

Chapter 23-1: 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, Article 23-1A (General Provisions) 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 Article 23-1A (General Provisions)” or “LDC Section 23-1A-1010 (Title and Citation).”

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, with the goal of making Austin affordable and accessible to all.
- (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 ensure an equitable opportunity for public participation through an open and transparent 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 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, promotes transportation safety, 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 effects of fire, traffic, floods, erosion, water pollution, and other natural and man-made hazards.

23-1A-1030 **Scope and Effect**

(A) **Scope of Land Development Code.**

- (1) **General.** The Land Development Code applies to all development, division, and use of land and shall be construed broadly to accomplish this scope. Specific standards apply within the full purpose, limited purpose, and extraterritorial 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 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 projects under this Title for review by appropriate city departments.
 - (c) When a federal or state agency voluntarily submits an application for review by the City, the appropriate director is authorized to waive city fees to the extent that state or federal law prohibits the agency from paying local application or permitting fees.

(B) Effect of Land Development Code.**(1) Violations Prohibited.**

- (a) It shall be unlawful, and a violation of this Title, for any person to establish, construct, reconstruct, alter, replace, subdivide, maintain, use, or occupy any structure or land, except in compliance with:
 - (i) The standards of this Title;
 - (ii) Any conditions to development approval imposed in accordance with this Title; and
 - (iii) Any administrative rule, including technical criteria manuals, which are adopted in accordance with this Title.
- (b) Enforcement of this Title, and of conditions imposed under this Title, is authorized under Article 23-2J (Enforcement) and by Chapter 1-3 (Citation Program) and Section 1-1-99 (Offenses; General Penalty).

(2) Administrative and Quasi-Judicial Actions.

- (a) A development approval, including a land use permit, building permit, site development permit, or variance, may not be issued by the City unless the proposed development complies with all applicable provisions of this Title, including administrative rules adopted in accordance with this Title.
- (b) A modification to the requirements of this Title, including reductions to an applicable requirement or standard, may not be approved unless specifically authorized by this Title. Procedures for requesting variances, administrative modifications, and other reductions or modifications to a regulation or standard are established in Article 23-2G (Quasi-Judicial and Administrative Relief), Article 23-3B (Zoning Administration and Procedures), and other provisions of this Title.

(3) Legislative Actions. An amendment to the text or map adopted in this Title, as well as any figure, table, or picture included herein, may only be adopted in accordance with the applicable procedures established in Division 23-2F-1 (Text Amendments) or Division 23-3B-3 (Zoning Map Designations and Amendments).**(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.**(C) Matters Not Affected or Superseded.** The adoption of this Title shall not affect or supersede the following classes of ordinances, rights, or obligations:

- (1) Any right or liability established, accrued, or incurred under any provision of the predecessor Land Development Code, in effect prior to the effective date of this Title, and any action or proceeding brought for the enforcement of such right or liability; and
- (2) Any offense or act committed or done in violation of the predecessor Land Development Code, in effect prior to the effective date of this Title, including any penalty, punishment, or forfeiture which may result therefrom.

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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 pursuant to 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 the officials and decision-makers taken in accordance with such authority.

23-1A-2020 Implied Authority

- (A) 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.

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 conflict with a representation made by a city official or employee, either orally or in writing, summarizing, paraphrasing, or otherwise interpreting the standards and procedures applicable to development.
- (B) **Representations Concerning Future City 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 member, shall have the authority to make binding representations or commitments to a person 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 or employee in contravention of this subsection. Any such representation shall be deemed non-binding on the City in any respect. No subsequent decision of the City shall be considered a ratification of any representation made in contravention of this subsection.
- (C) **Unauthorized Waivers.**
- (1) No city official, employee, board, or commission of the City, or the council, shall have authority to waive any requirement of this Title, except as expressly authorized by this Title.
 - (2) Any attempt to waive a requirement of this Title in violation of this subsection shall be deemed 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).

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

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23-1A-3010 Purpose

- (A) 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 Required Approvals and Decisions) 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 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 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 “rezoning” 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 or standards 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 application of standards and criteria to particular facts. In most cases, a quasi-judicial decision requires a public hearing and may require findings in support of the decision. Depending on the nature of the application, a quasi-judicial decision may require the exercise of considerable discretion on the part of the decision maker and approval 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 should generally refrain from discussing matters subject to a pending quasi-judicial decision outside of a public meeting regarding the matter.

(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 under Section 23-3B-4020 (Variances) or special exception under Division 23-2G-1 (Variances and Special Exceptions);
- (b) A decision by the Land Use Commission on an application for an environmental variance under Section 23-4D-2060 (Land Use Commission Variances) or a conditional use permit under Section 23-3B-1040 (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 23-2G-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 technical expertise and professional judgment, but generally require the exercise of more limited or narrowly defined discretion than a quasi-judicial decision.
- (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 responsible 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 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 or final plat; and
 - (d) A revision or correction to a pending application.

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 listed in 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) **Advisory Decisions.** If a board or commission makes a recommendation on a decision to be made by the city council, the board or commission may recommend approval of the application as proposed, approval in a modified form, or recommend denial of the application.

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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 Article X of the City Charter.
- (B) **Consistency Standards for City Decisions.**
 - (1) **Legislative Decisions.**
 - (a) An amendment to the zoning map is consistent with the Comprehensive Plan if 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 or other plan element.
 - (b) The city council has sole authority to determine the consistency of a legislative decision, including the adoption or amendment of this Title, with the Comprehensive Plan and to balance the goals and policies of the Comprehensive Plan. 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 implement the Comprehensive Plan.

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Division 23-1A-5: Rules of Interpretation

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23-1A-5010 Purpose and Applicability

- (A) This division establishes rules of interpretation to be used in applying the requirements of this Title and is supplemental to the rules of interpretation in Chapter 1-1 (General Provisions) of the City Code.

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. If there is a conflict, the requirements of this Title shall control over requirements imposed by other ordinances, rules, or regulations.
- (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 conflict shall be resolved using the following rules:
 - (a) If the provisions relate to the same standard, such as 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 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 the city council was for the general provision to apply.
- (C) **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.
- (D) **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, or map, the text shall control.

- (2) Unless otherwise indicated, illustrations in this Title are provided for purposes of describing, clarifying, or providing examples. Illustrations are not to scale and do not replace, limit, or expand the meaning of the text.
- (E) **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.
- (F) **Computation of Time.** Where this Title specifies the time in which an act is to be done, the time is computed by:
 - (1) 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 is the next day that is not a Saturday, Sunday, or city holiday.
 - (3) Reference to days is to calendar days unless otherwise indicated.

23-1A-5030 Continuation of Prior Ordinances

- (A) A provision of this Title that is substantially similar to a provision of the Land Development Code in effect prior to adoption of this Title:
 - (1) Is a continuation and restatement of the prior provision;
 - (2) Shall not be deemed a new enactment; and
 - (3) Continues in effect, without interruption, from the date the earlier provision was adopted.
- (B) By way of example, and not exclusion, Article 23-4D (Water Quality) and Chapter 23-3 (Zoning Code) include continuations of earlier provisions as described in Subsection (A).

Article 23-1B: Responsibility for Administration

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Division 23-1B-1: City Council

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23-1B-1010 City Council

- (A) **Legislative Decisions.** The council has final authority over all legislative decisions authorized by this Title, including:
 - (1) Amendments to this Title, as provided in Division 23-2F-1 (Text Amendments);
 - (2) Amendments to the Comprehensive Plan and adopted small area plans, under Division 23-2F-2 (Plan and Map Amendments);
 - (3) Amendments to the zoning map, under Division 23-3B-3 (Zoning Map Designations and Amendments);
 - (4) Approval of a development agreement under Division 23-6G-1 (Interlocal Development Agreements) or Division 23-6G-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 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 23-3B (Zoning Administration and Procedures);
 - (2) Approval of a Project Consent Agreement under Section 23-2K-2040 (Project Consent Agreements); and
 - (3) Approval of a limited adjustment under Division 23-2G-3 (Limited Adjustments).
- (C) **Other Council Actions.** The 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 and continues boards and commissions that are required to take final actions on behalf of the City under this Title. Chapter 2-1, Article 2 (Boards) of the City Code establishes other boards and commissions that perform advisory functions and make recommendations concerning matters covered by this Title, including the Downtown Commission, the Historic Landmark Commission, and the Environmental Commission.
- (B) The specific functions of boards and commissions established under this division are summarized in Section 23-2A-1030 (Overview of Required Approvals and Decisions) and established in 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 of the City Code and this Title, the requirements of this Title control.

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, this Title, and other applicable law.
- (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.
- (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, under Chapter 23-3 (Zoning Code);

- (2) An appeal of an administrative action filed by an aggrieved party under Division 23-3B-2 (Code Interpretations and Use Determinations), in accordance with the procedures in Article 23-2I (Appeals);
- (3) A request for a variance from the standards of airport zoning standards under the Texas Local Government Code, Section 241.034; and
- (4) A request for a variance from a requirement of Chapter 23-7 (Signage).

(D) Voting Requirements.

- (1) Except as provided under Subsection (D)(3), 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 an 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 23-3 (Zoning Code); or
 - (c) Authorize a variation from the terms of Chapter 23-3 (Zoning Code).
- (2) The supermajority required under Subsection (D)(1) shall be calculated based on the full 11-member board, minus any vacant positions or legally disqualified Board members.
- (3) Subsection (D)(1) does not apply to a variance or appeal under Section 23-7D-2010 (Board of Adjustment Sign Variances).

(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.
- (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 approved by the city council and 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.

23-1B-2030 Land Use Commission

(A) Designated Commission. The Land Use Commission is comprised of the Planning Commission and the Zoning and Platting 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 consistent with the requirements of this subsection.

- (1) The Land Use Commission is the municipal authority responsible for approving preliminary subdivision plans and final plat applications under Section 23-5B-1020 (Delegation of Approval Authority).
 - (2) Either the Planning Commission or the Zoning and Platting Commission may act as the Land Use Commission on preliminary plan, final plat, or other subdivision applications for which approval by the Land Use Commission is required under Section 23-5B-1020 (Delegation of Authority).
 - (3) Except as provided under Subsection (A)(1), the Planning Commission shall act as the Land Use Commission on applications related to property within:
 - (a) The boundaries of a neighborhood plan adopted by the city council 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.
 - (4) Except as provided in Subsection (A)(1), the Zoning and Platting Commission shall act as the Land Use Commission on applications related to property not with an area identified under Subsection (A)(2).
- (B) **Duties and Functions.** The Land Use Commission performs administrative, quasi-judicial, and legislative functions as provided under Section 23-2A-1030 (Overview of Required Approvals and Decisions) and established in 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 to the city council:
 - (a) A preliminary plan, final plat, or subdivision variance under Chapter 23-5 (Subdivision);
 - (b) An environmental variance under Article 23-4D (Water Quality);
 - (c) An appeal of an enforcement decision under Article 23-2J (Enforcement), if the alleged violations relate to water quality or drainage regulations;
 - (d) An appeal of a minor use permit under Section 23-3B-1050 (Minor Use Permit); and
 - (e) A heritage tree variance under Section 23-4C-3040 (Land Use Commission Variance).
 - (2) **Appealable Decisions.** A decision by the Land Use Commission on an application for a conditional use permit under Section 23-3B-1040 (Conditional Use Permit) is appealable to the city 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 23-2F-1 (Text Amendments);

- (b) An amendment to the zoning map under Division 23-3B-3 (Zoning Map Designations and Amendments); and
 - (c) An amendment to the Comprehensive Plan or a small area plan under Division 23-2F-2 (Plan and Map Amendments).
- (C) **Joint Committees.** The Planning Commission and the Zoning and Platting Commission may coordinate, exchange information, and make recommendations 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 of the City Code).

23-1B-2040 Planning Commission

- (A) **Enabling Authority.** The Planning Commission derives its authority from Chapters 211 and 212 of the Texas Local Government Code, Article X of the City Charter, and this Title.
- (B) **Composition and Structure.**
- (1) The Planning Commission is composed of 13 members appointed to the Commission by the city council.
 - (2) The city manager, the chairperson of the 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 considers appropriate.
- (C) **Duties and Functions.** The Planning Commission shall:
- (1) Act as the Land Use Commission on development applications, as provided by Section 23-1B-2030 (Land Use Commission);
 - (2) Make recommendations on proposed amendments to this Title under Division 23-2F-1 (Text Amendments); and
 - (3) Perform other functions as required or authorized by this Title or the City Charter and as assigned by the city council.

