
UDC 2021 Proposed Amendment

***** Revised and Recommended Approval by PCTAC on April 25, 2022*****

Amendment 16-6

Applicant: Tier One Neighborhood Coalition – Steve Versteeg

Amendment Title – ‘Sec. 35-409. – Citizen Participation Plan’

Amendment Language:

Sec. 35-409. - Citizen Participation Plan.

- (a) **Applicability.** It is the policy of the city to encourage applicants to meet with surrounding neighborhoods prior to filing an application for a permit requiring review and a public hearing. The applicant at his or her option may elect to include citizen participation as a preparatory step in the development process. Inclusion of citizen participation prior to required public hearings will be noted by the governing body when considering the need for a continuance in a given application. It is not the intent of this section to require neighborhood meetings, but rather to encourage meetings prior to the submission of an application for approval and documentation of efforts which have been made to resolve any potential concerns prior to the formal application process.

For Change of Zoning and Future Land Use Plan Amendment applications, the applicant shall provide proof of a meeting with all registered neighborhood associations within 200 feet of the subject property, or proof of an attempt to meet with all registered neighborhood associations within 200 feet with the application.

(b) **Recommended Procedures.**

- (1) **Meetings.** The applicant may facilitate at least one (1) meeting with surrounding neighborhoods, before formally filing an application.
- (2) **Target Area.** The target area shall include the following:
- A. Property owners within the public hearing notice area required by V.T.C.A. Local Government Code § 211.007(c)1;
 - B. A neighborhood association which includes the subject property and/or is within two hundred (200) feet of the subject property and is registered with the department of planning and community development in accordance with the requirements of section 35-420 of this chapter.
- (3) **Citizen Participation Documentation.** Citizen participation, to be most effective, should include the following information as required in Appendix "B" to this chapter. The purpose of citizen participation is to:
- Encourage applicants to pursue early and effective communications with the effected public in conjunction with applications, giving the applicant an opportunity to understand and attempt to mitigate any documentable adverse impact of the proposed project on the adjoining community and to educate and inform the public.
 - Provide citizens and property owners of impacted areas with an opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process.
 - Facilitate ongoing communication between the applicant, interested citizens and property owners, city staff, and elected officials throughout the application review process.

- Citizen participation will not produce complete consensus on all applications, but encourages applicants to be good neighbors and allows for informed decision making. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site.

- (4) **Report on Implementation of Citizen Participation.** To be most effective an applicant should provide a written report on the results of their citizen participation effort prior to the filing of an application. The report will be attached to the department of planning and development services's public hearing report. At a minimum, the citizen participation report shall include the following information:
- A. Details of techniques the applicant used to involve the public, including:
- (1) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
 - (2) Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
 - (3) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located; and
 - (4) The number of people that participated in the process.
- B. A summary of concerns, issues and problems expressed during the process;
- C. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
- D. Concerns, issues and problems the applicant is unable to address. This statement shall indicate why the concerns cannot or should not be addressed.
- (5) **Signature or Affidavit of Compliance.** If the applicant prepares a citizen participation report, the report shall include a list of persons contacted, a list of persons invited to any neighborhood meeting, and one (1) of the following:
- A. The signature of the president or vice-president of any neighborhood associations required to be contacted certifying that the neighborhood meeting was conducted; provided, however, that the signature need not certify agreement with the applicant as to any issues raised at the neighborhood meeting; or
- B. If the president or vice-president of the neighborhood associations were unavailable or refused to sign such certification, a statement as to the efforts to contact them and (in the event of unavailability) why they were unable to sign the certification; or
- C. A statement that there are no registered neighborhood associations within the required notification area.
- (c) **Restrictions on Continuances.** It is the intent of this chapter to encourage applicants to involve neighborhoods in the development approval process while, at the same time, streamlining the development approval process through the discouragement of continuances. Accordingly, no person who received notice of a neighborhood meeting and failed to participate in a neighborhood meeting shall be permitted a continuance of any hearing relating to a master development plan permit requiring a public hearing. For the purpose of this section, a person will be considered to have "received notice" if their name appears on the invitation list.
