residential flag lot designs with more than two units sharing a driveway may be utilized if the lots conform to the fire code, utility design criteria, plumbing code, and requirements for access.
 - (2) In single-family or duplex residential subdivisions on previously platted land, the director [~~Land Use Commission~~] shall grant a waiver [~~variance~~] to allow flag lots if:
 - (a) the director [~~commission~~] finds that the subdivision:
 - (i) has provided accessibility for emergency responders;
 - (ii) has adequate room for required utilities;
 - (iii) enhances environmental and tree protection;
 - (iv) is otherwise compatible with the surrounding neighborhood; and
 - (b) the applicant provides a copy of any existing private deed restrictions for informational purposes.
 - (3) For property zoned for uses other than single-family residential or duplex residential, flag lot designs are permitted if the Director determines that the subdivision conforms to the fire code, utility design criteria, plumbing code and requirements for access.

32 **PART 37.** City Code Chapter 25-4 (*Subdivision*) is amended to add a new Section

33 25-4-200 to read as follows:

34

35 **§25-4-200 ELECTRIC SYSTEM.**

36

- 37 (A) If a subdivision requires connection to Austin Energy's electric system:
- 38
- 39 (1) the applicant must obtain approval of the electric system plans from
- 40 the general manager of Austin Energy; and
- 41

(2) the applicant must install the electric system in compliance with the requirements of this title and all electric system design, safety, and reliability requirements found in:

- (a) Chapter 15-9 (*Utility Service Regulations*) of the City Code;
- (b) Austin Energy's Design Criteria Manual adopted as Section 1 of the Utilities Criteria Manual; and
- (c) The National Electric Safety Code.

(B) If any part of a subdivision is within 200 feet of an existing component of Austin Energy's electric system then the applicant must comply with the following requirements:

- (1) the applicant must obtain approval from the general manager of Austin Energy; and
- (2) the applicant must comply with the safety and clearance requirements found in Austin Energy's Design Criteria Manual adopted as Section 1 of Utilities Criteria Manual.

PART 38. City Code Section 30-1-71 (*Order of Process*) is amended to read as follows:

§ 30-1-71 ORDER OF PROCESS.

(A) An applicant must obtain city and county approvals in the following order:

- (1) zoning, for an area annexed by the city for limited purposes;
- (2) subdivision;
- (3) site plan; and
- (4) building permit, for an area annexed by the city for limited purposes.

(B) ~~[An applicant may concurrently file applications for the approvals listed in Subsection (A).]~~ An applicant must obtain approvals for subdivision development in the following order:

(1) preliminary plan, if required;

(2) plat; and

(3) subdivision construction plan.

(C) An applicant may concurrently file zoning and site plan applications if no subdivision is required.

(D) An applicant may concurrently file subdivision, site plan, and building permit applications, if no zoning or rezoning is required or requested.

(E) The single office may authorize concurrent applications under the following circumstances:

(1) Plat and preliminary plan if the single office determines the preliminary plan is substantially complete and outstanding deficiencies are of an administrative nature that will not require significant changes to the layout or design of the subdivision.

(2) Plat and subdivision construction plan if the preliminary plan has been approved and the single office determines the plat is substantially complete and outstanding deficiencies are of an administrative nature that will not require significant changes to the layout or design of the subdivision.

PART 39. City Code Section 30-1-73 (*Disapproval and Denial*) is deleted in its entirety.

PART 40. City Code Chapter 30-1 (*General Provisions and Procedures*) is amended to add a new Section 30-1-73 to read as follows:

§ 30-1-73 PROJECT ASSESSMENT.

In this section, SUBDIVISION means preliminary plan, plat, or subdivision construction plan.

(A) A person considering subdivision development in the extra territorial jurisdiction may request that the director prepare a project assessment of the proposed development.

