

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE TITLE 25 AND OTHER CODE PROVISIONS RELATING TO EXPIRATION OF AND UPDATES TO LAND DEVELOPMENT APPLICATIONS AND CALCULATIONS OF TIME RELATED TO THE SAME.

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

PART 1. Section 25-1-21 (*Definitions*) of the City Code is amended by revising the definition of the term WORKING DAY to read as follows:

(129) WORKING DAY is synonymous with BUSINESS DAY and excludes a Saturday, Sunday, [øf] an official City holiday, or any other day or partial day on which City offices are closed for regular business.

PART 2. Subsection (D) of Section 25-1-62 (*Development Assessment*) of the City Code is amended to read as follows:

(D) The director shall deliver a development assessment to the requestor within 15 [24] business days after the request is received. After its delivery, the requestor may seek a meeting with the director or the director's designee to discuss the development assessment.

PART 3. Subsection (A) of Section 25-1-88 (*Extension of Update Deadline*) of the City Code is amended and a new Subsection (C) is added to that section to read as follows:

(A) With the exception of an applicant submitting a site plan, subdivision application, or a subdivision construction plan, an [An] applicant may request that the responsible director extend a deadline for submitting an update to an application by filing a written request and justification with the responsible director before the expiration of the deadline.

(1) 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.

(2) 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.

(3) An interested party may appeal the responsible director's decision under this subsection to the Land Use Commission.

(C) An applicant may not request an extension of a deadline for submitting an update to a site plan, subdivision application, or subdivision construction plan under Subsection (A) of this section.

PART 4. A new Section 25-1-89 of the City Code is created to read as follows:

§ 25-1-89 Stop Clock Provision.

- (A) This section applies only if an applicant has addressed all staff comments, excluding payment of fees, fiscal, and items as determined by the Director.
- (B) For an application that requires approval by a City board or commission or council, the review period for an application shall be suspended, and the application will not expire, during the period of time preceding final action by the board or commission or council.
- (C) The time period on an application related to and dependent on an application described in Subsection (B) is also suspended during the period of time described in Subsection (B).
- (D) An applicant must file a subsequent update to an application that satisfies all conditions of a board, commission, or council not later than 120 business days after the date of approval by the board, commission, or council. An application expires if the applicant does not comply with this deadline.

PART 5. Subsections (C), (D), and (E) of Section 25-4-56 (*Staff Review of Application for Preliminary Plan Approval*) of the City Code are amended to read as follows:

(C) Initial staff review period for an application for preliminary plan approval is 20 business days [as follows:]

<u>[Size of preliminary plan:]</u>	<u>Staff review period:</u>
<u>Less than 60 acres</u>	<u>21 days</u>
<u>60 acres to 250 acres</u>	<u>28 days</u>
<u>More than 250 acres</u>	<u>35 days]</u>

(D) An applicant may file with the director an update to an application for preliminary plan approval not later than one year [~~180 days~~] after the application was filed, unless days have been added under Section 25-1-88(B).

- 1 (E) The staff review period of an update to an application for preliminary plan
2 approval is 10 [14] business days.

3 **PART 6.** Subsections (B) through (F) of Section 25-4-82 (*Review of Application for Plat*
4 *Approval; Expiration*) of the City Code are amended to read as follows:

- 5 (B) A reviewing department or agency shall prepare and deliver to the director a
6 written report of comments and recommendations regarding an application
7 for plat approval not later than 15 business days [~~the 21st day~~] after the
8 application is filed.
- 9 (C) The director shall determine whether an application for plat approval
10 complies with the criteria for approval and give notice under Section 25-1-
11 133(B) (*Notice of Applications and Administrative Decisions*) of the
12 determination not later than 20 business days [~~the 28th day~~] after the
13 application is filed. If the director recommends disapproval, the notice shall
14 state the reasons for the recommendation.
- 15 (D) An applicant may file with the director an update to an application for plat
16 approval not later than one year [~~the 180th day~~] after the application is filed,
17 unless days have been added under Section 25-1-88(B).
- 18 (E) The director shall determine whether an update to an application for plat
19 approval complies with the criteria for approval and give notice under
20 Section 25-1-133(B) (*Notice of Applications and Administrative Decisions*)
21 of the determination not later than 10 business days [~~the 14th day~~] after the
22 update is filed. If the director recommends disapproval, the notice shall state
23 the reasons for the recommendation.
- 24 (F) An application for plat approval expires one year [~~on the 180th day~~] after
25 filing if the director determines that the application does not comply with the
26 criteria for approval, unless the applicant has submitted a written request to
27 the director for review of the application by the Land Use Commission. If
28 the applicant requests review by the Land Use Commission, the Land Use
29 Commission shall determine whether the application complies with the
30 criteria for approval and approve or deny the application.

