

ORDINANCE AMENDMENT REVIEW SHEET

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CASE NUMBER: C20-2013-002 Neighborhood Plan Amendment Procedures

PC PUBLIC HEARING DATE: September 10, 2013

NEIGHBORHOOD PLANNING SUBCOMMITTEE: February 15, 2012; March 21, 2012; May 16, 2012; December 19, 2012; March 20, 2013; and August 21, 2013.

PROPOSED AMENDMENT: The draft modification to the code would amend Chapter 25-1 of the City of Austin Land Development code to make several housekeeping changes and corrections to neighborhood plan amendment procedures as shown in the attached draft ordinance. **The Planning Commission took action to recommend this modification on August 21, 2013, but is being asked to consider withdrawing this recommendation and deferring these housekeeping modifications to the overall Land Development Code Revision process.**

BACKGROUND: The ordinance to establish and codify a procedure for neighborhood plan amendments was adopted in March 2003. Since then, there have been three revisions to the neighborhood plan amendment provisions of the City Code, including the addition of Article 16, Neighborhood Plan Amendments to Chapter 25-1 of the City Code. Staff recommended additional changes to Article 16 to reorganize, clarify and improve the neighborhood plan amendment procedures.

This proposed amendment was discussed at the January 17, 2012 meeting of the Codes and Ordinances Committee and the February 15, March 21, and May 16, 2012 meetings of the Neighborhood Plan Committee.

On December 19, 2012, the Neighborhood Plan Subcommittee recommended initiation of a scaled down amendment, and on January 22, 2013 the Planning Commission voted to initiate this potential code amendment. On March 20, 2013 the Neighborhood Plan Subcommittee reviewed the proposed ordinance language and voted to recommend the code amendment to the Planning Commission for consideration with minor modifications. The draft ordinance would have allowed the Planning Commission to initiate out-of-cycle amendments in certain circumstances.

On July 9, 2013, the Planning Commission held a public hearing on the proposed ordinance language and received testimony expressing concern about the proposal to allow the Planning Commission to initiate out of cycle amendments. The Planning Commission postponed their decision on the proposal in order to receive additional feedback. On August 13, 2013, the Planning Commission approved a motion to recommend the code amendments with modifications to remove the provisions related to allowing the Planning Commission to initiate out of cycle amendments.

On August 21, 2013, the Planning Commission Neighborhood Plan Subcommittee met and approved a recommendation to withdraw these proposed amendments from

consideration by the City Council and to instead defer the amendments to the overall Land Development Code Rewrite process.

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STAFF RECOMMENDATION: Staff recommends withdrawal of the proposed code amendment and to instead defer the possible amendments shown in the attached draft ordinance to the overall Land Development Code Revision Process.

ORDINANCE READINGS:

1st Postponed Indefinitely

2nd TBD

3rd TBD

ORDINANCE NUMBER: TBD

CITY STAFF: Stevie Greathouse, Planning and Development Review Department

PHONE: 974-7226

EMAIL: stevie.greathouse@austintexas.org

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AN ORDINANCE AMENDING CHAPTER 25-1 (*GENERAL REQUIREMENTS AND PROCEDURES*) OF THE CITY CODE RELATING TO WAIVING FEES FOR NEIGHBORHOOD PLAN AMENDMENTS.

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

PART 1. Subsection 25-1-704(A) (*Fee Waivers*) of the City Code is amended to read:

(A) The director may, in accordance with Subsection (B), waive all or a portion of the following fees, as set by the City's annual fee ordinance, for a S.M.A.R.T. Housing development:

(1) Public Works Construction Inspection Fee;

(2) ~~[Watershed Protection]~~ Planning and Development Review - Development Assessment Fee;

(3) ~~[Watershed Protection]~~ Planning and Development Review - Traffic Impact Analysis Fee;

(4) ~~[Watershed Protection]~~ Planning and Development Review - Traffic Impact Analysis Revision Fee;

(5) Regular Zoning Fee;

(6) Interim to Permanent Zoning Fee;

(7) Miscellaneous Zoning Fee;

(8) Zoning Verification Letter Fee;

(9) Board of Adjustment Fee;

(10) Managed Growth Agreement Fee;

(11) Planned Development Area Fee;

(12) Preliminary Subdivision Fee;

(13) Final Subdivision Fee;

(14) Final Without Preliminary Subdivision Fee;

(15) Miscellaneous Subdivision Fee;

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- (16) Consolidated Site Plan Fee;
- (17) Miscellaneous Site Plan Fee;
- (18) Site Plan Revision Fee;
- (19) Site Plan - Construction Element Fee;
- (20) Building Review Plan Fee;
- (21) Building Permit Fee;
- (22) Electric Permit Fee;
- (23) Mechanical Permit Fee;
- (24) Plumbing Permit Fee;
- (25) Concrete Permit Fee;
- (26) Demolition Permit Fee;
- (27) Electric Service Inspection Fee;
- (28) Move House Onto Lot Fee; ~~[and]~~
- (29) Move House Onto City Right-of-Way Fee; and
- (30) Neighborhood Plan Amendment Fee.

