

# Chapter 23-5: Subdivision

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# Article 23-5A: Introduction

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# Division 23-5A-1: General Provisions

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## 23-5A-1010 Purpose and Applicability

- (A) **Purpose.** The purpose of this chapter is to ensure that divisions of land and the creation of lots comply with specified environmental, infrastructure, and regulatory standards prior to development of individual lots or tracts, in order to:
- (1) Promote the development and utilization of land in a manner that ensures a high quality built and natural environment consistent with the goals and policies of the Comprehensive Plan;
  - (2) Create a built environment that is visually interesting, livable, environmentally sustainable, and supported by a strong foundation of infrastructure, and promotes healthy lifestyles;
  - (3) Protect the public interest by imposing standards for the location, design, class, and type of streets, walkways, alleys, utilities, and essential public services;
  - (4) Provide for orderly and coordinated development within the City of Austin and its extraterritorial jurisdiction and establish a development process that is cost-effective, predictable, and flexible;
  - (5) Create a development pattern that supports an intermodal, connected, and reliable transportation system that is safe for all users;
  - (6) Coordinate the development of adjacent tracts and ensure that development of unplatted tracts, where allowed, is coordinated with existing subdivisions;
  - (7) Ensure the most efficient and beneficial provision of public facilities and services for tracts included in a subdivision, with capacity levels adequate to serve proposed and projected development;
  - (8) Provide for the circulation of traffic throughout the municipality, in a manner that minimizes traffic congestion and promotes pedestrian circulation appropriate to the land use context;
  - (9) Provide for the proper location and width of streets, with the goal of promoting connectivity and ensuring safe traffic flow and emergency access;
  - (10) Provide for neighborhood conservation and compatible infill development, as well as opportunities for a variety of housing types suitable to all income levels;
  - (11) Require adequate pollution controls and drainage facilities, to safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and

- (12) Encourage the wise use and management of natural resources throughout the municipality to preserve the integrity, stability, and beauty of the community and the value of its land.
- (B) **Applicability.** This subsection describes the types of land divisions and conveyances that constitute a subdivision and the requirements of this Title that apply to a subdivision.
- (1) For purposes of this Title:
- (a) A subdivision of land occurs if a tract of land is divided into two or more parts:
    - (i) To lay out a subdivision of the tract, including an addition to the City;
    - (ii) To lay out suburban, building, or other lots; or
    - (iii) To lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
  - (b) A division of a land occurs regardless of whether the division is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. The division of a tract of land for any of the purposes specified herein does not require a transfer of title of all or part of the tract.
- (2) Except as provided in Subsection (B)(3):
- (a) A subdivision within the City's zoning jurisdiction must comply with the requirements of this Title; and
  - (b) A subdivision within the City's extraterritorial jurisdiction is subject to the general procedural requirements of this Title, including Chapters 23-1 (Introduction) and 23-2 (Administration and Procedures), and must comply with:
    - (i) Article 23-4B (Parkland Dedication);
    - (ii) Article 23-4D (Water Quality);
    - (iii) Article 23-4E (Affordable Housing);
    - (iv) Division 23-8A-2 (Proportionality of Transportation Infrastructure Requirements);
    - (v) Article 23-8B (Right-Of-Way Dedication and Reservation);
    - (vi) Article 23-8F (Street Design);
    - (vii) Division 23-8E-6 (Sidewalks &, Urban trails and Street Trees);
    - (viii) Chapter 23-9 (Infrastructure); and
    - (ix) Technical criteria manuals adopted under requirements listed in this subsection.
- (3) In the portion of the city's extraterritorial jurisdiction that is within Travis County, a subdivision must comply with Title 30 (Austin/Travis County Subdivision Regulations).
- (C) **Subdivision Standards.** For purposes Texas Local Government Code, Section 212.002, the City's subdivision rules include this chapter and all other provisions of this Title and Title 30 that apply to development for which a preliminary plan, plat, replat, resubdivision, subdivision construction plan, or other subdivision approval is required.

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

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

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**23-5A-1030 Compliance Requirement**

- (A) **Development of Unplatted Land Prohibited.**
  - (1) Unless a parcel of land is determined to be exempt from the requirement to plat under Section 23-5A-1040 (Platting Exemptions), it is a violation of this chapter to divide or develop the parcel, or any portion thereof, unless a subdivision plat has been approved and recorded as required by this chapter.
  - (2) Except as provided in Subsection (B), no permit shall be issued for any building, structure, or on-site wastewater system on a parcel of land unless all of the parcel is:
    - (a) Located within a subdivision approved and filed for record as required by this chapter; or
    - (b) Determined to be exempt from the requirement to plat under Section 23-5A-1040 (Platting Exemptions).
- (B) **Exceptions.** The restrictions in Subsection (A) do not apply to:
  - (1) Permits for repair, remodeling, and expansion of existing buildings, if the building was legally constructed and the proposed repair, remodeling, or expansion is served by adequate City infrastructure and otherwise complies with the applicable requirements of this Title;
  - (2) Permits to demolish or remove a structure from a parcel or tract;
  - (3) The use of a parcel solely as a community garden, provided that approval and recordation of a plat under this chapter is required if use of the parcel changes from community garden to any other use; or
  - (4) Construction of subdivision infrastructure, consistent with an agreement for alternative fiscal surety approved and executed by the director under Section 23-5B-2040 (Alternative Fiscal).

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## 23-5A-1040 Platting Exemptions

- (A) **Purpose and Applicability.** This section establishes exemptions from the requirement to plat as authorized by Chapter 212, Texas Local Government Code.
- (B) **General Provisions.**
- (1) The director shall, at the request of an applicant, determine whether a parcel is exempt from the requirement to plat and may adopt application requirements for evaluating whether a tract meets the applicable exemption criteria under this section. An applicant for an exemption must demonstrate that a parcel meets the applicable criteria and must provide a current deed to the property, an adequate legal description, proof of ownership, and any other information required by the director.
  - (2) A determination by the director under this section shall be made in writing and referred to as a "land status determination." No other certification, including approval to extend or change utility service to a parcel, shall constitute a certification of land status under this chapter.
  - (3) An exemption approved under this section does not constitute a variance from any requirement of this Title, or otherwise authorize development, and shall become void with the recordation of a legal plat including all or a portion of the tract subject to the exemption.
- (C) **Exempt Land Divisions.** The following land divisions are exempt from the platting requirements of this chapter:
- (1) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;
  - (2) Use of existing cemeteries complying with all State and local laws and regulations;
  - (3) A division of land created by order of a court of competent jurisdiction;
  - (4) A remainder tract omitted from a subdivision plat, if approved by the Land Use Commission under Section 23-5A-1050 (Remainder Tracts);
  - (5) A division of land that results in the creation of two or more parcels if:
    - (a) Each parcel is greater than five acres, if located inside the full-purpose city limits, or greater than ten acres, if located in the City's extraterritorial jurisdiction;
    - (b) Each parcel has direct access to an existing public street; and
    - (c) No dedication of public facilities is required in connection with the division under this Title; and
  - (6) Acquisition of land for governmental purposes by dedication, condemnation, or easement.
- (D) **Exemption for Tracts that Predate Subdivision Regulatory Authority.** A parcel of land is exempt from the requirement to plat if the director determines that the parcel existed in its current configuration before becoming subject to the City's jurisdiction over subdivision of land.
- (E) **Health and Safety Exemptions.** A parcel of land is exempt from the requirement to plat if the responsible director determines that the parcel:
- (1) Contains a health or safety hazard associated with a private sewage facility or private water well or other conditions that adversely affect public health, safety or welfare;

- (2) Existed in its current configuration on August 8, 1992;
  - (3) Was served by a private sewage facility or private water well on August 8, 1992;
  - (4) Is located on an existing public street; and
  - (5) Complies with the requirements of this Title for roadway frontage.
- (F) **Exemptions for Original Unplatted Tracts Configured for Development.**
- (1) **1987 Exemption.** A parcel is exempt from the requirement to plat if the responsible director determines that the parcel is:
    - (a) Five acres or less;
    - (b) Existed in its current configuration on August 31, 1987;
    - (c) Was receiving utility service that was authorized under the rules of the utility provider on August 31, 1987;
    - (d) Is located on an existing public street; and
    - (e) Complies with the requirements of this Title for roadway frontage.
  - (2) **1995 Exemptions.** In the full-purpose limits of the city, a parcel is exempt from the requirement to plat if the responsible director determines that the parcel is:
    - (a) Five acres or less;
    - (b) Existed in its current configuration on January 1, 1995;
    - (c) Was receiving utility service that was authorized under the rules of the utility provider on January 1, 1995;
    - (d) Is located on an existing public street; and
    - (e) Complies with the requirements of this Title for roadway frontage.

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## 23-5A-1050 Remainder Tracts

- (A) **Purpose and Applicability.**
- (1) A “remainder tract” is any portion of a legal lot or tract that is not wholly contained within the boundaries of a subdivision plat, including portions of a larger lot or tract that were previously divided without approval from the City as required by this Title or other applicable law.
  - (2) In order to avoid the creation of substandard or nonconforming tracts, and to ensure that the requirements of this Title are applied to property as a whole, the Land Use Commission may not approve a plat application that includes a remainder tract unless the requirements of this section are met.
- (B) **Inclusion of Remainder Tracts Prohibited.** A remainder tract may not be included in plat except as provided in Subsection (D).
- (C) **Application Requirements.**
- (1) A request to include a remainder tract in a plat application must be made concurrent with the application and must include a project assessment, obtained by the applicant under Section 23-2C-1060 (Project Assessment) that includes a schematic land plan of the remainder tract depicting topography, natural features, and existing development.

- (2) A plat application that includes a remainder must be supported by:
  - (a) Written verification, signed by each owner of land within the portion of a remainder tract to be omitted from the subdivision, certifying to the director that the owners are aware that no portion of the remainder tract omitted from the subdivision will be considered a legal lot or eligible to receive initial or expanded utilities unless the tract is platted as required by this chapter; or
  - (b) Certification that the applicant has provided, by certified mail, the verification form required under Paragraph (2)(a) to each owner of land within the portion of a remainder tract proposed to be omitted from the subdivision.
- (D) **Approval by Commission.** At the recommendation of the director, the Land Use Commission:
  - (1) Shall approve inclusion of a remainder tract if the portion of the tract omitted from the subdivision meets the minimum lot area required for a platted lot and substantially complies with other applicable requirements of this Title; or
  - (2) May approve inclusion of a remainder tract if:
    - (a) Including a remainder tract in the proposed subdivision will not substantially impair the orderly planning of roads, utilities, drainage, and other public facilities; and
    - (b) The portion of the remainder tract omitted from the subdivision:
      - (i) Has direct access onto a public street or through right-of-way dedicated by the applicant, which must be at least 50-feet wide; and
      - (ii) May be put to reasonable use without approval of a variance from the requirements of the Title.
- (E) **Action on Remainder Tract.**
  - (1) Approval by the Land Use Commission of a plat application that includes a remainder tract constitutes a determination that inclusion of a remainder tract meets the requirements of Subsection (C). Separate action approving a remainder tract is not required.
  - (2) If required to meet the criteria in Subsection (C), the Land Use Commission may require that a remainder tract include more or less of the larger lot or tract's total land area than proposed in the application for plat approval.
- (F) **Effect of Approval.** Approval of a plat application under this section allows inclusion of a remainder tract within the subdivision, but does not constitute a variance from the requirements of this Title or authorize development on the portion of the remainder tract excluded from the subdivision.

# Article 23-5B: Subdivision Procedures

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# Division 23-5B-1: Mandatory Actions

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## 23-5B-1010 Purpose and Applicability

- (A) The purpose of this division is to implement Chapter 212 of the Texas Local Government Code by:
  - (1) Designating the municipal authorities responsible for approving subdivision plats; and
  - (2) Ensuring compliance with mandatory deadlines for acting on subdivision applications.
- (B) This section applies to all subdivision applications accepted for filing under Section 23-2C-3030 (Subdivision Application Requirements) and controls in the event of a conflict with another requirement of this Title.

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## 23-5B-1020 Delegation of Authority

- (A) **Authority of Land Use Commission.** The Land Use Commission is the municipal authority responsible for approving the following applications under this Title:
  - (1) A preliminary plan under Division 23-5B-3 (Preliminary Subdivision Plan);
  - (2) A final plat under Division 23-5B-4 (Final Subdivision Plat);
  - (3) A resubdivision requiring approval of a variance by the Land Use Commission or any administrative plat referred to the Land Use Commission by the director under Division 23-5B-5 (Administrative Plat Approval);
  - (4) A change to an approved preliminary plan, as required by Section 23-5B-3060 (Changes to Approved Preliminary Plan); and
  - (5) A variance associated with:
    - (a) An application listed in Subsections (A)(1)-(4), if Land Use Commission approval is required by this Title; or
    - (b) A subdivision construction plan.

- (B) **Authority of Director.** The director is the municipal authority responsible for approving:
- (1) A subdivision construction plan under Division 23-5B-6 (Subdivision Construction Plan); and
  - (2) An application under Division 23-5B-5 (Administrative Plat Approval), unless the application is referred to the Land Use Commission consistent with the requirements of that division.

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## 23-5B-1030 Subdivision Notice & Hearing Requirements

- (A) **Purpose and Applicability.** This section specifies public notice and hearing requirements applicable to subdivision applications. Approval of a subdivision application only requires notice or a public hearing if required by this section.
- (B) **Public Notice.**
- (1) **Notice of Application.** If any of the following applications require approval of a variance by the Land Use Commission, the director shall provide notice under Section 23-2D-5010 (Notice of Application) upon accepting the application for filing under Section 23-2C-3030 (Subdivision Application Requirements):
    - (a) A preliminary plan application under Division 23-5B-3 (Preliminary Subdivision Plan);
    - (b) A final plat under Division 23-5B-4 (Final Subdivision Plat); or
    - (c) An application under Division 23-5B-5 (Administrative Plat Approval).
  - (2) **Notice of Resubdivision Approval.**
    - (a) If the director approves a resubdivision under Section 23-5B-5040 (Resubdivision) administratively, the director shall mail written notice within 15 days following approval to each owner of a lot in the original subdivision that is within 200 feet of the replatted lots, as determined based on the most recent municipal or county tax roll.
    - (b) The notice provided under Paragraph (2)(a) must include the zoning designation of the property following approval of the replat and the contact information for a City employee who may answer questions regarding the replat.
- (C) **Public Hearing.**
- (1) **Resubdivision.** After accepting an application for approval of a replat without vacation of the preceding plat for filing under Section 23-2C-3030 (Subdivision Application Requirements), the director shall schedule a public hearing and provide notice under Section 23-2D-4040 (Type 2 Public Hearing Notice) if:
    - (a) The application requires a variance approved by the Land Use Commission;
    - (b) The application includes property that, at any time in preceding five years, was limited by an interim or permanent zoning classification to a residential use for not more than two units per lot; or
    - (c) Any lot in the preceding plat was limited by deed restriction to a residential use for not more than two residential units per lot.

- (2) **Variances.** If approval of a preliminary plan requires a variance approved by the Land Use Commission, the director shall schedule the public hearing required for the variance under Section 23-2G-1040 (Public Hearing & Notification) concurrent with action on the preliminary plan under Section 23-5B-1040 (Mandatory 30-Day Action).

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**23-5B-1040 Mandatory 30-Day Action****(A) Action by Land Use Commission.**

- (1) Except as provided in Subsection (C), the Land Use Commission shall act on an application for which it is the designated authority under Section 23-5B-1020 (Delegation of Authority) not later than the 30<sup>th</sup> day after the director accepts the application for filing under Section 23-2C-3030 (Subdivision Application Requirements).
- (2) In acting on an application, the Land Use Commission shall:
  - (a) Approve the application under Section 23-5B-1070 (Approval of Subdivision Application);
  - (b) Disapprove the application under Section 23-5B-1080 (Disapproval of Subdivision Application); or
  - (c) Conditionally approve the application under Section 23-5B-1090 (Conditional Approval of Subdivision Application).

**(B) Action by Director.**

- (1) The director shall act on the applications for which the director exercises approval authority under Section 23-5B-1020 (Delegation of Authority) no later than the 30<sup>th</sup> day after the director accepts the application for filing under Section 23-2C-3030 (Subdivision Application Requirements).
- (2) In acting on an application, the director may take the following actions:
  - (a) For a subdivision construction plan application, the director shall:
    - (i) Approve the application under Section 23-5B-1070 (Approval of Subdivision Application);
    - (ii) Disapprove the application under Section 23-5B-1080 (Disapproval of Subdivision Application); or
    - (iii) Conditionally approve the application under Section 23-5B-1090 (Conditional Approval of Subdivision Application).
  - (b) For an application under Division 23-5B-5 (Administrative Plat Approval), the director shall:
    - (i) Approve the application under Section 23-5B-1070 (Approval of Subdivision Application);
    - (ii) Refer the application to the Land Use Commission for disapproval or conditional approval, as authorized by Section 23-5B-5010 (Administrative Authority).

(C) **Exceptions to Requirement for 30-Day Action.**

- (1) **Extension Request.** Upon written request of the applicant to the authority responsible for approving a subdivision application under Section 23-5B-1020 (Delegation of Authority), the 30-day deadline imposed under Subsections (A) and (B) may be extended for a period not to exceed thirty days if:
  - (a) For a request made to the Land Use Commission, the Commission agrees to the request by postponing action on the application by a period not to exceed 30 days; or
  - (b) For a request made to the director, the director agrees in writing to the request.
- (2) **Groundwater Certification Required.** If approval of a subdivision application requires a groundwater availability certificate under Section 212.0101 of the Texas Local Government Code, the 30-day deadline begins to run on the date the required certification is submitted to the authority responsible for approving the application under Section 23-5B-1020 (Delegation of Authority).

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**23-5B-1050 Response by Applicant**

- (A) **Timing of Response.** An applicant may submit a response to the director under this section at any time:
  - (1) After the Land Use Commission or the director takes action under Section 23-5B-1040 (Mandatory 30-Day Action) or Section 23-5B-1060 (Mandatory 15-Day Action) to:
    - (a) Disapprove an application under Section 23-5B-1080 (Disapproval of Subdivision Application); or
    - (b) Conditionally approve an application under Section 23-5B-1090 (Conditional Approval of Subdivision Application); and
  - (2) Before the application expires under Section 23-2C-3030 (Subdivision Application Requirements).
- (B) **Requirements Applicable to Response.** A response submitted under this section:
  - (1) Must adequately address each reason for disapproval or condition of approval identified by the Land Use Commission or director under Section 23-5B-1080 (Disapproval of Subdivision Application) or Section 23-5B-1090 (Conditional Approval of Subdivision Application); and
  - (2) May not include changes to the original application that:
    - (a) Are unrelated to the reasons for disapproval or the conditions of approval; or
    - (b) Violate the applicable requirements of this Title.

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**23-5B-1060 Mandatory 15-Day Action**

- (A) **Action by Land Use Commission.**
- (1) If an applicant submits a response under Section 23-5B-1050 (Response by Applicant) to an action by the Land Use Commission disapproving or conditionally approving a subdivision application, the director shall schedule the response for consideration by the Land Use Commission at a meeting to be held no later than the 15th day after the director accepts the response for filing.
  - (2) The Land Use Commission shall act on the response by approving, disapproving, or conditionally approving the subdivision application in accordance with the requirements of this division no later than the 15th day after the director accepts the response for filing under Section 23-5B-1050 (Response by Applicant).
- (B) **Action by Director.** If an applicant submits a response under Section 23-5B-1050 (Response by Applicant) to an action by the director disapproving or conditionally approving a subdivision construction plan, the director shall act on the application no later than the 15th day after the director accepts the response for filing under Section 23-5B-1050 (Response by Applicant).
- (C) **Limits to Action on Response.** An action by the Land Use Commission or the director disapproving or conditionally approving an application under this section may only be based on specific conditions or reasons identified when the application was initially disapproved or conditionally approved under Section 23-5B-1040 (Mandatory 30-Day Action).

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**23-5B-1070 Approval of Subdivision Application**

- (A) **Approval by Land Use Commission.** In acting on an application under Section 23-5B-1040 (Mandatory 30-Day Action), the Land Use Commission shall approve:
- (1) A preliminary plan application that meets the requirements of this Title specified in Section 23-5B-3040 (Action on Preliminary Plan);
  - (2) A final plat application that meets the requirements of this Title specified in Division 23-5B-4 (Final Subdivision Plat); or
  - (3) An application referred to the Land Use Commission by the director under Division 23-5B-5 (Administrative Plat Approval), if the application meets the requirements of this Title specified in that division.
- (B) **Approval by Director.** In acting on an application under Section 23-5B-1040 (Mandatory 30-Day Action), the director shall approve:
- (1) A subdivision construction plan that meets the requirements of Division 23-5B-6 (Subdivision Construction Plan); or
  - (2) An application that meets the applicable requirements of Division 23-5B-5 (Administrative Plat Approval).

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## 23-5B-1080 Disapproval of Subdivision Application

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

(1) **Action by Land Use Commission.**

- (a) If the director recommends disapproval of an application requiring action by the Land Use Commission under Section 23-5B-1040 (Mandatory 30-Day Action), the director shall provide a report to the Commission at or before the public hearing as required under Section 23-2C-3040 (Subdivision Review Procedures) identifying one or more reasons for disapproval specified under Subsection (B).
- (b) If the Land Use Commission disapproves or conditionally approved an application, the director's report recommending disapproval and identifying deficiencies is automatically incorporated as the basis for disapproval unless the Commission acts to modify or supplement the report.

(2) **Action by Director.** If the director disapproves a subdivision construction plan application, the director's report shall state the reasons for disapproval applicable under Subsection (B).

(B) **Reasons for Disapproval.** A subdivision application for which action is required under Section 23-5B-1040 (Mandatory 30-Day Action) may be disapproved for one or more of the reasons described in this subsection, which must include applicable citations to the municipal ordinance provisions referenced in this subsection or other applicable law.

(1) **Code Deficiencies.** An application shall be disapproved if it fails to comply with any requirement of this Title applicable to the subdivision of land or related development activity, including the regulations specified under:

- (a) Division 23-5B-3 (Preliminary Subdivision Plan);
- (b) Division 23-5B-4 (Final Subdivision Plat);
- (c) Division 23-5B-5 (Administrative Plat Approval); and
- (d) Division 23-5B-6 (Subdivision Construction Plan).

(2) **Technical Criteria Manuals.** An application shall be disapproved if it fails to comply with a requirement of a technical criteria manual adopted under this Title that applies to the subdivision of land or related development activity, including the:

- (a) Environmental Criteria Manual;
- (b) Drainage Criteria Manual;
- (c) Transportation Criteria Manual; and
- (d) Utilities Criteria Manual.

(3) **Discretionary Approvals.** An application is disapproved if the Land Use Commission denies a required variance or discretionary approval posted for consideration concurrent with the application, as required under Section 23-2C-3030 (Subdivision Application Requirements).

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**23-5B-1090 Conditional Approval of Subdivision Application****(A) Basis for Conditional Approval.**

- (1) A subdivision application that does not require a variance or other discretionary approval may be approved with conditions if the Land Use Commission or the director, as provided under Section 23-5B-1020 (Delegation of Authority), determines that:
  - (a) The application fails to meet one or more applicable requirements of this Title for which disapproval is authorized under Section 23-5B-1080 (Disapproval of Subdivision Application); and
  - (b) The modifications required to correct the deficiencies are easily identified and can be addressed without significant revisions to the application or associated subdivision plans.
- (2) To conditionally approve a subdivision application, the deficiencies precluding approval of the application must be specified under the standards applicable for disapproval under Section 23-5B-1080 (Disapproval of Subdivision Application).

**(B) Effect of Conditional Approval.**

- (1) A subdivision application conditionally approved under this section is disapproved for purposes of Section 23-2C-3030 (Subdivision Application Requirements) and must be approved before the 90th day after the application was accepted for filing.
- (2) In considering a response by an applicant under Section 23-5B-1050 (Response by Applicant) following conditional approval of a subdivision application, the designated approval authority under Section 23-5B-1020 (Delegation of Authority) shall determine whether to approve the application based solely on whether the conditions of approval have been met.
- (3) If a subdivision application is conditionally approved by the Land Use Commission, subsequent action by the Commission is required to clear the conditions and grant approval.

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## **23-5B-1100 Approval by Operation of Law**

- (A) **Purpose and Applicability.**
- (1) This section specifies:
    - (a) The circumstances in which the City, consistent with the requirements of state law, shall deem a subdivision application approved notwithstanding its compliance with the requirements of this Title; and
    - (b) The effect of approval under this section for purposes of this Title.
  - (2) This section applies to a subdivision application for which action is required under Section 23-5B-1040 (Mandatory 30-Day Action) or Section 23-5B-1060 (Mandatory 15-Day Action).
- (B) **Approval by Operation of Law.** A subdivision application shall be deemed approved under this section if the authority responsible for approving the application under Section 23-5B-1020 (Delegation of Authority):
- (1) Fails to act on the application by the applicable time limit required under Section 23-5B-1080 (Mandatory 30-Day Action); or
  - (2) Fails to act on a response that meets the requirements of Section 23-5B-1050 (Response by Applicant) within the time limit prescribed by Section 23-5B-1060 (Mandatory 15-Day Action).
- (C) **Effect of Approval by Operation of Law.** If an application is required to be approved under this section, the director shall treat the application as approved for purposes of this Title. However, approval under this section does not constitute a waiver or variance of any site development regulations or other standards applicable to subsequent development of the property, except to the extent that a requirement applies to the subdivision of land or construction of subdivision infrastructure specifically described in the application.



# Division 23-5B-2: General Requirements and Procedures

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## 23-5B-2010 Variance Determination

### (A) Application and Approval Requirements.

#### (1) Approval Required.

- (a) If a variance is required to approve a subdivision application under this chapter, the variance must be approved before the subdivision application may be approved under Section 23-5B-1070 (Approval of Subdivision Application).
- (b) If the subdivision application expires under Section 23-2C-3030 (Subdivision Application Requirements), the variance application also expires.

#### (2) Concurrent Application Required. If approval of a plat application requires a variance, the applicant must:

- (a) Obtain a project assessment as required under Section 23-2C-1060 (Project Assessment) before the plat application may be accepted for review under Section 23-2C-3030 (Subdivision Application Requirements); and
- (b) File the variance application concurrent with the plat application or, if it is not apparent that a variance is required at the time the application is filed, on the earliest possible date after the director identifies that a variance is required.

### (B) Notice & Hearing Requirements. The director shall provide notice required for a variance under Section 23-2G-1040 (Public Hearing and Notification). If the variance is associated with a plat application for which notice is required under Section 23-5B-1030 (Subdivision Notice & Hearing Requirements), the director shall provide notice concurrent for the variance and plat application.

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## 23-5B-2020 Variance Criteria

- (A) **General Variance Criteria.** The Land Use Commission shall grant a variance from a requirement of Article 23-5C (Platting Requirements) if the Land Use Commission determines that:
- (1) Enforcement of the requirement would deny the owner reasonable use of the land;
  - (2) Exceptional or extraordinary circumstances apply to the property that:
    - (a) Do not apply generally to other properties in the same zone or vicinity; or
    - (b) Result from lot size or shape, topography, or other circumstances over which the applicant has no control;
  - (3) The variance is necessary for the applicant to enjoy a property right, the nature of which owners of properties in the same zone or vicinity possess;
  - (4) The variance is not materially detrimental to the purposes of this Title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy; and
  - (5) The variance is the minimum amount required to alleviate the hardship.
- (B) **Environmental Variance Criteria.** For a variance from a requirement of 23-4D (Water Quality), the Land Use Commission may approve the variance if it meets the criteria established in Section 23-4D-2060 (Land Use Commission Variances).
- (C) **Applicant's Report.** An applicant for a subdivision variance must provide a written report demonstrating that the variance application satisfies the applicable criteria in Subsection (A) or (B).

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## 23-5B-2030 Infrastructure and Fiscal Surety Requirements

- (A) **Director's Recommendation.**
- (1) The director shall provide the Land Use Commission a recommendation regarding streets, transportation facilities, utilities, drainage facilities, and other facilities required for a plat application to adequately address the impacts of development consistent with the requirements of the Title.
  - (2) The director must make a proportionality determination consistent with Division 23-8A-2 (Proportionality of Transportation System Improvements):
    - (a) If off-site transportation improvements, right-of-way dedications, or similar public facilities are required to be dedicated or funded outside the boundaries of a plat; or
    - (b) As otherwise required by the Transportation Criteria Manual or other applicable law.
- (B) **Requirements for Approval.** Before the Land Use Commission may approve a final plat application under Division 23-5B-4 (Final Subdivision Plat), the subdivision applicant must:
- (1) Construct all required streets, transportation facilities, utilities, and drainage facilities in compliance with the requirements of this Title;

- (2) Provide fiscal surety, as required by Section 23-2C-4020 (Fiscal Surety), for any required streets and other facilities which are not constructed as required by this subsection, except that surety for water and wastewater infrastructure must comply with requirements established by Austin Water Utility; or
  - (3) If approved by the director, execute an agreement for alternative fiscal consistent with the requirements of Section 23-5B-2040 (Alternative Fiscal).
- (C) **Use of Fiscal by City.** Fiscal surety provided under this section may be used by the City to construct subdivision improvements that serve the public interest and are reasonably related to the proposed development.

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## 23-5B-2040 Alternative Fiscal

(A) **Purpose and Applicability.**

- (1) In lieu of posting standard fiscal surety under Section 23-2C-4020 (Fiscal Surety), this section authorizes the director to execute an agreement for alternative fiscal with a subdivision applicant. Alternative fiscal may only be approved for projects requiring a preliminary plan under Division 23-5B-3 (Preliminary Subdivision Plan).
- (2) The use of alternative fiscal, where appropriate, may reduce costs associated with traditional fiscal surety and avoid the creation of “paper lots” that are not served with adequate infrastructure. As provided in this section, alternative fiscal authorizes the director to hold a plat in abeyance following approval by the Land Use Commission until the subdivision applicant completes all required infrastructure in accordance with applicable standards.

(B) **Director’s Approval.**

- (1) The director may approve execution of an agreement to use alternative fiscal surety at the request of a subdivision applicant if the director determines that the use of alternative fiscal will adequately protect the City’s interests and will not impair the orderly planning of roads, utilities, drainage, or other public facilities in the general vicinity of the proposed development. The decision to approve the use of alternative fiscal is at the sole discretion of the director.
- (2) An agreement for alternative fiscal must be on a form approved by the director and comply with the requirements of this section and any additional standards, specifications, or recording requirements adopted by the director.

(C) **Requirements for Alternative Fiscal Agreement.**

- (1) **Timing of Agreement.** If the director approves a request to use alternative fiscal, the subdivision applicant must execute an alternative fiscal agreement consistent with the requirements of this section:
  - (a) Following approval of a preliminary plan by the Land Use Commission under Division 23-5B-3 (Preliminary Subdivision Plan); and
  - (b) Prior to final plat approval under Division 23-5B-4 (Final Subdivision Plat).

**(2) Terms and Approval of Agreement.**

- (a) The director may not approve an alternative fiscal agreement unless the subdivision applicant:
  - (i) Provides a proposed subdivision construction plan that, in the director's determination, substantially complies with the requirements of Division 23-5B-6 (Subdivision Construction Plan);
  - (ii) Posts fiscal surety for erosion controls and restoration of disturbed areas, consistent with the requirements of Division 23-2C-4 (Fees and Fiscal Surety); and
  - (iii) Provides any additional information, assurances, or commitments required by the director.
- (b) An alternative fiscal agreement must specify the requirements under which required infrastructure shall be completed and must specify an expiration date, which may not extend beyond the expiration of subdivision construction plans under Division 23-5B-6 (Subdivision Construction Plan).

**(3) Effect of Agreement.**

- (a) If the director executes an alternative fiscal agreement under this section:
  - (i) Fiscal surety for subdivision infrastructure is not required for final plat approval under Section 23-5B-4050 (Commission Action on Final Plat);
  - (ii) Subdivision construction plans may be released under Division 23-5B-6 (Subdivision Construction Plan) following approval of the final plat; and
  - (iii) The final plat may not be recorded until all required public infrastructure is completed in accordance with the approved subdivision construction plans and other applicable requirements of the alternative fiscal agreement.
- (b) Approval of an alternative fiscal agreement does not authorize development other than that required to complete subdivision infrastructure in accordance with the approved subdivision construction plans and other applicable requirements of the alternative fiscal agreement.

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**23-5B-2050 Dedication of Public Right-of-Way**

- (A) **Method and Sequence of Dedication.** Except as provided in this section, dedication of public right-of-way under this Title shall be made and shown on a final plat consistent with an approved preliminary plan.
- (B) **Dedication of Public Right-of-Way without a Preliminary Plan.** To facilitate improved street connectivity, the director may approve dedication of public right-of-way on a final plat without approval of a preliminary plan consistent with the requirements of this subsection. The director's decision on a request by an applicant under this subsection is final.
- (1) If the right-of-way to be dedicated is 400 feet or less, the director may approve dedication by final plat without approval of a preliminary plan if:
- (a) The dedicated right-of-way will connect to an existing street that otherwise would not be required to connect with streets in the new development; and
- (b) The director determines that approval of a final plat without a preliminary plan will not impair the orderly planning of roads, utilities, drainage, or other public facilities in the general vicinity of the proposed development.
- (2) If the right-of-way to be dedicated is greater than 400 feet, the director may approve dedication by final plat without approval of a preliminary plan if:
- (a) The dedication meets the criteria in Subsections (B)(1)(b); and
- (b) The project enhances pedestrian connectivity by including two or more of the options listed in Table 23-3D-7030(A) (Additional Measures to Improve Connectivity).
- (C) **Dedication by Street Deed.**
- (1) Except as provided in Subsection (C)(2), the director may accept dedication of public right-of-way by street deed, without approval of a plat application if the development for which the dedication is required does not require subdivision approval under this chapter.
- (2) The director may not accept dedication of public right-of-way without approval of a plat application if:
- (a) The dedication will result in the creation of a non-conforming lot, except that this restriction does not apply to dedication of public right-of-way associated with a capital improvement project or other publicly funded project; or
- (b) The development for which the right-of-way dedication is required is subject to the platting requirements of this chapter.
- (3) Concurrent with the director's acceptance of dedication by street deed under this section, an applicant shall process a plat amendment under Section 23-5B-5030 (Amending Plats) to depict the right-of-way dedication consistent with the deed.

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### 23-5B-2060 Acceptance of Public Right-of-Way

- (A) **Effect of Approval or Disapproval.** Approval of a final plat or preliminary plan shall not be considered an acceptance of any proposed dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the appropriate city authorities make an actual appropriation of the dedicated parts by entry, use, or improvement. The disapproval of a plat shall be considered a refusal by the City of the offered dedication indicated on the plat.
- (B) **Method of Acceptance.** The City may accept an offered dedication only by the action of an authorized official, which may be subject to applicable rules or guidelines. The City's entry, use, or improvement of a facility or area under a fiscal surety agreement is not an acceptance of an offered dedication.
- (C) **Right-of-Way Dedications.** The Public Works Director may accept an offered dedication of a public right-of-way by jointly issuing a certificate of acceptance. A public street may not be accepted for dedication unless it is surfaced, curbed, and guttered with required utilities and drainage facilities installed.

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### 23-5B-2070 Plat Vacation

- (A) **Applicability.** A plat vacation application must be approved in the manner prescribed for the original plat, prior to vacation of any recorded plat or portion thereof. A plat may be vacated only in conjunction with approval of a new plat application if the vacation would result in any unplatted land.
- (B) **Application Requirements.** To vacate a plat, an application must be filed on a form approved by the director and must meet the requirements of this subsection.
  - (1) A property owner may submit an application to vacate only the portion of a subdivision plat where the owner's lots are located, provided that no lots have been sold within the recorded subdivision plat. If any lot in a subdivision has been sold, the recorded subdivision plat or any portion thereof may be vacated only upon application of all lot owners in the subdivision.
  - (2) If approval of a preliminary plan or final plat application is required to approve a plat vacation, the applicant shall file the preliminary plan or final plat application concurrently with the plat vacation for land subject to the recorded plat or portion thereof to be vacated.
- (C) **Approval by Land Use Commission.** If the plat vacation requires approval by the Land Use Commission, the following is required:
  - (1) **Public Notice and Hearing.** Vacation of a plat is subject to the same public notice and hearing requirements as the original plat.
  - (2) **Action on Plat Vacation.** The Land Use Commission shall approve an application for plat vacation upon approving a final plat application for the same land and shall defer action on the plat vacation when considering an associated preliminary plan. If the Land Use Commission denies the final plat application, the application for plat vacation is also denied.

- (D) **Effective Date of Plat Vacation.** A plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. On the execution and recording of the vacating instrument, the vacated plat shall have no further force or effect.

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**23-5B-2080 Plat Notes**

- (A) **Purpose and Applicability.** To avoid confusion that results from non-standardized notations on plats, this section specifies rules and guidelines for the use of plat notes in connection with approval of a plat application.
- (B) **General Standards.**
- (1) The director may not require a notation on a plat unless the note is directly related to the subdivision of land and necessary to ensure compliance with the requirements of this Title. A plat may not contain notations other than those required or allowed by the director.
  - (2) Other than engineering notes and other required technical information, plat notations required by the City shall be limited to the depictions of dedicated easements, parkland, and open space and to the provision of facilities and other infrastructure to serve development within the plat.
  - (3) If a regulation imposes a buffer or similar non-dedicatory limitation on development within the plat, the director may require an informational plat note describing the general nature of the requirement and referencing the appropriate city department or other official resource for more detailed information.
- (C) **Parkland Dedication Notes.**
- (1) In approving a subdivision that is required to dedicate parkland under Article 23-4B (Parkland Dedication), the director may require a notation on the plat indicating that land has been dedicated or a fee in-lieu paid as required by that article.
  - (2) If a plat application is submitted for a non-residential development that is exempt from parkland dedication under Section 23-4B-1010 (Purpose and Applicability), the director may require a plat notation stating that any subsequent residential development within the subdivision may be required to dedicate parkland or make payment in-lieu of dedication as required by Article 23-4B (Parkland Dedication) or other applicable ordinance.
  - (3) If a plat note prohibiting residential uses was required by the City of Austin to document an exemption from parkland dedication for a non-residential subdivision on or after July 25, 1985, the applicant may amend the plat in order to conform the notation to the requirements of this subsection.

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# Division 23-5B-3: Preliminary Subdivision Plan

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## 23-5B-3010 Purpose and Applicability

- (A) The purpose of a preliminary plan is to ensure that development within an area proposed to be platted is served by adequate public facilities and complies with all applicable requirements of this Title.
- (B) Approval of a preliminary plan is required before a plat may be approved, or considered for approval, unless:
  - (1) The director determines that:
    - (a) A new street or extension of an existing street is not required to provide adequate traffic circulation consistent with the requirements of this Title; or
    - (b) Any required dedication of right-of-way may be made at final plat, without approval a preliminary plan, consistent with the requirements of Section 23-5B-2050 (Dedication of Public Right-of-Way);
  - (2) The applicant has dedicated any additional right-of-way necessary to provide adequate street width for an existing public street abutting a lot; and
  - (3) Drainage facilities are not necessary to prevent flooding, or if necessary, the applicant has provided for the construction of drainage facilities.
- (C) An application for preliminary plan may not be submitted or approved for a proposed development that does not require a preliminary plan under the Land Development Code.

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## 23-5B-3020 Effect of Preliminary Plan Approval

- (A) Approval of a preliminary plan establishes a mutual commitment by the City and the applicant to:
  - (1) The layout and design of the project, including the location and width of proposed streets, lots, blocks, and easements shown on the preliminary plan; and
  - (2) The availability of utilities to serve the proposed lots.

- (B) Approval of a preliminary plan authorizes the subdivider to:
  - (1) Submit construction plans for approval under Division 23-5B-6 (Subdivision Construction Plan) and, upon approval of such plans, to construct public improvements to serve the subdivision in accordance with the approved plans; and
  - (2) Submit an application for approval of a final plat under Section 23-5B-4030 (Final Plat Application), for land included in the approved preliminary plan.
- (C) Approval of a preliminary plan supersedes a previously approved preliminary plan for the same land.

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## 23-5B-3030 Preliminary Plan Application

- (A) **Application Requirements.**
  - (1) **Review and Submittal.**
    - (a) A preliminary plan application must be submitted and reviewed in accordance with Section 23-2C-3030 (Subdivision Application Requirements) and according to the timelines established by the director under Section 23-2C-1010 (Application Requirements and Procedures).
    - (b) The director may adopt additional requirements for preliminary plan applications, including technical specifications required to complete a preliminary plan application and procedures for staff review and interdepartmental coordination.
  - (2) **Concurrent Applications.** A preliminary plan may be submitted concurrently with another development application only if authorized under Section 23-2C-1040 (Concurrent Applications).
  - (3) **Previously Approved Preliminary Plans.** A preliminary plan application may not include unplatted land contained in a previously approved preliminary plan, unless the director determines that including only the requested portion of the previously approved preliminary plan will not substantially impair the orderly planning of roads, utilities, drainage, or other public facilities.
- (B) **Public Hearing & Notice.** As provided by Section 23-5B-1030 (Subdivision Notice & Hearing Requirements), an application for approval of a preliminary plan:
  - (1) Requires notification only if approval of a variance by the Land Use Commission is required; and
  - (2) Does not require a public hearing.
- (C) **Expiration of Application.** A preliminary plan application expires unless it is approved within 90 days after the director accepts the application for filing consistent with the requirements of Section 23-2C-3030 (Subdivision Application Requirements).

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**23-5B-3040 Action on Preliminary Plan**

- (A) **Action by Land Use Commission.** The Land Use Commission shall act on an application for preliminary plan approval in accordance with the standard for approval in Subsection (B) and all applicable requirements of Division 23-5B-1 (Mandatory Actions), including the deadlines for action under Section 23-5B-1040 (Mandatory 30-Day Action) and Section 23-5B-1060 (Mandatory 15-Day Action).
- (B) **Standard for Approval.**
- (1) The Land Use Commission shall approve a preliminary plan application if the proposed plat is consistent with the Comprehensive Plan and:
    - (a) If within the zoning jurisdiction, complies with the applicable standards for the zone in which the plat is located;
    - (b) Complies with applicable requirements of Article 23-4D (Water Quality);
    - (c) If applicable, complies the requirements of a development agreement approved under Division 23-6G-2 (General Development Agreements), an interlocal agreement, or other special approval;
    - (d) Provision and configuration of streets and transportation improvements, water, wastewater, drainage, and park facilities:
      - (i) Conforms to any adopted facilities plans, including applicable provisions of the transportation plan and drainage master plan; and
      - (ii) Meets the applicable requirements of Article 23-4D (Water Quality), Article 23-4E (Affordable Housing), Division 23-8A-2 (Proportionality of Transportation Infrastructure Requirements), Article 23-8B (Right-of-Way Dedication and Reservation), Article 23-8F (Street Design), Division 23-8E-6 (Sidewalks, Urban Trails and Street Trees), and Chapter 23-9 (Infrastructure); and
    - (e) All technical criteria manuals adopted to implement the foregoing requirements, as authorized by this Title, including the Environmental Criteria Manual, the Drainage Criteria Manual, and the Utilities Criteria Manual.
  - (2) The Land Use Commission may not deny or withhold approval of a preliminary plan application that meets the requirements of this Title. If the Commission denies a preliminary plan application for which the director has recommended approval, the Commission shall specify each requirement in Subsection (B)(1) that it finds has not been met.

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**23-5B-3050 Expiration of Approved Preliminary Plan**

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

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## 23-5B-3060 Changes to Approved Preliminary Plan

- (A) **Purpose and Applicability.** To provide reasonable flexibility in project design and construction, this section authorizes the director or Land Use Commission to approve certain changes to an approved preliminary plan without requiring submittal of a new preliminary plan application. Approval of a new preliminary plan is required for any change beyond the limits specified in this section, and a change may not be approved following expiration of the preliminary plan or approval of a final plat.
- (B) **Application Requirements.** Depending on the significance of a requested change, the director may require submittal of a formal application or may allow information to be provided informally. An applicant requesting to change an approved preliminary plan shall:
- (1) Submit all information required by the director to determine whether the request is within the scope of changes authorized under this section; and
  - (2) Provide written verification that all landowners within the area included in the preliminary plan support the requested change, unless the director determines that the requested change does not impact other sections of the preliminary plan.
- (C) **Changes Approved by the Director.** The director may approve a change to an approved preliminary plan under this subsection if the change would not, in the director's determination, significantly increase the amount of right-of-way required to be dedicated or otherwise impair the orderly planning of roads, utilities, drainage, and other public facilities.
- (1) **Minor Deviation.** The director may approve a minor deviation to change the size or configuration of lots, street widths or alignments, and the size or location of utility and access easements, provided that the deviation does not:
    - (a) Increase the number of lots;
    - (b) Change the use of a lot;
    - (c) Increase impervious cover;
    - (d) Change the basic street layout;
    - (e) Modify a covenant or restriction or any conservation easement, common area, green space, or other green space shown on the preliminary plan;
    - (f) Require a variance or modify a previously approved waiver or variance; or
    - (g) Affect property outside the proposed plat.
  - (2) **Minor Revision.** The director may approve a minor revision, which requires greater interdepartmental review than a deviation, to:
    - (a) Increase the number of lots;
    - (b) Change street layouts;
    - (c) Accommodate a change in use resulting from rezoning or land acquisition through eminent domain; or

- (d) At the discretion of the director, make other changes of similar scope and effect, provided that the change may not:
  - (i) Increase the number of dwelling units; or
  - (ii) Exceed the limits for a minor deviation under Subsection (C)(1), except for revisions authorized under Subsections (C)(2)(a)-(c).
- (D) **Changes Approved by Commission.** For a preliminary plan approved on or after October 28, 2013, an applicant may request that the Land Use Commission approve a change in land use for up to 25 percent of the land area included in the preliminary plan. The Commission may approve the request if it finds that the change would not significantly increase the amount of right-of-way required to be dedicated or otherwise impair the orderly planning of roads, utilities, drainage, and other public facilities.

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# Division 23-5B-4: Final Subdivision Plat

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**23-5B-4010 Purpose and Applicability**

- (A) The purpose of a final subdivision plat is to ensure that, prior to initiation of site development or the extension of public utilities, the division of land subject to the plat is consistent with applicable standards of this Title and that public improvements to serve the subdivision and address its impacts on surrounding areas have been installed and accepted by the city or that provision for such installation has been made.
- (B) Unless a minor plat is approved under Section 23-5B-5020 (Minor Plats), approval of final subdivision plat is required for any non-exempt division of land and prior to any site preparation activities for a lot or tract of land that requires installation of public improvements on or adjacent thereto.

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**23-5B-4020 Effect of Plat Approval**

- (A) Approval of a final plat:
  - (1) Supersedes and controls over all portions of the final plat included in a previously approved preliminary plan;
  - (2) Authorizes the director to record the plat under Section 23-5B-4060 (Recordation and Expiration), upon completion of public improvements or posting of fiscal surety; and
  - (3) Authorizes the subdivision applicant to:
    - (a) Install any improvements in the public right-of-way consistent with approved subdivision construction plans; and
    - (b) Submit site plan or building permit applications for developable lots within the subdivision.
- (B) Approval of a final plat does not authorize development activity for which a site plan or building permit application is required.
- (C) Actions authorized under Subsection (A) may not be taken if the final plat application expires prior to recordation under Section 23-5B-4060 (Recordation and Expiration).

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## 23-5B-4030 Final Plat Application

(A) **Application Requirements.**

- (1) **Review and Submittal.** The director shall adopt requirements for final plat applications under Section 23-2C-3030 (Subdivision Application Requirements), including technical specifications required to complete a final plat and procedures for staff review and interdepartmental coordination.
- (2) **Approval of Preliminary Plan Required.** Unless the director determines that land within the final plat is exempt under Section 23-5B-3010 (Purpose and Applicability), only land included in an approved and active preliminary plan may be included in a final application. An application for final plat need not include all land within an approved preliminary plan.
- (3) **Expiration of Final Plat Application.** A final plat application may not be submitted for land included in a preliminary plan that has expired under Section 23-2C-3030 (Subdivision Application Requirements), but applications for final plat submitted before the preliminary plan expired may be approved consistent with this division.

(B) **Public Hearing and Notice.** A final plat application is not subject to public notice or hearing requirements under this Title.

(C) **Expiration of Final Plat Application.** As provided in Section 23-2C-3030 (Subdivision Application Requirements), a final plat application expires unless it is approved no later than the 90<sup>th</sup> day after the application is accepted for filing.

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## 23-5B-4040 Replat Application

(A) A replat is a final plat filed concurrently with a plat vacation under Section 23-5B-2070 (Plat Vacation).

(B) A replat application is subject to approval under the same standards as a resubdivision under Section 23-5B-5040 (Resubdivision) and must be filed in accordance with the procedures applicable to a plat application under Division 23-5B-4 (Final Subdivision Plat). An application for replat must be submitted in a form approved by the director and include all information required by the director to evaluate the proposed subdivision.



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**23-5B-4050 Commission Action on Final Plat**

- (A) **Commission Action.** After conducting a public hearing under Division 23-2E-1 (Conduct of Public Hearings), the Land Use Commission shall approve or deny the final plat application under the criteria in Subsection (B).
- (B) **Standard for Approval.**
- (1) The Land Use Commission shall approve a final plat application if the proposed plat is consistent with the preliminary plan, if applicable, and meets the standards required under Section 23-5B-3040 (Action on Preliminary Plan).
  - (2) Approval of a final plat is conditioned on:
    - (a) Positing fiscal surety:
      - (i) In the amount required by the director under Division 23-2B-4 (Fees and Fiscal Surety), which shall be required prior to plat recordation under Section 23-5B-4060 (Recordation and Expiration); or
      - (ii) Executing an alternative fiscal agreement, if approved by the director under Section 23-5B-2040 (Alternative Fiscal); and
    - (b) Unless a subdivision construction plan has been approved for the land included in the final plat, including the following certification on the face of the plat:

*“The owner of this subdivision and the owner’s successors and assigns are responsible for construction of subdivision improvements that comply with City of Austin standards. The owner understands that plat vacation or replatting may be required, at the owner’s expense, if plans to construct this subdivision do not comply with the standards.”*
  - (3) The Land Use Commission may not deny or withhold approval of a final plat application that meets the requirements of this Title. If the Commission denies a final plat application, the Commission shall specify each requirement under Subsection (B) (1) that it finds has not been met and the actions required to satisfy the requirement.
- (C) **Certification.** The director shall provide notice of the Land Use Commission’s decision to approve a final plat application under Section 23-2D-5020 (Notice of Administrative Decision), which constitutes certification of plat approval for purposes of the Texas Local Government Code, Chapter 212. A notation of the Land Use Commission’s action on a final plat application, and the reasons for the action, shall be entered in the minutes for the meeting at which the action was taken.

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## 23-5B-4060 Recordation and Expiration

- (A) **Plat Recordation.** Upon approval of a plat application, the director shall:
- (1) Obtain the signature of the Land Use Commission chair on the final plat; and
  - (2) In the manner prescribed by Section 212.004, Texas Local Government Code, record the plat with the clerk of each county in which any portion of the plat is located; provided that, prior to plat expiration under Subsection (B), the subdivision applicant must:
    - (a) Satisfy the applicable fiscal surety requirements of this chapter by:
      - (i) Posting fiscal surety as required by Section 23-5B-2030 (Infrastructure and Fiscal Surety Requirements), consistent with the requirements of Division 23-2C-4 (Fees and Fiscal Surety); or
      - (ii) Completing all required infrastructure consistent with the terms of an alternative fiscal agreement, if the director has approved and executed an agreement for use of alternative fiscal under Section 23-5B-2040 (Alternative Fiscal);
    - (b) Execute any further commitments required for infrastructure to be installed under approved subdivision construction plans;
    - (c) Provide any additional items required to record the plat, including all acknowledged signatures of all landowners with the approved subdivision; and
    - (d) For a plat within the extraterritorial jurisdiction, obtain approval of the final plat by the county within which the proposed subdivision is located, as required under Chapter 232, Texas Local Government, or an approved interlocal agreement with the county.
- (B) **Plat Expiration.** An approved plat expires, and may not be recorded, if all requirements for recording the plat under Subsection (A) have not been satisfied on the 81st business day following:
- (1) Approval of the final plat by the Land Use Commission;
  - (2) Acceptance of public infrastructure by the City under an alternative fiscal agreement approved by the director under Section 23-5B-2040 (Alternative Fiscal); or
  - (3) For a minor plat, the date the director provides notice of plat approval as required under Section 23-5B-5020 (Minor Plats).

# Division 23-5B-5: Administrative Plat Approval

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## 23-5B-5010 Administrative Authority

- (A) **Applicability.** The director may approve an application under this division administratively consistent with the requirements of Division 23-5B-1 (Mandatory Actions), provided that:
  - (1) The application does not require a variance for which approval by the Land Use Commission is required under this Title; and
  - (2) The director may not disapprove or conditionally approve an application under this division.
- (B) **Review Process.**
  - (1) After accepting an application under this division for filing under Section 23-2C-3030 (Subdivision Application Requirements), the director shall determine whether the application meets the requirements for approval under this Title.
  - (2) If the director concludes the application satisfies all applicable requirements, the director shall approve the application under Section 23-5B-1070 (Approval of Subdivision Application).
- (C) **Referral to Land Use Commission.** The director shall refer an application under this division to the Land Use Commission for action under Division 23-5B-1 (Mandatory Actions) if the director determines that the application does not meet the requirements for administrative approval under this division or that review by the Commission is more appropriate.

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## 23-5B-5020 Minor Plats

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

- (2) For purposes of this section, a “minor plat” is a plat that:
  - (a) Consists of no more than four lots, each of which must front on an existing street; and
  - (b) Does not require:
    - (i) Dedication of a new street;
    - (ii) The substantial extension of municipal facilities; or
    - (iii) Approval of a variance by the Land Use Commission.
- (B) **Application Requirements.** An application for a minor plat must meet the requirements applicable to a final plat application under Section 23-5B-4030 (Final Plat Application).
- (C) **Public Notice & Hearing.** A minor plat application is not subject to public notice or hearing requirements under this Title.
- (D) **Action on Minor Plat Application.** The director shall approve a minor plat application under the same standards applicable to final plats approved by the Land Use Commission under Subsection 23-5B-4050 (Commission Action on Final Plat).
- (E) **Effect of Minor Plat Approval.** Approval of a minor plat has the same effect as approval of a final plat under Section 23-5B-4020 (Effect of Plat Approval).

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## 23-5B-5030 Amending Plats

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

- (j) For an area located in a residential improvement area approved, as designated by the city council, make to the preceding plat that are necessary to create six or fewer lots in a subdivision or a part of the subdivision covered by the preceding plat;
  - (k) Replat one or more lots fronting on an existing street; or
  - (l) Allow for modification, abandonment, or addition of an easement with the written consent of entities to which the easement is dedicated.
- (B) **Application Requirements.** A request for approval of an amending plat must be made by filing an application, in a form approved by the director under Section 23-2C-3030 (Subdivision Application Requirements), and providing all information required by the director to evaluate the request.
- (C) **Effect of Approval.** If approved by the director, an amending plat may be recorded and is controlling over the preceding plat.
- (D) **Standard for Approval.** The director may approve an amending plat if the application:
- (1) Requests only changes to the recorded plat that are allowed under Subsection (A);
  - (2) Does not attempt to remove or modify recorded covenants or restrictions or extinguish easements or other public dedications;
  - (3) Does not request approval of a lot that would violate the requirements of this Title or, for a substandard or nonconforming lot, increase the degree of noncompliance;
  - (4) If a correction in courses and distances of lot lines between two adjacent lots is proposed:
    - (a) Both lot owners join in the amending plat application;
    - (b) Neither lot is abolished; and
    - (c) The amending plat does not have a material adverse effect on the property rights of the owners in the plat;
  - (5) If relocation of lot lines between one or more adjacent lots is proposed:
    - (a) The owners of all those lots join in the amending plat application; and
    - (b) The amendment does not increase the number of lots; and
  - (6) If lots fronting on an existing street are to be replatted:
    - (a) The owners of all those lots join in the amending plat application;
    - (b) The amendment does not increase the number of lots;
    - (c) The amendment does not establish or require a new street or the extension of municipal facilities.
- (E) **Expiration.** Approval of an amending plat shall expire if the plat is not submitted for recordation as required under Section 23-5B-4060 (Recordation and Expiration).

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## 23-5B-5040 Resubdivision

- (A) **Approval Without Vacation.** A resubdivision of all or a portion of a recorded plat may be approved without vacation of the recorded plat if:
- (1) The resubdivision plat is signed and acknowledged by only the owners of the property being resubdivided; and
  - (2) The resubdivision does not propose to amend or remove any covenants or restrictions included on or incorporated into the previously recorded plat.
- (B) **Effect of Approval.** Upon approval, a resubdivision may be recorded and is controlling over the previously recorded plat for the portion resubdivided.
- (C) **Application Requirements.** An application is subject to the same requirements as a final plat application, including notification under Section 23-5B-4030 (Final Plat Applications), and must include the following additional information:
- (1) If the resubdivision adds or deletes lots, it must include the original subdivision and lot boundaries; and
  - (2) If a resubdivision is submitted for only a portion of a previously platted subdivision, the resubdivision must reference the previous subdivision, by name and recording information, and must state which lots have changed and describe the purpose for the change.
- (D) **Standard for Approval.** A resubdivision application must comply with the same requirements for approval as a final plat application under Section 23-5B-4050 (Commission Action on Final Plat).
- (E) **Public Notice and Hearing.** Except as provided under Subsection (F), a final plat application does not require public notice or a hearing under this Title.
- (F) **Supplemental Requirements.** The notice and voting requirements under this subsection are required under Texas Local Government Code, Sec. 212.015.
- (1) **Determination.** Before the director may accept a resubdivision application for filing under Section 23-2C-3030 (Subdivision Application Requirements), the applicant must verify whether:
    - (a) During the preceding five years, any of the area to be resubdivided was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
    - (b) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
  - (2) **Notification.** If the conditions in Subsection (F)(1) are met, the director shall require the applicant to provide public notice under the requirements of Texas Local Government Code, Sec. 212.015.
  - (3) **Protest.** If a subdivision variance is required to approve a resubdivision application for which additional notification is required under Subsection (F)(2), adjoining landowners may submit written protests opposing approval of the application. If protest applications are filed by the owners of at least 20 percent of the lots or land adjacent to the replatted area and extending 200 feet, then approval of the application requires the concurring vote of three-fourths of the members of the Land Use Commissioners present at the meeting.

# Division 23-5B-6: Subdivision Construction Plan

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## 23-5B-6010 Subdivision Construction Plan

- (A) Approval of a subdivision construction plan, in a form approved by the director, is required to ensure that public improvements and infrastructure required to serve the subdivision are installed in compliance with the requirements of this Title.
- (B) Application for approval of a subdivision construction plan unless it is approved within one year from the date of submittal, as provided under Section 23-2C-3030 (Subdivision Application Requirements).
- (C) The director shall approve a subdivision construction plan that meets the requirements of this Title, including adopted technical specifications, and shall release an approved subdivision construction plan once the applicant:
  - (1) Posts fiscal surety required under Division 23-2C-4 (Fees and Fiscal Security); or
  - (2) Executes an agreement for alternative fiscal, if authorized by the director under Section 23-5B-2040 (Alternative Fiscal).
- (D) The director’s release of a subdivision construction plan authorizes the applicant to begin development of subdivision infrastructure in compliance with the approved plan.

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## 23-5B-6020 Expiration of Subdivision Construction Plan

- (A) A subdivision construction plan expires three years after the date of approval unless:
  - (1) Before the construction plan expires, site work is commenced and diligently pursued to completion;
  - (2) The Land Use Commission sets a later expiration date concurrent with approval of the final plat application; or
  - (3) The director extends the expiration date under Subsection (B).
- (B) The director may extend the expiration date of the subdivision construction plan once for a period of one year if:
  - (1) Before the expiration date, the applicant submits a written request and justification explaining why the site work has not been completed; and

- (2) The director determines that:
  - (a) There is good cause for the extension;
  - (b) There has been no significant change in development conditions affecting the plan; and
  - (c) The plan continues to comply with the criteria for its approval and release.

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### **23-5B-6030 Construction Management and Certification**

- (A) Construction management for a subdivision is governed by Section 23-5B-6040 (Subdivision Construction Process) and Section 23-5B-6050 (Site Construction and Inspection).
- (B) Issuance of a certificate of compliance for a subdivision is governed by Division 23-2C-5 (Certificates of Occupancy and Compliance).

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### **23-5B-6040 Subdivision Construction Process**

- (A) **Purpose and Applicability.** This section specifies construction management requirements for development under an approved subdivision construction plan or site plan for construction of subdivision infrastructure.
- (B) **Preconference Required.**
  - (1) Unless waived or modified by the director, a preconstruction conference is required before construction of subdivision infrastructure may occur and must include, at the director's discretion, the applicant, the applicant's engineer and consultants, representatives of the county, and any affected utility providers.
  - (2) The director shall adopt guidelines for conducting a preconstruction conference, including requirements for notification and scheduling.
- (C) **Onsite Retention of Approved Plans.** The permittee shall retain copies of the approved plans at the site until all required inspections have been completed and the director determines that the development complies with this Title
- (D) **Inspection and Completion Procedures.**
  - (1) A central dispatcher for the City shall coordinate contact between a permittee and an inspector. A permittee must contact the central dispatcher to request an inspection in accordance with procedures established by the director, which may include a requirement that a request be made 48 hours before the date the inspection is requested.
  - (2) A permittee may not begin work until an inspection card is posted on the site, in a readily accessible location, and on a form approved by the director. City inspectors shall note each inspection on the card, which must remain posted on-site until the director determines that the development meets all applicable requirements.



- (3) The director may establish additional requirements for requesting inspections, including:
  - (a) Requirements for providing notice that work is substantially completing;
  - (b) Obtaining final inspection; and
  - (c) Performing additional work required by the director before a final acceptance letter for subdivision infrastructure may be issued under Section 23-5B-6060 (Acceptance by the City).

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**23-5B-6050 Site Construction and Inspection****(A) Grading, Drainage and Water Quality Facilities.**

- (1) During construction, the director shall inspect land grading, drainage, detention and water quality control facilities to determine whether the facilities comply with the released site plan.
- (2) After completion of land grading, drainage, detention, and water quality control facilities, the design engineer must submit a letter to the director stating that the project substantially complies with the approved construction plans before requesting final inspection.
- (3) The director shall perform final inspection of the facilities after the design engineer submits the certification letter required under Subsection (B).
- (4) The director may issue a certificate of occupancy or certificate of compliance only if:
  - (a) The land grading, drainage, detention, and water quality control facilities have been completed according to the approved plans and comply with the requirements of this Title and all applicable administrative criteria manuals; or
  - (b) Except in the Barton Springs Zone, before construction is complete if:
    - (i) The director determines that the unfinished work is minor and that all site facilities can, as constructed, perform the functions for which they are required; and
    - (ii) The permittee executes an agreement, on a form prescribed by the director, requiring completion of all unfinished construction and posts fiscal surety in an amount and duration required by the director.

**(B) Erosion, Sedimentation, and Tree Protection Measures.**

- (1) Construction under a subdivision construction plan or site plan for subdivision infrastructure may not begin unless the director:
  - (a) Determines that the erosion and sedimentation controls and tree protection measures comply with City standards, as required by Subsection (B)(2); or
  - (b) Does not conduct an inspection on or before the fifth day after receiving the request.

- (2) To pass inspection, the permittee must:
  - (a) Demonstrate that erosion and sedimentation controls and tree protection measures comply with the Environmental Criteria Manual; and
  - (b) Present a plan to the inspector that includes future erosion and sedimentation controls, drainage, utility, and street layout.
- (3) After providing notice to the permittee, the inspector may modify the approved erosion control and construction sequencing if the director determines the plans are inadequate.

**(C) Utility Connections.**

- (1) Except as provided in Subsection (C)(2), City utilities may be provided to a property if:
  - (a) For property located in the zoning jurisdiction, the director issues a certificate of occupancy for the building; or
  - (b) For a property located in the extraterritorial jurisdiction, the director issues a certificate of compliance for the development and signs a final acceptance letter for the subdivision infrastructure.
- (2) If required erosion and sedimentation controls are complete, the director may authorize a temporary electrical connection:
  - (a) To test building service equipment before a certificate of occupancy or certificate of compliance has been issued; or
  - (b) To provide electrical service to a building for which a temporary certificate of occupancy has been issued.

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**23-5B-6060 Acceptance by City**

- (A) **Purpose and Applicability.**
- (1) The requirements of this section must be met before the City's final acceptance of infrastructure and other improvements completed under a subdivision construction plan or site plan for construction of subdivision infrastructure.
  - (2) A final acceptance letter must be issued under this section before a certificate of compliance may be issued for construction of subdivision infrastructure.
- (B) **On-site Meeting.** Before acceptance of work performed under a subdivision construction plan, the director shall schedule a final acceptance meeting at the site and shall invite appropriate parties, including the permittee, design engineer, and contractors, as well as staff from affected utility providers and city departments.
- (C) **Final Acceptance Letter.** The director shall issue the final acceptance letter only after:
- (1) Work identified in the director's report is complete;
  - (2) The following items have been submitted:
    - (a) Construction summary report;
    - (b) Design engineer's concurrence letter;
    - (c) Reproducible plans, certified "as built" by the design engineer;
    - (d) Required one-year warranty bonds;
    - (e) Appropriate forms of payment for balances due, if any; and
  - (3) If the applicant executed a developer contract, the conditions of the contract have been satisfied.
- (D) **Rejection of Subdivision Infrastructure.** If the applicant has not satisfied all requirements, the director shall issue a list of requirements that the applicant must satisfy before the director will issue a final acceptance letter under this section.

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# Article 23-5C: Platting Requirements

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

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## 23-5C-1010 Property Markers

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

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## 23-5C-1020 Easements and Alleys

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

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

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

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## 23-5C-1040 Hazardous Pipelines

- (A) The applicant shall determine whether a hazardous pipeline crosses a proposed subdivision and, if so, shall depict a restricted pipeline area on the plat.
- (B) A residential lot may not include a pipeline-restricted area if the lot is less than one acre in size, excluding the restricted pipeline area.

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# Division 23-5C-2: Lots

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**23-5C-2010 Lot Arrangement**

- (A) The side lines of lots shall be approximately at right angles to straight street lines or radial to curved street lines. The director may disapprove a proposed arrangement placing adjacent lots at right angles to each other.
- (B) The arrangement of lots shall reflect the location of protected resources and other natural features of the property.
- (C) Side lot lines shall be perpendicular or radial to the street, and rear lines should be approximately parallel to street lines. However, different lot shapes are allowed if it is demonstrated they are necessary or desirable to achieve the following conditions:
  - (1) Better relate building sites to the terrain on the site, or to provide better site utilization and building relationships;
  - (2) Preserve protected resources or other natural features while still providing generally rectangular building envelopes;
  - (3) Better integrate open space set-asides while still providing generally rectangular building envelopes; or
  - (4) Create a more efficient lot design.

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### **23-5C-2020 Minimum Lot Size and Area**

- (A) In the zoning jurisdiction, a lot shall comply with the site development standards for the zone in which the lot is located.
- (B) In the extraterritorial jurisdiction, residential lot requirements are as follows:
  - (1) In a subdivision served by a public wastewater system or central wastewater disposal unit, a residential lot must be at least:
    - (a) 5,000 square feet; or
    - (b) 6,000 square feet for a corner lot; or
  - (2) In a subdivision with private on-site sewage facilities, as determined by Texas Administrative Code Title 30, Chapter 285 (On-Site Sewage Facilities):
    - (a) Minimum lot width is:
      - (i) 50 feet for an interior lot;
      - (ii) 60 feet for a corner lot; or
      - (iii) 33 feet for a lot on a cul-de-sac or curved street; and
    - (b) Minimum lot frontage is:
      - (i) 20 feet; or
      - (ii) 30 feet, if a culvert is required for a driveway approach.
- (C) The director may reduce the minimum lot frontage prescribed by Subsection (B) if the director determines that access to the lot is restricted to a joint use driveway.

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### **23-5C-2030 Lot Frontage**

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

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### **23-5C-2040 Flag Lots**

- (A) For a flag lot configuration, the minimum width of a flag pole is:
  - (1) 20 feet; or
  - (2) 15 feet if:
    - (a) Two or more contiguous lots share a common driveway and sufficient area is available outside the drive on each lot for utility installation; or
    - (b) The applicant can demonstrate access through an alternative route.
- (B) An approved driveway plan and utility plan are required for residential flag lots.
- (C) All addresses for residential flag lots shall be displayed at their closest point of access to a public street for emergency responders. The final plat shall contain a note to this effect.

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**23-5C-2050 Single-Family Attached Lots**

- (A) **Purpose and Applicability.** This section establishes subdivision standards applicable to single-family attached and duplex uses that cross lot lines. Compliance with this section is required where a single residential structure containing two dwelling units is authorized under this Title to be constructed or maintained over a property line separating two or more legal lots or tracts. Dimensional standards for single-family attached and duplex uses are established in Chapter 23-3 (Zoning Code).
- (B) **General Standards.** If a use is subject to this section:
- (1) A zero lot line is not allowed on a front or street-side lot line;
  - (2) A maintenance easement is required in the dominant side yard of a lot;
  - (3) A use easement is required in the subordinate side yard of a lot; and
  - (4) Appropriate and adequate space must be provided for utilities including water meters and wastewater cleanouts.
- (C) **Covenants, Conditions and Restrictions.** A plat of a single-family attached subdivision may not be recorded unless a declaration of covenants, easements, and restrictions of similar document has been approved by the city attorney, recorded, and referenced on the plat. The document shall:
- (1) Require that development and use of the lots comply with this Title; and
  - (2) Require that construction of a dwelling unit comply with Article 23-11B, Division 1 (Building Code), Division 4 (Electrical Code), Division 5 (Mechanical Code), Division 6 (Plumbing Code), and Division 7 (Fire Code).

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# Division 23-5C-3: Utilities

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**23-5C-3010 Potable Water Lines**

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

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**23-5C-3020 Reclaimed Water Lines**

- (A) A subdivision shall be connected to the public reclaimed water system in accordance with Section 23-10D-1030 (Reclaimed Water Service Application). The director may waive this requirement based on criteria adopted by rule.
- (B) If a subdivision is to be served by a public reclaimed water system:
  - (1) Approval of the reclaimed water system (1) plans by the applicable director is required; and
  - (2) Installation of the reclaimed water system shall comply with the requirements of this Title, the Utilities Criteria Manual, details, specifications, standard products lists, and applicable state standards; and
  - (3) Reclaimed water lines, service connections, and reclaimed water meters to serve each lot shall be installed and accepted before a lot may be occupied.

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**23-5C-3030 Wastewater Lines**

- (A) A subdivision within 100 feet of a public wastewater system shall be connected to the public wastewater system. In the extraterritorial jurisdiction, the director may waive this requirement.
- (B) If a subdivision is to be served by a public wastewater system:
  - (1) Approval of the wastewater system plans by the director is required;
  - (2) Installation of the wastewater system in compliance with the requirements of this Title, the Utilities Criteria Manual, standard details, specifications, standards products list, and applicable state standards; and
  - (3) Wastewater lines, service lines, and wastewater cleanouts to serve each lot shall be installed and accepted before a lot may be occupied.

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**23-5C-3040 Gas Lines**

- (A) If natural gas from a public utility is available within 2,000 feet of a subdivision, the subdivider shall:
  - (1) Prepare plans for installation of natural gas lines to serve each lot and install the portions of the lines that are under a street or alley; or
  - (2) Place a note on the plat, in a form approved by director, stating that natural gas lines have not been installed.

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**23-5C-3050 Installation of Lines**

- (A) A subdivider shall arrange with the appropriate utility departments and utility companies for the construction of water, wastewater, and gas utility lines unless the director approves the installation of utility lines by another entity.

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**23-5C-3060 Requests for Utility Service**

- (A) To have municipal water or wastewater service extended to land within the extraterritorial jurisdiction, an applicant shall file with the Utility Director a written request for extension of service.
- (B) The City may record an applicant's request in the county deed records.

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**23-5C-3070 Independent Utility Districts and Private Water and Sewer Corporations**

- (A) This section applies to a subdivision that is to receive retail water or wastewater service from an entity other than Austin Water.
- (B) A plat may not be approved unless the subdivider has complied with the requirements of this subsection.
  - (1) The subdivider shall provide the director with a copy of a contract between the subdivider and the utility service provider that provides for installing utility lines and furnishing adequate utility service.
  - (2) Unless otherwise provided by written contract between Austin Water and the utility service provider:
    - (a) Water or wastewater system plans shall comply with the requirements of this Title and the Utilities Criteria Manual.
    - (b) Approval of water or wastewater system plans by the applicable director, and the Texas Commission on Environmental Quality, if applicable, is required.
    - (c) Approval of the construction of water or wastewater facilities by the director is required. A City inspector shall inspect the facilities during construction and the developer shall pay applicable inspection fees.

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**23-5C-3080 Subdivisions Without Access to Water or Wastewater Services**

- (A) A plat may not be approved unless the subdivider has complied with the requirements of this section, if applicable.
- (B) If a subdivision is not to be served by a water utility, the subdivider shall provide the director with evidence that water suitable for human consumption may be obtained from surface or subsurface sources on the land. The evidence may include the results of tests and borings, and statements from local and state health authorities, water engineers, and other competent authorities. If the subdivider proposes a private water supply for the subdivision, the plans and specification shall be prepared by a registered professional engineer and approved by the director and the Texas Commission on Environmental Quality.
- (C) If a subdivision is not to be served by a sanitary sewer utility and the use of private on-site sewage facilities has not been approved, the subdivider shall construct a community sewage collection and treatment system that serves each lot. The system shall be designed and located in compliance with the standards of the Texas Commission on Environmental Quality and the local health authority. Approval by the director of the plans for the system is required.

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**23-5C-3090 Private On-Site Sewage Facility**

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

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### **23-5C-3100 Street Lights**

- (A) A subdivision construction plan shall not be approved unless the subdivider has complied with the requirements of this section. If a subdivision construction plan is not required, the plat shall not be approved unless the subdivider has complied with the requirements of this section.
- (B) This section applies to the residential portion of a subdivision if the subdivision is located:
  - (1) At least partially inside the city limits; or
  - (2) Outside the city limits, and the subdivider has requested annexation.
- (C) A subdivider shall pay street lighting charges to Austin Energy. The director may waive this requirement if the director determines that street lighting is not necessary, the requirement imposes an unreasonable hardship on the applicant, or obtaining payment for street lighting is impractical.
- (D) The City shall use a payment collected under this section to install street lights in the residential areas of the subdivision for which it was collected.
- (E) This section does not require the City to install street lights in a subdivision that has not been annexed.

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### **23-5C-3110 Requirements Regarding Utility Service**

- (A) If a subdivision requires connection to Austin Energy's electric system:
  - (1) The applicant must obtain approval of the electric system plans from Austin Energy; and
  - (2) The applicant must demonstrate that the installation of the electric system will comply with the requirements of this title and all electric system design, safety, and reliability requirements found in:
    - (a) Chapter 15-9 (Utility Service Regulations ) of the City Code;
    - (b) Austin Energy's Design Criteria Manual adopted as part of the Utilities Criteria Manual;
    - (c) The National Electrical Safety Code (NESC); and
    - (d) The National Electrical Code (NEC).
- (B) If any part of a subdivision is within 200 feet of an existing component of Austin Energy's electric system, the applicant must comply with the following requirements:
  - (1) The applicant must obtain approval from Austin Energy; and
  - (2) The applicant must demonstrate that the subdivision will comply with the electrical system design, safety and reliability requirements found in Austin Energy's Design Criteria Manual adopted as part of the Utilities Criteria Manual.