



CITY COUNCIL COMMUNICATION

June 28, 2011

SUBJECT: Hold Public Hearing Regarding a Unified Development Code and Consider First and Final Reading of Ordinance No. 1917

SUBMITTED BY: Mike Collins, Director of Planning and Economic Development

REFERENCE NO: 11-01-UDC

ACTION REQUESTED:

Receive public input regarding an amendment to Code of Ordinances Chapter 84 "Unified Development Code" amending Section 84-52 of Article III "Non-conformance" and motion to approve Ordinance No. 1917 concurring with the Planning and Zoning Commission's 6-0 recommendation on June 21, 2011.

ALTERNATIVES:

1. Open the Public Hearing and continue it to the next meeting.
2. Open, conduct, and close the Public Hearing
3. Approve the request – *simple majority*
4. Approve the request with modifications – *simple majority*
5. Deny the request – *simple majority*

SUMMARY OF SUBJECT:

When a governmental entity acquires right of way for a public purpose from a property owner, such as TxDOT for the North Tarrant Express project, the city must determine how it will deal with potential nonconforming site development standards. The current process provides the property owner an opportunity to seek a variance before the Zoning Board of Adjustment from site development standards, and if granted, the property would be classified as a legally existing non-conforming status.

In recognition that each circumstance is unique to the parcel and land use, and to not further burden the property owner with a legally existing non-conformance status, staff would propose an alternate approach. The City Manager would be provided the authority to consider exceptions from property owners to non-life and safety related site development

requirements, such as landscaping, parking, and signage. Requirements related to fire lane and fire hydrants and other traffic or life safety related requirements, would not be eligible for an exemption. Factors are set out in the ordinance that the City Manager would consider in making a decision. If the applicant did not agree with the City Manager's decision, an appeal would be made to the Zoning Board of Adjustment.

The Planning and Zoning Commission held a public hearing on June 21, 2011 and recommended approval of the ordinance by a vote of 6-0.

FINANCIAL CONSIDERATIONS:

Revenue Sources:

Expenditure Accounts:

Budgeted Fiscal Year(s):

Estimated Expenditure:

Over/Under Projection By:

Other Comments:

SUPPORTING DOCUMENTS:

- Ordinance No. 1917
- Draft Minutes – P & Z

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **KS** _____

City Secretary's Office