

# Summary of Significant Changes

## Chapter 5 Building & Building Regulations

### City of Alamo Heights Code of Ordinances

The overall purpose for the revision to this chapter was driven by public comment regarding confusing and ambiguous language, formulating more specific guidelines for public understanding of city administrative processes, and strengthening existing language where the potential for violation of the existing ordinance exists. While the full text document of the entire Chapter 5 Building and Building Regulations Ordinance as presented may indicate a significant amount of changes by underlining, the majority of all changes are a result of clarifying existing standards, filling in missing gaps from existing administrative procedures, and the relocation of existing sections to make the document more publicly user friendly. Larger changes which meet the guidelines established within the Comprehensive Plan, such as Demolition Salvage, Sustainability, Energy Efficiency, and Green Building will be considered in the near future where public interest, comment and review are necessary to ensure that our ordinances reflect the needs and wants of the general public. Below is a proposed list of significant changes to the existing ordinance.

- **ARTICLE I. GENERAL**

Current ordinances established fees for permits and inspection but the language is scattered throughout the ordinance and does not provide our developing public a concise understanding of the required fees. Proposed revisions remove all fees from the actual Code of Ordinances, and reference the proposed adoption of the Schedule of Development Fees. This schedule will provide a separate ordinance specifically to include existing fees and will provide a more concise and detailed description of all existing fees for the public's use. The Community Development office will provide the Schedule of Development Fees as a packet for property owners and contractors.

- **ARTICLE II. CODES ADOPTED BY REFERENCE**

Building Codes provide 'minimum' standards by which construction projects are required to meet to protect the health, safety, and welfare of the public and the occupants of any structure. They provide a guideline for construction regarding types of structures, permitted materials and designs, as well as minimum life safety protection standards. This article replaces the currently adopted 2003-2005 editions of the building codes for the most recent 2008-2009 editions. In addition to updating the safety requirements and building standards within the city, adopting the current editions of the building codes re-enforces the [Insurance Services Office Public Protection Classification of Class 2 rating](#) which was awarded to the City of Alamo Heights. With a Class 2 ISO rate property owners are estimated to realize 10- 15% decrease in property insurance premiums effective March 1, 2010.

- **ARTICLE III. AMENDMENT TO ADOPTED CODES**

Amendments within this article provide better protection for the general public and occupants of structures by revising some of the minimum standards as listed below:

- Providing a specific standard for boarding up of vacant unsecured structures which creates a public hazard,
- Eliminating the use of unprotected wood shake/shingles which increases a structures fire potential and increases the risk of passage of fire from structure to structure. This amendment also helps re-enforce the Class 2 ISO rate as noted above.
- Strengthens the minimum required wiring method for 15 amp electrical circuits (typical residential) to better protect against the potential for fire caused by insufficient wiring.

- **ARTICLE IV. PERMIT REGULATIONS**

This article relocates scattered permit process language and procedures into a single step-process outline, eliminates redundant sections and conflicting sections of code. This article also better defines which projects do not require permits and provides clearer language as to what projects can be administratively approved through the Community Development office and which larger projects must be approved by the Architectural Review Board. In addition, revisions to this article reduces the regulations of the following types of projects:

- Interior commercial and multi-family projects whereby they will no longer be required to go before the Architectural Review Board and may be administratively approved through the Community Development office.
- Certain types of repair and maintenance.

- **ARTICLE V. INSPECTIONS**

No significant changes

- **ARTICLE VI. CERTIFICATES OF OCCUPANCY**

Existing life safety codes and ordinances require certificates of occupancy for all commercial structures and their tenants. Certificates of occupancy are required by the building codes as a public protection mechanism which reviews each occupied space for its type of construction and location and the proposed use of the space. Certificates of occupancy also provide an opportunity for inspection of structures after tenant or ownership change to ensure compliance with minimum safety standards further ensuring the protection of the public. Proposed ordinances will require certificates of occupancy for all commercial

structures and for each use occupying the spaces, as well as apartment on-site management offices or a semi-public pool provided for multi-family properties. However current ordinances do not specify or distinguish between smaller uses such as Coopers Meat Market and the Central Market. The current fee for Certificates of occupancy is \$250.00 regardless of square footage or use. Proposed revisions provide flexibility for smaller businesses and structures by lowering fees depending on the square footage and use. The maximum is still \$250.00 but the vast majority of our businesses will no longer be charged such a high price for occupancy.

- **ARTICLE VII. MISCELLANEOUS REQUIREMENTS**

This article addresses some much needed areas of our construction sites within the city. The following areas have been added or revised to better control the effect properties under construction have on neighbors:

- Construction site security fencing did not previously address placement or heights so the proposed revisions include limitations on heights for this type of fencing, as well as protecting our corners/intersections visibility by restricting the placement of such temporary fences.
- Proposed revisions include requiring portable water closets ('port-o-potties') for construction sites where permanent restroom facilities are not available. In addition, the placement of such temporary facilities is restricted from being placed adjacent to neighboring properties and outside the city right-of-way.
- Temporary storage facilities ('PODS') and delivery of construction materials have been included in the revisions to maintain an overall aesthetic street frontage during construction, keep all right-of-ways navigable, and restrict the placement of construction materials and storage facilities so that a projects materials do not encroach into neighbors properties.

- **ARTICLE VIII. DRAINAGE REQUIREMENTS**

This article is the only completely new article provided within the Chapter 5 revisions. No current city ordinance regulates construction with regards to drainage or storm water run-off and the effects of neighboring properties. The proposed revisions will require a minimum amount of detail in the submitted construction plans to ensure that neighboring properties are not affected by an increase in or re-direction of water run-off. An engineers' drainage design may be required where the slope of the land is extreme, the amount of lot coverage is increased substantially or maximized, and where the amount of impervious coverage is increased substantially. These situations reduce the amount of soil or grade available for absorption and can cause a significant increase in storm water run-off towards neighboring properties.

- **ARTICLE IX. DEMOLITION**

Current ordinances provide demolition permit requirements but do not provide specific criteria designers and/or property owners must meet to be permitted for demolition. Proposed revisions clarify and define existing language to make the demolition review process more fluid and understandable. Also, the revisions define the previously undefined aspects of demolition for significance and compatibility giving designers, contractors, property owners, city staff, and our Boards & Commissions a clear understanding of the process. In addition, proposed revisions would provide a second opportunity for public comment on proposed demolitions by requiring any demolitions (by definition) to be submitted for Architectural Review Board review prior to final action by the City Council. The time frame for public comment shall remain the same.

- **ARTICLE X. TREE PRESERVATION**

The current ordinance for Tree Preservation does not provide any direction for a property owner when considering removing a tree and does not provide administrative staff direction in review of such requests. In addition, the current language does not require mitigation of the removal of heritage trees. Therefore, the proposed revisions include requirements for an appropriate amount of replacement trees for the removal of those designated as heritage. The proposed revisions better define the allowances given to property owners regarding tree removal and strengthen the protection of our urban forest.