Neighborhood Plan Amendment

For Individual Property Owner

City of Austin Application Packet

This review process supports Imagine Austin, our plan for a vibrant, livable, connected Austin.
Para información en español llame al (512) 978-4000.

PURPOSE:

A neighborhood plan amendment (NPA) allows for changes to be made to an adopted neighborhood plan and/or future land use map (FLUM). A plan amendment is required if a proposed zoning change is inconsistent with the plan's FLUM. The plan amendment process ensures that stakeholders in the neighborhood and the neighborhood plan contact team will be notified of proposed amendments.

ORDINANCE REFERENCES:

For more information regarding neighborhood plan amendments or the plan amendment process, refer to Chapter 25-1, Article 16, of the City of Austin's Land Development Code.

NEIGHBORHOOD PLAN CONTACT TEAMS:

The Neighborhood Plan Contact Team is a group of property owners, business owners, and residents who help implement the neighborhood plan and consider and offer opinions on proposed plan amendments. When a proposed plan amendment is submitted, contact teams will be invited to attend a staff-facilitated community meeting to consider the proposal. A contact team should:

- Listen to the presentation on the proposed plan amendment before finalizing a decision
- Listen to and consider input from community stakeholders regarding the proposed plan amendment.
- Review the neighborhood plan (maps and text) to determine if it is supportive/non-supportive of the proposed amendment. The majority of requested amendments affect the future land use map, and a review of the plan may provide additional insight of the community's desire for a particular area.
  - *There are cases when the proposal may not be consistent with the plan; however, some plan amendments may be appropriate due to new information, changed conditions, or other extenuating circumstances.*
- Submit a letter either supporting or not supporting the application to the Planning & Development Review Department (PDRD) before the scheduled Planning Commission hearing.

Information regarding Neighborhood Plan Contact Teams (NPCT) can be found on the City's website or by calling the Planning and Development Review Department at (512) 974-2648.

NEIGHBORHOOD PLAN AMENDMENT APPLICATION PROCESS:

Who Can Submit An Application?

Individual Properties: Applications regarding individual properties may be submitted by the owner of the subject property, the City Council, the Planning Commission, the Director of the Planning and Development Review Department, or the Neighborhood Plan Contact Team for the planning area in which the property is located.

Subdistrict and/or Area-Wide: Applications for a subdistrict or area-wide amendment may only be initiated by the City Council, the Planning Commission, the Director of the Planning and Development Review Department, or the Neighborhood Plan Contact Team for the affected area can apply for a subdistrict or area-wide amendment.

** *Note for neighborhood plan contact teams:* Although a Neighborhood Plan Contact Team can submit an application for an individual property and a subdistrict/area-wide amendment, only the City Council or the Planning Commission can initiate the zoning case to implement the amendment.

When Can An Application Be Submitted?

Individual Properties: For an amendment on an individual property, applicants must wait one (1) year from the neighborhood plan's adoption date. After the one year waiting period, applications will be accepted once a year [in February for projects west of IH-35 and in July for projects east of IH-35]. If an application for a plan amendment is denied by City Council, the applicant cannot apply for the same amendment for one (1) year. There are some exceptions to when an application may be submitted as listed below "Application Submittal Exemptions for an Individual Property".

** *Note for neighborhood plan contact teams:* Applications filed by the Neighborhood Plan Contact Team for an individual property can be accepted at any time during the year (after the one-year waiting period). There is no application fee.

Subdistrict and/or Area-Wide: Once a neighborhood plan is adopted, applications for subdistrict or area-wide amendments may be submitted at any time during the year, but will not be accepted any earlier than (2) two years after the most recent City Council action on the plan. Applications initiated by City Council may be filed at any time.

** *Note for neighborhood plan contact teams:* Applications filed by the Neighborhood Plan Contact Team for a subdistrict or area-wide amendment will not be accepted any earlier than two (2) years after the most recent council action on the plan. There is no application fee.