- 1 (B) A project assessment is required before submitting an application if the
2 application as designed requires consideration of discretionary approvals
3 such as:
4
- 5 (1) A variance or waiver from a provision in Title 25 or Title 30;
 - 6
 - 7 (2) A variance or waiver from criteria manuals adopted to implement
8 the provisions of Title 25 or Title 30;
 - 9
 - 10 (3) An alternative method of compliance allowed under Title 25, Title
11 30, or the associated criteria manuals;
 - 12
 - 13 (4) A recommendation from an advisory board or commission; or
 - 14
 - 15 (5) Other discretionary considerations as specified by rule.
 - 16
- 17 (C) A project assessment is based on information provided by the requestor.
18
- 19 (D) A project assessment includes:
20
- 21 (1) an explanation of the procedures and requirements of Title 25 and
22 Title 30 for subdivision development;
 - 23
 - 24 (2) an identification of potential major issues for the project, including
25 whether:
26
 - 27 (a) the proposed land use conforms to the Comprehensive Plan
28 and current zoning;
 - 29
 - 30 (b) proposed arterials, if any, comply with the Transportation
31 Plan;
 - 32
 - 33 (c) proposed collector streets, if any, are adequate for the
34 projected traffic;
 - 35
 - 36 (d) there are significant environmental issues;
 - 37
 - 38 (e) there is an official floodplain map delineated;
 - 39
 - 40 (f) adequate utilities are available; and
 - 41
 - 42 (g) the proposed density is:

- (i) consistent with the requirements of Title 25 and Title 30;
- (ii) appropriate, considering the surrounding land use or zoning; and
- (iii) consistent with watershed requirements.

- (E) A recommendation included in a project assessment is not a final determination on a variance or waiver. A recommendation included in a project assessment remains valid for 180 days.
- (F) After the request is received, the director shall deliver a project assessment to the requestor within the time frame established by the director by administrative rule. After its delivery, the requestor may seek a meeting with the director or the director's designee to discuss the project assessment.

PART 41. City Code Section 30-1-113 (*Application Requirements*) is amended to read as follows:

§ 30-1-113 APPLICATION REQUIREMENTS.

- (A) The single office may propose rules to be adopted by the city and county establishing the requirements for an application, including timelines for completing staff review as well as when an application may be updated to meet the requirements of Title 30 and other applicable regulations. The rules adopted must be in accordance with the timelines for action established within 30-2-32 (*City Action within 30 Days*) and 30-2-33 (*County Action within 30 Days*).
- (B) The single office may permit an applicant to omit required information from an application that the single office determines is not material to a decision on the application.
- (C) An application for preliminary plan or plat expires 90 days after the application is accepted unless the application has been approved.
- (D) An application for subdivision construction plan expires one year after the application is accepted unless the application has been approved.

1 (E) An application that has been disapproved with reasons may be updated to
2 address those reasons until the application expires.

3
4 (F)~~(C)~~ Except as provided in Subsection (B), the single office may ~~[not]~~ accept
5 an application only if [unless the application is complete and] the applicant
6 has paid the required fee; and provided the required information, which
7 includes:

8
9 (1) information regarding vested rights;

10
11 (2) information regarding zoning;

12
13 (3) information regarding transportation;

14
15 (4) information regarding utility service;

16
17 (5) information regarding requested variances or waivers;

18
19 (6) information regarding floodplain delineation or modifications;

20
21 (7) information regarding parkland dedication;

22
23 (8) information regarding fiscal; and

24
25 (9) information regarding real estate matters arising from the design of
26 the proposed development.

27
28 **PART 42.** City Code Section 30-1-116 (*Sequence of Review*) is amended to read as
29 follows:

30
31 **§ 30-1-116 SEQUENCE OF REVIEW.**

32
33 (A) An application shall be placed on a Land Use Commission agenda not later
34 than the 30th day after the director has accepted an application.

