

Most changes are corrections, clarifications, or for consistency purposes. See other text boxes for substantive changes.

Version Two
Item #141
August 31, 2023

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[, or 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)~~ [(D)] ~~[Except as provided in Subsection B,]~~ T~~[t]~~he Zoning and Platting Commission shall act as the Land Use Commission for all applications, except as provided in Subsection ~~(D)~~~~(E)~~ (D)~~(E)~~.

42 (~~D~~~~E~~)~~[Except as provided in Subsection (B),]~~ T~~t~~he Planning Commission shall act
43 as the land use commission for property that is wholly or partly within:

- 44
- 45 (1) the boundaries of a neighborhood plan that the council has adopted as a
46 component of the comprehensive plan;
- 47
- 48 (2) the former Robert Mueller Municipal Airport site;
- 49
- 50 (3) a transit oriented development (TOD) district;
- 51
- 52 (4) the old Enfield neighborhood planning area; or
- 53
- 54 (5) the boundaries of a proposed neighborhood plan that the Planning
55 Commission is considering as an amendment to the comprehensive
56 plan. In this subsection, Planning Commission consideration of a
57 proposed neighborhood plan:
- 58
- 59 (a) begins on the effective date of a council resolution or ordinance
60 directing the Planning Commission to consider a neighborhood
61 plan for an identified area; and
- 62
- 63 (b) ends on the date that the council adopts or rejects the proposed
64 neighborhood plan or withdraws its directive to the Planning
65 Commission to consider a neighborhood plan for the area.(F)A
66 liaison committee of the Planning Commission and the Zoning
67 and Platting Commission is established. The chair of each
68 commission shall appoint two commission members to serve on
69 the committee. The committee shall meet regularly to exchange
70 information relating to the commissions and make
71 recommendations to the commissions on common policies,
72 objectives, issues, and activities.
- 73

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

- 76
- 77 (D) An applicant may concurrently file subdivision, site plan, and building permit
78 applications, if:
- 79 (1) no zoning or rezoning is required or requested; and~~[.]~~

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

82
83 (E) The director may authorize concurrent review of applications for subdivision
84 development under the following circumstances:

85
86 (1) Plat and preliminary plan if the director determines that the application
87 for the preliminary plan only has [~~is substantially complete and~~]
88 outstanding deficiencies that are of an administrative nature that will
89 not require significant changes to the layout or design of the
90 subdivision.

91
92 (2) Plat and subdivision construction plan if:

93
94 (a) the preliminary plan has been approved; [~~and~~]

95
96 (b) the director determines that the application for the preliminary
97 plan only has [~~is substantially complete and~~] outstanding
98 deficiencies that are of an administrative nature that will not
99 require significant changes to the layout or design of the
100 subdivision; and[-]

101
102 (c) the subdivision construction plan has been certified complete
103 under Section 25-1-84 (Subdivision Construction Application
104 Requirements and Expiration).

105
106 **PART 4.** Subsection (B) of City Code Section 25-1-63 (*Project Assessment*) is amended
107 to read as follows:

108
109 (B) A project assessment may be submitted [~~is required~~] before submitting an
110 application if the application as designed requires consideration of
111 discretionary approvals such as:

112
113 (1) A variance or waiver from a provision in Title 25 or Title 30;

114
115 (2) A variance or waiver from criteria manuals adopted to implement the
116 provisions of Title 25 or Title 30;

117
118 (3) An alternative method of compliance allowed under Title 25, Title 30,
119 or the associated criteria manuals;

- 121 (4) A recommendation from an advisory board or commission; or
122
123 (5) Other discretionary considerations as specified by rule.
124

125 **PART 5.** The following sections of the City Code are renumbered as follows:
126

- 127 (1) City Code Section 25-1-65 (*Transfer of Permit or Approval*) is
128 renumbered to Section 25-1-66.
129
130 (2) City Code Section 25-1-64 (*Disapproval and Denial*) is renumbered to
131 Section 25-1-65.
132

133 **PART 6.** City Code Chapter 25-1 (*General Requirements and Procedures*) is amended to
134 add a new Section 25-1-64 to read as follows:
135

136 **§ 25-1-64 ACTION ON AN APPLICATION; DEADLINE.**
137

- 138 (A) The director shall grant or deny an application for a permit or approval
139 required by this title within the timeframe established by state law.
140
141 (B) Nothing in this section limits any exceptions to the deadlines provided for in
142 state law.
143

144 **PART 7.** City Code Section 25-1-65 (*Disapproval and Denial*) is amended to read as
145 follows:
146

147 **§ 25-1-65 UPDATES PERMITTED AFTER APPLICATION IS DENIED**
148 **[DISAPPROVAL AND DENIAL].**
149

- 150 (A) This section does not apply to an application for a preliminary plan[;] or plat[;]
151 ~~or subdivision construction plan~~. An application that is denied under Section
152 25-1-64 (*Action on an Application; Deadline*) ~~[disapproved]~~ may be updated
153 and resubmitted for review before the application ~~[update deadline]~~ expires.
154 An applicant may update the application in accordance with the timelines
155 adopted under Section 25-1-82 (*Non-Subdivision Application Requirements*
156 and Expiration) and Section 25-1-84 (*Subdivision Construction Plan*
157 Application Requirements and Expiration). ~~[A disapproved application that is~~
158 ~~not updated is denied when the update deadline expires. An application that~~
159 ~~does not comply with the requirement of the City Code on the update deadline~~
160 ~~is denied.]~~

161 (B) If the director cannot approve an updated application because the updated
162 application fails to comply with the requirements of this title, the director may
163 provide a report to the applicant that specifies the reasons why the updated
164 application does not meet the requirements. A comment included in this report
165 is not a final decision on the update application.

167 (C[B]) An application that is expired [~~denied~~] may not be updated. A new
168 application is required.

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

171 **§ 25-1-82 - NON-SUBDIVISION APPLICATION REQUIREMENTS AND**
172 **EXPIRATION.**

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

175
176 (A) The responsible director may adopt rules establishing the requirements for an
177 application, including timelines for completing staff review and deadlines by
178 which an application must be updated to meet the requirements of this title
179 and other applicable regulations. The rules adopted must be consistent with
180 the timelines for action established in Section 25-1-64 (*Action on an*
181 *Application; Deadline*). [~~An application expires unless it is approved on or~~
182 ~~before the deadline established by the director under this section.~~]

183
184 (B) The responsible director or building official may permit an applicant to omit
185 required information from an application that the responsible director or
186 building official determines is not material to a decision on the application.
187 An applicant who disagrees with a determination under this subsection may
188 appeal the decision to the city manager.

Updated (C)
to address
administrative
completeness
requirements.

189
190 (C) Except as otherwise provided for in this section, the director is authorized to
191 certify a site plan application if it complies with this subsection.

192
193 (1) An application is complete after the applicant pays the required fee and
194 provides the information required to be included in the application no
195 later than the 45th day after the application is submitted.

200 (2) If the director rejects an application as incomplete, the director shall
201 provide an applicant with a written explanation that identifies the
202 deficiencies and information needed to complete the application. The
203 director must provide the written explanation within 10 working days
204 after the application is received.

206 (3) An application expires if it is not complete on or before the 45th day after
207 the application is submitted. An applicant may submit additional
208 information and correct any deficiencies at any time before the 45th day
209 after the application was submitted.

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

213
214 (D) The director is authorized to review a site plan application if the applicant pays
215 the required fee and the site plan application has a valid certification of
216 completeness. If the application has not yet been certified, the certification is no
217 longer valid, or the submitted site plan does not match the certified materials,
218 the director may not review the application but shall provide the applicant a
219 written explanation that identifies the deficiencies within 10 working days after
220 application is received.

221
222 (E[€]) The responsible director or building official may not accept a[æ] building or
223 demolition permit application described in Chapter 25-11, Article 2 (*Building*
224 and *Demolition Permits*) unless the application is determined to be complete
225 in accordance with this subsection.

226
227 (1) The responsible director or building official shall accept an application
228 as complete if the applicant has paid the required fee and provided the
229 information required to be included in the application no later than the
230 45th day after the application is submitted.

231
232 (2) If the responsible director or building official rejects [H]an application
233 [is rejected] as incomplete, the responsible director or building official
234 shall provide an applicant with a written explanation that identifies
235 [identifying] the deficiencies and information needed [required] to
236 complete the application. The responsible director or building official
237 must provide the written explanation within 10 working days after the
238 application is received. [receipt of the application]

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

244
245 (F) An application for a site plan expires one year after the application is
246 submitted unless:

247 (1) the application has been approved; or

248 (2) the director has granted additional days for the applicant to submit an
249 update under Section 25-1-90(A) (*Extension of Update Deadline*).

250 (G) If the director grants additional days to the applicant under Subsection (F)(2),
251 then the expiration date of the application is extended by the number of days
252 granted.

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

257
258 **PART 9.** City Code Section 25-1-83 (*Subdivision Application Requirements and*
259 *Expiration*) is amended to read as follows:

260
261
262 **§ 25-1-83 PRELIMINARY PLAN OR PLAT [SUBDIVISION] APPLICATION**
263 **REQUIREMENTS AND EXPIRATION.**

264
265 This section applies only to an application for preliminary plan[;] or plat.~~[, or subdivision~~
266 ~~construction plan.]~~

267
268 (A) The responsible director may adopt rules establishing the requirements for an
269 application, including timelines for completing staff review as well as when
270 an application may be updated to meet the requirements of this title and other
271 applicable regulations. The rules adopted must be in accordance with the
272 timelines for action established within Section 25-4-32 (*Action Within 30*
273 *Days*).

274
275 (B) An application for preliminary plan or plat expires 180[90] days after the
276 application is filed ~~[accepted]~~ unless the application has been approved.

Added new
subsections (F)
& (G) to address
extending the
expiration date of
site plan
applications.

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

283
284 ~~(C)~~ ~~(D)~~] An application that has been disapproved with reasons may be updated to
285 address those reasons until the application expires.

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

289
290 ~~(E)~~ ~~(F)~~] The responsible director shall consider ~~accept~~ an application filed only if
291 the applicant has paid the required fee and provided the ~~required~~ information
292 required by the director consistent with state law.~~[, which includes:]~~

293
294 (1) The applicant has 45 days to provide all the information required by the
295 directory after the application is submitted.

296
297 (2) If an application is rejected as incomplete, the responsible director or
298 building official shall provide the applicant a written explanation
299 identifying the deficiencies and the information required to complete
300 the application 10 working days after the application is received.

301
302 (3) An application expires if it is not complete on or before the 45th day
303 after the application is submitted. An applicant may submit an update to
304 provide additional information and to correct deficiencies at any time
305 before the application expires. [

306
307 ~~(1) — information regarding vested rights;~~

308
309 ~~(2) — information regarding zoning;~~

310
311 ~~(3) — information regarding transportation;~~

312
313 ~~(4) — information regarding utility service;~~

314
315 ~~(5) — information regarding requested variances or waivers;~~

316
317 ~~(6) — information regarding floodplain delineation or modifications;~~

318
319 ~~(7) — information regarding parkland dedication;~~

320
321 ~~(8) — information regarding fiscal; and~~

322 ~~(9) information regarding real estate documents that may be required based~~
323 ~~on the design of the proposed development.]~~
324
325

326 **PART 10.** The following sections of the City Code are renumbered as follows:
327

- 328 (1) Section 25-1-90 (*Tolling of an Application Period*) is renumbered to be
329 Section 25-1-91.
- 330
- 331 (2) Section 25-1-89 (*Extension of Update Deadline*) is renumbered to be
332 Section 25-1-90.
- 333
- 334 (3) Section 25-1-88 (*Extension of Review Period*) is renumbered to be
335 Section 25-1-89.
- 336
- 337 (4) Section 25-1-87 (*Board and Commission Schedule*) is renumbered to be
338 Section 25-1-88.
- 339
- 340 (5) Section 25-1-86 (*Sequence of Review*) is renumbered to be Section 25-
341 1-87.
- 342
- 343 (6) Section 25-1-85 (*Processing Cycles*) is renumbered to be Section 25-1-
344 86.
- 345
- 346 (7) Section 25-1-84 (*Applications Relating to a Closed Municipal Solid*
347 *Waste Landfill*) is renumbered to be Section 25-1-85.
348

349 **PART 11.** City Code Chapter 25-1 (*General Requirements and Procedures*) is amended
350 to add a new Section 25-1-84 to read as follows:
351

352 **§ 25-1-84 SUBDIVISION CONSTRUCTION PLAN APPLICATION**
353 **REQUIREMENTS AND EXPIRATION.**
354

- 355 (A) The responsible director may adopt rules establishing the requirements for a
356 subdivision construction plan application, including timelines for completing
357 staff review as well as when an application may be updated to meet the
358 requirements of this title and other applicable regulations.
359

360 (B) The director is authorized to certify a subdivision construction plan as
361 complete if it complies with this subsection. .
362

363 (1) An application is complete if the applicant has paid the required fee and
364 provided the information required to be included in the application no
365 later than the 45th day after it was submitted. The responsible director
366 may permit an applicant to omit required information from an
367 application that the responsible director determines is not material to a
368 decision on the application.
369

370 (2) When the director rejects an application as incomplete, the director
371 shall provide an applicant with a written explanation that identifies the
372 deficiencies and information needed to complete the application. The
373 director must provide the written explanation within 10 working days
374 after the application is received.
375

376 (3) An application expires if it is not complete on or before the 45th day
377 after the application is submitted. An applicant may submit an update to
378 provide additional information and correct any deficiencies at any time
379 before the 45th day.
380

381 (4) A certification that the subdivision construction application is
382 administratively complete is valid for 45 days after the certification has
383 been issued.
384

385 (C) The director is authorized to review the subdivision construction plan
386 application if the applicant pays the required fee and the application has a
387 valid certification of completeness. If the application has not yet been
388 certified, the certification is no longer valid, or the submitted construction
389 plan application does not match the certified materials, the director will not
390 review the application but shall provide the applicant a written explanation
391 identifying the deficiencies 10 working days after the application is received.
392

393 (D) An application for subdivision construction plan expires one year after the
394 application is submitted unless the application has been approved.
395
396
397
398
399

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

402
403 **§ 25-1-87 SEQUENCE OF REVIEW.**

404
405 ~~[(A) An application for a preliminary plan or plat shall be placed on a Land Use~~
406 ~~Commission agenda not later than the 30th day after the director has accepted~~
407 ~~an application.]~~

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

413
414 (B[C])~~[Except as provided in Subsection (A),]~~ A[a]n application may not be placed
415 on the Land Use Commission or council agenda unless recommendations
416 from all other boards and commissions required to review the application are
417 available for Land Use Commission or council consideration. The responsible
418 director may waive this requirement if the responsible director determines
419 that:

- 420
421 (1) a board or commission did not review the application in a reasonable
422 period of time; and
423
424 (2) the delay is attributable to the board or commission and not the
425 applicant.
426

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

429
430 **§ 25-1-89 EXTENSION OF REVIEW PERIOD FOR PRELIMINARY PLANS AND**
431 **PLATS.**

432
433 ~~[This section does not apply to an application for preliminary plan, plat, or subdivision~~
434 ~~construction plan. For all other development applications:]~~

435
436 (A) For preliminary plan and plat applications, the director ~~[The responsible~~
437 ~~director or building official]~~ may extend the review period one time if the
438 applicant submits a written request for an extension before the time limitations
439 in Section 25-4-32 (Action Within 30 Days). The review period can only be

440 extended to one time. ~~[The applicant must agree to an extension period that~~
441 ~~exceeds the length of the original review period.]~~

442
443 (B) If the director approves an extension request under Subsection (A), the
444 director shall approve, approve with conditions, or disapprove an application
445 for a preliminary plan or plat no later than the expiration of the extended
446 review period. ~~[The responsible director shall give notice under Section 25-1-~~
447 ~~133(B) (*Notice of Applications and Administrative Decisions*) of an extension~~
448 ~~of a review period.]~~

449 ~~[(C) If staff review is not finished at the expiration of an extended review period,~~
450 ~~the responsible director shall move an application to the next phase of process~~
451 ~~with the notation that staff review is not finished.]~~

452
453 **PART 14.** City Code Section 25-1-90 (*Tolling of Application Period*) is amended to read
454 as following:

455 **§ 25-1-90 - TOLLING OF APPLICATION PERIOD.**

456
457
458 ~~[This section does not apply to a preliminary plan, plat, or subdivision construction plan.~~
459 ~~For all other development applications:]~~

460
461 (A) This section establishes a "stop the clock" provision tolling the expiration
462 period for an application that requires discretionary review by the Land Use
463 Commission, Board of Adjustment, or city council.

464
465 (B) The expiration of an application ~~[A deadline established by the director under~~
466 ~~Section 25-1-82 (*Non-Subdivision Application Requirements and Expiration*)~~
467 ~~or obtaining approval of an application]~~ is tolled if, prior to expiration of the
468 application, the director determines that approval of the application requires:

469
470 ~~[(1) approval of the application requires:]~~

471
472 (1[a]) discretionary review, as authorized under this title, by the Land Use
473 Commission, Board of Adjustment, or city council, other than a zoning
474 change or code amendment; and

475
476 (2[b]) the application meets all other requirements for approval, except for
477 payment of fees, posting fiscal surety, and other code requirements as
478 determined by the director under Section 25-1-82 (*Non-Subdivision*
479 *Application Requirements and Expiration*), 25-1-83 (*Preliminary Plan*

480 *or Plat Application Requirements and Expiration), or 25-1-84*
481 *(Subdivision Construction Plan Application and Requirements).*~~];~~~~or~~
482

483 [~~2~~]—~~the applicant has provided a 120 or 270 day notification to tenants of a~~
484 ~~multi-family building or mobile home park, as required by Section 25-~~
485 ~~1-712 (Tenant Notification Required).~~]

- 486
- 487 (C) If an applicant obtains all required discretionary approvals from the Land Use
488 Commission, Board of Adjustment, or city council, any additional updates
489 [required for approval] of the application must be submitted no later than
490 60~~[120]~~ working days after the date of the approval. An application expires if
491 the applicant does not comply with this deadline.
- 492
- 493 (D) An application expires if the Land Use Commission, Board of Adjustment, or
494 city council denies a required discretionary approval or fails to take action
495 after considering the matter at a public hearing.
- 496
- 497 (E) If expiration of an application is tolled under this section pending required
498 approval by the Land Use Commission, Board of Adjustment, or city council,
499 the expiration period for all other applications associated with the same
500 project is also tolled.

