

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CITY CODE TITLE 25 RELATING TO LAND DEVELOPMENT APPLICATION PROCESSES, APPEALS, REQUIRED DOCUMENTATION, APPROVAL DEADLINES AND SUBDIVISION REGULATIONS FOR LOTS AND STREETS; WAIVING REQUIREMENTS OF CITY CODE SECTIONS 25-1-501 AND 25-1-502; AND DECLARING AN EMERGENCY.**

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

**PART 1.** Subsection (28) of City Code Section 25-1-21 (*Definitions*) is deleted in its entirety and the remaining definitions are renumbered accordingly.

**PART 2.** City Code Section 25-1-46 (*Land Use Commission*) is amended to read as follows:

**§ 25-1-46 LAND USE COMMISSION.**

- (A) The Planning Commission or the Zoning and Platting Commission may act as the Land Use Commission, as prescribed by this section.
- (B) The Planning Commission or the Zoning and Platting Commission may act as the Land Use Commission to consider an appeal for a disapproval of an application for preliminary plan[,] or plat[,] ~~or subdivision construction plan~~. The determination of which commission shall act as the Land Use Commission for a particular preliminary plan[,] plat[,] ~~or subdivision construction plan~~ application shall be made by the director based on agenda management considerations. Regardless of the initial determination, either Commission may act as the land use commission for subsequent consideration of the application.
- ~~[(C) Except as provided in Subsection B, a determination of which commission shall act as the land use commission to consider a particular application is made on the date that the application is filed. After the determination is made, the designated commission continues to act as the land use commission until the application is approved or denied.]~~
- ~~(C)~~ (D) ~~[Except as provided in Subsection B,]~~ T~~h~~e Zoning and Platting Commission shall act as the Land Use Commission for all applications, except as provided in Subsection ~~(D)~~ (E).

1 (D[E]) Except as provided in Subsection (B), the Planning Commission shall act as  
2 the land use commission for property that is wholly or partly within:

- 3
- 4 (1) the boundaries of a neighborhood plan that the council has adopted as a  
5 component of the comprehensive plan;
- 6
- 7 (2) the former Robert Mueller Municipal Airport site;
- 8
- 9 (3) a transit oriented development (TOD) district;
- 10
- 11 (4) the old Enfield neighborhood planning area; or
- 12
- 13 (5) the boundaries of a proposed neighborhood plan that the Planning  
14 Commission is considering as an amendment to the comprehensive  
15 plan. In this subsection, Planning Commission consideration of a  
16 proposed neighborhood plan:
- 17
- 18 (a) begins on the effective date of a council resolution or ordinance  
19 directing the Planning Commission to consider a neighborhood  
20 plan for an identified area; and
- 21
- 22 (b) ends on the date that the council adopts or rejects the proposed  
23 neighborhood plan or withdraws its directive to the Planning  
24 Commission to consider a neighborhood plan for the area.(F)A  
25 liaison committee of the Planning Commission and the Zoning  
26 and Platting Commission is established. The chair of each  
27 commission shall appoint two commission members to serve on  
28 the committee. The committee shall meet regularly to exchange  
29 information relating to the commissions and make  
30 recommendations to the commissions on common policies,  
31 objectives, issues, and activities.
- 32

33 **PART 3.** Subsections (D) and (E) of City Code Section 25-1-61 (*Order of Process*) are  
34 amended to read as follows:

35

- 36 (D) An applicant may concurrently file subdivision, site plan, and building permit  
37 applications, if:
- 38 (1) no zoning or rezoning is required or requested; and[-]

(2) the site plan has been certified as complete under Section 25-1-82 (*Non-Subdivision Application Requirements and Expiration*).

(E) The director may authorize concurrent review of applications for subdivision development under the following circumstances:

(1) Plat and preliminary plan if the director determines that the application for the preliminary plan only has ~~[is substantially complete and]~~ outstanding deficiencies that are of an administrative nature that will not require significant changes to the layout or design of the subdivision.

(2) Plat and subdivision construction plan if:

(a) the preliminary plan has been approved; ~~and~~

(b) the director determines that the application for the preliminary plan only has ~~[is substantially complete and]~~ outstanding deficiencies that are of an administrative nature that will not require significant changes to the layout or design of the subdivision; ~~and~~[-]

(c) the subdivision construction plan has been certified complete under Section 25-1-84 (*Subdivision Construction Application Requirements and Expiration*).

**PART 4.** Subsection (B) of City Code Section 25-1-63 (*Project Assessment*) is amended to read as follows:

(B) A project assessment may be submitted ~~[is required]~~ before submitting an application if the application as designed requires consideration of discretionary approvals such as:

(1) A variance or waiver from a provision in Title 25 or Title 30;

(2) A variance or waiver from criteria manuals adopted to implement the provisions of Title 25 or Title 30;

(3) An alternative method of compliance allowed under Title 25, Title 30, or the associated criteria manuals;

- 1 (4) A recommendation from an advisory board or commission; or
- 2
- 3 (5) Other discretionary considerations as specified by rule.
- 4

5 **PART 5.** The following sections of the City Code are renumbered as follows:

6

- 7 (1) City Code Section 25-1-65 (*Transfer of Permit or Approval*) is
- 8 renumbered to Section 25-1-66.
- 9
- 10 (2) City Code Section 25-1-64 (*Disapproval and Denial*) is renumbered to
- 11 Section 25-1-65.
- 12

13 **PART 6.** City Code Chapter 25-1 (*General Requirements and Procedures*) is amended to

14 add a new Section 25-1-64 to read as follows:

15

16 **§ 25-1-64 ACTION ON AN APPLICATION; DEADLINE.**

17

- 18 (A) The director shall grant or deny an application for a permit or approval
- 19 required by this title within the timeframe established by state law.
- 20
- 21 (B) Nothing in this section limits any exceptions to the deadlines provided for in
- 22 state law.
- 23

24 **PART 7.** City Code Section 25-1-65 (*Disapproval and Denial*) is amended to read as

25 follows:

26

27 **§ 25-1-65 UPDATES PERMITTED AFTER APPLICATION IS DENIED**

28 **[DISAPPROVAL AND DENIAL].**

29

- 30 (A) This section does not apply to an application for a preliminary plan[, or plat,
- 31 ~~or subdivision construction plan~~]. An application that is denied under Section
- 32 25-1-64 (*Action on an Application; Deadline*) ~~[disapproved]~~ may be updated
- 33 and resubmitted for review before the application ~~[update deadline]~~ expires.
- 34 An applicant may update the application in accordance with the timelines
- 35 adopted under Section 25-1-82 (*Non-Subdivision Application Requirements*
- 36 and Expiration) and Section 25-1-84 (*Subdivision Construction Plan*
- 37 Application Requirements and Expiration). ~~[A disapproved application that is~~
- 38 ~~not updated is denied when the update deadline expires. An application that~~
- 39 ~~does not comply with the requirement of the City Code on the update deadline~~
- 40 ~~is denied.]~~

- (B) If an updated application fails to comply with the requirements of this title, the director may provide a report to the applicant that specifies the reasons why the updated application does not meet the requirements. A comment included in this report is not a final decision on the update application.
- (C) If a subdivision construction plan has been conditionally approved, the conditions must be satisfied before the application expires.
- (D[B]) An application that is expired ~~[denied]~~ may not be updated. A new application is required.

**PART 8.** City Code Section 25-1-82 (*Non-Subdivision Application Requirements and Expiration*) is amended to read as follows:

**§ 25-1-82 - NON-SUBDIVISION APPLICATION REQUIREMENTS AND EXPIRATION.**

This section does not apply to an application for preliminary plan, plat, or subdivision construction plan.

- (A) The responsible director may adopt rules establishing the requirements for an application, including timelines for completing staff review and deadlines by which an application must be updated to meet the requirements of this title and other applicable regulations. The rules adopted must be consistent with the timelines for action established in Section 25-1-64 (*Action on an Application; Deadline*). ~~[An application expires unless it is approved on or before the deadline established by the director under this section.]~~
- (B) The responsible director or building official may permit an applicant to omit required information from an application that the responsible director or building official determines is not material to a decision on the application. An applicant who disagrees with a determination under this subsection may appeal the decision to the city manager.
- (C) The director is authorized to certify a site plan application if it complies with this subsection.
- (1) An application is complete after the applicant pays the required fee and provides the information required to be included in the application no later than the 45th day after the application is submitted.

1           (2)   When the director rejects an application as incomplete, the director shall  
2           provide an applicant with a written explanation that identifies the  
3           deficiencies and information needed to complete the application. The  
4           director must provide the written explanation within 10 working days  
5           after the application is received.

6  
7           (3)   An application expires if it is not complete on or before the 45th day after  
8           the application is submitted. An applicant may submit additional  
9           information and correct any deficiencies at any time before the 45<sup>th</sup> day  
10           after the application was submitted.

11  
12           (4)   A certification that the site plan application is administratively complete  
13           is valid for 45 days after the certification has been issued.

14  
15       (D)   The director is authorized to review a site plan application if the applicant pays  
16       the required fee and the site application has a valid certification of  
17       completeness. If the application has not yet been certified, the certification is no  
18       longer valid, or the submitted site plan does not match the certified materials,  
19       the director may not review the application but shall provide the applicant a  
20       written explanation that identifies the deficiencies within 10 working days after  
21       application is received.

22  
23       (E[€]) The responsible director or building official may not accept a[~~an~~] building or  
24       demolition application described in Chapter 25-11, Article 2 (*Building and*  
25       *Demolition Permits*) unless the application is determined to be complete in  
26       accordance with this subsection.

27  
28           (1)   The responsible director or building official shall accept an application  
29           as complete if the applicant has paid the required fee and provided the  
30           information required to be included in the application no later than the  
31           45th day after the application is submitted.

32  
33           (2)   When the responsible director or building official rejects [If] an  
34           application [is rejected] as incomplete, the responsible director or  
35           building official shall provide an applicant with a written explanation  
36           that identifies [identifying] the deficiencies and information needed  
37           [required] to complete the application. The responsible director or  
38           building official must provide the written explanation within 10  
39           working days after the application is received. [receipt of the  
40           application]

(3) An application expires if it is not complete on or before the 45th day after the application is submitted. An applicant may submit an update to provide additional information and to correct deficiencies at any time before the application expires.

(F) An application for a site plan expires one year after the application is submitted unless the application has been approved.

(G[D]) In establishing application deadlines under Subsection (A) of this section, the director shall provide that no application for which notice is required under Section 25-1-712, (*Tenant Notification Required*) may be approved or posted for public hearing until after the required notification period.

**PART 9.** City Code Section 25-1-83 (*Subdivision Application Requirements and Expiration*) is amended to read as follows:

**§ 25-1-83 PRELIMINARY PLAN OR PLAT [SUBDIVISION] APPLICATION REQUIREMENTS AND EXPIRATION.**

This section applies only to an application for preliminary plan[, or plat.], ~~or subdivision construction plan.~~

(A) The responsible director may adopt rules establishing the requirements for an application, including timelines for completing staff review as well as when an application may be updated to meet the requirements of this title and other applicable regulations. The rules adopted must be in accordance with the timelines for action established within Section 25-4-32 (Action Within 30 Days).

(B) An application for preliminary plan or plat expires 180[90] days after the application is filed [~~accepted~~] unless the application has been approved.

~~[(C) An application for subdivision construction plan expires one year after the application is accepted unless the application has been approved.]~~

(C[D]) An application that has been disapproved with reasons may be updated to address those reasons until the application expires.

(D[E]) The responsible director may permit an applicant to omit required information from an application that the responsible director determines is not material to a decision on the application.

1 (E[F]) The responsible director shall consider an [accept] an application filed only if  
2 the applicant has paid the required fee and provided the [required] information  
3 required by the director consistent with state law.~~[, which includes:]~~  
4

- 5 (1) The applicant has 45 days to provide all the information required by the  
6 directory after the application is submitted.  
7  
8 (2) If an application is rejected as incomplete, the responsible director or  
9 building official shall provide the applicant a written explanation  
10 identifying the deficiencies and the information required to complete  
11 the application 10 working days after the application is received.  
12  
13 (3) An application expires if it is not complete on or before the 45th day  
14 after the application is submitted. An applicant may submit an update to  
15 provide additional information and to correct deficiencies at any time  
16 before the application expires.  
17

18 ~~(1) — information regarding vested rights;~~

19 ~~(2) — information regarding zoning;~~

20 ~~(3) — information regarding transportation;~~

21 ~~(4) — information regarding utility service;~~

22 ~~(5) — information regarding requested variances or waivers;~~

23 ~~(6) — information regarding floodplain delineation or modifications;~~

24 ~~(7) — information regarding parkland dedication;~~

25 ~~(8) — information regarding fiscal; and~~

26 ~~(9) — information regarding real estate documents that may be required based~~  
27 ~~on the design of the proposed development.]~~  
28  
29  
30  
31  
32  
33

34 **PART 10.** The following sections of the City Code are renumbered as follows:  
35  
36

- 37 (1) Section 25-1-90 (*Tolling of an Application Period*) is renumbered to be  
38 Section 25-1-91.  
39  
40  
41



- 1 (2) Section 25-1-89 (*Extension of Update Deadline*) is renumbered to be  
2 Section 25-1-90.
- 3
- 4 (3) Section 25-1-88 (*Extension of Review Period*) is renumbered to be  
5 Section 25-1-89.
- 6
- 7 (4) Section 25-1-87 (*Board and Commission Schedule*) is renumbered to be  
8 Section 25-1-88.
- 9
- 10 (5) Section 25-1-86 (*Sequence of Review*) is renumbered to be Section 25-  
11 1-87.
- 12
- 13 (6) Section 25-1-85 (*Processing Cycles*) is renumbered to be Section 25-1-  
14 86.
- 15
- 16 (7) Section 25-1-84 (*Applications Relating to a Closed Municipal Solid*  
17 *Waste Landfill*) is renumbered to be Section 25-1-85.
- 18

19 **PART 11.** City Code Chapter 25-1 (*General Requirements and Procedures*) is amended to  
20 add a new Section 25-1-84 to read as follows:

21

22 **§ 25-1-84 SUBDIVISION CONSTRUCTION PLAN APPLICATION**  
23 **REQUIREMENTS AND EXPIRATION.**

24

- 25 (A) The responsible director may adopt rules establishing the requirements for a  
26 subdivision construction plan application, including timelines for completing  
27 staff review as well as when an application may be updated to meet the  
28 requirements of this title and other applicable regulations.
- 29
- 30 (B) The director is authorized to certify a subdivision construction plan as  
31 complete if it complies with this subsection. .
- 32
- 33 (1) An application is complete if the applicant has paid the required fee and  
34 provided the information required to be included in the application no  
35 later than the 45th day after it was submitted. The responsible director  
36 may permit an applicant to omit required information from an  
37 application that the responsible director determines is not material to a  
38 decision on the application.
- 39

- 1 (2) When the director rejects an application as incomplete, the director  
2 shall provide an applicant with a written explanation that identifies the  
3 deficiencies and information needed to complete the application. The  
4 director must provide the written explanation within 10 working days  
5 after the application is received.  
6  
7 (3) An application expires if it is not complete on or before the 45th day  
8 after the application is submitted. An applicant may submit an update to  
9 provide additional information and correct any deficiencies at any time  
10 before the 45th day.  
11  
12 (4) A certification that the subdivision construction application is  
13 administratively complete is valid for 45 days after the certification has  
14 been issued.  
15  
16 (C) The director is authorized to review the subdivision construction plan  
17 application if the applicant pays the required fee and the application has a  
18 valid certification of completeness. If the application has not yet been  
19 certified, the certification is no longer valid, or the submitted application does  
20 not match the certified materials, the director will not review the application  
21 but shall provide the applicant a written explanation identifying the  
22 deficiencies 10 working days after the application is received.  
23  
24 (D) An application for subdivision construction plan expires one year after the  
25 application is submitted unless the application has been approved.  
26

27 **PART 12.** City Code Section 25-1-87 (*Sequence of Review*) is amended to read as  
28 follows:  
29

30 **§ 25-1-87 SEQUENCE OF REVIEW.**  
31

32 ~~[(A) An application for a preliminary plan or plat shall be placed on a Land Use~~  
33 ~~Commission agenda not later than the 30th day after the director has accepted~~  
34 ~~an application.]~~  
35

36 ~~(A[B])~~ ~~[Except as provided in Subsection (A),]~~ A~~[a]~~n application may not be placed  
37 on a board or commission agenda unless staff review is finished and a staff  
38 recommendation is available for board or commission consideration. This  
39 requirement does not apply if staff review is not finished by the deadline  
40 prescribed by this title.  
41

1 (B)(C))~~[Except as provided in Subsection (A),]~~ A[a]n application may not be placed  
2 on the Land Use Commission or council agenda unless recommendations  
3 from all other boards and commissions required to review the application are  
4 available for Land Use Commission or council consideration. The responsible  
5 director may waive this requirement if the responsible director determines  
6 that:

- 7
- 8 (1) a board or commission did not review the application in a reasonable  
9 period of time; and
- 10
- 11 (2) the delay is attributable to the board or commission and not the  
12 applicant.

13

14 **PART 13.** City Code Section 25-1-89 (*Extension of Review Period*) is amended to read as  
15 follows:

16

17 **§ 25-1-89 EXTENSION OF REVIEW PERIOD FOR PRELIMINARY PLANS AND**  
18 **PLATS.**

19

20 ~~[This section does not apply to an application for preliminary plan, plat, or subdivision~~  
21 ~~construction plan. For all other development applications:]~~

- 22
- 23 (A) For preliminary plan and plat applications, the director ~~[The responsible~~  
24 ~~director or building official]~~ may extend the review period one time if the  
25 applicant submits a written request for an extension before the time limitations  
26 in Section 25-4-32 (*Action Within 30 Days*). ~~[The applicant must agree to an~~  
27 ~~extension period that exceeds the length of the original review period.]~~
- 28
- 29 (B) The director shall approve, approve with conditions or disapprove an  
30 application for a preliminary plan or plat no later than the expiration of the  
31 extended review period. ~~[The responsible director shall give notice under~~  
32 ~~Section 25-1-133(B) (*Notice of Applications and Administrative Decisions*) of~~  
33 ~~an extension of a review period.]~~
- 34
- 35 ~~[(C) If staff review is not finished at the expiration of an extended review period,~~  
36 ~~the responsible director shall move an application to the next phase of process~~  
37 ~~with the notation that staff review is not finished.]~~
- 38
- 39
- 40

**PART 14.** City Code Section 25-1-90 (*Tolling of Application Period*) is amended to read as following:

**§ 25-1-90 - TOLLING OF APPLICATION PERIOD.**

~~[This section does not apply to a preliminary plan, plat, or subdivision construction plan. For all other development applications:]~~

- (A) This section establishes a "stop the clock" provision tolling the expiration period for an application that requires discretionary review by the Land Use Commission, Board of Adjustment, or city council.
- (B) The expiration of an application ~~[A deadline established by the director under Section 25-1-82 (Non-Subdivision Application Requirements and Expiration) or obtaining approval of an application]~~ is tolled if, prior to expiration of the application, the director determines that approval of the application requires:
- ~~[(1) approval of the application requires:]~~
- ~~(1[a])~~ discretionary review, as authorized under this title, by the Land Use Commission, Board of Adjustment, or city council, other than a zoning change or code amendment; and
- ~~(2[b])~~ the application meets all other requirements for approval, except for payment of fees, posting fiscal surety, and other code requirements as determined by the director under Section 25-1-82 (*Non-Subdivision Application Requirements and Expiration*), 25-1-83 (*Preliminary Plan or Plat Application Requirements and Expiration*), or 25-1-84 (*Subdivision Construction Plan Application and Requirements*).~~[:or]~~
- ~~[(2) the applicant has provided a 120 or 270 day notification to tenants of a multi-family building or mobile home park, as required by Section 25-1-712 (Tenant Notification Required).]~~
- (C) If an applicant obtains all required discretionary approvals from the Land Use Commission, Board of Adjustment, or city council, any additional updates ~~[required for approval]~~ of the application must be submitted no later than ~~60[120]~~ working days after the date of the approval. An application expires if the applicant does not comply with this deadline.

- 1 (D) An application expires if the Land Use Commission, Board of Adjustment, or  
2 city council denies a required discretionary approval or fails to take action  
3 after considering the matter at a public hearing.  
4
- 5 (E) If expiration of an application is tolled under this section pending required  
6 approval by the Land Use Commission, Board of Adjustment, or city council,  
7 the expiration period for all other applications associated with the same  
8 project is also tolled.  
9

10 **PART 15.** City Code Section 25-1-181 (*Standing to Appeal*) is amended to read as  
11 follows:  
12

13 **§ 25-1-181 - STANDING TO APPEAL.**  
14

- 15 (A) A person has standing to appeal a decision if:  
16
- 17 (1) the person is an interested party or has standing to appeal under  
18 applicable provisions of state law; and
  - 19 (2) a provision of this title or state law identifies the decision as one that  
20 may be appealed by that person.  
21
- 22
- 23 (B) A body holding a public hearing on an appeal shall determine whether a  
24 person has standing to appeal the decision.  
25

26 **PART 16.** City Code Section 25-1-182 (*Initiating an Appeal*) is amended to read as  
27 follows:  
28

29 **§ 25-1-182 INITIATING AN APPEAL.**  
30

- 31 (A) An interested party or a person who has standing to appeal under applicable  
32 provisions of state law may initiate an appeal by filing a notice of appeal with  
33 the responsible director or building official, as applicable, not later than:  
34
- 35 (1) the 14th day after the date of the decision of a board or commission; or
  - 36 (2) the 20th day after an administrative decision; or
  - 37 (3) for an appeal authorized under state law, the date specified by state law.  
38  
39  
40

**PART 17.** City Code Section 25-4-30 (*Identification of Municipal Authority*) is amended to read as follows:

**§ 25-4-30 IDENTIFICATION OF MUNICIPAL AUTHORITY.**

[(A)] The municipal authority for review of a preliminary plan,~~and~~ plat, and subdivision construction plan is the director [~~Land Use Commission~~].

[(B)] ~~The municipal authority for review of a subdivision construction plan is the director.]~~

**PART 18.** City Code Section 25-4-32 (*Action within 30 Days*) is amended to read as follows:

**§ 25-4-32 ACTION WITHIN 30 DAYS.**

(A) The requirements of this section are mandated by state law and supersede any contrary provisions of the City Code.

(B) The director shall approve, approve with conditions, or disapprove with reasons [~~schedule~~] an application for preliminary plan or plat approval [~~for consideration by the Land Use Commission~~] not later than the 30th day after the application is filed unless the director has approved a written request from the applicant to extend the initial review period pursuant to Section 25-1-89 (*Extension of Review Period*) [~~accepted~~].

[(C)] ~~The director shall either approve or approve with conditions an application for minor plats or certain replats pursuant to Section 25-4-33 (*Administrative Approval of Certain Subdivision Application*), or schedule the application for Land Use Commission to approve, approve with conditions, or disapprove with reasons not later than the 30th day after the application is accepted.]~~

[(D)] ~~The director shall either approve, approve with conditions, or disapprove with reasons an application for subdivision construction plan not later than the 30th day after the application is accepted.~~

(C[~~E~~]) A condition for approval or reason for disapproval must be in writing and may not be arbitrary. The condition or reason must:

- (1) be directly related to requirements adopted under Texas Local Government Code Chapter 212 Subchapter A (*Regulation of Subdivisions*); and
- (2) include a citation to the law, including a statute or municipal ordinance, that is the basis for the condition for approval or reason for disapproval.

~~[(F) Except as provided in Subsection (C), the Land Use Commission shall approve, approve with conditions, or disapprove with reasons an application for preliminary plan or plat not later than the 30th day after the application is accepted.]~~

~~[(D)(G)] If the director fails to comply with Subsection (B)[(C) or (D)], or the Land Use Commission fails to comply with Subsection (E)], the application for preliminary plan or [;] plat[, or subdivision construction plan] is approved by operation of law, unless the deadline [time] for action has been [is] extended pursuant to Section 25-1-89 (*Extension of Review Period*) [by the Land Use Commission upon written request by the applicant, filed 7 days before the Land Use Commission is scheduled to act].~~

**PART 19.** City Code Section 25-4-33 (*Administrative Approval of Certain Subdivision Applications*) is repealed and replaced to read as follows:

**§ 25-4-33 APPEAL OF DISAPPROVAL OF PRELIMINARY PLAN AND PLAT.**

If the director disapproves the preliminary plan or plat, the applicant can appeal the director's decision to the Land Use Commission or city council.

**PART 20.** City Code Section 25-4-34 (*Original Tract Requirement*) is amended to read as follows:

**§ 25-4-34 ORIGINAL TRACT REQUIREMENT.**

(A) An original tract is a tract that:

- (1) is a legal lot or tract; or
- (2) was a legal lot or tract before being subdivided in violation of ordinance requirements.

1 (B) An applicant shall include all land in the original tract in an application for  
2 preliminary plan or plat approval.  
3

4 ~~[(C) The Land Use Commission may waive the requirement of Subsection (B) if~~  
5 ~~the Land Use Commission determines that the requirement is impractical or~~  
6 ~~imposes an unreasonable hardship on the applicant.]~~  
7

8 (C[D]) The director may waive the requirement of Subsection (B) if the director  
9 determines that:

- 10
- 11 (1) subdividing only a portion of the original tract will not substantially  
12 impair the orderly planning of roads, utilities, drainage, and other public  
13 facilities;  
14
- 15 (2) the portion of the original tract contiguous to the area to be subdivided  
16 has direct access to a public street, or the applicant has provided access  
17 to a public street by dedicating right-of-way at least 50 feet wide;  
18
- 19 (3) a reasonable use of the balance of the original tract is possible; and  
20
- 21 (4) the applicant has mailed, by certified mail, to all owners of land that is a  
22 portion of the original tract and contiguous to the land included in the  
23 application a request that each owner provide written confirmation to  
24 the director that:  
25
- 26 (a) the owner's land is not a legal lot or tract; and  
27
- 28 (b) the owner must plat the land before the City may approve a  
29 development permit or a utility company may provide initial or  
30 additional service.  
31

32 (D[E]) In making a determination under Subsection (C[D])(3) that a reasonable use  
33 of the balance of the original tract is possible, the director may require that the  
34 applicant provide a schematic land plan of the balance of the original tract.  
35 The director may not require that the applicant provide detailed engineering  
36 information.  
37

