

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2014-016 Review Times

Description: Consider amendments to Title 25 and Title 30 of the City Code related to review times and applications.

Proposed Language: See attached draft ordinance.

Summary of proposed code changes:

Remove staff review time for development applications (Site Development, Subdivision, and Building Permits) from the Land Development Code and define them by administrative rule, modify the life of a site plan or subdivision application from 180 days with an available 180 day extension to one year with no extension provision, establish a stop-clock provision for development application life for related applications that require a public hearing, establish a clear process for the review and approval of subdivision vacation applications, and establishes an expiration for subdivision construction plan applications consistent with other development permit applications.

Background: The Planning Commission initiated an ordinance amendment to clarify and amend review times July 22, 2014.

The recommendations from the May 8, 2015 Zucker Final Report included steps to streamline the development review times. Some specific changes were requested, including changing all review time references from calendar days to business days. Zucker recommendations also clarify that establishing review times as adopted rules and criteria is found to be a National standard and Best Practice.

Staff Recommendation: Recommended

Board and Commission Actions

February 16, 2016: Recommended by the Codes and Ordinances Subcommittee on a 4-0 vote, with an amendment to change PART 13(C) from 120 business days to 135 business days.

February 23, 2016: To be reviewed by the Planning Commission.

Council Action

March 31, 2016: A public hearing is tentatively scheduled.

Ordinance Number: NA

City Staff: Andrew Linseisen; 512-974-2239; Andrew.Linseisen@austintexas.gov
Donna Galati; 512-974-2733; Donna.Galati@austintexas.gov

ORDINANCE NO.

1 AN ORDINANCE AMENDING CITY CODE TITLE 25 AND OTHER CODE
2 PROVISIONS RELATING TO EXPIRATION OF AND UPDATES TO LAND
3 DEVELOPMENT APPLICATIONS AND CALCULATIONS OF TIME
4 RELATED TO THE SAME.
5

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
7

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

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

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

15 (D) After the request is received, the [The] director shall deliver a development
16 assessment to the requestor within the time frame established by the director
17 by administrative rule [21 days after the request is received]. After its
18 delivery, the requestor may seek a meeting with the director or the director's
19 designee to discuss the development assessment.
20

21 **PART 3.** Subsection (A) of Section 25-1-82 (*Application Requirements and Expiration*)
22 of the City Code is amended to read as follows:

23 (A) The responsible director may adopt rules establishing the requirements,
24 review times, and deadlines for an application.

25 **PART 4.** Section 25-1-88 (*Extension of Update Deadline*) of the City Code is amended
26 to read as follows:

27 (A) With the exception of an applicant submitting a site plan, subdivision
28 application, or a subdivision construction plan, an [An] applicant may
29 request that the responsible director extend a deadline for submitting an
30 update to an application by filing a written request and justification with the
31 responsible director before the expiration of the deadline.
32

33 (1) The responsible director must give notice under Section 25-1-133(B)
34 (*Notice of Applications and Administrative Decisions*) of an extension
35 request under this subsection.
36

- (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.

(B) If the time required for staff review of an application exceeds the review time established by the director by administrative rule ~~[provided by this title]~~, the responsible director shall extend the deadline for submitting an update to an application for a period of time as established by the director by administrative rule ~~[equal to the number of days by which the actual time for review exceeds the review time provided by this title]~~. The responsible director shall notify the applicant of the new deadline for submitting an update.

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

§ 25-1-89 Stop Clock Provision.

- (B) This section applies only if an applicant has addressed all staff comments, excluding payment of fees, fiscal, and items as determined by the Director.
- (C) 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.
- (D) 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 6. 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 established by the director by administrative rule [as follows:]

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

- (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).

- (E) The staff review period of an update to an application for preliminary plan approval is established by the director by administrative rule [14 days].

PART 7. Subsections (B) through (F) of Section 25-4-82 (*Review of Application for Plat Approval; Expiration*) of the City Code are amended to read as follows:

- (B) After the application is filed, a [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 by administrative rule [the 21st day after the application is filed].

