
Proposal:

Amend 25-1 to add a new sections that:

- define Area Plan;
- specifies an amendment process for long-range geographically focused land use plans that do not have specific amendment processes defined elsewhere in the land development code, including ETOD Station Area Vision Plans; and
- references existing plan amendment processes;

Goals/Considerations:

- specify an amendment process for Station Area Vision Plans;
- provide clarity to property owners on how to request an amendment to the future land use designation on their property;
- allow additional types of land use plans to be adopted without needing to add new plan-specific amendment language to the code;
- encourage consistent amendment processes;
- clarify recommendation criteria for plan amendments.

ARTICLE XXX. AREA PLAN AMENDMENTS.**§ 25-1-XXX DEFINITIONS.**

In this article:

- (1) DIRECTOR means the director of the Planning Department.
- (2) AREA PLAN means a long-range policy plan adopted by ordinance as an element of the comprehensive plan, establishing land use and development policy for a specific geographic area, including neighborhood plans, district plans, station area plans, small area plans, land use focused corridor plans, framework plans, and plans incorporating future land use maps.

§ 25-1-XXX APPLICABLE AMENDMENT PROCESS.

Amendments to Area Plans shall follow the process outlined by this Article, except for:

- (1) Amendments to East Riverside Corridor Regulating Plan shall follow the process in 25-2-768.02.
- (2) Amendments to the North Burnet Gateway Regulating Plan shall follow the process in 25-2-767.02.
- (3) Amendment to the North Lamar/Justin Station Area Plan, Plaza Saltillo Station Area Plan, and East MLK TOD Station Area Plan shall follow the process in 25-2-766.23.
- (4) Amendments to a neighborhood plan adopted by ordinance shall follow the process in Chapter 25-1, Article 16 (Neighborhood Plan Amendments).

25-1-XXX INITIATION OF AREA PLAN AMENDMENT.

An area 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; or
 - (d) the director.
- (2) for an amendment regarding an area-wide or subdistrict-wide recommendation:
 - (a) the council;
 - (b) the Planning Commission; or
 - (c) the director.

§ 25-1-XXX APPLICATION TO AMEND AN AREA PLAN.

- (A) Pre-Application Meeting. The applicant and the director's staff must meet before an applicant can submit an application to amend an area plan. At the meeting:
- (1) the staff shall describe the application process to the applicant;
 - (2) the applicant shall describe the proposed area 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) Applications for an Individual Property.
 - (1) The director may accept an application to amend an area plan not earlier than one year after the adoption of the plan.
 - (2) An applicant may not file an application for an amendment that is substantially the same as an application denied by council until one year after the council action denying the prior application.
- (C) Applications for Area-wide or Subdistrict-wide Amendments.
 - (1) The director may accept an application to amend an area plan two or more years after council adopted the plan.
 - (2) The director may accept an application to amend an area plan two or more years after the most recent council action on the plan occurred.
- (3) An application initiated by council may be filed at any time

§ 25-1-XXX NOTICE AND PUBLIC HEARING.

- (A) The director shall give notice of the filing of an application for a proposed area plan amendment under Section 25-1-133 (*Notice of Applications and Administrative Decisions*).
- (B) The director shall conduct a community meeting on a proposed area plan amendment prior to the date on which the Planning Commission is scheduled to consider the amendment. The director shall give notice of the meeting under Section 25-1-132(A) (*Notice of Public Hearing*).
- (C) The Planning Commission and the council shall each hold a public hearing on a proposed area plan amendment.
- (D) This subsection prescribes notice for a public hearing on a proposed area 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.
- (E) This subsection prescribes notice for a public hearing on a proposed area 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 owner of property located within the proposed amendment boundaries;

- (b) each City of Austin utility account address within the proposed amendment boundaries; and
 - (c) each registered neighborhood organization within the proposed amendment boundaries and within 500 feet of the proposed amendment boundaries.
- (2) The City is responsible for the cost of notice.

§ 25-1-XXX EXPIRATION OF APPLICATION.

- (A) An area plan amendment application expires if the director does not schedule the application for a public hearing:
- (1) by the Planning Commission before the 181st day after the date of filing; or
 - (2) by the Planning Commission or council before the 181st day after the date on which the Planning Commission or council grants an indefinite postponement of a scheduled public hearing.
- (B) Except as provided in Subsection (D), an area plan amendment application expires if the council does not adopt an ordinance before the 361st day after council closes the public hearing on the application.
- (C) Except as provided in Subsection (D), an area plan amendment application initially submitted before the effective date of this section expires 180 days after the effective date of this section.
- (D) An applicant may file one request with the director and one request with council to extend an application that will expire under Subsection (B) or Subsection (C). The request must be in writing, be filed before the application expires, state good cause for the extension, and be for not more than 180 days.

§ 25-1-XXX LAND USE COMMISSION PUBLIC HEARING AND RECOMMENDATION.

- (A) The Land Use Commission shall hold a public hearing on an area plan amendment application not later than the 90th day after the date the application is filed.
- (B) The Land Use Commission shall make a recommendation to the council on an area plan amendment application not later than the 14th day after the Land Use Commission closes the public hearing on the application.
- (C) If the Land Use Commission does not adopt a recommendation on an application, the Director shall forward the application to council without a Land Use Commission recommendation.
- (D) If the 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 Section 25-2-282(E).

- (E) The Director shall report the Land Use Commission's recommendation on each area plan amendment application to the council.

§ 25-1-XXX 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 Land Use Commission recommendation.
- (B) Section 25-2-283(C) shall apply to requests for postponement of the public hearing on a neighborhood plan amendment application.

§ 25-1-XXX RECOMMENDATION CRITERIA.

- (A) The director may not recommend approval of a area 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 because of a material change in circumstances since the adoption of the plan;
 - (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 area plan; or
 - (6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.
- (C) The applicant must demonstrate that:
- (1) 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
 - (2) the proposed amendment is consistent with the policies of the Comprehensive Plan and sound planning principles.