Application Submittal Exemptions for an individual property

➜ An application may be accepted after the one (1) year anniversary of plan adoption, at any time during the year if it meets any of the following exemptions:

- The application is **submitted by a Neighborhood Plan Contact Team.**

- The Neighborhood Plan Contact Team for the planning area in which the property is located **has given written approval** of the application to be filed out-of-cycle.

➜ An application may be accepted at any time [even during the one year plan adoption waiting period] if it meets any of the following exemptions:

- The prohibition of filing an application imposes an **undue hardship** on the applicant, inadvertently or due to unforeseen circumstances, or preventing the applicant from addressing a public health or safety issue. This hardship is determined by the director of the appropriate department. If a hardship exemption is denied, the applicant can appeal to the Planning Commission.
- 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.
- The applicant has received a letter from the director of the appropriate City department stating that the project:
  - is not subject to current **City environmental regulations**, but is proposed to be developed under current City environmental regulations;
  - promotes the recruitment or retention of an **employment center** with 100 or more employees;
  - is a **S.M.A.R.T. Housing** certified project in which at least 40% of the proposed units are reasonably priced.
- The application is initiated by **the City Council.**

Pre-Application Meeting

A pre-application meeting between Planning and Development Review staff and an applicant is required before the applicant can submit an application to amend a neighborhood plan. The applicant should call (512) 974-2695 and ask to speak to the Plan Amendment Case Manager to schedule an appointment.

At the Pre-Application Meeting:

❑ The staff shall describe the application process to the applicant

❑ The applicant shall describe the proposed neighborhood plan amendment to the staff

❑ 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 address, boundaries, acreage, current and proposed future land use map categories, and current and proposed uses; and

❑ If the applicant is proposing a text change, the applicant shall provide the proposed language and an explanation of the change

Once the meeting is complete, Planning and Development Review staff can sign off on the Submittal Checklist in the application packet. This will inform the Intake Center that the pre-application requirements have been met.

Application Submittal Requirements

Refer to the Instructions and Submittal Checklist to note the appropriate materials and information needed for the plan amendment application submission. During the in-cycle months [February (west of I.H.-35) or July (east of I.H.-35), depending upon the location of the project], applications may be submitted on any working day at the City of Austin Intake Center, located on the 4th floor of One Texas Center, 505 Barton Springs Road. General business hours are from 7:45 a.m. to 4:45 p.m.

For an appointment, call (512) 974-2681, (512) 974-7208 or (512) 974-2305.

** *Note:* The applicant must complete the pre-application meeting prior to submittal.

Letters of Certification are required for applicants wishing to file an application out-of-cycle. All applications filed out-of cycle must be approved by Planning and Development Review Department staff prior to submittal. Please see the above information regarding those exemptions from the application process.

Fees/Fee Waivers

The only applications eligible for a fee waiver are those submitted by a Neighborhood Plan Contact Team or for those with certified S.M.A.R.T. Housing projects approved by the Neighborhood Housing and Community Development Department

Case Management and Outreach

Once an application is accepted, a Notice of Filing of Application will be mailed to all property owners, renters, and registered community organizations within 500 feet of the proposed amendment site within 14 days. During this time, the plan amendment case manager will contact the applicant to discuss the case and find out if the initial outreach to the neighborhood has occurred. The case manager will then facilitate a community meeting at which time the applicant presents the proposal and answers questions from the audience.

The city mails notice of the community meeting to the same parties as the Notice of Filing.

Criteria for Staff Recommendation

After the community meeting is held, the Comprehensive Planning Division will make a staff recommendation to the Planning Commission and City Council. Staff will take into consideration feedback from the stakeholders about the proposal, the contact team recommendation, and language in the plan that is relevant to the proposed amendment. In addition, the application must be consistent with **sound planning principles,** and the amendment for an individual property must meet one of the following criteria:

- Staff made an **error** in the plan.
- Denial of the application would result in a **hardship** (as defined in exemptions).
- There has been a **material change** in circumstances since the adoption of the plan.

- The development is a **S.M.A.R.T. Housing project**.
- The development meets the **goals and objectives** of the plan.
- The development offers **superior environmental protection**.
- The development offers significant employment opportunities.