PART 2. Section 25-1-804 (*Application to Amend Neighborhood Plan*) of the City Code is amended to read:

§ 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 a completed application with ~~[the staff with information regarding]~~ the proposed change, including the address,

1 boundaries, acreage, current and proposed future land use map
2 categories, and current and proposed uses; and

- 3 (4) if the applicant is proposing a text change, the applicant shall provide
4 a completed application with the proposed language and an
5 explanation of the change.

6 (B) For an application regarding an individual property, except as provided in
7 Subsection (C):

- 8 (1) the director may accept an application to amend a neighborhood plan not
9 earlier than one year after the adoption of the plan;
- 10 (2) after the one year anniversary of a plan adoption, the director may accept
11 an application to amend a plan recommendation relating to an individual
12 property not more frequently than once every 12 months; and
- 13 (3) an application may be filed only during the month established by the
14 director under Section 25-1-811 (*Map; Filing Dates*), unless:
- 15 (a) the application is submitted by a neighborhood plan contact team for
16 the planning area in which the property is located; or
- 17 (b) a neighborhood plan contact team for the planning area in which the
18 property is located has given written approval of the application.
- 19 (4) An applicant may not file an application for an amendment that is
20 substantially the same as an application denied by council until one year
21 after the council action denying the prior application.

22 (C) The director may accept an application regarding an individual property at a
23 time other than as provided in Subsection (B) if the director determines that:

- 24 (1) prohibiting the filing would result in a hardship to the applicant, and
25 the development proposed by the applicant will not adversely affect
26 public health, safety, and welfare;
- 27 (2) a clerical error regarding the designated use of the subject property
28 exists on the future land use map of the neighborhood plan or in the
29 text of the plan;
- 30 (3) the person submitting the application has received a letter from the
31 director of the appropriate City department stating that the project:

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- (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 as provided in Subsections [Sections] 25-1-703 (C) and (D) (Program Requirements); or

(4) council has initiated the application.

(E) For an area-wide or subdistrict-wide application, the director may only accept an application in the following situations:

- (1) the director may accept an application initiated by a neighborhood plan contact team [to amend a neighborhood plan] not earlier than two years after the adoption of the plan;
- (2) the director may accept an application initiated by a neighborhood plan contact team not earlier than two years after the most recent council action on an amendment initiated by a neighborhood plan contact team for the same neighborhood plan area [the plan]; and
- (3) an application initiated by council may be filed at any time.

PART 3. Section 25-1-808 (*Land Use Commission Public Hearing and Recommendation*) of the City Code is amended to read:

§ 25-1-808 PLANNING [~~LAND-USE~~] COMMISSION PUBLIC HEARING AND RECOMMENDATION.

- (A) The Planning [~~Land-Use~~] Commission shall hold a public hearing on a neighborhood plan amendment application not later than the 90th day after the date the application is filed.
- (B) The Planning [~~Land-Use~~] Commission shall make a recommendation to the council on a neighborhood plan amendment application not later than the

14th day after the Planning [~~Land Use~~] Commission closes the public hearing on the application.

- (C) If the Planning [~~Land Use~~] Commission does not adopt a recommendation on an application, the director [~~Director~~] shall forward the application to council without a Planning [~~Land Use~~] Commission recommendation.
- (D) If the Planning [~~Land Use~~] Commission does not hold a public hearing in accordance with Subsection (A), the applicant may file a written request for a hearing as prescribed in Subsection [~~Section~~] 25-2-282(E).
- (E) The d[~~D~~]irector shall report the Planning [~~Land Use~~] Commission's recommendation on each neighborhood plan amendment application to the council.

PART 4. Section 25-1-809 (*City Council Hearing and Recommendation*) of the City Code is amended to read:

§ 25-1-809 CITY COUNCIL HEARING AND RECOMMENDATION.

- (A) The council shall hold a public hearing on a neighborhood plan amendment application not later than the 40th day after the date of the Planning [~~Land Use~~] Commission recommendation.
- (B) Subsection [~~Section~~] 25-2-283(C) shall apply to requests for postponement of the public hearing on a neighborhood plan amendment application.

PART 5. A new Section 25-1-812 is added to the City Code to read:

§ 25-1-812 FEE WAIVERS.

The director may not collect an application fee for a neighborhood plan amendment initiated by a neighborhood plan contact team.

PART 6. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

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_____, 2013

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Lee Leffingwell
Mayor

APPROVED:

Karen M. Kennard
City Attorney

ATTEST:

Jannette S. Goodall
City Clerk