

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.

(2) Plat and subdivision construction plan if:

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

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

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

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

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

**PART 6.** City Code Section 30-1-113 (*Application Requirements*) is amended to read as follows:

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

- (A) The single office may propose rules to be adopted by the city and county establishing the requirements for an application, including timelines for completing staff review as well as when an application may be updated to meet the requirements of Title 30 and other applicable regulations. The rules adopted must be in accordance with the timelines for action established within ~~[Section 30-2-32 (*City Action within 30 Days*) and]~~ Section 30-2-33 (*Single Office[County] Action within 30 Days*).
- (B) 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.
- (C) An application for preliminary plan or plat expires 180[90] days after the application is filed[accepted] unless the application has been approved.
- ~~[(D) An application for subdivision construction plan expires one year after the application is accepted unless the application has been approved.]~~
- ~~(D)~~(E) An application that has been disapproved with reasons may be updated to address those reasons until the application expires.
- ~~(E)~~(F) Except as provided in Subsection (B), the single office shall consider ~~[may accept]~~ an application filed only if the applicant has paid the required fee and provided the ~~[required]~~ information required by the single office consistent with state law. ~~[, which includes:]~~
- (1) The applicant has 45 days to provide all the information required by the directory after the application is submitted.
  - (2) If an application is rejected as incomplete, the responsible director or building official shall provide the applicant with a written explanation identifying the deficiencies and the information required to complete the application 10 working days after the application is received.

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

~~(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 7.** 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

163 later than the 45th day after it was submitted. The single office may  
164 permit an applicant to omit required information from an application  
165 that the single office determines is not material to a decision on the  
166 application.

- 167
- 168 (2) When the single office rejects an application as incomplete, the single  
169 office shall provide the applicant with a written explanation that  
170 identifies the deficiencies and the information needed to complete the  
171 application. The single office must provide the written explanation  
172 within 10 working days after receipt of the application.
- 173
- 174 (3) An application expires if it is not complete on or before the 45<sup>th</sup> day  
175 after the application is submitted. An applicant may submit an update to  
176 provide additional information and correct any deficiencies at any time  
177 before the 45th day.
- 178
- 179 (4) A certification that the subdivision construction application is  
180 administratively complete is valid for 45 days after the certification has  
181 been issued.
- 182
- 183 (C) The single office is authorized to review the subdivision construction plan  
184 application if the applicant pays the required fee and the application has a  
185 valid certification of completion. If the application has not yet been certified,  
186 the certification is no longer valid, or the submitted subdivision construction  
187 plan does not match the certified materials, the single office will not review  
188 the application but shall provide the applicant with a written explanation  
189 identifying the deficiencies 10 working days after the application is received.
- 190
- 191 (D) An application for subdivision construction plan expires one year after the  
192 application is accepted unless the application has been approved.

193

194 **PART 8.** City Code Chapter 30-1 (*General Provisions and Procedures*) is amended to add  
195 a new Section 30-1-118 to read as follows:

196

197 **§ 30-1-118 EXTENSION OF REVIEW PERIOD**

198

- 199 (A) The single office may extend a review period of a preliminary plan or plat for  
200 an additional 30 days if the applicant submits a written request for an  
201 extension before the time limitations described in Section 30-2-32 (*City*  
202 *Action Within 30 Days*) and Section 30-2-33 (*County Action within 30 Days*).  
203 The review period can only be extended one time.

