

**RULE NO.: R161-17.10**

**NOTICE OF RULE ADOPTION**

**ADOPTION DATE: May 16, 2017**

By: Rodney Gonzales, Director  
Development Services Department

The Director of the Development Services Department has adopted the following rule. Notice of the proposed rule was posted on April 5, 2017. Public comment on the proposed rule was solicited in the April 5, 2017 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

**EFFECTIVE DATE OF ADOPTED RULE**

A rule adopted by this notice is effective on May 16, 2017.

**TEXT OF ADOPTED RULE**

R161-17.10 Revises The Building Criteria Manual, Section 4.5 *Volume Builder Program*. The rule modifies the Volume Builder Program to meet the original intent of the program to provide an expedited review for participants. The modification adds additional project types eligible for participation, clarifies the submittal requirements, and introduces an audit process.

The adopted rule contains no changes from the proposed rule. A copy of the complete text of the adopted rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Development Services Department, located at 505 Barton Springs Road, Suite 750;  
and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

**SUMMARY OF COMMENTS**

The Development Services Department did not receive comments regarding the rule adopted in this notice.

## **AUTHORITY FOR ADOPTION OF RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate application and approval requirements is established in Section 25-1-82 of the City Code.

## **APPEAL OF ADOPTED RULE TO CITY MANAGER**

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

Notice that an appeal was filed will be posted by the City Clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City manager shall make a decision.

**CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Rule Adoption (R161-17.10), the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

**REVIEWED AND APPROVED**

  
\_\_\_\_\_  
Rodney Gonzales, Director  
Development Services Department

Date: 5-8-2017

  
\_\_\_\_\_  
Anne Morgan  
City Attorney

Date: 5/10/17

## 4.5.0 - VOLUME BUILDER PROGRAM

### 4.5.1 - Program Description:

The Volume Home Builder Program is an optional, expedited residential review process that enables volume builders to receive a faster turn around on residential permit applications for new construction. Builders wishing to participate must submit the required documentation, and then staff will review the submission for acceptance into the program. If accepted, the builder will be eligible to submit for residential building permits through the Volume Home Builder Program.

### 4.5.2 - Applicability:

- a) The builder must be constructing ~~on 20% or more of the lots~~ at least 5 or more single or two-family dwelling units on lots within the same subdivision, within the same Townhouse complex, or on a multi-family zoned lot with single or two-family dwellings.
- b) The subdivision must have a minimum of 10 lots, with the exception of amended plats from an approved volume builder subdivision plat. Administrative waivers to these requirements will be considered on a case-by-case basis at the discretion of the Volume Builder Coordinator, or their designee.

### 4.5.3 - Submittal Requirements:

- a) Must sign the Home Builder Certification Affidavit for each subdivision or site plan the builder wishes to include in the program. This form must be notarized.
- b) Must submit a scaled full copy of the final approved and recorded subdivision plat or site plan, including plat notes, along with all applicable current required application submittal documents including, not limited to, floor plans, floor plan options including flipped or mirrored plans, framing plans, wall bracing plans, exterior options, and elevations—on approved electronic format. Foundation plans are not required for Master Set submittals but will be required for each individual permit application. Submissions shall be in paper and electronic format as required by the Program Coordinator, or their designee in other formats will require individual approval.

#### Residential Submittal Requirements:

[https://www.municode.com/library/tx/austin/codes/building\\_criteria\\_manual?nodeId=S4RECO\\_4.4.0RESURE](https://www.municode.com/library/tx/austin/codes/building_criteria_manual?nodeId=S4RECO_4.4.0RESURE)

- ~~e) A scaled, hard copy set of all floor plans and elevations of homes expected to be constructed by the builder in the subdivision.~~
- ~~ec) A scaled, copy of the recorded subdivision plat and all plat notes.~~ For concurrent site plan or subdivision review, a scaled copy of the recorded subdivision plat and all plat notes must be submitted for final coordination review and approved prior to the first permit application submittal.

