

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE TITLE 30 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. City Code Section 30-1-42 (*Commissioners Court*) is amended to read as follows:

§ 30-1-42 COMMISSIONERS COURT.

The commissioners court enacts and amends this title with the concurrence of the city council. The commissioners court has the duties and powers prescribed by this title and acts as the platting board for certain subdivision applications. ~~[Commissioners court approval is required for each preliminary plan and final plat, except where otherwise provided.]~~

PART 2. City Code Section 30-1-43 (*Land Use Commission*) is amended to read as follows:

§ 30-1-43 LAND USE COMMISSION.

The land use commission acts as the platting board for certain subdivision applications. ~~[Land use commission approval is required for certain preliminary plans and final plats.]~~

PART 3. Subsection (E) of City Code Section 30-1-71 (*Order of Process*) is amended to read as follows:

(E) The single office may authorize concurrent applications under the following circumstances:

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

1 (2) Plat and subdivision construction plan if:

- 2 (a) the preliminary plan has been approved; [~~and the single office~~
3 ~~determines the plat is substantially complete and~~]
- 4 (b) the single office determines that the application for the plat only
5 has outstanding deficiencies are of an administrative nature that
6 will not require significant changes to the layout or design of the
7 subdivision; and[-]
- 8 (c) the subdivision construction plan has been certified complete
9 under Section 25-1-84 (*Subdivision Construction Application*
10 *Requirements and Expiration*).

11 **PART 4.** Subsection (B) of City Code Section 30-1-73 (*Project Assessment*) is amended
12 to read as follows:

- 13
- 14 (B) A project assessment may be submitted [~~is required~~] before submitting an
15 application if the application as designed requires consideration of
16 discretionary approvals such as:
- 17
- 18 (1) A variance or waiver from a provision in Title 25 or Title 30;
- 19
- 20 (2) A variance or waiver from criteria manuals adopted to implement the
21 provisions of Title 25 or Title 30;
- 22
- 23 (3) An alternative method of compliance allowed under Title 25, Title 30,
24 or the associated criteria manuals;
- 25
- 26 (4) A recommendation from an advisory board or commission; or
- 27
- 28 (5) Other discretionary considerations as specified by rule.
- 29

30 **PART 5.** Subsection (A) of City Code Section 30-1-93 (*Single Office Structure and*
31 *Function*) is amended to read as follows:

32

33 (A) The single office shall review and make decisions[~~determinations~~] relating to
34 subdivisions.

35

36 **PART 5.** City Code Section 30-1-113 (*Application Requirements*) is amended to read as
37 follows:

38

1 **§ 30-1-113 PRELIMINARY PLAN OR PLAT APPLICATION REQUIREMENTS**
2 **AND EXPIRATION.**
3

- 4 (A) The single office may propose rules to be adopted by the city and county
5 establishing the requirements for an application, including timelines for
6 completing staff review as well as when an application may be updated to
7 meet the requirements of Title 30 and other applicable regulations. The rules
8 adopted must be in accordance with the timelines for action established within
9 [Section 30-2-32 (*City Action within 30 Days*) and] Section 30-2-33 (*Single*
10 *Office[County] Action within 30 Days*).
11
- 12 (B) The single office may permit an applicant to omit required information from
13 an application that the single office determines is not material to a decision on
14 the application.
15
- 16 (C) An application for preliminary plan or plat expires 180[90] days after the
17 application is filed[accepted] unless the application has been approved.
18
- 19 ~~[(D) An application for subdivision construction plan expires one year after the~~
20 ~~application is accepted unless the application has been approved.]~~
21
- 22 (D[E]) An application that has been disapproved with reasons may be updated to
23 address those reasons until the application expires.
24
- 25 (E[F]) Except as provided in Subsection (B), the single office shall consider [may
26 accept] an application filed only if the applicant has paid the required fee and
27 provided the ~~[required]~~ information required by the single office consistent
28 with state law. [,- which includes:]
29
- 30 (1) The applicant has 45 days to provide all the information required by the
31 directory after the application is submitted.
32
- 33 (2) If an application is rejected as incomplete, the responsible director or
34 building official shall provide the applicant with a written explanation
35 identifying the deficiencies and the information required to complete
36 the application 10 working days after the application is received.
37
- 38 (3) An application expires if it is not complete on or before the 45th day
39 after the application is submitted. An applicant may submit an update to
40 provide additional information and to correct deficiencies at any time
41 before the application expires. [

- ~~(1) information regarding vested rights;~~
- ~~(2) information regarding zoning;~~
- ~~(3) information regarding transportation;~~
- ~~(4) information regarding utility service;~~
- ~~(5) information regarding requested variances or waivers;~~
- ~~(6) information regarding floodplain delineation or modifications;~~
- ~~(7) information regarding parkland dedication;~~
- ~~(8) information regarding fiscal; and~~
- ~~(9) information regarding real estate matters arising from the design of the proposed development.]~~

PART 6. City Code Section 30-1-116 (*Sequence of Review*) is repealed and replaced with a new Section 30-1-116 to read as follows:

§ 30-1-116 SUBDIVISION CONSTRUCTION PLAN APPLICATION REQUIREMENTS AND EXPIRATION.

