



Neighborhood Plan Amendment

For Neighborhood Plan Contact Team

City of Austin Application Packet

Para información en español llamar (512) 974-3531

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 or if the Planning Contact Team initiates an update to the plan document or to the FLUM. The plan amendment process ensures that stakeholders in the neighborhood will be notified and provide input to the 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 AMENDMENT GENERAL INFORMATION

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. Most 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 Department (PD) before the scheduled Planning Commission hearing.

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 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 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 apply 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. 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 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 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 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. You can submit applications and material via webform austintexas.gov/department/land-use-review or by phone (512) 974-1770.

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

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 Housing 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 Inclusive 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 Plan Amendment Case Manager.

Expiration of Applications (Sec. 25-1-807)

A neighborhood plan amendment application will expire:

- on the 181st day after its submittal to the Planning 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 Planning 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 Planning Department (HPD) at (512) 974-2695.

Neighborhood Plan Amendment

INSTRUCTIONS FOR PLANNING CONTACT TEAMS

Refer to the Instructions and Submittal Checklist to note the appropriate materials and information needed for the plan amendment application submission. You can submit applications and material via webform austintexas.gov/departments/land-use-review or by phone (512) 974-1770.

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. **Neighborhood Planning Area**
2. **Project Name** — Fill in, if applicable.
3. **Neighborhood Plan Contact Team Contact** — Indicate the contact information for the person representing the planning contact team.
4. **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 [Guide to Land Use Standards](#) 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, use the following format:
 - a) Prepared on 8 ½ x 11 size document
 - 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
 - g) Cannot be older than 10 years
 - **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: Watershed information can be found at the [Property Profile](#).

5. **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 [webpage](#).
6. **Zoning Change** — Check this box if the plan amendment is associated with a zoning change. (Note: Zoning changes associated with a plan amendment application submitted by the Neighborhood Planning Contact Team must be initiated by the Planning Commission or City Council.) 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. For information on zoning districts, use this [Guide to Zoning](#). You can find the zoning on the property at the [Property Profile page](#).
 - **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.
7. **Change in NPCD Special Uses or Design Tools** — Check this box if the request is for a change of the special uses (i.e. infill options) or design tools. This type of change requires both a plan amendment and zoning change.
 - **Application to Add or Delete?** — Indicate whether the application's intent is to add or delete any of the special uses and/or design tools listed in the chart.
 - **Application Area** — Indicate whether the application area is area-wide (i.e. the planning area boundary) or for a subdistrict.
 - **Subdistrict Name** — Provide the name of the subdistrict to which the special uses and/or design tools are to be applied.
 - **Subdistrict Boundaries** — Provide the boundaries of the subdistrict to which the special uses and/or design tools are to be applied.
8. **Addition of Permitted Special Use on a Specific Property** — Check this box if the request is to permit a special use on a *specific property*. Indicate those special use(s) to be permitted and the address or location of the property for which the amendment will be applied. Please note there are site requirements for certain infill options. In addition, not all special uses can be applied to a specific property; some must be applied area- or subdistrict-wide.

Application Fee

There is no application fee for applications filed by 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 Plats for Travis County can be printed from [TCAD online](http://www.traviscad.org) 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

- 1. Pre-application meeting with neighborhood planning staff
Completed by: _____ Date: _____
Planning Dept. Staff Signature
- 2. Completed application form
- 3. Summary letter that explains the reasons for the plan amendment
- 4. Submittal verification form
- 5. Map showing parcel(s) subject to the plan amendment

Neighborhood Plan Amendment
AMENDMENT APPLICATION
For Planning Contact Team

Neighborhood Planning Area: _____

Project Name: _____

Neighborhood Plan Contact Team Contact: _____

Address: _____

Phone: _____ Fax: _____

Change in Future Land Use (For subdistrict and/or Area-Wide)

Requested Change FROM: _____ TO: _____

- Submit map with application designating the area to be changed

Watershed Location: _____

Change in Future Land Use Designation (For Individual Property)

- Submit map with application designating the parcel 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:

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Requested Change:

Please fill in the information below if there is an associated zoning case:

Zoning Change [requires a separate zoning application initiated by the Planning Commission or City Council]

Existing zoning: _____

Proposed zoning: _____

List any conditional overlays to be removed or added:

Zoning case number: _____

Change in Neighborhood Plan Combining District (NPCD) Special Uses and/or Design Tools [requires a separate zoning application initiated by the Planning Commission or City Council]

Option	Application to:		Application Area:	
	Add?	Delete?	Area-Wide	Subdistrict*
Special Uses				
Corner Store				
Cottage Lot				
Secondary Apartment				
Small Lot Amnesty				
Urban Home				
From Porch Extension				
Garage Placement				
Parking Placement				

*Subdistrict Name: _____

*Subdistrict Boundaries: _____

Addition of permitted Special Use on a *specific property*:

Neighborhood Mixed-Use Building

Address or location:

Neighborhood Urban Center

Address or location:

Residential Infill

Address or location:

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 _____

Planning Department Administrative Process for Text Amendments to Adopted Neighborhood Plans

An amendment to the text of a Neighborhood Plan may change only one element or chapter that addresses a single theme in an adopted plan. The amendment may add or modify goals, objectives, and/or recommendations in that chapter or element of the plan. Amendments to an additional chapter or element may be considered during the next available amendment cycle or during the course of a major Plan Update or may be accepted at the discretion of the Comprehensive Planning Division Manager.

A contact team that wishes to propose an amendment to the text of a neighborhood plan should demonstrate, to the greatest extent possible, a comprehensive approach to its outreach and consider the needs of all stakeholders in the planning area when drafting a proposed plan amendment. City staff will make a recommendation on the proposed plan amendment based on the merits of the amendment, the adequacy of the contact team's outreach, and the amendment's consistency with Imagine Austin. The staff evaluation and the discussion at the public meeting will be limited to the proposed amendment.

Background information in a plan such as demographics or neighborhood history may be changed only through a major update, not through the plan amendment process.

The process for area-wide or subdistrict-wide amendments to the future land use map is addressed under Chapter 25-1, Article 16 of the Austin Land Development Code.