

# Subdivision



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## 23-5 A-1010 ~~Intent~~ Purpose and Applicability

(A) Purpose. ~~The provisions~~ purpose of this chapter ~~are intended~~ is to implement ensure that divisions of land and the creation of lots comply with specified environmental, infrastructure, and regulatory standards prior to development of individual lots or tracts, in order to:

- (1) Promote the development and utilization of land in a manner that ensures a high quality built and natural environment in accordance with the goals and policies of the ~~Austin~~ Comprehensive Plan;
- (2) Create a built-environment that is visually interesting, livable, environmentally sustainable, and supported by a strong foundation of infrastructure, and promotes healthy lifestyles; ~~Establish~~
- (3) Protect the public interest by imposing standards for the location, design, class, and type of streets, walkways, alleys, utilities, and essential public services;
- (4) Provide for orderly and coordinated development within the City of Austin and its extraterritorial jurisdiction and establish a development process that is cost-effective, market-driven, predictable, and flexible; ~~and create~~
- (5) Create a development pattern that supports an intermodal, connected, and reliable transportation system that is safe for all users;

## 23-5 A-1020 ~~Compliance~~

- (6) Except as provided in Subsection (C), in ~~Coordinate the zoning-jurisdiction,~~ development of adjacent tracts and ensure that development of unplatted tracts, where allowed, is coordinated with existing subdivisions;

- (7) Ensure the most efficient and beneficial provision of public facilities and services for tracts included in a subdivision, with capacity levels adequate to serve proposed and projected development;
- (8) Provide for the circulation of traffic throughout the municipality, in a manner that minimizes traffic congestion and promotes pedestrian circulation appropriate to the land use context;
- (9) Provide for the proper location and width of streets, with the goal of promoting connectivity and ensuring safe traffic flow and emergency access;
- (10) Provide for neighborhood conservation and compatible infill development, as well as opportunities for a variety of housing types suitable to all income levels;

(11) Require adequate pollution controls and drainage facilities, to safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and

(12) Encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of its land.

~~(A)~~(B) **Applicability.** This subsection describes the types of land divisions and conveyances that constitute a subdivision and the particular requirements of this Title that apply to a subdivision.

(1) For purposes of this Title:

(a) A subdivision of land occurs if a tract of land is divided into two (2) or more parts:

(i) To lay out a subdivision of the tract, including an addition to the City of Austin;

(ii) To lay out suburban, building, or other lots; or

(iii) To lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

(b) For purposes of this chapter, a division of a land occurs regardless of whether the division is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. The division of a tract of land for any of the purposes specified herein does not require a transfer of title of all or part of the tract.

(2) Except as provided in Subsection (C), in Paragraph (B)(3):

~~(B)~~(a) A subdivision within the extraterritorial City's zoning jurisdiction, a subdivision shall must comply with the requirements of: this Title; and

~~(3) Chapter 23-1, (General Requirements And Procedures);~~

~~(3) Chapter 23-6, (Reservation And Dedication Of Right-Of-Way), (Street Design) and (Sidewalks);~~

(b) A subdivision within the City's extraterritorial jurisdiction is subject to the general procedural requirements of this Title, including Chapters 23-1 (Introduction) and 23-2 (Administration and Procedures), and must comply with:

~~(1) Article 23-7B (Drainage);~~

~~(2) Article 23-7C (Water Quality);~~

~~(3)(i) Article 23-8E3C (Tree Andand Natural Area Protection);~~

(ii) Division 23-7A-1-3D-6 (Water Quality Controls);

(iii) Article 23-3E (Affordable Housing);

(iv) Chapter 23-9B (Right-Of-Way and Transportation Improvements);

(v) Article 23-9D (Street Design);

(vi) Division 23-9E-5 (Sidewalks and Urban Trails);

~~(4)(vii) Article 23-10A (Utility Service); and~~

(viii) the portions of the Development Criteria Manuals that relate to the City-

~~Code provisions described~~ Article 23-10E (Drainage); and

~~(5)(ix)~~ Technical criteria manuals that related to requirements listed in this subsection.

~~(C)(3)~~ In the portion of the city's extraterritorial jurisdiction that is within Travis County, a subdivision ~~shall~~ must comply with Title 30 (Austin/Travis County Subdivision Regulations).

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**23-5 ~~A-1030~~ Exception from Platting Requirements**

- ~~(C) The applicable **Subdivision Regulations**. For purposes Texas Local Government Code, Section 212.002, the City's subdivision regulations include this chapter and all other provisions of this Title and Title 30 that apply to development associated with a preliminary plan or final plat.~~

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**23-5 ~~A-1020~~ Review Authority**

- ~~(A) Authority and responsibility for implementing this chapter is delegated to the **Director of the Development Services Department**, which is referred to in this chapter as "the **Director**." However, the city manager may ~~except~~ from time to time delegate particular functions under this chapter to one or more other City departments, which shall control over the general delegation in this subsection.~~
- ~~(B) In exercising authority under this chapter, the Director may consult with other City departments regarding issues within that department's area of expertise. For a **summary of general functions performed by various City departments under this Title**, see Section 23-1B-3020 (City Departments and Directors).~~

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**23-5 ~~A-1020~~ Compliance**

- ~~(A) Unless a **parcel of land** is determined to be exempt from the requirement to plat under Section 23-5A-1040 (Platting Exemptions), it is a violation of this chapter to divide or develop the parcel, or any portion thereof, unless a subdivision plat has been approved and recorded as required by this chapter.~~
- ~~(B) Except as provided in Subsection (C), no permit shall be issued for any building, structure, or on-site wastewater system on a parcel of land unless all of the parcel is:~~
- ~~(1) Located within a subdivision approved and filed for record as required by this chapter; or~~
  - ~~(2) Determined to be exempt from the requirement to plat under Section 23-5A-1030 (Platting Exemptions).~~
- ~~(C) The restrictions in Subsection (B) of this section do not apply to:~~
- ~~(1) Permits for repair, remodeling, and expansion of existing buildings, if the building was legally constructed and the proposed repair, remodeling, or expansion is served by adequate City infrastructure and otherwise complies with the applicable requirements of this Title;~~
  - ~~(2) Permits to demolish or remove a structure from a parcel or tract; and~~
  - ~~(3) The use of a parcel solely as a community garden, provided that approval and recordation of a plat under this chapter is required if use of the parcel changes from community garden to any other use.~~

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**23-5 ~~A-1040~~ Platting Exemptions**

- ~~(A) **Purpose and Applicability**. This section establishes exemptions from the requirement to plat and is adopted under Section 212.0045, Texas Local~~

Government Code.  
**(B) General Provisions.**



- (1) The Director shall, at the request of an applicant, determine whether a parcel is exempt from the requirement to plat and may adopt application requirements for evaluating whether a tract meets the applicable exemption criteria under this section. An applicant for an exemption must demonstrate that a parcel meets the applicable criteria and must provide a current deed to the property, an adequate legal description, proof of ownership, and any other information required by the Director.
- (2) A determination by the Director under this section shall be made in writing and referred to as a "land status determination." No other certification, including approval to extend or change utility service to a parcel, shall constitute a certification of land status under this chapter.
- (3) An exemption approved under this section does not constitute a variance from any requirement of this Title and shall become void with the recordation of a legal plat including all or a portion of the tract subject to the exemption.
- (C) Exempt Land Divisions.** The following land divisions are exempt from the platting requirements of this chapter:
- (1) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;
- (2) Use of existing cemeteries complying with all State and local laws and regulations;
- (3) A division of land created by order of a court of competent jurisdiction;
- (4) A remainder tract omitted from a subdivision plat, if approved by the Land Use Commission under Section 23-5B-1040 (Remainder Tracts); and
- (5) A division of land that results in the creation of two or more parcels if:
- (a) Each parcel is greater than five acres, if located inside the full-purpose City limits, or greater than ten acres, if located in the City's extraterritorial jurisdiction;
- (b) Each parcel has direct access to an existing public street; and
- (c) No dedication of public facilities is required in connection with the division under this Title; and
- (6) Acquisition of land for governmental purposes by dedication, condemnation, or easement.
- ~~(A)~~(D) Exemption for Tracts that Predate Subdivision Regulatory Authority. A parcel of land is exempt from the requirement to plat if the Director determines that the parcel existed in its current configuration before becoming subject to the City's jurisdiction over subdivision of -land.

**Health**

~~(F)~~(E) ~~The Director may except a~~ **Safety Exemptions. A** parcel of land is exempt from the requirement to plat if the responsible Director determines that the parcel:

- (1) ~~contains~~Contains a health or safety hazard associated with a private sewage facility or private water well or other conditions that adversely affect public health, safety or welfare; ~~and~~
- (2) ~~existed~~Existed in its current configuration on August 8, 1992; ~~and~~
- (3) ~~was~~Was served by a private sewage facility or private water well on August 8, 1992; ~~and~~
- (4) ~~is~~Is located on an existing street; and
- (5) ~~complies~~Complies with the requirements of this title for roadway frontage.

~~The Director may except a~~

**(F) Exemptions for Original Unplatted Tracts Configured for Development.**

~~(G)~~-1987 Exemption. A parcel ~~of land is exempt~~ from the requirement to plat if the ~~responsible~~ Director determines that the parcel-

(1) ~~is five~~;

~~(1)(a) Five~~ acres or less; ~~and~~;

~~(2)(b) existed~~ Existed in its current configuration on August 31, 1987; ~~and~~

~~(3)(c) was~~ Was receiving utility service that was authorized under the rules of the utility provider on August 31, 1987; ~~and~~

~~(4)(d) is~~ Is located on an existing street; and

~~(5)(e) complies~~ Complies with the requirements of this title for roadway frontage.

~~(H)~~-1995 Exemptions. In the full-purpose limits of the ~~city, the Director may~~ ~~except~~ City, a parcel ~~of land is exempt~~ from the requirement to plat if the ~~responsible~~ Director determines that the -parcel-

(2) ~~is five~~;

~~(1)(a) Five~~ acres or less; ~~and~~

~~(2)(b) existed~~ Existed in its current configuration on January 1, 1995; ~~and~~

~~(3)(c) was~~ Was receiving utility service that was authorized under the rules of the utility provider on January 1, 1995; ~~and~~

~~(4)(d) is~~ Is located on an existing street; and

~~(5)(e) complies~~ Complies with the requirements of this title for roadway frontage.

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## **23-5 A-1050 Remainder Tracts**

**(A) Purpose and Applicability.**

(1) A "remainder tract" is any portion of a legal lot or tract that is not wholly contained within the boundaries of a subdivision plat, including portions of a larger lot or tract that were previously divided without approval from the City of Austin as required by this Title or other applicable law.

(2) In order to avoid the creation of substandard or nonconforming tracts, and to ensure that the requirements of this Title are applied to property as a whole, discretionary review under this section is required for the Land Use Commission to approve a preliminary plan or final plat that includes a remainder tract.

**(B) Inclusion of Remainder Tracts Prohibited.** A preliminary plan or final plat may not include a remainder tract except as provided under Subsection (C).