501

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

504

505 **§ 25-1-181 - STANDING TO APPEAL.**

- 506
- 507 (A) A person has standing to appeal a decision if:
- 508
- 509 (1) the person is an interested party or has standing to appeal under
510 applicable provisions of state law; and
- 511
- 512 (2) a provision of this title or state law identifies the decision as one that
513 may be appealed by that person.
- 514
- 515 (B) A body holding a public hearing on an appeal shall determine whether a
516 person has standing to appeal the decision.
- 517
- 518
- 519

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

522
523 **§ 25-1-182 INITIATING AN APPEAL.**

524
525 An interested party or a person who has standing to appeal under applicable provisions of
526 state law may initiate an appeal by filing a notice of appeal with the responsible director
527 or building official, as applicable, not later than:

- 528
529 (1) the 14th day after the date of the decision of a board or commission; or
530
531 (2) the 20th day after an administrative decision; or
532
533 (3) for an appeal authorized under state law, the date specified by state law.
534

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

537
538 **§ 25-4-30 IDENTIFICATION OF MUNICIPAL AUTHORITY.**

539
540 [(A)] The municipal authority for review of a preliminary plan, ~~and~~ plat, and
541 subdivision construction plan is the director [~~Land Use Commission~~].

542
543 [~~(B) The municipal authority for review of a subdivision construction plan is the~~
544 ~~director.~~]

545
546 **PART 18.** City Code Section 25-4-32 (*Action within 30 Days*) is amended to read as
547 follows:

548
549 **§ 25-4-32 ACTION WITHIN 30 DAYS.**

550
551 (A) The requirements of this section are mandated by state law and supersede any
552 contrary provisions of the City Code.

553
554 (B) The director shall approve, approve with conditions, or disapprove with
555 reasons [~~schedule~~] an application for preliminary plan or plat [~~approval for~~
556 ~~consideration by the Land Use Commission~~] not later than the 30th day after
557 the application is filed unless the director has approved a written request from
558 the applicant to extend the initial review period pursuant to Section 25-1-89
559 (Extension of Review Period) [~~accepted~~].
560

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

566
567 ~~[(D) The director shall either approve, approve with conditions, or disapprove with~~
568 ~~reasons an application for subdivision construction plan not later than the 30th~~
569 ~~day after the application is accepted.]~~

570
571 (C[E]) A condition for approval or reason for disapproval must be in writing and
572 may not be arbitrary. The condition or reason must:

- 573
574 (1) be directly related to requirements adopted under Texas Local
575 Government Code Chapter 212 Subchapter A (*Regulation of*
576 *Subdivisions*); and
577
578 (2) include a citation to the law, including a statute or municipal ordinance,
579 that is the basis for the condition for approval or reason for disapproval.
580

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

585
586 (D[G]) If the director fails to comply with Subsection (B)~~[(C) or (D), or the Land~~
587 ~~Use Commission fails to comply with Subsection (E)], the application for~~
588 ~~preliminary plan or [;] plat[, or subdivision construction plan] is approved by~~
589 ~~operation of law, unless the deadline [time] for action has been [is] extended~~
590 ~~pursuant to Section 25-1-89 (*Extension of Review Period*) [by the Land Use~~
591 ~~Commission upon written request by the applicant, filed 7 days before the~~
592 ~~Land Use Commission is scheduled to act].~~

593
594 **PART 19.** City Code Section 25-4-33 (*Administrative Approval of Certain Subdivision*
595 *Applications*) is repealed and replaced to read as follows:

596
597 **§ 25-4-33 APPEAL OF DISAPPROVAL OF PRELIMINARY PLAN AND PLAT.**

598
599 If the director disapproves the preliminary plan or plat, the applicant can appeal the
600 director's decision to the Land Use Commission or city council.
601

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

604
605 **§ 25-4-34 ORIGINAL TRACT REQUIREMENT.**

606 (A) An original tract is a tract that:

- 607 (1) is a legal lot or tract; or
608
609 (2) was a legal lot or tract before being subdivided in violation of ordinance
610 requirements.
611

612
613
614 (B) An applicant shall include all land in the original tract in an application for
615 preliminary plan or plat approval.
616

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

620
621 (C)~~(D)~~ The director may waive the requirement of Subsection (B) if the director
622 determines that:

- 623 (1) subdividing only a portion of the original tract will not substantially
624 impair the orderly planning of roads, utilities, drainage, and other public
625 facilities;
626
627 (2) the portion of the original tract contiguous to the area to be subdivided
628 has direct access to a public street, or the applicant has provided access
629 to a public street by dedicating right-of-way at least 50 feet wide;
630
631 (3) a reasonable use of the balance of the original tract is possible; and
632
633 (4) the applicant has mailed, by certified mail, to all owners of land that is a
634 portion of the original tract and contiguous to the land included in the
635 application a request that each owner provide written confirmation to
636 the director that:
637
638 (a) the owner's land is not a legal lot or tract; and
639
640

641 (b) the owner must plat the land before the City may approve a
642 development permit or a utility company may provide initial or
643 additional service.
644

645 (D[E]) In making a determination under Subsection (C[D])(3) that a reasonable use
646 of the balance of the original tract is possible, the director may require that the
647 applicant provide a schematic land plan of the balance of the original tract.
648 The director may not require that the applicant provide detailed engineering
649 information.
650

651 (E[F]) An applicant who satisfies the requirement of Subsection (C[D])(2) by
652 dedicating right-of-way to provide access to a public street is not required to
653 construct improvements within the right-of-way.
654

655 **PART 21.** City Code Section 25-4-35 (*Board and Commission Review of Requests*
656 *Associated with Subdivision Application*) is amended to read as follows:
657

658 **§ 25-4-35 BOARD AND COMMISSION REVIEW OF REQUESTS ASSOCIATED**
659 **WITH SUBDIVISION APPLICATION.**
660

- 661 (A) The director shall determine~~[, as part of a project assessment under Section~~
662 ~~25-1-63 (*Project Assessment*),]~~ whether board or commission review of a
663 request associated with an application for preliminary plan or plat approval is
664 required under this section. The director shall schedule an associated request
665 for board or commission review on the earliest available date.
666
- 667 (B) The following board or commission must review an associated request before
668 the director or Land Use Commission may consider the application or the
669 associated request:
670
- 671 (1) the Urban Transportation Commission and the Environmental
672 Commission [~~Board~~] shall review a request for an amendment to the
673 Transportation Plan;
674
 - 675 (2) the Water and Wastewater Commission and, if requested by the city
676 council, the Environmental Commission [~~Board~~] shall review a request
677 for an amendment to the city's water or wastewater service area
678 boundary; and
679
 - 680 (3) the Water and Wastewater Commission shall review a request for City
681 cost participation in construction of water or wastewater facilities.

