

ORDINANCE NO. 20190822-117

**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)].

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

- (1) the boundaries of a neighborhood plan that the council has adopted as a component of the comprehensive plan;
- (2) the former Robert Mueller Municipal Airport site;
- (3) a transit oriented development (TOD) district;
- (4) the old Enfield neighborhood planning area; or
- (5) the boundaries of a proposed neighborhood plan that the Planning Commission is considering as an amendment to the comprehensive plan. In this subsection, Planning Commission consideration of a proposed neighborhood plan:
 - (a) begins on the effective date of a council resolution or ordinance directing the Planning Commission to consider a neighborhood plan for an identified area; and
 - (b) ends on the date that the council adopts or rejects the proposed neighborhood plan or withdraws its directive to the Planning Commission to consider a neighborhood plan for the area.

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

~~[(F) Reserved.]~~

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.

- (2) Plat and subdivision construction plan if the preliminary plan has been approved and 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.

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

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

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

§ 25-1-63 PROJECT ASSESSMENT.

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

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

- (C) A project assessment is based on information provided by the requestor.
- (D) A project assessment includes:
 - (1) an explanation of the procedures and requirements of this title for subdivision;
 - (2) an identification of potential major issues for the project, including whether:
 - (a) the proposed land use conforms to the Comprehensive Plan and current zoning;
 - (b) proposed arterials, if any, comply with the Transportation Plan;
 - (c) proposed collector streets, if any, are adequate for the projected traffic;
 - (d) there are significant environmental issues;
 - (e) there is an official floodplain map delineated;
 - (f) adequate utilities are available; and
 - (g) the proposed density is:
 - (i) consistent with the requirements of this title;
 - (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 5. City Code Section 25-1-64 (*Disapproval and Denial*) is amended to read as follows:

§ 25-1-64 DISAPPROVAL AND DENIAL.

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

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

§ 25-1-82 – NON-SUBDIVISION APPLICATION REQUIREMENTS AND EXPIRATION.

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

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

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

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

- (1) Section 25-1-83 (*Applications Relating to a Closed Municipal Solid Waste Landfill*) is renumbered to be Section 25-1-84.
- (2) Section 25-1-84 (*Processing Cycles*) is renumbered to be Section 25-1-85.
- (3) Section 25-1-85 (*Sequence of Review*) is renumbered to be Section 25-1-86.

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

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

§ 25-1-83 SUBDIVISION APPLICATION REQUIREMENTS AND EXPIRATION.

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

- (A) The responsible director may adopt rules 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 this title and other applicable regulations. The rules adopted must be in accordance with the timelines for action established within Section 25-4-32 (*Action Within 30 Days*).
- (B) An application for preliminary plan or plat expires 90 days after the application is accepted unless the application has been approved.
- (C) An application for subdivision construction plan expires one year after the application is accepted unless the application has been approved.
- (D) An application that has been disapproved with reasons may be updated to address those reasons until the application expires.
- (E) The responsible director may permit an applicant to omit required information from an application that the responsible director determines is not material to a decision on the application.

- (F) The responsible director shall accept an application only if the applicant has paid the required fee and provided the required information, which includes:
- (1) information regarding vested rights;
 - (2) information regarding zoning;
 - (3) information regarding transportation;
 - (4) information regarding utility service;
 - (5) information regarding requested variances or waivers;
 - (6) information regarding floodplain delineation or modifications;
 - (7) information regarding parkland dedication;
 - (8) information regarding fiscal; and
 - (9) information regarding real estate documents that may be required based on the design of the proposed development.

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

§ 25-1-86 SEQUENCE OF REVIEW.

- (A) An application for a preliminary plan or plat shall be placed on a Land Use Commission agenda not later than the 30th day after the director has accepted an application.
- (B)[(A)] Except as provided in subsection (A), a[A]n application may not be placed on a board or commission agenda unless staff review is finished and a staff recommendation is available for board or commission consideration. This requirement does not apply if staff review is not finished by the deadline prescribed by this title.

~~(C)~~~~(B)~~ Except as provided in subsection (A), a~~[A]~~n application may not be placed on the Land Use Commission or council agenda unless recommendations from all other boards and commissions required to review the application are available for Land Use Commission or council consideration. The responsible director may waive this requirement if the responsible director determines that:

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

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

§ 25-1-88 EXTENSION OF REVIEW PERIOD.

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

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

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

§ 25-1-89 EXTENSION OF UPDATE DEADLINE.

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

- (A) If the time required for staff review of an application exceeds the review time established by the director under Section 25-1-82 (*Non-Subdivision Application Requirements and Expiration*), the responsible director shall extend the deadline for submitting an update to the application by the number of days that staff exceeded the established review time. The responsible director shall notify the applicant of the new deadline for submitting an update.
- (B) An applicant who is not entitled to an automatic extension under Subsection (A) of this section may request that the responsible director extend a deadline for submitting an update to an application, other than an application for a site plan, subdivision, or subdivision construction plan, in accordance with this subsection.
 - (1) A request for an extension under this subsection must be filed with the responsible director in writing before expiration of the deadline established by the director under Section 25-1-82 (*Non-Subdivision Application Requirements and Expiration*) and must include a justification for the request.
 - (2) The responsible director must give notice under Section 25-1-133(B) (*Notice of Applications and Administrative Decisions*) of an extension request under this subsection.
 - (3) The responsible director may grant an extension request under this subsection if the responsible director determines that good cause exists for the extension. An extension period may not exceed the length of the original time period for submitting an update to the application.
 - (4) An interested party may appeal the responsible director's decision under this subsection to the Land Use Commission.

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

§ 25-1-90 TOLLING OF APPLICATION PERIOD.

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

- (A) This section establishes a "stop the clock" provision tolling the expiration period for an application that requires discretionary review by the Land Use Commission, Board of Adjustment, or city council.
- (B) A deadline established by the director under Section 25-1-82 (*Non-Subdivision Application Requirements and Expiration*) for obtaining approval of an application is tolled if, prior to expiration of the application, the director determines that:
 - (1) approval of the application requires:
 - (a) discretionary review, as authorized under this title, by the Land Use Commission, Board of Adjustment, or city council, other than a zoning change or code amendment; and
 - (b) the application meets all other requirements for approval, except for payment of fees, posting fiscal surety, and other code requirements as determined by the director under Section 25-1-82 (*Non-Subdivision Application Requirements and Expiration*); or
 - (2) the applicant has provided a 120- or 270-day notification to tenants of a multi-family building or mobile home park, as required by Section 25-1-712 (*Tenant Notification Required*).
- (C) If an applicant obtains all required discretionary approvals from the Land Use Commission, Board of Adjustment, or city council, any additional updates required for approval of the application must be submitted no later than 120 working days after the date of the approval. An application expires if the applicant does not comply with this deadline.
- (D) An application expires if the Land Use Commission, Board of Adjustment, or city council denies a required discretionary approval or fails to take action after considering the matter at a public hearing.
- (E) If expiration of an application is tolled under this section pending required approval by the Land Use Commission, Board of Adjustment, or city council, the expiration period for all other applications associated with the same project is also tolled.

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

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

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

§ 25-1-214 PUBLIC HEARING AND NOTICE.

- (A) This subsection does not apply to a preliminary plan, plat, or subdivision construction plan. For all other development applications:
- (1)[(A)] The Board of Adjustment or Land Use Commission, as applicable, shall hold a public hearing on an application for a variance or special exception not later than the 45th day after the date the application is filed.
- (2)[(B)] The building official or responsible director, as applicable, shall give notice under Section 25-1-132(A) (*Notice Of Public Hearing*) of a public hearing on an application for a variance or special exception, and, for a variance or special exception heard by the Board of Adjustment, by posting one or more signs.
- (B) For an application to replat without vacation of the preceding plat, the director shall give notice under 25-1-132(B) (*Notice of Public Hearing*) if:
- (1) During the preceding five years any of the area to be platted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
- (2) Any lot in the preceding plan was limited by deed restriction to residential use for not more than two residential units per lot.

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

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

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

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

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

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

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

§ 25-4-30 IDENTIFICATION OF MUNICIPAL AUTHORITY.

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

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

§ 25-4-32 ACTION WITHIN 30 DAYS.

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

(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)[(C)] 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.

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

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

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

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

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

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

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

§ 25-4-36 VARIANCE FILING AND CONSIDERATION.

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

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.]~~

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

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

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

§ 25-4-56 STAFF REVIEW OF APPLICATION FOR PRELIMINARY PLAN APPROVAL.

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

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

§ 25-4-57 COMMISSION ACTION ON PRELIMINARY PLAN.

- ~~[(A) — The director shall schedule an application for preliminary plan approval for public hearing and consideration by the Land Use Commission on the first 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[~~t~~he 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*).

