

**RULE NO.: R161-13.35**

**NOTICE OF PROPOSED RULE**

**POSTING DATE: October 3, 2013**

The Director of the Planning and Development Review Department proposes to adopt the following rule after November 4, 2013.

Comments on the proposed rule are requested from the public. Comments should be submitted to Sylvia Arzola, 505 Barton Springs Road, Suite 500, (512), 974-6448. To be considered, comments must be submitted before November 4, 2013, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

**EFFECTIVE DATE OF PROPOSED RULE**

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before November 4, 2013 (the 32nd day after the date of this notice) or not after January 2, 2014 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before January 2, 2014, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

**TEXT OF PROPOSED RULE**

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Planning and Development Review Department, located at 505 Barton Springs Road, Suite 500; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

**BRIEF EXPLANATION OF PROPOSED RULE**

Rule R161-13.35: This rule revises the Residential Design and Compatibility Commission application to align the language and questions on the application with the judgment criteria provided in Title 25-2 Subchapter F Article 2.8. The current questions included in the application were aligned with judgment criteria applicable to the Board of Adjustment. This rule will remedy the existing disconnect between the application form and the City Code. In addition, department name changes and contact information is being updated. Notification distances are being corrected and fee amounts are being removed from the application.

**AUTHORITY FOR ADOPTION OF PROPOSED RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate the application requirements for the Residential Design and Compatibility Commission are established in Chapter 25-2, Subchapter F, Article 2.8 of the City Code.

**CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule R161- 13.35, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director’s administrative authority.

**REVIEW AND APPROVED**

\_\_\_\_\_  
Greg Guernsey, Director  
Planning and Development Review Department

Date: \_\_\_\_\_

\_\_\_\_\_  
Karen M. Kennard  
City Attorney

Date: \_\_\_\_\_