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

684 **§ 25-4-36 VARIANCE FILING AND CONSIDERATION.**

686 (A) If an application for a preliminary plan, plat requires a variance from a
687 subdivision requirement, an applicant is required to obtain approval for the
688 variance before associated application for a preliminary plan, plat or
689 subdivision construction plan can be approved by the director. [~~An applicant~~
690 ~~shall file an application for a variance from a subdivision requirement when~~
691 ~~the applicant submits an for preliminary plan, approval, or if a preliminary~~
692 ~~plan is not required, when the applicant files an application for plat].~~
693 [approval. The director shall accept an application associated with a
694 preliminary plan, plat, or subdivision construction plan, only if a project
695 assessment has been complete.]

696
697
698 (~~B~~) ~~The Land Use Commission shall concurrently consider an application for a~~
699 ~~variance and an application for a preliminary plan or plat approval.]~~

700
701 (B[~~C~~]) The requirement of Section 25-1-214 (*Public Hearing and Notice*) that the
702 Land Use Commission hold a public hearing not later than 45 days after the
703 date an application for a variance is filed does not apply to an application for a
704 variance from a subdivision requirement.

705
706 **PART 23.** City Code Section 25-4-38 (*Infrastructure Construction or Fiscal Security for*
707 *Plat Approval*) is amended to read as follows:

708 **§ 25-4-38 INFRASTRUCTURE CONSTRUCTION OR FISCAL SECURITY FOR**
709 **PLAT APPROVAL.**

- 710
711 (A) Before the director [~~Land Use Commission or council~~] may approve a plat,
712 the subdivider shall:
713
714 (1) construct the streets, utilities, and drainage facilities in compliance with
715 the requirements of this title; or
716
717 (2) provide fiscal security under Section 25-1-112 (*Fiscal Security*) for
718 subdivision improvements that serve the public interest [~~as determined~~
719 ~~under Subsection (B) and (C)].~~

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

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

729
730 (B[~~D~~]) Fiscal security provided under this section may be used by the City to
731 construct the subdivision improvements that serve the public interest.

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

734
735 **§ 25-4-40 ACTION IN 15 DAYS AFTER APPLICANT RESPONSE.**

736
737 (A) The requirements of this section are mandated by state law and supersede any
738 contrary provisions of the City Code.

739
740 (B) In this section, applicant response means the information provided by the
741 applicant to the director to address the conditions of approval or reasons for
742 disapproval of an application for preliminary plan[;] or plat.[~~or subdivision~~
743 ~~construction plan.~~]

744
745 (C) An applicant response:

- 746
747 (1) must adequately address each condition of approval or reason for the
748 disapproval;
- 749
750 (2) must include only changes only as necessary to address the condition of
751 approval or reason for disapproval; and
- 752
753 (3) may not include substantial changes unrelated to the condition of
754 approval or reason for disapproval.

755
756 (D) Upon receipt of an applicant response to a preliminary plan or plat application
757 that requires Land Use Commission consideration, the director shall:

- 758
759 (1) determine if the applicant response meets the requirements in
760 Subsection (C), and
- 761

762 (2) schedule the application for consideration by the Land Use Commission
763 not later than the 15th day after the applicant response was submitted.

764
765 (E) Upon receipt of an applicant response to a preliminary plan or plat [~~or replat~~
766 ~~subject to administrative approval under Section 25-4-33 (Administrative~~
767 ~~Approval of Certain Subdivision Application)] the director shall:~~

768
769 (1) determine if the applicant response meets the requirements in
770 Subsection (C), and

771
772 (2) approve, [~~or~~] approve with conditions, or disapprove with reasons, the
773 preliminary plan or plat [~~or replat~~] not later than 15 days after the
774 applicant response was submitted. [~~;~~ ~~or~~]

775
776 [~~(3) schedule the plat or replat for Land Use Commission to approve,~~
777 ~~approve with conditions, or disapprove with reasons not later than the~~
778 ~~15th day after the Applicant Response is submitted.]~~

779
780 [~~(F) Upon receipt of an applicant response to a subdivision construction plan, the~~
781 ~~director shall:~~

782
783 [~~(1) determine if the applicant response meets the requirements in~~
784 ~~Subsection (C), and~~

785
786 [~~(2) approve, approve with conditions, or disapprove with reasons no later~~
787 ~~than 15 days after the applicant response was submitted.]~~

788
789 (F[G]) If the applicant response as submitted complies with the provisions of
790 Subsection (C), and the [~~Land Use Commission or the~~] director fails to
791 comply with the time limits for action in this section, the application for
792 preliminary plan[~~;~~] or plat[~~;~~ ~~or subdivision construction plan~~] is approved by
793 operation of law.

794
795 **PART 25.** City Code Section 25-4-56 (*Staff Review of Application for Preliminary Review*
796 *Approval*) is amended to read as follows:

797
798 **§ 25-4-56 STAFF REVIEW OF APPLICATION FOR PRELIMINARY PLAN**
799 **APPROVAL.**

- 801 (A) The director shall promptly deliver a copy of an application for preliminary
802 plan approval to each reviewing department or agency after the application
803 has been filed.
- 804
- 805 (B) A reviewing department or agency shall prepare and deliver to the director a
806 written report of comments and recommendations regarding an application for
807 preliminary plan approval before the expiration of the staff review period
808 described in this section.
- 809
- 810 (C) Staff review period for an application for preliminary plan approval is
811 established by the director by administrative rule under Section 25-1-83
812 (*Preliminary Plan or Plat [Subdivision] Application Requirements and*
813 *Expiration*).
- 814
- 815 (D) An applicant may file with the director an update to an application for
816 preliminary plan approval before expiration of the application.
- 817
- 818 (E) The staff review period of an update to an application for preliminary plan
819 approval is established by the director by administrative rule.
- 820

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

823

824 **§ 25-4-57 [COMMISSION] ACTION ON PRELIMINARY PLAN.**

825

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

829

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

832

833 **§ 25-4-61 CHANGES TO AN APPROVED PRELIMINARY PLAN.**

834

- 835 (A) An applicant can request a change to an approved preliminary plan if:
- 836
- 837 (1) the land affected by the change has not received final plat approval; and
- 838
- 839 (2) all the owners of the land affected by the change are included in the
840 request.
- 841

842 (B) The director may approve a minor deviation from an approved preliminary
843 plan if the director determines that the minor deviation complies with the
844 requirements of this subsection. An applicant shall identify the proposed
845 minor deviation on a copy of the preliminary plan submitted to the director. A
846 formal application is not required.

847
848 (1) A minor deviation may not:

- 849 (a) remove a property restriction or subdivision note;
- 851 (b) modify a waiver or variance;
- 852 (c) change an easement, except with the director's approval;
- 853 (d) increase impervious cover;
- 854 (e) modify a conservation easement, common area, green space, or
855 other open space shown on the preliminary plan;
- 856 (f) affect property outside the proposed plat;
- 857 (g) increase the number of lots;
- 858 (h) change the use of a lot; or
- 859 (i) change the basic street layout.

860
861
862 (2) Except as provided in Subsection (C)(1), a minor deviation may:

- 863 (a) change lot size or configuration;
- 864 (b) change street width or alignment; or
- 865 (c) change a utility or access easement.

866
867
868 (C) If the requested change does not qualify as a minor deviation, the director can
869 approve the change if the director determines that the requested change
870 complies with the requirements of this title.
871
872
873
874
875

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

884
885 **§ 25-4-82 REVIEW OF APPLICATION FOR PLAT APPROVAL; EXPIRATION.**

- 886 (A) The director shall promptly deliver a copy of an application for plat approval
887 to each reviewing department or agency after the application has been filed.
888
889 (B) After the application is filed [~~accepted~~], a reviewing department or agency
890 shall prepare and deliver to the director a written report of comments and
891 recommendations regarding an application for plat approval not later than the
892 deadline established by the director under Section 25-1-83 (*Preliminary Plan*
893 *and Plat* [~~Subdivision~~] *Application Requirements and Expiration*).
894
895 (C) After the application is filed [~~accepted~~], the director shall determine whether
896 an application for plat approval complies with the criteria for approval.
897
898 (D) An applicant may file with the director an update to an application for plat
899 approval before the application expires under the expiration period established
900 under Section 25-1-83(B) (*Preliminary Plan and Plat* [~~Subdivision~~]
901 *Application Requirements and Expiration*).
902
903 (E) After an update is filed, the director shall determine whether an update to an
904 application for plat approval complies with the criteria for approval.
905
906

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

909
910 **§ 25-4-83 PLAT ACKNOWLEDGMENT [~~SCHEDULING OF APPLICATION FOR~~**
911 **~~PLAT APPROVAL~~].**

- 912
913 [~~(A)~~] ~~The director shall schedule an application for plat approval for consideration~~
914 ~~by the Land Use Commission, if required, not later than the 30th day after the~~
915 ~~application has been accepted for staff review.]~~
916
917 [~~(B)~~] The applicant must include the following note on the proposed plat: The owner
918 of this subdivision and the owner's successors and assigns are responsible for
919 construction of subdivision improvements that comply with City of Austin
920 regulations. The owner understands that plat vacation or replatting may be
921 required, at the owner's expense, if plans to construct this subdivision do not
922 comply with the regulations. Approval of this subdivision does not guarantee

923 future approval of variances to the City of Austin regulations that may be
924 required at later stages of development.

925
926 [~~(C) After accepting an update to a plat application, the director shall schedule an~~
927 ~~application that was previously approved with conditions or disapproved with~~
928 ~~reasons for reconsideration by the land use commission not later than the 15th~~
929 ~~day after accepting the update.]~~

930
931 **PART 30.** City Code Section 25-4-84 (*Plat Approval Authority and Criteria*) is amended
932 to read as follows:

933
934 **§ 25-4-84 PLAT APPROVAL AUTHORITY AND CRITERIA.**

935
936 (A) The director is authorized to approve a plat. [~~Approval authority is as follows:~~

937
938 (1) ~~The Land Use Commission may approve a plat, except as provided in~~
939 ~~Subsections (A)(2) and (3).~~

940
941 (2) ~~The council may approve a plat if an applicant files with the director a~~
942 ~~request for concurrent consideration by the council of a preliminary~~
943 ~~plan and a plat.~~

944
945 (3) ~~The director may approve a plat:~~

946
947 (a) ~~that consists of four or fewer lots fronting on an existing street~~
948 ~~and does not create a new street, or is an amending plat described~~
949 ~~in Chapter 212 of the Local Government Code;~~

950
951 (b) ~~for which water and wastewater service for development on the~~
952 ~~proposed lots is immediately available without a service~~
953 ~~extension; and (c) for which a variance is not required.]~~

954
955 (B) The director [~~, Land Use Commission, or council~~] shall approve a plat that
956 complies with the Comprehensive Plan and the requirements of this title.

957
958 (C) Approval of a plat is conditioned on the applicant's posting the fiscal security
959 required by this title in the amount determined by the director. After the
960 director certifies on the plat that the applicant has posted the fiscal security:

961
962 (1) the presiding officer of the Land Use Commission shall endorse the plat
963 to certify the Land Use Commission's approval;

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

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

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

968 **PART 31.** The following sections of the City Code are renumbered as follows:
969

970 (1) Section 25-1-103 (*Construction Management and Certification*) is
971 renumbered to be Section 25-1-104.

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

974 (3) Section 25-1-101 (*Subdivision Construction Plan*) is renumbered to be
975 Section 25-1-102.

