

November 22, 2021

Item No. 9.1.

Comprehensive Plan Amendment Processes and Notifications

Sponsor: Amy Albright

Reviewed By CBC: Planning & Zoning Commission

Agenda Caption: Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, “Unified Development Ordinance,” Section 3.2 “General Approval Procedures” and Section 3.22 “Comprehensive Plan Amendment” of the Code of Ordinances of the City of College Station, Texas, regarding Comprehensive Plan Amendment processes and notifications.

Relationship to Strategic Goals:

- Good Governance
- Neighborhood Integrity

Recommendation(s): The Planning & Zoning Commission heard this item on November 4, 2021 and recommended approval. Staff recommends approval.

Summary: City Council requested that City staff develop and present options for supporting communication between developers and neighborhoods. Staff present the following Unified Development Ordinance amendments based on direction given during a workshop presentation to City Council.

Background: City Council requested that City staff develop and present options for supporting communication between developers and neighborhoods. Planning and Development Services staff presented a workshop item on this topic to City Council on August 26, 2021. Two of the recommendations were requiring a mailed notice for Comprehensive Plan Future Land Use & Character Map amendments as well as requiring neighborhood meetings for Comprehensive Plan Future Land Use & Character Map amendments. Council recommended staff proceed with making these modifications within the Unified Development Ordinance. Staff also identified a need to limit the timeframe in which Comprehensive Plan Amendment applications may be submitted during major Comprehensive Plan updates. This stemmed from the complexities to process Comprehensive Plan Amendment applications concurrently with the ten-year Comprehensive Plan update. Staff recommends that Comprehensive Plan Amendment applications be paused six months prior to a major update in order to prevent conflicts between the requests and update.

Budget & Financial Summary: N/A

Attachments:

1. Ordinance
2. Sec. 3.2 General Approval Procedures Redline
3. Sec. 3.22 Comprehensive Plan Amendment Redline

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A, “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 3, “DEVELOPMENT REVIEW PROCEDURES,” SECTION 3-2, “GENERAL APPROVAL PROCEDURES,” AND SECTION 3-22, “COMPREHENSIVE PLAN AMENDMENT,” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO COMPREHENSIVE PLAN AMENDMENT PROCESSES AND NOTIFICATIONS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Appendix A, “Unified Development Ordinance,” Article 3, “Development Review Procedures,” Section 3-2, “General Approval Procedures,” and Section 3-22, “Comprehensive Plan Amendment,” of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A” and “B”** attached hereto and made a part of this Ordinance for all purposes.

PART 2: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 3: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED and APPROVED this _____ day of _____, 20__.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

Exhibit A

That Appendix A, “Unified Development Ordinance,” Article 3, “Development Review Procedures,” Section 3-2, “General Approval Procedures,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 3.2. General Approval Procedures.

A. Conformity with Unified Development Ordinance (UDO) and the Comprehensive Plan.

The provisions of this UDO and the Comprehensive Plan shall apply to and be binding on any and all persons seeking to develop, redevelop, or otherwise change existing land uses within the corporate limits of the City of College Station and, where applicable, its extraterritorial jurisdiction (ETJ). Compliance with the UDO and the Comprehensive Plan includes the dedication and construction of identified infrastructure, right-of-way, and improvement of specified facilities including but not limited to pedestrian facilities, bicycle facilities, thoroughfares, etc.

B. Preapplication Conference.

Prior to the submission of any application required by this UDO, applicants are encouraged to schedule and attend an optional preapplication conference with the City Staff.

Preapplication conferences with City Staff may be used to discuss, in general, procedures, standards, or regulations relating to a proposed development. If a preapplication conference is requested, the Administrator may require the applicant to submit information prior to the preapplication conference to allow City Staff time to review the proposal. Any proposed development submitted or discussed as a part of a preapplication conference shall not be considered a plan, plat, or permit application but will be considered an informal request for information prior to the actual plat, plan, or permit application.

C. Application Forms and Fees.

The following regulations shall apply to all applications:

1. Forms.

Applications required under this UDO shall be submitted using correct, completed forms, where applicable, along with any requested information and attachments, and in such numbers as required by the City, including any checklists for submittals. The Administrator shall have the authority to request any other pertinent information required to ensure compliance with this UDO.

2. Electronic Submission Required.

All plats and site plans shall be prepared and submitted upon request in an electronic form acceptable to the Administrator and compatible with the City's Geographic Information System (GIS).

3. Fees.

Filing fees shall be established from time-to-time by resolution of the City Council for the purpose of defraying the actual cost of processing the application.

- a. All required fees shall be made payable to "The City of College Station."
- b. An applicant who has paid the appropriate fee pursuant to submission of an application, but who chooses to withdraw such application prior to any notification, review, or action taken, shall be entitled to a refund of fifty (50) percent of the total amount paid upon written request to the City except that the filing fee required for text or map amendments shall not be refundable.
- c. The Administrator may waive or reduce development-related fees on a case-by-case basis pursuant to applicable law or when the City is the applicant.

D. Application Deadline.

All applications shall be completed and submitted to the Administrator in accordance with a submittal deadline schedule established by the City. All applications not delivered to the City by a date and time according to the submittal deadline schedule shall be considered timely received for the next official submittal deadline. An application shall not be considered officially submitted until application completeness has been determined in accordance with this UDO.

E. Application Completeness.

An application shall be considered submitted only after the Administrator has determined it is complete as set forth herein. This includes determining whether it is accompanied with any required forms, mandatory information (including all exhibits), and the applicable fee. A determination of completeness does not constitute a determination of compliance with the substantive requirements of this UDO nor precludes that additional information and/or documents may still be required as identified during the formal review of the application. If an application is determined to be incomplete, no further processing of the application shall occur until the deficiencies are corrected. An application of any kind under this Article expires and application fee forfeited on or after the forty-fifth (45th) day after the application is deemed incomplete if:

1. The applicant fails to provide documents or other information necessary to comply with the technical requirements of this UDO as to form and content of the submittal;
2. The City notifies the applicant, in writing, of the failure to provide specific documents or other information within ten (10) business days from the filing date, noting the date the application will expire if same is not provided; and
3. The applicant fails to provide the specified documents or other information within the time provided in the notice.

No vested rights accrue solely from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.

F. Standards of Review.

Applications shall be reviewed based on the ordinances which are in effect at the time the permit application is submitted with the City. It is the responsibility of the applicant to inform the Administrator if vesting is claimed on a specific project application and to which

ordinance the claim is vested in accordance with Chapter 245 of the Texas Local Government Code. This information shall be conveyed to the Administrator as part of the permit application. The Administrator may attempt to inform the applicant if a project is able to vest to a previously adopted ordinance. Notwithstanding anything in this UDO to the contrary, vesting is limited to that which is provided in Chapter 245 of the Texas Local Government Code or other applicable law.

G. Required Public Notice.

1. Summary of Notice Required.

Notice shall be required for development review as shown in the following table.

Application Type	Published	Mailed	Agenda Posted
Comprehensive Plan Amendment	X	X**	X
Zoning Map Amend. (Rezoning)	X	X	X
UDO Text Amendment	X		X
Conditional Use Permit	X	X	X
Subdivision - Replats*	X*	X*	X
Design District - Site Plan/Bldg.			X
Certificate of Appropriateness			X
Certificate of Demolition (No economically viable use)	X	X	X
Variances - ZBA	X	X	X
Appeals - Site Plan & Driveway			X
Waiver - Subdivision Design			X
Waiver - Buffer Requirements			X
Administrative Appeals	X		X
Development Exaction Appeal			X

* Only when required per the Texas Local Government Code.

** Applies only to amendments to the Comprehensive Plan’s Future Land Use and Character Map. Shall not apply to Comprehensive Plan major evaluations and updates, which have their own public notification and input processes.

2. Specific Notice Requirements.

a. Published Notice.

A Public Hearing Notice shall be placed by the Administrator at least once in the official newspaper of the City before the fifteenth (15th) day before the date of the hearing for the purpose of notifying the public of the time and place of such public hearing and the substance of the public hearing agenda items that may be considered or reviewed.

b. Mailed Notice.

A notice of public hearing shall be sent to owners of record of real property, as indicated by the most recently approved municipal tax roll, within two hundred

(200) feet of the parcel under consideration. The notice may be served by its deposit, properly addressed with postage paid, in U.S. mail before the fifteenth (15th) day before the date of the hearing.

c. Content of Notice.

A published or mailed notice shall provide at least the following specific information:

- 1) The general location of land that is the subject of the application;
- 2) The substance of the application, including the magnitude of proposed development and the current zoning district;
- 3) The time, date, and location of the public hearing; and
- 4) A phone number to contact the City.

d. Mailed Notice of Approval Requirements.

As required per the Texas Local Government Code for certain replats, such a replat that does not have a public hearing shall provide notice of approval to owners of record (as indicated by the most recently approved municipal or county tax roll) of lots in the original subdivision that are within two hundred (200) feet of the lots to be replatted. The notification shall be mailed no later than the fifteenth (15th) day after the replat is approved. The notice must include the zoning designation of the property after the replat and a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

3. Public Hearing Signs.

In addition to meeting the minimum statutory notice requirements, for the purpose of notifying the public the Administrator may require the installation of a sign on the property advertising the public hearing. The specifications including size, location, and content of public hearing signs shall be established by the Administrator.

4. Required Hearings and Reviewing Body.

The following table illustrates the types of review requiring a public hearing and the review body responsible for conducting the hearing.

Application Type	Zoning Board of Adjustment	Landmark Commission	Planning and Zoning Commission	City Council
Comprehensive Plan Amendment			X	X
Zoning Map Amendment (Rezoning)			X	X
Zoning Map Amendment (Rezoning - Historic Preservation Overlay District)		X	X	X

Certificate of Demolition (No economically viable use)		X		
UDO Text Amendment			X	X
Conditional Use Permit			X	X
Subdivision*			X	
Variances - ZBA	X			
Administrative Appeals	X			
Development Exaction Appeal			X	X**

* Only when required per the Texas Local Government Code.

** Request is considered by Council only if Planning and Zoning Commission's decision is appealed.

H. Simultaneous Processing of Applications.

Two (2) or more forms of review and approval are typically required in the development process. Development proposals that require applications for Zoning Map Amendments (Rezoning) are required to be acted upon by the City Council before plat and other development applications will be accepted for review by the City. In addition, Preliminary Plans are to be acted upon by the Planning and Zoning Commission or the Administrator before a subsequent Final Plat will be accepted for review by the City. At the discretion of the Administrator, plat and other applications for development approvals may be processed simultaneously, so long as the approval procedures for each individual application can be completed pursuant to the requirements of this UDO. Such processing shall occur at the applicant's own risk.

I. Expiration of Applications, Permits, and Projects.

1. Expiration of Inactive Applications.

An application that has been determined to be administratively complete and written staff review comments provided to the applicant shall be deemed expired and closed in ninety (90) calendar days from the date the most recent written review comments were provided by the City to the applicant, if the applicant has not taken action by providing written response comments and revised documents to the Administrator that seek to address the review comments.

2. Expiration of Approved Permits.

- a. Unless otherwise specified by this UDO, any individual permit, authorization or approval required in this UDO expires twenty-four (24) months from the date of approval, or as may be further extended pursuant to the terms of this UDO, if no progress has been made towards completion of the project. For purposes of this Section, progress towards completion of the project is as defined by Chapter 245 of the Texas Local Government Code.
- b. If no expiration date was in effect at the time the approval of the permit occurred, an expiration date of twenty-four (24) months from the approval shall apply.

3. Expiration of Projects.

- a. For projects requiring more than one (1) permit, authorization or approval, there shall be a project expiration date of five (5) years from the date the first complete application is filed for the project or from the date vesting occurs pursuant to Chapter 245 Texas Local Government Code if no progress is made towards completion of the project or if the expiration date is not otherwise further extended pursuant to the terms of this UDO. For purposes of this Section, progress towards completion of the project is as defined by Chapter 245 of the Texas Local Government Code.
- b. Any application for a new permit, authorization for approval or application to replace an existing approved permit shall be deemed to commence a new development project, as of the date it is filed, if the new application is not compatible with the permits preceding it in regards to the type of proposed use(s), nature of the development, or significant changes to density or infrastructure demands.

J. Appeals from Development Exaction Requirements.**1. Purpose.**

The purpose of a petition for relief from a dedication or public infrastructure requirement is to ensure that the application of uniform dedication and construction standards to a proposed development does not result in a disproportionate burden on the property when considering the nature and extent of the demands created by the proposed development on the City's roadways and other public infrastructure.

2. Applicability.

A petition for relief under this Section may be filed by the applicant to contest any requirement to dedicate land or to construct public improvements as required by this UDO, the Bryan/College Station Unified Design Guidelines, or any other public infrastructure standards in any ordinance or regulation to a plat application or to any related development related development application authorized by the City or attached as a condition to approval of the application. A petition for relief shall not be used to waive a standard on grounds subject to other appeal and waiver criteria outlined in this UDO.

3. Petition Requirements.**a. Form of Petition.**

The petition for relief from a dedication or construction requirement shall allege that application of the standard relating to the dedication or construction requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure.

b. Required Supporting Documentation.

The applicant shall provide information in support of the petition for relief that includes the following:

- 1) Total capacity of the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed;
- 2) Total capacity to be supplied to the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure by the proposed dedication of an interest in land or construction of public infrastructure. If the application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of public infrastructure;
- 3) Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land or construction of public infrastructure. In making this comparison, the impacts on the City's public infrastructure system(s) from the entire development shall be considered;
- 4) The effect of any City participation in the costs of oversizing the public improvement to be constructed in accordance with the City's requirements;
- 5) Any and all other information that alleges the dedication or construction requirement imposed by the City is not roughly proportional to the impacts created by the proposed development;
- 6) The proportionality analysis should not only be based on any immediate plans for the property but should be based on the size of the property, existing and proposed use of the property, and the development potential permitted by the existing zoning; and
- 7) Only costs directly related to the dedication or construction requirements should be included in the analysis. Indirect costs, such as applications, permits, and fees, shall not be included.

c. Time for Filing Petition and Supporting Documentation.

A petition for relief from a dedication or construction requirement shall be filed with the Development Engineer within fourteen (14) calendar days following the Commission's decision to approve, conditionally approve or deny an application for approval of an application. The information in support of the petition as set forth above shall be filed with the Development Engineer within sixty (60) calendar days following the initial decision, unless the applicant (petitioner for relief) seeks an extension in writing. The Development Engineer may extend the time for submitting the information for a period not to exceed an additional thirty (30) calendar days for good cause shown.

d. Land in Extraterritorial Jurisdiction (ETJ).

Where land or facilities to be dedicated are located in the ETJ of the City and are to be dedicated to the applicable county, a petition for relief or documentation in support of the petition shall be accepted as complete for review by the Development Engineer only when such petition or study is accompanied by verification that a copy has been delivered to and accepted by the applicable county.

4. Processing of Petitions and Decision.

a. Responsible Official.

The Development Engineer shall be the responsible official for reviewing a petition for relief from a dedication or construction requirement. Where the petition is for relief from dedication of land or construction of a facility in the City's ETJ that is to be dedicated to the applicable county, the Development Engineer shall coordinate a recommendation with the appropriate county official responsible for reviewing plats.

b. Evaluation and Recommendation.

- 1) The Development Engineer shall evaluate the petition and supporting documentation and shall make a recommendation to the Commission for their consideration and recommendation to the City Council, if applicable.
- 2) In evaluating the petition and documentation, the Development Engineer shall take into account the maximum amount of any impact fees to be charged against the development for the type of public infrastructure that is the subject of the petition, or similar developments on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure. The Development Engineer may utilize any reasonable methodology to evaluate, affirm, or refute the applicant's petition and supporting documentation.
- 3) In order to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City may participate in the costs of public infrastructure, credit or offset developer's proposed obligations or otherwise relieve the property owner of any of the obligations in response to a petition for relief from a dedication or construction requirement.

c. Decision-Maker.

The Commission shall decide the petition for relief from a dedication or construction requirement.

d. Public Hearing.

The Commission shall conduct a public hearing within thirty (30) calendar days after the final documentation supporting the petition is filed by the applicant with the Development Engineer.

e. Burden of Proof.

The applicant bears the burden of proof to demonstrate that the application of a dedication or construction requirement imposes a disproportionate burden on the applicant.

f. **Decision.**

The Commission shall consider the petition for relief from a dedication or construction requirement based upon the following criteria:

- 1) The Commission shall determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure, and whether the application of the standard or condition reasonably benefits the development.
- 2) In making such determination, the Commission shall consider the documentation submitted by the applicant, the report and recommendation of the Development Engineer and, where the property is located within the City's ETJ, any recommendations from the county official, as applicable.

g. **Action.**

Based on the decision criteria stated above, the Commission may take one (1) or more of the following actions:

- 1) Deny the petition for relief, and impose the dedication or construction requirement as required by this UDO;
- 2) Deny the petition for relief in whole or in part, upon finding that the proposed dedication or construction requirements are inadequate to offset the impacts of the development on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure; or
- 3) Grant the petition for relief in whole or in part, and waive any dedication or construction requirement to the extent necessary to achieve proportionality, including consideration of alternative designs for the public infrastructure systems or improvements.

h. **Notification of Decision on Petition.**

The applicant shall be notified of the decision on the petition for relief by the Development Engineer within fourteen (14) calendar days following the Commission's decision.

