

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2009-005

Description:

The purpose of this code amendment is to amend Chapter 25-2-963 of the City Code to place additional requirements on remodeling and adding to non-complying structures and non-conforming land uses.

The proposed amendment would require the following additional requirements and modifications to Chapter 25-2-963:

1. No more than 50% of the exterior walls and supporting structural elements of the existing structure down to the framing or studs, may be demolished or removed. Exterior walls and supporting structural elements are measured in linear feet.
 - a) A structure must maintain at least one original exterior wall, down to the framing and studs.
 - b) Replacement and 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 by more than one foot vertically or horizontally.
3. For any use other than a single-family use in an 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) Additional square footage or converted accessory space cannot:
 - i. increase the amount of off-street parking or exceed the occupancy limits applicable to the existing structure under current code; or
 - ii. be added to a structure that does not comply with current parking and occupancy requirements.
 - b) If the site is noncomplying with minimum lot area or lot width, additional square footage or converted space cannot increase the value of the original structure by more than twenty percent.
 - c) Any improvement required by law to meet minimum health and safety requirements may not be sued in determining valuations under paragraph (3)(b) of this subsection.
4. If a noncomplying portion of a structure is demolished, or altered in violation of this section, it loses its noncomplying status and may only be rebuilt in compliance with current code.

Background:

The City Council initiated a resolution directing the City Manager to initiate changes to the Land Development Code that created new standards for defining residential remodels. After several meetings with stakeholders and presenting the propose amendment to various boards and commissions, it was determined that an existing section of the Land Development Code could be amended to address the original resolution.

Provided is a list of all of the boards and commission meetings on the proposed code amendment:

02-17-09	Planning Commission Codes and Ordinances Committee
03-04-09	Residential Design and Compatibility Commission
03-25-09	Building and Fire Code Board
04-01-09	Residential Design and Compatibility Commission
04-06-09	Land Use and Transportation Committee
04-29-09	Building and Fire Code Board
05-12-09	Community Development Commission (postponed until 07-14-09)
06-03-09	Residential Design and Compatibility Commission
07-14-09	Community Development Commission
08-05-09	Residential Design and Compatibility Commission
09-01-09	Residential Design and Compatibility Commission
11-17-09	Planning Commission Codes and Ordinances Committee (postponed until 12-15-09)
12-15-09	Planning Commission Codes and Ordinances Committee (meeting cancelled)
01-19-10	Planning Commission Codes and Ordinances Committee (postponed until 02-19-09)
02-16-10	Planning Commission Codes and Ordinances Committee (postponed until 03-16-10)
02-22-10	Design Commission (created subcommittee to address the code amendment)
03-15-10	Design Commission subcommittee
03-16-10	Planning Commission Codes and Ordinances Committee (postponed until 04-20-10)

- 04-20-10 Planning Commission Codes and Ordinances Committee (voted to have the code amendment move to the full Planning Commission)
- 05-11-10 Planning Commission
- 05-27-10 City Council (set the public hearing)
- 06-07-10 Comprehensive Planning and Transportation Committee
- 06-24-10 City Council (conduct the public hearing)

Staff Recommendation:

Staff recommends the proposed code amendment with the following additional staff recommendations:

1. Provide a distinction for the code amendment to address only residential structures since 25-2-963 addresses modifications to both residential and commercial noncomplying structures.
2. Provide a seven (7) day review time excluding interior remodels.
3. Modify 25-2-963(A)(3) to state, "For any residential use other than a single-family use...."

Basis of Recommendation

After hearing testimony from several individuals on regarding concerns that necessitated the Council resolution, it became evident in all cases presented the structures were either noncomplying or existing nonconforming land uses before the remodel and/or addition took place. From this observation it became clear that a blanket remodel ordinance affecting all residential properties would not be necessary to achieve the goals of the resolution and satisfy stakeholders at the same time.

In addition, the current ordinance further clarifies that interior remodels will not be affected as well as veneer (finish) replacement.

Other Board and Commission Action:

At the request of the Planning Commission, this amendment was heard at prior Planning Commission Codes and Ordinances meetings and they took action on April 20, 2010 to move the current ordinance forward to the full Planning Commission.

The Residential Design and Compatibility Commission, along with the Design Commission reviewed the May 12, 2009 draft code amendment and made recommendations based on it. The May 12, 2009 draft code amendment and recommendations based on it are attached in the backup following this summary.

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Planning Commission Action:

City Council Action:

Ordinance Readings:

1st

2nd

3rd

Ordinance Number:

Assigned Staff:

John M. McDonald 974-2728

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DECEMBER 6, 2007 CITY COUNCIL RESOLUTION

RESOLUTION NO. 20071206-050

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

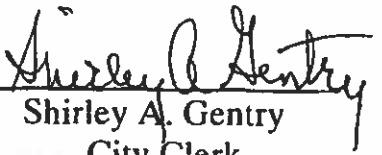
That the City Manager is directed to initiate changes to the Land Development Code that create new standards for defining residential remodels. The following guidelines shall be submitted to the relevant boards and commissions and community stakeholders, including but not limited to the Planning Commission, Design Commission, Austin Neighborhoods Council (ANC), National Association of the Remodeling Industry (NARI), Homebuilders Builders Association (HBA) of Austin, and the Residential Development Regulations Taskforce (McMansion Taskforce), as a starting point for consideration:

1. A remodel is limited to the following items; otherwise it is a substantial remodel and must comply with the Land Development Code, as if it were new construction:
 - o The removal of 50% of the structure's complete exterior walls and structurally supporting elements (columns, 2x4s and other such elements) from their current placement in the structure measured in linear feet;
 - o Modification of the original roof line only to the extent that it is compliant with current code;

- The remodel pertains to the existing structure and must not expand horizontally or vertically, otherwise an application for an addition is required;
- The finishing of one remodel and starting of a second on the same structure should have a limited time constraint.

ADOPTED: December 6, 2007

ATTEST:


Shirley A. Gentry
City Clerk

C19
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CURRENT CODE AMENDMENT DRAFT

CODES & ORDINANCES SUBCOMMITTEE RECOMMENDATION

ORDINANCE NO. _____

C1a
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**AN ORDINANCE AMENDING CITY CODE SECTIONS 25-2-963 AND 25-11-63
RELATING TO REQUIREMENTS FOR NON-COMPLYING STRUCTURES.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (A) of City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to read:

(A) Except as provided in Subsection (B), a person may modify or maintain a noncomplying structure[.] only if the requirements of this subsection are met.

(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 veneers.

(b) A structure must maintain at least one original exterior wall, down to the framing and studs.

(c) 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 an original foundation may not change the finished floor elevation by more than one foot vertically or horizontally.

(3) For any use other than a single-family use in an 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) Additional square footage or converted accessory space cannot:

(i) increase the amount of required off-street parking or exceed occupancy limits applicable to the existing structure under current code; or

CODES & ORDINANCES SUBCOMMITTEE RECOMMENDATION C19 10

(ii) be added to a structure that does not comply with current parking and occupancy requirements.

(b) If the site is noncomplying with minimum lot area or lot width, additional square footage or converted space cannot increase the value of the original structure by more than twenty percent.

(c) An improvement required by law to meet minimum health and safety requirements may not be used in determining valuations under paragraph (3)b) of this subsection.

(4) If a noncomplying portion of a structure is demolished, or altered in violation of this section, it loses its noncomplying status and may only be rebuilt in compliance with current code.

PART 2. Subsection (A) of City Code Section 25-11-63 (*Review Periods*) is amended to read:

(A) The building official shall approve or disapprove an application for the following permits by the deadlines prescribed in this subsection.

Type of permit	Days after application filed
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(1) Commercial buildings, new construction	21
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(2) Commercial buildings, remodeling and finish-outs	7
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(3) Residential, new construction	7
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(4) Residential, remodeling of a complying structure	2
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(5) Residential, remodeling of or additions to a non-complying structure	7
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(6)[(5)] Sign, other than a nonconforming off-premise sign	7
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(7)[(6)] Replacement of nonconforming off-premise sign	14
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(8)[(7)] Repair of nonconforming off-premise sign	7
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(9)[(8)] Demolition	3
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(10)[(9)] Relocation	3
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PART 3. This ordinance takes effect on _____, 2010.

