

First Reading
March 5, 2007
Item No. 6.7

Second Reading
March 22, 2007
Item No. 5.2

ORDINANCE NO. 2007- 00024

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, AMENDING ARTICLE I, SECTION 6-25, PROVIDING FOR THE ADMINISTRATIVE APPROVAL OF CERTAIN BUILDING INSTALLATIONS OTHERWISE AFFECTED BY A PROPERTY BOUNDARY; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Lubbock recognizes that a number of building and use regulations exist within the Code of Ordinances that are predicated upon the maintenance of a certain distance from a property boundary, or that prohibit encroachment of a building or use across property boundaries; and

WHEREAS, the City Council of the City of Lubbock recognizes that the hazards and/or undesirable conditions sought to be abated or mitigated by these regulations often do not exist when the property boundary in question separates two parcels under the ownership and control of the same person or persons, thereby rendering the need for the regulations unnecessary as long as said parcels are held as one; and

WHEREAS, the City Council desires to provide an administrative means for granting relief from said regulations, when appropriate, and when reasonable and equivalent protective measures can be assured; and

WHEREAS, the City Counsel of the City of Lubbock, Texas deems it in the best interest of the health, safety, and welfare of the citizens of Lubbock to make the following amendments to Chapter 6 of the Code of Ordinances with regard to property lot lines; NOW THEREFORE:

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

Section 1. THAT Chapter 6, Article I, Section 6-25 of the Code of Ordinances of the City of Lubbock, Texas, is hereby amended to read as follows:

Sec. 6-25. Modifications.

- 1) Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of

action granting modifications shall be recorded and entered in the files of the department of building inspection.

- 2) Wherever this Chapter, or any other provisions of this Code of Ordinances, contains construction prohibitions or building requirements or limitations that are predicated upon a minimum or maximum distance from a property line, or that prohibit encroachment of building construction upon a property line, the Building Official may, at his discretion, and with the approval of other affected Departments and/or Agencies, as applicable, grant relief from such requirements, limitations or prohibitions, provided that all of the following are met:
 - a) The land parcels or lots sharing the property line are under common ownership;
 - b) A covenant agreement approved by the City Attorney is executed by the owner of the property wherein the property owner agrees to hold both parcels as one so that they may not thereafter be separately conveyed without release of the covenant by the Building Official;
 - c) The covenant agreement shall be filed in the deed records of Lubbock County, and shall run with the land until a release is subsequently filed by the Building Official;
 - d) The Building Official shall not release the covenant without having first verified that the building(s) on each parcel have been made to wholly conform to the requirements of the Building Code, or other City Ordinance, from which relief had been originally granted, and that any similar condition created subsequent to the filing of said covenant has also been removed such that there exists no current violation;
 - e) The covenant agreement procedure shall not be used to contravene or circumvent subdivision regulations that are otherwise valid and applicable, as determined by the Director of Planning.

Section 2. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00) as provided by Section 1-4 of the City Code of Ordinances.

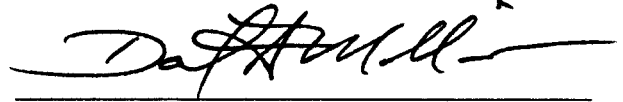
Section 3. THAT should any paragraph, sentence, clause, phrase or work of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby

Section 4. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

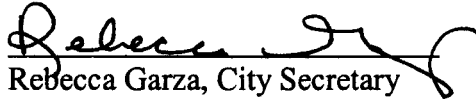
Passed by the City Council on first reading this 5th day of March, 2007.

Passed by the City Council on second reading this 22nd day of March, 2007.



DAVID A. MILLER, MAYOR

ATTEST:

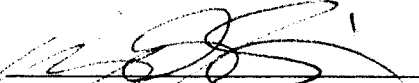

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Steve O'Neal,
Chief Building Official

APPROVED AS TO FORM:



Amy L. Sims
Assistant City Attorney