- (C) After the application is filed, the [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 by administrative rule [the 28th day after the application is filed]. 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 not later than one year [the 180th day] after the application is filed, unless days have been added under Section 25-1-88(B).

- (E) After the update is filed, the [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 by administrative rule [the 14th day after

1 ~~the update is filed~~. If the director recommends disapproval, the notice shall
2 state the reasons for the recommendation.

- 3 (F) An application for plat approval expires one year ~~[on the 180th day]~~ after
4 filing if the director determines that the application does not comply with the
5 criteria for approval, unless the applicant has submitted a written request to
6 the director for review of the application by the Land Use Commission. If
7 the applicant requests review by the Land Use Commission, the Land Use
8 Commission shall determine whether the application complies with the
9 criteria for approval and approve or deny the application.

10 **PART 8.** Section 25-4-85 (*Recordation*) of the City Code is amended by adding new
11 Subsections (C) and (D) that read as follows:

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

17 **PART 9.** Article 2, Division 3 of Chapter 25-4 (*Subdivision*) of the City Code is
18 amended by adding a new Section 25-4-87 to read as follows:

19 **§ 25-4-87 Expiration of Plat Vacation Applications.**

20 An application to vacate a plat expires after one year.

21 **PART 10.** Division 4, Article 2 of Chapter 25-4 (*Subdivision*) of the City Code is
22 amended by adding a new Section 25-4-100 that reads as follows:

23 **§ 25-4-100 Updates to Subdivision Construction Plan Application.**

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

26 **PART 11.** Section 25-5-113 (*Updates*) of the City Code is amended to read as follows:

27 An applicant may file an update to a site plan not later than one year ~~[the 180th day]~~
28 after the date the application is filed, unless days are added under Section 25-1-
29 88(B).

30 **PART 12.** Subsection (A) of Section 25-5-114 (*Time Periods for Determination; Notice*)
31 of the City Code is amended to read as follows:

- 32 (A) The director shall make a determination under Section 25-5-112 (*Director's*
33 *Approval*) and give written notification of the determination to each

interested party not later than the deadline established by the director by administrative rule. [∴]

(1) ~~[28th day after the date an application for a site plan is filed, except an application for a small project;]~~

(2) ~~[9th day after the date an application for a small project is filed; or]~~

(3) ~~[14th day after the date an update to an application is filed.]~~

PART 13. 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) After receiving the update, the ~~[The]~~ director shall notify the applicant of review comments to an updated conditional use site plan not later than the deadline established by the director by administrative rule ~~[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 135 business days ~~[the 180th day]~~ after the date of site plan approval. If the site plan on file after that date does not comply with the requirements of this title or a condition of approval, the site plan approval expires.

~~[(F) [If a conditional use site plan on file with the director 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.]~~

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

PART 14. 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 established by the director by administrative rule ~~[prescribed in this subsection]~~.

Type of Permit	[Days after application filed]
(1) Commercial buildings, new construction	[21]
(2) Commercial buildings, remodeling and finishouts	[7]
(3) Residential, new construction	[7]
(4) Residential, remodeling of a complying structure	[2]
(5) Residential, remodeling of or additions to a noncomplying structure	[7]
(6) Sign, other than a nonconforming off-premise sign	[7]
(7) Replacement of nonconforming off-premise sign	[14]
(8) Repair of nonconforming off-premise sign	[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 15. 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 16. 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 17. 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 [An] applicant may request that the single office extend a deadline for submitting an update to an application by filing a written request and justification with the single office before the expiration of the deadline.

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

(2) The single office may grant an extension request under this subsection if the single office 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.

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

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

PART 19. Subsections (C), (D), and (E) of Section 30-2-56 (*Staff Review of Application for Preliminary Plan Approval*) of the City Code is amended to read as follows:

- 1 (C) Initial staff review period for an application for preliminary plan approval
2 is established by the director by administrative rule [28 days].
- 3 (D) An applicant may file with the single office an update to an application for
4 preliminary plan approval not later than one year [the 180th day] after the
5 application was filed.
- 6 (E) The staff review period of an update to an application for preliminary plan
7 approval is established by the director by administrative rule [14 days].

