



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 44
AGENDA DATE: Thu 08/04/2005
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SUBJECT: Conduct a public hearing and approve an ordinance adopting an amendment to Chapter 25-10, Sign Regulations, of the City Austin Land Development Code to repeal language in subsection 25-10-43(B) which allows automatic approval of a variance application if the Sign Review Board does not act on the variance request by the 46th day after the application is filed.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT:Development Review **AUTHORIZATION:** Joe Pantalion

FOR MORE INFORMATION CONTACT: Luci Gallahan, 974-2669; Jacqueline Ramos, 974-3371

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Approved by the Planning Commission.

PURCHASING: N/A

MBE / WBE: N/A

The Sign Review Board (SRB) has initiated a request to amend Chapter 25-10, Sign Regulations, of the City Code to remove language from subsection 25-10-43(B) which allows automatic approval of a variance application if the SRB does not act on the variance request by the 46th day after the application is filed. The SRB recommends new language that is consistent with the requirements stated in 25-1-214(A). This section states that the Board of Adjustment or the Land Use Commission shall hold a public hearing on a variance application not later than the 45th day after the application date. This section does not grant automatic approval to the variance request if the appropriate commission is unable to act by the 45th day.

The Planning Commission approved the amendment on July 12, 2005.

**A PROPOSED AMENDMENT
TO CHAPTER 25-10 OF THE CITY CODE
RELATING TO SIGN VARIANCES**

STAFF REPORT

BACKGROUND

The Sign Review Board (SRB) consists of seven members, which includes the five members of the Board of Adjustment (BOA), one member who is affiliated with the sign industry, and one member who is not affiliated with the sign industry. This board meets monthly to consider variances to Chapter 25-10 SIGN REGULATIONS of the Land Development Code.

The SRB has initiated a request to amend section 25-10-43(B). This section allows an application for a variance to the sign regulations to be automatically approved if the SRB does not act on the variance request before the 46th day after the date the variance is filed.

The provision is inconsistent with Section 25-1-214 (A), which states that the BOA or the Land Use Commission shall hold a public hearing on a variance application not later than the 45th day after the date the application is filed. This section does not grant automatic approval to the variance request if the appropriate commission is unable to act by the 45th day.

RECOMMENDATION

The following changes are proposed:

Remove Subsection (B) and replace it with new language that provides for a public hearing to be conducted not later than the 45th day after the date an application is filed.

Remove language that allows for automatic approval of an application if the SRB is unable to act by the 46th day of application.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 25-10-43 OF THE CITY CODE
RELATING TO SIGN VARIANCES.**

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

PART 1. Section 25-10-43 of the City Code is amended to repeal Subsection (B) and replace it with a new Subsection (B) to read:

(B) The Sign Review Board shall hold a public hearing on an application for a variance not later than the 45th day after the date the application is filed.

PART 2. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005

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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk