

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CITY CODE SECTIONS 25-1-83 AND 25-4-61
RELATING TO PRELIMINARY PLAN APPLICATION REQUIREMENTS AND
WAIVING REQUIREMENTS OF CITY CODE SECTIONS 25-1-501 AND 25-1-
502 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 25-1-83 (*Preliminary Plan or Plat Application Requirements and Expiration*) is amended to read:

- (E) The responsible director shall consider an application filed only if the applicant has paid the required fee and provided the information required by the director consistent with state law.
- (1) The applicant has 45 days to provide all the information required by the director[~~y~~] after the application is submitted.
 - (2) If an application is rejected as incomplete, the responsible director [~~or building official~~] shall provide the applicant 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. City Code Section 25-4-61 (*Changes to an Approved Preliminary Plan*) is amended to read:

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

- (A) An applicant can request a change to an approved preliminary plan if:
- (1) the land affected by the change has not received final plat approval; and
 - (2) all the owners of the land affected by the change are included in the request.
- (B) The director may approve a minor deviation from an approved preliminary plan if the director 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 director. 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) ~~[Except as provided in Subsection (C)(1),]~~ A[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 director requesting the change. The director may ~~can~~ approve the change if the director determines that the requested change complies with the requirements of this title.

PART 3. Council waives the requirements of City Code Section 25-1-501 (*Initiation of Amendment*) regarding initiation of a Land Development Code amendment.

PART 4. Council waives the requirements of City Code Section 25-1-502 (*Amendment; Review*) regarding commission review of a Land Development Code amendment.

PART 5. This ordinance takes effect on _____, 2024.

PASSED AND APPROVED

_____, 2024

Kirk Watson
Mayor

APPROVED: _____
Deborah Thomas
Acting City Attorney

ATTEST: _____
Myrna Rios
City Clerk