- 204 (B) If the single office approves an extension request under Subsection (A), the  
205 single office shall approve, approve with conditions, or disapprove no later  
206 than the expiration of the extended review period.  
207

208 **PART 9.** Chapter 30-1 (*General Provisions and Procedures*) is amended to add a new  
209 Section 30-1-119 to read as follows:  
210

211 **§ 30-1-119 - TOLLING OF APPLICATION PERIOD.**  
212

- 213 (A) This section establishes a "stop the clock" provision tolling the expiration  
214 period for an application that requires discretionary review by the Land Use  
215 Commission, Board of Adjustment, commissioners court, or city council.  
216
- 217 (B) The expiration of an application is tolled if, prior to expiration of the  
218 application, the single office determines that approval of the application  
219 requires:  
220
- 221 (1) discretionary review, as authorized under this title, by the Land Use  
222 Commission, Board of Adjustment, commissioners court, or city  
223 council, other than a zoning change or code amendment; and  
224
  - 225 (2) the application meets all other requirements for approval, except for  
226 payment of fees, posting fiscal surety, and other code requirements as  
227 determined by the single office under 30-1-113 (*Preliminary Plan or*  
228 *Plat Application Requirements and Expiration*) or 30-1-116  
229 (*Subdivision Construction Plan Application and Requirements*).  
230
- 231 (C) If an applicant obtains all required discretionary approvals from the Land Use  
232 Commission, Board of Adjustment, commissioners court or city council, any  
233 additional updates of the application must be submitted no later than 60  
234 working days after the date of the approval. An application expires if the  
235 applicant does not comply with this deadline.  
236
- 237 (D) An application expires if the Land Use Commission, Board of Adjustment,  
238 commissioners court, or city council denies a required discretionary approval  
239 or fails to take action after considering the matter at a public hearing.  
240
- 241 (E) If expiration of an application is tolled under this section pending required  
242 approval by the Land Use Commission, Board of Adjustment, commissioners  
243 court, or city council, the expiration period for all other applications  
244 associated with the same project is also tolled.

**PART 10.** Subsection (E) of City Code Section 30-1-173 (*Postponement and Continuation of Public Hearings*) is repealed.

**PART 11.** 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 12.** 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 13.** City Code Section 30-2-32 (*City Action Within 30 Days*) is repealed and reserved.

**PART 14.** 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 15.** City Code Section 30-2-34 (*Original Tract Requirement*) is amended to repeal Subsection (C) and to re-letter the remaining subsections accordingly.



**PART 16.** 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 17.** 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, or 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

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

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

**PART 18.** Subsection (A) of City Code Section 30-2-38 (*Infrastructure Construction or Fiscal Security for Plat Approval*) is amended to read as follows:

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

**PART 19.** City Code Section 30-2-41 (*Action in 15 Days After Applicant Response*) is amended to read as follows:

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

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

408 (C) An applicant response:

- 409
- 410 (1) must adequately address each condition of approval or reason for the
- 411 disapproval;
- 412
- 413 (2) must include only changes only as necessary to address the condition of
- 414 approval or reason for disapproval; and
- 415
- 416 (3) may not include substantial changes unrelated to the condition of
- 417 approval or reason for disapproval.
- 418

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

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

421 ~~single office shall:~~

422

- 423 ~~(1) determine if the applicant response meets the requirements in~~
- 424 ~~Subsection (C), and~~
- 425
- 426 ~~(2) schedule the application for consideration by the land use commission~~
- 427 ~~and commissioners court not later than the 15th day after the applicant~~
- 428 ~~response was submitted.]~~
- 429

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

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

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

433

- 434 (1) determine if the applicant response meets the requirements in
- 435 Subsection (C), and
- 436
- 437 (2) approve, [or] approve with conditions, or disapprove with reasons, the
- 438 preliminary, plat, or replat not later than 15 days after the applicant
- 439 response was submitted. ~~;~~ or]
- 440
- 441 ~~[(3) schedule the plat or replat for land use commission and commissioners~~
- 442 ~~court to approve, approve with conditions, or disapprove with reasons~~
- 443 ~~not later than the 15th day after the applicant response is submitted.]~~
- 444
- 445
- 446
- 447

448 ~~[(F) Upon receipt of an applicant response to a subdivision construction plan, the~~  
449 ~~single office shall:~~

450  
451 ~~(1) determine if the applicant response meets the requirements in~~  
452 ~~Subsection (C), and~~

453  
454 ~~(2) approve, approve with conditions, or disapprove with reasons no later~~  
455 ~~than 15 days after the applicant response was submitted.]~~

456  
457 ~~[(E)(G)]~~ If the applicant response as submitted complies with the provisions of  
458 Subsection (C), and the ~~[land use commission or the commissioners court or~~  
459 ~~the]~~ single office fails to comply with the time limits for action in this section,  
460 the application for preliminary plan~~[,] or plat[, or subdivision construction~~  
461 ~~plan]~~ is approved by operation of law.

462  
463 **PART 20.** Subsection (A) of City Code Section 30-2-56 (*Staff Review of Application for*  
464 *Preliminary Plan Approval*) is amended to read as follows:

465  
466 **§ 30-2-56 STAFF REVIEW OF APPLICATION FOR PRELIMINARY PLAN**  
467 **APPROVAL.**

468  
469 (A) The single office shall promptly deliver a copy of an application for  
470 preliminary plan approval to each reviewing department or agency after the  
471 application is filed.

472  
473 **PART 21.** City Code Section 30-2-57 (*Land Use Commission or Commissioners Court*  
474 *Action on Preliminary Plan*) is amended to read as follows:

475  
476 **§ 30-2-57 [LAND USE COMMISSION OR COMMISSIONERS COURT] ACTION**  
477 **ON PRELIMINARY PLAN.**

478  
479 ~~[(A)]~~ The single office~~[commissioners court]~~ shall approve an application for  
480 preliminary plan approval that complies with the requirements of this title.

481  
482 ~~[(B)]~~ ~~The land use commission shall approve an application for preliminary plan~~  
483 ~~approval that complies with the comprehensive plan and the requirements of~~  
484 ~~this title.]~~

**PART 22.** 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;

530 (h) change the use of a lot; or

531 (i) change the basic street layout.

532 (2) [Except as provided in Subsection (C)(1)], A[a] minor deviation may:

533 (a) change lot size or configuration;

534 (b) change street width or alignment; or

535 (c) change a utility or access easement.

536 (C) If the requested change does not qualify as a minor deviation, the single office  
537 can approve the change if the single office determines that the requested  
538 change complies with the requirements of this title.

539 ~~[(D) The single office may approve a minor revision to an approved preliminary~~  
540 ~~plan if the single office determines that the minor revision complies with the~~  
541 ~~requirements of this subsection. An applicant shall request a minor revision in~~  
542 ~~an application submitted to the single office.~~

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

544 ~~(a) remove a property restriction or subdivision note;~~

545 ~~(b) modify a waiver or variance;~~

546 ~~(c) change an easement, except with the director's approval;~~

547 ~~(d) increase impervious cover;~~

548 ~~(e) modify a conservation easement, common area, green space, or~~  
549 ~~other open space shown on the preliminary plan;~~

550 ~~(f) affect property outside the preliminary plan; or~~

551 ~~(g) increase the number of dwelling units.~~

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

553 ~~(a) include a minor deviation;~~

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

572  
573                   (c) ~~increase in the number of lots; or~~

574  
575                   (d) ~~modify a subdivision to accommodate a change in use resulting~~  
576                   ~~from rezoning or land acquisition through eminent domain.~~

577  
578                   (3) ~~The single office may determine that other changes similar in scope and~~  
579                   ~~effect to those described in Subsection (D)(2) are minor revisions.]~~

580  
581                   ~~[(E) The single office shall provide the land use commission and the~~  
582                   ~~commissioners court with an approved minor deviation or minor revision~~  
583                   ~~before the land use commission or commissioners court considers approval of~~  
584                   ~~the plat.]~~

585  
586 **PART 23.** City Code Section 30-2-62 (*Expiration of Approved Preliminary Plan*) is  
587 repealed and replaced with a new Section 30-2-62 to read as follows:

588  
589 **§ 30-2-62 APPEAL OF DISAPPROVAL OF A PRELIMINARY PLAN.**

590  
591                   (A) An applicant may appeal the director's disapproval of a preliminary plan  
592                   application to the land use commission or council.

593  
594                   (B) An applicant may appeal the county executive's disapproval of a plat  
595                   application to the commissioners court.

596  
597                   (C) The single office shall give notice under Section 30-1-153(A) (*Notice of*  
598                   *Public Hearing*) of the land use commission's or council's consideration of an  
599                   appeal.

600  
601                   (D) An applicant must receive approval from both the city and county in  
602                   accordance with Section 30-1-91(A).

603  
604 **PART 24.** City Code Section 30-2-82 (*Review of Application for Plat Approval;*  
605 *Expiration*) is amended to read as follows:

606  
607 **§ 30-2-82 REVIEW OF APPLICATION FOR PLAT APPROVAL; EXPIRATION.**

608  
609                   (A) The single office shall promptly deliver a copy of an application for plat  
610                   approval to each reviewing department or agency after the application has  
611                   been filed.

- 612 (B) After the application is filed~~[a~~accepted], a reviewing department or agency  
613 shall prepare and deliver to the single office a written report of comments and  
614 recommendations regarding an application for plat approval not later than the  
615 deadline established by the director by administrative rule.
- 616
- 617 (C) After the application is filed~~[a~~accepted], the single office shall determine  
618 whether an application for plat approval complies with the criteria for  
619 approval and give notice under Section 30-1-154(B) (*Notice of Applications*  
620 *and Administrative Decisions*) of the determination not later than the deadline  
621 established by the director by administrative rule.
- 622
- 623 (D) An applicant may file with the single office an update to an application for  
624 plat approval before the application expires under the expiration period  
625 established under Subsection (F).
- 626
- 627 (E) After an update is filed, the single office shall determine whether an update to  
628 an application for plat approval complies with the criteria for approval.
- 629
- 630 (F) An application:
- 631
- 632 (1) Expires 180~~[90]~~ days after the application is filed~~[a~~accepted] unless the  
633 application has been approved.
- 634
- 635 (2) That has been disapproved with stated reasons may be updated to  
636 address those reasons until the application expires.
- 637

638 **PART 25.** City Code Section 30-2-83 (*Scheduling of Application for Plat Approval*) is  
639 amended to read as follows:

640

641 **§ 30-2-83 PLAT ACKNOWLEDGMENT [SCHEDULING OF APPLICATION]**  
642 **FOR PLAT APPROVAL.**

643

- 644 ~~[(A) The single office shall schedule an application for plat approval for~~  
645 ~~consideration by the land use commission and commissioners court not later~~  
646 ~~than the 30th day after the application has been accepted for staff review.]~~
- 647
- 648 ~~[(B)]~~ The applicant must include the following note on the proposed plat: The  
649 owner of this subdivision and the owner's successors and assigns are  
650 responsible for construction of subdivision improvements that comply with  
651 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 26.** 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:~~

- 691 (a) ~~that consists of four or fewer lots fronting on an existing street~~  
692 ~~and does not create a new street, or is an amending plat described~~  
693 ~~in Chapter 212 of the Local Government Code;~~  
694  
695 (b) ~~for which water and wastewater service for development on the~~  
696 ~~proposed lots is immediately available without a service~~  
697 ~~extension; and (c) for which a variance is not required.~~  
698  
699 (3) ~~The commissioners court or county executive shall approve a plat if it~~  
700 ~~complies with the requirements of this title.]~~  
701  
702 (C) Approval of a plat is conditioned on the applicant's posting the fiscal security  
703 required by this title in the amount determined by the single office. After the  
704 single office certifies on the plat that the applicant has posted the fiscal  
705 security:  
706  
707 (1) for a city approval:  
708  
709 (a) the presiding officer of the land use commission shall endorse the  
710 plat to certify the land use commission's approval;  
711  
712 (b) the mayor shall endorse the plat to certify the council's approval;  
713 or  
714  
715 (c) the director shall endorse the plat to certify the director's  
716 approval; and  
717  
718 (2) for a county approval:  
719  
720 (a) the county executive shall endorse the plat to certify the county  
721 executive's approval; or  
722  
723 (b) the county clerk shall endorse the plat to certify the  
724 commissioners court approval.  
725  
726 (D) Approval of a plat expires on the 90th day after the approval date if the single  
727 office has not certified that the applicant has posted fiscal security.  
728  
729  
730  
731

**PART 27.** City Code Section 30-2-85 (*Recordation*) is amended to read as follows:

**§ 30-2-85 RECORDATION.**

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

**PART 28.** City Code Section 30-2-86 (*Effect of Preliminary Plan Expiration*) is repealed and replaced with a new Section 30-2-86 to read as follows:

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

- (A) An applicant can appeal the director's disapproval of a plat application to the land use commission or council.
- (B) An applicant can appeal the county executive's disapproval of a plat application to commissioners court.
- (C) The single office shall give notice under Section 30-1-153(A) (*Notice of Public Hearing*) of the land use commission's or council's consideration of an appeal.
- (D) An applicant must receive approval from both the city and county in accordance with Section 30-1-91(A).

**PART 29.** City Code Chapter 30-2 (*Subdivision Requirements*) is amended to add a new Section 30-2-100 to read as follows:

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

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

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

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

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

**PART 31.** Section 30-2-102 (*Expiration of Subdivision Construction Plan*) is repealed and replaced with a new Section 30-2-102 to read as follows:

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

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

**PART 32.** City Code Chapter 30-2 (*Subdivision Requirements*) is amended to add a new Section 30-2-104 to read as follows:

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

- (A) The single office may release a subdivision construction plan if:
- (1) the single office approves the subdivision construction plan; and
  - (2) the applicant posts the required fiscal security with the single office.
- (B) The single office's release of a subdivision construction plan authorizes the applicant to begin development in accordance with the plan.

**PART 33.** City Code Chapter 30-2 (*Subdivision Requirements*) is amended to add a new Section 30-2-105 to read as follows:

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

- (A) A subdivision construction plan expires three years after the date of its approval unless:
- (1) the land use commission and the commissioners court both approve a later expiration date when they approve the plat;
  - (2) before the plan expires, site work is commenced and diligently pursued to completion; or
  - (3) the single office extends the expiration date under Subsection (B).
- (B) An applicant may request that the single office extend the expiration date of a subdivision construction plan by filing a written request and justification with the single office before the expiration date.
- (1) The single office may extend the expiration date of the plan once for a period of one year if the single office determines:
    - (a) there is good cause for the extension;
    - (b) there has not been a significant change in development conditions 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 34.** 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, if applicable; 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 35.** City Code Section 30-2-197 (*Subdivisions Where Water or Wastewater Services are not Available*) is amended to read as follows:

(A) For a subdivision that is not served by a water utility or sanitary sewer facility, 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]~~.

- 935 (1) If surface water or a private water supply other than groundwater is  
936 proposed as a source of water for the subdivision, t[F]he evidence  
937 must[~~may~~] include the results of tests [~~and borings,~~] and statements  
938 from local and state health authorities, water engineers, and other  
939 competent authorities, and be in compliance with Texas Commission on  
940 Environmental Quality rules for public water supply.
- 941
- 942 (2) If groundwater is proposed as a source of water for the subdivision, the  
943 subdivider must provide credible evidence that sufficient groundwater  
944 is available and will continue to be available to the subdivision, the  
945 subdivider must comply with the county's rules regarding the use of  
946 groundwater, and the evidence is subject to approval by the county's  
947 platting official.
- 948
- 949 (3) [~~If the subdivider proposes a private water supply for the subdivision,~~]  
950 Any required[~~the~~] plans and specification shall be prepared by a  
951 registered professional engineer and are subject to approval by the  
952 platting official[~~approved by the director of the Water and Wastewater~~  
953 Utility and the Texas Commission on Environmental Quality].
- 954
- 955 (C) If a subdivision is not to be served by a sanitary sewer utility and the use of  
956 private on-site sewage facilities has not been approved by the authorized agent  
957 in accordance with Texas Administrative Code Title 30, Chapter 285 (On-Site  
958 Sewage Facilities), the subdivider shall construct a community sewage  
959 collection and treatment system that serves each lot. The system must be  
960 designed and located in accordance with the regulations of the Texas  
961 Commission on Environmental Quality and the local health authority.  
962 Approval by the platting official[~~director of the Water and Wastewater Utility~~]  
963 of the plans for the system is required.
- 964

965 **PART 36.** City Code Section 30-2-218 (*Submittal Requirements*) is amended to read as  
966 follows:  
967

968 **§ 30-2-218 SUBMITTAL REQUIREMENTS.**  
969

970 [~~(A)~~] The single office[~~director~~] may request that the subdivider provide information  
971 relating to proposed parkland to determine whether the proposed parkland  
972 complies with this division[~~part~~].  
973

974 [~~(B)~~] ~~A subdivider shall provide the information requested under this section.]~~  
975



**PART 37.** Subsection (C) of City Code Section 30-2-231 (*Townhouse Lots*) is amended to read as follows:

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

**PART 38.** Subsection (A) of City Code Section 30-3-144 (*Improvements to Intersections*) is amended to read as follows:

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

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

**PART 39.** City Code Section 30-4-31 (*Single Office Authorized to Require Drainage Studies*) is amended to read as follows:

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

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

- (B~~[A]~~) For subdivision construction plans, t~~[F]~~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, a drainage study for the total area to be ultimately developed.

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

- (D~~[C]~~) If a drainage study 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 drainage study.

**PART 40.** 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 41.** 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 42.** 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.

1099 (B) For a subdivision construction plan application, an applicant shall provide an  
1100 environmental resource inventory with the director for proposed development  
1101 located on a tract:

1102  
1103 (1) within the Edwards Aquifer recharge;

1104  
1105 (2) containing a critical water quality zone;

1106  
1107 (3) with a gradient of more than 15 percent; or

1108  
1109 (4) containing, or within 150 feet of, a potential or verified wetland feature  
1110 as identified in a map maintained by the Watershed Protection  
1111 Department and made available for reference online and at the offices  
1112 of the Development Services Department.

1113  
1114 (C[B]) An environmental resource inventory must:

1115  
1116 (1) identify critical environmental features and propose protection  
1117 measures for the features;

1118  
1119 (2) provide an environmental justification for spoil disposal locations or  
1120 roadway alignments;

1121  
1122 (3) propose methods to achieve overland flow;

1123  
1124 (4) describe proposed industrial uses and the pollution abatement program;  
1125 and

1126  
1127 (5) be completed as prescribed by the Environmental Criteria Manual.

1128  
1129 (D[E]) An environmental resource inventory must include:

1130  
1131 (1) a hydrogeologic report in accordance with Section 30-5-122  
1132 (*Hydrogeologic Report*);

1133  
1134 (2) a vegetation report in accordance with Section 30-5-123 (*Vegetation*  
1135 *Report*); and

1136  
1137 (3) a wastewater report in accordance with Section 30-5-124 (*Wastewater*  
1138 *Report*).

(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 43.** 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 44.** 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 45.** 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 46.** Council waives the requirements regarding initiating Land Development Code amendments in City Code Section 25-1-501 (*Initiation of an Amendment*).

**PART 47.** Council waives the requirements for commission review of a Land Development Code amendment in City Code Section 25-1-502 (*Amendment; Review*)

**PART 48.** This ordinance applies to an application submitted on or after September 1<sup>st</sup>, 2023.

**PART 49.** 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 50.** This ordinance takes effect on \_\_\_\_\_, 2023.

**PASSED AND APPROVED**

§

§

§

\_\_\_\_\_, 2023 § \_\_\_\_\_

Kirk Watson  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_

Anne L. Morgan  
City Attorney

Myrna Rios  
City Clerk