5. **Appeal of the Decision on a Petition for Relief.**

a. **Initiation of an Appeal.**

The applicant, the Administrator, or no less than four (4) voting members of City Council may appeal the decision of the Commission within fourteen (14) calendar days following the date of the Commission's decision:

- 1) For an applicant-initiated appeal, a letter stating the reasons for the appeal, citing the specific section(s) of the applicable ordinance requirement, shall be submitted by the applicant.
- 2) The Administrator may, on his/her own initiative, appeal the decision of the Commission by scheduling an appeal on the City Council's next available regularly scheduled meeting that occurs after the Commission meeting at which the decision was made.
- 3) For a City Council-initiated appeal, the Council shall consider and act on whether it will appeal the Commission's decision at its next available regularly scheduled meeting that occurs after the Commission meeting at which the decision was made.

b. Notification of Appeal.

Both the applicant and the City shall be notified of the appeal request within fourteen (14) calendar days. Appeals by the applicant shall include all documentation submitted for the appeal.

c. Council Decision.

The City Council shall consider a properly submitted appeal at its next available regularly scheduled meeting. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.

6. Expiration or Failure to File Application.

Where an application was denied based upon the imposition of the standard requiring dedication of land or construction of a required public infrastructure and the Commission's decision, if not further appealed (or the City Council's decision if further appealed as applicable), is to grant some level of relief, the applicant must resubmit the application within sixty (60) calendar days following the date the relief is granted. If such re-submittal of the application is not made within the sixty-day period, the relief granted by the Commission (or City Council as applicable) on the petition shall expire.

7. Effect of Relief.

- a. The Development Engineer may require the applicant to submit a modified application or supporting materials consistent with the relief granted by the Commission on the petition.
- b. The relief granted on the petition shall remain in effect for the period the application is in effect, and shall expire upon expiration of the plat or related application.

K. Figures and Flow Charts.

The figures and flow charts provided in this UDO are intended to be graphical representations of procedures or standards set forth in this UDO to assist in understanding the requirements of this UDO and are not intended to be requirements themselves.

Per Ordinance No. 2011-3308 (January 13, 2011)

(Ord. No. 2012-3449 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2017-3967 , Pt. 1(Exh. D), 12-14-2017; Ord. No. 2020-4214 , Pt. 1(Exh. A), 10-8-2020)

Exhibit B

That Appendix A, “Unified Development Ordinance,” Article 3, “Development Review Procedures,” Section 3-22, “Comprehensive Plan Amendment,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 3.22. Comprehensive Plan Amendment.

A. Purpose.



For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the Comprehensive Plan, including specifically, the Land Use Plan and the Thoroughfare Plan, shall be amended only based upon changed or changing conditions in a particular area or in the City.

B. Initiation of Amendment.

An amendment may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

C. Amendment Application.

A complete application for a Comprehensive Plan amendment shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO.

D. Time Limitations on Applications

Comprehensive Plan Amendment applications may be submitted on a rolling basis, except during the six (6) month period prior to a Comprehensive Plan major evaluation or update. The beginning of the six (6) month time limitation period shall be determined by counting backward from the expected date of the Comprehensive Plan evaluation or update public hearing before the Planning and Zoning Commission.

E. Approval Process.**1. Project Proposal Meeting.**

After submitting an application for a Comprehensive Plan Amendment to the Future Land Use and Character Map or attending a Pre-Application Conference relating to the same, the applicant shall request to set up a Project Proposal Meeting with City Staff. The purpose of this meeting is to begin communicating with the local neighborhood early on in the process, and is not a forum for final decisions or the acceptance of formal comments concerning public support or opposition.

Project Proposal Meetings shall abide by the following minimum requirements:

1. The applicant or an authorized representative must schedule and facilitate a minimum of one Project Proposal Meeting to discuss the application or proposal. At a minimum, property owners within 200 feet of the subject property must be notified by the applicant or authorized representative.
2. When possible, City staff shall be present at the meeting to address questions relating to City processes and requirements.
3. The Project Proposal Meeting shall be held on or in close proximity to the subject property, or virtually.
4. The Project Proposal Meeting shall be held 30-60 days prior to the corresponding Planning and Zoning Commission meeting.

2. Review and Report by Administrator.

Once the application is complete, the Administrator shall review the proposed amendment in light of the remainder of the Comprehensive Plan and conditions in the City, and give a report to the Commission and Council.

3. Recommendation by Planning and Zoning Commission.**a. Notice.**

The Planning and Zoning Commission shall publish, post, and mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO, and shall recommend to the City Council such action as the Commission deems proper.

b. Public Hearing.

A public hearing shall be held by the Planning and Zoning Commission before making a report to the City Council.

c. Review and Action by Planning and Zoning Commission.

The Planning and Zoning Commission shall review the amendment and approve, approve with conditions, deny, or determine that the proposed development complies with the Comprehensive Plan and no amendment is required. If the Commission determines that no amendment is required, the applicant may proceed with the next step in the development process. No further action by the City Council is required.

4. City Council Action.

a. Notice.

The City Council shall publish, post, and mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO, before taking final action on a petition to amend the Comprehensive Plan.

b. Public Hearing.

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Comprehensive Plan.

c. Review and Final Action by City Council.