35
36 (B) Except as provided in subsection (A), a[A]n application may not be placed
37 on a city board or commission agenda unless single office review is
38 finished and a single office recommendation is available for city board or
39 commission consideration. This requirement does not apply if single office
40 review is not finished by the deadline prescribed by this title.
41

1 (C)[(B)] Except as provided in subsection (A), a[A]n application may not be
2 placed on the land use commission or council agenda unless
3 recommendations from all other city boards and commissions required to
4 review the application are available for consideration. The director may
5 waive this requirement if the director determines that:

- 6
- 7 (1) a city board or commission did not review the application in a
8 reasonable period of time; and
- 9
- 10 (2) the delay is attributable to the city board or commission and not the
11 applicant.
- 12

13 **PART 43.** City Code Section 30-1-119 (*Extension of Update Deadline*) is deleted in its
14 entirety.

15

16 **PART 44.** City Code Section 30-1-173 (*Postponement and Continuation of Public*
17 *Hearings*) is amended to add a new subsection (E) to read as follows:

18

- 19 (E) The body conducting a public hearing regarding a preliminary plan or plat
20 may not postpone or continue the hearing, unless it can do so without
21 exceeding the time limitations in Section 30-2-32 (*City Action Within 30*
22 *Days*), Section 30-2-33 (*County Action within 30 Days*) and Section
23 30-2-39 (*Action Within 15 Days after Applicant Response*).
- 24

25 **PART 45.** City Code Section 30-2-32 (*City Action Within 30 Days*) is amended to read
26 as follows:

27

28 **§ 30-2-32 CITY ACTION WITHIN 30 DAYS.**

29

- 30 (A) The requirements of this section are mandated by state law and supersede
31 any contrary provisions of this title relating to action by the land use
32 commission or council.
- 33
- 34 (B) The single office shall schedule an application for preliminary plan or plat
35 approval for consideration by the land use commission [~~or council~~] not
36 later than the 30th day after the application is accepted [~~filed~~].
- 37
- 38 (C) The City shall act within the time prescribed in City Code Section 25-4-32
39 (*Action within 30 Days*).
- 40

1
2 (D)(E) Except as provided Subsection (C), The land use commission [or council]
3 shall [act on] approve, approve with conditions, or disapprove with reasons
4 an application for preliminary plan or [final] plat approval not later than
5 the 30th day after the application is accepted [filed].
6

7 (E)[(D)] If the Land Use Commission fails to comply with Subsection (C), or the
8 director fails to comply with Subsection (D) the application for preliminary
9 plan, plat, or subdivision construction plan is approved by operation of
10 law. [The council shall act on an appeal of land use commission action on
11 an environmental variance that is associated with a preliminary plan not
12 later than the 30th day after the land use commission action.]
13

14 **PART 46.** City Code Section 30-2-33 (*County Action with 60 Days*) is amended to
15 read as follows:
16

17 **§ 30-2-33 COUNTY ACTION WITHIN 30[60] DAYS.**
18

19 (A) The requirements of this section supersede any contrary provisions of this
20 title relating to action by the commissioners court.
21

22 ~~[(B) The single office shall approve or disapprove an application for~~
23 ~~preliminary plan or final plat approval and notify the applicant of the~~
24 ~~determination not later than the 45th day after an application is filed.]~~
25

26 ~~[(C) If the single office disapproves the application, the single office shall~~
27 ~~notify the applicant in writing of the disapproval and provide a written list~~
28 ~~of the reasons for disapproval.]~~
29

30 ~~[(D) An applicant may appeal a disapproval by the single office to the~~
31 ~~commissioners court. To appeal, the applicant must submit to the single~~
32 ~~office a written request to place the application on the commissioners court~~
33 ~~agenda not later than the second day after the applicant receives the notice~~
34 ~~of disapproval.]~~
35

36 (B)(E) ~~[Except as provided in Subsections (F), (G), and (H), t]~~The single office
37 shall schedule an application for [final] action by the commissioners court
38 not later than the 30th ~~[60th]~~ day after an application is accepted. ~~[filed, if:~~
39

40 (1) ~~the single office approves an application; or~~
41

42 (2) ~~an applicant appeals a disapproval by the single office.]~~

1
2 (C) The commissioners court shall approve, approve with conditions, or
3 disapprove with reasons an application for preliminary plan or plat not
4 later than the 30th day after the application is accepted, unless the time for
5 action is extended by the commissioners court upon written request by the
6 applicant, filed 7 days before the commissioners court is scheduled to act.
7

8 ~~[(F) Not later than the 20th day after an application is filed, the single office~~
9 ~~may extend the time period prescribed by Subsection (E) by up to 60~~
10 ~~additional days if the single office determines that a takings impact~~
11 ~~assessment is required by Government Code Chapter 2007.]~~
12

13 ~~[(G) The applicant and the single office may agree in writing to extend the time~~
14 ~~period prescribed by Subsection (E).]~~
15

16 ~~[(H)] The time period prescribed by Subsection (E) does not apply if a decision~~
17 ~~on the application is not wholly within the control of the commissioners~~
18 ~~court or the single office.]~~
19

20 (D) A condition for approval or reason for disapproval must be written and
21 may not be arbitrary. The condition or reason must:
22

23 (1) be directly related to requirements adopted under Texas Local
24 Government Code Chapter 212 Subchapter A (Regulation of
25 Subdivisions) or Texas Local Government Code Chapter 232
26 Subchapter A (Subdivision Platting Requirements in General); and
27

28 (2) include a citation to the law, including a statute or order, that is the
29 basis for the condition for approval or reason for disapproval.
30

31 (⊕) (E) If an application is not approved, approved with conditions, or
32 disapproved with reasons within a time period prescribed by Subsection
33 (C)[s (E) through (H), as applicable,] the application is approved by
34 operation of law and the single office shall refund to the applicant one-half
35 of the application fee received by the county.
36

37 **PART 47.** Subsection (E) and (G) of City Code Section 30-2-34 (*Original Tract*
38 *Requirement*) are repealed and the remaining subsections are renumbered accordingly.
39

40 **PART 48.** Subsection (A) of City Code Section 30-2-35 (*City Board and Commission*
41 *Review of Requests Associated with Subdivision Application*) is amended to read as
42 follows:

- 1
2 (A) The director shall determine, as part of a Project Assessment, whether
3 board or commission review of a request associated with an application for
4 preliminary plan or plat approval is required under this section. The
5 director shall schedule an associated request for board or commission
6 review on the earliest available date after expiration of the initial review
7 period for the application for preliminary plan or plat approval.
8

9 **PART 49.** City Code Section 30-2-36 (*Variance Filing and Consideration*) is amended
10 to read as follow:
11

12 **§ 30-2-36 VARIANCE FILING AND CONSIDERATION.**
13

- 14 (A) An applicant shall file an application for a variance from a subdivision
15 requirement when the applicant submits an application for preliminary plan
16 approval, or if a preliminary plan is not required, when the applicant files
17 an application for ~~[final]~~ plat approval. The single office shall accept an
18 application for a variance only if the applicant's Project Assessment
19 includes the required recommendations required for the variance.
20

21 ~~[(B) An applicant may file an application for a variance after filing an~~
22 ~~application for approval of a preliminary plan or plat if the need for the~~
23 ~~variance becomes apparent after staff review.]~~
24

25 ~~[(C) An applicant may not file an application for a variance less than seven days~~
26 ~~before a deadline for placing the application for preliminary plan or plat~~
27 ~~approval on the agenda of a board or commission.]~~
28

29 ~~(B)(D)~~ The platting board shall concurrently consider an application for a
30 variance over which it has discretionary authority under Section 30-1-92
31 (*Discretionary Authority*) and an application for preliminary plan or plat
32 approval. ~~[, unless the applicant requests a separate public hearing on the~~
33 ~~application for a variance.]~~
34

