

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2016-001

Description: Consider an amendment to Title 25 of the Land Development Code to extend the period for which the Board of Adjustment may grant special exceptions and associated fee waivers.

Proposed Language: See attached draft ordinance.

Summary of proposed code changes:

- Extends the time period for which special exceptions can be considered by the Board of Adjustment.
- Extends the time period for which a fee waiver will be granted for special exceptions.

Background: Initiated by Planning Commission on January 26, 2016.

In 2011, Council approved Ordinance No. 20110526-098 and amended the code to create a “special exceptions” provision in the Land Development Code that allows the Board of Adjustment to grant an exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of Section 25-2-476 of the current code. 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.

On January 16, 2016, the Planning Commission initiated an amendment to Title 25 of the City Code to extend the period for which the Board of Adjustment may grant special exceptions and associated fee waivers. The proposed changes would extend the period during which a special exception can be sought for one year, and waive the fee for a special exception variance application for one year.

Staff Recommendation: Recommended

Board and Commission Actions

April 19, 2016: Recommended by the Codes and Ordinances Subcommittee on a 4-0 vote.

May 10, 2016: Recommended by the Planning Commission on a 12-0 vote (Commissioner Zaragoza absent).

Council Action

May 19, 2016: A public hearing has been scheduled.

Ordinance Number: NA

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