PASSED AND APPROVED

CODES & ORDINANCES SUBCOMMITTEE RECOMMENDATION C1a

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_____, 2010

Lee Leffingwell
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

May 3, 2010

Ordinance re Requirements for Noncomplying Structures

3 of 3

COA Law Department
Responsible Attny: BDL

MAY 11, 2009 CODE AMENDMENT DRAFT

AN ORDINANCE RELATING TO REQUIREMENTS FOR RESIDENTIAL REMODELLING AND REBUILDING; AMENDING CITY CODE SECTIONS 25-2-963 AND 25-11-63; AMENDING CITY CODE CHAPTER 25-11 TO ADD A NEW ARTICLE 5.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to amend Subsection (A) and to add a new Subsection (G), Subsection (H), and Subsection (I) to read:

(A) Except as provided in Subsections (B) and (G), a person may modify or maintain a noncomplying structure.

(G) Except as provided in Subsections (H) and (I), alteration or modification of a residential dwelling unit constitutes new construction and must comply with the requirements of this title.

(H) A person may remodel a residential structure that is noncomplying based on a requirement of this title if the remodeled structure complies with the requirements of Section 25-11-250 (*Remodel Requirements*).

(I) A person may rebuild a residential structure that is noncomplying based on a requirement of this title if the rebuilt structure complies with the requirements of Section 25-11-251 (*Rebuilding Requirements*).

PART 2. Subsection (A) of City Code Section 25-11-63 (*Review Periods*) is amended to read:

(A) The building official shall approve or disapprove an application for the following permits by the deadlines prescribed in this subsection.

Type of permit Days after application filed

(1) Commercial buildings, new construction 21

(2) Commercial buildings, remodeling and finish-outs 7

(3) Residential, new construction 28 [7]

(4) Residential, remodeling or rebuilding 28 [2]

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- (5) Sign, other than a nonconforming off-premise sign 7
- (6) Replacement of nonconforming off-premise sign 14
- (7) Repair of nonconforming off-premise sign 7
- (8) Demolition 3
- (9) Relocation 3

PART 3. City Code Chapter 25-11 (*Building, Demolition, and Relocation Permits; Special Requirements for Historic Structures*) is amended to rename the chapter "*Building, Demolition, Relocation, Remodel, and Rebuilding Permits; Special Requirements for Historic Structures.*"

PART 4. City Code Chapter 25-11 is amended to add a new Article 5 to read:

ARTICLE 5. REMODELING AND REBUILDING PERMITS.

§ 25-11-250 REMODEL REQUIREMENTS.

- (A) A remodel of a residential dwelling must comply with the following requirements:
- (1) A remodel must be limited to the original structure and may not expand the structure vertically or horizontally.
 - (2) No more than fifty percent of the exterior walls and supporting structural elements, down to the framing or studs, may be demolished or removed. For purposes of this section, exterior walls and supporting structural elements shall be measured in linear feet, and the roof of the structure shall not be included in the measurement.
 - (3) Alteration of the original foundation, piers, or beams is prohibited, except that repair, reinforcement, and leveling of up to 12" of the original foundation, piers, or beams are allowed to the minimum extent required to ensure structural integrity.
 - (4) A roofline may not be extended beyond the currently applicable height limits.
 - (5) If a wall that is noncomplying with an applicable requirement of the Land Development Code or a technical code is demolished or removed, the wall loses its noncomplying status and must be rebuilt consistent with applicable requirements.

- (B) In addition to the requirements in Subsection (A) of this section, a remodel must comply with all applicable technical code requirements under Chapter 25-12 (*Technical Codes*).

§ 25-11-251 REBUILDING REQUIREMENTS.

