

ORDINANCE NO. \_\_\_\_\_

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

5  
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7  
8 PART 1. City Code Section 25-1-46 (*Land Use Commission*) is amended to read as  
9 follows:

10  
11 § 25-1-46 LAND USE COMMISSION.

- 12  
13 (A) The Planning Commission or the Zoning and Platting Commission may  
14 act as the Land Use Commission, as prescribed by this section.
- 15  
16 (B) The Planning Commission or the Zoning and Platting Commission may act  
17 as the Land Use Commission to consider an application for preliminary  
18 plan, plat, or subdivision construction plan. The determination of which  
19 commission shall act as the Land Use Commission for a particular  
20 preliminary plan, plat, or subdivision construction plan application shall be  
21 made by the director based on agenda management considerations.  
22 Regardless of the initial determination, either Commission may act as the  
23 land use commission for subsequent consideration of the application.
- 24  
25 (C)[B] Except as provided in Subsection B, a [A] determination of which  
26 commission shall act as the land use commission to consider a particular  
27 application is made on the date that the application is filed. After the  
28 determination is made, the designated commission continues to act as the  
29 land use commission until the application is approved or denied.
- 30  
31 (D)[C] Except as provided in Subsection B, t[F]he Zoning and Platting  
32 Commission shall act as the Land Use Commission for all applications,  
33 except as provided in Subsection (E) [~~D~~].  
34

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

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

3 **§ 25-1-61 ORDER OF PROCESS.**  
4

5 (A) An applicant must obtain approvals in the following order:  
6

- 7 (1) zoning;  
8  
9 (2) subdivision;  
10  
11 (3) site plan; and  
12  
13 (4) building permit.  
14

15 (B) ~~[An applicant may concurrently file applications for the approvals listed in~~  
16 ~~Subsection (A).]~~An applicant must obtain approvals for subdivision  
17 development in the following order:  
18

- 19 (1) preliminary plan, if required;  
20  
21 (2) plat; and  
22  
23 (3) subdivision construction plan.  
24

25 (C) An applicant may concurrently file zoning and site plan applications if no  
26 subdivision is required.  
27

28 (D) An applicant may concurrently file subdivision, site plan, and building  
29 permit applications, if no zoning or rezoning is required or requested.  
30

31 (E) The director may authorize concurrent review of applications for  
32 subdivision development under the following circumstances:  
33

- 34 (1) Plat and preliminary plan if the director determines the preliminary  
35 plan is substantially complete and outstanding deficiencies are of an  
36 administrative nature that will not require significant changes to the  
37 layout or design of the subdivision.  
38

- 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), a[A]n 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 30<sup>th</sup> 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 30<sup>th</sup> 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

1           (2)   include a citation to the law, including a statute or municipal  
2           ordinance, that is the basis for the condition for approval or reason  
3           for disapproval.  
4

5   (F)(~~C~~) Except as provided in subsection (C), The Land Use Commission [~~or~~  
6   ~~council~~] shall [~~act on~~] approve, approve with conditions, or disapprove  
7   with reasons an application for preliminary plan or plat [~~approval~~] not later  
8   than the 30th day after the application is accepted [~~filed~~].  
9

10   (G)(~~D~~) If the director fails to comply with subsection (C) or (D), or the Land  
11   Use Commission fails to comply with Subsection (E), the application for  
12   preliminary plan, plat, or subdivision construction plan is approved by  
13   operation of law, unless the time for action is extended by the Land Use  
14   Commission upon written request by the applicant, filed 7 days before the  
15   Land Use Commission is scheduled to act. [~~The council shall act on an~~  
16   appeal of Land Use Commission action on an environmental variance that  
17   is associated with a preliminary plan not later than the 30th day after the  
18   Land Use Commission action.]  
19

20   **PART 20.** The following sections of the City Code are renumbered as follows:  
21

- 22           (1)   Section 25-4-33 (*Original Tract Requirement*) is renumbered to be  
23           Section 25-4-34.  
24  
25           (2)   Section 25-4-34 (*Board and Commission Review of Requests*  
26           *Associated with Subdivision Application*) is renumbered to be  
27           Section 25-4-35.  
28  
29           (3)   Section 25-4-35 (*Variance Filing and Consideration*) is renumbered  
30           to be Section 25-4-36.  
31  
32           (4)   Section 25-4-36 (*Variance Determination*) is renumbered to be  
33           Section 25-4-37.  
34  
35           (5)   Section 25-4-37 (*Infrastructure Construction or Fiscal Security for*  
36           *Plat Approval*) is renumbered to be Section 25-4-38.  
37  
38           (6)   Section 25-4-38 (*Acceptance of Offered Dedication*) is renumbered  
39           to be Section 25-4-39.  
40  
41