31 **PART 7.** Section 25-4-85 (*Recordation*) of the City Code is amended by adding new
32 Subsections (C) and (D) that read as follows:

- 33 (C) An applicant must provide all of the items and fees required to record the plat
34 with the County Clerk within 80 business days from the date of plat
35 approval.
- 36 (D) An application for plat approval expires on the 81st business day after such
37 approval unless Subsection (C) of this section is satisfied.

PART 8. Article 2, Division 3 of Chapter 25-4 (*Subdivision*) of the City Code is amended by adding a new Section 25-4-87 to read as follows:

§ 25-4-87 Expiration of Plat Vacation Applications.

An application to vacate a plat expires after one year.

PART 9. Division 4, Article 2 of Chapter 25-4 (*Subdivision*) of the City Code is amended by adding a new Section 25-4-100 that reads as follows:

§ 25-4-100 Updates to Subdivision Construction Plan Application.

An applicant may file an update to a subdivision construction plan application not later than one year after the date the application is filed.

PART 10. Section 25-5-113 (*Updates*) of the City Code is amended to read as follows:

An applicant may file an update to a site plan not later than one year [~~the 180th day~~] after the date the application is filed, unless days are added under Section 25-1-88(B).

PART 11. Subsection (A) of Section 25-5-114 (*Time Periods for Determination; Notice*) of the City Code is amended to read as follows:

- (A) The director shall make a determination under Section 25-5-112 (*Director's Approval*) and give written notification of the determination to each interested party not later than [~~the~~]:
 - (1) 20 business days [~~28th day~~] after the date an application for a site plan is filed, except an application for a small project;
 - (2) 7 business days [~~9th day~~] after the date an application for a small project is filed; or
 - (3) 10 business days [~~14th day~~] after the date an update to an application is filed.

PART 12. Section 25-5-148 (*Conditional Use Site Plan Update and Expiration*) of the City Code is amended to read as follows:

- (A) If the Land Use Commission, or the council on appeal, imposes a condition of approval on a conditional use site plan, the applicant shall file with the director an update that satisfies the condition not later than 20 business days [~~the 60th day~~] after the site plan approval date. A site plan expires if the applicant does not comply with the deadline.

(B) The director shall notify the applicant of review comments to an updated conditional use site plan not later than 10 business days [~~the 14th working day~~] after receiving the update.

~~[(C) The director shall determine whether to release an updated conditional use site plan and notify the applicant of the determination not later than the 21st day after receiving the update.]~~

~~[(D) If the director disapproves an updated conditional use site plan, the director shall notify the applicant of the disapproval by certified mail, return receipt requested. The notice must state the reasons why the updated site plan does not comply with the requirements of this title or a condition of approval.]~~

(C)~~(E)~~ An applicant may file a subsequent update to a conditional use site plan not later than 120 business days [~~the 180th day~~] after the date of site plan approval.

(D)~~(F)~~ If a conditional use site plan on file with the director 120 business days [~~on the 180th day~~] after the date of approval does not comply with the requirements of this title or a condition of approval, the site plan approval expires.

(E)~~(G)~~ The director shall deny a conditional use site plan that expires under this section.

PART 13. Section 25-11-63 (*Review Periods*) of the City Code is amended to read as follows:

~~(A)~~ The building official shall approve or disapprove an application for the following permits by the deadlines prescribed in this subsection.

Type of Permit	<u>Business</u> Days after application filed
(1) Commercial buildings, new construction	<u>15</u> [24]
(2) Commercial buildings, remodeling and finishouts	<u>5</u> [7]
(3) Residential, new construction	<u>5</u> [7]
(4) Residential, remodeling of a complying structure	<u>5</u> [2]
(5) Residential, remodeling of or additions to a noncomplying structure	<u>5</u> [7]
(6) Sign, other than a nonconforming off-premise sign	<u>10</u> [7]

(7) Replacement of nonconforming off-premise sign 10 [14]

(8) Repair of nonconforming off-premise sign 10 [7]

(9) Demolition 3

(10) Relocation 3

~~[(B) The building official shall approve or disapprove an application for a lake construction permit not later than the 7th day after the Parks and Recreation Board approves the application.]~~

PART 14. Section 25-12-266 (*Time Limitation of Application*) of the City Code is amended to read as follows:

An application for a permit for any proposed work expires ~~[shall be deemed to have been abandoned]~~ one year ~~[180 days]~~ after the date of filing, unless a permit has been issued~~[- except that the building official is authorized to grant one extension of time for an additional period not to exceed 180 days. The extension shall be requested in writing before the application expires and justifiable cause demonstrated].~~

PART 15. Section 30-1-118 (*Extension of Review Period*) of the City Code is amended to read as follows:

§ 30-1-118 – (RESERVED) [EXTENSION OF REVIEW PERIOD].

~~[(A) The single office 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 single office shall give notice under Section 30-1-154(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 single office shall move an application to the next phase of process with the notation that staff review is not finished.]~~

PART 16. Subsection (A) of Section 30-1-119 (*Extension of Update Deadline*) of the City Code is amended and a new Subsection (C) is added to that section to read as follows:

(A) With the exception of an applicant submitting a site plan, subdivision application, or a subdivision construction plan, an [Aa] applicant may request that the single office extend a deadline for submitting an update to

1 an application by filing a written request and justification with the single
2 office before the expiration of the deadline.

3 (1) The single office must give notice under Section 30-1-154(B)
4 (Notice Of Applications And Administrative Decisions) of an
5 extension request under this subsection.

6 (2) The single office may grant an extension request under this
7 subsection if the single office determines that good cause exists for
8 the extension. An extension period may not exceed the length of the
9 original time period for submitting an update to the application.

10 (C) An applicant may not request an extension of a deadline for submitting an
11 update to a site plan, subdivision application, or subdivision construction
12 plan under Subsection (A) of this section.

13 **PART 17.** Section 30-2-40 (*Vacating Plat; Replatting Without Vacating Plat; Amending*
14 *Plat*) of the City Code is amended by adding a new Subsection (C) that reads as follows:

15 (C) An application to vacate a plat expires after one year.

16 **PART 18.** Subsections (C), (D), and (E) of Section 30-2-56 (*Staff Review of Application*
17 *for Preliminary Plan Approval*) of the City Code is amended to read as follows:

18 (C) Initial staff review period for an application for preliminary plan approval
19 is 20 business [28] days.

20 (D) An applicant may file with the single office an update to an application for
21 preliminary plan approval not later than one year [the 180th day] after the
22 application was filed.

23 (E) The staff review period of an update to an application for preliminary plan
24 approval is 10 business [14] days.

25 **PART 19.** Section 30-2-60 (*Denial of Preliminary Plan*) of the City Code is amended to
26 read as follows:

27 The single office shall deny an application for preliminary plan approval that does
28 not comply with the criteria for approval one year [on the 180th day] after the application
29 is filed, unless the applicant has submitted a written request to the single office for review
30 of the application by the land use commission and commissioners court. If the applicant
31 submits a request for review by the land use commission and commissioners court, the
32 single office shall schedule the application for consideration by the land use commission
33 and the commissioners court, and the land use commission and the commissioners court
34 shall each determine whether the preliminary plan satisfies the criteria for approval.

PART 20. Section 30-2-82 (*Review of Application for Plat Approval; Expiration*) of the City Code is amended to read as follows:

- (A) The single office shall promptly deliver a copy of an application for plat 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 plat approval not later than the 15th business ~~[21st]~~ day after the application is filed.
- (C) 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 20th business ~~[28th]~~ day after the application is filed. 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 not later than one year ~~[the 180th day]~~ after the application is filed.
- (E) 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 10 business days ~~[the 14th day]~~ after the update is filed. If the single office recommends disapproval, the notice shall state the reasons for the recommendation.
- (F) An application for plat approval expires one year ~~[on the 180th day]~~ 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.

PART 21. Parts 1 through 14 of this ordinance take effect on _____,
2016. Parts 15 through 20 of this ordinance take effect on the effective date of a Travis
County ordinance enacting similar provisions.

PASSED AND APPROVED

_____, 2016 § _____
§ _____
§ _____

Steve Adler
Mayor

APPROVED: _____

Anne L. Morgan
Interim City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk