

# Introduction



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# Division 23-1A-1: Title, Purpose, and Scope

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## 23-1A-1010 Title and Citation

- (A) Title 23 of the Austin City Code shall be known and may be cited as the “Land Development Code.”
- (B) The following short-form citations may also be used:
  - (1) Within the Land Development Code:
    - (a) The code as a whole may be referred to as “this Title;” and
    - (b) Chapters, articles, divisions, or sections may be cited by number and title; for example, Chapter 23-1A (Purpose and Applicability) or Section 23-1A-1010 (Title and Citation).
  - (2) When referring to chapters, articles, divisions, or sections of this Title in other documents, the citation “LDC” may be used where appropriate; for example, “LDC Chapter 23-1A (Purpose and Applicability)” or “LDC Section 23-1A-1010(Title and Citation).”

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## 23-1A-1020 Purpose

- (A) The purpose of the Land Development Code is to protect and promote public health, safety, and general welfare through standards and procedures for the use and development of land which are consistent with and implement the City's Comprehensive Plan.
- (B) To further the purpose declared in Subsection (A), this Title establishes procedures and standards to:
  - (1) Ensure notification of land use activities, consistent with state law, and foster opportunities for public participation in the decision-making process;
  - (2) Coordinate the review of development applications and ensure an efficient process for obtaining required approvals;
  - (3) Classify land within the City’s zoning jurisdiction into base zones and overlay zones in order to regulate the use and development of land in a manner that:
    - (a) Provides adequate light, air, access, and open space;
    - (b) Facilitates a mix of uses, maximizes multi-modal movement of people and goods, and promotes compact, connected, pedestrian-oriented development;

- (c) Preserves historic resources and neighborhood character;
  - (d) Maintains a compatible scale of development;
  - (e) Minimizes traffic congestion and enhances the streetscape and pedestrian environment;
  - (f) Encourages development in areas with adequate public services and amenities;
  - (g) Provides opportunities for diverse housing types across all income levels throughout all parts of the City; and
  - (h) Protects and integrates green infrastructure;
- (4) Provide for the safe, orderly, and healthful subdivision of land, in a manner consistent with the goals and policies of the Comprehensive Plan; and
  - (5) Protect lives, property, and the natural environment by reducing the impact of floods, erosion, water pollution, and mitigating heat island effects.

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## 23-1A-1030 Scope and Effect

### (A) Scope of Land Development Code

- (1) **Generally.** The Land Development Code applies to all use, development, and division of land and shall be construed broadly to accomplish this scope. Specific standards apply within the zoning and planning jurisdiction as provided under Section 23-2A-1020 (Applicability of Land Development Code) and elsewhere throughout this Title.
- (2) **City of Austin.** The City shall comply with the standards of this Title, except where a chapter, article, division, or section specifically exempts the City.
- (3) **Other Governmental Entities**
  - (a) The Land Development Code applies to other governmental entities to the extent authorized by law, including Section 211.013 of the Texas Local Government Code (Conflict with Other Laws; Exceptions), and as provided under this Title.
  - (b) To encourage inter-governmental cooperation and facilitate sound regional planning, exempt governmental entities are encouraged to submit development applications for their developments under this Title and to development review with appropriate City departments.

### (B) Effect of Land Development Code

- (1) **Violations Prohibited.** It shall be unlawful, and a violation of this Title, for any person to establish, construct, reconstruct, alter, replace, maintain, use or occupy any structure or land, except under the standards of this Title. Enforcement of this Title, and of conditions imposed by this Title, is authorized under Article 23-2J (Enforcement) and by Chapter 1-3 (Citation Program) and Section 1-1-99 (Offenses; General Penalty) of the City Code.



(2) **Administrative and Quasi-Judicial Actions**

- (a) No development approval, including a land use permit, building permit, site development permit, or variance may be issued by the City unless the proposed development complies with all applicable provisions of this Title.
- (b) No reduction in the requirements of this Title may be approved unless specifically authorized by this Title. Procedures for requesting variances and other reductions or modifications to a regulation or standard are established in Article 23-2F (Quasi-Judicial and Administrative Relief), Article 23-4B (Zoning Administration and Procedures), and other provisions of this Title.

(3) **Legislative Actions.** An amendment to the text or map adopted in this Title may only be adopted by the city council, under the procedures established in this Title.

(4) **Requirements Cumulative and Non-Exclusive.** The requirements of this Title are cumulative of requirements imposed by other laws. Approvals required by this Title are in addition to other permits that may be required by the City or by any other governmental agency or special district.