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

1 **PART 25.** City Code Chapter 25-4 (*Subdivision*) is amended to add a new Section  
2 25-4-39 to read as follows:  
3

4 **§ 25-4-39 ACTION IN 15 DAYS AFTER APPLICANT RESPONSE.**  
5

- 6 (A) The requirements of this section are mandated by state law and supersede  
7 any contrary provisions of the City Code.  
8
- 9 (B) In this Section, APPLICANT RESPONSE means the information provided  
10 by the applicant to the director to address the conditions of approval or  
11 reasons for disapproval of an application for preliminary plan, plat, or  
12 subdivision construction plan.  
13
- 14 (C) An applicant response:  
15  
16 (1) must adequately address each condition of approval or reason for  
17 the disapproval;  
18  
19 (2) must include only changes only as necessary to address the  
20 condition of approval or reason for disapproval; and  
21  
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 consideration, the director  
27 shall:  
28  
29 (1) determine if the applicant response meets the requirements in  
30 subsection (C), and  
31  
32 (2) schedule the application for consideration by the Land Use  
33 Commission not later than the 15<sup>th</sup> day after the applicant response  
34 was submitted.  
35
- 36 (E) Upon receipt of an applicant response to a plat or replat subject to  
37 administrative approval under Section 25-4-33 (*Administrative Approval of*  
38 *Certain Subdivision Application*) the director shall:  
39

- 1  
2 (1) determine if the applicant response meets the requirements in  
3 subsection (C), and  
4  
5 (2) approve or approve with conditions the plat or replat not later than  
6 15 days after the applicant response was submitted; or  
7  
8 (3) schedule the plat or replat for Land Use Commission to approve,  
9 approve with conditions, or disapprove with reasons not later than  
10 the 15<sup>th</sup> day after the Applicant Response is submitted.  
11  
12 (F) Upon receipt of an applicant response to a subdivision construction plan,  
13 the director shall:  
14  
15 (1) determine if the applicant response meets the requirements in  
16 subsection (C), and  
17  
18 (2) approve, approve with conditions, or disapprove with reasons no  
19 later than 15 days after the applicant response was submitted.  
20  
21 (G) If the applicant response as submitted complies with the provisions of  
22 subsection (C), and the Land Use Commission or the director fail to  
23 comply with the time limits for action in this Section, the application for  
24 preliminary plan, plat, or subdivision construction plan is approved by  
25 operation of law.  
26

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

29  
30 **PART 27.** City Code Section 25-4-55 (*Notice*) is amended to read as follows:

31  
32 **§ 25-4-55 NOTICE.**  
33

- 34 (A) The director shall give notice under Section 25-1-133(A) (*Notice of*  
35 *Applications and Administrative Decisions*) of the acceptance ~~[filing]~~ of an  
36 application for preliminary plan ~~[approval.]~~ that requires a land use  
37 commission variance.  
38  
39 ~~[(B) The director shall give notice under Section 25-1-132(A) (Notice Of Public~~  
40 ~~Hearing) of a public hearing on Land Use Commission consideration of an~~  
41 ~~application for preliminary plan approval. Notice is not required if the~~  
42 ~~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  
2 (1) ~~staff review and board or commission review is complete;~~  
3  
4 (2) ~~if applicable, the applicant has obtained a commitment for water or~~  
5 ~~wastewater service from the entity providing the service; and~~  
6  
7 (3) ~~for land located in the zoning jurisdiction, the land is zoned for the~~  
8 ~~uses proposed.]~~  
9

10 [(B) ~~Except as provided in Subsection (C),]~~ T[~~t~~]he Land Use Commission shall  
11 approve an application for preliminary plan approval that complies with the  
12 Comprehensive Plan and the requirements of this title.  
13

14 [(C) ~~If an application for preliminary plan approval was filed concurrently with an~~  
15 ~~application described in Subsection 25-4-53(A)(1), (2), (3), (4), or (5)~~  
16 ~~(Concurrent Applications), the Land Use Commission shall recommend~~  
17 ~~approval or disapproval of the preliminary plan and the concurrent~~  
18 ~~application to council.]~~  
19

20 **PART 30.** City Code Section 25-4-58 (*Council Action on Preliminary Plan*) is deleted  
21 in its entirety and reserved for future use.  
22

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

26 **PART 32.** City Code Section 25-4-82 (*Review of Application for Plat Approval;*  
27 *Expiration*) is amended to read as follows:  
28

29 **§ 25-4-82 REVIEW OF APPLICATION FOR PLAT APPROVAL;**  
30 **EXPIRATION.**  
31

- 32 (A) The director shall promptly deliver a copy of an application for plat  
33 approval to each reviewing department or agency.  
34  
35 (B) After the application is accepted [~~filed~~], a reviewing department or agency  
36 shall prepare and deliver to the director a written report of comments and  
37 recommendations regarding an application for plat approval not later than  
38 the deadline established by the director under Section 25-1-83[2]  
39 (*Subdivision Application Requirements and Expiration*).  
40