- (A) An original structure may be demolished down to the slab or foundation and rebuilt in accordance with the requirements of this section.
- (B) A rebuilt residential dwelling must be located within the same footprint as the original structure and may not:
- (1) exceed the gross floor area of the original structure, which must be 1,200 square feet or less in gross floor area; or
 - (2) exceed the degree of noncompliance of the original structure with a requirement of this code.
- (C) Alteration of the original foundation, piers, or beams is prohibited, except that repair, reinforcement, and leveling of up to 12" of the original foundation, piers, or beams are allowed to the minimum extent required to ensure structural integrity.
- (D) In addition to the requirements in Subsections (A) and (B) of this section, a remodel must comply with all applicable technical code requirements under Chapter 25-12 (*Technical Codes*). If an original structure is noncomplying with a technical code adopted under Chapter 25-12 (*Technical Codes*), the rebuilt structure must comply with all applicable technical code requirements.
- (E) The building official may not issue a permit to rebuild a residential dwelling under this section unless the following requirements are met:
- (1) In addition to all other applicable requirements, an application to rebuild a residential dwelling must include certification from a licensed engineer verifying that the original foundation may safely be used to support the rebuilt structure described in the permit application.
 - (2) An applicant must record a restrictive covenant, on a form provided by the building official, providing that the residential dwelling loses its non-complying status as a rebuilt structure if the gross floor area is increased by more than twenty-five percent without approval of the Residential Design and Compatibility Commission under Chapter 25-2, Subchapter E (*Residential Design and Compatibility Standards*), Section 2.8

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(Modifications by the Residential Design and Compatibility Commission).

§ 25-11-252 LIMITATION ON MULTIPLE PERMITS.

An application to remodel or rebuild a residential structure under this Article may not be submitted until 180 days after approval of final inspection for all work associated with any other remodeling or rebuilding permit issued for the same structure.

PART 5. This ordinance takes effect on _____, 2009

PASSED AND APPROVED

_____, 2009

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Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

**RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION
RECOMMENDATIONS AND MINUTES ON MAY 11, 2009
CODE AMENDMENT DRAFT**

November 18, 2009

RE: RDCC Remodel Ordinance/Appendix J Recommendations

Dave Sullivan, Chair
Planning Commission
City of Austin

Commissioner Sullivan,

At its August meeting and at a meeting earlier in the year, the RDCC heard presentations from staff members Kathy Haught and John McDonald on the proposed Remodel Ordinance. We have discussed the proposed Ordinance at length and subsequently passed a Resolution regarding it at our September meeting. That Resolution is in the form of recommendations, and it is attached to this letter.

The Resolution was in our Minutes at the October meeting. At that meeting we also had another presentation by John McDonald, regarding Appendix J of the IRC - which has not yet been adopted by the City. We made the recommendation at that meeting that the City look at implementing Appendix J of the Building Code (IRC 2006). Although our action to support this at the October meeting has not yet been approved in Minutes as we did not meet in November, the recording of the meeting should be clear.

I am attaching a copy of Appendix J; also attached is John McDonald's comparison "Appendix J versus Residential Remodel Definition"; and last, the RDCC action Recommendations on Appendix J, all in addition to the RDCC Recommendations with respect to the Remodel Ordinance referenced above.

Regarding Appendix J, we were told that when the City adopted the 2006 International Residential Code they inadvertently failed to include this Appendix. Regarding the Appendix, Section AJ104.1 of it says that the Building Official can ask for an assessment in cases that may qualify as "reconstruction" rather than remodeling. The city would very likely require a third party assessment, but the Building Official would decide if the project is really a remodel or if it is a reconstruction; if the latter, then what rules the project must to follow (i.e., Building Codes). This would be used IN ADDITION to the Remodel definition we are asking for in the Land Development Code.

This assessment was deemed a positive step by all RDCC members, by the staff present, and by AIA representative Stewart Sampley - who was specifically invited to give comment. Commissioner Lucy Katz, our newest member, abstained with respect to this recommendation for Appendix J, this being her first meeting and her not having been party to any earlier discussions. To be VERY clear however: the previously constituted RDCC unanimously adopted the Remodel Ordinance Recommendations that are attached.

We further suggest that staff's support for this recommendation reflects their frustration at numerous permitting errors caused by reviewers who have not received proper training, by the absence of any City plan review based upon IRC building code and potentially by the absence of any on-site inspection prior to construction. More, it is our collective opinion that both building code and zoning issues be addressed as we move forward. It is the treatment of the building that will trigger the classification of the work and related building and zoning requirements.

To re-state: by record of vote, the Residential Design and Compatibility Commission strongly supports BOTH revising the Land Development Code AND adopting Appendix J of the International Residential Code.