- ed) Builder must schedule a meeting with the ~~Volume Builder~~ Program Coordinator, or their designee, to discuss the proposed development and applicable impacts from zoning and building code requirements.
- fe) Additional information as requested by the ~~Volume Builder~~ Program Coordinator, or their designee. This could include copies of relevant ordinances, deed restrictions, and other materials as applicable.

#### 4.5.4 - Subdivision Requirements:

- a) Must not be subject to Subchapter F
- b) Proposed uses must be single-family or two-family residential use
- c) Lots must not require a variance or waiver to any zoning or criteria manual requirement
- d) All developable lots must front a paved street
- e) Must have access to water/wastewater service and may not have a septic connection
- f) Lots must not require a land status determination

#### 4.5.5 – Lots not qualified for program inclusion

Lot(s) will be reviewed for any other potential conflicts that may, at the discretion of staff, disqualify it from inclusion in the volume home builder program. Potential conflicts could include, though not limited to:

- a) Flag lots, corner lots, through lots, or other unusual lot configurations
- b) Specialized Zoning Designations (LA, DR, RR, PUD, MU, etc.)
- c) Airport or other conditional overlays
- d) Proximity to a floodplain, pipeline, or curb inlet
- e) Neighborhood Plan (NP) or Neighborhood Conservation Combining District (NCCD)
- f) National Registered Historic District (NRHD)

#### 4.5.6 - Preliminary Master Set Review

- a) Program setup fees must be paid prior to submittal of Master Sets.
- b) Upon receiving the final subdivision plat or site plan, floor plans, framing plans, wall bracing plans, elevations, and exterior options, the builder will meet with the ~~Volume Builder~~ Program Coordinator, or their designee, to identify any lots that, because of their complexity, do not qualify for the Volume Builder review process. Lots found to not be suitable for inclusion in the ~~V~~olume ~~B~~uilder program ~~should~~ shall be submitted through the standard residential permitting process.

- b) For the remaining lots, the builder will submit the required documentation for permit through the Volume Home Builder Program the required documentation. Building plans will not be required for each permit submittal.
- d) Staff, or their designated consultant, will perform a zoning and technical building code review of the submitted documents and will issue a comment report noting any deficiencies. Program participant must satisfactorily address all comments to receive approval.
- e) Once reviewed, the builder will be notified of both accepted and excluded lots. The Volume Builder Coordinator will supply a subdivision zoning review sheet to the builder. The builder is to review and sign this review sheet prior to the submission of any residential permit applications for the applicable subdivision. The builder must submit all residential permit application requirements to receive approval for a building permit.
- f) Program participants may request previously approved Master Set building plan sets to apply to more than one subdivision without requiring additional review of the individual dwelling plans if no code changes have taken effect since the approval date.

#### 4.5.7 - Residential Review Permit Application Requirements

~~Once reviewed, the builder will be notified of both accepted and excluded lots. The Volume Builder Coordinator will supply a subdivision zoning review sheet to the builder. The builder is to review and sign this review sheet prior to the submission of any residential permit applications for the applicable subdivision. The builder must submit all residential permit application requirements to receive approval for a building permit.~~

- a) Master Set review, Program setup fees, and all required preliminary documents must be complete and approved prior to application for building permit under the Volume Builder program.
- b) The builder must submit a completed Volume Builder Residential Permit Application including all application requirements to receive approval for a building permit.

#### 4.5.8 - On Line Submittal Process: Permit Application Review

- a) Residential Review staff will review permit applications for application completeness and presence of an engineer sealed foundation plan.
- b) Volume Builder Program participant is responsible for submitting all required documents including plan sets that match the approved Master Set. Deficiencies identified in the field will be returned for a revision to the permit set and include all applicable revision fees.
- c) Flipped or mirrored construction plans will not be accepted in plan review.

