

NO. 98-03-03

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO PROVIDE ADEQUATE TIME FOR COUNCIL CONSIDERATION OF DEVELOPMENT PROJECTS, DELEGATE TREE REMOVAL DECISIONS, AND CLARIFY AND UPDATE CERTAIN TECHNICAL PROVISIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of Sunset Valley finds that City of Austin Criteria Manuals have been amended, corrected and updated, and that such amendments, corrections, and updates reflect an improved understanding and knowledge of the technical matters covered by said Manuals;

WHEREAS, the City Council of Sunset Valley finds that the deadlines contained in the current version of the Land Development Code fail to afford adequate time for consideration of some of the land development submissions presented to it;

WHEREAS, the City Council of Sunset Valley finds that tree removal decisions properly should be delegated to the Administrative Assistant;

WHEREAS, the City Council of Sunset Valley finds that certain technical corrections are necessary to clarify the Land Development Code and make its express terms consistent with its proper application;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNSET VALLEY, TEXAS, ENACTS THE FOLLOWING AMENDMENTS TO THE LAND DEVELOPMENT CODE:

SECTION 1. SUBSECTION 1.201(42) REPEALED AND NEW SUBSECTION ADOPTED

The current subsection 1.201(42) is hereby repealed and the following subsection 1.201(42) is hereby adopted in its place:

- (42)(a) **“City of Austin Environmental Criterial Manual” or “City of Austin Environmental Criteria Manual, as amended”**: The edition of the City of Austin Environmental Criteria Manual in effect on January 1, 1998. This reference manual is promulgated by the City of Austin and is published by American Legal Publishing Corporation. This manual is to be used by any person developing a tract of land within the City Limits or Extraterritorial Jurisdiction of Sunset Valley. Requirements found within this ordinance or other City of Sunset Valley ordinances override any inconsistencies that may occur between this manual and City of Sunset Valley ordinances.

- (b) **“City of Austin Drainage Criterial Manual” or “City of Austin Drainage Criteria Manual, as amended” or “City of Austin Drainage Manual”**: The edition of the City of Austin Drainage Criteria Manual in effect on January 1, 1998. This reference manual is promulgated by the City of Austin and is published by American Legal Publishing Corporation. This manual is to be used by any person developing a tract of land within the City Limits or Extraterritorial Jurisdiction of Sunset Valley. Requirements found within this or other City of Sunset Valley ordinances override any inconsistencies that may occur between this manual and City of Sunset Valley ordinances.

SECTION 2. DIVISION 1.4 ADOPTED

The following Division 1.4 is hereby adopted:

Sec. 1.400 Extension of Deadlines

To the extent otherwise permitted by State statute or federal law, an applicant and the City Council may extend by agreement any deadline set forth in the Land Development Code.

SECTION 3. SUBSECTION 2.300(a) REPEALED AND NEW SUBSECTION ADOPTED

The current subsection 2.300(a) is hereby repealed and the following subsection 2.300(a) is hereby adopted in its place:

- (a) The Board of Adjustment, Zoning Commission and/or City Council, as applicable, shall hold a public hearing within seventy-five (75) days of the date of the filing of a complete application for a special use permit, variance, zoning classification change, and proposed general amendment to the zoning provisions of this Code before acting thereon.

SECTION 4. FIRST SENTENCE OF SUBSECTION 2.305(b)(4)(A) REPEALED AND REPLACED BY A NEW SENTENCE

The first sentence of current subsection 2.305(b)(4)(A) is hereby repealed and the following sentence is hereby adopted in its place:

- (A) Within sixty (60) working days of the receipt of an administratively complete application, a designated City planning professional shall review the application for the proposed amendment and prepare a brief report on whether the requested change conforms to the classification for the subject parcel as specified on the Future Land Use Map of the Comprehensive Plan of the City.

SECTION 5. SUBSECTION 2.305(b)(5) REPEALED AND NEW SUBSECTION ADOPTED

The current subsection 2.305(b)(5) is hereby repealed and the following subsection is hereby adopted in its place:

- (5) Hearing and Notice. The Zoning Commission shall hold at least one (1) public hearing on all amendments to this Code in accordance with Section 2.300. The Zoning Commission shall review the amendment application at a public hearing within seventy-five (75) days of the date of the filing being declared administratively complete.

SECTION 6. NEW SUBPARAGRAPHS 3.201(d)(1) & (2) ADOPTED

The following subparagraphs 3.201(d)(1) and 3.201(d)(2) are hereby adopted:

- (1) Once formal application for preliminary plat approval has been made, any substantial changes to the form or content of any preliminary plat submissions shall be deemed to constitute a new submission, superceding and replacing any prior filing of a preliminary plat or application for preliminary plat approval governing the same tract.
 - (A) Substantial changes to a preliminary plat that have been requested in writing by the City, a checking entity or the City Council do not create a new submission within the meaning of the foregoing paragraph (1).
- (2) Hearing dates, deadlines or filing fees applicable to earlier preliminary plat applications or submissions do not apply to any new submission or application made pursuant to § 3.201(d)(1). A new filing fee is required for each new submission. New deadlines and hearing schedules shall be established for each new submission or application.

SECTION 7. NEW SUBPARAGRAPH 3.201(e)(24) ADOPTED

The following subparagraph 3.201(e)(24) is hereby adopted:

- (24) Description of permanent water quality controls to be established pursuant to Section 4.402 or other applicable law. This description would include, but not be limited to, an identification of the location of any controls, the capture depth and volumes to be attained, and the construction material and treatment technology to be used.