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

978 **PART 32.** City Code Chapter 25-4 (*Subdivision*) is amended to add a new Section 25-4-
979 100 to read as follows:
980

981 **§ 25-4-100 SUBDIVISION CONSTRUCTION PLAN APPROVAL AUTHORITY**
982 **AND CRITERIA.**

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

985 **PART 33.** City Code Section 25-4-101 (*Updates to Application for Subdivision*
986 *Construction Plans*) is amended to read as follows:
987

988 **§ 25-4-101 UPDATES TO APPLICATION FOR SUBDIVISION CONSTRUCTION**
989 **PLANS.**

990 An applicant may file an update to a subdivision construction plan application until the
991 underlying application has expired under Section 25-1-84[3] (*Subdivision Construction*
992 *Plan Application Requirements and Expiration*).
993

1003 **PART 34.** City Code Section 25-4-101 (*Subdivision Construction Plan*) is amended to
1004 rename the section to read as follows:

1005
1006 **§ 25-4-102 RELEASE OF A SUBDIVISION CONSTRUCTION PLAN.**

1007
1008 **PART 35.** Subsection (C) of City Code Section 25-4-132 (*Easements and Alleys*) is
1009 amended to read as follows:

- 1010
1011 (C) An alley at least 20 feet wide is required to serve a commercial or industrial
1012 lot in the area bounded by Town Lake, IH-35, Martin Luther King, Jr.
1013 Boulevard, and Lamar Boulevard. If the [The] director of Transportation and
1014 Public Works Department [Land Use Commission] determines that the
1015 proposed alley adequately meets the requirements of traffic circulation, utility
1016 service, topography, and the Comprehensive plan, the director may waive this
1017 requirement.

1018
1019 **PART 36.** City Code Section 25-4-151 (*Street Alignment and Connectivity*) is amended to
1020 read as follows:

1021
1022 **§ 25-4-151 - STREET ALIGNMENT AND CONNECTIVITY.**

1023
1024 Streets of a new subdivision shall be aligned with and connect to existing streets on
1025 adjoining property unless the director of the Transportation and Public Works Department
1026 [Land Use Commission] determines that the Comprehensive Plan, topography,
1027 requirements of traffic circulation, or other considerations make it desirable to depart from
1028 the alignment or connection.

1029
1030 **PART 37.** City Code Section 25-4-152 (*Dead End Streets*) is amended to read as follows:

1031
1032 **§ 25-4-152 - DEAD-END STREETS.**

- 1033
1034 (A) A street may terminate in a cul-de-sac if the director of the Transportation and
1035 Public Works Department determines that the most desirable plan requires
1036 laying out a dead-end street.
- 1037
1038 (B) The director of the Transportation and Public Works Department may approve
1039 [Land Use Commission approval is required for] a dead-end street more than
1040 2,000 feet long.
- 1041
1042 (C) The director of the Transportation and Public Works Department may approve
1043 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 [A4] 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, protected trees, on-site sewage facilities, and other relevant code provisions.

1084 **PART 40.** City Code Section 25-5-112 (*Director's Approval*) is amended to read as
1085 follows:

1086
1087 **§ 25-5-112 DIRECTOR'S APPROVAL.**

- 1088
- 1089 (A) The director shall approve a proposed site plan if the director determines that
1090 the site plan complies with the requirements of this title.
- 1091
- 1092 (B) If the director determines that a proposed site plan does not comply with the
1093 requirements of this title, the director shall deny the site plan under 25-1-64
1094 (Action on an Application; Deadline).[:
- 1095
- 1096 (1) ~~disapprove the site plan pending the applicant's filing of an update to~~
1097 ~~the site plan under Section 25-5-113 (Updates); or~~
- 1098
- 1099 (2) ~~deny the site plan if the time period for filing an update under Section~~
1100 ~~25-5-113 (Updates) has expired.]~~
- 1101
- 1102 (C) In addition to the other remedies available under state law or this title, i[If the
1103 applicant disagrees with [~~disapproves~~] director's interpretation or application
1104 of a requirement of this title the applicant may appeal to: [to the Land Use
1105 Commission by filing a written objection with the director. The applicant may
1106 appeal the Land Use Commission's decision on an appeal under this
1107 subsection to the council.]
- 1108
- 1109 (1) the Board of Adjustment, if the requirement is a requirement of
1110 Chapter 25-2 (Zoning) or a separately adopted zoning ordinance; or
- 1111
- 1112 (2) the Land Use Commission, if the requirement relates to a requirement
1113 of Chapter 25-6 (Transportation), Chapter 25-7 (Drainage), or Chapter
1114 25-8 (Environment).
- 1115
- 1116 (D) To appeal under Subsection (C), an applicant must file a written objection to
1117 the director.
- 1118
- 1119
- 1120
- 1121
- 1122
- 1123
- 1124

1125 **PART 41.** City Code Section 25-5-113 (*Updates*) is amended to read as follows:

1126
1127 **§ 25-5-113 UPDATES.**

1128
1129 An applicant may file an update to a site plan before an application expires. [~~not later than~~
1130 ~~one year after the date the application is filed, unless days are added under Section 25-1-~~
1131 ~~88(A) (*Extension of Update Deadline*).~~]

1132
1133 **PART 42.** City Code Section 25-4-114 (*Time Periods for Determination; Notice*) is
1134 amended to read as follows:

1135
1136 **§ 25-5-114 TIME PERIODS FOR DETERMINATION; NOTICE.**

- 1137
1138 (A) The director shall make a determination under Section 25-5-112 (*Director's*
1139 *Approval*) and give written notification of the determination to each interested
1140 party not later than the deadline established by Section 25-1-64 (*Action on an*
1141 *Application; Deadline*). [~~the director under Section 25-1-82 (*Application*~~
1142 ~~*Requirements and Expiration*).~~]
- 1143
1144 (B) The director shall give notice under Subsection (A) of this section within one
1145 working [~~business~~] day after a determination is made.
- 1146
1147 (C) If the director denies [~~disapproves~~] a site plan, the director shall notify each
1148 interested party of the denial [~~disapproval~~]. The notice must include the
1149 reasons that the site plan does not comply with the requirements of this title.
1150 With permission of the interested party, this notice may be provided by
1151 electronic mail.

