

ZONING AMENDMENTS

RESTRICTIVE COVENANT AMENDMENT
RESTRICTIVE COVENANT TERMINATION
SITE PLAN DELETIONS
PLANNED UNIT DEVELOPMENT AMENDMENTS
PLANNED DEVELOPMENT AREA AMENDMENTS



rev 11/21/2016

GENERAL OVERVIEW

GENERAL INFORMATION

This packet outlines the procedures and submittal requirements necessary to obtain a modification of a document attached to a zoning case that requires approval by the City Council and/or the Land Use Commission. These include a revision or termination of a recorded restrictive covenant, deletion of a site plan attached to a zoning case, or an amendment to a planned unit development or planned development area. Additional information about the zoning or site plan process and code requirements can be obtained prior to submitting an application by contacting the Development Assistance Center (DAC) on the 1st floor of the One Texas Center, 505 Barton Springs Road, phone 974-6370, or by visiting the City of Austin's Development Process and One-Stop Shop website at <http://www.austintexas.gov/department/development-services>.

AMENDMENT/TERMINATION OF RESTRICTIVE COVENANTS

A public restrictive covenant is an agreement between the property owner(s) and the City of Austin, and attaches conditions to a property that are not incorporated into a zoning ordinance, a subdivision plat or a site plan. Some restrictive covenants may be amended or terminated administratively by the Director of the One-Stop Shop, while others require majority approval of the City Council. This packet is intended for those which require City Council approval. For those that may be approved administratively, a formal application is not required. All property owners and their successors who were party to the original restrictive covenant must sign the application to amend or terminate the restrictive covenant. Please consult with your case manager or the Development Assistance Center for more information.

DELETION OF SITE PLANS ATTACHED TO ORDINANCES

Prior to January 1, 1988, site plans were often required to be approved at the same time as a zoning change on a property. These plans were attached to the zoning ordinance and became a condition of the rezoning. Minor revisions to a site plan attached to an ordinance may be approved administratively as a site plan correction. Corrections should be submitted to the Development Assistance Center (DAC) of One Texas Center, 505 Barton Springs Road. If you have any questions concerning this procedure, contact the DAC at (512) 974-6370.

A more substantial change to a zoning site plan may be approved administratively if it meets the criteria for a Replacement Site Plan in Sec. 25-5-64 of the City Code. A replacement site plan should be submitted using a Consolidated Site Plan Application (packet 11) or Land Use Commission Site Plan Application (packet 14), which are available in the DAC for the new site plan submittal, or can be found at <http://www.austintexas.gov/page/land-use-applications#site>.

If a proposed change to a zoning site plan does not qualify as a replacement site plan, the original site plan must be deleted from the zoning ordinance by City Council. The deletion of such a site plan may result in the addition of conditions to the zoning approval in order to meet the intent or restrictions of the original site plan.

This application packet should be used for site plan deletions. Once City Council has approved the deletion of the original site plan, a new site plan may be approved administratively. The new site plan should be filed using application packet 11 or 14.

AMENDMENT TO A PLANNED UNIT DEVELOPMENT (PUD)

An amendment to an approved Planned Unit Development (PUD) may be either substantial or non-substantial. If the Director determines that the changes meet the criteria in Sec. 3.1.3 of Division 5, Article 2 of Chapter 25-2, for a non-substantial amendment the amendment may be processed administratively, If the Director determines that the changes are subject to the provisions of Sec. 3.1.2 of Division 5, Article 2 of Chapter 25-1 for a substantial amendment, the changes must be reviewed by the Land Use Commission and City Council. The Case Manager assigned to the application will advise you of the process and timeframe for approval.

AMENDMENTS TO A PLANNED DEVELOPMENT AREA (PDA)

Amendments to an approved Planned Development Area (PDA) are governed by the language in the PDA ordinance, land use plan or development agreement (the “agreement”). Typically these documents specify certain revisions that may be approved by the Director and others that require approval by the City Council. The Director will determine the approval process for any proposed changes after reviewing the amendment request, and the Case Manager assigned to the application will advise you of the process and timeframe for approval.