SECTION 8. SUBPARAGRAPH 3.201(f)(2) REPEALED AND NEW SUBPARAGRAPH ADOPTED

The current subparagraph 3.201(f)(2) is hereby repealed and the following subparagraph is hereby adopted in its place:

- (2) The checking entity shall have sixty (60) days from the date of formal application to review the preliminary plat. Copies of the preliminary plat, along with the findings and recommendations of the checking entity, shall be forwarded to the City Council no less than seventy-five (75) days from the date of formal application.

SECTION 9. SUBPARAGRAPH 3.201(f)(3) REPEALED AND NEW SUBPARAGRAPH ADOPTED

The current subparagraph 3.201(f)(3) is hereby repealed and the following subparagraph is hereby adopted in its place:

- (3) Within one-hundred and five (105) days after the date of formal application, and after the plat is deemed complete, the City Council shall approve or disapprove such plat. If the City Council disapproves a proposed preliminary plat, it shall reference, in writing, any and all deficiencies of the proposed preliminary plat which were cause for disapproval. The subdivider shall be allowed to submit a revised preliminary plat which resolves the deficiencies on or before 180 days after the disapproval of the preliminary plat. The City Council shall approve or disapprove the revised preliminary plat within thirty (30) days after the complete revised preliminary plat is formally filed. If the subdivider fails to file a revised preliminary plat on or before 180 days after the disapproval of the proposed preliminary plat, the application for review shall be conclusively presumed to have been withdrawn by the applicant.

SECTION 10. NEW SUBPARAGRAPHS 3.202(b)(4)(A) & (B) ADOPTED

The following subparagraphs 3.202(b)(4)(A) and 3.202(b)(4)(B) are hereby adopted:

- (A) Once formal application for final plat approval has been made, any substantial changes to the form or content of any final plat submissions shall be deemed to constitute a new submission, superceding and replacing any prior filing of a final plat or application for final plat approval governing the same tract.
 - (i) Substantial changes to a final plat that have been requested in writing by the City, a checking entity or the City Council do not create a new submission within the meaning of the foregoing paragraph (A).
- (B) Hearing dates, deadlines or filing fees applicable to earlier final plat applications or submissions do not apply to any new submission or application made pursuant to § 3.202(b)(4)(A). A new filing fee is required for each new submission. New deadlines and hearing schedules shall be established for each new submission or application.

SECTION 11. SUBSECTION 3.312(e) REPEALED AND NEW SUBSECTION 3.312(e) ADOPTED

The current subsection 3.312(e) is hereby repealed and the following subsection is hereby adopted in its place:

- (e) Unless otherwise specified herein, the design of all storm drainage facilities shall at least meet the requirements of the City of Austin Drainage Criteria Manual.

SECTION 12. FIRST SENTENCE OF SUBSECTION 3.312(f) REPEALED AND REPLACED BY A NEW SENTENCE

The first sentence of current subsection 3.312(f) is hereby repealed and the following sentence is hereby adopted in its place:

Computation of runoff shall be based on a fully developed drainage area, or watershed, in accordance with City of Austin drainage criteria.

SECTION 13. FIRST TWO PARAGRAPHS OF SUBSECTION 4.402(a) REPEALED AND REPLACED BY TWO NEW PARAGRAPHS

The first two paragraphs of current subsection 4.402(a) are hereby repealed and the following two paragraphs are hereby adopted in their place:

General. Water quality controls and the drainage systems to the controls shall be designed, constructed and maintained at a minimum in accordance with the specifications established by the City of Austin Environmental Criteria Manual. Construction of Water Quality Control facilities must begin within twelve (12) months from construction plan approval. The Watershed Development Permit shall expire if construction fails to commence within this time frame.

Water quality controls shall be required according to the criteria established by this Section as evaluated for each development application. When water quality controls are required, they shall be shown on the slope map, preliminary plats, preliminary site plan, land use site plan, construction site plan and/or the subdivision construction plans.

SECTION 14. SUBSECTION 4.504(a) REPEALED AND NEW SUBSECTION 4.504(a) ADOPTED

The current subsection 4.504(a) is hereby repealed and the following is hereby adopted in its place:

- (a) Unless otherwise specified herein, the design of all storm drainage facilities shall at least meet the requirements of the City of Austin Drainage Criteria Manual.

SECTION 15. SUBSECTION 16.202(a) REPEALED AND NEW SUBSECTION 16.202(a) ADOPTED

The current subsection 16.202(a) is hereby repealed and the following is hereby adopted in its place:

- (a) Upon receipt of an application to remove a protected tree, the City shall promptly inspect the subject tree. The Administrative Assistant shall approve or deny the application in accordance with the provisions of this Chapter.

SECTION 16. FIRST SENTENCE OF SUBSECTION 16.202(e) REPEALED AND REPLACED BY NEW SENTENCE

The first sentence of the current subsection 16.202(e) is hereby repealed and the following sentence is adopted in its place:

The City may require as a condition of approval hereunder that one or more replacement trees be planted.

SECTION 17. SEVERABILITY

If any portion of this Ordinance or the application of this Ordinance to any person or set of circumstances is held to be invalid or unenforceable for any reason, then that holding shall not be construed to affect the validity of any other portion of this Ordinance, and all other portions shall remain in full force and effect. All provisions of this Ordinance are declared severable for that purpose.

SECTION 18. EFFECTIVE DATE

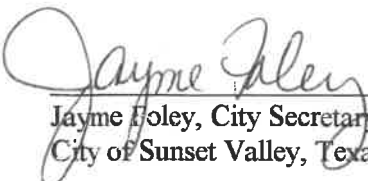
The provisions of this Ordinance shall be effective from the date of its adoption.

PASSED AND APPROVED this 3rd day of MARCH, 1998.



Michael Francis, Mayor

ATTEST:



Jayme Foley, City Secretary
City of Sunset Valley, Texas