

ORDINANCE NO. 20231019-055

**AN ORDINANCE ESTABLISHING A PILOT PROGRAM RELATING TO
TIMELINES FOR ZONING AND REZONING APPLICATIONS AND
NEIGHBORHOOD PLAN AMENDMENT APPLICATIONS.**

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

PART 1. FINDINGS.

City Council finds the following:

- (A) Zoning and rezoning applications, and neighborhood plan amendment applications have prescribed timelines for action and expiration dates in City Code Title 25 (*Land Development Code*).
- (B) The review process for zoning and rezoning applications, and neighborhood plan amendment applications, includes staff review, providing public notice, and conducting public hearings.
- (C) Implementing a pilot program authorizing amendments to the Land Development Code to extend application timelines will aid in the application review process.

PART 2. This ordinance creates a six-month pilot program to extend certain timelines for zoning and rezoning applications and neighborhood plan amendment applications, as described in PART 4 of this ordinance (the “Pilot Program”). The Pilot Program begins on November 1, 2023, and ends on April 30, 2024, unless Council terminates the Pilot Program prior to that date.

PART 3. After February 1, 2024, the City Manager is directed to evaluate the Pilot Program and provide the Planning Commission with the status of the Pilot Program impact on the application review process. The City Manager is directed to place an item on the City Council agenda prior to April 30, 2024, to consider extending the Pilot Program an additional six months. Council directs the City Manager to go to Planning Commission to obtain a recommendation prior to placing an item on the City Council agenda to terminate or extend the Pilot Program.

PART 4. Applications initiated during the Pilot Program shall be reviewed using the timelines established in this ordinance. The following deadlines apply to zoning and rezoning applications, and neighborhood plan amendment applications timeline:

- (A) A neighborhood plan amendment application expires if the director does not schedule the application for a public hearing:
 - (1) by the Planning Commission before the 362nd day after the date of filing; or
 - (2) by the Planning Commission or council before the 362nd day after the date on which the Planning Commission or Council grants an indefinite postponement of a scheduled public hearing.
- (B) The Land Use Commission shall hold a public hearing on a neighborhood plan amendment application not later than the 120th day after the date the application is filed.
- (C) The council shall hold a public hearing on a neighborhood plan amendment application not later than the 80th day after the date of the Land Use Commission recommendation.
- (D) A zoning or rezoning application expires if the director of the Neighborhood Planning and Zoning Department does not schedule the application for a public hearing:
 - (1) by the Land Use Commission before the 362nd day after the date of filing; or
 - (2) by the Land Use Commission or council before the 362nd day after the date on which the Land Use Commission or council grants an indefinite postponement of a scheduled public hearing.
- (E) The Land Use Commission shall hold a public hearing on a zoning or rezoning application not later than the 120th day after the date the application is filed. The director of the Neighborhood Planning and Zoning Department shall give notice under Section 25-1-132(A) (*Notice of Public Hearing*) of the public hearing. If the application includes property located within the Waterfront Overlay (WO) combining district, the director shall request a recommendation from the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission to be

considered by the Land Use Commission at the public hearing. If the Board fails to make a recommendation as required under Section 25-2-715 (*Review and Recommendation of the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission*), the Land Use Commission or accountable official may act on the application without a recommendation from the Board.

- (F) The council shall hold a public hearing on a zoning or rezoning application not later than the 80th day after the date of the Land Use Commission recommendation.

PART 5. This ordinance supersedes the deadlines provided in City Code Section(s) 25-1-807 (*Expiration of Application*), 25-1-808 (*Land Use Commission Public Hearing and Recommendation*), 25-1-809 (*City Council Hearing and Recommendation*), 25-2-246 (*Expiration of Application*), 25-2-282 (*Land Use Commission Public Hearing and Recommendation*), and 25-2-283 (*City Council Zoning Hearing and Action*).

PART 6. This ordinance applies to zoning and rezoning applications, and neighborhood plan amendment applications, filed on or after November 1, 2023, and on or before April 30, 2024, unless earlier terminated by City Council.

PART 7. This ordinance takes effect on November 1, 2023.

PASSED AND APPROVED


October 19, 2023

§
§
§

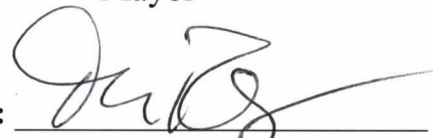


Kirk Watson
Mayor

APPROVED:


Anne L. Morgan
City Attorney

ATTEST:


Myrna Rios
City Clerk