In determining whether to approve, approve with modifications, or disapprove the application to amend the Comprehensive Plan, the City Council shall consider the following matters regarding the proposed amendment:

- 1) Changed or changing conditions in the subject area of the City;
- 2) Compatibility with the existing uses, development patterns, and character of the immediate area concerned, the general area, and the City as a whole;
- 3) Impact on environmentally sensitive and natural areas;
- 4) Impacts on infrastructure, including water, wastewater, drainage, and the transportation network; and
- 5) Consistency with the goals and strategies set forth in the Comprehensive Plan.

F. Limitation on Reapplication.

If a petition for a plan amendment is denied by the City Council, another petition for reclassification of the same property or any portion thereof shall not be considered within a period of one hundred eighty (180) days from the date of denial, unless the Planning and Zoning Commission finds that one (1) of the following factors are applicable:

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or
2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or

3. A new application is proposed to be submitted that is materially different from the prior application (e.g., proposes new uses or a substantial decrease in proposed densities or intensities); or

4. The final decision on the application was based on a material mistake of fact.

(Ord. No. 2012-3449 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2018-3984 , Pt. 1(Exh. B), 2-8-2018)

Sec. 3.2. General Approval Procedures.

A. Conformity with Unified Development Ordinance (UDO) and the Comprehensive Plan.

The provisions of this UDO and the Comprehensive Plan shall apply to and be binding on any and all persons seeking to develop, redevelop, or otherwise change existing land uses within the corporate limits of the City of College Station and, where applicable, its extraterritorial jurisdiction (ETJ). Compliance with the UDO and the Comprehensive Plan includes the dedication and construction of identified infrastructure, right-of-way, and improvement of specified facilities including but not limited to pedestrian facilities, bicycle facilities, thoroughfares, etc.

B. Preapplication Conference.

Prior to the submission of any application required by this UDO, applicants are encouraged to schedule and attend an optional preapplication conference with the City Staff. Preapplication conferences with City Staff may be used to discuss, in general, procedures, standards, or regulations relating to a proposed development. If a preapplication conference is requested, the Administrator may require the applicant to submit information prior to the preapplication conference to allow City Staff time to review the proposal. Any proposed development submitted or discussed as a part of a preapplication conference shall not be considered a plan, plat, or permit application but will be considered an informal request for information prior to the actual plat, plan, or permit application.

C. Application Forms and Fees.

The following regulations shall apply to all applications:

1. Forms.

Applications required under this UDO shall be submitted using correct, completed forms, where applicable, along with any requested information and attachments, and in such numbers as required by the City, including any checklists for submittals. The Administrator shall have the authority to request any other pertinent information required to ensure compliance with this UDO.

2. Electronic Submission Required.

All plats and site plans shall be prepared and submitted upon request in an electronic form acceptable to the Administrator and compatible with the City's Geographic Information System (GIS).

3. Fees.

Filing fees shall be established from time-to-time by resolution of the City Council for the purpose of defraying the actual cost of processing the application.

- a. All required fees shall be made payable to "The City of College Station."
- b. An applicant who has paid the appropriate fee pursuant to submission of an application, but who chooses to withdraw such application prior to any notification, review, or action taken, shall be entitled to a refund of fifty (50) percent of the total amount paid upon written request to the City except that the filing fee required for text or map amendments shall not be refundable.
- c. The Administrator may waive or reduce development-related fees on a case-by-case basis pursuant to applicable law or when the City is the applicant.

D. Application Deadline.

All applications shall be completed and submitted to the Administrator in accordance with a submittal deadline schedule established by the City. All applications not delivered to the City by a date and time according to the submittal deadline schedule shall be considered timely received for the next official

submittal deadline. An application shall not be considered officially submitted until application completeness has been determined in accordance with this UDO.

E. Application Completeness.

An application shall be considered submitted only after the Administrator has determined it is complete as set forth herein. This includes determining whether it is accompanied with any required forms, mandatory information (including all exhibits), and the applicable fee. A determination of completeness does not constitute a determination of compliance with the substantive requirements of this UDO nor precludes that additional information and/or documents may still be required as identified during the formal review of the application. If an application is determined to be incomplete, no further processing of the application shall occur until the deficiencies are corrected. An application of any kind under this Article expires and application fee forfeited on or after the forty-fifth (45th) day after the application is deemed incomplete if:

1. The applicant fails to provide documents or other information necessary to comply with the technical requirements of this UDO as to form and content of the submittal;
2. The City notifies the applicant, in writing, of the failure to provide specific documents or other information within ten (10) business days from the filing date, noting the date the application will expire if same is not provided; and
3. The applicant fails to provide the specified documents or other information within the time provided in the notice.

No vested rights accrue solely from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.

F. Standards of Review.

Applications shall be reviewed based on the ordinances which are in effect at the time the permit application is submitted with the City. It is the responsibility of the applicant to inform the Administrator if vesting is claimed on a specific project application and to which ordinance the claim is vested in accordance with Chapter 245 of the Texas Local Government Code. This information shall be conveyed to the Administrator as part of the permit application. The Administrator may attempt to inform the applicant if a project is able to vest to a previously adopted ordinance. Notwithstanding anything in this UDO to the contrary, vesting is limited to that which is provided in Chapter 245 of the Texas Local Government Code or other applicable law.

G. Required Public Notice.

1. Summary of Notice Required.

Notice shall be required for development review as shown in the following table.

Application Type	Published	Mailed	Agenda Posted
Comprehensive Plan Amendment	X	<u>X**</u>	X
Zoning Map Amend. (Rezoning)	X	X	X
UDO Text Amendment	X		X
Conditional Use Permit	X	X	X
Subdivision - Replats*	X*	X*	X
Design District - Site Plan/Bldg.			X
Certificate of Appropriateness			X
Certificate of Demolition (No economically viable use)	X	X	X
Variances - ZBA	X	X	X
Appeals - Site Plan & Driveway			X
Waiver - Subdivision Design			X

Waiver - Buffer Requirements			X
Administrative Appeals	X		X
Development Exaction Appeal			X

* Only when required per the Texas Local Government Code.