CASE MANAGER

Each application is assigned to a review team. The Case Manager will serve as liaison between you and the City of Austin and function as your main point of contact. Once your application has been submitted, any questions, problems, conflicts, etc. should be directed to the Case Manager. If you need to see your Case Manager, it is suggested an appointment be made to ensure the Case Manager is available.

NEIGHBORHOOD, COMMUNITY AND ENVIRONMENTAL ASSOCIATIONS

Information concerning neighborhood associations, community groups and environmental interest groups in the area of the zoning request is available at the Development Assistance Center.

URBAN RENEWAL ZONE

The site may be located within one of five Urban Renewal Plan districts created in the 1960s to allow clearance and redevelopment of certain parts of East and Central Austin. The Urban Renewal Plan areas are subject to specific land use and development standards that are unique to each area and applicable to all public (including the State of Texas and the University of Texas) and private entities. Contact the Development Assistance Center for information regarding the Urban Renewal Plan districts.

ETHICS AND FINANCIAL DISCLOSURE INFORMATION

If you or your agent/representative were City employees or officials within the past 24 months, you may be subject to the City's Ethics and Financial Disclosure requirements (see City Code Chapter 2-7). Copies of Chapter 2-7 are available from the City Clerk's Office.

HOW TO OBTAIN INFORMATION

Clerical staff and planners are available by appointment or on a first-come, first-served basis each weekday between 9 a.m. and 12 p.m. at the Development Assistance Center, 1st floor, One Texas Center, 505 Barton Springs Road (512-974-6370).

SUBMITTAL INFORMATION & REQUIREMENTS

The applicant or the applicant's agent shall submit the following information in person to the Intake Center of the Planning and Zoning Department, Fourth Floor, One Texas Center, 505 Barton Springs Road. Please call 974-7208, 974-2681, or 974-2350 to schedule an appointment.

A. COMPLETED APPLICATION FORM

B. COPIES OF THE DOCUMENTS TO BE MODIFIED - Submit a copy of the recorded restrictive covenant, copies of the approved site plan, planned unit development, planned development area and / or ordinance documents to be modified by identifying the proposed changes in redline format. Also submit a letter explaining the proposed changes.

C. TAX PLATS - Tax plats are used to obtain property owner names and addresses for notification. Tax plats must be submitted with all zoning applications and shall meet the following requirements:

One blue-line copy of each of the current tax plats, showing all properties within 500 feet of the tract for which zoning approval is being requested. Include all plats referred to in the 500 feet surrounding the tract. Outline the subject tract in red. (DO NOT SPLICE THE MAPS TOGETHER).

Tax plats can be obtained from:

- Hays County: Hays County Clerk's Office; 137 N. Guadalupe Street; San Marcos, phone: (512) 393-7330
- Travis County: Travis Central Appraisal District at Walnut Creek Business Park, 8314 Cross Park Drive, Austin (U.S. 290 & Cross Park Drive), phone (512) 834-9138. Tax plats for Travis County may be printed from TCAD online, www.traviscad.org.
- Williamson County: Williamson County Clerk, Justice Center Building, 405 Martin Luther King Street, Georgetown, phone: (512) 943-1515.

For projects located outside of Travis County, applicants must submit a list of names and addresses of all property owners located within a 500-foot radius of the subject tract

D. TAX CERTIFICATE - A Tax Certificate must be submitted with all zoning applications. Please note that tax certificates must be ordered in advance of the request and will require a nominal charge by the County. Tax certificates may be obtained from:

- Hays County: Hays County Tax Assessor Office; 102 N. LBJ Drive, San Marcos.
- Travis County: Courthouse Annex, 5501 Airport Boulevard. The tax certificate should indicate that no taxes are owed on the property.
- Williamson County: Williamson County Tax Assessor / Collector Office, 904 South Main Street, Georgetown

SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION: This form is included in the packet.