- (C) After the application is accepted [~~filed~~], the director shall determine whether an application for plat approval complies with the criteria for approval. [~~and give notice under Section 25-1-133(B) (*Notice of Applications and Administrative Decisions*) of the determination not later than the deadline established by the director under Section 25-1-82 (*Application Requirements and Expiration*). If the director recommends disapproval, the notice shall state the reasons for the recommendation.~~]
- (D) An applicant may file with the director an update to an application for plat approval before the application expires under the expiration period established under 25-1-83(B) (*Subdivision Application Requirements and Expiration*). [~~not later than one year after the application is filed, unless days have been added under Section 25-1-88(A) (*Extension of Update Deadline*).~~]
- (E) After an [~~the~~] update is filed, the director shall determine whether an update to an application for plat approval complies with the criteria for approval. [~~and give notice under Section 25-1-133(B) (*Notice of Applications and Administrative Decisions*) of the determination not later than the deadline established by the director under Section 25-1-82 (*Application Requirements and Expiration*). If the director recommends disapproval, the notice shall state the reasons for the recommendation.~~]
- [~~(F) An application for plat approval expires one year after filing if the director determines that the application does not comply with the criteria for approval, unless the applicant has submitted a written request to the director for review of the application by the Land Use Commission. If the applicant requests review by the Land Use Commission, the Land Use Commission shall determine whether the application complies with the criteria for approval and approve or deny the application.~~]

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

§ 25-4-83 SCHEDULING OF APPLICATION FOR PLAT APPROVAL; EXPIRATION].

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

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

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

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

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

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

§ 25-4-88 NOTICE OF PLATS.

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

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

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

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

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

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

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

- (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.

PART 37. City Code Chapter 25-4 (*Subdivision*) is amended to add a new Section 25-4-200 to read as follows:

§25-4-200 ELECTRIC SYSTEM.

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

- (2) the applicant must demonstrate that the installation of the electric system will comply 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 part of the Utilities Criteria Manual;
 - (c) The National Electrical Safety Code (NESC); and
 - (d) The National Electrical Code (NEC).
- (B) If any part of a subdivision is within 200 feet of an existing component of Austin Energy's electric system, the applicant must comply with the following requirements:
 - (1) the applicant must obtain approval from Austin Energy; and
 - (2) the applicant must demonstrate that the subdivision will comply with the electrical system design, safety and reliability requirements found in Austin Energy's Design Criteria Manual adopted as part of the 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.

- (B) A project assessment is required before submitting an application if the application as designed requires consideration of discretionary approvals such as:
 - (1) A variance or waiver from a provision in Title 25 or Title 30;
 - (2) A variance or waiver from criteria manuals adopted to implement the provisions of Title 25 or Title 30;
 - (3) An alternative method of compliance allowed under Title 25, Title 30, or the associated criteria manuals;
 - (4) A recommendation from an advisory board or commission; or
 - (5) Other discretionary considerations as specified by rule.
- (C) A project assessment is based on information provided by the requestor.
- (D) A project assessment includes:
 - (1) an explanation of the procedures and requirements of Title 25 and Title 30 for subdivision development;
 - (2) an identification of potential major issues for the project, including whether:
 - (a) the proposed land use conforms to the Comprehensive Plan and current zoning;
 - (b) proposed arterials, if any, comply with the Transportation Plan;
 - (c) proposed collector streets, if any, are adequate for the projected traffic;
 - (d) there are significant environmental issues;
 - (e) there is an official floodplain map delineated;
 - (f) adequate utilities are available; and
 - (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.

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

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

- (1) information regarding vested rights;
- (2) information regarding zoning;
- (3) information regarding transportation;
- (4) information regarding utility service;
- (5) information regarding requested variances or waivers;
- (6) information regarding floodplain delineation or modifications;
- (7) information regarding parkland dedication;
- (8) information regarding fiscal; and
- (9) information regarding real estate matters arising from the design of the proposed development.

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

§ 30-1-116 SEQUENCE OF REVIEW.

- (A) An application shall be placed on a Land Use Commission agenda not later than the 30th day after the director has accepted an application.
- (B) Except as provided in subsection (A), a[A]n application may not be placed on a city board or commission agenda unless single office review is finished and a single office recommendation is available for city board or commission consideration. This requirement does not apply if single office review is not finished by the deadline prescribed by this title.

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

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

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

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

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

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

§ 30-2-32 CITY ACTION WITHIN 30 DAYS.

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

~~(D)~~(E) Except as provided 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 [final] plat approval not later than the 30th day after the application is accepted [filed].

~~(E)~~~~(D)~~ If the Land Use Commission fails to comply with Subsection (C), or the director fails to comply with Subsection (D) the application for preliminary plan, plat, or subdivision construction plan is approved by operation of law. [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 46. City Code Section 30-2-33 (*County Action with 60 Days*) is amended to read as follows:

§ 30-2-33 COUNTY ACTION WITHIN 30~~[60]~~ DAYS.

