

**ORDINANCE NO. 20080306-073**

**AN ORDINANCE AMENDING CHAPTER 25-1 OF THE CITY CODE TO ADD ARTICLE 16 RELATING TO NEIGHBORHOOD PLAN AMENDMENTS; AND REPEALING ORDINANCE NO. 030320-23 AND ORDINANCE NO. 030605-53.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Chapter 25-1 (*General Requirements And Procedures*) of the City Code is amended to add Article 16 to read:

**ARTICLE 16. NEIGHBORHOOD PLAN AMENDMENTS.**

**§ 25-1-801 DEFINITIONS.**

In this article:

- (1) DIRECTOR means the director of the Neighborhood Planning and Zoning Department.
- (2) NEIGHBORHOOD PLAN CONTACT TEAM means the individuals designated by the person involved in the development of a neighborhood plan to implement the plan. The term includes a “neighborhood planning team”.

**§ 25-1-802 DIRECTOR’S REVIEW OF NEIGHBORHOOD PLAN.**

The director shall conduct a general review of a neighborhood plan not earlier than five years after the adoption of the plan and may recommend amendments of a plan to the Planning Commission and council. The director shall include neighborhood stakeholder input in the review process.

**§ 25-1-803 INITIATION OF NEIGHBORHOOD PLAN AMENDMENT.**

A neighborhood plan amendment may be initiated by:

- (1) for an amendment regarding an individual property:
  - (a) the owner of the subject property;
  - (b) the council;
  - (c) the planning commission;

- (d) the director; or
- (e) the neighborhood plan contact team for the planning area in which the property is located; or
- (2) for an amendment regarding an area-wide or subdistrict-wide recommendation:
  - (a) the council;
  - (b) the planning commission;
  - (c) the director; or
  - (d) the neighborhood plan contact team for the affected neighborhood plan area.

**§ 25-1-804 APPLICATION TO AMEND NEIGHBORHOOD PLAN.**

- (A) A pre-application meeting between the director's staff and an applicant is required before the applicant may submit an application to amend a neighborhood plan to the director. At the meeting:
  - (1) the staff shall describe the application process to the applicant;
  - (2) the applicant shall describe the proposed neighborhood plan amendment to the staff;
  - (3) if the applicant is proposing a change to the future land use map, the applicant shall provide the staff with information regarding the proposed change, including the address, boundaries, acreage, current and proposed future land use map categories, and current and proposed uses; and
  - (4) if the applicant is proposing a text change, the applicant shall provide the proposed language and an explanation of the change.
- (B) Except as provided in Subsection (C):
  - (1) the director may accept an application to amend a neighborhood plan not earlier than one year after the adoption of the plan;
  - (2) after the one year anniversary of a plan adoption, the director may accept an application to amend a plan recommendation relating to an individual property not more frequently than once every 12 months; and
  - (3) an application may be filed only during the month established by the director under Section 25-1-808 (*Map; Filing Dates*).

- (C) The director may accept an application to amend a neighborhood plan at a time other than as provided in Subsection (B) if the director determines that:
- (1) prohibiting the filing would result in a hardship to the applicant, and the development proposed by the applicant will not adversely affect public health, safety, and welfare;
  - (2) a clerical error regarding the designated use of the subject property exists on the future land use map of the neighborhood plan or in the text of the plan;
  - (3) the application is submitted by a neighborhood plan contact team;
  - (4) the amendment allows the development of a S.M.A.R.T. Housing certified project in which at least 40 percent of the proposed units are reasonably priced; or
  - (5) the person submitting the application has received a letter from the director of the appropriate City department stating that the project:
    - (a) is not subject to current City environmental regulations, but is proposed to be developed under current City environmental regulations;
    - (b) promotes the recruitment or retention of an employment center with 100 or more employees; or
    - (c) is a S.M.A.R.T. Housing certified project in which at least 40 percent of the proposed units are reasonably priced.
- (D) An applicant may appeal a decision of the director under Subsection (C)(1) to the planning commission.
- (E) The director may accept an application to amend an area-wide or subdistrict-wide recommendation not earlier than two years after the most recent Council action on an area-wide or subdistrict-wide recommendation of a plan. An application may be filed only during the month established by the director under Section 25-1-808 (*Map; Filing Dates*).
- (F) An applicant may not file an application for an amendment that is substantially the same as an application denied by council until after one year after the council action denying the prior application.