- (A) The single office may propose rules to be adopted by the city and county establishing the requirements for a subdivision construction plan 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.
- (B) The single office is authorized to certify a subdivision construction plan if it complies with this subsection.
 - (1) An application is complete if the applicant has paid the required fee and provided the information required to be included in the application no later than the 45th day after it was submitted. The single office may permit an applicant to omit required information from an application that the single office determines is not material to a decision on the application.

- 1
- 2 (2) When the single office rejects an application as incomplete, the single
- 3 office shall provide the applicant with a written explanation that
- 4 identifies the deficiencies and the information needed to complete the
- 5 application. The single office must provide the written explanation
- 6 within 10 working days after receipt of the application.
- 7
- 8 (3) An application expires if it is not complete on or before the 45th day
- 9 after the application is submitted. An applicant may submit an update to
- 10 provide additional information and correct any deficiencies at any time
- 11 before the 45th day.
- 12
- 13 (4) A certification that the subdivision construction application is
- 14 administratively complete is valid for 45 days after the certification has
- 15 been issued.
- 16
- 17 (C) The single office is authorized to review the subdivision construction plan
- 18 application if the applicant pays the required fee and the application has a
- 19 valid certification of completion. If the application has not yet been certified,
- 20 the certification is no longer valid, or the submitted site plan does not match
- 21 the certified materials, the single office will not review the application but
- 22 shall provide the applicant with a written explanation identifying the
- 23 deficiencies 10 working days after the application is received.
- 24
- 25 (D) An application for subdivision construction plan expires one year after the
- 26 application is accepted unless the application has been approved.
- 27

28 **PART 7.** City Code Chapter 30-1 (*General Provisions and Procedures*) is amended to add

29 a new Section 30-1-118 to read as follows:

30

31 **§ 30-1-118 EXTENSION OF REVIEW PERIOD**

32

- 33 (A) The single office may extend a review period of a preliminary plan or plat for
- 34 an additional 30 days if the applicant submits a written request for an
- 35 extension before the time limitations described in Section 30-2-32 (*City*
- 36 *Action Within 30 Days*) and Section 30-2-33 (*County Action within 30 Days*).
- 37 The review period can only be extended one time.
- 38
- 39 (B) If the single office approves an extension request under Subsection (A), the
- 40 single office shall approve, approve with conditions, or disapprove no later
- 41 than the expiration of the extended review period.

PART 8. Subsection (E) of City Code Section 30-1-173 (*Postponement and Continuation of Public Hearings*) is repealed.

PART 9. City Code Section 30-1-223 (*Initiating an Appeal*) is amended to read as follows:

§ 30-1-223 INITIATING AN APPEAL.

A person with standing to appeal may initiate an appeal by filing a notice of appeal with the director not later than:

- (1) the 14th day after the date of the decision of a board or commission, including the land use commission; ~~[or]~~
- (2) the 20th day after an administrative decision; or[-]
- (3) for an appeal authorized by State law, the date specified by State law.

PART 10. City Code Section 30-1-253 (*Review by the Environmental Board*) is amended to read as follows:

§ 30-1-253 REVIEW BY THE ENVIRONMENTAL COMMISSION~~[BOARD]~~.

- (A) This section applies to an application for a variance from the requirements of Chapter 30-5, Subchapter A (*Water Quality*).
- (B) The environmental commission~~[board]~~ shall consider an application for a variance and forward its recommendation to the land use commission.
- (C) The land use commission shall consider the environmental commission's~~[board's]~~ recommendation before acting on a variance.

PART 11. City Code Section 30-2-32 (*City Action Within 30 Days*) is repealed and reserved.

PART 12. City Code Section 30-2-33 (*County Action Within 30 Days*) is amended to read as follows:

§ 30-2-33 SINGLE OFFICE [COUNTY] ACTION WITHIN 30 DAYS.

(A) The requirements of this section supersede any contrary provisions of this title relating to action by the single office~~[commissioners court]~~.

~~[(B) The single office shall schedule an application for action by the commissioners court not later than the 30th day after an application is accepted.]~~

~~(B)~~(C) The single office ~~[commissioners court]~~ 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 filed, unless the single office has approved a written request from the applicant to extend the initial review pursuant to Section 30-1-118 (*Extension of Review Period*). ~~[is accepted, unless the time for action is extended by the commissioners court upon written request by the applicant, filed 7 days before the commissioners court is scheduled to act].~~

~~(C)~~(D) A condition for approval or reason for disapproval must be written 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) or Texas Local Government Code Chapter 232 Subchapter A (Subdivision Platting Requirements in General); and
- (2) include a citation to the law, including a statute or order, that is the basis for the condition for approval or reason for disapproval.

~~(D)~~(E) If an application for a preliminary plan or plat is not approved, approved with conditions, or disapproved with reasons within a time period prescribed by Subsection (B)(C) the application is approved by operation of law. ~~[and the single office shall refund to the applicant one-half of the application fee received by the county.]~~

PART 13. City Code Section 30-2-34 (*Original Tract Requirement*) is amended to repeal Subsection (C) and to re-letter the remaining subsections accordingly.