8 **PART 20.** Section 30-2-60 (*Denial of Preliminary Plan*) of the City Code is amended to
9 read as follows:

10 The single office shall deny an application for preliminary plan approval that does
11 not comply with the criteria for approval one year [on the 180th day] after the application
12 is filed, unless the applicant has submitted a written request to the single office for review
13 of the application by the land use commission and commissioners court. If the applicant
14 submits a request for review by the land use commission and commissioners court, the
15 single office shall schedule the application for consideration by the land use commission
16 and the commissioners court, and the land use commission and the commissioners court
17 shall each determine whether the preliminary plan satisfies the criteria for approval.

18 **PART 21.** Section 30-2-82 (*Review of Application for Plat Approval; Expiration*) of the
19 City Code is amended to read as follows:

- 20 (A) The single office shall promptly deliver a copy of an application for plat
21 approval to each reviewing department or agency.
- 22 (B) After the application is filed, a [A] reviewing department or agency shall
23 prepare and deliver to the single office a written report of comments and
24 recommendations regarding an application for plat approval not later than
25 the deadline established by the director by administrative rule [21st day
26 after the application is filed].
- 27 (C) After the application is filed, the [The] single office shall determine
28 whether an application for plat approval complies with the criteria for
29 approval and give notice under Section 30-1-154(B) (Notice Of
30 Applications And Administrative Decisions) of the determination not later
31 than the deadline established by the director by administrative rule [28th
32 day after the application is filed]. If the single office recommends
33 disapproval, the notice shall state the reasons for the recommendation.
- 34 (D) An applicant may file with the single office an update to an application for
35 plat approval not later than one year [the 180th day] after the application is
36 filed.

(E) After the update is filed, the [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 [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 22. Parts 1 through 15 of this ordinance take effect on _____, 2016. Parts 16 through 21 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

15.7 Review Times

This is the Review Schedule, in business days, for review processes within Title 25 of the Land Development Code.

Review times for applications and processes	Business days after application	Current times in calendar days
<u>Title 25-1 General Requirements and Procedures</u>		
Development Assessment review (25-1-62)	15	21
<u>Title 25 Subdivisions</u>		
Preliminary Plan review [25-4-56(C)]	20	21, 28, 35
Plat review [25-4-82(B)]	18	21
Notification of plat determination [25-4-82(C)]	20	28
Notification of plat determination update [25-4-82(E)]	10	14
<u>Title 25 Site Plans</u>		
Notification of site plan determination [25-5-114(A)(1)]	20	28
Notification of small project site plan determination [25-5-114(A)(2)]	7	9
Notification of site plan update determination [25-5-114(A)(3)]	10	14
Site Plan Review Report 25-5-143(A)	18	21
Site Plan Review Report Notification 25-5-143(B)	20	28
Site Plan review of initial update to meet Commission-imposed conditions 25-5-148(B)	10	14
<u>25-11-63 Building, Demo, and Relocation Permit Review periods</u>		
Type of Permit		
1) Commercial buildings, new construction	15	21
2) Commercial buildings, remodeling and finishouts	5	7
3) Residential, new construction	5	7
4) Residential, remodeling of a complying structure	5	2
5) Residential, remodeling of or additions to a noncomplying structure	5	7
6) Sign, other than a nonconforming off-premise sign	10	7
7) Replacement of nonconforming off-premise sign	10	14
8) Repair of nonconforming off-premise sign	10	7
9) Demolition	3	3
10) Relocation	3	3

15.8 Review Times - Title 30

This is the Review Schedule, in business days, for review processes within Title 30 of the Land Development Code.

Review times for applications and processes	Business days after application	Current times in calendar days
<u>Title 30 Subdivisions</u>		
Preliminary Plan initial review [30-2-56(C)]	20	28
Preliminary Plan update review [30-2-56(E)]	10	14
Plat review [30-2-82(B)]	18	21
Notice of plat determination [30-2-82(C)]	20	28
Notice of plat determination update [30-2-82(E)]	10	14