

RESOLUTION NO. 20120126-051

WHEREAS, Chapter 25-1 of the City Code establishes the process under which a person may appeal a land development decision, such as the approval or denial of a building permit; and

WHEREAS, as the City Code matured into its present form, various amendments to and interpretations of the Land Development Code have increased the complexity of the administrative appeals process and created procedural uncertainty regarding appeal rights and the finality of approved permits; and

WHEREAS, inconsistencies and unrealistic timing within the appeals process may create undue economic burdens on land development and/or inhibit the ability of interested parties to appeal a decision; and

WHEREAS, proper notification and understanding of the appeals process is important to ensure consistency and fairness to all parties impacted by land development decisions; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager is directed to conduct a comprehensive review of the City's administrative appeals processes related to the Land Development Code, including but not limited to the following considerations:

- (1) sufficient notification of appealable decisions;
- (2) adequate timing for filing an appeal before construction activity begins;

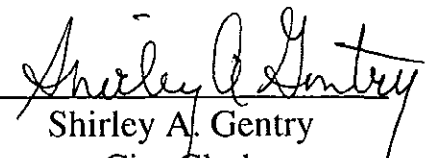
- (3) consistency with state law, including the delineation of responsibilities between the City Council, Board of Adjustment, Land Use Commission, and other bodies that may consider an appeal of a land development-related decision;
- (4) standardization, as much as feasible, of the various types of appeals to increase understanding and expectations of the appeals process; and
- (5) transparency in policies and procedures regulating requirements for appeals.

BE IT FURTHER RESOLVED:

The City Council initiates code amendments and directs the City Manager, based on the findings of the comprehensive review described above, to work with the Codes and Ordinances Subcommittee of the Planning Commission to: (1) consider potential improvements to the appeals process; and (2) to process the necessary amendments to Title 25 and related provisions of city code for consideration by the City Council.

ADOPTED: January 26, 2012

ATTEST:


Shirley A. Gentry
City Clerk