** Applies only to amendments to the Comprehensive Plan's Future Land Use and Character Map. Shall not apply to Comprehensive Plan major evaluations and updates, which have their own public notification and input processes.

2. Specific Notice Requirements.

a. Published Notice.

A Public Hearing Notice shall be placed by the Administrator at least once in the official newspaper of the City before the fifteenth (15th) day before the date of the hearing for the purpose of notifying the public of the time and place of such public hearing and the substance of the public hearing agenda items that may be considered or reviewed.

b. Mailed Notice.

A notice of public hearing shall be sent to owners of record of real property, as indicated by the most recently approved municipal tax roll, within two hundred (200) feet of the parcel under consideration. The notice may be served by its deposit, properly addressed with postage paid, in U.S. mail before the fifteenth (15th) day before the date of the hearing.

c. Content of Notice.

A published or mailed notice shall provide at least the following specific information:

- 1) The general location of land that is the subject of the application;
- 2) The substance of the application, including the magnitude of proposed development and the current zoning district;
- 3) The time, date, and location of the public hearing; and
- 4) A phone number to contact the City.

d. Mailed Notice of Approval Requirements.

As required per the Texas Local Government Code for certain replats, such a replat that does not have a public hearing shall provide notice of approval to owners of record (as indicated by the most recently approved municipal or county tax roll) of lots in the original subdivision that are within two hundred (200) feet of the lots to be replatted. The notification shall be mailed no later than the fifteenth (15th) day after the replat is approved. The notice must include the zoning designation of the property after the replat and a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

3. Public Hearing Signs.

In addition to meeting the minimum statutory notice requirements, for the purpose of notifying the public the Administrator may require the installation of a sign on the property advertising the public hearing. The specifications including size, location, and content of public hearing signs shall be established by the Administrator.

4. Required Hearings and Reviewing Body.

The following table illustrates the types of review requiring a public hearing and the review body responsible for conducting the hearing.

Application Type	Zoning Board of Adjustment	Landmark Commission	Planning and Zoning Commission	City Council
Comprehensive Plan Amendment			X	X
Zoning Map Amendment (Rezoning)			X	X
Zoning Map Amendment (Rezoning - Historic Preservation Overlay District)		X	X	X
Certificate of Demolition (No economically viable use)		X		
UDO Text Amendment			X	X
Conditional Use Permit			X	X
Subdivision*			X	
Variances - ZBA	X			
Administrative Appeals	X			
Development Exaction Appeal			X	X**

* Only when required per the Texas Local Government Code.

** Request is considered by Council only if Planning and Zoning Commission's decision is appealed.

H. Simultaneous Processing of Applications.

Two (2) or more forms of review and approval are typically required in the development process. Development proposals that require applications for Zoning Map Amendments (Rezoning) are required to be acted upon by the City Council before plat and other development applications will be accepted for review by the City. In addition, Preliminary Plans are to be acted upon by the Planning and Zoning Commission or the Administrator before a subsequent Final Plat will be accepted for review by the City. At the discretion of the Administrator, plat and other applications for development approvals may be processed simultaneously, so long as the approval procedures for each individual application can be completed pursuant to the requirements of this UDO. Such processing shall occur at the applicant's own risk.

I. Expiration of Applications, Permits, and Projects.

1. Expiration of Inactive Applications.

An application that has been determined to be administratively complete and written staff review comments provided to the applicant shall be deemed expired and closed in ninety (90) calendar days from the date the most recent written review comments were provided by the City to the applicant, if the applicant has not taken action by providing written response comments and revised documents to the Administrator that seek to address the review comments.

2. Expiration of Approved Permits.

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- a. Unless otherwise specified by this UDO, any individual permit, authorization or approval required in this UDO expires twenty-four (24) months from the date of approval, or as may be further extended pursuant to the terms of this UDO, if no progress has been made towards completion of the project. For purposes of this Section, progress towards completion of the project is as defined by Chapter 245 of the Texas Local Government Code.
 - b. If no expiration date was in effect at the time the approval of the permit occurred, an expiration date of twenty-four (24) months from the approval shall apply.
3. **Expiration of Projects.**
- a. For projects requiring more than one (1) permit, authorization or approval, there shall be a project expiration date of five (5) years from the date the first complete application is filed for the project or from the date vesting occurs pursuant to Chapter 245 Texas Local Government Code if no progress is made towards completion of the project or if the expiration date is not otherwise further extended pursuant to the terms of this UDO. For purposes of this Section, progress towards completion of the project is as defined by Chapter 245 of the Texas Local Government Code.
 - b. Any application for a new permit, authorization for approval or application to replace an existing approved permit shall be deemed to commence a new development project, as of the date it is filed, if the new application is not compatible with the permits preceding it in regards to the type of proposed use(s), nature of the development, or significant changes to density or infrastructure demands.

J. **Appeals from Development Exaction Requirements.**

1. **Purpose.**

The purpose of a petition for relief from a dedication or public infrastructure requirement is to ensure that the application of uniform dedication and construction standards to a proposed development does not result in a disproportionate burden on the property when considering the nature and extent of the demands created by the proposed development on the City's roadways and other public infrastructure.

2. **Applicability.**

A petition for relief under this Section may be filed by the applicant to contest any requirement to dedicate land or to construct public improvements as required by this UDO, the Bryan/College Station Unified Design Guidelines, or any other public infrastructure standards in any ordinance or regulation to a plat application or to any related development related development application authorized by the City or attached as a condition to approval of the application. A petition for relief shall not be used to waive a standard on grounds subject to other appeal and waiver criteria outlined in this UDO.

3. **Petition Requirements.**

a. **Form of Petition.**

The petition for relief from a dedication or construction requirement shall allege that application of the standard relating to the dedication or construction requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure.

b. **Required Supporting Documentation.**

The applicant shall provide information in support of the petition for relief that includes the following:

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- 1) Total capacity of the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed;
 - 2) Total capacity to be supplied to the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure by the proposed dedication of an interest in land or construction of public infrastructure. If the application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of public infrastructure;
 - 3) Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land or construction of public infrastructure. In making this comparison, the impacts on the City's public infrastructure system(s) from the entire development shall be considered;
 - 4) The effect of any City participation in the costs of oversizing the public improvement to be constructed in accordance with the City's requirements;
 - 5) Any and all other information that alleges the dedication or construction requirement imposed by the City is not roughly proportional to the impacts created by the proposed development;
 - 6) The proportionality analysis should not only be based on any immediate plans for the property but should be based on the size of the property, existing and proposed use of the property, and the development potential permitted by the existing zoning; and
 - 7) Only costs directly related to the dedication or construction requirements should be included in the analysis. Indirect costs, such as applications, permits, and fees, shall not be included.

c. **Time for Filing Petition and Supporting Documentation.**

A petition for relief from a dedication or construction requirement shall be filed with the Development Engineer within fourteen (14) calendar days following the Commission's decision to approve, conditionally approve or deny an application for approval of an application. The information in support of the petition as set forth above shall be filed with the Development Engineer within sixty (60) calendar days following the initial decision, unless the applicant (petitioner for relief) seeks an extension in writing. The Development Engineer may extend the time for submitting the information for a period not to exceed an additional thirty (30) calendar days for good cause shown.

d. **Land in Extraterritorial Jurisdiction (ETJ).**

Where land or facilities to be dedicated are located in the ETJ of the City and are to be dedicated to the applicable county, a petition for relief or documentation in support of the petition shall be accepted as complete for review by the Development Engineer only when such petition or study is accompanied by verification that a copy has been delivered to and accepted by the applicable county.

4. **Processing of Petitions and Decision.**

a. **Responsible Official.**

The Development Engineer shall be the responsible official for reviewing a petition for relief from a dedication or construction requirement. Where the petition is for relief from dedication of land or construction of a facility in the City's ETJ that is to be dedicated to the applicable county, the Development Engineer shall coordinate a recommendation with the appropriate county official responsible for reviewing plats.

b. Evaluation and Recommendation.

- 1) The Development Engineer shall evaluate the petition and supporting documentation and shall make a recommendation to the Commission for their consideration and recommendation to the City Council, if applicable.
- 2) In evaluating the petition and documentation, the Development Engineer shall take into account the maximum amount of any impact fees to be charged against the development for the type of public infrastructure that is the subject of the petition, or similar developments on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure. The Development Engineer may utilize any reasonable methodology to evaluate, affirm, or refute the applicant's petition and supporting documentation.
- 3) In order to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City may participate in the costs of public infrastructure, credit or offset developer's proposed obligations or otherwise relieve the property owner of any of the obligations in response to a petition for relief from a dedication or construction requirement.

c. Decision-Maker.

The Commission shall decide the petition for relief from a dedication or construction requirement.

d. Public Hearing.

The Commission shall conduct a public hearing within thirty (30) calendar days after the final documentation supporting the petition is filed by the applicant with the Development Engineer.

e. Burden of Proof.

The applicant bears the burden of proof to demonstrate that the application of a dedication or construction requirement imposes a disproportionate burden on the applicant.

f. Decision.

The Commission shall consider the petition for relief from a dedication or construction requirement based upon the following criteria:

- 1) The Commission shall determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure, and whether the application of the standard or condition reasonably benefits the development.
- 2) In making such determination, the Commission shall consider the documentation submitted by the applicant, the report and recommendation of the Development Engineer and, where the property is located within the City's ETJ, any recommendations from the county official, as applicable.

g. Action.

Based on the decision criteria stated above, the Commission may take one (1) or more of the following actions:

- 1) Deny the petition for relief, and impose the dedication or construction requirement as required by this UDO;
- 2) Deny the petition for relief in whole or in part, upon finding that the proposed dedication or construction requirements are inadequate to offset the impacts of the development on the City's water, wastewater, storm drainage, parks, roadway system or other public infrastructure; or
- 3) Grant the petition for relief in whole or in part, and waive any dedication or construction requirement to the extent necessary to achieve proportionality, including consideration of alternative designs for the public infrastructure systems or improvements.

h. Notification of Decision on Petition.

The applicant shall be notified of the decision on the petition for relief by the Development Engineer within fourteen (14) calendar days following the Commission's decision.

5. Appeal of the Decision on a Petition for Relief.

a. Initiation of an Appeal.

The applicant, the Administrator, or no less than four (4) voting members of City Council may appeal the decision of the Commission within fourteen (14) calendar days following the date of the Commission's decision:

- 1) For an applicant-initiated appeal, a letter stating the reasons for the appeal, citing the specific section(s) of the applicable ordinance requirement, shall be submitted by the applicant.
- 2) The Administrator may, on his/her own initiative, appeal the decision of the Commission by scheduling an appeal on the City Council's next available regularly scheduled meeting that occurs after the Commission meeting at which the decision was made.
- 3) For a City Council-initiated appeal, the Council shall consider and act on whether it will appeal the Commission's decision at its next available regularly scheduled meeting that occurs after the Commission meeting at which the decision was made.

b. Notification of Appeal.

Both the applicant and the City shall be notified of the appeal request within fourteen (14) calendar days. Appeals by the applicant shall include all documentation submitted for the appeal.

c. Council Decision.

The City Council shall consider a properly submitted appeal at its next available regularly scheduled meeting. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.

6. Expiration or Failure to File Application.

Where an application was denied based upon the imposition of the standard requiring dedication of land or construction of a required public infrastructure and the Commission's decision, if not further appealed (or the City Council's decision if further appealed as applicable), is to grant some level of relief, the applicant must resubmit the application within sixty (60) calendar days following the date the relief is granted. If such re-submittal of the application is not made within the sixty-day period, the relief granted by the Commission (or City Council as applicable) on the petition shall expire.