23-1B-2050 Technical Code Boards

- (A) **Duties and Functions.**
- (1) This section establishes the following boards:
 - (a) Building and Fire Code Board of Appeals
 - (b) Electric Board; and
 - (c) Mechanical and Plumbing Board

- (2) Each board is authorized, consistent with the requirements of this section, to provide recommendations regarding amendments and updates to the technical codes adopted in Chapter 23-10 (Technical Codes) and to hear appeals concerning decisions by the building official relating to the administration, enforcement, and interpretation of the technical codes.
 - (3) The technical code boards are established under the City's home rule powers, consistent with nationally promulgated technical codes adopted under Chapter 23-10 (Technical Codes).
- (B) **Composition and Structure.** Each technical code board 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 requirements of Chapter 201, Article 1 (General Provisions) of the City Code and the additional requirements of this subsection.
- (1) **Building and Fire Code Board of Appeals.**
 - (a) Members of the Building and Fire Code Board of Appeals should be qualified by experience and training to consider matter related to construction and fire prevention. Membership of the Board should include one or more of the following:
 - (i) An architect;
 - (ii) A civil or structural engineer;
 - (iii) A firefighter or fire protection engineer;
 - (iv) A general contractor; and
 - (v) A resident of the city with other relevant background or experience.
 - (b) The Board's duties and functions, as established in Subsection (C), apply to all administrative decisions and proposed amendments to Division 23-10B-1 (Building Code), Division 23-10B-7 (Fire Code), and Division 23-10B-11 (Residential Code).
 - (2) **Electric Board.**
 - (a) Members of the Electric Board should be qualified by experience and training to consider matters related to the installation, maintenance, and design of electrical systems. The Board should, to the extent possible, include an active licensed master electrician, an active licensed journeyman electrician, and an electrical engineer.
 - (b) The Board's duties and functions, as established in Subsection (C), apply to all administrative decisions and proposed amendments to Division 23-10B-4 (Electrical Code).
 - (3) **Mechanical and Plumbing Board.**
 - (a) Members of the Mechanical and Plumbing Board should be qualified by experience and training to consider matters related to the installation and design of mechanical and plumbing systems. Membership of the Board should include one or more of the following:
 - (i) A licensed air conditioning contractor;
 - (ii) A licensed master plumber;
 - (iii) A representative of a natural gas utility;

- (iv) A professional engineer; and
- (v) A resident of the city with other relevant background or experience.
- (b) The Board's duties and functions, as established in Subsection (C), apply to all administrative decisions and proposed amendments to Division 23-10B-5 (Mechanical Code) and Division 23-10B-6 (Plumbing Code).
- (C) **Duties and Functions.** Each of the technical code boards shall perform the duties and functions described in this subsection.
 - (1) **Administrative Appeals.**
 - (a) A technical code board shall hear and decide appeals of orders, decisions, or determinations made by the building official relating to the technical codes within that board's jurisdiction, as established under Subsection (B).
 - (b) Appeals filed with a technical code board are subject to the procedures established in Article 23-2I (Appeals). A board may not waive a code requirement in deciding an appeal.
 - (c) A decision by a technical code board may be appealed to the city council, consistent with the requirements and procedures established in Article 23-2I (Appeals).
 - (2) **Amendments to the Technical Codes.** Following initiation of a proposed amendment or update to the technical codes by the building official or city council, a technical code board shall conduct a public hearing and provide a recommendation to the city council as required under Division 23-2F-1 (Text Amendments).
- (D) **Staff Support for Technical Code Boards.** The building official shall serve as an ex officio member and board secretary of each technical code board established in this section. The fire marshal shall serve as an ex officio member of the Building and Fire Code Board of Appeals.

23-1B-2060 Zoning and Platting Commission

- (A) **Enabling Authority.** The Zoning and Platting Commission derives its authority from Chapters 211 and 212 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).
- (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 by the city council.