38 (E[F]) An applicant who satisfies the requirement of Subsection (C[D])(2) by  
39 dedicating right-of-way to provide access to a public street is not required to  
40 construct improvements within the right-of-way.  
41



**PART 21.** City Code Section 25-4-35 (*Board and Commission Review of Requests Associated with Subdivision Application*) is amended to read as follows:

**§ 25-4-35 BOARD AND COMMISSION REVIEW OF REQUESTS ASSOCIATED WITH SUBDIVISION APPLICATION.**

- (A) The director shall determine~~[, as part of a project assessment under Section 25-1-63 (*Project Assessment*),]~~ whether board or commission review of a request associated with an application for preliminary plan or plat approval is required under this section. The director shall schedule an associated request for board or commission review on the earliest available date.
- (B) The following board or commission must review an associated request before the director or Land Use Commission may consider the application or the associated request:
- (1) the Urban Transportation Commission and the Environmental Board shall review a request for an amendment to the Transportation Plan;
  - (2) the Water and Wastewater Commission and, if requested by the city council, the Environmental Board shall review a request for an amendment to the city's water or wastewater service area boundary; and
  - (3) the Water and Wastewater Commission shall review a request for City cost participation in construction of water or wastewater facilities.

**PART 22.** City Code Section 25-4-36 (*Variance Filing and Consideration*) is amended to read as follows:

**§ 25-4-36 VARIANCE FILING AND CONSIDERATION.**

- (A) If an application for a preliminary plan or plat requires a variance from a subdivision requirement, a [A]n applicant is required to obtain approval for the variance before [shall file an application for a variance from a subdivision requirement when] the applicant submits the [an] application [for preliminary plan, approval, or if a preliminary plan is not required, when the applicant files an application for] plat, or the director can approve a subdivision construction plan. [approval. The director shall accept an application associated with a preliminary plan, plat, or subdivision construction plan, only if a project assessment has been complete.]

1 (~~[B]~~ The Land Use Commission shall concurrently consider an application for a  
2 variance and an application for a preliminary plan or plat approval.]  
3

4 (~~[B]~~[C]) The requirement of Section 25-1-214 (*Public Hearing and Notice*) that the  
5 Land Use Commission hold a public hearing not later than 45 days after the  
6 date an application for a variance is filed does not apply to an application for a  
7 variance from a subdivision requirement.  
8

9 **PART 23.** City Code Section 25-4-38 (*Infrastructure Construction or Fiscal Security for*  
10 *Plat Approval*) is amended to read as follows:  
11

12 **§ 25-4-38 INFRASTRUCTURE CONSTRUCTION OR FISCAL SECURITY FOR**  
13 **PLAT APPROVAL.**  
14

15 (A) Before the director [~~Land Use Commission or council~~] may approve a plat,  
16 the subdivider shall:  
17

- 18 (1) construct the streets, utilities, and drainage facilities in compliance with  
19 the requirements of this title; or  
20 (2) provide fiscal security under Section 25-1-112 (*Fiscal Security*) for  
21 subdivision improvements that serve the public interest [~~as determined~~  
22 ~~under Subsection (B) and (C)~~].  
23

24 [~~(B)~~ After receiving the recommendation of the director, the Land Use  
25 Commission shall determine the subdivision improvements that serve the  
26 public interest, except as provided in Subsection (C).]  
27

28 [~~(C)~~ If the council may approve a plat, after receiving the recommendation of the  
29 director, the council shall determine the subdivision improvements that serve  
30 the public interest.]  
31

32 (~~[B]~~[D]) Fiscal security provided under this section may be used by the City to  
33 construct the subdivision improvements that serve the public interest.  
34

35 **PART 24.** City Code Section 25-4-40 (*Action in 15 Days After Applicant Response*) is  
36 amended to read as follows:  
37

38 **§ 25-4-40 ACTION IN 15 DAYS AFTER APPLICANT RESPONSE.**  
39

40 (A) The requirements of this section are mandated by state law and supersede any  
41 contrary provisions of the City Code.

- 1 (B) In this section, applicant response means the information provided by the  
2 applicant to the director to address the conditions of approval or reasons for  
3 disapproval of an application for preliminary plan, plat, or subdivision  
4 construction plan.  
5
- 6 (C) An applicant response:  
7
- 8 (1) must adequately address each condition of approval or reason for the  
9 disapproval;
  - 10 (2) must include only changes only as necessary to address the condition of  
11 approval or reason for disapproval; and
  - 12 (3) may not include substantial changes unrelated to the condition of  
13 approval or reason for disapproval.
- 14 (D) Upon receipt of an applicant response to a preliminary plan or plat application  
15 that requires Land Use Commission consideration, the director shall:  
16
- 17 (1) determine if the applicant response meets the requirements in  
18 Subsection (C), and
  - 19 (2) schedule the application for consideration by the Land Use Commission  
20 not later than the 15th day after the applicant response was submitted.
- 21 (E) Upon receipt of an applicant response to a preliminary plan or plat ~~[or replat~~  
22 ~~subject to administrative approval under Section 25-4-33 (Administrative~~  
23 ~~Approval of Certain Subdivision Application)]~~ the director shall:  
24
- 25 (1) determine if the applicant response meets the requirements in  
26 Subsection (C), and
  - 27 (2) approve, [or] approve with conditions, or disapprove with reasons, the  
28 preliminary plan or plat [or replat] not later than 15 days after the  
29 applicant response was submitted.~~[; or]~~
  - 30 ~~[(3) schedule the plat or replat for Land Use Commission to approve,~~  
31 ~~approve with conditions, or disapprove with reasons not later than the~~  
32 ~~15th day after the Applicant Response is submitted.]~~
- 33  
34  
35  
36  
37  
38  
39  
40

1       ~~[(F)]~~ Upon receipt of an applicant response to a subdivision construction plan, the  
2       director shall:

3  
4       (1) ~~determine if the applicant response meets the requirements in~~  
5       ~~Subsection (C), and~~

6  
7       (2) ~~approve, approve with conditions, or disapprove with reasons no later~~  
8       ~~than 15 days after the applicant response was submitted.]~~

9  
10       (F[G]) If the applicant response as submitted complies with the provisions of  
11       Subsection (C), and the ~~[Land Use Commission or the]~~ director fails to  
12       comply with the time limits for action in this section, the application for  
13       preliminary plan[, or plat[, or subdivision construction plan] is approved by  
14       operation of law.

15  
16       **PART 25.** City Code Section 25-4-56 (*Staff Review of Application for Preliminary Review*  
17       *Approval*) is amended to read as follows:

18  
19       **§ 25-4-56 STAFF REVIEW OF APPLICATION FOR PRELIMINARY PLAN**  
20       **APPROVAL.**

- 21  
22       (A) The director shall promptly deliver a copy of an application for preliminary  
23       plan approval to each reviewing department or agency after the application  
24       has been filed.
- 25  
26       (B) A reviewing department or agency shall prepare and deliver to the director a  
27       written report of comments and recommendations regarding an application for  
28       preliminary plan approval before the expiration of the staff review period  
29       described in this section.
- 30  
31       (C) Staff review period for an application for preliminary plan approval is  
32       established by the director by administrative rule under Section 25-1-83  
33       (*Preliminary Plan or Plat [Subdivision] Application Requirements and*  
34       *Expiration*).
- 35  
36       (D) An applicant may file with the director an update to an application for  
37       preliminary plan approval before expiration of the application.
- 38  
39       (E) The staff review period of an update to an application for preliminary plan  
40       approval is established by the director by administrative rule.
- 41

**PART 26.** City Code Section 25-4-57 (*Commission Action on Preliminary Review Approval*) is amended to read as follows:

**§ 25-4-57 [COMMISSION] ACTION ON PRELIMINARY PLAN.**

The director [~~Land Use Commission~~] is authorized and shall approve an application for preliminary plan approval that complies with the Comprehensive Plan and the requirements of this title.

**PART 27.** City Code Section 25-4-61 (*Changes to an Approved Preliminary Plan*) is repealed and replaced with a new section:

**§ 25-4-61 CHANGES TO AN APPROVED PRELIMINARY PLAN.**

- (A) An applicant can request a change to an approved preliminary plan if:
  - (1) the land affected by the change has not received final plat approval; and
  - (2) all the owners of the land affected by the change are included in the request.
- (B) The director may approve a minor deviation from an approved preliminary plan if the director determines that the minor deviation complies with the requirements of this subsection. An applicant shall identify the proposed minor deviation on a copy of the preliminary plan submitted to the director. A formal application is not required.
  - (1) A minor deviation may not:
    - (a) remove a property restriction or subdivision note;
    - (b) modify a waiver or variance;
    - (c) change an easement, except with the director's approval;
    - (d) increase impervious cover;
    - (e) modify a conservation easement, common area, green space, or other open space shown on the preliminary plan;
    - (f) affect property outside the proposed plat;

- 1  
2 (g) increase the number of lots;  
3  
4 (h) change the use of a lot; or  
5  
6 (i) change the basic street layout.  
7  
8 (2) Except as provided in Subsection (C)(1), a minor deviation may:  
9  
10 (a) change lot size or configuration;  
11  
12 (b) change street width or alignment; or  
13  
14 (c) change a utility or access easement.  
15

- 16 (C) If the requested change does not qualify as a minor deviation, the director can  
17 approve the change if the director determines that the requested change  
18 complies with the requirements of this title.  
19

20 **PART 28.** City Code Section 25-4-82 (*Review of Application for Plat Approval;*  
21 *Expiration*) is amended to read as follows:  
22

23 **§ 25-4-82 REVIEW OF APPLICATION FOR PLAT APPROVAL; EXPIRATION.**  
24

- 25 (A) The director shall promptly deliver a copy of an application for plat approval  
26 to each reviewing department or agency after the application has been filed.  
27  
28 (B) After the application is filed [~~accepted~~], a reviewing department or agency  
29 shall prepare and deliver to the director a written report of comments and  
30 recommendations regarding an application for plat approval not later than the  
31 deadline established by the director under Section 25-1-83 (*Preliminary Plan*  
32 *and Plat* [~~Subdivision~~] *Application Requirements and Expiration*).  
33  
34 (C) After the application is filed [~~accepted~~], the director shall determine whether  
35 an application for plat approval complies with the criteria for approval.  
36  
37 (D) An applicant may file with the director an update to an application for plat  
38 approval before the application expires under the expiration period established  
39 under Section 25-1-83(B)(*Preliminary Plan and Plat* [~~Subdivision~~]  
40 *Application Requirements and Expiration*).  
41

- 1 (E) After an update is filed, the director shall determine whether an update to an  
2 application for plat approval complies with the criteria for approval.  
3

4 **PART 29.** City Code Section 25-4-83 (*Required Acknowledgement*) is amended to read as  
5 follows:  
6

7 **§ 25-4-83 REQUIRED ACKNOWLEDGMENT [~~SCHEDULING OF~~**  
8 **~~APPLICATION FOR PLAT APPROVAL~~].**  
9

10 [~~(A)~~—The director shall schedule an application for plat approval for consideration  
11 by the Land Use Commission, if required, not later than the 30th day after the  
12 application has been accepted for staff review.]  
13

14 [~~(B)~~] The applicant must include the following note on the proposed plat: The owner  
15 of this subdivision and the owner's successors and assigns are responsible for  
16 construction of subdivision improvements that comply with City of Austin  
17 regulations. The owner understands that plat vacation or replatting may be  
18 required, at the owner's expense, if plans to construct this subdivision do not  
19 comply with the regulations. Approval of this subdivision does not guarantee  
20 future approval of variances to the City of Austin regulations that may be  
21 required at later stages of development.  
22

23 [~~(C)~~—After accepting an update to a plat application, the director shall schedule an  
24 application that was previously approved with conditions or disapproved with  
25 reasons for reconsideration by the land use commission not later than the 15th  
26 day after accepting the update.]  
27

28 **PART 30.** City Code Section 25-4-84 (*Plat Approval Authority and Criteria*) is amended  
29 to read as follows:  
30

31 **§ 25-4-84 PLAT APPROVAL AUTHORITY AND CRITERIA.**  
32

33 (A) The director is authorized to approve a plat. [~~Approval authority is as follows:~~

34 (1) ~~The Land Use Commission may approve a plat, except as provided in~~  
35 ~~Subsections (A)(2) and (3).~~  
36

37 (2) ~~The council may approve a plat if an applicant files with the director a~~  
38 ~~request for concurrent consideration by the council of a preliminary~~  
39 ~~plan and a plat.~~  
40  
41

1                   (3) ~~The director may approve a plat:~~

2  
3                   (a) ~~that consists of four or fewer lots fronting on an existing street and~~  
4                   ~~does not create a new street, or is an amending plat described in~~  
5                   ~~Chapter 212 of the Local Government Code;~~

6  
7                   (b) ~~for which water and wastewater service for development on the~~  
8                   ~~proposed lots is immediately available without a service~~  
9                   ~~extension; and (c) for which a variance is not required.]~~

10  
11           (B) The director [~~Land Use Commission, or council~~] shall approve a plat that  
12           complies with the Comprehensive Plan and the requirements of this title.

13  
14           (C) Approval of a plat is conditioned on the applicant's posting the fiscal security  
15           required by this title in the amount determined by the director. After the  
16           director certifies on the plat that the applicant has posted the fiscal security:

17  
18                   (1) the presiding officer of the Land Use Commission shall endorse the plat  
19                   to certify the Land Use Commission's approval;

20  
21                   (2) the Mayor shall endorse the plat to certify the council's approval; or

22                   (3) the director shall endorse the plat to certify the director's approval.

23  
24           (D) Approval of a plat expires on the 90th day after the approval date if the  
25           director has not certified that the applicant has posted fiscal security.

26  
27  
28 **PART 31.** The following sections of the City Code are renumbered as follows:

29  
30                   (1) Section 25-1-103 (*Construction Management and Certification*) is  
31                   renumbered to be Section 25-1-104.

32  
33                   (2) Section 25-1-102 (*Expiration of Subdivision Construction Plan*) is  
34                   renumbered to be Section 25-1-103.

35  
36                   (3) Section 25-1-101 (*Subdivision Construction Plan*) is renumbered to be  
37                   Section 25-1-102.

38  
39                   (4) Section 25-1-100 (*Updates to Application for Subdivision Construction*  
40                   *Plans*) is renumbered to be Section 25-1-101.



**PART 32.** City Code Chapter 25-4 (*Subdivision*) is amended to add a new Section 25-4-100 to read as follows:

**§ 25-4-100 SUBDIVISION CONSTRUCTION PLAN APPROVAL AUTHORITY AND CRITERIA.**

The director shall approve a subdivision construction plan that complies with the Comprehensive Plan and the requirements of this title.

**PART 33.** City Code Section 25-4-101 (*Updates to Application for Subdivision Construction Plans*) is amended to read as follows:

**§ 25-4-101 UPDATES TO APPLICATION FOR SUBDIVISION CONSTRUCTION PLANS.**

An applicant may file an update to a subdivision construction plan application until the underlying application has expired under Section 25-1-84[3] (*Subdivision Construction Plan Application Requirements and Expiration*).

**PART 34.** City Code Section 25-4-101 (*Subdivision Construction Plan*) is amended to rename the section to read as follows:

**§ 25-4-102 RELEASE OF A SUBDIVISION CONSTRUCTION PLAN.**

**PART 35.** Subsection (C) of City Code Section 25-4-132 (*Easements and Alleys*) is amended to read as follows:

- (C) An alley at least 20 feet wide is required to serve a commercial or industrial lot in the area bounded by Town Lake, IH-35, Martin Luther King, Jr. Boulevard, and Lamar Boulevard. If the [The] director of Transportation and Public Works Department [Land Use Commission] determines that the proposed alley adequately meets the requirements of traffic circulation, utility service, topography, and the Comprehensive plan, the director may waive this requirement.

**PART 36.** City Code Section 25-4-151 (*Street Alignment and Connectivity*) is amended to read as follows:

**§ 25-4-151 - STREET ALIGNMENT AND CONNECTIVITY.**

Streets of a new subdivision shall be aligned with and connect to existing streets on adjoining property unless the director of the Transportation and Public Works Department [~~Land Use Commission~~] determines that the Comprehensive Plan, topography, requirements of traffic circulation, or other considerations make it desirable to depart from the alignment or connection.

**PART 37.** City Code Section 25-4-152 (*Dead End Streets*) is amended to read as follows:

**§ 25-4-152 - DEAD-END STREETS.**

- (A) A street may terminate in a cul-de-sac if the director Transportation and Public Works Department determines that the most desirable plan requires laying out a dead-end street.
- (B) The director of the Transportation and Public Works Department may approve [~~Land Use Commission approval is required for~~] a dead-end street more than 2,000 feet long.
- (C) The director of the Transportation and Public Works Department may approve a deviation from the cul-de-sac design described in the Transportation Criteria Manual if the director determines that topography, density, adequate traffic circulation, or unusual conditions necessitate a different design.

**PART 38.** City Code Section 25-4-175 (*Flag Lots*) is renumbered as Section 25-4-177 and is amended to amend Subsection (C) to read as follows:

- (C) For [All] residential subdivisions utilizing a flag lot design, all driveways within the subdivision must be located and designed in a manner that: [must submit a driveway plan and a utility plan for review and approval with the final plat application.
  - (1) provides adequate space for required utilities;
  - (2) complies with the Utilities Criteria Manual;
  - (3) complies with the Drainage Criteria Manual;

- (4) complies with the Fire Code;
- (5) complies with the Plumbing Code; and
- (6) complies with applicable tree preservation requirements detailed in the Environmental Criteria Manual.

**PART 39.** City Code Chapter 25-4 (*Subdivision*) is amended to add a new Section 25-4-176 to read as follows:

#### **§ 25-4-176 USEABLE AREA OF LOTS**

The applicant shall demonstrate that all proposed duplex or single-family lots have usable lot area that can reasonably accommodate the assumed square footage of impervious cover established by Section 25-8-64 (*Impervious Cover Assumptions*). The usable lot area must account for all applicable waterway setbacks, floodplains, steep slopes, grade limitations, critical environmental features, heritage trees, on-site sewage facilities, and other relevant code provisions.

**PART 40.** City Code Section 25-5-112 (*Director's Approval*) is amended to read as follows:

#### **§ 25-5-112 DIRECTOR'S APPROVAL.**

- (A) The director shall approve a proposed site plan if the director determines that the site plan complies with the requirements of this title.
- (B) If the director determines that a proposed site plan does not comply with the requirements of this title, the director shall deny the site plan under 25-1-64 (*Action on an Application; Deadline*).[:
  - (1) ~~disapprove the site plan pending the applicant's filing of an update to the site plan under Section 25-5-113 (Updates); or~~
  - (2) ~~deny the site plan if the time period for filing an update under Section 25-5-113 (Updates) has expired.]~~
- (C) In addition to the other remedies available under state law or this title, i[If the applicant disagrees with [disapproves] director's interpretation or application of a requirement of this title the applicant may appeal to: to the Land Use Commission by filing a written objection with the director. The applicant may

1 appeal the Land Use Commission's decision on an appeal under this  
2 subsection to the council.]

- 3  
4 (1) the Board of Adjustment, if the requirement is a requirement of  
5 Chapter 25-2 (Zoning) or a separately adopted zoning ordinance; or  
6  
7 (2) the Land Use Commission, if the requirement relates to a requirement  
8 of Chapter 25-6 (Transportation), Chapter 25-7 (Drainage), or Chapter  
9 25-8 (Environment).

10  
11 (D) To appeal under Subsection (C), an applicant must file a written objection to  
12 the director.

13  
14 **PART 41.** City Code Section 25-5-113 (*Updates*) is amended to read as follows:

15  
16 **§ 25-5-113 UPDATES.**

17  
18 An applicant may file an update to a site plan before an application expires. [~~not later than~~  
19 ~~one year after the date the application is filed, unless days are added under Section 25-1-~~  
20 ~~88(A) (*Extension of Update Deadline*).~~]

21  
22 **PART 42.** City Code Section 25-4-114 (*Time Periods for Determination; Notice*) is  
23 amended to read as follows:

24  
25 **§ 25-5-114 TIME PERIODS FOR DETERMINATION; NOTICE.**

- 26  
27 (A) The director shall make a determination under Section 25-5-112 (*Director's*  
28 *Approval*) and give written notification of the determination to each interested  
29 party not later than the deadline established by Section 25-1-64 (*Action on an*  
30 *Application; Deadline*). [~~the director under Section 25-1-82 (*Application*~~  
31 ~~*Requirements and Expiration*).~~]  
32  
33 (B) The director shall give notice under Subsection (A) of this section within one  
34 working [~~business~~] day after a determination is made.  
35  
36 (C) If the director denies [~~disapproves~~] a site plan, the director shall notify each  
37 interested party of the denial [~~disapproval~~]. The notice must include the  
38 reasons that the site plan does not comply with the requirements of this title.  
39 With permission of the interested party, this notice may be provided by  
40 electronic mail.  
41

1 **PART 43.** City Code Section 25-7-31 (*Director Authorized to Require Drainage Studies*)  
2 is amended to read as follows:

3  
4 **§ 25-7-31 REQUIREMENT FOR ~~[DIRECTOR AUTHORIZED TO REQUIRE]~~**  
5 **DRAINAGE STUDIES.**

- 6  
7 (A) For a preliminary plan or plat application to demonstrate that the proposed  
8 development would not result in an adverse impact to adjacent properties, the  
9 director may require the owner of real property to provide, at the owner's  
10 expense, a drainage study for the total area to be developed to demonstrate  
11 compliance with applicable drainage regulations.
- 12  
13 (B[A]) For all other applications, t[F]he director may require the owner of real  
14 property to provide, at the owner's expense and as a condition for  
15 development application approval, a drainage study for the total area to be  
16 ultimately developed.
- 17  
18 (C[B]) The drainage study must be in accordance with the Drainage Criteria Manual.
- 19  
20 (D[C]) If a drainage study is required under this section, the City may not accept for  
21 review a development application for any portion of the proposed  
22 development until the director has received the required drainage study.

23  
24 **PART 44.** City Code Section 25-7-32 (*Director Authorized to Require Erosion Hazard*  
25 *Zone Analysis*) is amended to read as follows:

26  
27 **§ 25-7-32 ~~[DIRECTOR AUTHORIZED TO REQUIRE]~~ EROSION HAZARD**  
28 **ZONE ANALYSIS REQUIREMENT.**

- 29  
30 (A) To demonstrate that the development proposed in a preliminary plan or plat  
31 application does not create negative erosion impacts, the owner of real  
32 property may provide, at the owner's expense, an erosion hazard zone  
33 analysis.
- 34  
35 (B[A]) For all other development applications, t[F]he director may require the owner  
36 of real property to provide, at the owner's expense and as a condition for  
37 development application approval, an analysis to establish the erosion hazard  
38 zone if the proposed development is:
- 39  
40 (1) within 100 feet of the centerline of a waterway with a drainage area of  
41 64 acres or greater; or

(2) within 100 feet of the ordinary high water mark of the Colorado River downstream from Longhorn Dam, as defined by Code of Federal Regulations Title 33, Section 328.3 (Definitions); or

(3) located where significant erosion is present.

(C[B]) The erosion hazard zone analysis must be in accordance with the Drainage Criteria Manual.

(D[C]) If an erosion hazard zone analysis is required under this section, the City may not accept for review a development application for any portion of the proposed development until the director has received the required erosion hazard zone analysis.

**PART 45.** City Code Section 25-8-64 is amended to delete subsection (E).

**PART 46.** City Code Section 25-8-121 (*Environmental Resource Inventory Requirement*) is amended to read as follows:

**§ 25-8-121 ENVIRONMENTAL RESOURCE INVENTORY REQUIREMENT.**

(A) For an application for a preliminary plan or plan, an applicant may file an environmental resource inventory in accordance with this section to demonstrate compliance with applicable regulations.

(B[A]) For all other applications, a[A]n applicant shall file an environmental resource inventory with the director for proposed development located on a tract:

(1) within the Edwards Aquifer recharge zone;

(2) containing a critical water quality zone;

(3) with a gradient of more than 15 percent; or

(4) containing, or within 150 feet of, a potential or verified wetland feature as identified in a map maintained by the Watershed Protection Department and made available for reference online and at the offices of the Development Services Department.

(C[B]) An environmental resource inventory must:

- (1) identify critical environmental features and propose protection measures for the features;
- (2) provide an environmental justification for spoil disposal locations or roadway alignments;
- (3) propose methods to achieve overland flow;
- (4) describe proposed industrial uses and the pollution abatement program; and
- (5) be completed as prescribed by the Environmental Criteria Manual.

(D[€]) An environmental resource inventory must include:

- (1) a hydrogeologic report in accordance with Section 25-8-122 (*Hydrogeologic Report*);
- (2) a vegetation report in accordance with Section 25-8-123 (*Vegetation Report*); and
- (3) a wastewater report in accordance with Section 25-8-124 (*Wastewater Report*).

(E[Ð]) The director of the Watershed Protection Department may permit an applicant to exclude from an environmental resource inventory information required by this section after determining that the information is unnecessary because of the scope and nature of the proposed development.

**PART 47.** City Council waives the requirements regarding initiating Land Development Code amendments in City Code Section 25-1-501 (*Initiation of an Amendment*).

**PART 48.** City Council waives the requirements for commission review of a Land Development Code amendment in City Code Section 25-1-502 (*Amendment; Review*)

**PART 49.** This ordinance applies to an application submitted on or after September 1<sup>st</sup>, 2023.

**PART 50.** The 88<sup>th</sup> Texas Legislature adopted House Bills 14 and 3699, effective September 1, 2023, that regulate municipal approval of development applications. The City regulates development to preserve public peace, health, and safety. The application

1 processes associated with development allows the City to ensure that the public peace,  
2 health, and safety can be preserved. The City Code needs to be amended to align the City's  
3 processes with House Bills 14 and 3699. Therefore, the Council finds that an emergency  
4 exists. Because of this emergency, this ordinance takes effect on September 1, 2023, for  
5 the immediate preservation of the public peace, health, and safety.  
6

7 **PART 51.** This ordinance takes effect on \_\_\_\_\_, 2023.  
8

9 **PASSED AND APPROVED**

10  
11 §  
12 §  
13 \_\_\_\_\_, 2023 § \_\_\_\_\_  
14 Kirk Watson  
15 Mayor  
16  
17

18 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
19 Anne L. Morgan Myrna Rios  
20 City Attorney City Clerk  
21