**(C) Waiver by the Land Use Commission.**

(1) Review Criteria. The Land Use Commission may waive the requirement of Subsection

(B) and approve a preliminary plan or final plat that includes a remainder tract if the Commission determines that:

(a) Including a remainder tract from the proposed subdivision will not substantially impair the orderly planning of roads, utilities, drainage, and other public facilities;

**23-5**

(b) ~~The~~ An portion of the remainder tract omitted from the subdivision:

(i) Has direct access onto a public street; or

(ii) Has access to a public street through right-of-way dedicated by the applicant shall demonstrate to, which must be at least 50-feet wide; and

(iii) May be put to reasonable use without approval of a variance from the requirements of the Title.

(2) **Action on Waiver Request.** In acting on a waiver request under this section, the Land Use Commission may approve, deny, or conditionally approve a remainder tract subject to inclusion of more or less of the larger lot or tract's total land area than proposed by the applicant based on the criteria in Paragraph (C)(1) of this subsection. Approval by the Land Use Commission of a preliminary plan or final plat that requires a waiver under this subsection is deemed approval of the waiver.

(3) **Director's Recommendation.** If a preliminary plan or final plat application includes a waiver request under this section, the Director that a parcel is excepted under this section from the requirement to plat. An applicant shall provide a recommendation to the Land Use Commission on whether the request meets the criteria in Paragraph (C)

(1) of this subsection. The Director's recommendation to approve a preliminary plan or final plat shall be deemed a recommendation to approve a waiver required by this section.

(4) **Application Requirements.** A request to include a remainder tract in a preliminary plan or final plat application must be made concurrent with the preliminary plan or final plat application and must include information required by this subsection.

(+)(a) To facilitate review of a waiver request under this section, the Director with the current deed to the property, may require an adequate legal description, and proof of ownership applicant to provide a schematic land plan of the remainder tract depicting topography, natural features, and existing development, but may not require detailed engineering information.

~~(J) If the Director excepts a parcel from the requirement to plat, the Director shall certify the parcel's exception. The exception shall become void with the recordation of a legal plat.~~

~~(K) An approval to extend or change utility service to a parcel is not a certification under this section or an approval of a plat.~~

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## ~~23-5~~ **A-1040 Temporary Exemption from Platting Requirements**

~~(A) The Director may temporarily exempt a parcel of land from the requirement to plat if the Director determines that the sole use of the parcel is as a community garden. An applicant shall provide the Director with the information and documentation necessary to establish the exemption.~~

~~(B) If the sole use of an exempted parcel changes from a community garden, an exemption under this section expires.~~

~~(C) A parcel temporarily exempted under this section shall be platted before it may be used for a purpose other than as a community garden.~~

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(b) An application for a waiver under this section must include:

(i) Written verification, signed by each owner of land within the portion of a remainder tract to be omitted from the subdivision, certifying to the Director that the owners is aware that no portion of the remainder tract omitted from the subdivision will be considered a legal lot or eligible to receive initial or expanded utilities unless the tract is platted as required by this chapter; or

(ii) Certification that the applicant has provided, by certified mail, the verification form required under Paragraph (C)(5) to each owner of land within the portion of a remainder tract proposed to be omitted from the subdivision.

(5) **Effect of Approval.** Approval of a waiver under this section allows inclusion of a remainder tract within the subdivision, but does not constitute a variance from the requirements of this Title or authorize development on the portion of the remainder tract excluded from the subdivision.

# Article 23-5B: Subdivision Procedures

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# Division 23-5B-1: ~~Procedure Generally~~ General Requirements

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## 23-5 B-1010 Delegation of Approval Authority

### (A) Land Use Commission.

Except as provided in Subsection (C), the Land Use Commission ~~Rules~~

~~The Planning Commission is the delegated authority responsible under Section 212.006, Texas Local Government Code, for approving preliminary plan and the Zoning and Platting Commission may each adopt rules of procedure final plat applications in accordance with Chapter 1-2 of the Austin City Code. Adopted rules are effective when filed with the City Clerk.~~

## ~~23-6~~ B-1020 ~~Action Within 30 Days~~ this chapter and other applicable

~~(A)(1) The requirements of this section are mandated by Local Government Code, Section Title.~~

~~212.009 and supersede any contrary provisions of the City Code.~~

~~(2) The Director Land Use Commission shall schedule a review and approve:~~

~~(a) An application for preliminary plan or final plat approval for consideration~~

by that complies with the requirements of this Title, as specified under Sections 23-5B-2050 (Commission Action on Preliminary Plan) and 23-5B-3050 (Commission Action on Final Plat);

(b) An application for an environmental variance or subdivision variance associated with an application under Section 23-5B-1050 (Variance Determination); and

(c) Requests to include a remainder tract within a preliminary plan or final plat under Section 23-5B-1040 (Remainder Tracts).

(B) **Director.** The Director, in addition to exercising general administrative authority under Section 23-5A-1020 (Review Authority), is the ~~Land Use Commission or~~ authority responsible for approving a minor plat under Section 23-5B-3060 (Minor Plats).

(C) **City Council.** The city council is the authority responsible for approval of an application for preliminary plan associated with:

(1) An application for a planned unit development;

(2) A development agreement, as authorized under Division 23-2L-2 (General Development Agreements); and

(3) An appeal of a decision by the Land Use Commission on an environmental variance associated with a preliminary plan, as authorized under 23-5B-2060 (Appeal of Action on Preliminary Plan).



## **23-5 B-1020 Timing of Decision**

- ~~(B)~~(A) **30-Day Review Period.** The Land Use Commission shall act on an application for preliminary plan or final plat approval not later than the 30th calendar day after the application is filed. The Director shall schedule a preliminary plan or final plat application for consideration by the Land Use Commission on a date no later than the deadline required by this subsection, which is adopted under Section 212.009, Texas Local Government Code, and supersedes any contrary provisions of this Title.
- ~~(C)~~(B) The Land Use Commission or Council shall act **Statutory Disapproval.** In acting on an application for preliminary plan or final plat approval not later than the 30th calendar day after under Subsection (A), the Land Use Commission shall disapprove the application if it is filed offered for statutory disapproval or fails to comply with the requirements of this Title.
- ~~(D)~~The Council shall act on an appeal of Land Use Commission action on an environmental variance that is associated with a preliminary plan not later than the 30th calendar day after **Update Prior to Final Consideration.** If the Land Use Commission action:

## **23-5 B-1030 Original Tract Requirement**

- ~~(A)~~An original tract is a tract that:
- ~~(1)~~ is a legal lot ~~disapproves a preliminary plan or tract, or~~
  - ~~(2)~~ was a legal lot or tract before being subdivided in violation of ordinance requirements.
- ~~(B)~~An applicant shall include all land in the original tract in an final plat application for preliminary plan or plat approval.

- ~~(C) within the 30-day period required by The Land Use Commission may waive the requirement of Subsection (B) if the Land Use Commission determines that granting the waiver will comply with Subsections (D)(1)-(4).~~
- ~~(D) The Director may waive the requirement of Subsection (B) if (A), the Director determines that:~~
- ~~(1) subdividing only a portion of the original tract will not substantially impair the orderly planning of roads, utilities, drainage, and other public facilities;~~
  - ~~(2) the portion of the original tract contiguous to the area to be subdivided has direct access applicant may submit updates to a public street, or the applicant has provided access to a public street by dedicating right-of-way at least 50 feet wide;~~
  - ~~(3) a reasonable use of the balance of the original tract is possible; and~~
  - ~~(4) the applicant has mailed, by certified mail, to all owners of land that is a portion of the original tract and contiguous to the land included in the application a request that each owner provide written confirmation to the Director that:~~
    - ~~(a) the owner's land is not a legal lot or tract; and~~
    - ~~(b) the owner shall plat the land before the City may approve a development permit or a utility company may provide initial or additional service.~~
- ~~(E) In making a determination under Subsection (D)(3) that a reasonable use of the balance of the original tract is possible, the Director may require that the applicant provide a schematic land plan of the balance of the original tract. The Director may not require that the applicant provide detailed engineering information.~~
- ~~(F)(C) An interested party may appeal the Director's determination as provided under this section to the Division 23- 2B-1 (Application Requirements) in order to conform the preliminary plan or final plat Land Use Commission.~~
- ~~(G) An applicant who satisfies the requirement of Subsection (D)(2) by dedicating right-of-way to provide access to a public street is not required to construct improvements within the right-of-way, but shall provide an approved street name for the right-of-way.~~

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~~**B-1040 Board** to the requirements of this Title. The Director shall schedule the application for final consideration by the Land Use Commission, together with any variances associated with the application, once the proposed preliminary plan or final plat complies with all applicable code requirements.~~

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## **23-5 B-1030 Supplemental Boards and Commission Review of Requests associated with Subdivision Application**

- ~~(A) If a preliminary plan or final plat application is associated with a separate approval required under this Title, the Director shall determine whether review by a board or commission other than the Land Use Commission is required for the separate approval under Subsection (B). If review by one or more additional boards or commissions is required, the Director shall schedule the request for board or commission review on the earliest available date following the initial review period for the preliminary plan or final plat application under Section 23-5B-1020 (Timing of Decision and Review).~~

- ~~(A) The Director shall determine whether Board or Commission review of must provide Public Review Draft January 2017 | City of Austin Land~~

~~the following boards and commissions an opportunity to review 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 shall review an associated request a~~  
preliminary plan or final plat application before the Land Use Commission may consider the application or the associated -request:
- (1) ~~the~~The Urban Transportation Commission and the Environmental Board shall review a request for an amendment to the Transportation Plan;
  - (2) ~~the~~The Water and Wastewater Commission and, if ~~requested~~directed by the ~~City Council~~city council, the Environmental ~~Board~~Commission, shall review a request for an amendment to the ~~City's~~city's water or wastewater service area boundary; and
  - (3) ~~the~~The Water and Wastewater Commission shall review a request for City cost participation in construction of water or wastewater facilities.

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**23-5**      **B-10501040**      **Variance Filing Application and  
Consideration Review**

- (A) **Variances Authorized.** An applicant may request ~~a~~ approval by the Land Use Commission of a variance from the requirements of Article 23-4C5C (Platting Requirements), in accordance with the procedures in ~~Article 23-2M~~ (Variance Process) Division 23-2F-1 (Variances and Special Exceptions).