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# Division 23-1A-2: Authority

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## 23-1A-2010 Scope of Municipal Authority

- (A) **Adoption.** This Title is adopted in compliance with and in furtherance of:
  - (1) The Austin City Charter; and
  - (2) The following statutes and laws of the State of Texas:
    - (a) Local Government Code, including Chapters 41, 42, 43, 54, 211, 212, 213, 214, 215, 216, 217, 241, 242, 243, and 431;
    - (b) Property Code Sec. 12.002 (Subdivision Plat; Penalty) et seq.;
    - (c) Water Code;
    - (d) Flood Control and Insurance Act, Sections 16.311 through 16.317;
    - (e) Vernon's Annotated Civil Statutes, Chapter 13 (Home Rule) and Article 1175; and
    - (f) Such other statutes and laws enabling the exercise of the municipal police power.
- (B) **Implementation and Execution**
  - (1) Authority under the Land Development Code shall be vested in and delegated to the officials and decision-makers designated in Article 23-1B (Responsibility for Administration), consistent with the City Charter, the Austin City Code, and the constitution and laws of the State of Texas.
  - (2) This authority is supplemental to any other authority lawfully conferred upon City officials and decision-makers. The omission of a citation in this Title to any authority conferred upon officials and decision-makers by the City Charter, City Code, or the constitution or laws of the State of Texas, shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with such authority.

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## 23-1A-2020 Implied Authority

City officials and decision-makers shall have all implied authority necessary to carry out the duties and responsibilities expressly delegated by this Title, to the extent the implied authority is not in conflict with expressly delegated authority.

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## 23-1A-2030 Limitations on Authority

- (A) **Effect of Land Development Code.** The standards and procedures applicable to development of property within the City limits and within the City's extraterritorial jurisdiction are those established by the Land Development Code, which shall control in the event of a conflict with a representation made by a City official summarizing, paraphrasing, or otherwise interpreting the standards and procedures applicable to development.
- (B) **Representations Concerning Future Administrative, Quasi-Judicial, or Legislative Actions**
- (1) **Administrative Actions.** No City official, whether an employee of the City, a member of the city council, or an appointed board or commission, shall have the authority to make binding representations or commitments to a property owner concerning the likelihood of an outcome of that official's decision or the decision of the council or an appointed board or commission on any development application or petition that has yet to be filed or is pending before the City for decision.
  - (2) **Legislative Actions.** No City official, whether an employee of the City or a member of the Council or an appointed board or commission, shall have the authority to make binding representations to any person concerning the likelihood:
    - (a) That a change in any legislative classification or a change in the text of this Land Development Code as applied to a specific tract of land will be granted;
    - (b) That an existing legislative classification or text provision will remain in effect; or
    - (c) That any petition for relief will be granted or denied.
  - (3) **Unauthorized Representations.** No person is entitled to rely upon a representation made by a City official in contravention of this subsection. Any such representation shall be deemed in violation of City policy and non-binding on the City in any respect. No subsequent decision of the City shall be deemed a ratification of any representation made in contravention of this Subsection.
- (C) **No Effect of City Decisions on Liability**
- (1) The City's approval of a development application under the Land Development Code does not guarantee or assure that development of the property in accordance with this Title will prevent or mitigate harm to adjoining property.
  - (2) A person who undertakes development activities may not rely on the City's approval of a development application as assurance that the development activities will not result in harm to adjoining property.
  - (3) The regulations contained in the Land Development Code constitute an exercise of the City's governmental authority, and approval of a development application shall not give rise to any liability on the part of the City or its officers, agents, and employees.

**(D) Unauthorized Waivers**

- (1) No City official, board, or commission of the City, or the Council, shall have authority to waive any standard for a development application except as expressly authorized by this Title.
- (2) Any attempt to waive a standard of this Title in violation of this subsection shall be deemed null and void. A development application or legislative decision that is approved on the basis of an unauthorized waiver of this Title may be suspended or revoked consistent with the standards of Article 23-2J (Enforcement).

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# Division 23-1A-3: Classification of Applications and Decisions

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**23-1A-3010 Purpose**

To aid in better understanding the City of Austin’s process for land use planning and development, this division provides an overview of the different categories of decisions and applications established by the Land Development Code. Detailed requirements for different categories of decisions are established in Section 23-2A-1030 (Overview of Legislative and Administrative Approvals) and other provisions of this Title.

**23-1A-3020 Classification of Applications and Decisions**

**(A) Legislative Decisions**

**(1) General Characteristics**

- (a) Legislative decisions are decisions that establish or change the City's policies and rules governing the use and development of land. They involve the exercise of broad discretion and are typically based on general considerations of public policy, including, but not limited to, furthering the goals of the Comprehensive Plan or preserving public health, safety, and welfare.
- (b) Only the city council may approve legislative decisions, which cannot be appealed or varied and may only be amended or repealed by the council. The city council may not delegate its authority to make a legislative decision and, in general, cannot be required to take legislative action. The council must, at a minimum, hold a public hearing and receive a report from the Land Use Commission before making a legislative decision except where otherwise authorized by this Title.

**(2) Types of Legislative Decisions.** Examples of legislative decisions include:

- (a) Adopting or amending the text of this Title;
- (b) Adopting the City’s official zoning map and approving applications to change the zoning classification of individual properties, commonly referred to as a “re” or “zoning amendment”;
- (c) Approving a Development Agreement or a land use plan in the City's extraterritorial jurisdiction; and
- (d) Amending the Comprehensive Plan, including a Neighborhood Plan or other Small Area Plan.

**(B) Quasi-Judicial Decisions**

**(1) General Characteristics**

- (a) A quasi-judicial decision is a City decision that:
  - (i) Applies discretionary approval criteria to a development application;
  - (ii) Adjudicates the rights of individual parties under this Title; or
  - (iii) Decides an appeal of an administrative decision.
- (b) A quasi-judicial decision involves the exercise of discretion on the part of the decision-maker and in most cases, may be subject to conditions. Quasi-judicial decisions require a public hearing and may require findings in support of the decision. They involve the exercise of considerable discretion on the part of the decision-maker and in most cases, may be subject to conditions.
- (c) A quasi-judicial decision is usually made by an appointed board or commission, but in some cases, may be subject to final approval by the Council or may be delegated to the city manager. Members of a decision-making body may be required to refrain from discussing matters subject to a quasi-judicial decision outside of a public meeting regarding the matter, if expressly provided by this Title.

**(2) Types of Quasi-Judicial Decisions.** Examples of quasi-judicial decisions include:

- (a) A decision by the Board of Adjustment on an application for a zoning Variance or Special Exception under Division 23-2F-1 (Variances and Special Exceptions);
- (b) A decision by the Land Use Commission on an application for an Environmental Variance under Division 23-3D-2 (Exceptions and Variances) or a Conditional Use Permit under Section 23-4B-1020 (Conditional Use Permit);
- (c) A decision by a board or commission, or by the Council, on an Administrative Appeal under Article 23-2I (Appeals); and
- (d) A decision by the Council under Division 23-2F-3 (Limited Adjustments) or Section 23-2K-2040 (Project Consent Agreements).

**(C) Administrative Decisions**

**(1) General Characteristics**

- (a) An administrative decision is a decision by the City that applies specific standards or requirements of this Title or other applicable law to the review of a development application. Most administrative decisions require the exercise of limited discretion.
- (b) The authority to make administrative decisions is delegated to City departments and to boards and commissions, as provided in Article 23-1B (Responsibility for Administration). A public hearing is required for an administrative decision by a board or commission.

**(2) Types of Administrative Decisions.** Examples of administrative decisions include:

- (a) A decision by the Director on an application for:
  - (i) A Site Plan or Minor Use Permit;
  - (ii) A Minor Adjustment or Alternative Equivalent Compliance; or
  - (iii) A Vested Rights Petition;

- (b) A decision by the Building Official or Director on an application for:
  - (i) A Building Permit or a Trade Permit; or
  - (ii) A Certificate of Occupancy or Compliance; and
- (c) A decision by the Land Use Commission on an application for a Preliminary Plan, Final Plat, or Subdivision Construction Plan; and
- (d) A revision or correction to a pending application.

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## 23-1A-3030 Rules Governing Decisions

- (A) **Order of Process.** If proposed development requires more than one application under this Title, an applicant must obtain the approvals in the order specified by Section 23-2A-2010 (Order of Process).
- (B) **Burden to Show Compliance.** An applicant requesting approval of a development application must demonstrate that the application meets all applicable requirements.
- (C) **Revised Development Application.** An amended or revised development application is classified the same as the initial application and is reviewed according to the same level of discretion as the initial application.
- (D) **Advisory Decisions.** If a board or commission makes a recommendation on a decision to be made by the city council, the board or commission acts in the same capacity as the council and may recommend any action within the council's authority.

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# Division 23-1A-4: Consistency with Comprehensive Plan

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**23-1A-4010 Consistency with the Comprehensive Plan**

- (A) **Consistency Requirement.** Legislative, quasi-judicial, and administrative decisions under this Title must be consistent with the Comprehensive Plan, as required by the City Charter, Article X, Section 6 (Legal Effect of Comprehensive Plan).
- (B) **Consistency Standards for City Decisions**
  - (1) **Legislative Decisions**
    - (a) A legislative decision is consistent with the Comprehensive Plan if:
      - (i) For a map amendment, the nature and location of allowed land uses is consistent with the growth concept map and, if applicable, a land use map included in an adopted Small Area Plan; and
      - (ii) The text of this Title, and any amendment to this Title, is consistent with the goals and policies of the Comprehensive Plan and, if applicable, an adopted Small Area Plan.
    - (b) The city council has sole authority to determine the consistency of a legislative decision, including an amendment to this Title, with the Comprehensive Plan and to balance competing goals and policies. A decision by the council to approve a legislative decision shall constitute a finding that the decision is consistent with the Comprehensive Plan.
  - (2) **Administrative and Quasi-Judicial Decisions.** An administrative or quasi-judicial decision is consistent with the Comprehensive Plan if the decision conforms to the applicable regulations of this Title, which implements the Comprehensive Plan.

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# Division 23-1A-5: Rules of Interpretation

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## 23-1A-5010 Purpose and Applicability

This division establishes rules for interpretation to be used in applying the requirements of this Title. The rules of interpretation established in Chapter 1-1 (General Provisions) of the City Code also apply, but a rule established in this division prevails in the event of a conflict.

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## 23-1A-5020 Rules of Interpretation

- (A) **Cumulative Requirements.** The requirements of this Title are cumulative of requirements imposed by other ordinances, rules, and regulations. In the event of a conflict, the requirements of this Title shall control over requirements imposed by other ordinances, rules, regulations, or requirements imposed under private covenants, restrictions, or easements.
- (B) **Internal Consistency**
  - (1) Wherever possible, this Title shall be interpreted in a manner that gives effect to all provisions and avoids rendering any provision of this Title in conflict with one or more other provisions.
  - (2) If two or more provisions of this Title appear to conflict, such that they cannot all be applied, the director shall resolve the conflict according to the following rules:
    - (a) If the provisions relate to the same standard, including, but not limited to setbacks, height, or impervious cover, the more restrictive standard applies and controls over a less restrictive standard; or
    - (b) If a general provision conflicts with a provision that is more specific to a particular development application or category of development, then the specific provision applies and controls over the general provision unless the general provision was adopted more recently and the manifest intent of Council was for the general provision to apply.
- (C) **Incomplete Provisions.** If a standard or procedure of this Title is incomplete when applied to a particular development application or activity, the director shall supplement the standard or procedure with whatever additional standards or procedures of this Title are necessary to give effect to the incomplete provision.
- (D) **Purpose Statements.** Purpose and intent statements used in this Title are not substantive requirements, but provide context to aid in understanding the legislative intent behind substantive requirements.

**(E) Headings, Text, and Illustrations**

- (1) In the event of a conflict or inconsistency between the text of this Title and any heading, caption, figure, illustration, table, or map, the text shall control.
- (2) Unless otherwise indicated, illustrations in this Title are provided for purposes of describing, clarifying, or providing examples. Such illustrations are not to scale and do not replace, limit, or expand the meaning of the text.

**(F) Lists and Examples.** Unless otherwise indicated, a list of items or examples that is prefaced by the terms “for example,” “including,” or “such as”:

- (1) Is intended to provide examples and is not an exhaustive list of all possibilities; and
- (2) Does not imply an order of priority or chronology.

**(G) Computation of Time**

- (1) The computation of time is the time in which an act is to be done is computed by excluding the first day and including the last day.
- (2) If a deadline or required date of action falls on a Saturday, Sunday, or City holiday, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or City holiday.
- (3) Reference to days is to **calendar days** unless otherwise indicated.

# Article 23-1B: Responsibility for Administration

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### Division 23-1B-4: Neighborhood Planning

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# Division 23-1B-1: City Council

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## 23-1B-1010 City Council

- (A) **Legislative Decisions.** The city council has final authority over all legislative decisions authorized by this Title, including:
  - (1) Amendments to this Title, as provided in Division 23-2E-1 (Text Amendments);
  - (2) Amendments to the Comprehensive Plan and adopted Small Area Plans, as provided in Division 23-2E-2 (Plan and Map Amendments);
  - (3) Amendments to the Zoning Map, as provided in Division 23-4B-3 (Zoning Map Designations and Amendments);
  - (4) Approval of a Development Agreement under Division 23-2L-1 (Interlocal Development Agreement) or Division 23-2L-2 (General Development Agreements);
  - (5) Approval of an ordinance annexing land into the City, for full or limited purposes; and
  - (6) Approval of an annual fee schedule fixing the amount of all fees required under this Title.
  
- (B) **Quasi-Judicial Decisions.** The city council has authority to make certain quasi-judicial decisions, including:
  - (1) Deciding an Appeal of the Land Use Commission’s decision on a Conditional Use Permit, as authorized under Article 23-4B (Zoning Administration and Procedures);
  - (2) Approval of a Project Consent Agreement under Section 23-2K-2040 (Consent Agreement); and
  - (3) Approval of a limited adjustment under Division 23-2F (Quasi-Judicial and Administrative Relief).
  
- (C) **Other Council Actions.** The city council may take other actions relating to the regulation of land use and development, except where prohibited by this Title, the City Charter, or State law.

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# Division 23-1B-2: Boards and Commissions

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**23-1B-2010 Purpose and Applicability**

- (A) This division establishes the sovereign boards and commissions that are required by this Title to take final action on behalf of the City and make recommendations to the Council.
- (B) Specific requirements and grants of authority for boards and commissions established under this Division are provided in Section 23-2A-1030 (Overview of Legislative and Administrative Approvals) and other provisions of this Title.
- (C) The boards and commissions established in this division are subject to Chapter 2-1, Article 1 (General Provisions) of the City Code, which establishes general requirements for membership, structure, and operation of City boards and commissions. In the event of a conflict between Chapter 2-1 (City Boards) of the City Code and this Title, the requirements of this Title shall control.

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**23-1B-2020 Board of Adjustment**

- (A) **Enabling Authority.** The Board of Adjustment is a quasi-judicial body that derives its authority from Chapter 211 (Municipal Zoning Authority) of the Texas Local Government Code and this Title. The city council established the Board, by ordinance, on July 17, 1941.
- (B) **Composition and Structure**
  - (1) The Board shall be composed of 11 members, with each member appointed to serve a two-year term. A board member may be removed for cause by the Council, upon written charges and after a public hearing.
  - (2) The Council may appoint alternate board members to serve when a regular member is absent. An alternate board member is appointed to a two-year term.
  - (3) If authorized by the city council, the Board shall include a seven-member Appeals Panel which may hear and decide administrative appeals for the Board under Division 23-2I (Appeals) and take action on such other matters as may be assigned under this Title. The city council may establish the Appeals Panel by resolution or ordinance specifying the method by which members of the Board of Adjustment may be appointed to the panel and establishing other appropriate requirements for the assignment of cases to the panel.

- (C) **Duties and Functions.** The Board shall hear and decide:
- (1) A request for a variance from a zoning standard or for approval of a special exception, as authorized under Chapter 23-4 (Zoning Code);
  - (2) An appeal of an administrative action as authorized under Article 23-2I (Appeals);
  - (3) A request for a variance from the standards of airport zoning standards under Section 241.034 (Variances), Local Government Code; and
  - (4) A request for a variance from a sign standard, as authorized under Chapter 23-8 (Signage).
- (D) **Voting Requirements**
- (1) Each case before the Board must be heard by at least 75 percent of the board members. The concurring vote of 75 percent of the board members is necessary to:
    - (a) Reverse an administrative decision on appeal under Article 23-2I (Appeals);
    - (b) Decide in favor of an applicant on a matter on which the Board is required to pass under Chapter 23-4 (Zoning); or
    - (c) Authorize a variation from the terms of Chapter 23-4 (Zoning).
  - (2) The super majority required under Subsection (D)(1) shall be calculated based on:
    - (a) Eleven members, minus any vacant positions or legally disqualified board members, for matters heard and decided by the full Board; or
    - (b) Seven members, minus any vacant positions or legally disqualified board members, for matters heard and decided by the Appeals Panel.
- (E) **Meetings**
- (1) The Board shall hold meetings at the call of the chairperson and at other times as requested by the Board or required under its bylaws. The Appeals Panel shall, **if established by the city council**, meet separately from meetings of the full Board.
  - (2) The Board shall prepare minutes of its proceedings. The minutes shall include the vote of each member on each item before the board and shall state if a member is absent or fails to vote on an item.
  - (3) The chairperson, or the acting chairperson in the absence of the chairperson, may administer oaths and compel the attendance of witnesses.
- (F) **Rules of Procedure.** The Board may adopt Rules of Procedure, which must be consistent with this Title and State law.
- (G) **Appeal to District Court.** A decision by the Board constitutes a final City decision and is appealable to District Court as provided in Chapter 211 (Municipal Zoning Authority) of the Texas Local Government Code.

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**23-1B-2030 Land Use Commission**

- (A) **Enabling Authority.** The Land Use Commission is comprised of the Planning Commission and the Zoning Platting Commission, which is established under this Division and derive their authority from Chapters 211 (Municipal Zoning Authority) and 212 (Municipal Regulation of Subdivisions and Property Development) of the Texas Local Government Code, the City Charter, and this Title.
- (B) **Responsible Commission.** Where this Title requires the Land Use Commission to take action on an application, the responsible director shall assign the application to the Planning Commission or the Zoning and Platting Commission under this Subsection.
- (1) The Planning Commission shall act as the Land Use Commission on applications related to property within:
- (a) The boundaries of a Neighborhood Plan that the Council has adopted as a component of the Comprehensive Plan;
  - (b) The former Robert Mueller Municipal Airport site;
  - (c) The old Enfield Neighborhood Planning Area; or
  - (d) The boundaries of a proposed Neighborhood Plan that the Council:
    - (i) Has directed the Planning Commission to consider; and
    - (ii) Has not rejected or withdrawn.
- (2) The Zoning and Platting Commission shall act as the Land Use Commission on applications related to property not with an area identified under Subsection (B)(1).
- (C) **Duties and Functions.** The Land Use Commission performs administrative, quasi-judicial, and legislative functions as provided in Section 23-2A-1030 (Overview of Legislative and Administrative Approvals) and other provisions in this Title. The Commission's primary functions include the following final decisions, appealable decisions, and recommendations:
- (1) **Final Decisions.** A decision by the Land Use Commission on the following applications is final and not subject to appeal:
- (a) A Preliminary Plan, Final Plat, or Subdivision Variance under Chapter 23-5 (Subdivision);
  - (b) An Environmental Variance under Article 23-3D (Water Quality);
  - (c) An Appeal of an enforcement decision under Article 23-2J (Enforcement); and
  - (d) Hearing an appeal of a Minor Use Permit under Section 23-4B-1030 (Minor Use Permit).
- (2) **Appealable Decisions.** A decision by the Land Use Commission on an application for a Conditional Use Permit under Section 23-4B-1020 (Conditional Use Permit) is appealable to the Council.

- (3) **Recommendations.** The Land Use Commission makes recommendations to the Council on:
  - (a) An amendment to the text of this Title initiated under Division 23-2E-1 (Text Amendments);
  - (b) An amendment to the Zoning Map under Division 23-4B-3 (Zoning Map Designations and Amendments); and
  - (c) An amendment to the Comprehensive Plan or a Small Area Plan under Division 23-2E-2 (Plan and Map Amendments).
- (D) **Joint Committees.** The Planning Commission and the Zoning and Platting Commission may coordinate and exchange information related to the Land Use Commission through participation in the joint committees established under Section 2-1-205 (Small Area Planning Joint Committee) and Section 2-1-207 (Codes and Ordinances Joint Committee).

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## 23-1B-2040 Planning Commission

- (A) **Enabling Authority.** The Planning Commission derives its authority from Chapters 211 (Municipal Zoning Authority) and 212 (Municipal Regulation of Subdivisions and Property Development) of the Texas Local Government Code, Art. X (Planning) of the City Charter, and this Title. The Council established the Planning Commission on January 25, 1945, by passage of Ordinance No. 450125.
- (B) **Structure and Composition**
  - (1) The Planning Commission is composed of 13 members appointed to the Commission by the Council.
  - (2) The City Manager, the chairperson of the Zoning Board of Adjustment, the Public Works Director, and the President of the Board of Trustees of the Austin Independent School District (AISD) shall serve as ex officio members.
  - (3) The President of the AISD Board of Trustees may designate, in writing, a member of the Board of Trustees or an employee of AISD to represent the district at meetings of the Planning Commission. The AISD representative may participate in discussion of agenda items subject to approval by the Chair of the Commission and in compliance with such rules as the Commission deems appropriate.
- (C) **Duties and Functions.** The Planning Commission shall:
  - (1) Act as the Land Use Commission on development applications, under Section 23-1B-2030 (Land Use Commission);
  - (2) Make recommendations on proposed amendments to this Title, under Division 23-2E-1 (Text Amendments); and
  - (3) Perform other functions as required or authorized by this Title or the City Charter.

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**23-1B-2050 Zoning and Platting Commission**

- (A) **Enabling Authority.** The Zoning and Platting Commission derives its authority from Chapters 211 (Municipal Zoning Authority) and 212 (Municipal Regulation of Subdivisions and Property Development) of the Texas Local Government Code and this Title.
- (B) **Structure and Composition.** The Commission shall consist of 11 members, as provided under Section 2-1-4 (Size and Appointment) of the City Code, and shall comply with all applicable standards of Chapter 2-1, Article 1 (General Provisions) of the City Code.
- (C) **Duties and Functions.** The Commission shall act as the Land Use Commission under Section 23-1B-2030 (Land Use Commission) and perform such other duties as may be assigned to it by the Council.

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# Division 23-1B-3: Administration

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### 23-1B-3010 Purpose and Applicability

This division designates City department directors with authority and responsibility to carry out functions established under this Title and generally defines the scope of a responsible director’s authority with respect to the administration and enforcement of this Title.

### 23-1B-3020 City Departments and Directors

- (A) **Responsible Director.** The term “director” or “responsible director,” as used in this Title, refers to the department director designated by the City Manager to carry out particular functions established under this Title.
- (B) **Designated Department and Areas of Expertise.** Table 23-1B-3020(A) (Designated Department and Areas of Expertise) identifies City departments that may be specifically designated, by director title, with responsibility to administer and enforce particular provisions of the Land Development Code. The table also describes, in general terms, each department’s primary areas of expertise or responsibility in relation to the administration and enforcement of this Title.

**Table 23-1B-3020(A) Designated Department and Areas of Expertise**

City Department	Director Title	Principal Areas and Responsibilities
Planning & Zoning Department	Planning Director	Reviews, processes, and recommends: <ul style="list-style-type: none"> <li>• Applications for rezones or original zoning for consideration by Council; and</li> <li>• Amendments to this Title or the Comprehensive Plan initiated by the Council or Planning Commission.</li> </ul>

Table 23-1B-3020(A) Designated Department and Areas of Expertise		
City Department	Director Title	Principal Areas and Responsibilities
Development Services Department	Development Services Director	<ul style="list-style-type: none"> <li>•Reviews, processes, and takes final action on Site Plans, Minor Use Permits, and other development applications.</li> <li>•Coordinates interdepartmental review of development applications with Watershed Protection, Transportation, Parks, and other City departments with specific areas of expertise.</li> <li>•Presents development actions to the Land Use Commission, including subdivision plats.</li> </ul>
	Building Official	<ul style="list-style-type: none"> <li>•Reviews, processes, and takes final action on applications for Building Permits and other construction approvals.</li> <li>•Administers and enforces international technical codes and related health and standards.</li> </ul>
Watershed Protection and Development Review Department	Watershed Director	<ul style="list-style-type: none"> <li>•Reviews development applications for compliance with environmental, drainage, and detention standards.</li> <li>•Administers and enforces Water Quality and Pollution Control standards.</li> </ul>
	Environmental Officer	<ul style="list-style-type: none"> <li>•Advises and directs City staff to ensure that environmental protection is the highest priority in public and private development.</li> <li>•Receives and investigates complaints on environmental issues from citizens and reports findings to the City Manager.</li> <li>•Delivers an annual report on the City's environment to the City Manager and city council in April.</li> </ul>
Parks & Recreation Department	Parks Director	<ul style="list-style-type: none"> <li>•Reviews development applications for compliance with parkland dedication and open space standards.</li> </ul>
Austin Transportation Department	Transportation Director	<ul style="list-style-type: none"> <li>•Reviews development applications for compliance with traffic operations, including Traffic Impact Analysis.</li> </ul>
Neighborhood Housing & Community Development	Housing Director	<ul style="list-style-type: none"> <li>•Administers and enforces the <b>Affordable Housing Density Bonus Program</b> and other City initiatives related to affordable housing.</li> </ul>
Code Department	Code Director	<ul style="list-style-type: none"> <li>•Enforces City land use and development standards for developments not subject to an active building permit or other development approval.</li> </ul>



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**23-1B-3030 Authority of Responsible Director**

- (A) **General Authority & Delegation**
- (1) A responsible director designated by the City Manager under Section 23-1B-3020 (City Departments and Directors) or by a provision of this Title shall have the authority to take any action that is reasonably necessary to administer and enforce the applicable provisions of this Title, except where an action is otherwise prohibited by this Title or State law.
  - (2) As provided in Section 1-1-14 (Designation of City Official or Department Director), a responsible director may designate authority under this Title to department staff or, with approval of the City Manager, to staff in another department. City staff acting under delegated authority shall have the same authority as the responsible director.
- (B) **Specific Authority & Responsibility.** In addition to the general authority delegated under Subsection (A), a responsible director shall have authority to take the following actions consistent with the standards of this Title:
- (1) Accept and process development applications;
  - (2) Review and make recommendations concerning an application;
  - (3) Seek advice from other City departments and coordinate recommendations from such departments concerning the application;
  - (4) Approve or disapprove an application, where so authorized, including any administrative exemptions or waivers;
  - (5) Coordinate review by City boards and commissions or by Council, if required;
  - (6) Prepare staff reports and recommendations advising City boards and commissions, or Council, regarding any application presented for review or final action;
  - (7) Adopt policies, procedures, or interpretations to aid in the administration and enforcement of this Title; and
  - (8) Initiate enforcement actions seeking to obtain compliance with the requirements and standards of this Title, including any conditions imposed on a permit or other development approval.

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# Division 23-1B-4: Neighborhood Planning

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### 23-1B-4010 Neighborhood Plan Contact Team

- (A) The Director shall initiate the formation of a Neighborhood Plan Contact Team.
- (B) The Neighborhood Plan Contact Team shall to the greatest extent practicable include at least one representative from each of the following groups within a neighborhood plan area:
  - (1) Property owners;
  - (2) Residential renters;
  - (3) Business owners; and
  - (4) Neighborhood organization members owning or renting property within the Neighborhood Plan Area.
- (C) Representatives shall to the greatest extent possible be drawn from the group of persons involved in the development of the Neighborhood Plan.
- (D) The Neighborhood Plan Contact Team shall annually submit a list of its officers and members, including individual contact information and applicable membership category under Subsection (B), to the Director.
- (E) The Neighborhood Plan Contact Team shall submit new bylaws or changes in existing bylaws to the Director. The bylaws shall address roles and responsibilities, boundaries, membership, decision-making, meetings and meeting notification, officers and duties, amendments to the bylaws, finances, and conflicts of interest. The bylaws shall be consistent with the standardized bylaws template and instructions provided by the Director.
- (F) Before the date on which the Planning Commission is scheduled to consider a proposed Neighborhood Plan Amendment, the Neighborhood Plan Contact Team may submit a letter to the Director stating its recommendation on the proposed amendment. The Neighborhood Plan Contact Team shall also identify any conflict of interest as defined in the bylaws of the Neighborhood Plan Contact Team.

(G) Neighborhood Plan Contact Teams shall have dispute resolution as follows:

- (1) **Filing Complaints.** A person who meets the membership requirements described under Subsection (B) and believes that the Neighborhood Plan Contact Team has violated the provisions of this Section may file with the Director a request to have the Director investigate and mediate the complaint. Such complaints shall be in writing and shall identify the Neighborhood Plan Contact Team alleged to be violating the provisions of this section. All complaints must be filed within 45 days following the occurrence of an alleged violation.
- (2) **Investigation.** The Director shall review with the charging party the allegations contained within the complaint and, if warranted based on the standards of this Chapter, shall conduct a prompt and full investigation of the matter stated in the complaint through interviews with the charging party, contact team officers, and through review of all available documentation. The Director shall determine, in writing, whether dispute resolution is warranted within 14 days of receiving a complaint and shall render a written report identifying issues to be addressed through dispute resolution within 28 days of receiving the complaint.
- (3) **Informal Dispute Resolution.** If after investigation it is determined that there is reasonable cause to believe that dispute resolution is warranted, the Director shall endeavor to eliminate any such alleged violations by informal methods of conference, conciliation, and persuasion. All informal dispute resolution and determinations of the Director must be completed within 30 days after the Director provides the written report.
- (4) **Formal Dispute Resolution.** If, after determining that there is reasonable cause to believe that dispute resolution is warranted, and the Director is unable to secure from the respondent an acceptable conciliation agreement, the Director shall present a report to the Planning Commission within 30 days of completing the informal dispute resolution. If after review of the report the Planning Commission agrees with the report of the Director, the Planning Commission may recommend a more formal mediation or dispute resolution process. The Planning Commission shall set a deadline for the completion of formal mediation based on the complexity and circumstances of a specific case and shall identify a neutral third party to conduct the dispute resolution process.
- (5) **Remedy**
  - (a) In cases where the informal and formal dispute resolution processes initiated by the City are unable to secure from the respondent an acceptable conciliation agreement, the Planning Commission may recommend that the Director and the City discontinue recognition of the Neighborhood Plan Contact Team in compliance with the provisions of this Chapter until a conciliation agreement acceptable to the Planning Commission is reached.
  - (b) In the event the City discontinues recognition of a Neighborhood Plan Contact Team, special designation of the organization as a Neighborhood Plan Contact Team will be removed from the City of Austin Community Registry, the Neighborhood Plan Contact Team will no longer be granted the authority to initiate Neighborhood Plan amendments, and the Neighborhood Plan Contact Team will no longer have access to any special resources or authority through the City based on its status as a Neighborhood Plan Contact Team.

- (c) If recognition of a Neighborhood Plan Contact Team is discontinued for more than six months, the Director may take action to initiate a new Neighborhood Plan Contact Team for the planning area under the provisions of City Code Section 25-1-805(A) through (C). In the event that the Director takes action to initiate a new Neighborhood Plan Contact Team, the initial officers of the new Neighborhood Plan Contact Team may not have served as officers of the previous Neighborhood Plan Contact Team at the time when recognition was discontinued.
- (6) **Appeal.** Charging parties and respondents may appeal the determination of the Director and of the Planning Commission under this Subsection to the Council. Actions that are appealable include the Director's determination that dispute resolution is warranted; findings/determinations that come out of the informal dispute resolution process; and discontinuation of recognition of a Neighborhood Plan Contact Team.

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