Sincerely,

William Burkhardt AIA
Chair, Residential Design and Compatibility Commission

B. DISCUSSION AND POSSIBLE ACTION

1. The Commission will discuss utilizing Appendix J to define the perimeters of a Residential Remodel.

Commissioner McGraw motioned to consider adopting Appendix J along with the remodel ordinance.

Commission Burkhardt seconded the motion.

Ayes: Burkhardt, McGraw, Stevens, Engelland, Mains

Nays: none

Abstain: Katz

Absent: Jackson

Motion – *APPROVED 5-1*

C. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

1. September 9, 2009 – Revised minutes

Commission Mains motioned to Accept.

Commissioner Engelland seconded the motion.

Commissioner McGraw requested to revise the approval of the allowable modification from 40% (2070) to 2300 FAR for Case # 09-085073RA-903 Shelley Avenue.

Commissioner Burkhardt requested to revise the word “GRANT” to ACCEPT.

Approved by consent with revisions to the September 9, 2009 minutes.

The Commission may take items in any order, and may take action on any item except citizen's communication. Direct any questions on this agenda or the Commission to Sylvia Benavidez of the Watershed Protection and Development Review Department at 512-974-2522.

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modification and equal access to communications will be provided upon request. Please call Ron Menard, Watershed Protection & Development Review Department, at (512) 974-2384, for information; text phone users please route through Relay Texas at (800) 735-2989. For a Sign Language Interpreter, please call 5 days prior to meeting date.

1) Review time for staff to return comments to an applicant should be increased to 7-14 days for new construction, additions and remodels.

2) Staffing needs to have adequate numbers of reviewers who are trained in permitting and who are specifically trained on a regular basis in Austin codes and procedures.

3) The time frame between a final permit and additional remodeling exceeding a total of 50% of the wall removal should be at least 1 year.

4) The "accident of any kind" language in Section 25-2-964 should be looked at as a potential for loopholes.

5) Section 25-11-250 (A)(2) No more than fifty percent of the surface area square footage of exterior walls and supporting structural elements may be taken down to the framing or studs, demolished or removed to qualify the project as a remodel. The entire area of any openings that are retained counts as remodeled square footage.

Any portion of a non-complying wall that is removed must comply regarding setback.

6) A "rebuild" may not include additional FAR except for a covered or uncovered porch not exceeding 100 SF and any ramp, lift or elevator required for accessibility.

**AUSTIN DESIGN COMMISSION RECOMMENDATIONS ON
MAY 11, 2009
CODE AMENDMENT DRAFT**



AUSTIN DESIGN COMMISSION

March 24, 2010

RE: Proposed Remodel Ordinance

Dear Mayor and Council:

BART WHATLEY
CHAIR
JUAN COTERA
DAVID KNOLL
ELEANOR
MCKINNEY
JAMES SHIEH
RICHARD WEISS
JEANNIE WIGINTON

JORGE ROUSSELIN
STAFF LIAISON

The intent of defining "remodel" is about establishing minimum criteria when modifying an existing non-complying residential structure to maintain its current status. Doing this will provide city staff, homeowners, builders and design professionals a clear understanding of the minimum criteria for modification of an existing non-complying residential structure, while maintaining non-complying status of zoning regulations such as use, parking, impervious cover, setbacks, lot size, lot width, and occupancy.

The 5-11-2009 draft ordinance, as written, would apply to all remodels and seems unduly burdensome. The minimum criteria for modification of a non-complying residential structure should focus on modification of exterior wall structures. Replacement of siding on non-complying structures or interior work should not be limited.

Regarding the 5-11-2009 proposed ordinance:

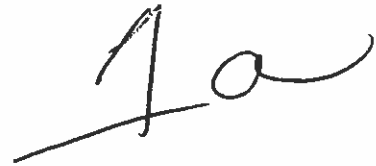
1. The proposed "rebuild" section (25-11-251) seems ambiguous and unnecessary.
2. The additional review times are not recommended, except that revising a 2 day review for non-complying structure remodels to 7 days seems reasonable, as a minimum of 50% of the linear feet of exterior wall shown on the plans will have to be reviewed. We understand that staff is now suggesting 7 days review instead of 28 days.
3. Section 25-11-250, A, (2) seems worded strangely and it is suggested to read, "No more than fifty percent of the exterior wall structure and supporting structural elements may be demolished or removed. For purposes of this section, exterior walls and supporting structural elements shall be measured in linear feet, and the roof of the structure shall not be included in the measurement."
4. Section 25-11-250, A, (4) is not needed, as language elsewhere (25-2-250, A, 1 & 25-2-963, C) covers this.
5. Section 25-11-250, B allows for life safety upgrades in non-complying walls to remain, such as installing the minimum sized window to allow for egress when an existing bedroom is adjacent to a non-complying exterior wall.
6. To not limit interior work or siding replacement, 25-11-252 Limitation on Multiple Permits, should be revised to read, "An application to remodel the exterior wall structure of a non-complying residential structure under this Article may not be submitted until 180 days after approval of final inspection for all work associated with any other exterior wall structure remodeling permit issued for the same structure." (reference to rebuilding removed.)
7. It is noted that the city now requires layout inspections for remodels and that this was not previously required. Requiring a layout inspection and requiring 50% minimum exterior wall length to be shown on plans will allow any issues with non-complying structures to be identified before construction takes place.

Sincerely,

Bart Whatley
Chair, City of Austin Design Commission

5-11-2009 Proposed Remodel Ordinance attached

From: Clint Small (clint_small@hotmail.com)
To: doraa33@yahoo.com;
Date: Tue, May 11, 2010 8:03:41 PM
Cc:
Subject: remodel language



ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE SECTIONS 25-2-963 AND 25-11-63 RELATING TO REQUIREMENTS FOR NON-COMPLYING STRUCTURES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (A) of City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to read:

(A) Except as provided in Subsections (B) and (C) of this section, a person may modify or maintain a noncomplying structure.

PART 2. City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to add a new Subsection (B) to read as follows and to renumber the remaining subsections accordingly:

(B) The following requirements must be met in order to modify, maintain, or alter a non-complying residential structure:

(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 veneers.

(c) 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 an original foundation may not change the finished floor elevation by more than one foot vertically, in either direction.

(3) For any use other than a single-family use in an 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 non-complying with current lot size or lot width requirements, the cost of improvements may not exceed 20 percent of the value of the structure before the improvements.

(b) Compliance with current parking and occupancy regulations is required.

→ (4) If a noncomplying portion of a structure is demolished, it loses its noncomplying status and may only be rebuilt in compliance with current code.

PART 2. Subsection (D) of City Code Section 25-2-963 (*Modification and Maintenance of Noncomplying Structures*) is amended to read as follows:

(D) A person may modify a building that is a noncomplying structure based on a yard setback requirement of this title if:

(1) the modified portion of the building:

(a) does not extend further into the required yard setback than the existing noncomplying portion of the building;

(b) unless located in a street side yard, is not greater in height than the existing noncomplying portion of the building, except as allowed under Subsection (B)(2) of this section; and

(c) complies with the height requirements of this title; and

(2) the additional length of a modified portion of the building does not exceed the lesser of 50 percent of the length of the noncomplying portion of the building or 25 feet measured from the existing building and parallel to the lot line.

PART 3. Subsection (A) of City Code Section 25-11-63 (*Review Periods*) is amended to read:

(A) The building official shall approve or disapprove an application for the following permits by the deadlines prescribed in this subsection.

Type of permit	Days after application filed
(1) Commercial buildings, new construction	21
(2) Commercial buildings, remodeling and finish-outs	7
(3) Residential, new construction	7
(4) Residential, remodeling <u>of a complying structure</u>	2
(5) <u>Residential, remodeling of or additions to a non-</u>	

complying structure 7(6)[~~(5)~~] Sign, other than a nonconforming off-premise sign 7(7)[~~(6)~~] Replacement of nonconforming off-premise sign 14(8)[~~(7)~~] Repair of nonconforming off-premise sign 7(9)[~~(8)~~] Demolition 3(10)[~~(9)~~] Relocation 3**PART 3.** This ordinance takes effect on _____, 2010.**PASSED AND APPROVED**§
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§

_____, 2010 §

Lee

Leffingwell

Mayor

APPROVED: _____ **ATTEST:**_____
David Allan SmithShirley A. Gentry
City AttorneyThe New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. [Get busy.](#)