~~An applicant shall file an~~

~~(B) **Concurrent Application.** If approval of a preliminary plan or final plat application for requires a variance from a subdivision requirement when the applicant submits an must file the variance application for;~~

~~(B)(1) Concurrent with the preliminary plan approval, or final plat application or, if a preliminary plan is not apparent that a variance is required, when the applicant files an application for final plat approval, at the time application is filed, on the earliest possible date after the Director identifies that a variance is required; and~~

~~(C) An applicant may file an application for a variance after filing an application for approval of a preliminary plan or plat if the need for the variance becomes apparent after staff review.~~

~~(D)(2) An applicant may not file an application for a variance No less than seven days before at the deadline for placing the application for preliminary plan or plat approval on the Land Use Commission's agenda of a Board or Commission.~~

~~(C) **The Concurrent Notice and Hearing.**~~

~~(1) Except as provided in Paragraph (C)(1), the Director shall schedule a public hearing on a subdivision variance before Land Use Commission shall concurrently consider an concurrent with the preliminary plan application for a variance and an associated with the variance and shall provide Type 1 public hearing notice for both applications under Section 23-5B-2040 (Public Hearing and Notice).~~

~~(E)(2) An applicant for a subdivision variance may request that the Land Use Commission consider the variance application for preliminary plan or plat approval, unless the applicant requests at a separate public hearing on, in advance of the preliminary plan application. If a separate public hearing is requested for a variance and pays the required notice fee. The Director shall schedule a requested separate hearing on an application, the applicant shall pay all fees required for a variance for the first available meeting of the Land Use Commission after Board or Commission review notification of the application for a variance is complete hearing under Section 23-2C-4020 (Type 1 Public Hearing Notice).~~

~~(F) The requirement of Article 23-2D (Public Hearings) that the Land Use Commission hold a public hearing not later than 45 days after the date an application for a variance is filed does not apply to an application for a variance from a subdivision requirement.~~

## 23-5

~~B-1060~~1050 Variance Determination

(A) **General Variance Criteria.** The Land Use Commission shall grant a variance from a requirement of Article 23-4C5C (Platting Requirements) if the Land Use Commission determines -that:

(1) ~~enforcement~~Enforcement of the requirement would deny the owner ~~all~~ reasonable use of the land; ~~and~~

(2) Exceptional or extraordinary circumstances apply to the property ~~which do that:~~  
(a) Do not apply generally to other properties in the same zone or vicinity; ~~;~~ and

~~(2)(b) And~~ result from lot size or shape, topography, or other circumstances over which the applicant has no control; ~~and~~

- (3) The variance is necessary ~~sein order for~~ the applicant can enjoy a property right, the nature of which owners of properties in the same zone or vicinity possess; ~~and~~
- (4) The variance is not materially detrimental to the purposes of this ~~Ordinance Title~~, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy; - and
- (5) The variance ~~requested~~ is the minimum ~~variance which would~~ amount required to alleviate the hardship.

**(B) For Variance Criteria for Specially Approved Development.**

- (1) If a preliminary plan or final plat is associated with a mass housing project, a planned unit development, or a similar neighborhood unit, specially approved development, the Land Use Commission may grant a variance from a requirement of Article 23-~~4C5C~~ (Platting Requirements) if the Land Use Commission determines that:
  - (a) The requirement for which the variance is sought would, if strictly applied, prevent or unreasonably impede development authorized for the housing project or other special approval; and

~~(B)(b)~~ The development will provide light and air, vehicular and pedestrian circulation, and recreational facilities that ~~are at least equal to~~meet or exceed the requirements of this ~~title~~. ~~An applicant shall provide the Land Use Commission with a written report documenting compliance with this subsection~~Title.

(2) A variance request under this subsection need not satisfy the criteria in Subsection (A).

(C) **Applicant's Report.** An applicant for a subdivision variance must provide a written report demonstrating that the variance application satisfies the applicable criteria in Subsection (B) or (C).

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**23-5 B-1060 Infrastructure Construction or and Fiscal Surety for Plat Requirements**

**(A) Director's Recommendation.**

(1) The Director shall provide the Land Use Commission a recommendation regarding the streets, transportation facilities, utilities, drainage facilities, and other facilities required for a preliminary plan or final plat to adequately address the impacts of development consistent with the requirements of the Title.

(2) Where offsite transportation improvements, right-of-way dedications, or similar public facilities are required to be dedicated or funded outside the boundaries of a preliminary plan or final plat, the Director must make a proportionality determination consistent with Division 23-9C-1 (Offsite Transportation Improvements).

**Requirements for Approval**

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**23-5 B-1070 Infrastructure Construction or Fiscal Surety for Plat Approval**

(A)(B) . Before the Land Use Commission or Councilcity council may approve a preliminary plan or final plat application, the ~~subdivider shall~~subdivision applicant must:

(1) ~~construct the~~Construct all required streets, transportation facilities, utilities, and drainage facilities in compliance with the requirements of this ~~title~~Title; or

(2) ~~provide~~Provide fiscal security under, as required by Section 23-2B-43020 (Fees and Fiscal Security) for subdivision improvements that serve the public interest as determined under Subsection (B) or (C).

(B)(2) \_\_\_\_\_ after receiving the recommendation of the Director, the Land Use Commission shall determine the subdivision improvements that serve the public interest, ~~except~~, for any required streets and other facilities which are not constructed as provided in Subsection ~~(C)~~required by Paragraph (B)(1).

(C) if the council may approve a plat, after receiving the recommendation of the Director, the council shall determine the subdivision improvements that serve the public interest.

(D)(C) **Use of Fiscal by City.** Fiscal security provided under this section may be used by the City to construct ~~the~~subdivision improvements that serve the public - interest and are reasonably related to development proposed by the preliminary plan or final plat application.

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**23-5 B-10801070 Acceptance of Offered Dedication**

(A) **Effect of Approval or Disapproval.** Approval of a plat ~~is~~shall not be considered an acceptance by the City of an offeredany proposed dedication. ~~Disapproval or denial of a plat is~~ and does not impose on the city any duty regarding the



maintenance or improvement of any dedicated parts until the appropriate city authorities make an actual appropriation of the dedicated parts by entry, use, or improvement. The disapproval of a plat shall be considered a refusal by the City to accept a city of the offered dedication shown indicated on the plat.

- (B) **Method of Acceptance.** The City may accept an offered dedication only by the action of an authorized official, which may be subject to applicable rules or guidelines. The City's entry, use, or improvement of a facility or area under a fiscal security agreement is not an acceptance of an offered dedication.
- (C) **Street Dedications.** The Director and the Director of the Public Works Department may accept ~~for the City~~ an offered dedication of a street by jointly issuing a certificate of acceptance. A

~~A~~

- ~~(D) street may not be accepted for dedication unless it is surfaced, curbed, and guttered with the required utilities and drainage facilities installed. The City's entry, use, or improvement under a fiscal security agreement is not an acceptance of an offered dedication.~~
- ~~(E) Except as provided in a fiscal security agreement, an officer or employee of the City may not use or improve a street unless the street has been accepted by the City.~~

~~23-5~~ **B-1090** ~~Withdrawal~~ **1080 Plat Notes**  
~~23-5~~ **Purpose and Resubmittal**

- ~~(A) An applicant may request the withdrawal and resubmittal~~ **Applicability.** To avoid confusion that results from non-standardized notations on plats and the inadvertent creation of regulatory exemptions, this section specifies rules and guidelines for the use of plat notes in connection with approval of a preliminary plan application or final plat application.

**(B) General Standards.**

- ~~(1) The request may be approved if the request complies with the following:~~ Director shall not require a notation on a plat unless the note is directly related to the subdivision of land and necessary to ensure compliance with the requirements of this Title. A plat may not contain notations other than those required or allowed by the Director.
- ~~(2) Other than engineering notes and other required technical information, notations on a plat shall be limited to the greatest extent possible to dedication of easements, parkland, and common areas and to the provision of facilities and other infrastructure to serve development within the plat.~~
- ~~(3) If a regulation imposes a buffer or similar non-dedicatory limitation on development within the plat, the Director may require a plat note generally describing the requirement and referencing the appropriate City department or other official resource for more detailed information. A note required for this purpose shall state that it is for information purposes and that the requirements described may change over time in accordance with applicable law.~~

**(C) Parkland Dedication.**

- ~~(1) In approving a subdivision or site plan that is required to dedicate parkland under Article 23-8F (Parkland Dedication), the Director may require a notation on the plat or site plan indicating that land has been dedicated or a fee in-lieu paid as required by that article.~~
- ~~(2) If an application for a preliminary plan or final plat is submitted for a non-residential development that is exempt from parkland dedication under Division 23-8F-1 (Applicability), the Director may require a plat notation stating that any subsequent residential development within the subdivision may be required to dedicate parkland or make payment in-lieu of dedication as required by Article 23-8F (Parkland Dedication) or other applicable ordinance.~~
- ~~(3) If a plat note prohibiting residential uses was required by the City of Austin in order to document an exemption from parkland dedication for a non-residential subdivision on or after July 25, 1985, the applicant may amend the plat in~~

order to conform the notation authorized by this subsection.

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- ~~(1) A written request was received by the Case Manager prior to the expiration date, and~~
- ~~(2) The applicant submits the application back to the city within 10 business days from the date the application would expire.~~

# Division 23-5B-2: Preliminary Plans Subdivision Plan

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## 23-5 B-2010 Preliminary Plan Requirement Purpose and Applicability

~~(A) A-The purpose of a preliminary plan shall is to ensure that development within an area proposed to be approved-platted is served by adequate public facilities and complies with all applicable requirements of this Title.~~

- ~~(A) Approval of a preliminary plan is required~~ before a final plat may be approved, ~~except as provided in Subsection B.~~
- (B) ~~A plat may be approved without a preliminary plan if each lot abuts an existing dedicated public street and or considered for approval, unless the~~ Director determines that:
- (1) ~~a~~A new street or an extension of a street is not ~~necessary~~required to provide adequate traffic circulation;
  - (2) ~~the~~The applicant has dedicated any additional right-of-way necessary to provide adequate street width for an existing street abutting a lot; and
  - (3) ~~drainage~~Drainage facilities are not necessary to prevent flooding, or if necessary, the applicant has ~~arranged~~provided for the construction of drainage facilities.

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## **23-5 B-2020 Effect of Preliminary Plan Approval**

- (A) Approval of a preliminary plan establishes a mutual commitment by the City and the applicant to:
- (1) The layout and design of the project, including the location and width of proposed streets, lots, blocks, and easements shown on the preliminary plan; and
  - (2) The availability of utilities to serve the proposed lots.
- (B) Approval of a preliminary plan authorizes the subdivider to:
- (1) Submit construction plans for approval under Division 23-5B-5 (Subdivision Construction Plan) and, upon approval of such plans, to construct public improvements to serve the subdivision in accordance the approved plans; and

- (2) Submit an application for approval of a final plat under Section 23-5B-3020 (Final Plat Applications), for land included in the approved preliminary plan.
- ~~(A)(C)~~ Approval of a preliminary plan supersedes a previously approved preliminary plan for the same land.

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## 23-5 B-2030 Preliminary Plan Applications

### (A) Application Requirements.

- (1) Review and Submittal. The Director shall adopt requirements for preliminary plan applications under Article 23-2B (Application Review and Fees), including technical specifications required to complete a preliminary plan application and procedures for staff review and interdepartmental coordination.
- (2) Previously Approved Preliminary Plans.
  - ~~(a)~~ A preliminary plan shall application may not be submitted include unplatted land contained in a previously approved preliminary plan, unless required by the the Director determines that including only the requested portion of the previously approved preliminary plan will not substantially impair the orderly planning of roads, utilities, drainage, or other public facilities.
  - ~~(b)~~ An interested party may appeal the Director's decision under this paragraph to the Land Development Code Use Commission in accordance with the requirements of Article 23-2I (Appeals).