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

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

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

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

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

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

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

- (C) The commissioners court shall approve, approve with conditions, or disapprove with reasons an application for preliminary plan or plat not later than the 30th day after the application is accepted, unless the time for action is extended by the commissioners court upon written request by the applicant, filed 7 days before the commissioners court is scheduled to act.
- ~~[(F) Not later than the 20th day after an application is filed, the single office may extend the time period prescribed by Subsection (E) by up to 60 additional days if the single office determines that a takings impact assessment is required by Government Code Chapter 2007.]~~
- ~~[(G) The applicant and the single office may agree in writing to extend the time period prescribed by Subsection (E).]~~
- ~~[(H)] The time period prescribed by Subsection (E) does not apply if a decision on the application is not wholly within the control of the commissioners court or the single office.]~~
- (D) A condition for approval or reason for disapproval must be written and may not be arbitrary. The condition or reason must:
- (1) be directly related to requirements adopted under Texas Local Government Code Chapter 212 Subchapter A (Regulation of Subdivisions) or Texas Local Government Code Chapter 232 Subchapter A (Subdivision Platting Requirements in General); and
 - (2) include a citation to the law, including a statute or order, that is the basis for the condition for approval or reason for disapproval.
- (H) (E) If an application is not approved, approved with conditions, or disapproved with reasons within a time period prescribed by Subsection (C)~~[(s (E) through (H), as applicable,)]~~ the application is approved by operation of law and the single office shall refund to the applicant one-half of the application fee received by the county.

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

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

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

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

§ 30-2-36 VARIANCE FILING AND CONSIDERATION.

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

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

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

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

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

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

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

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

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

§ 30-2-41 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 single office 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 and commissioners court consideration, the single office 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 and commissioners court 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 single office 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 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.

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

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

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

~~[(A) The single office shall schedule an application for preliminary plan approval for public hearing and consideration by the land use commission or commissioners court on the first available meeting after the single office 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.]~~

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

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

~~[(D) If an application for preliminary plan approval was filed concurrently with an application described in Subsection 30-2-53(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 55. City Code Section 30-2-58 (*Council Action on Preliminary Plan*) is deleted in its entirety and reserved for future use.

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

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

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

- (A) The single office 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 single office a written report of comments and recommendations regarding an application for plat approval not later than the deadline established by the director by administrative rule.
- (C) After the application is accepted ~~[filed]~~, the single office shall determine whether an application for plat approval complies with the criteria for approval and give notice under Section 30-1-154(B) (*Notice of Applications and Administrative Decisions*) of the determination not later than the deadline established by the director by administrative rule. ~~[If the single office recommends disapproval, the notice shall state the reasons for the recommendation.]~~
- (D) An applicant may file with the single office an update to an application for plat approval before the application expires under the expiration period established under Subsection (F). ~~[not later than one year after the application is filed.]~~

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

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

(F) An application:

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

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

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

§ 30-2-83 SCHEDULING OF APPLICATION FOR PLAT APPROVAL; EXPIRATION].

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

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

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

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

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

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

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

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

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

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

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

- (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.

(3)[(4)] The director or [5] land use commission [~~or council~~] shall approve a plat that complies with the comprehensive plan and the requirements of this title.

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 61. City Council waives the requirements for Commission review of a Land Development Code amendment in City Code Section 25-1-502 (*Amendment; Review*) and in City Code Section 30-1-482 (*Amendment and Review by City*).

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.

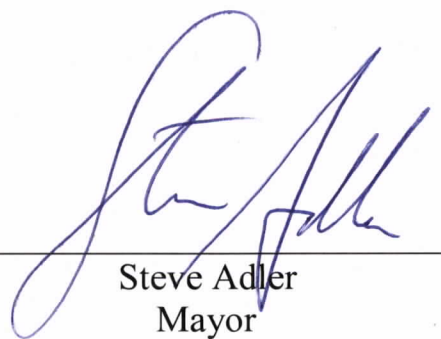
PASSED AND APPROVED

_____, August 22, 2019

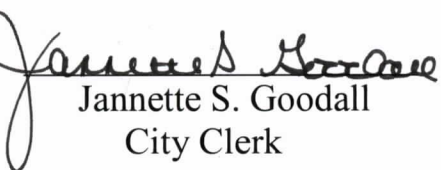
APPROVED:


Anne L. Morgan
City Attorney

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§
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Steve Adler
Mayor

ATTEST:


Jannette S. Goodall
City Clerk