

AGENDA



Thursday, June 24, 2010

Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION

Item No. 149

Subject: Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code related to residential remodeling of non-complying structures and non-conforming uses.

For More Information: John McDonald, 974-2728

Boards and Commission Action: Recommended by Planning Commission.

Prior Council Action: December 6, 2007 - Council adopted a resolution directing the City Manager to initiate changes to the Land Development Code that create new standards for defining residential remodels. May 27, 2010 - Council set a public hearing for June 24, 2010 at 4:00 p.m.

On December 6, 2007, the Council approved a resolution directing the City Manager to initiate changes to the Land Development Code that create new standards for defining residential remodels.

The proposed amendment to Chapter 25-2-963 will incorporate the following requirements for remodeling of residential non-complying structures:

1. Demolition or removal of walls must comply with the following requirements:
 - a. No more than fifty percent of exterior walls and supporting structural elements of the existing structure, down to the framing or studs, may be demolished or removed. For purposes of this subsection, exterior walls and supporting structural elements are measured in linear feet and do not include the roof of the structure or interior or exterior finishes.
 - b. Replacement or repair of structural elements, including framing, is permitted if required by the building official to meet minimum health and safety requirements
2. Replacement or alteration of the original foundation may not change the finished floor elevation more than one foot vertically, in either direction.
3. For any residential use other than a single-family use in a SF-3 or more restrictive zoning district, the following requirements must be met in order to add square footage or convert accessory space into conditioned or habitable space:
 - a. If the lot is noncomplying with current lot size or lot width requirements, the cost of improvements may not exceed 20% of the value of the structure before the improvements.
 - b. Compliance with current parking and occupancy regulations is required.
4. If a non-complying portion of a structure is demolished, it loses its non-complying status and may only be rebuilt in compliance with current code.

Clarification on the applicability of these changes was provided and makes a distinction to affect residential structures only under the following code section: Section 25-2-963(B) The following requirements must be met in order to modify, maintain, or alter a non-complying residential structure:"

Also, the review times for remodeling and additions was modified in Section 25-11-63 (Review Periods) to reflect a 7-day review period for non-complying structures.