

City Council
Agenda Memo



City Council
Meeting Date: 3/13/2014

TO: Larry D. Gilley, City Manager

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

SUBJECT: Final reading and public hearing on an ordinance amending the Land Development Code with regard to Section 3.1.1.1 (c) (2) Applicability concerning expansion of buildings.

GENERAL INFORMATION

The Land Development Code (LDC) requires that a property be a duly recorded lot of record in order to obtain a building permit. However, building permits may be issued for any property when associated with a building expansion of 30 percent or less of the existing floor area of the structure. A new accessory building requires a property to be platted in order to obtain a building permit.

The Planning staff is dealing with a scenario where new accessory buildings are proposed on a property that is not a duly recorded lot of record. The property has certain characteristics hindering it from being platted easily. Other properties have been required to plat in order to receive a building permit for portable buildings. In reviewing the ordinance, staff is looking into the possibility of expanding the exemption to include accessory buildings that do not exceed the 30% increase of total square footage on the property. This potential exemption would allow for new storage buildings and carports on all properties regardless of the plat status.

Staff is proposing to amend the Land Development Code (LDC) to allow the exemption to include new accessory structures where the increase of the total floor area is not greater than 30%. The section proposed for amendment are Section 3.1.1.1 (c)(2).

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment to Section 3.1.1.1 (c)(2) of the LDC.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Glenn, McClarty, Rosenbaum, Todd, and Famble) and none opposed.

ATTACHMENTS

Ordinance

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 4, 2014

Item No. 7.4

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary

AN ORDINANCE AMENDING CHAPTER 23, "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, part known as the "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 27th day of February A.D. 2014.

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 17th day of January, 2014, 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 13th day of March, 2014, 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 13th day of March, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT "A"

AMEND: Section 3.1.1.1 Authority, Purpose & Applicability

REVISE: Revise exemption from plat requirement for building expansion.

(c) Applicability.

- (2) No permit shall be issued for any building or structure on a property until a plat has been approved and filed for record with the following exceptions:
 - a. Permits for expansion, repair or remodeling of an existing structure or new accessory building(s) under the following conditions:
 1. Additions or new accessory building(s) shall not exceed more than thirty (30) percent of the existing floor area of ~~the~~all structures, nor shall exceed more than 5,000 square feet, and such addition(s) shall not occur more than once in any twelve (12) month period;

-END-