**§ 25-1-805 NEIGHBORHOOD PLAN CONTACT TEAM.**

- (A) The persons involved in a neighborhood plan shall designate a neighborhood plan contact team before the plan is submitted to council.
- (B) Among others as determined appropriate, the neighborhood plan contact team shall include at least one representative from the following groups within a neighborhood plan area:
  - (1) property owners;
  - (2) non-property owner residents;
  - (3) business owners; and
  - (4) neighborhood associations.
- (C) The neighborhood plan contact team shall prepare by-laws that address operating procedures for the group, including membership, meetings, notice procedures, and decision-making and voting procedures.
- (D) Before the date on which the planning commission is scheduled to consider a proposed neighborhood plan amendment, the neighborhood plan contact team shall submit a letter to the director stating its recommendation on the proposed amendment.
- (E) A member of a neighborhood plan contact team shall comply with the conflict of interest provisions in this subsection.
  - (1) A member may not participate in a decision of a neighborhood plan contact team on a matter affecting a person, entity, or property in which the member has a substantial interest.
    - (a) “Substantial interest” and “substantial interest in real property” have the meanings assigned by Section 2-7-2 (*Definitions*).
    - (b) “Decision” includes a decision to file an application for a plan amendment and a final recommendation on a proposed plan amendment.
  - (2) A member who has a substantial interest that disqualifies the member from participating in a decision under Paragraph (1) shall submit a disclosure statement to the director describing the substantial interest. The member shall submit the disclosure statement when the neighborhood plan contact team files an application for a plan amendment or a final recommendation on a proposed plan amendment, as applicable.

**§ 25-1-806 NOTICE AND PUBLIC HEARING.**

- (A) The director shall give notice of the filing of an application for a proposed neighborhood plan amendment under Section 25-1-133 (*Notice Of Applications And Administrative Decisions*).
- (B) The planning commission and the council shall each hold a public hearing on a proposed neighborhood plan amendment.
- (C) This subsection prescribes notice for a public hearing on a proposed neighborhood plan amendment regarding an individual property.
  - (1) For a hearing before the planning commission, the director shall give notice under Section 25-1-132(A) (*Notice Of Public Hearing*).
  - (2) For a hearing before council, the director shall give notice under Section 25-1-132(B)(2) (*Notice Of Public Hearing*).
  - (3) The applicant is responsible for the cost of notice, unless the applicant is a neighborhood plan contact team. In that event, the City is responsible for the cost of notice.
- (D) This section prescribes notice for a public hearing on a proposed neighborhood plan amendment regarding an area-wide or subdistrict-wide recommendation.
  - (1) The director shall give notice of a public hearing before the planning commission or council to:
    - (a) each notice owner in the neighborhood plan area;
    - (b) each City of Austin utility account address in the neighborhood plan area; and
    - (c) each neighborhood plan contact team and registered neighborhood association whose boundaries include or are within 300 feet of a neighborhood plan amendment area.
  - (2) The City is responsible for the cost of notice.

**§ 25-1-807 RECOMMENDATION CRITERIA.**

- (A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.
- (B) The applicant must demonstrate that:

- (1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;
- (2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;
- (3) the proposed amendment is appropriate:
  - (a) because of a material change in circumstances since the adoption of the plan; and
  - (b) denial would result in a hardship to the applicant;
- (4) the proposed project:
  - (a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations; or
  - (b) promotes the recruitment or retention of an employment center with 100 or more employees;
- (5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan; or
- (6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.

(C) The applicant must demonstrate that:

- (1) outreach has been conducted to the following groups:
  - (a) neighborhood associations in the plan area;
  - (b) the neighborhood plan contact team; and
  - (c) property owners of land 300 feet or less from the subject property;
- (2) the proposed amendment complies with applicable regulations and standards established by Title 25 (*Land Development*), the objectives of Chapter 25-2 (*Zoning*), and the purposes of the zoning district proposed for the subject property; and
- (3) the proposed amendment is consistent with sound planning principles.

**§ 25-1-808 MAP; FILING DATES.**

The director shall establish a map designating the area of the City for which an application to amend a neighborhood plan must be submitted in February and the area for which an application must be submitted in July.

**PART 2.** Ordinance No. 030320-23 and Ordinance No. 030605-53 are repealed.

**PART 3.** This ordinance takes effect on March 17, 2008.

**PASSED AND APPROVED**

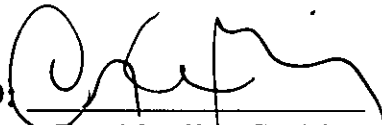
\_\_\_\_\_, March 6, 2008

§  
§  
§



Will Wynn  
Mayor

**APPROVED:**

  
\_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:**

  
\_\_\_\_\_  
Shirley A. Gentry  
City Clerk