

City Council  
Agenda Memo



City Council  
Meeting Date: 10/7/2013

**TO:** Larry D. Gilley, City Manager

**FROM:** Jon James, AICP  
Director of Planning and Development Services

**SUBJECT:** First reading on an ordinance amending the Land Development Code regarding triggers for a Site Plan; and setting a public hearing for October 24, 2013.

**GENERAL INFORMATION**

The City of Abilene has specific standards for when a site plan is required for new development. Site plans currently are required for construction of a new principal structure or the expansion of a principal structure that is equal to or more than thirty percent (30%) of the floor area or twenty thousand (20,000) square feet.

The Planning & Zoning (P&Z) Commission had asked staff to evaluate the possibility of adding an exemption for small projects that do not exceed a certain total square footage. This potential exemption would allow for expansion of a principal structure greater than 30% but where the total square footage of the building is less than two thousand five hundred (2,500) square feet.

Staff is proposing to amend the Land Development Code (LDC) to allow for an exemption to the site plan requirements for an expansion of a principal structure greater than 30% where the total floor area of the structure is no more than 2,500 square feet. The sections proposed for amendment are Section 4.1.1.2 (b)(1) (Improvements & Related Triggers - Triggers).

**STAFF RECOMMENDATION**

Staff recommends approval of the proposed amendment to Section 4.1.1.2 (b)(1) of the LDC.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, McClarty, Todd, Yungblut, and Famble), and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

September 24, 2013

Item No. 6.5

Disposition by City Council

- Approved      Ord/Res# \_\_\_\_\_  
 Denied  
 Other

\_\_\_\_\_  
City Secretary

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart B, "Land Development Code," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 7<sup>th</sup> day of October A.D. 2013.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 16<sup>th</sup> day of August, 2013, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 24<sup>th</sup> day of October, 2013, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 24<sup>th</sup> day of October, A.D. 2013.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

EXHIBIT "A"

**AMEND:** Section 4.1.1.2 Improvements & Related Triggers

**REVISE:** Add an exception for expansions greater than 30% when the total building area will be less than 2,500 square feet.

**(b) Triggers.**

- (1) New Structure or Expansion: Construction of a new principal structure or the expansion of a principal structure that is equal to or more than thirty percent (30%) of the floor area or twenty thousand (20,000) square feet. Expansion of a principal structure greater than 30% where the total floor area of the structure is no more than 2,500 square feet shall be exempt from this trigger.

-END-