1152
1153 **PART 43.** City Code Section 25-7-31 (*Director Authorized to Require Drainage Studies*)
1154 is amended to read as follows:

1155
1156 **§ 25-7-31 REQUIREMENT FOR [DIRECTOR AUTHORIZED TO REQUIRE]**
1157 **DRAINAGE STUDIES.**

- 1158
1159 (A) For a preliminary plan or plat application to demonstrate that the proposed
1160 development would not result in an adverse impact to adjacent properties, the
1161 director may require the owner of real property to provide, at the owner's
1162 expense, a drainage study for the total area to be developed to demonstrate
1163 compliance with applicable drainage regulations.

1165 (B[A]) For all other applications, t[F]he director may require the owner of real
1166 property to provide, at the owner's expense and as a condition for
1167 development application approval, a drainage study for the total area to be
1168 ultimately developed.

1169 (C[B]) The drainage study must be in accordance with the Drainage Criteria Manual.

1170 (D[E]) If a drainage study is required under this section, the City may not accept for
1171 review a development application for any portion of the proposed
1172 development until the director has received the required drainage study.
1173

1174
1175
1176 **PART 44.** City Code Section 25-7-32 (*Director Authorized to Require Erosion Hazard*
1177 *Zone Analysis*) is amended to read as follows:
1178

1179 **§ 25-7-32 [~~DIRECTOR AUTHORIZED TO REQUIRE~~] EROSION HAZARD**
1180 **ZONE ANALYSIS REQUIREMENT.**
1181

1182 (A) For a preliminary plan or plat application to demonstrate that the development
1183 proposed in a preliminary plan or plat application does not create negative
1184 erosion impacts, the owner of real property may provide, at the owner's
1185 expense, an erosion hazard zone analysis.
1186

1187 (B[A]) For all other development applications, t[F]he director may require the owner
1188 of real property to provide, at the owner's expense and as a condition for
1189 development application approval, an analysis to establish the erosion hazard
1190 zone if the proposed development is:
1191

- 1192 (1) within 100 feet of the centerline of a waterway with a drainage area of
1193 64 acres or greater; or
1194
1195 (2) within 100 feet of the ordinary high water mark of the Colorado River
1196 downstream from Longhorn Dam, as defined by Code of Federal
1197 Regulations Title 33, Section 328.3 (Definitions); or
1198
1199 (3) located where significant erosion is present.
1200

1201 (C[B]) The erosion hazard zone analysis must be in accordance with the Drainage
1202 Criteria Manual.
1203

1204 (D[E]) If an erosion hazard zone analysis is required under this section, the City may
1205 not accept for review a development application for any portion of the

1206 proposed development until the director has received the required erosion
1207 hazard zone analysis.

1208
1209 **PART 45.** City Code Section 25-8-64 is amended to delete subsection (E).

1210
1211
1212 **PART 46.** City Code Section 25-8-121 (*Environmental Resource Inventory Requirement*) is
1213 amended to read as follows:

1214
1215 **§ 25-8-121 ENVIRONMENTAL RESOURCE INVENTORY REQUIREMENT.**

1216
1217 (A) For an application for a preliminary plan or plan, an applicant may provide an
1218 environmental resource inventory in accordance with this section to
1219 demonstrate compliance with applicable regulations.

1220
1221 (B[A]) For all other applications, a[A]n applicant shall file an environmental
1222 resource inventory with the director for proposed development located on a
1223 tract:

- 1224
1225 (1) within the Edwards Aquifer recharge zone;
1226
1227 (2) containing a critical water quality zone;
1228
1229 (3) with a gradient of more than 15 percent; or
1230
1231 (4) containing, or within 150 feet of, a potential or verified wetland feature
1232 as identified in a map maintained by the Watershed Protection
1233 Department and made available for reference online and at the offices
1234 of the Development Services Department.

1235
1236 (C[B]) An environmental resource inventory must:

- 1237
1238 (1) identify critical environmental features and propose protection
1239 measures for the features;
1240
1241 (2) provide an environmental justification for spoil disposal locations or
1242 roadway alignments;
1243
1244 (3) propose methods to achieve overland flow;
1245

- 1246 (4) describe proposed industrial uses and the pollution abatement program;
1247 and
1248
1249 (5) be completed as prescribed by the Environmental Criteria Manual.
1250

1251 (D[E]) An environmental resource inventory must include:
1252

- 1253 (1) a hydrogeologic report in accordance with Section 25-8-122
1254 (*Hydrogeologic Report*);
1255
1256 (2) a vegetation report in accordance with Section 25-8-123 (*Vegetation*
1257 *Report*); and
1258
1259 (3) a wastewater report in accordance with Section 25-8-124 (*Wastewater*
1260 *Report*).
1261

1262 (E[D]) The director of the Watershed Protection Department may permit an
1263 applicant to exclude from an environmental resource inventory information
1264 required by this section after determining that the information is unnecessary
1265 because of the scope and nature of the proposed development.
1266

1267 **PART 47.** City Council waives the requirements regarding initiating Land Development
1268 Code amendments in City Code Section 25-1-501 (*Initiation of an Amendment*).
1269

1270 **PART 48.** City Council waives the requirements for commission review of a Land
1271 Development Code amendment in City Code Section 25-1-502 (*Amendment; Review*)
1272

1273 **PART 49.** This ordinance applies to an application submitted on or after September 1st,
1274 2023.
1275

1276 **PART 50.** The 88th Texas Legislature adopted House Bills 14 and 3699, effective
1277 September 1, 2023, that regulate municipal approval of development applications. The City
1278 regulates development to preserve public peace, health, and safety. The application
1279 processes associated with development allows the City to ensure that the public peace,
1280 health, and safety can be preserved. The City Code needs to be amended to align the City's
1281 processes with House Bills 14 and 3699. Therefore, the Council finds that an emergency
1282 exists. Because of this emergency, this ordinance takes effect on September 1, 2023, for
1283 the immediate preservation of the public peace, health, and safety.
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PART 51. This ordinance takes effect on _____, 2023.

PASSED AND APPROVED

§
§
§

_____, 2023 § _____

Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____

Anne L. Morgan
City Attorney

Myrna Rios
City Clerk

DRAFT