- 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  
9 15<sup>th</sup> 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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31
- (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 Austin Energy; and  
41

1 (2) the applicant must demonstrate that the installation of the electric  
2 system will comply with the requirements of this title and all electric  
3 system design, safety, and reliability requirements found in:

- 4
- 5 (a) Chapter 15-9 (*Utility Service Regulations*) of the City Code;
- 6
- 7 (b) Austin Energy's Design Criteria Manual adopted as part of the
- 8 Utilities Criteria Manual;
- 9
- 10 (c) The National Electrical Safety Code (NESC); and
- 11
- 12 (d) The National Electrical Code (NEC).
- 13

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

- 17
- 18 (1) the applicant must obtain approval from Austin Energy; and
- 19
- 20 (2) the applicant must demonstrate that the subdivision will comply with
- 21 the electrical system design, safety and reliability requirements found
- 22 in Austin Energy's Design Criteria Manual adopted as part of the
- 23 Utilities Criteria Manual.
- 24

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

27

28 **§ 30-1-71 ORDER OF PROCESS.**

29

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

- 31
- 32 (1) zoning, for an area annexed by the city for limited purposes;
- 33
- 34 (2) subdivision;
- 35
- 36 (3) site plan; and
- 37
- 38 (4) building permit, for an area annexed by the city for limited purposes.
- 39

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

1  
2 (1) preliminary plan, if required;

3  
4 (2) plat; and

5  
6 (3) subdivision construction plan.

7  
8 (C) An applicant may concurrently file zoning and site plan applications if no  
9 subdivision is required.

10  
11 (D) An applicant may concurrently file subdivision, site plan, and building  
12 permit applications, if no zoning or rezoning is required or requested.

13  
14 (E) The single office may authorize concurrent applications under the  
15 following circumstances:

16  
17 (1) Plat and preliminary plan if the single office determines the  
18 preliminary plan is substantially complete and outstanding  
19 deficiencies are of an administrative nature that will not require  
20 significant changes to the layout or design of the subdivision.

21  
22 (2) Plat and subdivision construction plan if the preliminary plan has  
23 been approved and the single office determines the plat is  
24 substantially complete and outstanding deficiencies are of an  
25 administrative nature that will not require significant changes to the  
26 layout or design of the subdivision.

27  
28 **PART 39.** City Code Section 30-1-73 (*Disapproval and Denial*) is deleted in its  
29 entirety.

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

33  
34 **§ 30-1-73 PROJECT ASSESSMENT.**

35  
36 In this section, SUBDIVISION means preliminary plan, plat, or subdivision  
37 construction plan.

38  
39 (A) A person considering subdivision development in the extra territorial  
40 jurisdiction may request that the director prepare a project assessment of  
41 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)~~(E)~~ 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 30<sup>th</sup> [~~60<sup>th</sup>~~] 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 15<sup>th</sup> 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 (1) determine if the applicant response meets the requirements in  
2 subsection (C), and  
3
- 4 (2) approve or approve with conditions the plat or replat not later than  
5 15 days after the applicant response was submitted; or  
6
- 7 (3) schedule the plat or replat for land use commission and  
8 commissioners court to approve, approve with conditions, or  
9 disapprove with reasons not later than the 15<sup>th</sup> day after the applicant  
10 response is submitted.  
11

12 (F) Upon receipt of an applicant response to a subdivision construction plan,  
13 the single office shall:

- 14 (1) determine if the applicant response meets the requirements in  
15 subsection (C), and  
16
- 17 (2) approve, approve with conditions, or disapprove with reasons no  
18 later than 15 days after the applicant response was submitted.  
19  
20

21 (G) If the applicant response as submitted complies with the provisions of  
22 subsection (C), and the land use commission or the commissioners court or  
23 the single office fail to comply with the time limits for action in this  
24 Section, the application for preliminary plan, plat, or subdivision  
25 construction plan is approved by operation of law.  
26

27 **PART 51.** City Code Section 30-2-53 (*Concurrent City Applications*) is deleted its  
28 entirety and reserved for future use.  
29

30 **PART 52.** City Code Section 30-2-55 (*Notice*) is deleted its entirety and reserved for  
31 future use.  
32

33 **PART 53.** City Code Section 30-2-56 (*Staff Review of Application for Preliminary*  
34 *Plan Approval*) is amended to read as follows:  
35

36 **§ 30-2-56 STAFF REVIEW OF APPLICATION FOR PRELIMINARY PLAN**  
37 **APPROVAL.**  
38

39 (A) The single office shall promptly deliver a copy of an application for  
40 preliminary plan approval to each reviewing department or agency.  
41

- 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]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;~~

- 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