~~Builder will log into the City database and create a Plan Review on line. Builder will enter all applicable building data and other applicable information. Once entered, the builder will attach the following to the Plan Review folder:~~

- a) ~~Completed Volume Builder Residential Permit Application~~

- b) ~~Scaled plot plan on letter or legal size paper~~
- e) ~~Approved Tree Ordinance Review Application (if applicable)~~
- d) ~~SMART HOUSING certification letter (if applicable)~~
- e) ~~Approved Electric Service Plan Application form~~

4.5.9 - The plot plan shall include the following information: Audit Process

- a) Residential Review will audit permit applications at intervals determined by the Program Coordinator, or their designee.
- b) The audit will include comparison of the permit set to the approved Master Set, comparison of application data to permit set, and review for zoning compliance including impervious cover, building coverage and setbacks. Additional review may be performed at the discretion of the Program Coordinator, or their designee.
- b) The builder will be removed from the program through the remainder of the calendar year for all participating subdivisions and/or site plans if major errors are found on 5% or more, not to exceed 10, of the dwelling units approved for permit during the calendar year. Errors may be identified during the audit or inspections process. Program fees will not be refunded. Major errors include but are not limited to zoning violations, building code violations, flipped or mirrored plans, constructing a house that was not included with the approved Master Set, or other major compliance error as determined by the Program Coordinator. Builder will be notified when each error is documented. All applications for the remainder of the calendar year shall be submitted through the standard residential permitting process.
- a) ~~legal description of lot and assigned address~~
- b) ~~stamp indicating plot plan is determining factor in COA review process~~
- e) ~~plan number or identifying code for the proposed structure~~
- d) ~~all property lines, setbacks, easements, and adjoining rights-of-way~~
- e) ~~trees greater than 19" in diameter, 4' from the base~~
- f) ~~proposed structures with roof overhangs shown (dashed)~~
- g) ~~driveways, A/C pads, and other improvements~~
- h) ~~city sidewalks (if applicable)~~
- i) ~~curb inlets and manholes (if located on or within 10' of the property frontage)~~

4.5.10 - Review Times

See Building Criteria Manual Section 15.7 for standard review times. An expedited review time for the Volume Builder program will be set administratively. Volume Builder Program review

times apply to reviews performed by Residential Review only and not ad-hoc reviews which may be required for some properties such as Tree, Historic, Flood Plan, or other reviews.

~~Should the on-line submittal system not be available, 2 hard copies of the preceding items should be sent in to Residential Review for processing.~~

#### 4.5.11 - Inspections

- a) Participation in this program does not change the inspection process.
- b) Once the permit is received, the permit and a stamped plot plan should be kept on the job site.
- c) Inspectors will not accept flipped or mirrored construction plans in the field.

~~Participation in this program does not change the inspection process. Inspections should still be scheduled by calling the IVR system at (512) 480-0623. If you do not have an IVR PIN, please call 978-4000.~~

#### 4.5.12 - Fees

- a) Payment of program setup fee is required prior to submittal of Master Sets.
- b) Payment of review fees is required prior to permit application review and processing.
- c) Payment of building permit fees is required prior to issuance of a building permit.

#### 4.5.13 - Revisions

~~Once the permit is received, the permit and a stamped plot plan should be kept on the job site.~~

#### 4.5.14

~~Inspectors will not accept flipped or mirrored construction plans in the field.~~

#### 4.5.15

Should a previously permitted plan need a revision, the builder must sign in to see a residential reviewer and update the application as necessary, including updated plot plans, coverage information, updated building plans, updated structural drawings, or other applicable changes.

#### 4.5.1614 - Other

Model homes, ~~construction trailers~~, and other non-residential uses ~~should~~ shall be submitted through the standard residential permitting process. Temporary construction trailers that will be used as a sales office do not require review and may obtain a building permit directly from the Service Center. Other temporary construction trailers do not require a building permit but must obtain an electrical permit from the Service Center.