Public Hearings

After the community meeting, the plan amendment will be reviewed and acted on at two public hearings: First, before the Planning Commission and then before the City Council. At a public hearing, the Planning Commission reviews and evaluates City staff's recommendation and public input, including the contact team recommendation, and then sends its recommendation to the City Council. City Council makes the final determination of whether the plan amendment will be approved.

There are several ways for an individual to express their support or opposition to this request:

- by attending the Public Hearing and conveying your concerns at that hearing;
- by submitting a Public Hearing Comment Form (this form is included on the legal notice that is mailed to all registered neighborhood organizations, property owners and utility account holders (i.e. renters) within 500 feet of the subject property.
- by writing to the Neighborhood Planning Case Manager.

Expiration of Applications

A neighborhood plan amendment application will expire:

- on the 181st day after its submittal to the Planning and Development Review Department if the application has not been scheduled for a public hearing by the Planning Commission.
- on the 181st day after the date on which the Planning Commission or City Council grants an indefinite postponement of a scheduled public hearing.
- on the 361st day after the City Council closes the public hearing on the application and does not adopt an ordinance for the application.

An applicant may file one request with the Planning and Development Review Department and one request with the City Council to extend an application that is due to expire under the above regulations. The request must be in writing, filed before the application is set to expire, state good cause for the extension, and be for not more than 180 days.

Further Information

For questions regarding whether a plan amendment is required for a proposed rezoning, or other plan amendment questions, contact the Development Assistance Center (DAC) at (512) 974-4000. Clerical staff and planners are available by appointment or on a first-come, first-served basis. The Development Assistance Center is located on the 1st floor of One Texas Center, 505 Barton Springs Road. Please note that walk-in customers are received between 9 am and 12 pm Monday through Friday.

Neighborhood Plan Amendment

INSTRUCTIONS FOR INDIVIDUAL PROPERTY OWNERS

When filing a plan amendment, the applicant or the applicant's agent (as designated on the provided affidavit) shall submit the following information in person to the Intake Center, located on the 4th floor of One Texas Center, 505 Barton Springs Road:

Instructions for Application Form

Type or print all information. One copy of the completed application form shall be submitted in which the following items shall be addressed:

1. **Owner/Applicant** — Please indicate the name of the current owner or applicant. Plan Amendments for individual properties can be made only by the owner of the subject property, the Neighborhood Plan Contact Team, the Planning Commission, City Council, or the Director of Planning and Development Review Department.
2. **Project Name** — Fill in, if applicable.
3. **Owner/Applicant Information** — Indicate the contact information of the owner or applicant.
4. **Agent Information** — If designated, this will be the primary contact. Agent designation shall be presented on the provided affidavit (pg. 12). If there is a change of agent, the Case Manager should be notified.
5. **Name of Adopted Plan** — Name of the Neighborhood Planning Area that the project falls in.
6. **Adoption Date** — Provide the date for which the neighborhood plan was adopted. This information can be found on the city's Neighborhood Planning website.
7. **Change in Future Land Use Designation** — Check this box if the requested amendment is for a change on the Future Land Use Map.
   - **Requested Change**

     FROM: Fill in existing future land use designation.

     TO: Fill in requested future land use designation.

     (Go to this link for more information)
   - **Proposed Use:** Indicate the intended use of the property.
   - **Property Address:** Provide the street address of the property.
   - **Legal Description:** The property description shall accurately describe only that area for which a plan amendment is being requested. This description shall be the lot and block of a recorded subdivision (including plat book and page) *or* by certified field notes describing only the land area needed for the proposed use(s). If field notes are supplied, two copies are needed using the following format:

a) Prepared on 8 ½ x 11 paper
b) Typed in a standard business typeface (that is legible)
c) Begin with a caption that describes the entire tract
d) Include surveyor's calls
e) End with the words "to the point of beginning"
f) Sealed by a registered public surveyor

- **Tax Parcel Number:** Indicate the tax parcel number for the property. Tax parcel numbers can be found on your tax receipt from the appraisal district or on the tax plat maps.
- **Acreage or Square Feet:** Indicate the size of the property.
- **Watershed Location:** A map is available in the Intake Center area that displays this information. An Intake clerk will assist you in obtaining this information if necessary.

8. **Change in Plan Document** — Check this box if the plan amendment requests a change to the neighborhood plan text, tables, or reference maps.
   - Copies of neighborhood plans can be found on this website or at the Planning and Development Review Department, located on the 5th floor of One Texas Center,505 Barton Springs Road.
9. **Zoning Change** — Check this box if the plan amendment is associated with a zoning change. Provide the following information from the zoning application:
   - **Existing Zoning:** Indicate the existing zoning and use. If more than one tract is involved, identify each tract by number and corresponding acreage or square footage. Zoning map books are available in the Intake Center and Map Sales in order to verify the current zoning. If the maps do not reflect what you think is the correct zoning, a zoning verification request may be made to Map Sales located on the 1st floor of One Texas Center.
   - **Proposed Zoning:** Indicate the proposed zoning.
   - **Conditional Overlays:** List any conditional overlays requested to be removed and/or added to the zoning.
   - **Zoning Case Number:** Indicate the associated zoning case number.
10. **Out-of-Cycle Application** — Check this box if the plan amendment application is being filed in an out-of-cycle month. (Applications are accepted in February for projects occurring west of IH-35 and in July for those east of IH-35.) Specify the reason(s) for filing an out-of-cycle application.
11. **Applicant/Agent Signature** — The applicant or agent must sign the application.

Application Fee

A plan amendment fee is charged in addition to any related rezoning fees. The fee will be waived for certified S.M.A.R.T. Housing projects (verified by Neighborhood Housing and Community Development) and if the applicant is the Neighborhood Plan Contact Team.

Submittal Checklist

Items on the Submittal Checklist are required for proper submittal of a neighborhood plan amendment application.

Tax Certificates — Tax Certificates must be ordered in advance of the request and will require a nominal charge by the County. The tax certificate should indicate that no taxes are owed on the property.

Tax certificates for Travis County may be obtained from:

Travis County Tax Office
5501 Airport Boulevard
Austin, TX 78751
(512) 854-9473
www.traviscountytax.org

Tax Plats — Tax Plats are used to obtain property owner names and addresses for notification. Tax plats must be submitted unless there is a zoning application filed at the same time and the subject parcels are the same. The tax plats should show all properties within 500 feet of the tract being requested for the amendment. Include all plats referred to in the 500 feet surrounding the tract. Outline the subject tract in red. Tax Plat Maps must be 24” x 36”.

Tax Plats for Travis County can be printed from TCAD online at www.traviscad.org or obtained from the Travis Central Appraisal District office at:

Walnut Creek Business Park
8314 Cross Park Drive
Austin, TX 78754
(512) 834-9317

Neighborhood Plan Amendment

APPLICANT SUBMITTAL CHECKLIST FOR INDIVIDUAL PROPERTY OWNER

❑ Pre-application meeting with neighborhood planning staff
Completed by: _____ Date: _____
PDRD Staff Signature

❑ Completed application form

❑ Affidavit of agent designation (if applicable)

❑ Summary letter that explains the reasons for the plan amendment

❑ Application fee

❑ Full-sized tax maps
*** Not required if the plan amendment application is filed at the same time as a zoning application and is the same acreage.*

❑ Legal description—plat information or certified field notes describing the area to be amended

❑ Tax certificate

❑ Inspection authorization form

❑ Submittal verification form

❑ Map showing parcel(s) subject to the plan amendment

IS THE APPLICATION IN-CYCLE? ❑ YES ❑ NO
***Applications are in-cycle in February for projects occurring west of IH-35 and in July for those east of IH-35, and at least one year from the neighborhood plan's adoption date.*

OUT-OF-CYCLE APPLICATIONS REQUIRE:

❑ Letter—verified and approved by PDRD staff

Intake specialist: _____

Owner/Applicant: _____

Project Name: _____

Owner/Applicant Address: _____

Owner/Applicant Phone: _____ Owner/Applicant Fax: _____

Agent (as designated on the provided Affidavit): _____

Agent Address: _____

Agent Phone: _____ Agent Fax: _____

Name of Adopted Plan: _____

Adoption Date: _____

❑ **Change in Future Land Use Designation**

- Submit map with application designating the parcels to be changed

Requested Change FROM: _____ TO: _____

Proposed Use: _____

Property Address: _____

Legal Description: _____

_____

Tax Parcel Number(s): _____

Acreage or Square Footage: _____

Watershed Location: _____

❑ **Change in Plan Document—including text, tables, and reference maps** [attach additional sheets if needed]

Item and Page Number(s): _____

Existing Text: _____

Requested Change:

_____

_____

_____

PLEASE FILL IN THE INFORMATION BELOW IF THERE IS AN ASSOCIATED ZONING CASE:

❑ **Zoning Change** [requires a separate zoning application]

Existing zoning: _____

Proposed zoning: _____

List any conditional overlays to be removed or added:

_____

_____

_____

Zoning case number: _____

❑ **Out-of-Cycle Application**

* Requires a Letter of Certification from an approved department and the Out-of-Cycle Verification Form approved by PDRD staff.

This plan amendment application is being filed out-of-cycle for the following reason(s):

❑ Undue Hardship

❑ Error in Plan

❑ S.M.A.R.T. Housing Project

❑ Superior Environmental Protection

❑ Employment Opportunities

❑ Submitted by the Neighborhood Plan Contact Team

❑ Supported by a letter from the Neighborhood Plan Contact Team

First and last name of Applicant/Agent (please print): _____

Signature: _____ Date: _____

Neighborhood Plan Amendments

AFFIDAVIT OF AGENT DESIGNATION

State of Texas

County of Travis

BEFORE ME, the undersigned official, on this day personally appeared _____, who is personally known to me and first being duly sworn according to law upon his/her oath deposed and said:

> "My name is _____. I am over eighteen (18) years of age and I reside at _____ _____. I have personal knowledge of the facts stated herein, and they are all true and correct. I own property which is the subject of this request. I have designated _____ to represent me in filing this Neighborhood Plan Amendment application with the City of Austin's Planning and Development Review Department, and to appear on my behalf at all necessary meetings of the Department, Planning Commission, and City Council with respect to this request. In relation to this, my understanding that as owner of the aforementioned property, either I or my representative may apply and appear on behalf of the request."

_____
Affiant

On Month _____, 20 Year personally appeared _____ _____, and having been duly sworn by me, subscribed to the foregoing affidavit and has stated the facts stated herein are true and correct.

_____
Notary Public, State of Texas

Neighborhood Plan Amendment

SUMMARY LETTER

Neighborhood Plan Amendment

OUT-OF-CYCLE NEIGHBORHOOD PLAN AMENDMENT VERIFICATION FORM

Neighborhood Plan Amendment applications are in-cycle in February for projects occurring west of IH-35 and in July for those east of IH-35, and at least one year from the neighborhood plan's adoption date.

If the application is out-of-cycle, the applicant must have one of the following:

- ❑ A letter of certification from Watershed Protection Department for superior environmental protection
- ❑ A letter of certification from Neighborhood Housing and Community Development for a certified S.M.A.R.T Housing project
- ❑ A letter of certification from Economic Growth and Redevelopment Services for recruitment or retention of an employment center of 100 or more employees
- ❑ A letter from the Director of Planning & Development Review approving the application submittal due to an error in the plan or prohibiting the filing would cause an undue hardship
- ❑ Applicant listed on the Application for a Neighborhood Plan Amendment

is the appropriate Neighborhood Plan Contact Team

- ❑ Letter of approval from the appropriate Neighborhood Plan Contact Team

The applicant/agent meets the requirements to file a plan amendment out-of-cycle with the submittal of the letter of certification or appropriate applicant as checked above.

_____ _____

PDRD Staff Signature *Date*

Neighborhood Plan Amendment

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 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 review of this application.

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

Signature _____ Date _____

Name (Printed) _____

Firm _____

Neighborhood Plan Amendment

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 PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE.

Signature _____ Date _____

Name (Printed) _____

Firm _____