

ORDINANCE NO. 20240718-103

AN ORDINANCE AMENDING CITY CODE TITLE 30 RELATING TO SUBDIVISION REGULATIONS AND WAIVING REQUIREMENTS OF CITY CODE SECTIONS 30-1-481 AND 30-1-482 RELATING TO INITIATION AND REVIEW OF CODE AMENDMENTS.

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

PART 1. Subsection (E) of City Code Section 30-1-113 (*Preliminary Plan or Plat Application Requirements and Expiration*) is amended to read:

- (E) Except as provided in Subsection (B), the single office shall consider an application filed only if the applicant has paid the required fee and provided the information required by the single office consistent with state law.
 - (1) The applicant has 45 days to provide all the information required by the single office~~[directory]~~ after the application is submitted.
 - (2) If an application is rejected as incomplete, the single office~~[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 45th day after the application is submitted. An applicant may submit an update to provide additional information and to correct deficiencies at any time before the application expires.

PART 2. Subsection (A) of City Code Section 30-1-118 (*Extension of Review Period*) is amended to read:

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

PART 3. City Code Section 30-1-223 (*Initiating an Appeal*) is amended to read:

§ 30-1-223 INITIATING AN APPEAL.

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

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

PART 4. Subsection (A) of City Code Section 30-2-38 (*Infrastructure Construction or Fiscal Security for Plat Approval*) is amended to read:

- (A) Before the single office may approve a plat, the subdivider shall:
 - (1) obtain final approval of subdivision construction plans; post fiscal security as required by the county executive 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 5. Subsections (B) and (C) of City Code Section 30-2-61 (*Changes to an Approved Preliminary Plan*) is amended to read:

- (B) 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;
 - (h) change the use of a lot; or
 - (i) change the basic street layout.
- (2) A minor deviation may:
- (a) change lot size or configuration;
 - (b) change street width or alignment; or
 - (c) change a utility or access easement.
- (C) If the requested change does not qualify as a minor deviation, the applicant may submit a separate application to the single office requesting the change. The single office may~~can~~ approve the change if the single office determines that the requested change complies with the requirements of this title.

PART 6. Chapter 30-2 (*Subdivision Requirements*) is amended to add a new Section 30-2-60 (*Expiration of Approved Preliminary Plan*) to read:

§ 30-2-60 EXPIRATION OF APPROVED PRELIMINARY PLAN

- (A) Except as provided in Subsection (B), an approved preliminary plan expires:
- (1) in the drinking water protection zone, four years after the date of its approval; or
 - (2) in the desired development zone, ten years after the date of its approval.

(B) The appropriate official may extend the expiration date of an approved preliminary plan:

- (1) twice for periods of not more than two years each, if the appropriate official determines that, since the date of the plan's approval, the plan has not significantly changed, and the applicable regulations have not significantly changed; or
- (2) for a period determined by the appropriate official if the applicant agrees with the appropriate official to complete the subdivision infrastructure in increments or phases that correspond to the increments or phases of the development.

PART 7. Subsection (C) of City Code Section 30-2-62 (*Appeal of Disapproval of a Preliminary Plan*) is amended to read:

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

PART 8. Subsections (B) and (C) of Section 30-2-82 (*Review of Application for Plat Approval; Expiration*) are amended to read:

- (B) After the application is filed, a reviewing department or agency shall prepare and deliver to the single office a written report of comments and recommendations regarding an application for plat approval not later than the deadline established by the single office~~[director]~~ by administrative rule.
- (C) After the application is filed, the single office shall determine whether an application for plat approval complies with the criteria for approval and give notice under Section 30-1-154(B) (*Notice of Applications and Administrative Decisions*) of the determination not later than the deadline established by the single office~~[director]~~ by administrative rule.

PART 9. City Code Section 30-2-83 (*Plat Acknowledgement for Plat Approval*) is amended to read:

The applicant must include the following note on the proposed plat: The owner of this subdivision and the owner's successors and assigns are responsible for construction of subdivision improvements that comply with 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. Approval of this subdivision does not guarantee future approval of variances to the City of Austin and Travis County regulations that may be required at later stages of development.

PART 10. Subsection (C) of City Code Section 30-2-86 (*Appeal of Disapproval of Plat*) is amended to read:

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

PART 11. Subsection (B) of City Code Section 30-5-121 (*Environmental Resource Inventory Requirement*) is amended to read:

- (B) For a subdivision construction plan application, an applicant shall provide an environmental resource inventory with the single office~~[director]~~ for proposed development located on a tract:
- (1) within the Edwards Aquifer recharge;
 - (2) containing a critical water quality zone;
 - (3) with a gradient of more than 15 percent; or
 - (4) containing, or within 150 feet of, a potential or verified wetland feature as identified in a map maintained by the Watershed Protection Department and made available for reference online and at the offices of the Development Services Department.

PART 12. This ordinance takes effect on July 29, 2024.

PASSED AND APPROVED

July 18, 2024

§
§
§

Kirk Watson

Kirk Watson
Mayor

APPROVED:

Deborah Thomas

Deborah Thomas
Acting City Attorney

ATTEST:

Stephanie Huel

Myrna Rios
City Clerk