35 ~~[(E) If a separate public hearing on a variance is to be held by the land use~~
36 ~~commission:~~
37

38 ~~(1) the applicant must pay the required notice fee; and~~
39

40 ~~(2) the director shall schedule a separate public hearing on an~~
41 ~~application for a variance for the first available meeting of the land~~

1 ~~use commission after board or commission review of the application~~
2 ~~for a variance is complete.]~~
3

4 **PART 50.** City Code Chapter 30-2 (*Subdivision*) is amended to add a new Section
5 30-2-41 to read as follows:
6

7 **§ 30-2-41 ACTION IN 15 DAYS AFTER APPLICANT RESPONSE.**
8

- 9 (A) The requirements of this section are mandated by state law and supersede
10 any contrary provisions of the City Code.
11
- 12 (B) In this Section, APPLICANT RESPONSE means the information provided
13 by the applicant to the single office to address the conditions of approval or
14 reasons for disapproval of an application for preliminary plan, plat, or
15 subdivision construction plan.
16
- 17 (C) An applicant response:
18 (1) must adequately address each condition of approval or reason for
19 the disapproval;
20 (2) must include only changes only as necessary to address the condition
21 of approval or reason for disapproval; and
22 (3) may not include substantial changes unrelated to the condition of
23 approval or reason for disapproval
24
- 25 (D) Upon receipt of an applicant response to a preliminary plan or plat
26 application that requires land use commission and commissioners court
27 consideration, the single office shall:
28 (1) determine if the applicant response meets the requirements in
29 subsection (C), and
30 (2) schedule the application for consideration by the land use
31 commission and commissioners court not later than the 15th day
32 after the applicant response was submitted.
33
- 34 (E) Upon receipt of an applicant response to a plat or replat subject to
35 administrative approval under Section 25-4-33 (*Administrative Approval of*
36 *Certain Subdivision Application*) the single office shall:
37
38
39
40
41
42

- (1) determine if the applicant response meets the requirements in subsection (C), and
 - (2) approve or approve with conditions the plat or replat not later than 15 days after the applicant response was submitted; or
 - (3) schedule the plat or replat for land use commission and commissioners court to approve, approve with conditions, or disapprove with reasons not later than the 15th day after the applicant response is submitted.
- (F) Upon receipt of an applicant response to a subdivision construction plan, the single office shall:
- (1) determine if the applicant response meets the requirements in subsection (C), and
 - (2) approve, approve with conditions, or disapprove with reasons no later than 15 days after the applicant response was submitted.
- (G) If the applicant response as submitted complies with the provisions of subsection (C), and the land use commission or the commissioners court or the single office fail to comply with the time limits for action in this Section, the application for preliminary plan, plat, or subdivision construction plan is approved by operation of law.

PART 51. City Code Section 30-2-53 (*Concurrent City Applications*) is deleted its entirety and reserved for future use.

PART 52. City Code Section 30-2-55 (*Notice*) is deleted its entirety and reserved for future use.

PART 53. City Code Section 30-2-56 (*Staff Review of Application for Preliminary Plan Approval*) is amended to read as follows:

§ 30-2-56 STAFF REVIEW OF APPLICATION FOR PRELIMINARY PLAN APPROVAL.

- (A) The single office shall promptly deliver a copy of an application for preliminary plan approval to each reviewing department or agency.

- 1 (B) A reviewing department or agency shall prepare and deliver to the single
2 office a written report of comments and recommendations regarding an
3 application for preliminary plan approval before the expiration of the staff
4 review period described in this section.
5
6 (C) ~~[Initial]~~ S[s]taff review period for an application for preliminary plan
7 approval is established by the director by administrative rule.
8
9 (D) An applicant may file with the single office an update to an application for
10 preliminary plan approval before expiration of the application. ~~[not later~~
11 ~~than one year after the application was filed]~~.
12
13 (E) The staff review period of an update to an application for preliminary plan
14 approval is established by the director by administrative rule.
15

