ACTION FORM
BRYAN CITY COUNCIL

Meeting Date (?) 06/07/2016

Subject Matter* (?) Chapter 62/110 text amendments for patio home maintenance easements
This must match rolling agenda entry

Department of Origin* DEVELOPMENT SERVICES

Submitted By* Martin Zimmermann

Type of Meeting* ○ BCD ○ Special ◉ Regular

Classification* ◉ Public Hearing ○ Consent ○ Statutory ○ Regular

Ordinance* ◉ None ○ First Read ○ Second Read ○ First & Only Read

Strategic Initiative* ☑ Public Safety ☐ Service ☐ Economic Development ☐ Infrastructure ☑ Quality of Life

Agenda Item Description* Receive public comment regarding an ordinance to amend the text of the Bryan Code of Ordinances Chapter 62, Land and Site Development, and Chapter 110, Subdivisions, specifically by adding a definition for “Maintenance Easement” and requiring dedication of such easements on subdivision plats on lots intended for patio/zero lot line home developments.

Summary Statement *

During the Planning and Zoning Commission workshop meeting on March 3, 2016, staff first presented the idea for a text amendment to require a maintenance easement for patio/zero lot line home developments, to help guarantee zero lot line/patio home owners access to the exterior of building walls that are built on zero lot lines and that are accessible only by entering the abutting property. At that meeting, Commissioners had no objections to scheduling a formal text amendment for a recommendation to the City Council on a future meeting agenda. On May 19, 2016 during the Planning and Zoning Commission workshop and regular meeting, staff presented the drafted ordinance to the Commission. During the regular meeting, the Commission unanimously agreed with staff and recommended approving the proposed amendment to Chapters 62 and 110.

Chapter 62, Land and Site Development, of the Bryan Code of Ordinances outlines the current standards for patio homes including building setback lines, lot size, access, and location of utilities. Currently the standards for patio/zero lot line home developments do not require any sort of a perpetual private access easement on the lot adjacent to a zero lot line for the maintenance or repair of the wall of a single-family dwelling built on the zero lot line. Past patio/zero lot line home developments have addressed this issue by requiring such easements through private deed restrictions, as required by the International Residential Code (IRC).

To establish standards for perpetual private maintenance easements, the following amendments are proposed to Bryan Code of Ordinances Chapter 62, as well as Chapter 110, Subdivision:

- adding a definition for “maintenance easement” and including a cross-reference to Chapter 110

- adding language for the specific use standards for patio/zero lot line home, and citing the requirement to dedicate maintenance easements for such developments

- citing the requirement to dedicate maintenance easements for patio/zero lot line home developments in “form and content” sections of the Subdivision Ordinance for preliminary plans and final plats

- requiring a note on subdivision plats for lots intended for patio/zero lot line home developments explaining the purpose of the maintenance easement

The attached draft ordinance proposes that the width of required maintenance easement be 7.5 feet, which is the distance required by the IRC, and that such easements shall extend along the entire length of the side (zero) lot line to which it is adjacent.

Staff believes the attached draft ordinance will help preserve property owners rights to access their property for maintenance and repair of, for example, gutters, façade, roofing materials, and window treatments and recommends approving the proposed text amendment. Adopting new standards defining maintenance easements, requiring the dedication of such easements on subdivision plats, and establishing standards for the size, length, and location of maintenance easements will preserve property owner’s rights to access their private property for repair and maintenance purposes.

Staff Analysis & Recommendation *

During its meeting on May 19, 2016, the Planning and Zoning Commission voted to unanimously recommend approving these ordinance text amendments to Chapters 62 and 110.

• Requiring the dedication of a perpetual private maintenance easement by subdivision plat will help preserve a property owner’s right to access the adjacent property for repair and maintenance of the wall of the home built on the zero lot line.

• The attached draft ordinance will guarantee zero lot line/patio home owners access to the exterior of building walls that are built on zero lot lines and that are accessible only by entering the abutting property.

Options *

(In Suggested Order of Staff Preference)

1. approve ordinance

2. approve ordinance with modifications (which may require City Council consideration at a future City Council meeting)

3. do not approve this ordinance at this time

Funding Source *

N/A

Attachments

ATTACHMENTS CAF Chapter 62 and 110.docx 615.75KB

Please detail attachments and note attachments available for viewing in City Secretary's Office:

1. draft ordinance
2. memorandum to Planning and Zoning Commission dated May 19, 2016
3. excerpt from May 19, 2016, Planning and Zoning Commission regular meeting minutes

Dept. Head Signature

Lindsey Guindi

Deputy City Manager Signature

Hugh R. Walker

City Manager Signature

City Attorney Signature

Janis K. Hampton