7. **Effect of Relief.**

- a. The Development Engineer may require the applicant to submit a modified application or supporting materials consistent with the relief granted by the Commission on the petition.
- b. The relief granted on the petition shall remain in effect for the period the application is in effect, and shall expire upon expiration of the plat or related application.

K. **Figures and Flow Charts.**

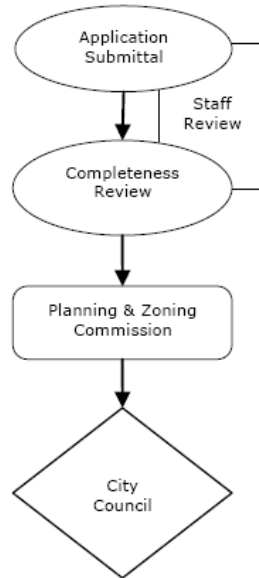
The figures and flow charts provided in this UDO are intended to be graphical representations of procedures or standards set forth in this UDO to assist in understanding the requirements of this UDO and are not intended to be requirements themselves.

Per Ordinance No. 2011-3308 (January 13, 2011)

(Ord. No. 2012-3449 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2017-3967 , Pt. 1(Exh. D), 12-14-2017; Ord. No. 2020-4214 , Pt. 1(Exh. A), 10-8-2020)

Sec. 3.22. Comprehensive Plan Amendment.

A. Purpose.



For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the Comprehensive Plan, including specifically, the Land Use Plan and the Thoroughfare Plan, shall be amended only based upon changed or changing conditions in a particular area or in the City.

B. Initiation of Amendment.

An amendment may be initiated by:

1. City Council on its own motion;
2. The Planning and Zoning Commission;
3. The Administrator; or
4. The property owner(s).

C. Amendment Application.

A complete application for a Comprehensive Plan amendment shall be submitted to the Administrator as set forth in the General Approval Procedures Section in Article 3 of this UDO.

D. Time Limitations on Applications

Comprehensive Plan Amendment applications may be submitted on a rolling basis, except during the six (6) month period prior to a Comprehensive Plan major evaluation or update. The beginning of the six (6) month time limitation period shall be determined by counting backward from the expected date of the Comprehensive Plan evaluation or update public hearing before the Planning and Zoning Commission.

E. Approval Process.

1. Project Proposal Meeting.

After submitting an application for a Comprehensive Plan Amendment to the Future Land Use and Character Map or attending a Pre-Application Conference relating to the same, the applicant shall request to set up a Project Proposal Meeting with City Staff. The purpose of this meeting is to begin communicating with the local neighborhood early on in the process, and is not a forum for final decisions or the acceptance of formal comments concerning public support or opposition.

Project Proposal Meetings shall abide by the following minimum requirements:

1. The applicant or an authorized representative must schedule and facilitate a minimum of one Project Proposal Meeting to discuss the application or proposal. At a minimum, property owners within 200 feet of the subject property must be notified by the applicant or authorized representative.
2. When possible, City staff shall be present at the meeting to address questions relating to City processes and requirements.
3. The Project Proposal Meeting shall be held -on or in close proximity to the subject property, or virtually.
4. The Project Proposal Meeting shall be held 30-60 days prior to the corresponding Planning and Zoning Commission meeting.

2. Review and Report by Administrator.

Once the application is complete, the Administrator shall review the proposed amendment in light of the remainder of the Comprehensive Plan and conditions in the City, and give a report to the Commission and Council.

32. Recommendation by Planning and Zoning Commission.

a. Notice.

The Planning and Zoning Commission shall publish, ~~and~~ post, ~~and~~ mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO, and shall recommend to the City Council such action as the Commission deems proper.

b. Public Hearing.

A public hearing shall be held by the Planning and Zoning Commission before making a report to the City Council.

c. Review and Action by Planning and Zoning Commission.

The Planning and Zoning Commission shall review the amendment and approve, approve with conditions, deny, or determine that the proposed development complies with the Comprehensive Plan and no amendment is required. If the Commission determines that no amendment is required, the applicant may proceed with the next step in the development process. No further action by the City Council is required.

43. City Council Action.

a. Notice.

The City Council shall publish, ~~and~~ post, ~~and~~ mail public notice in accordance with the General Approval Procedures Section in Article 3 of this UDO, before taking final action on a petition to amend the Comprehensive Plan.

b. Public Hearing.

The City Council shall hold a public hearing and approve, approve with modifications, or disapprove the application to amend the Comprehensive Plan.

c. Review and Final Action by City Council.

In determining whether to approve, approve with modifications, or disapprove the application to amend the Comprehensive Plan, the City Council shall consider the following matters regarding the proposed amendment:

- 1) Changed or changing conditions in the subject area of the City;
- 2) Compatibility with the existing uses, development patterns, and character of the immediate area concerned, the general area, and the City as a whole;
- 3) Impact on environmentally sensitive and natural areas;
- 4) Impacts on infrastructure, including water, wastewater, drainage, and the transportation network; and
- 5) Consistency with the goals and strategies set forth in the Comprehensive Plan.

EE. Limitation on Reapplication.

If a petition for a plan amendment is denied by the City Council, another petition for reclassification of the same property or any portion thereof shall not be considered within a period of one hundred eighty (180) days from the date of denial, unless the Planning and Zoning Commission finds that one (1) of the following factors are applicable:

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or
2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or
3. A new application is proposed to be submitted that is materially different from the prior application (e.g., proposes new uses or a substantial decrease in proposed densities or intensities); or
4. The final decision on the application was based on a material mistake of fact.

(Ord. No. 2012-3449 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2018-3984 , Pt. 1(Exh. B), 2-8-2018)