PART 14. City Code Section 30-2-35 (*City Board and Commission Review of Requests Associated with Subdivision Application*) is amended to read as follows:

§ 30-2-35 CITY BOARD AND COMMISSION REVIEW OF REQUESTS ASSOCIATED WITH SUBDIVISION APPLICATION.

- (A) The director shall determine [~~as part of a 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 [~~after expiration of the initial review period for the application for preliminary plan or plat approval~~].
- (B) The following board or commission must review an associated request before the land use commission may consider the application or the associated request:
- (1) the urban transportation commission and the environmental commission[~~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 commission[~~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 15. City Code Section 30-2-36 (*Variance Filing and Consideration*) is amended to read as follows:

§ 30-2-36 VARIANCE FILING AND CONSIDERATION.

- ~~[(A)]~~ If an application for a preliminary plan or plat requires a variance to comply with the provisions of this title, a[A]n applicant is required to obtain approval of the variance before the associated application for a preliminary plan, plat, and subdivision construction plan can be approved by the single office. [shall file an application for a variance from a subdivision requirement when the applicant submits an application for preliminary plan approval, or if a preliminary plan is not required, when the applicant files an application for

1 plat approval. The single office shall accept an application for a variance only
2 if the applicant's Project Assessment includes the required recommendations
3 required for the variance.]
4

5 [(B) The platting board shall concurrently consider an application for a variance
6 over which it has discretionary authority under Section 30-1-92
7 (*Discretionary Authority*) and an application for preliminary plan or plat
8 approval.]
9

10 **PART 16.** Subsection (A) of City Code Section 30-2-38 (*Infrastructure Construction or*
11 *Fiscal Security for Plat Approval*) is amended to read as follows:
12

- 13 (A) Before the single office [~~land use commission, council, or commissioners~~
14 ~~court~~] may approve a plat, the subdivider shall:
15
- 16 (1) obtain final approval of subdivision construction plans; post fiscal as
17 required by the county executive [~~commissioners court~~] for restoration
18 of disturbed areas, boundary streets, and sidewalks; and construct the
19 streets, utilities, and drainage facilities in compliance with the
20 requirements of this title; or
21
 - 22 (2) file an application for approval of subdivision construction plans and
23 provide fiscal security under Section 30-1-132 (*Fiscal Security*) for
24 subdivision improvements.
25

26 **PART 17.** City Code Section 30-2-41 (*Action in 15 Days After Applicant Response*) is
27 amended to read as follows:
28

29 **§ 30-2-41 ACTION IN 15 DAYS AFTER APPLICANT RESPONSE.**
30

- 31 (A) The requirements of this section are mandated by state law and supersede any
32 contrary provisions of the City Code.
33
- 34 (B) In this section, applicant response means the information provided by the
35 applicant to the single office to address the conditions of approval or reasons
36 for disapproval of an application for preliminary plan, plat, or subdivision
37 construction plan.
38
39
40
41

1 (C) An applicant response:

- 2
- 3 (1) must adequately address each condition of approval or reason for the
- 4 disapproval;
- 5
- 6 (2) must include only changes only as necessary to address the condition of
- 7 approval or reason for disapproval; and
- 8
- 9 (3) may not include substantial changes unrelated to the condition of
- 10 approval or reason for disapproval.
- 11

12 ~~[(D) Upon receipt of an applicant response to a preliminary plan or plat application~~

13 ~~that requires land use commission and commissioners court consideration, the~~

14 ~~single office shall:~~

15

- 16 ~~(1) determine if the applicant response meets the requirements in~~
- 17 ~~Subsection (C), and~~
- 18
- 19 ~~(2) schedule the application for consideration by the land use commission~~
- 20 ~~and commissioners court not later than the 15th day after the applicant~~
- 21 ~~response was submitted.]~~
- 22

23 ~~[(D)(E) Upon receipt of an applicant response to a preliminary plan, plat, or replat~~

24 ~~subject to administrative approval under Section 25-4-33 (Administrative~~

25 ~~Approval of Certain Subdivision Application) the single office shall:~~

26

- 27 (1) determine if the applicant response meets the requirements in
- 28 Subsection (C), and
- 29
- 30 (2) approve, [or] approve with conditions, or disapprove with reasons, the
- 31 preliminary, plat, or replat not later than 15 days after the applicant
- 32 response was submitted. ~~]; or~~
- 33
- 34 ~~[(3) schedule the plat or replat for land use commission and commissioners~~
- 35 ~~court to approve, approve with conditions, or disapprove with reasons~~
- 36 ~~not later than the 15th day after the applicant response is submitted.]~~
- 37

38 ~~[(F) Upon receipt of an applicant response to a subdivision construction plan, the~~

39 ~~single office shall:~~

40

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

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

(E[G]) If the applicant response as submitted complies with the provisions of Subsection (C), and the ~~[land use commission or the commissioners court or the]~~ single office fails to comply with the time limits for action in this section, the application for preliminary plan~~[,] or plat[, or subdivision construction plan]~~ is approved by operation of law.

PART 18. Subsection (A) of City Code Section 30-2-56 (*Staff Review of Application for Preliminary Plan Approval*) is amended to read as follows:

§ 30-2-56 STAFF REVIEW OF APPLICATION FOR PRELIMINARY PLAN APPROVAL.

(A) The single office shall promptly deliver a copy of an application for preliminary plan approval to each reviewing department or agency after the application is filed.

PART 19. City Code Section 30-2-57 (*Land Use Commission or Commissioners Court Action on Preliminary Plan*) is amended to read as follows:

§ 30-2-57 [LAND USE COMMISSION OR COMMISSIONERS COURT] ACTION ON PRELIMINARY PLAN.

[(A)] The single office~~[commissioners court]~~ shall approve an application for preliminary plan approval that complies with the requirements of this title.

[(B)] ~~The land use commission shall approve an application for preliminary plan approval that complies with the comprehensive plan and the requirements of this title.]~~

PART 20. City Code Section 30-2-61 (*Changes to an Approved Preliminary Plan*) is repealed and replaced with a new Section 30-2-61 to read as follows:

§ 30-2-61 CHANGES TO AN APPROVED PRELIMINARY PLAN.

(A) An applicant can request a change to an approved preliminary plan, on a form provided by the single office, if: [The owners of all land within an approved preliminary plan that is not included in an approved final plat and that is affected by a proposed change must request the change.]

(1) the land affected by the change has not received final plat; and

(2) all the owners of the land affected by the change support the request.

~~[(B) Except as provided in Subsections (C) and (D), land use commission and commissioners court approval is required for a change to an approved preliminary plan. An applicant must file a new application if a change requires land use commission or commissioners court approval.]~~

~~(B)~~ (C) The single office may approve a minor deviation from an approved preliminary plan if the single office 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 single office. 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;

(g) increase the number of lots;

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

13 (C) If the requested change does not qualify as a minor deviation, the applicant

14 must submit an application.

15

16 ~~[(D) The single office may approve a minor revision to an approved preliminary~~

17 ~~plan if the single office determines that the minor revision complies with the~~

18 ~~requirements of this subsection. An applicant shall request a minor revision in~~

19 ~~an application submitted to the single office.~~

20

21 ~~(1) A minor revision may not:~~

22

- 23 ~~(a) remove a property restriction or subdivision note;~~
- 24
- 25 ~~(b) modify a waiver or variance;~~
- 26
- 27 ~~(c) change an easement, except with the director's approval;~~
- 28
- 29 ~~(d) increase impervious cover;~~
- 30
- 31 ~~(e) modify a conservation easement, common area, green space, or~~
- 32 ~~other open space shown on the preliminary plan;~~
- 33
- 34 ~~(f) affect property outside the preliminary plan; or~~
- 35
- 36 ~~(g) increase the number of dwelling units.~~
- 37

38 ~~(2) Except as provided in Subsection (D)(1), a minor revision may:~~

39

- 40 ~~(a) include a minor deviation;~~
- 41

1 (b) ~~change the street layout;~~

2
3 (c) ~~increase in the number of lots; or~~

4
5 (d) ~~modify a subdivision to accommodate a change in use resulting~~
6 ~~from rezoning or land acquisition through eminent domain.~~

7
8 (3) ~~The single office may determine that other changes similar in scope and~~
9 ~~effect to those described in Subsection (D)(2) are minor revisions.]~~

10
11 ~~[(E) The single office shall provide the land use commission and the~~
12 ~~commissioners court with an approved minor deviation or minor revision~~
13 ~~before the land use commission or commissioners court considers approval of~~
14 ~~the plat.]~~

15
16 **PART 21.** City Code Section 30-2-62 (*Expiration of Approved Preliminary Plan*) is
17 repealed and replaced with a new Section 30-2-62 to read as follows:

18
19 **§ 30-2-62 APPEAL OF DISAPPROVAL OF A PRELIMINARY PLAN.**

- 20
21 (A) An applicant may appeal the director's disapproval of a preliminary plan
22 application to the land use commission or council.
23
24 (B) An applicant may appeal the county executive's disapproval of a plat
25 application to the commissioners court.
26
27 (C) The single office shall give notice under Section 30-1-153(A) (*Notice of*
28 *Public Hearing*) of the land use commission's or council's consideration of an
29 appeal.
30
31 (D) An applicant must receive approval from both the city and county in
32 accordance with Section 30-1-91(A).
33

34 **PART 22.** City Code Section 30-2-82 (*Review of Application for Plat Approval;*
35 *Expiration*) is amended to read as follows:

36
37 **§ 30-2-82 REVIEW OF APPLICATION FOR PLAT APPROVAL; EXPIRATION.**

- 38
39 (A) The single office shall promptly deliver a copy of an application for plat
40 approval to each reviewing department or agency after the application has
41 been filed.

