

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2016-016 – Application fees related to Council-initiated Neighborhood Plan Amendment applications in planning areas without neighborhood planning contact teams

Description: Consider an amendment to City Code Section 25-1-804 (*Application to Amend Neighborhood Plan*) to add a new Subsection (D) and to renumber existing Subsections (D) and (E) accordingly.

Proposed Language: See attached draft ordinance.

Summary of proposed code changes:

- If City Council chooses to initiate an out-of-cycle neighborhood plan amendment application at the request of an individual property owner because the planning area does not have a neighborhood plan contact team to allow the out-of-cycle application, the application fees will be paid by the individual property owner and not waived by the City because in these situations the City becomes the applicant.

Background: Initiated by City Council by Resolution No. 20160922-038 on September 22, 2016.

Article 16 - Neighborhood Plan Amendment of the Land Development Code outlines conditions under which an individual property owner can file a plan amendment application outside the February or July open filing period. The most common method by which individual property owners can file outside of these two months is to ask the neighborhood plan contact team for the planning area permission to file out-of-cycle. However, if there is no neighborhood plan contact team for a planning area, applicants can ask the City Council for permission to file out-of-cycle, in which case, if approved, the City becomes the applicant and no application fees are collected. This amendment would require the individual property owner to pay the application fees under this circumstance.

Staff Recommendation: Approve proposed ordinance.

Board and Commission Actions:

To be reviewed by the Codes & Ordinances Joint Committee on April 19, 2017.

To be reviewed by Planning Commission on May 9, 2017.

Council Action:

A public hearing has been set for June 8, 2017.

Ordinance Number: NA

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DRAFT

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTION 25-1-804 RELATING TO AMENDING A NEIGHBORHOOD PLAN.

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

PART 1. City Code Section 25-1-804 (*Application to Amend Neighborhood Plan*), is amended to add a new Subsection (D) to read as follows and renumber existing Subsections (D) and (E) accordingly.

(D) If an individual property owner in an area without a neighborhood plan contact team wishes to apply to amend the neighborhood plan at a time other than as provided in Subsection (B), the property owner may request Council initiate the application. If Council agrees to initiate the application, the property owner shall pay all fees associated with the application and the property owner shall be treated as the applicant.

PART 2. This ordinance takes effect on _____, 2017.

PASSED AND APPROVED

_____, 2017 §
 §
 § _____
Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

RESOLUTION NO. 20160922-038

WHEREAS, City Code Subsection 25-1-804(B)(3) allows for neighborhood plan amendment applications to be filed out-of-cycle if the plan amendment is submitted by the Neighborhood Plan Contact Team or if the Neighborhood Plan Contact Team has given written approval of the application; and

WHEREAS, there are several neighborhoods within the City of Austin that do not have a Neighborhood Plan Contact Team or the Neighborhood Plan Contact Team has been suspended or disbanded; and

WHEREAS, City Code Subsection 25-1-804(C) allows City Council to initiate the application of an neighborhood plan amendment out-of-cycle for an individual property; and

WHEREAS, if Council initiates the application, the Council becomes the applicant, which shifts the financial responsibility for application fee requirements to the City and not the property owner; and

WHEREAS, once submitted by the property owner, a neighborhood plan amendment would follow the standard process of proper notification, neighborhood meeting requirements, Planning Commission review, and City Council review; and

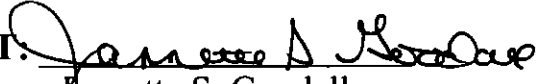
WHEREAS, this code amendment would ensure that if an out-of-cycle plan amendment application is initiated by Council at the request of the person owning the property in question, the property owner would be responsible for all associated fees. However, approval of the amendment or any associated zoning changes would still remain a separate action; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council initiates a code amendment to the City of Austin Land Use Development Code (Title 25) to provide that if Council initiates an out-of-cycle neighborhood plan amendment to a neighborhood plan for an individual property in an area without a Neighborhood Plan Contact Team at the request of the person who owns the property in question, then all fees associated with the application are the responsibility of the property owner.

ADOPTED: September 22, 2016

ATTEST:


Jannette S. Goodall
City Clerk