

LDC-18-02 (Amending the Neighborhood Presentation Meeting Process)

Hold a public hearing and consider a Development Code amendment to add standards for Neighborhood Presentation Meetings required by Table 2.1 of the San Marcos Land Development Code. (W. Parrish)

Effect:

- **Neighborhood Meetings for Zoning and PSA requests will be required to take place at or near the property where the request is being made;**
- **The Neighborhood Meeting will be required to take place 20-28 days prior to the Planning and Zoning Commission Meeting**
- **Meeting decorum shall follow section 4.045(h) of the San Marcos City Code**
- **The applicant will be required to purchase a notification sign for the Public Meeting from Planning and Development Services and erected it a minimum of 5 days prior to the meeting.**

ARTICLE 3: UNIVERSAL PROCEDURES

DIVISION 1: APPLICATION PROCEDURES

Section 2.3.1.1 Application Processing

This Article 3 is applicable to all applications required or submitted pursuant to this development code. Applications, petitions and requests initiated by the City Council, any city board or commission or city staff, however, are exempt from the requirements below except for the requirements pertaining to neighborhood presentations under subsections E, F and G of Division 1.

A. Who May Initiate Application

1. The City Council, the Planning and Zoning Commission or the Responsible Official may initiate an application for legislative review.
2. Any person, firm, corporation or agency may initiate any legislative decision or any development application provided they are the owner or the owner's designated agent of the subject property. If the applicant is a designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner's behalf.
3. The historic preservation commission may initiate applications for the establishment or amendment of historic districts or historic landmarks.

B. Sufficiency of Application for Filing. The responsible official shall accept for filing every application that is deemed complete and gives the responsible official fair notice of the project and the nature of the decision, permit or approval sought.

C. Completeness Determination. Every application accepted by the responsible official for filing shall be subject to a determination of completeness by the responsible official no later than the tenth (10) business day after the application is submitted. If no official determination is made the application is deemed complete and the review period begins on the date the application is submitted.

1. The responsible official is not required to review an application unless it is complete.

2. The presumption is that an application is complete if all of the information required in this development code, technical manuals or the city's application forms is provided. However, it is recognized that each application is unique, and more or less information may be required according to the specifics of a particular case. The applicant may rely on the responsible official to determine whether more or less information has to be submitted.
3. The charging or collection of fees and the processing of an application shall not constitute a determination of completeness.

D. Pre-Development Meeting. An applicant is encouraged to request a pre-development meeting with the Responsible Official prior to filing an application. No application shall be accepted for filing at a pre-development meeting. A pre-development meeting is voluntary, and thus doesn't trigger any grandfathering rights or commence a review period.

E. Neighborhood Presentation Meeting. The purpose of a neighborhood presentation meeting is to begin the discussion about the proposal and is not a forum for final decisions or the acceptance of formal comments concerning public support or opposition.

F. Neighborhood presentation meetings are required for requests located in Existing Neighborhood areas only when required by Table 2.1 of this development code.

G. When a neighborhood presentation meeting is required:

1. An applicant or authorized representative must schedule and facilitate a minimum of one neighborhood presentation meeting to discuss the proposed application.
2. Within 12 days of application submittal the Responsible Official shall send electronic notification of the meeting to all parties requesting notification of a submitted application within that region and post the meeting date and location on the City's website. **The applicant shall be responsible for purchasing a notification sign from the Responsible Official and posting it at the site of the request a minimum of 5 days prior to the meeting. The sign shall include the time, date, and purpose of the request.**
3. The Responsible Official shall be present to take notes and report the number of participants included in the neighborhood presentation meeting in any subsequent staff reports. **Meeting decorum shall follow protocol as stated in section 2.045(h) of the City Code.**
4. **The neighborhood presentation meeting shall be held on or in close proximity to the area of the request.**
5. **The neighborhood presentation meeting shall be held 20-28 days prior to the Planning and Zoning Commission Meeting.**

Section 2.045(h) of the City Code

Members of the public shall not engage in any of the following in the meeting room during a council or board or commission meeting:

- (1) Shouting, unruly behavior, distracting side conversations, or speaking out when another person is talking.
- (2) Defamation, intimidation, personal affronts, profanity, or threats of violence.
- (3) Audible use of phones, pagers, radios, computers or other electronic equipment.
- (4) Booing, hissing, foot stomping, parading, singing or other similar behavior that impedes or disrupts the orderly conduct of the meeting.

This amendment is being presented following direction from City Council.