- 1
- 2 (B) After the application is filed~~[aaccepted]~~, a reviewing department or agency
- 3 shall prepare and deliver to the single office a written report of comments and
- 4 recommendations regarding an application for plat approval not later than the
- 5 deadline established by the director by administrative rule.
- 6
- 7 (C) After the application is filed~~[aaccepted]~~, the single office shall determine
- 8 whether an application for plat approval complies with the criteria for
- 9 approval and give notice under Section 30-1-154(B) (*Notice of Applications*
- 10 *and Administrative Decisions*) of the determination not later than the deadline
- 11 established by the director by administrative rule.
- 12
- 13 (D) An applicant may file with the single office an update to an application for
- 14 plat approval before the application expires under the expiration period
- 15 established under Subsection (F).
- 16 (E) After an update is filed, the single office shall determine whether an update to
- 17 an application for plat approval complies with the criteria for approval.
- 18
- 19 (F) An application:
- 20
- 21 (1) Expires 180~~[90]~~ days after the application is filed~~[aaccepted]~~ unless the
- 22 application has been approved.
- 23
- 24 (2) That has been disapproved with stated reasons may be updated to
- 25 address those reasons until the application expires.
- 26

27 **PART 23.** City Code Section 30-2-83 (*Scheduling of Application for Plat Approval*) is

28 amended to read as follows:

29

30 **§ 30-2-83 PLAT ACKNOWLEDGMENT [~~SCHEDULING OF APPLICATION~~]**

31 **FOR PLAT APPROVAL.**

32

33 ~~[(A) The single office shall schedule an application for plat approval for~~

34 ~~consideration by the land use commission and commissioners court not later~~

35 ~~than the 30th day after the application has been accepted for staff review.]~~

36

37 ~~[(B)]~~ The applicant must include the following note on the proposed plat: The

38 owner of this subdivision and the owner's successors and assigns are

39 responsible for construction of subdivision improvements that comply with

40 City of Austin and Travis County regulations. The owner understands that plat

vacation or replatting may be required, at the owner's expense, if plans to construct this subdivision do not comply with the regulations.

PART 24. City Code Section 30-2-84 (*Plat Approval Authority and Criteria*) is amended to read as follows:

§ 30-2-84 PLAT APPROVAL AUTHORITY AND CRITERIA.

(A) The director has approval authority for the City. The director shall approve a plat that complies with the comprehensive plan and requirements of this title.~~[This subsection prescribes approval authority and criteria for the city.]~~

~~[(1) The land use commission may approve a plat, except as provided in Paragraph (2).~~

~~(2) The director may approve a plat:~~

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

~~(b) for which water and wastewater service for development on the proposed lots is immediately available without a service extension; and~~

~~(c) for which a variance is not required.~~

~~(3) The director or land use commission shall approve a plat that complies with the comprehensive plan and the requirements of this title.]~~

(B) The county executive has approval authority for the county. The county executive shall approve a plat that complies with the comprehensive plan and requirements of this title.~~[This subsection prescribes approval authority and criteria for the county.~~

~~(1) The commissioners court may approve a plat, except as provided in Paragraph (2).~~

~~(2) The county executive may approve a plat:~~

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

4
5 (b) for which water and wastewater service for development on the
6 proposed lots is immediately available without a service
7 extension; and (c) for which a variance is not required.

8
9 (3) The commissioners court or county executive shall approve a plat if it
10 complies with the requirements of this title.]
11

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

17 (1) for a city approval:

18
19 (a) the presiding officer of the land use commission shall endorse the
20 plat to certify the land use commission's approval;

21
22 (b) the mayor shall endorse the plat to certify the council's approval;
23 or

24
25 (c) the director shall endorse the plat to certify the director's
26 approval; and
27

28 (2) for a county approval:

29
30 (a) the county executive shall endorse the plat to certify the county
31 executive's approval; or

32
33 (b) the county clerk shall endorse the plat to certify the
34 commissioners court approval.
35

36 (D) Approval of a plat expires on the 90th day after the approval date if the single
37 office has not certified that the applicant has posted fiscal security.
38
39
40
41

1 **PART 25.** City Code Section 30-2-85 (*Recordation*) is amended to read as follows:

2
3 **§ 30-2-85 RECORDATION.**

- 4
5 (A) The single office shall record an approved plat in each county where land
6 included in the plat is located.
- 7
8 (B) The single office may not record a plat unless the city and each county have
9 approved the plat.
- 10
11 (C) An applicant must provide all of the items and fees required to record the plat
12 with the county clerk within 80 business days from the date of plat approval.
- 13
14 (D) An application for plat approval expires on the 81st business day after such
15 approval unless Subsection (C) of this section is satisfied.

16
17 **PART 26.** City Code Section 30-2-86 (*Effect of Preliminary Plan Expiration*) is repealed
18 and replaced with a new Section 30-2-86 to read as follows:

19
20 **§ 30-2-86 APPEAL OF DISAPPROVAL OF PLAT.**

- 21
22 (A) An applicant can appeal the director's disapproval of a plat application to the
23 land use commission or council.
- 24
25 (B) An applicant can appeal the county executive's disapproval of a plat
26 application to commissioners court.
- 27
28 (C) The single office shall give notice under Section 30-1-153(A) (*Notice of*
29 *Public Hearing*) of the land use commission's or council's consideration of an
30 appeal.
- 31
32 (D) An applicant must receive approval from both the city and county in
33 accordance with Section 30-1-91(A).
- 34
35
36
37
38
39
40

1 **PART 27.** City Code Chapter 30-2 (*Subdivision Requirements*) is amended to add a new
2 Section 30-2-100 to read as follows:

3
4 **§ 30-2-100 SUBDIVISION CONSTRUCTION PLAN APPROVAL AUTHORITY**
5 **AND CRITERIA.**

6
7 The single office shall approve a subdivision construction plan that complies with the
8 Comprehensive Plan and the requirements of this title.