- 
- (B) Notice of Application. After receiving an application for approval of a preliminary plan, the Director shall provide notice under Section 23-2C-5010 (Notice of Application).
  - (C) Expiration. A preliminary plan application expires unless it is approved within one year from the date of submittal, as provided under Section 23-2B-1040 (Update and Expiration).
  - (D) Concurrent Applications. If a preliminary plan is associated with development for which any of the following applications are required, the application must be filed concurrently with the application for preliminary plan approval:
    - (1) Approval of a planned unit development district, in which case city council approval of the preliminary plan is required under Section 23-5B-1010 (Review Authority);
    - (2) Amendment to the Comprehensive Plan;
    - (3) Amendment to the city's water and wastewater service area boundary;
    - (4) Cost participation in facilities associated with the preliminary plan;
    - (5) An environmental variance;
    - (6) Waiver or variance from the requirements for dedication or reservation of right-of-way; and
    - (7) Extension of water or wastewater service.



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**23-5 ~~B-2020~~—2040 Public Hearing and Notice**

- (A) **Public Hearing.** The Director shall schedule a preliminary plan application for public hearing and consideration by the Land Use Commission or, if applicable, the city council, on the first available meeting after the Director determines that:
- (1) The application meets the requirements of this Title, and no outstanding updates are required under Section 23-2B-1040 (Update and Expiration), unless the applicant requests in writing that the preliminary plan be scheduled for hearing subject to the Director's recommendation that the Land Use Commission deny the application;
  - (2) If required, the applicant has obtained a commitment for water or wastewater service from the entity providing the service;
  - (3) For land located in the zoning jurisdiction, the land is zoned for the uses proposed; and
  - (4) For a preliminary plan to be considered by the city council, no outstanding updates are required under Section 23-2B-1040 (Update and Expiration) for applications associated with the preliminary plan.
- (B) **Public Notice.** The Director shall provide Type 1 public notice under Section 23-2C- 4020 (Type 1 Public Hearing Notice) for a preliminary plan scheduled for hearing under Subsection (A). Notice of a public hearing before the city council on a preliminary plan application may be consolidated with notice of hearing on other applications associated with the preliminary plan.

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**23-5 ~~B-2050~~ Action on Preliminary Plan**

- (A) **Commission Action.** After conducting a public hearing in accordance with Division 23-2D-1 (Conduct of Public Hearings), the Land Use Commission shall approve or deny the preliminary plan application in accordance with the criteria in Subsection (B).  
For a preliminary plan application associated with an application for a planned unit development, the Land Use Commission shall recommend approval or disapproval of the preliminary plan concurrent with its recommendation to city council on the planned unit development.
- (B) Standard for Approval.**
- (1) The Land Use Commission shall approve a preliminary plan application if the proposed plat is consistent with the Comprehensive Plan and:
    - (a) If within the zoning jurisdiction, complies with the applicable regulations for the zoning district in which the plat is located;
    - (b) Complies with applicable requirements of Article 23-3D (Water Quality);
    - ~~23-5~~(c) If applicable, complies the requirements of a master development plan approved under Section 23-5B-2090 (Master Development Plan), a development agreement approved under Division 23-2L-2 (General Development Agreements), an interlocal agreement, or other special approval; and
    - (d) Provision and configuration of streets and transportation improvements, water, wastewater, drainage, and park facilities;

Subdivision Plan

- (i) Conforms to any adopted facilities plans, including applicable provisions of the transportation plan and drainage master plan; and
  - (ii) Meets the applicable requirements of Article 23-3B (Parkland Dedication), Article 23-9B (Right-of-Way and Transportation Improvements), Article 23-9C (Traffic Impact Analysis and Mitigation), Article 23-9D (Street Design), Article 23-9F (Access to Major Roadways), Article 23-9H (Connectivity), Article 23-10A (Utility Service), and Article 23-10E (Drainage).
- (2) The Land Use Commission may not deny or withhold approval of a preliminary plan application that meets the requirements of this Title. If the Commission denies a preliminary plan application, the Commission shall specify each requirement in Subsection (B)(1) that it finds has not been met and the actions required to satisfy the requirement.
- (C) **Council Action.** When acting on a preliminary plan application, whether on appeal of a decision by the Land Use Commission under Section 23-5B-2060 (Appeal of Action on Preliminary Plan) or concurrent with an application listed in Section 23-5B-1010(C) (Approval Authority), the city council shall apply the same standards as the Land Use Commission under Subsection (B).

**23-5B-2060 Appeal of Action on Preliminary Plan**

If a preliminary plan is associated with an environmental variance under Section 23-3D-2060 (Land Use Commission Variances), an interested party may appeal the Land Use Commission's decision on the environmental variance and preliminary plan to city council in accordance with Article 23-21 (Appeals).

**23-5B-2070 Expiration of Approved Preliminary Plan**

An approved preliminary plan expires five years after the date the application was submitted. A new preliminary plan is required to plat any land for which a final plat application was not submitted prior to expiration of the preliminary plan.

**23-5 B-2080 Changes to Approved Preliminary Plan**

- (A) **Purpose and Applicability.** In order to provide reasonable flexibility in project design and construction, this section authorizes the Director to approve certain changes to an approved preliminary plan without requiring additional review by the Land Use Commission. A new preliminary plan application is required for any change beyond the limits specified in this section.
- (B) **Application Requirements.** Depending on the significance of a requested change, the Director may require submittal of a formal application or may allow information to be provided informally. An applicant requesting to change an approved preliminary plan shall:
- (1) Submit all information required by the Director to determine whether the request is within the scope of changes authorized under this section;

- (2) Provide written verification that all landowners within the area included in the preliminary plan support the requested change, unless the Director determines that the requested change does not impact other sections of the preliminary plan.
- (C) **Minor Deviation.** The Director may approve a minor deviation to change the size or configuration of lots, street widths or alignments, and the size or location of utility and access easements, provided that the deviation does not:
- (1) Increase the number of lots;
  - (2) Change the use of a lot;
  - (3) Increase impervious cover;
  - (4) Change the basic street layout;
  - (5) Modify a covenant or restriction or any conservation easement, common area, green space, or other green space shown on the preliminary plan;
  - (6) Require a variance or modify a previously approved waiver or variance; or
  - (7) Affect property outside the proposed plat.
- (D) **Minor Revision.**
- (1) An applicant may request a minor revision to increase the number of lots, change street layouts, accommodate a change in use resulting from rezoning or land acquisition through eminent domain, or, at the discretion of the Director, make other changes of similar in scope and effect.
  - (2) The Director may not approve a minor revision that increases the number of dwelling units or exceeds the limits for a minor deviation under Subsection (C)(2)-(7).

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## **23-5 B-2090 Master Development Plan**

### **(A) Purpose and Applicability.**

- (1) The purpose of a master development agreement is to delineate the sequence and timing of development within a proposed subdivision, in order to determine compliance with the Comprehensive Plan and the availability and capacity of public improvements required to serve the development.

~~(A)(2)~~ If a preliminary plan is part of an applicant's plan for a larger development, the applicant shall file a master development plan with the Director when the first application for preliminary plan approval is filed.

- (B) **Application Requirements.** A master development plan may be submitted in schematic form, shall and must include the applicant's entire development, and shall provide along with any additional information required by the Director to determine whether the proposed plan provides for the safe and orderly extension of roads, utilities, drainage, and other public facilities.

### **(C) Commission Action on Master Development Plan.**

- (1) The Land Use Commission shall consider approval of master development plan concurrent with approval of the first preliminary plan application submitted for land included within the master development plan.

## ~~23-5~~ **B-2030** Concurrent Applications

~~(A) An applicant shall file the following applications, if required, concurrently with an application for preliminary plan approval:~~

amendment

~~(1) zoning or rezoning to a planned unit development district;~~

~~(2) In acting on a master development plan, the Land Use Commission shall consider whether the plan provides for a safer and more orderly extension of roads, utilities, drainage, and other public facilities than would occur if the area were developed solely through standalone applications. The Commission:~~

~~(2)(a) Shall deny the application, if it fails to comply with the Comprehensive Plan or the requirements of this Title;~~

~~(b) May approve the application as submitted, if it complies with the Comprehensive Plan and the requirements of this Title; or~~

~~(3) May approve the application subject to conditions deemed necessary by the Land Use Commission to ensure compliance with the Comprehensive Plan, the requirements of this Title, and the adequacy of public improvements required to serve the proposed master development plan.~~

~~(4) **Effect of Approval.** Approval of a master development plan establishes a mutual commitment by the applicant and the City as to the overall layout and design of the project and the public facilities and infrastructure required to serve the development. The Land Use Commission may approve a preliminary plan application without approving the proposed master development plan associated with the application.~~

~~(5) **Expiration.** A master development plan expires when the project associated with the plan expires under Section 23-2K-3020 (Expiration of Projects Begun on or After June 23, 2014).~~

# Division 23-5B-3: Final Subdivision Plat

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## **23-5 B-3010 Purpose and Applicability**

- (A) The purpose of a final subdivision plat is to ensure that, prior to initiation of site development or the extension of public utilities, the division of land subject to the plat is consistent with applicable standards of this Title and that public improvements to serve the subdivision and address its impacts on surrounding areas have been installed and accepted by the City or that provision for such installation has been made.
- (B) Unless a minor plat is approved under Section 23-5B-3060 (Minor Plats), approval of final subdivision plat is required for any non-exempt division of land and prior to any site preparation activities for a lot or tract of land that requires installation of public improvements on or adjacent thereto.

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## **23-5 B-3020 Effect of Plat Approval**

- (A) Approval of a final plat:
  - ~~(4)(1)~~ Supersedes and controls over all portions of the final plat included in a previously approved preliminary plan;
  - ~~(5) waiver or variance from the requirements for dedication or reservation of right of way; and~~
  - ~~(6) extension of water or wastewater service.~~
- (B) ~~Council approval is required for a preliminary plan that requires a concurrent rezoning to a planned unit development district.~~

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## ~~23-6~~ **B-2040 Previously Approved Preliminary Plan**

- ~~(A)(D) Approval of a preliminary plan supersedes a previously approved preliminary plan for the same land.~~

(2) ~~An~~ Authorizes the Director to record the plat under Section 23-5B-3070 (Plat Recordation and Expiration), upon completion of public improvements or posting of fiscal security; and

(3) Authorizes the subdivision applicant to:

(a) Install any improvements in the public right-of-way consistent with approved subdivision construction plans; and

(b) Submit site plan or building permit applications for developable lots within the subdivision.

(B) Approval of a final plat does not authorize development activity for which a site plan or building permit application is required.

(C) Actions authorized under Subsection (A) may not be taken if the final plat application expires prior to recordation under Section 23-5B-3070 (Plat Recordation and Expiration).

**23-5 B-3030 Final Plat Applications**

**(A) Application Requirements.**

(1) **Review and Submittal.** The Director shall adopt requirements for final plat applications under Article 23-2B (Application and Review), including technical specifications required to complete a final plat and procedures for staff review and interdepartmental coordination.

(2) **Approval of Preliminary Plan Required.** Unless the Director determines that land within the final plat is exempt under Section 23-5B-2010(B) (Purpose and Applicability), only land included in an approved and active preliminary plan may be included in a final application. An application for final plat need not include all land from a previously within an approved preliminary plan in a subsequent.

(3) **Expiration of Final Plat Application.** A final plat application may not be submitted for approval of a land included in a preliminary plan that has expired under Section 23-2B-1040 (Update and Expiration), but applications for final plat submitted before the preliminary plan expired may be approved consistent with this division

(B) **Notice of Application.** After receiving an application for approval of a final plat, the Director shall provide notice under Section 23-2C-5010 (Notice of Application).

(B)(C) **Expiration of Final Plat Application.** A final plat application expires unless all the land, except land contained in an approved plat, is included in the application it is approved one year after the date of submittal, as provided under Section 23-2B-1040 (Update and Expiration). The one-year expiration period may not be tolled under Section 23-2B-1050 (Tolling of Expiration Period) for a period of more than 90-days after the Director provides notice to the applicant that the application meets the requirements of this Title.

(C) The Director may waive the requirement of Subsection (B) if the Director determines that including only a portion of the previously approved preliminary plan does not substantially impair the orderly planning of roads, utilities, drainage, or other public facilities.

(D) An interested party may appeal the Director's decision under Subsection (C) to the Land Use Commission.

**23-5 B-3040 Public Hearing and Notice**

**Public Hearing.**

**~~23-5 B-2050 Staff Review of Application for Preliminary Plan Approval~~**

(A) The Director shall promptly deliver a copy of an application for preliminary plan approval to each reviewing department or agency.

(B) A reviewing department or agency shall prepare and deliver to the Director a written report of comments and recommendations regarding an application for preliminary plan approval before the expiration of the staff review period described in this section.

- ~~(C) Initial staff review period for an application for preliminary plan approval is established by the Director by administrative rule under Article 23-2B (Application and Review).~~
- ~~(D) An applicant may file with the Director an update to an application for preliminary plan approval not later than one year after the application was filed, unless days have been added under Article 23-2B (Application and Review).~~



- (E) The staff review period of an update to an application for preliminary plan approval is established by the Director by administrative rule, under Article 23-2B (Application and Review).

## ~~23-5~~ **B-2060 Commission Action on Preliminary Plan**

- (A) The Director shall schedule ~~and a final plat~~ application for preliminary plan approval for public hearing and consideration by the Land Use Commission on the first available meeting after ~~the Director determines that:~~
- (1) ~~staff review~~The Director determines that the final plat meets the requirements of this Title, ~~and Board~~no outstanding updates are required under Section 23-2B-1040 (Update and Expiration) or Commission review is complete;
  - (2) ~~if applicable, unless the applicant has obtained a commitment requests, in writing, that the application be scheduled for water or wastewater service from the entity providing the service; and~~
  - (3) ~~for land located in the zoning jurisdiction, hearing subject to the land is zoned for the uses proposed.~~
- (B) Except as provided in Subsection (C), ~~Director's recommendation that the Land Use Commission shall approve an application for preliminary plan approval that complies with the Comprehensive Plan and the requirements of this title.~~
- (C)(1) ~~\_\_\_\_\_ If an deny the application for preliminary plan approval was filed concurrently with concurrent rezoning to a planned unit development district, the Land Use Commission shall recommend approval or disapproval of the preliminary plan and the concurrent application to Council.~~

## ~~23-5~~ **B-2070 Council Action on Preliminary Plan**

- (A) ~~If a concurrent rezoning to a planned unit development district was filed with a preliminary plan, the Council shall consider and act on the preliminary plan and the concurrent application after receiving a recommendation from the Land Use Commission.~~
- (B) ~~The Land Use Commission's decision on an application for preliminary plan approval that is connected with a request for a variance from an environmental regulation may be reviewed by Council if the Land Use Commission's decision on the variance is appealed to the Council.~~
- (C) ~~The Council shall approve a proposed preliminary plan that complies with the Comprehensive Plan and the requirements of this title.~~

## ~~**Approval**~~

~~Approval of a preliminary plan establishes a mutual commitment on behalf of the City and the applicant to:~~

- ~~(A) the subdivision layout for plat approval, including the location and width of proposed streets, lots, blocks, and easements shown on the preliminary plan; and~~
- ~~(B) the availability of utilities to serve the subdivided land to the extent shown on the preliminary plan.~~

## ~~23-5B-2090 — Denial of Preliminary Plan Approval~~

~~The Director shall deny an application for preliminary plan approval that does not comply with the criteria for approval, one year after the application is filed, unless the applicant has submitted a written request to the Director for review of the application by the Land Use Commission. If the applicant submits a request for review by the Land Use Commission, the Director shall schedule the application for consideration by the Land Use Commission, and the Land Use Commission shall determine whether the preliminary plan satisfies the criteria for approval.~~

## ~~23-5 — B-2100 — Changes to an Approved Preliminary Plan~~

~~(A) 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 shall request the change.~~

~~(B) Except as provided in Subsections (C) and (D), Land Use Commission approval is required for a change to an approved preliminary plan. An applicant shall file a new application if a change requires Land Use Commission approval.~~

~~(C) 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) 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 minor deviation may:~~

~~(a) change lot size or configuration;~~

~~(b) change street width or alignment; or~~

~~(c) change a utility or access easement.~~

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

~~(1) A minor revision 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 preliminary plan; or~~
  - ~~(g) increase the number of dwelling units.~~
- ~~(2) Except as provided in Subsection (D)(1), a minor revision may:~~
- ~~(a) include a minor deviation;~~
  - ~~(b) change the street layout;~~
  - ~~(c) increase in the number of lots; or~~
  - ~~(d) modify a subdivision to accommodate a change in use resulting from rezoning or land acquisition through eminent domain.~~
- ~~(3) The Director may determine that other changes similar in scope and effect to those described in Subsection (D)(2) are minor revisions.~~
- ~~(E) The Director shall provide the Land Use Commission with an approved minor deviation or minor revision before the Land Use Commission considers approval of the plat.~~

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## ~~**23-5B-2110—Expiration of Approved Preliminary Plan**~~

~~An approved preliminary plan expires five years after the date the application is submitted.~~

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# ~~Division 23-5B-3: Final Plats and Plat Vacations~~

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## ~~23-5B-3010 Land Included in Plat~~

~~An application for approval of a plat may include all or a portion of the land included in an approved preliminary plan. If platted in phases, each phase shall comply with Section 23-4C-204 "Subdivision Access Streets".~~

## ~~23-5-B-3020 Review of Application for Plat Approval; Expiration~~

- ~~(A) The Director shall promptly deliver a copy of an application for plat approval to each reviewing department or agency.~~
- ~~(B) After the application is filed, a reviewing department or agency shall prepare and deliver to the Director a written report of comments and recommendations regarding an application for plat approval not later than the deadline established by the Director under Article 23-2B (Application and Review).~~
- ~~(C) After the application is filed, the Director shall determine whether an application for plat approval complies with the criteria for approval and give notice under Article 23-2C (Notice) of the determination not later than the deadline established by the Director under Article 23-2C (Notice). If the Director recommends disapproval, the notice shall state the reasons for the recommendation.~~
- ~~(D) An applicant may file with the Director an update to an application for plat approval not later than one year after the application is filed, unless days have been added under Division 23-2B-2 (Review Procedures).~~
- ~~(E) After the update is filed, the Director shall determine whether an update to an application for plat approval complies with the criteria for approval and give notice under Article 23-2C (Notice) of the determination no later than the deadline established by the Director under Article 23-2B (Application and Review). If the Director recommends disapproval, the notice shall state the reasons for the recommendation.~~

~~the amount of fiscal security required~~

~~(F) An application for plat approval expires one year after filing if the Director determines that the application does not comply with the criteria for approval, unless the applicant has submitted a written request to the Director for review of the application by the Land Use Commission. If the applicant requests review by the Land Use Commission, the Land Use Commission shall determine whether the application complies with the criteria for approval and approve or deny the application.~~

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~~23-5~~ ~~B-3030~~ ~~Scheduling of Application for Plat Approval; Expiration~~

~~(A) The Director shall schedule an application for plat approval for consideration by the Land Use Commission or Council after:~~

- ~~(1) the Director determines that the application complies with the criteria for approval;~~
- ~~(2) the Director determines under Division 23-2B-4 (Fees and Fiscal Security) the amount of fiscal security required as a condition of plat recordation;~~
- ~~(3) the The owners of the all land included in the proposed final plat sign have signed the plat and each owner's signature is acknowledged; and~~
- ~~(4) the The Director approves subdivision construction plans for the proposed final plat, or the applicant includes the following notation 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 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."*

~~(B) An application for plat approval expires on the 90th day after the Director's determination under Subsection (A)(1) unless Subsections (A)(2) through (4) are satisfied.~~

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~~B-3040~~ ~~Plat~~



(B) **Public Notice.** The Director shall provide Type 1 public notice under Section 23-2C-4020 (Type 1 Public Hearing Notice) for a preliminary plan scheduled for hearing under Subsection (A).

## **23-5 B-3050 Commission Action on Final Plat**

(A) **Commission Action.** After conducting a public hearing in accordance with Division 23- 2D-1 (Conduct of Public Hearings), the Land Use Commission shall approve or deny the final plat application in accordance with the criteria in Subsection (B).

### (B) **Standard for Approval-Authority.**

~~23-5(1)~~ The Land Use Commission shall approve a final plat application if the proposed plat is consistent with the preliminary plan, if applicable, and **Criteria** meets the standards required under Section 23-5B-2050 (Commission Action on Preliminary Plan).

~~(A) Approval authority is as follows:~~

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

~~(2) The Council may approve a plat if an applicant files with the Director a request for concurrent consideration by the Council of a preliminary plan and a plat.~~

~~(3) The Director may approve a plat:~~

(2) that consists of Approval of a final plat is conditioned on positing fiscal security in that amount required by the Director under Division 23-2B-4 (Fees and Fiscal Security), which shall be required prior to plat recordation under Section 23-5B-3070 (Recordation and Expiration).

(3) The Land Use Commission may not deny or withhold approval of a final plat application that meets the requirements of this Title. If the Commission denies a final plat application, the Commission shall specify each requirement in Subsection (A)(1) that it finds has not been met and the actions required to satisfy the requirement.

(C) **Certification.** The Director shall provide notice of the Land Use Commission's decision to approve a final plat application under Section 23-2C-5020 (Notice of Administrative Decision), which constitutes certification of plat approval for purposes of the Local Government Code, Chapter 212. A notation of the Land Use Commission's action on a final plat application, and the reasons for the action, shall be entered into the minutes for the meeting at which the action was taken.

## **23-5 B-3060 Minor Plats**

### (A) **Purpose and Applicability.**

(1) The purpose of this section is to simplify the development process by authorizing administrative approval of certain less intensive divisions of land for which approval by the Land Use Commission is deemed unnecessary.

(2) For purposes of this section, a "minor plat" is a plat that:

(a) Consists of no more than ~~four~~ or fewer lots fronting, each of which must

front on an existing street and does;

- ~~(a)(b) Does not create, require dedication of a new street, or is an amending plat described in Chapter 212 of the Local Government Code; and~~
- ~~(b) for which water and wastewater service for development on the proposed lots is available within 200 feet of the site; and~~
- ~~(c) for which a variance is~~ Does not required.
- ~~(B)(c) To approve a plat vacation, the~~ require approval authority shall find: of a variance by the Land Use Commission.

(B) **Notice of Application; Expiration.** After receiving an application for approval of a minor plat, the direction shall provide notice under Section 23-2C-5010 (Notice of Application).  
A minor plat application expires if it is not approved within one year of submittal, as provided by Section 23-2B-1040 (Update and Expiration).

- (1) ~~The resulting lots comply with the minimum dimensional standards of the applicable zoning district, including but not limited to lot size, lot width, lot depth, frontage and setbacks; and~~
- (2) ~~A concurrent replat application has been submitted, if the vacation will create any unplatted land.~~
- (C) ~~To approve an amending plat, the approval authority shall find:~~
  - (1) ~~The amended lots comply with the minimum dimensional standards of the applicable zoning district, including but not limited to lot size, lot width, lot depth, frontage and setbacks; and~~
  - (2) ~~The amending plat does not contain any unplatted land.~~
- (D) ~~**Action on Minor Plat Application.** The Director shall approve a resubdivision plat that consists of four or fewer lots fronting on an existing street and does not create a new street, after notice is sent as pursuant to Article 23-3C (Notice).~~
- (E) ~~The Director, deny a minor plat application under the same standards applicable to final plats approved by the Land Use Commission, or Council shall approve a plat that complies with the Comprehensive Plan and the requirements of this title.~~
- (F)(C) ~~Approval of a plat is conditioned on the applicant's posting the fiscal security required by this title in the amount determined by the Director. under Section 23-5B-3050(B) (Commission Action on Final Plat). After the Director certifies on the plat that the applicant has posted the fiscal security:~~
  - (1) ~~the presiding officer of the Land Use Commission shall endorse the plat determining whether to certify the Land Use Commission's approval;~~
  - (2) ~~the Mayor shall endorse the plat to certify the Council's approval; approve or~~
  - (3) ~~deny a minor plat, the Director shall endorse the plat to certify the Director's approval. provide notice of the decision under Section 23-2C-5020 (Notice of Administrative Decision).~~
- (G)(D) ~~**Effect of Minor Plat Approval.** Approval of a minor plat expires on has the 90th day after the same effect as approval date if the Director has not certified that the applicant has posted fiscal security. of a final plat under Section 23-5B-3020 (Effect of Plat Approval).~~

## 23-5

### ~~B-3050~~3070 **Recordation and Expiration**

- (A) ~~The **Plat Recordation.** Upon approval of a plat application, the Director shall:~~
  - (1) ~~Obtain the signature of the Land Use Commission chair on the final plat; and~~
  - (A)(2) ~~In the manner prescribed by Local Government Code, Sec. 212.004, record an approved the plat in with the clerk of each county where land included in in which any portion of the plat is located; provided that, prior to plat expiration under Subsection (B), the subdivision applicant:~~
    - (a) ~~The Director may not record a plat located in Posts fiscal security required under Division 23-2B-4 (Fees and Fiscal Security);~~
    - (b) ~~Executes any further commitments required for infrastructure to be installed under approved subdivision construction plans;~~
    - (c) ~~Provides any additional items required to record the plat, including all acknowledged signatures of all landowners with the approved subdivision; and~~

~~(d) For a plat within the extraterritorial jurisdiction unless, obtains approval of the appropriate final plat by the county has approved within which the proposed subdivision is located, as required under the Local Government, Chapter 232, or an approved interlocal agreement with the county.~~

~~(B) **Plat Expiration.** An approved plat expires, and may not be recorded, if all requirements for recording the plat.~~

~~(C) An applicant shall 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.~~

~~(B) An application for plat approval expires under Subsection (A) have not been satisfied on the 81st business day after such following:~~

~~(1) Approval of the final plat by the Land Use Commission; or~~

~~(2) \_\_\_\_\_ For a minor plat, the date the Director provides notice of plat approval unless Subsection (C) of this section is satisfied as required Section 23-5B-3060(C).~~

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### ~~23-5B-3060 Effect of Preliminary Plan Expiration.~~

~~When an approved preliminary plan expires, a pending application for plat approval expires.~~

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### ~~23-5B-3070 Expiration of Plat Vacations.~~

An application to vacate a plat expires one year after approval.

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### ~~23-5B-3080 Replat Required~~

A replat shall be submitted concurrently with a plat vacation application if that vacation would result in unplatted land.

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### ~~23-5 B-3090 Documenting Exemptions from Parkland Dedication~~

- ~~(A) In approving a subdivision or site plan that is required to dedicate parkland under Article 23-8F (Parkland Dedication), the Director may require a notation on the plat or site plan indicating that land has been dedicated or a fee in lieu paid as required by this article.~~
- ~~(B) If an application for a preliminary plan or final plat is submitted for a non-residential development that is exempt from this chapter under Division 23-8F-1 (Applicability), the Director may require a plat notation stating that any subsequent residential development within the subdivision is required to dedicate parkland or make payment in lieu of dedication as required by Article 23-8F (Parkland Dedication) or other applicable ordinance.~~
- ~~(C) If a plat note prohibiting residential uses was required by the City of Austin in order to document an exemption from parkland dedication for a non-residential subdivision on or after July 25, 1985, the applicant may amend the plat in order to conform the notation with the plat note authorized under Subsection (A) or (B) of this section.~~

# Division 23-5B-4: ~~Subdivision Construction Plan~~ Changes to Approved Plats

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## 23-5 B-4010 ~~Updates~~ Amending Plats

### (A) Purpose and Applicability.

- (1) An amending plat provides a means of making minor revisions to a recorded plat, without replatting or vacating the underlying plat.
- (2) An amending plat, as required by state law, may only be approved if the sole purpose of the amendment is to do one or more of the following:
  - (a) Correct an error in a course or distance shown on the preceding plat;
  - (b) Add a course or distance that was omitted on the preceding plat;
  - (c) Correct an error in a real property description shown on the preceding plat;
  - (d) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
  - (e) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
  - (f) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
  - ~~23-5(g)~~ Correct an error in courses and ~~Release of Subdivision Construction Plan~~ distances of lot lines between two adjacent lots;
  - (h) An Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
  - (i) Relocate one or more lot lines between one or more adjacent lots;
  - (j) For an area located in a residential improvement area approved, as designated by the city council, make to the preceding plat that are

necessary to create six or fewer lots in a subdivision or a part of the subdivision covered by the preceding plat;

(k) Replat one or more lots fronting on an existing street; or

(l) Allow for modification, abandonment or addition of an easement with the written consent of entities to which the easement is dedicated.



- (B) **Application Requirements.** A request for approval of an amending plat must be made by filing application, in a form approved by the Director, and providing whatever information is required by the Director to evaluate the request.
- (C) **Effect of Approval.** If approved by the Director, an amending plat may be recorded and is controlling over the preceding plat.
- (D) **Standards for Approval.** The Director may approve, or conditionally approve, an amending plat if the application:
- (1) Requests only changes to the recorded plat that are allowed under Subsection (A);
  - (2) Does not attempt to remove or modify recorded covenants or restrictions or extinguish easements or other public dedications;
  - (3) Does not request approval of a lot that would violate the requirements of this Title or, for a standard or nonconforming lot, increase the degree of noncompliance;
  - (4) If a correction in courses and distances of lot lines between two adjacent lots is proposed:
    - (a) Both lot owners join in the amending plat application;
    - (b) Neither lot is abolished; and
    - (c) The amending plat does not have a material adverse effect on the property rights of the owners in the plat;
  - (5) If relocation of lot lines between one or more adjacent lots is proposed:
    - (a) The owners of all those lots join in the amending plat application; and
    - (b) The amendment does not increase the number of lots; and
  - (6) If lots fronting on an existing street are to be replatted:
    - (a) The owners of all those lots join in the amending plat application;
    - (b) The amendment does not increase the number of lots;
    - (c) The amendment does not establish or require a new street or the extension of municipal facilities.
- (E) **Expiration.** Approval of an amending plat shall expire if the plat is not submitted for recordation as required under Section 23-5B-3070 (Recordation and Expiration).

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## **23-5 B-4020 Replats**

- (A) **Approval Without Vacation.** A replat of all or a portion of a recorded plat may be approved without vacation of the recorded plat if:
- (1) The replat is signed and acknowledged by only the owners of the property being replatted; and
  - (2) The replat does not propose to amend or remove any covenants or restrictions included on or incorporated into the previously recorded plat.
- (B) **Effect of Approval.** Upon approval, a replat may be recorded and is controlling over the previously recorded plat for the portion replatted.



- (C) Application Requirements.** An application is subject to the same requirements as a final plat application, including notification under Section 23-5B-3030 (Final Plat Applications), and must include the following additional information:
- (1) If the replat adds or deletes lots, it must include the original subdivision and lot boundaries; and
  - (2) If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision, by name and recording information, and must state which lots have changed and describe the purpose for the change.
- (D) Public Notice and Hearing.** The Director shall provide notice of a public hearing on a replat application before the Land Use Commission in the manner required for a final plat application under Section 23-5B-3040 (Public Hearing and Notice).
- (E) Standard for Approval.** A replat application must be the same requirements for approval as a final plat application under Section 23-5B-3050 (Commission Action on Final Plat).
- (F) Supplemental Requirements.**
- (1) A replat may be subject to additional notification, protest, and super-majority approval requirements under the Local Government Code, Section 212.015, if:
    - (a) During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
    - (b) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
  - (2) The Director shall require an applicant ~~may~~ for a replat to verify whether the conditions in Paragraph (F)(1) are met and, if the conditions are met, shall provide additional notification required by Local Government Code, Section 212.015.
  - (3) If a subdivision variance is required to approve a replat application for which additional notification is required under Paragraph (F)(2), adjoining landowners may pro-test the application in accordance with Local Government Code, Section 212.015. If protest applications are filed, the Director shall determine consistent with state law whether approval of the replat requires the concurring vote of three-fourths of the members of the Land Use Commissioners present at the meeting where the application is considered.

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## **23-5 B-4030 Plat Vacations**

- (A) Applicability.** A plat vacation application must be approved by the Land Use Commission prior to vacation of any recorded plat or portion thereof. A plat may be vacated only in conjunction with approval of a new plat application if the vacation would result in unplatted land.
- (B) Application Requirements.** To vacated a plat, an application must be filed on a form approved by the Director and must meet the requirements of this subsection.

Approved Plats

- (1) A property owner may submit an application to vacate only the portion of a subdivision plat where the owner's lots are located, provided that no lots have been sold within the recorded subdivision plat. If any lot in a subdivision has been sold, the recorded subdivision plat or any portion thereof may be vacated only upon application of all lot owners in the subdivision.
- (2) If approval of a preliminary plan or final plat application is required to approve a plat vacation, the applicant shall file an update to a the preliminary plan or final plat application concurrently with the plat vacation for land subject to the recorded plat or portion thereof to be vacated.
- (C) **Public Notice and Hearing.** The Director shall provide notice under Section 23-2C-5010 (Notice of Application) of an application to vacate a plat and schedule the application for hearing before the Land Use Commission concurrent with the new final plat or preliminary plan application for the same land.
- (D) **Action on Plat Vacation.** The Land Use Commission shall approve an application for plat vacation upon approving a final plat application for the same land and shall defer action on the plat vacation when consider an associated preliminary plan or master development plan. If the Land Use Commission denies the final plat application, the application for plat vacation is also denied.
- (E) **Effective Date of Plat Vacation.** A plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. On the execution and recording of the vacating instrument, the vacated plat shall have no further force or effect.

# Division 23-5B-5: Subdivision Construction Plan

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## 23-5 B-5010 Subdivision Construction Plan

- (A) ~~Approval of a subdivision construction plan application not later than one year after the date the application is filed, in a form approved by the Director, is required to ensure that public improvements and infrastructure required to serve the subdivision are installed in accordance with the requirements of this Title.~~
- (B) ~~The Director may release Application for approval of a subdivision construction plan if, unless it is approved within one year from the date of submittal, as provided under Section 23-2B-1040 (Update and Expiration).~~
  - (1) ~~the~~The Director ~~approves the~~shall approve a subdivision construction plan; ~~and~~
  - (2)(C) ~~that meets the requirements of this Title, including technical specifications adopted by the Director, and shall release an approved subdivision construction plan once the applicant posts the required fiscal security as required by the Director under Division 23-2B-4 (Fees and Fiscal Security).~~
  - (D) ~~The Director's release of a subdivision construction plan authorizes the applicant to begin development in accordance with the plan.~~

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## 23-5 B-40205020 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 sets a later expiration date when it approves the plat;~~
  - (2)(1) ~~before the plan~~Before the construction plan expires, site work is commenced and diligently pursued to completion; ~~or~~
  - (2) ~~the Director~~The Land Use Commission sets a later expiration date concurrent with approval of the final plat application; ~~or~~
  - (3) ~~The Director~~ extends the expiration date under Subsection (B).
- (B) ~~An applicant may request that the Director extend the expiration date of a subdivision construction plan by filing a written request and justification with the Director before the expiration date.~~
- (B) The Director may extend the expiration date of the subdivision construction plan once for a period of one year if ~~the~~:

(1) Before the expiration date, the applicant submits a written request and justification explaining why the site work has not been completed; and

(1)(2) \_\_\_\_\_ The Director determines that:

(a) ~~there~~There is good cause for the extension;

there

- (b) There has ~~not~~ been ano significant change in development conditions affecting the plan; and
  - (c) ~~the~~The plan continues to comply with the criteria for its approval and release.
- ~~(2) An interested party may appeal the Director's decision under this subsection to the Land Use Commission.~~
- ~~(3) The Director shall give notice under Division 23-2C-4 (Notice Of Public Hearings or Public Meetings) of the Land Use Commission's consideration of an appeal.~~
- ~~(4) The Land Use Commission shall conduct a public hearing on an appeal before taking action.~~

~~(5) An interested party may appeal the Land Use Commission's decision under this subsection to the Council~~

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23-5

~~B-4030~~5030 **Construction Management and Certification**

- (A) Construction management for a subdivision is governed by Article 23-2H (Construction Management and Certificates).
- (B) Issuance of a certificate of compliance for a subdivision is governed by Division 23-2H-4 (Certificates of Compliance and Occupancy).



# Article 23-5C: Platting Requirements

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# Division 23-5C-1: Property Markers, Easements, and Alleys

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## 23-5C-1010 Property Markers

A surveyor shall mark each boundary corner, intermediate property corner, curve point, and angle point of a subdivision with a permanent marker identified in the most recent edition of the Manual of Practice for Land Surveying in Texas, published by the Texas Society of Professional Surveyors. One boundary corner shall be marked with a concrete monument, unless a concrete monument exists on an adjacent platted subdivision within 1,300 feet of the proposed plat. Permanent markers along boundary lines may be spaced not more than 1,300 feet apart.

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## 23-5C-1020 Easements and Alleys

Easements for public utilities and drainage ways shall be retained in all subdivisions in the widths and locations determined necessary by the Director. All easements shall be dedicated to public use for the named purpose and shall be aligned to minimize construction and future maintenance costs.

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## 23-5C-1030 Easements in Areas Adjoining Proposed Subdivision

If the Director determines that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage or utility service consistent with the requirements of this Title, the subdivider shall obtain the easements or make arrangements with the City to obtain- them.

- ~~(A)~~ ~~A subdivider~~ The applicant shall determine whether a hazardous pipeline crosses a proposed subdivision.
- ~~(B)~~ ~~(A) A subdivider and, if so,~~ shall depict ~~on the plat a pipeline-restricted pipeline area, if any~~ on the plat in accordance with technical specifications adopted by the Director.
- ~~(C)~~ A residential lot ~~that is less than one acre in size~~ may not include a pipeline-restricted pipeline area.
- ~~(D)~~ ~~(B) In calculating minimum lot area under this chapter, if the lot area is less than one acre in size, excluding the restricted pipeline area is excluded.~~

~~(E)(C)~~ A person may not place a structure or excavate within a pipeline-restricted ~~pipeline area,~~ except for:

~~(1) This prohibition does not apply to:~~

- ~~(a)~~(1) \_\_\_\_\_ The pipeline or an appurtenance;
  - ~~(b)~~(2) \_\_\_\_\_ A facility that produces, consumes, processes, or stores the product transported by the pipeline, including a power generation -facility;
  - ~~(c)~~(3) \_\_\_\_\_ A utility line that crosses the restricted pipeline area, including an appurtenance to the line; a utility service connection;
  - ~~(d)~~ A utility service connection;
  - ~~(e)~~(4) \_\_\_\_\_ A road;
  - ~~(f)~~(5) \_\_\_\_\_ Surface parking lot; or
  - ~~(g)~~(6) \_\_\_\_\_ A structure or excavation that the ~~Director determines~~ does not, in the Director's determination, disturb the pipeline or impede its operation.
- ~~(2)~~(D) \_\_\_\_\_ Before a person may place a road, surface parking lot, or utility line in a ~~pipeline-restricted pipeline~~-area within the subdivision, the person shall deliver to the Director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its \_operation.
- ~~(F)~~ A person who seeks to convey a lot containing a restricted pipeline area shall, before title is transferred, deliver to the proposed grantee a document describing the restricted pipeline area, the limitations on its development, and the name and address of the pipeline owner or operator.
- ~~(G)~~(E) \_\_\_\_\_ For a plat that includes a restricted pipeline area, a plat pipeline-restricted area, the fire department shall review and inspect the area for compliance with applicable regulations, and a standard note restating the requirements of Subsection (E) is requiredD) must be included on the face of the plat.

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## ~~C-2010~~ Access to Lots

~~Each lot in a subdivision shall abut a dedicated public street.~~

## ~~23-5C-2020~~ Through Lots in a Single-Family Subdivision:

~~A through lot in a single family residential subdivision is permitted if access to one of the abutting streets is prohibited. If one of the streets abutting a through lot is an arterial, access to the arterial is prohibited unless the Director determines that topography or property size justify access to the arterial.~~

## ~~23-5~~ ~~23-5C-2030~~ Lot Arrangement

- ~~(A) The side lines of lots shall be approximately at right angles to straight street lines or radial to curved street lines. An arrangement placing adjacent lots at right angles to each other may be disallowed by the Director.~~
- ~~(B) The arrangement of lots shall reflect the location of protected resources and other natural features of the property~~
- ~~(C) Side lot lines shall be perpendicular or radial to the thoroughfare, and rear lines~~



should be approximately parallel to thoroughfare lines. However, different lot shapes are allowed if it is demonstrated they are necessary or desirable to achieve the following conditions:

- (1) Better relate building sites to the terrain on the site, or to provide better site utilization and building relationships;
- (2) Preserve protected resources or other natural features while still providing generally rectangular building envelopes;
- (3) Better integrate open space set-asides while still providing generally rectangular building envelopes; or
- (4) Create a more efficient lot design.

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23-5

**C-~~2040~~2020 Lot Size**

- (A) In the zoning jurisdiction, a lot shall comply with the site development regulations for the zoning district or the transect in which a~~the~~ lot is located ~~determine minimum lot area and minimum lot width.~~
- (B) In the extraterritorial jurisdiction, residential lot requirements are as follows:
  - ~~(1) Minimum lot area is:~~
  - ~~(a)(1)~~ \_\_\_\_\_ In a subdivision served by a public wastewater system or central wastewater disposal unit, a residential lot must be at least:
    - ~~(i)(a)~~ \_\_\_\_\_ 5,750 square feet; or

~~(ii)(b)~~ 6,900 square feet for a corner lot; or



~~(b)(2)~~ In a subdivision with private on-site sewage facilities, as determined by Texas Administrative Code Title 30, Chapter 285 (On-Site Sewage Facilities):

~~(2)(a)~~ Minimum lot width is:

~~(a)(i)~~ 50 feet for an interior lot;

~~(b)(ii)~~ 60 feet for a corner lot; or

~~(c)(iii)~~ 33 feet for a lot on a cul-de-sac or curved street; and

~~(3)(b)~~ 3. Minimum lot frontage is:

~~(a)(i)~~ 20 feet; or

~~(b)(ii)~~ 30 feet, if a culvert is required for a driveway approach.

(C) The Director may reduce the minimum lot frontage prescribed by Subsection (B) if the Director determines that access to the lot is restricted to a joint use driveway.

## 23-5C-2030 Lot Frontage

Each lot shall contain at least 15 feet of frontage along a public right-of-way.

## 23-5 C-20502040 Flag Lots

(A) ~~The~~For a flag lot configuration, the minimum width of a flag ~~lot~~pole 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.

~~(B) Limitations on shared driveways:~~

~~(1) In single-family or duplex subdivisions, flag lot designs may be used where no more than two dwelling units utilize a shared driveway.~~

~~(2) For property zoned for uses other than single-family residential or duplex residential, flag lot designs are permitted if the Director determines that the subdivision conforms to the fire code, utility design criteria, plumbing code and requirements for access.~~

~~(C)(B)~~ All residential subdivisions utilizing a flag lot design shall submit a A driveway plan and a utility plan for review and approval with the final plat application is required for residential flag lots.

~~(D)(C)~~ All addresses for residential ~~lots utilizing a flag lot design~~lots shall be displayed at their closest point of access to a public street for emergency responders. The final plat shall contain a note to this effect.

~~(A) This section applies to a subdivision with townhouse lots.~~

~~(B)(A) Common areas shall be identified on the plat. An applicant shall provide for maintenance of, and payment of taxes on, common areas included in a subdivision containing townhouse or rowhouse lots.~~

- ~~(E)~~(B) Common areas for a plat containing townhouse or rowhouse lots shall be identified on the plat. An applicant shall submit to the Director 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.
- ~~(D)~~(C) In the extraterritorial jurisdiction, an applicant shall submit to the Director a site plan showing the locations and dimensions of buildings, accessory uses, and other improvements.

23-5

~~C-2070~~2060 Small Lots

~~(A)~~ Applicability

~~(1) This Section applies to a subdivision with small lots.~~

~~(B) A small lot subdivision may not be approved unless service is available to each lot in the subdivision from public water and wastewater systems.~~

~~(C)~~(A) A small lot subdivision shall comply with the following requirements:

~~(1) Minimum lot area is:~~

~~(a) 3,600 square feet, except for a corner lot; and~~

~~(b) 4,500 square feet for a corner lot.~~

~~(2) Minimum lot width is:~~

~~(a) 40 feet for an interior lot, or 35 feet if access to the lot is provided by a joint access driveway at the front of the lot or by a paved alley or paved private access easement at the rear of the lot;~~

~~(b) 50 feet for a corner lot, or 45 feet if access to the lot is provided by a joint access driveway at the front of the lot or by a paved alley or paved private access easement at the rear of the lot; and~~

~~(c) 40 feet for a lot on a cul-de-sac or curved street, except it may be 33 feet at the front lot line.~~

~~(3)~~(1) A lot may have one zero lot line, subject to the following requirements:

~~(a) A zero lot line is not allowed on a front or street-side lot line;~~

~~(b) A maintenance easement is required in the dominant side yard of a lot; and~~

~~(c) A use easement is required in the subordinate side yard of a lot;~~

~~(4) A lot that is less than 50 feet wide and that fronts on a collector street shall have a paved alley or paved private access easement along the rear property line.~~

~~(2) A small lot preliminary plan shall contain at least 51% small lots;~~

~~(5)~~(3) A lot ~~may~~shall not front on an arterial street;

~~(6)~~(4) Underground utility service to all lots is required;

~~(7)~~(5) Maintenance of a common area or access easement is the responsibility of the adjoining property owner or the homeowners' association, in accordance with the required Declaration of Covenants, Easements, and Restrictions;

~~(D)~~ The Director may not record a plat of a small lot subdivision unless a Declaration of Covenants, Easements, and Restrictions or similar document has been approved by

(B) the city attorney, recorded, and referenced on the plat. The document shall contain the following:

- (1) A statement that the subdivision is developed under ~~this section (23-4C-2070, as amended)~~ Section 23-5C-2080 of the City of Austin Code, and incorporating the requirements of this section by reference;
- (2) Provisions for the maintenance easements and use easements required by this section; and
- (3) Provisions obligating the adjoining property owner or the homeowners' association to maintain common areas and access easements.

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## 23-5            ~~C-2080~~2070    **Single-Family Attached Lots**

### ~~(A)~~ **Applicability**

~~(1)~~ This Section ~~section~~ applies to ~~new~~ single-family attached lots ~~and~~, to the conversion of existing structures to single-family attached units.

~~(B)~~ (A) ~~Single-family attached lots may be created only in multiples of two lots per site, and each, and to a platted lot shall be served by public water and wastewater systems developed with a duplex on or before March 1, 1987, if the duplex complies with current regulations.~~

~~(C)~~ A lot may have one zero lot line.

### **(B) General Standards.**

- (1) A zero lot line is not allowed on a front or street-side lot line.
- (2) A maintenance easement is required in the dominant side yard of a lot.
- (3) A use easement is required in the subordinate side yard of a lot.

~~(D)~~ A lot shall comply with the following requirements:

(4) Appropriate and adequate space is provided for utilities including water meters and wastewater cleanouts.

~~(1)~~ (5) **Covenants, Conditions and Restrictions.** Minimum lot width is:

- (a) ~~25 feet, except for a lot on a cul-de-sac or curved street, and~~
- (b) ~~20 feet on a cul-de-sac or curved street.~~

~~(E)~~ (C) A plat of a single family attached subdivision may not be recorded unless a Declaration of Covenants, Easements, and Restrictions or similar document has been approved by the city attorney, recorded, and referenced on the plat. The document shall:

- (1) Require that development and use of the lots comply with this title;



- (2) Require that construction of a dwelling unit comply with Article 23-~~10B~~11B, Division 1 (Building Code), Division 4 (Electrical Code), Division 5 (Mechanical Code), Division 6 (Plumbing Code), and Division 7 (Fire Code).

**(D) Dimensional Standards.** A lot must comply with the following requirements:

- (1) Minimum site area is 7,000 square feet.
- (2) Minimum lot area is 3,000 square feet.
- (3) Minimum lot width is:
  - (a) 25 feet, except for a lot on a cul-de-sac or curved street; and
  - (b) 20 feet on a cul-de-sac or curved street.
- (4) A lot may have not more than one dwelling unit.
- (5) Maximum height is 35 feet.
- (6) Minimum front yard setback is 25 feet.
- (7) Minimum street side yard setback is 15 feet.
- (8) Minimum interior side yard setback is five feet, except between attached units.
- (9) Minimum rear yard setback is 10 feet.
- (10) Maximum building coverage is 40 percent.
- (11) Maximum impervious coverage is 45 percent.

# Division 23-5C-3: Utilities

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## 23-5 C-3010 Water Lines

- (A) A subdivision within 100 feet of a public water system shall be connected to the public water system. The applicable Director may waive this- requirement.
- (B) If a subdivision is to be served by a public water system:
  - (1) ~~approval~~Approval of the water system plans by the applicable Director is required; and
  - (2) ~~installation~~Installation of the water system shall comply with the requirements of this title, the Utilities Criteria Manual, details, specifications, standard products lists, and applicable State regulations; and
  - (3) ~~water~~Water lines, service connections, and water meters to serve each lot shall be installed and accepted before a lot may be occupied.

## 23-5 C-3020 Wastewater Lines

- (A) A subdivision within 100 feet of a public wastewater system shall be connected to

the public wastewater system. In the extraterritorial jurisdiction, the Director may waive this requirement. ~~In the zoning jurisdiction, this requirement may be waived under Section 23-7A (Water and Wastewater).~~

- (B) If a subdivision is to be served by a public wastewater system, ~~the following is required before a lot may be occupied:~~
- (1) Approval of the wastewater system plans by the ~~applicable~~ Director, is required;  
and
  - (2) Installation of the wastewater system in compliance with the requirements of this title, the Utilities Criteria Manual, standard details, specifications, standards products list, and applicable State regulations; and
  - (3) ~~Installation and acceptance by the City of the wastewater~~ Wastewater lines, service lines, and wastewater cleanouts to serve each lot shall be installed and accepted before a lot may be occupied.

## 23-5 C-3030 Gas Lines

If natural gas from a public utility is available within 2,000 feet of a subdivision, the subdivider shall:

- ~~(A)~~(1) ~~prepare~~Prepare plans for installation of natural gas lines to serve each lot and install the portions of the lines that are under a street or alley; or
- ~~(B)~~(2) ~~place~~Place a note on the plat, in a form approved by Director, stating that natural gas lines have not been installed.

## 23-5C-3040 Installation of Lines

A subdivider shall arrange with the appropriate utility departments and utility companies for the construction of water, wastewater, and gas utility lines unless the ~~city manager~~Director approves the installation of utility lines by another entity.

## 23-5 C-3050 Requests for Utility Service

- (A) To have municipal water or wastewater service extended to land within the extraterritorial jurisdiction, a landowner shall file with the Director of the Water and Wastewater Utility a written request for:
  - ~~(B)~~(1) Extension of service; and
  - ~~(1)~~(2) If the land is not covered by the utility's certificate of convenience and necessity, annexation by the City.
- ~~(C)~~(B) The City may record an owner's request in the county deed records.

## 23-5 C-3060 Independent Utility Districts and Private Water and Sewer Corporations:

- (A) This section applies to a subdivision that is to receive retail water or wastewater service from an entity other than ~~the City's Austin Water and Wastewater Utility~~.
- (B) A plat may not be approved unless the subdivider has complied with the requirements of this subsection.
  - (1) The subdivider shall provide the Director with a copy of a contract between the subdivider and the utility service provider that provides for installing utility lines and furnishing adequate utility service.
  - ~~(2)~~(2) Unless otherwise provided by written contract between Austin Water and the utility service provider:
    - ~~(2)~~(a) Water or wastewater system plans shall comply with the requirements of this title and the Utilities Criteria Manual.

~~(3) Approval of water or wastewater system plans by the Director of the Water and Wastewater Utility and the Texas Natural Resource Commission is required.~~

~~(C) Approval of the construction of water or wastewater facilities by the Director of the Water and Wastewater Utility is required. A City inspector may inspect the facilities during construction. The Director of the Water and Wastewater Utility may require that the subdivider pay an inspection fee.~~

(b) Approval of water or wastewater system plans by the applicable Director, and the Texas Commission on Environmental Quality, if applicable, is required.

(c) Approval of the construction of water or wastewater facilities by the Director is required. A City inspector shall inspect the facilities during construction and the developer shall pay applicable inspection fees.

### 23-5 C-3070 Subdivisions ~~Where~~ Without Access to Water or Wastewater Services ~~are not Available~~

- (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 Director with evidence that water suitable for human consumption may be obtained from surface or subsurface sources on the land. The evidence may include the results of tests and borings, and statements from local and state health authorities, water engineers, and other competent authorities. If the subdivider proposes a private water supply for the subdivision, the plans and specification shall be prepared by a registered professional engineer and approved by the Director ~~of the Water and Wastewater Utility~~ and the Texas Natural Resource Conservation Commission.
- (C) If a subdivision is not to be served by a sanitary sewer utility and the use of private on-site sewage facilities has not been approved by the local health authority, the subdivider shall construct a community sewage collection and treatment system that serves each lot. The system shall be designed and located in accordance with the regulations of the Texas Natural Resource Conservation Commission and the local health authority. Approval by the Director ~~of the Water and Wastewater Utility~~ of the plans for the system is required.

### 23-5C-3080 Private On-Site Sewage Facility

A subdivision that is to be served by private on-site sewage facilities shall comply with Chapter 15-5 (Private Sewage Facilities) of the City Code.

### 23-5 C-3090 Street Lights

- (A) A ~~plat may~~ subdivision construction plan shall not be approved unless the subdivider has complied with the requirements of this section, ~~if applicable. If a subdivision construction plan is not required, the plat shall not be approved unless the subdivider has complied with the requirements of this section.~~
- (B) This section applies to the residential portion of a subdivision if the subdivision is located:
- (1) At least partially inside the City limits; or
  - (2) Outside the City limits, and the subdivider has requested annexation.

- (C) A subdivider shall pay street lighting charges to ~~the Electric Utility Department.~~ Austin Energy. The Director may waive this requirement if the Director determines that street lighting is ~~not necessary~~, the requirement imposes an unreasonable hardship on the applicant, or obtaining payment for street lighting is ~~impractical~~.
- (D) The City shall use a payment collected under this section to install street lights in the residential areas of the subdivision for which it was collected.
- ~~(E) The City shall refund a payment collected under this section to the subdivider if the City does not install street lights within two years after the date the subdivider makes the payment.~~
- ~~(F) This section does not require the City to install street lights in a subdivision that has not been annexed.~~

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