Division 23-1B-3: Administration

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23-1B-3010 Purpose and Applicability

- (A) 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 Overview of City Departments

- (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.
- (B) **Designated Departments and Areas of Expertise.**
- (1) Table 23-1B-3020 (A) Designated Department and Areas of Expertise:
- (a) Identifies city departments that are designated throughout this Title, with responsibility to administer and enforce particular provisions of the Land Development Code; and
 - (b) Describes, in general terms, each department’s primary areas of expertise or responsibility in relation to the administration and enforcement of this Title.
- (2) Table (A) (Designated Departments and Areas of Expertise) is provided for informational purposes only, as an aid to understanding the primary roles of city departments in administering this Title. The city manager may delegate functions within and between departments as needed, which shall control over responsibilities and functions described in Table 23-1B-3020 (A) Designated Department and Areas of Expertise.

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"> • Applications for rezones or original zoning for consideration by the council; and • Amendments to this Title or the Comprehensive Plan.

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"> •Reviews, inspects, processes, and takes action on site plans, minor use permits, building permits, subdivision, construction plans, and other development applications for which administrative approval is required. •Coordinates interdepartmental review of development applications with Watershed Protection, Transportation, Parks and Recreation, and other city departments with specific areas of expertise. •Presents development actions to the Land Use Commission, including subdivision plats. •Initiates enforcement action, where appropriate, through suspension, revocation, and other administrative orders authorized by this Title.
	City Arborist	<ul style="list-style-type: none"> •Administers and enforces urban forest protection regulations.
	Building Official	<ul style="list-style-type: none"> •Reviews, inspects, processes, and takes final action on applications for building permits and other construction approvals. •Administers and enforces technical codes and related health standards.
Watershed Protection Department	Watershed Director	<ul style="list-style-type: none"> •Reviews development applications for compliance with specific environmental and drainage standards. •Administers and enforces Water Quality and Pollution Control standards.
	Environmental Officer	<ul style="list-style-type: none"> •Appointed by the city manager to advise and direct city staff to ensure that environmental protection is the highest priority in public and private development. •Receives and investigates complaints on environmental issues from citizens and reports findings to the city manager. •Delivers an annual report on the city's environment to the city manager and city council.
Parks & Recreation Department	Parks Director	<ul style="list-style-type: none"> •Reviews development applications for compliance with parkland dedication and open space standards.
Austin Transportation Department	Transportation Director	<ul style="list-style-type: none"> •Reviews development applications for compliance with transportation regulations, including requirements for traffic safety and transportation impact analyses.
Neighborhood Housing & Community Development	Housing Director	<ul style="list-style-type: none"> •Administers and enforces the Affordable Housing Density Bonus Program and other city initiatives related to affordable housing.

Table 23-1B-3020(A) Designated Department and Areas of Expertise		
City Department	Director Title	Principal Areas and Responsibilities
Austin Code Department	Code Director	•Enforces city land use and development standards for developments not subject to an active building permit or other development approval.
Public Works Department	Public Works Director	• Reviews and approves public infrastructure, including sidewalks, streets, and other improvements and dedications affecting public right-of-way.
Aviation Department	Aviation Director	•Reviews and approves development applications within airport overlay zones and applications for heliports and helicopter operations.
Austin Water	Water Director	•Reviews applications for service extension requests and development approvals requiring connection to the City's water and wastewater system.
Electric Utility Department	Electric Utility General Manager	•Reviews and approves applications for electric service and development in accordance with applicable requirements.

23-1B-3030 Authority of Responsible Director

(A) General Authority and Delegation.

- (1) A responsible director designated by the city manager under Section 23-1B-3020 (Overview of City Departments) shall have the authority to take any action that is 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 delegate 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 and 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 departments concerning an application;
- (4) Approve or disapprove an application, including any administrative modifications or waivers authorized by this Title;
- (5) Coordinate review by city boards and commissions or by the council, if required;
- (6) Prepare staff reports and recommendations advising city boards and commissions, or the 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.

Division 23-1B-4: Neighborhood Planning

Contents

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23-1B-4010 Neighborhood Plan Contact Team

- (A) The Planning 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 a request with the director to have the director investigate and mediate the complaint. The 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 under the provisions of this Chapter until a conciliation agreement acceptable to the Planning Commission is reached.
 - (b) If 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 Subsections (A) - (C). If 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 in compliance with 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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