9
10 **PART 28.** City Code Section 30-2-101 (*Subdivision Construction Plan*) is repealed and
11 replaced with a new Section 30-2-101 to read as follows:

12
13 **§ 30-2-101 ACTION ON SUBDIVISION CONSTRUCTION PLAN; DEADLINE.**

- 14
15 (A) The director and county executive shall grant or deny an application for a
16 permit or approval required by this title within the timeframe established by
17 state law.
18
19 (B) Nothing in this section limits any exceptions to the deadlines provided for in
20 state law.

21
22 **PART 29.** Section 30-2-102 (*Expiration of Subdivision Construction Plan*) is repealed and
23 replaced with a new Section 30-2-102 to read as follows:

24
25 **§ 30-2-102 UPDATES PERMITTED AFTER APPLICATION IS DENIED.**

- 26
27 (A) A subdivision construction plan application that is denied under Section 30-2-
28 101 (*Action on a Subdivision Construction Plan; Deadline*) may be updated
29 and resubmitted for review before the application expires. An applicant may
30 update the application in accordance with the timelines adopted under Section
31 30-1-116 (*Subdivision Construction Plan Application Requirements and*
32 *Expiration*).
33
34 (B) If the director cannot approve an updated application because the updated
35 application fails to comply with the requirements of this title, the director may
36 provide a report to the applicant that specifies the reasons why the updated
37 application does not meet the requirements. A comment included in this report
38 is not a final decision on the updated application.
39
40

1 **PART 30.** City Code Chapter 30-2 (*Subdivision Requirements*) is amended to add a new
2 Section 30-2-104 to read as follows:

3
4 **§ 30-2-104 SUBDIVISION CONSTRUCTION PLAN.**

- 5
6 (A) The single office may release a subdivision construction plan if:
- 7
8 (1) the single office approves the subdivision construction plan; and
- 9
10 (2) the applicant posts the required fiscal security with the single office.
- 11
12 (B) The single office's release of a subdivision construction plan authorizes the
- 13 applicant to begin development in accordance with the plan.
- 14

15 **PART 31.** City Code Chapter 30-2 (*Subdivision Requirements*) is amended to add a new
16 Section 30-2-105 to read as follows:

17
18 **§ 30-2-105 EXPIRATION OF SUBDIVISION CONSTRUCTION PLAN.**

- 19
20 (A) A subdivision construction plan expires three years after the date of its
- 21 approval unless:
- 22
23 (1) the land use commission and the commissioners court both approve a
- 24 later expiration date when they approve the plat;
- 25
26 (2) before the plan expires, site work is commenced and diligently pursued
- 27 to completion; or
- 28
29 (3) the single office extends the expiration date under Subsection (B).
- 30
31 (B) An applicant may request that the single office extend the expiration date of a
- 32 subdivision construction plan by filing a written request and justification with
- 33 the single office before the expiration date.
- 34
35 (1) The single office may extend the expiration date of the plan once for a
- 36 period of one year if the single office determines:
- 37
38 (a) there is good cause for the extension;
- 39
40 (b) there has not been a significant change in development conditions
- 41 affecting the plan; and

(c) the plan continues to comply with the criteria for its approval and release.

(2) An applicant may appeal the single office's decision under this subsection to the land use commission and the commissioners court.

(3) The single office shall give notice under Section 30-1-153(A) (*Notice of Public Hearing*) of the land use commission's consideration of an appeal.

(4) The land use commission and the commissioners court shall each conduct a public hearing on an appeal before taking action.

(5) An appeal may be granted only by joint action of the land use commission and the commissioners court.

(C) If the land use commission and the commissioners court approve different expiration dates, the earlier date controls.

PART 32. City Code Chapter 30-2 (*Subdivision Requirements*) is amended to add a new Section 30-2-176 (*Flag Lots*).

§ 30-2-176 FLAG LOTS.

(A) A flag lot may only be approved in accordance with the requirements of this subsection.

(1) Flag lot designs may be used where no more than two dwelling units utilize a shared driveway.

(2) For developments proposing more than two dwelling units, the single office may grant a waiver to allow flag lots if:

(a) the single office finds that the subdivision:

(i) has provided accessibility for emergency responders and associated vehicular traffic;

(ii) has adequate room for required utilities;

(iii) enhances environmental protection;

(iv) is otherwise compatible with the surrounding neighborhood; and

(b) the applicant provides a copy of any existing private deed restrictions for informational purposes.

(B) The minimum width of a flag lot is:

(1) 20 feet; or

(2) 15 feet if:

(a) two or more contiguous lots share a common driveway and sufficient area is available outside the drive on each lot for utility installation; or

(b) the applicant can demonstrate access through an alternative route.

