

ORDINANCE NO.

1 AN ORDINANCE AMENDING CITY CODE CHAPTER 25-1 RELATING TO  
2 PROJECT DURATION AND PROJECT DORMANCY; INITIATING CODE  
3 AMENDMENTS TO CHAPTER 25-1 RELATING TO VESTED RIGHTS  
4 APPLICATIONS; WAIVING THE REVIEW PROCEDURES OF SECTION 25-1-  
5 502; AND DECLARING AN EMERGENCY.

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7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
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9 PART 1. City Code Chapter 25-1 (*General Requirements and Procedures*) is amended  
10 to repeal Article 12 (*Project Duration*).

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12 PART 2. City Code Section 25-1-552 (*Expiration of Permits and Projects*) is amended  
13 to read:

14 § 25-1-552 EXPIRATION OF PERMITS AND PROJECTS.

15 (A) A permit expires on May 11, 2004 if the director determines that:

- 16 (1) the permit did not have an expiration date; and  
17 (2) no progress had been made towards completion of the project.

18 (B) A project expires if no progress towards completion has been made within five  
19 years of the date that the first permit application for the project was submitted.

20 (C) Progress towards completion of the project shall include [includes] any one [or  
21 more of] the following:

- 22 (1) an application for a final plat or plan is submitted to a regulatory agency;  
23 (2) a good-faith attempt is made to file with a regulatory agency an  
24 application for a permit necessary to begin or continue towards completion of  
25 the project;  
26 (3) costs have been incurred for developing the project including, without  
27 limitation, costs associated with roadway, utility, and other infrastructure  
28 facilities designed to serve, in whole or in part, the project (but exclusive of  
29 land acquisition) in the aggregate amount of five percent of the most recent  
30 appraised market value of the real property on which the project is located;  
31 (4) fiscal security is posted with a regulatory agency to ensure performance  
32 of an obligation required by the regulatory agency; or

1 (5) utility connection fees or impact fees for the project have been paid to a  
2 regulatory agency.

3 [~~(C)~~— If all permits for a project expire, the project expires.]  
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5 **PART 3.** The city council initiates amendments to Title 25 (*Land Development*) of the  
6 City Code to clarify and improve the review procedures and criteria for applications  
7 asserting vested rights under Chapter 245 of the Local Government Code. In preparing a  
8 proposed ordinance for consideration by council, the city manager should consider the  
9 ordinances and procedures used by other cities.

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11 **PART 4.** The city council waives the commission review requirements of City Code  
12 Section 25-1-502(A)-(D) (*Amendment; Initiation*) for this ordinance.

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14 **PART 5.** The city council finds that clarifying the requirements for vested rights  
15 applications under Chapter 245 of the Local Government Code constitutes an emergency.  
16 Because of this emergency, this ordinance takes effect immediately upon its passage for  
17 the immediate preservation of the public peace, public health, and safety,  
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19 **PASSED AND APPROVED**

20  
21 §  
22 §  
23 \_\_\_\_\_, 2013 § \_\_\_\_\_  
24 Lee Leffingwell  
25 Mayor  
26

27  
28 **APPROVED:** \_\_\_\_\_  
29 Karen Kennard  
30 City Attorney  
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32  
33 **ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk