

**ORDINANCE NO. 20130829-079**

**AN ORDINANCE ESTABLISHING A TEMPORARY PROGRAM TO EXTEND CERTAIN SITE PLANS EXPIRED PRIOR TO THE REPEAL OF PROJECT DURATION; AND WAIVING CITY CODE SECTIONS 25-1-82, 25-1-217, 25-1-502, 25-5-44, 25-5-62, AND 25-5-81.**

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

**PART 1.** The city council makes the following findings:

- (A) Prior to the adoption of Ordinance No. 20130328-019, site plans were subject to multiple expiration periods that complicated the development process and caused confusion for applicants.
- (B) This confusion, coupled with a downturn in the economy, resulted in the expiration of many site plans that were begun in good faith and in full compliance with then-current regulations.
- (C) The provisions of this ordinance establish a temporary program authorizing the director, under certain conditions, to approve extensions that reinstate previously expired site plans and allow additional time for construction to begin.

**PART 2. EXTENSION OF EXPIRED SITE PLANS.**

- (A) A request to extend an expired site plan in accordance with this section must be submitted on a form approved by the director and include the fee required for a site plan extension.
- (B) The director may approve a request to extend an expired site plan under this section if:
  - (1) the site plan application was submitted on or after January 1, 2006, and filed for review under regulations in effect on the date of submittal;
  - (2) the site plan expired under former City Code Chapter 25-1, Article 12 (*Project Duration*) or, if a project is located within the desired development zone, within one year of the expiration date established under that article;
  - (3) the property included in the site plan is not located in the Barton Springs Zone;
  - (4) the property included in the site plan was:

- (a) located in the City's full-purpose jurisdiction on the date the site plan application was submitted; and
- (b) not subject to a notice of construction issued following expiration of the site plan; and
- (5) the director finds that the request meets the criteria required for a one-year administrative extension under Section 25-5-62 (*Extension of Released Site Plan by the Director*).
- (C) A site plan extended under this section expires one year after the extension is approved, unless the Land Use Commission grants an additional extension under Section 25-5-63 (*Extension of Released Site Plan by the Land Use Commission*).
- (D) Extension of a site plan under this section includes any variances or waivers previously approved in connection with the site plan.

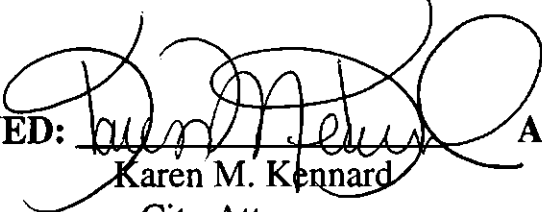
**PART 3.** City Code Section 25-1-217 (*Expiration of Variance or Special Exception*), Section 25-1-502 (*Amendment; Review*), Section 25-5-44 (*Release of Previously Approved Site Plan*), Section 25-5-62 (*Extension of Released Site Plan by the Director*), and Section 25-5-81 (*Site Plan Expiration*) are waived to the extent of a conflict with this ordinance.

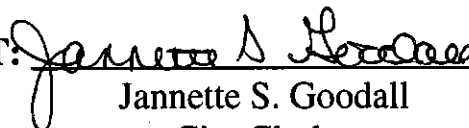
**PART 4.** This ordinance expires on September 1, 2014. Expiration of this ordinance does not affect the validity of a site plan extended in accordance with Part 2 of this ordinance.

**PART 5.** This ordinance takes effect on September 9, 2013.

# **PASSED AND APPROVED**

August 29, 2013
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 Lee Jeffingwell  
 Mayor

APPROVED:   
 Karen M. Kennard  
 City Attorney

ATTEST:   
 Jannette S. Goodall  
 City Clerk