(C) For a subdivision utilizing a flag lot design, any proposed driveways must be designed with adequate space for all required utilities. A proposed driveway must also:

(1) comply with the Utilities Criteria Manual; and

(2) comply with the Plumbing Code;

(D) All addresses utilizing a flag lot design must be displayed at their closest point of access to a public street for emergency responders.

PART 33. City Code Section 30-2-197 (*Subdivisions Where Water or Wastewater Services are not Available*) is amended to read as follows:

(A) For subdivisions that are not served by a water utility or sanitary sewer utility, a[A] plat may not be approved unless the subdivider has complied with the requirements of this section~~[-if applicable]~~.

(B) If a subdivision is not to be served by a water utility, the subdivider shall provide the platting official~~[director]~~ with evidence that a sufficient supply of water suitable for human consumption may be obtained from surface or subsurface sources in accordance with this subsection~~[on the land]~~.

(1) If a subdivision intends to use surface water as a source of water, t[~~F~~]he evidence must[~~may~~] include the results of tests [and borings,] and statements from local and state health authorities, water engineers, and other competent authorities, and in compliance with Texas Commission on Environmental Quality rules for public water supply.

(2) If the subdivider proposes a private water supply or groundwater as a source of water for the subdivision, the subdivider must provide credible evidence that sufficient groundwater is available and will continue to be available to the subdivision. If applicable, the subdivider must comply with the county's rule for groundwater availability, and the evidence is subject to approval by the county's platting official. Any required[the] plans and specification shall be prepared by a registered professional engineer and approved by the director of the Water and Wastewater Utility and the Texas Commission on Environmental Quality, if required.

(C) If a subdivision is not to be served by a sanitary sewer utility and the use of private on-site sewage facilities has not been approved by the authorized agent in accordance with Texas Administrative Code Title 30, Chapter 285 (On-Site Sewage Facilities), the subdivider shall construct a community sewage collection and treatment system that serves each lot. The system must be designed and located in accordance with the regulations of the Texas Commission on Environmental Quality and the local health authority. Approval by the platting official[~~director of the Water and Wastewater Utility~~] of the plans for the system is required.

PART 34. City Code Section 30-2-218 (*Submittal Requirements*) is amended to read as follows:

§ 30-2-218 SUBMITTAL REQUIREMENTS.

[~~(A)~~] The single office[~~director~~] may request that the subdivider provide information relating to proposed parkland to determine whether the proposed parkland complies with this division[~~part~~].

[~~(B)~~ A subdivider shall provide the information requested under this section.]

1 **PART 35.** Subsection (C) of City Code Section 30-2-231 (*Townhouse Lots*) is amended to
2 read as follows:

- 3
4 (C) Before an application proposing townhouse lots can be approved, a[A]n
5 applicant shall submit to the single office a legal opinion that describes the
6 rights and duties of the owners, the legal status of common areas and
7 facilities, and the provisions for taxation and maintenance of the common
8 areas.
9

10 **PART 36.** Subsection (A) of City Code Section 30-3-144 (*Improvements to Intersections*)
11 is amended to read as follows:

12
13 **§ 30-3-144 IMPROVEMENTS TO INTERSECTIONS.**

- 14
15 (A) The single office may require an improvement at the intersection of a hill
16 country roadway with another street if the traffic impact from the proposed
17 development would create safety concerns.[results of a traffic impact analysis
18 indicate that an improvement is necessary.]
19

20 **PART 37.** City Code Section 30-4-31 (*Single Office Authorized to Require Drainage*
21 *Studies*) is amended to read as follows:

22
23 **§ 30-4-31 [SINGLE OFFICE AUTHORIZED TO REQUIRE] DRAINAGE STUDIES**
24 **REQUIREMENT.**

- 25
26 (A) For a preliminary plan or plat application, to demonstrate that the proposed
27 development would not result in an adverse impact to adjacent properties, the
28 single office may require the owner of real property to provide, at the owner's
29 expense, a drainage study for the total area to be developed to demonstrate
30 compliance with applicable drainage regulations.
31

- 32 (B[A]) For subdivision construction plans, t[T]he single office may require the
33 owner of real property to provide, at the owner's expense and as a condition
34 for development application approval, a drainage study for the total area to be
35 ultimately developed.
36

- 37 (C[B]) The drainage study must be in accordance with the Drainage Criteria Manual.
38

- 39 (D[C]) If a drainage study is required under this Section, the single office may not
40 accept for review a development application for any portion of the proposed
41 development until the single office has received the required drainage study.

PART 38. City Code Section 30-4-32 (*Single Office Authorized to Require Erosion Hazard Zone Analysis*) is amended to read as follows:

§ 30-4-32 [~~SINGLE OFFICE AUTHORIZED TO REQUIRE~~] EROSION HAZARD ZONE ANALYSIS REQUIREMENT.

(A) For a preliminary plan or plat application to demonstrate that the proposed development does not create negative erosion impacts, the owner of real property may provide, at the owner's expense, an erosion hazard zone analysis if:

- (1) within 100 feet of the centerline of a waterway with a drainage area of 64 acres or greater;
- (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.

(B[A]) For subdivision construction plan applications, t[~~T~~]he single office may require the owner of real property to provide, at the owner's expense and as a condition for development application approval, an analysis to establish the erosion hazard zone if the proposed development is:

- (1) within 100 feet of the centerline of a waterway with a drainage area of 64 acres or greater;
- (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 single office may not accept for review a development application for any portion of the proposed development until the single office has received the required erosion hazard zone analysis.

PART 39. Subsection (A) of City Code Section 30-4-62 (*Certificate of Professional Engineer Required for Certain Alterations and Improvements*) is amended to read as follows:

- (A) The single office may not approve a preliminary plan, plat, or subdivision application if the application proposes ~~[accept a plan or specification for a proposed]~~ an alteration or improvement of a bed or bank of a waterway unless the plan or specification is accompanied by a certificate bearing the seal of a Texas professional engineer certifying that:
- (1) the hydraulic and structural design is adequate; and
 - (2) the proposed alteration or improvement complies with the ordinances of the city and county, the Drainage Criteria Manual, and the laws of this state.

PART 40. City Code Section 30-5-121 (*Environmental Resource Inventory Requirement*) is amended to read as follows:

§ 30-5-121 ENVIRONMENTAL RESOURCE INVENTORY REQUIREMENT.

- (A) To demonstrate compliance with Chapter 30-5 (*Environment*) for a preliminary plan or plat application, a~~[A]~~n applicant may provide~~[shall file]~~ an environmental resource inventory with the director for proposed development located on a tract:
- (1) within the Edwards Aquifer recharge ~~[or contributing zone];~~
 - ~~[(2)—within the Drinking Water Protection Zone;]~~
 - ~~[(3)—containing a water quality transition zone;]~~
 - ~~[(2)[4]) containing a critical water quality zone; [or]~~
 - ~~[(3)[5]) 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.

1 (B) For a subdivision construction plan application, an applicant shall provide an
2 environmental resource inventory with the director for proposed development
3 located on a tract:

4
5 (1) within the Edwards Aquifer recharge;

6
7 (2) containing a critical water quality zone;

8
9 (3) with a gradient of more than 15 percent; or

10
11 (4) containing, or within 150 feet of, a potential or verified wetland feature
12 as identified in a map maintained by the Watershed Protection
13 Department and made available for reference online and at the offices
14 of the Development Services Department.

15
16 (C[B]) An environmental resource inventory must:

17
18 (1) identify critical environmental features and propose protection
19 measures for the features;

20
21 (2) provide an environmental justification for spoil disposal locations or
22 roadway alignments;

23
24 (3) propose methods to achieve overland flow;

25
26 (4) describe proposed industrial uses and the pollution abatement program;
27 and

28
29 (5) be completed as prescribed by the Environmental Criteria Manual.

30
31 (D[E]) An environmental resource inventory must include:

32
33 (1) a hydrogeologic report in accordance with Section 30-5-122
34 (Hydrogeologic Report);

35
36 (2) a vegetation report in accordance with Section 30-5-123 (Vegetation
37 Report); and

38
39 (3) a wastewater report in accordance with Section 30-5-124 (Wastewater
40 Report).
41

(E[~~D~~]) The Watershed Protection Department director 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 41. Subsection (A) of City Code Section 30-5-214 (*Optional Payment Instead of Structural Controls in Urban Watersheds*) is amended to read as follows:

(A) The Watershed Protection Department director shall identify and prioritize water quality control facilities for the urban watersheds in an Urban Watersheds Structural Control Plan. The Environmental Commission[~~Board~~] shall review the plan in January of each year.

PART 42. Subsection (F) of City Code Section 30-5-231 (*Water Quality Control Maintenance and Inspection*) is amended to read as follows:

(F) If a plat application proposes a subsurface commercial pond, t[~~F~~]he record owner of the property [~~a subsurface commercial pond~~] must provide the Watershed Protection Department with a proposed maintenance plan that includes [~~and~~] an annual report from a registered engineer verifying that the pond is in proper operating condition.

PART 43. City Code Section 30-5-604 (*Development Application Requirements*) is amended to read as follows:

§ 30-5-604 DEVELOPMENT APPLICATION REQUIREMENTS.

For an application for preliminary plan or final plat approval that proposes the removal of a protected tree, the city arborist must review the application and make a recommendation before the application may be administratively approved [~~or presented to the land use commission or city council~~].

PART 44. Council waives the requirements regarding initiating Land Development Code amendments in City Code Section 25-1-501 (*Initiation of an Amendment*).

PART 45. Council waives the requirements for commission review of a Land Development Code amendment in City Code Section 25-1-502 (*Amendment; Review*)

PART 46. This ordinance applies to an application submitted on or after September 1st, 2023.

PART 47. The 88th 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 processes associated with development allows the City to ensure that the public peace, health, and safety can be preserved. The City Code needs to be amended to align the City's processes with House Bills 14 and 3699. Therefore, the Council finds that an emergency exists. Because of this emergency, this ordinance takes effect on September 1, 2023, for the immediate preservation of the public peace, health, and safety.

PART 48. This ordinance takes effect on _____, 2023.

PASSED AND APPROVED

§

§

§

_____, 2023 § _____

Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____

Anne L. Morgan
City Attorney

Myrna Rios
City Clerk