

**AGENDA**



**Recommendation for Council Action**

|                     |                |       |                      |     |
|---------------------|----------------|-------|----------------------|-----|
| Austin City Council | <b>Item ID</b> | 22519 | <b>Agenda Number</b> | 18. |
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|                      |           |                    |                                 |
|----------------------|-----------|--------------------|---------------------------------|
| <b>Meeting Date:</b> | 2/28/2013 | <b>Department:</b> | Planning and Development Review |
|----------------------|-----------|--------------------|---------------------------------|

**Subject**

Approve an ordinance amending City Code Chapter 25-1 relating to project duration and project dormancy, initiating code amendments to Chapter 25-1 relating to vested rights applications, waiving the review procedures of Section 25-1-502, and declaring an emergency.

**Amount and Source of Funding**

**Fiscal Note**

|                                      |                          |
|--------------------------------------|--------------------------|
| <b>Purchasing Language:</b>          |                          |
| <b>Prior Council Action:</b>         |                          |
| <b>For More Information:</b>         | Greg Guernsey, 974-2387. |
| <b>Boards and Commission Action:</b> |                          |
| <b>MBE / WBE:</b>                    |                          |
| <b>Related Items:</b>                |                          |

**Additional Backup Information**

On December 10, 2012, the Texas Attorney General issued an opinion concluding that City Code Chapter 25-1, Article 12 (*Project Duration*) violates the state vested rights law codified at Chapter 245 of the Local Government Code. The city adopted the Project Duration ordinance in 1997, during a two-year period when state vested rights legislation was no longer in effect. The ordinance established a set of rules and deadlines for development projects to retain vested rights to earlier regulations.

This ordinance would repeal Project Duration. The ordinance would also amend the City's rules for "Dormant Projects," codified at Section 25-1-552 (*Expiration of Permits and Projects*), to better align with the current state law on dormancy. Project dormancy is a tool authorized under Chapter 245 that allows municipalities to terminate vested rights for projects that have failed to make progress towards completion as defined under the statute.

Additionally, to improve and clarify the overall process for review of vested rights applications, this ordinance would

initiate a larger review of existing procedures and authorizes the City Manager to develop a separate proposed ordinance regarding the Chapter 245 process. As part of this effort, the City Manager is directed to consider the ordinances and procedures used by other cities.

Finally, this ordinance waives commission review under Chapter 25-1-502 (*Amendment; Review*) and provides for emergency passage in order to make the amendments effective immediately.