16 **PART 54.** City Code Section 30-2-57 (*Land Use Commission or Commissioners Court*
17 *Action on Preliminary Plan*) is amended to read as follows:
18

19 **§ 30-2-57 LAND USE COMMISSION OR COMMISSIONERS COURT ACTION**
20 **ON PRELIMINARY PLAN.**
21

22 ~~[(A) The single office shall schedule an application for preliminary plan~~
23 ~~approval for public hearing and consideration by the land use commission~~
24 ~~or commissioners court on the first available meeting after the single office~~
25 ~~determines that:~~
26

27 ~~(1) staff review and board or commission review is complete;~~
28

29 ~~(2) if applicable, the applicant has obtained a commitment for water or~~
30 ~~wastewater service from the entity providing the service; and~~
31

32 ~~(3) for land located in the zoning jurisdiction, the land is zoned for the~~
33 ~~uses proposed.]~~
34

35 (A) ~~[(B)]~~ The commissioners court shall approve an application for preliminary
36 plan approval that complies with the requirements of this title.
37

38 (B) ~~[(C) Except as provided in Subsection (D),]~~ T[t]he land use commission shall
39 approve an application for preliminary plan approval that complies with
40 the comprehensive plan and the requirements of this title.
41

1 ~~[(D) If an application for preliminary plan approval was filed concurrently with~~
2 ~~an application described in Subsection 30-2-53(A)(1), (2), (3), (4), or (5)~~
3 ~~(Concurrent Applications), the land use commission shall recommend~~
4 ~~approval or disapproval of the preliminary plan and the concurrent~~
5 ~~application to council.]~~
6

7 **PART 55.** City Code Section 30-2-58 (*Council Action on Preliminary Plan*) is deleted
8 in its entirety and reserved for future use.
9

10 **PART 56.** City Code Section 30-2-60 (*Denial of Preliminary Plan*) is deleted in its
11 entirety and reserved for future use.
12

13 **PART 57.** City Code Section 30-2-82 (*Review of Application for Plat Approval;*
14 *Expiration*) is amended to read as follows:
15

16 **§ 30-2-82 REVIEW OF APPLICATION FOR PLAT APPROVAL;**
17 **EXPIRATION.**
18

- 19 (A) The single office shall promptly deliver a copy of an application for plat
20 approval to each reviewing department or agency.
21
- 22 (B) After the application is accepted ~~[filed]~~, a reviewing department or agency
23 shall prepare and deliver to the single office a written report of comments
24 and recommendations regarding an application for plat approval not later
25 than the deadline established by the director by administrative rule.
26
- 27 (C) After the application is accepted ~~[filed]~~, the single office shall determine
28 whether an application for plat approval complies with the criteria for
29 approval and give notice under Section 30-1-154(B) (*Notice of*
30 *Applications and Administrative Decisions*) of the determination not later
31 than the deadline established by the director by administrative rule. ~~[If the~~
32 ~~single office recommends disapproval, the notice shall state the reasons for~~
33 ~~the recommendation.]~~
34
- 35 (D) An applicant may file with the single office an update to an application for
36 plat approval before the application expires under the expiration period
37 established under Subsection (F). ~~[not later than one year after the~~
38 ~~application is filed.]~~
39

1
2 (E) After an [the] update is filed, the single office shall determine whether an
3 update to an application for plat approval complies with the criteria for
4 approval. ~~[and give notice under Section 30-1-154(B) (Notice of~~
5 ~~Applications and Administrative Decisions) of the determination not later~~
6 ~~than the deadline established by the director by administrative rule. If the~~
7 ~~single office recommends disapproval, the notice shall state the reasons for~~
8 ~~the recommendation.]~~
9

10 ~~[(F) An application for plat approval expires one year after filing if the single~~
11 ~~office determines that the application does not comply with the criteria for~~
12 ~~approval, unless the applicant has submitted a written request to the single~~
13 ~~office for review of the application by the land use commission and the~~
14 ~~commissioners court. If the applicant requests review by the land use~~
15 ~~commission and the commissioners court, the land use commission and the~~
16 ~~commissioners court shall each determine whether the application~~
17 ~~complies with the criteria for approval and approve or deny the~~
18 ~~application.]~~
19

20 (F) An application:
21

22 (1) Expires 90 days after the application is accepted unless the
23 application has been approved.
24

25 (2) That has been disapproved with stated reasons may be updated to
26 address those reasons until the application expires.
27

28 **PART 58.** City Code Section 30-2-83 (*Scheduling of Application for Plat Approval;*
29 *Expiration*) is amended to read as follows:
30

31 **§ 30-2-83 SCHEDULING OF APPLICATION FOR PLAT APPROVAL;**
32 **EXPIRATION].**
33

34 (A) The single office shall schedule an application for plat approval for
35 consideration by the land use commission ~~[, council, or]~~ and
36 commissioners court not later than the 30th day after the application has
37 been accepted for staff review. ~~[after:~~
38

39 ~~(1) the single office determines that the application complies with the~~
40 ~~criteria for approval;~~
41

- 1 ~~(2) — the single office determines under Section 30-1-132 (Fiscal Security)~~
2 ~~the amount of fiscal security required;~~
3
4 ~~(3) — for commissioners court consideration, the applicant posts the~~
5 ~~required fiscal security;~~
6
7 ~~(4) — the owners of the land included in the proposed plat sign the plat~~
8 ~~and each owner's signature is acknowledged; and~~
9
10 ~~(5) — the single office approves subdivision construction plans for the~~
11 ~~proposed plat, or the applicant files subdivision construction plans~~
12 ~~with the single office and includes the following note on the~~
13 ~~proposed plat:]~~
14

15 (B) The applicant must include[s] the following note on the proposed plat:
16

17 The owner of this subdivision and the owner's successors and assigns are
18 responsible for construction of subdivision improvements that comply with
19 City of Austin and Travis County regulations. The owner understands that
20 plat vacation or replatting may be required, at the owner's expense, if plans
21 to construct this subdivision do not comply with the regulations.
22

23 ~~[(B) — An application for plat approval expires on the 90th day after the single~~
24 ~~office's determination under Subsection (A)(1) unless Subsections (A)(2)~~
25 ~~through (5) are satisfied.]~~
26

27 **PART 59.** Subsection (A) of City Code Section 30-2-84 (*Plat Approval Authority and*
28 *Criteria*) is amended to read as follows:
29

30 (A) This subsection prescribes approval authority and criteria for the city.
31

32 (1) The land use commission may approve a plat, except as provided in
33 Paragraph[s](2)[~~and (3)~~].
34

35 ~~[(2) — The council may approve a plat if an applicant files with the director~~
36 ~~a request for concurrent consideration by the council of a~~
37 ~~preliminary plan and a plat.]~~
38

39 (2)[(3)] The director may approve a plat:
40

- (a) that consists of four or fewer lots fronting on an existing street and does not create a new street, or is an amending plat described in Chapter 212 of the Local Government Code;
- (b) for which water and wastewater service for development on the proposed lots is immediately available without a service extension; and
- (c) for which a variance is not required.

PART 60. City Council waives the requirements regarding initiating Land Development Code amendments in City Code Sections 25-1-501 and 30-1-481 (*Initiation of an Amendment*).

PART 62. The 86th Texas Legislature adopted House Bill 3167, effective September 1, 2019 mandated certain requirements applicable to county and municipal approval of subdivision applications. Councils finds that the need to amend the City regulations to be in compliance with the new state law constitutes an emergency. Because of this emergency, this ordinance takes effect on September 1, 2019 for the immediate preservation of the public peace, health, and safety, with the exception of Parts 39 through 59 which take effect on the effective date of a Travis County ordinance enacting similar provisions.

§§§

_____, 2019

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

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Draft