E. ACKNOWLEDGMENT FORM CONCERNING SUBDIVISION PLAT NOTES / DEED RESTRICTIONS (form included in packet). The applicant should carefully check these records before signing the attached Acknowledgment Form. Plat notes are shown on the face of the subdivision plat. Plats are available at Map and Document Sales in the Development Assistance Center or the County Clerk's Office, Courthouse Annex. Deed restrictions are recorded at the County Clerk's Office, Courthouse Annex, if you do not have them in your possession.

F. APPLICATION FEE

Fee schedules are available at the Development Assistance Center or can be found at <http://www.austintexas.gov/departments/fees>. See Zoning and Special Districts Fees for revision fees to amend or terminate a Restrictive Covenant. Please note that for an amendment or termination of a Restrictive Covenant, a sign fee is charged, which is based on one sign for each 200 feet of street frontage. No more than three signs shall be required for any case. See Site Plan Review and Revision Fees for revision fees for PDA and PUD land use plans.

APPLICATION FOR ZONING AMENDMENT

DEPARTMENTAL USE ONLY

Application Accepted By: _____ Date: _____
Case Manager: _____

PROJECT DATA

Amendment to Restrictive Covenant	<input type="checkbox"/> Yes <input type="checkbox"/> No	File No: _____
Termination of Restrictive Covenant	<input type="checkbox"/> Yes <input type="checkbox"/> No	File No: _____
Site Plan Deletion/Ordinance Amendment	<input type="checkbox"/> Yes <input type="checkbox"/> No	File No: _____
PDA Amendment	<input type="checkbox"/> Yes <input type="checkbox"/> No	File No: _____
PUD Amendment	<input type="checkbox"/> Yes <input type="checkbox"/> No	File No: _____

Project Name: _____
Project Address (or range): _____
_____ Zip: _____

Is this zoning request to rezone a parcel that contains an existing mobile home park with five or more occupied units? _____ If Yes, how many? _____

If 5 or more, tenant notification may be required and a certified form may be required with your application (LDC 25-1-712). Tenants must receive notification at least 270 days before the application is eligible for final ordinance readings by City Council.

PROPERTY DESCRIPTION

Subdivision Reference
Name: _____ Approval Date: _____
Block(s): _____ Lot(s): _____
Plat Book: _____ Page(s): _____ Document #: _____
Brief Legal Description: _____
Deed Reference of Deed Conveying the Property to the Present Owner(s):
Volume: _____ Page(s): _____ Sq. Ft.: _____ Acres: _____

CONTACT INFORMATION

Owner: _____ Signature: _____
Address: _____
City/State/Zip: _____ Phone: (____) _____
Agent: _____ Signature: _____
Address: _____
City/State/Zip: _____ Phone: (____) _____

ADDITIONAL SUBMITTAL REQUIREMENTS

AMENDMENT/TERMINATION OF RESTRICTIVE COVENANTS

In addition to the submittal requirements shown in this packet, submit the following:

- a copy of the **original and proposed** restrictive covenants;
- a letter addressed to the Director of the Planning and Zoning Department, explaining the proposed changes or why the covenant is being deleted, and identifying what surrounding conditions have changed, i.e. uses, land use, zoning, roadway / transportation improvements, extension of utilities.

DELETION OF SITE PLANS ATTACHED TO ORDINANCES

To delete a site plan from an ordinance or restrictive covenant, submit the following:

- a letter requesting the deletion, explaining why the deletion is being requested,
- seven (7) blue-line copies of the site plan to be deleted

AMENDMENT TO A PLANNED UNIT DEVELOPMENT (PUD) / AMENDMENT TO A PLANNED DEVELOPMENT AREA (PDA)

In addition to the submittal requirements identified in this packet, submit the following:

- a letter addressed to the Director of the Planning and Zoning Department outlining the reasons for the proposed change(s),
- redlined copies of the approved ordinance, any development agreements and full-size copies of the land use plan that depict the proposed changes. The assigned case manager will determine the number of copies to be submitted (up to 21 full-size, redlined copies of the revised plan may be required).

Mylars reflecting the approved changes will be required prior to release of the revised plans.

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE

Signature *Date*

Name (Typed or Printed)

Firm

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE

Signature *Date*

Name (Typed or Printed)

Firm

