

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2013-013 Special Exceptions Extension

Description:

Consider an ordinance amending Chapter 25 of the City Code to extend the time period for three years during which special exceptions may be sought and granted. In addition, the amendment would shorten the years of non-compliance established in 25-2-476(B)(3)(a)(ii) from 15 years to 10 years.

Background: Initiated by Planning Commission on May 28, 2013

In 2011 Ordinance #20110526-098 (amended by #20121108-091) was adopted that added a new “special exceptions” section that could be considered by the Board of Adjustment for an existing residential structure or a portion of an existing structure that violates a setback required under zoning if certain criteria are met. The intent of the ordinance was to allow residents with long-standing minor code violations for existing structures that posed no harm or adverse impacts to public health, safety, or welfare, to be granted an exception that may allow the structure to remain in place.

The original ordinance was created in response to several anonymous complaints triggering enforcement action by the Code Compliance Department on several residential properties in the south Austin neighborhood known as Fairview. The original ordinance assisted the affected property owners with an alternative process to bring their non-complying buildings into compliance. The ordinance recognized that conditions non-compliant with building permit and land use codes may exist on certain residential properties and that many long-term property owners and tenants may not be aware of these conditions. The ordinance applied to properties located within the full or limited purpose annexation areas within the City of Austin and not to property located within its extraterritorial jurisdiction (ETJ) area.

By ordinance, the special exception may be granted after the Building Official performs an inspection and determines that the violation does not pose a hazard to life, health or public safety.

Departmental Comments:

Compliance with the existing ordinance is not mandatory and allows a property owner another option under the City Code to bring a structure into compliance with the City’s zoning regulations. This amendment would not cure all non-complying situations, such as a building encroaching illegally into a public utility easement or allow un-permitted structures to be maintained in a 100 year flood plain. Other processes exist to address these encroachments and are not proposed to be changed with this amendment.

Staff Recommendation:

Staff recommends the proposed code amendment.

Planning Commission Action:

May 21, 2013: The Codes and Ordinances Committee of the Planning Commission recommended the initiation of this amendment onto the full Commission (Vote: 6-0).

May 28, 2013: Initiated by the Planning Commission (Vote: 8-0).

June 25, 2013: Unanimously approved on a 7-0 vote.

City Council Date and Action:

A public hearing has been set for August 8, 2013.

Ordinance Number: NA

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