

City Council Agenda Memo

From: Mike Struck, Community Development Director

Council Meeting: October 24, 2023 / November 14, 2023

Subject: Ordinance 23-035: Moving a Building Amendments

Presenter: Mike Struck, Community Development Director

Summary:

Ordinance amending Article IV. Moving a Building in Chapter 22 Buildings and Building Regulations pertaining to administrative approval and clarifying the application and licensure requirements.

Background:

September 13, 2022 City Council Meeting: A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, to ask staff review Code Section 22-233 and if it is possible change the public hearing process to an administrative process for moving permit applications which involve a dwelling originally constructed on-site and previously occupied and is to be moved within city limits. The motion carried by the following vote: Yes: 7 – Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Item Details:

Article IV of Chapter 22 pertains to moving a building. Per direction of the City Council, staff reviewed the ordinance to make changes to the process of approving moving a building previously occupied within city limits. Through the course of the review process, additional changes to the ordinance are proposed to provide clarity, address areas that have been concerns of staff, while streamlining the process.

The most significant changes are in Section 22-222 Exceptions, where clarification on what should and should not be exempt from the application process. In summary, staff recommends any structure over 12 feet in width and more than 120 square feet in size should comply with the moving permit application. Justification for these changes is the building code requires a building permit for structures over 120 square feet and structures 12 feet or wider pose a concern for safety when traveling down the public rights-of-way.

Section 22-223 is proposed to be removed from the ordinance as it pertains to the public hearing requirement. Per direction of City Council, the intent is to make the moving a building process administrative. The administrative process allows staff and

house movers to work cooperatively and collaboratively on solutions in an efficient manner.

The final proposed changes add specifics related to insurance coverage and indemnification that are consistent with other City licenses, projects, etc.

Legal Consideration:

City Attorney, Steve Britzman, assisted staff with the drafting of the ordinance amendments.

Strategic Plan Consideration:

The amendments are supportive of the City Council's strategic plan of service and innovation excellence by creating a more efficient approval process while enhancing the safeguards for the community.

Financial Consideration:

N/A

Options and Recommendation:

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Move the item to a study session
5. Discuss / take no action / table

Staff recommends approval.

Supporting Documentation:

Memo

Ordinance - clean

Ordinance - marked

Notice