

Chapter 5 Code Amendment Recommendations

Freese & Nichols Engineering Review

John Colquhoun / Jay Scanlon

Recommendations for Article VIII. Drainage Requirements

1. 5-121(b).- Remove reference to 'significant' impacts.

Result: Revised.

2. 5-121(c1).- Include minimum elevation of finished floor from finished grade

Result: Consideration pending

3. 5-121(c5).- Separate sections for when storm water management & drainage plans are necessary vs. required.

Result: Revised.

Building Regulation Advisory Committee

Bill Orr and Mary Bartlett (B.O.A. members)

Lane Mitchell and Jim Shelton (P&Z members)

David Monnich and Charles John (A.R.B. members)

Recommendations Chapter 5 Revisions Articles I - IV

August 19, 2009:

1. Provide detailed language for when revised plans are required during construction due to significant on-site changes.

Result: Revised.

2. Sec. 5-6 Authorized hours of construction – Provide language explaining process of request for extended hours or exemptions (i.e. request in writing).

Result: Revised.

3. Sec. 5-56 Submission of permit for review – Provide reference to the Texas Architectural Barriers and Texas Engineering Practice Acts which details when a licensed architect or engineer is required.

Result: Revised.

4. Sec. 5-51 Work without permit and expired permit procedures –
 - a. Clarify the time frame regarding the automatic renewal of permits,
 - b. Add language regarding unfinished/abandoned projects,

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- i. Responsibility, completion, clean-up

Result: Revised.

- 5. Sec. 5-53 Contractors registration requirements –
 - a. Clarify contractors registration expiration date,
 - b. Research insurances (D.M. to research),
 - i. General Liability vs. Builders Risk vs. Bonding

Result: Revised.

- 6. Sec. 5-54(b) Permits issued by the director – Add visible from public way in addition to material alterations

Result: Previous section provided for director's discretion to send projects which provided material alteration or public visible impact to the A.R.B. even though the project did not fit the specific A.R.B. requirements. Section removed by NCCR recommendation.

Recommendations Chapter 5 Revisions Articles V - VI

September 2, 2009:

- 1. Sec. 5-6 Authorized Hours of construction – Provide noise regulation to exceptions

Result: Revised.

- 2. Sec. 5-50 Permit required – Include refinishing of wood floors to item (c)(1)

Result: Revised.

- 3. Sec. 5-79 Duty to enforce chapter provisions – Include 'in writing'

Result: Revised.

- 4. Sec. 5-80 Required inspections – Create an sub-item for Building Final inspections to include Shell Completion Certificates for new construction projects

Result: Revised.

- 5. Article VI Business registration and CofO licenses – Eliminate business registration terminology and create multiple levels and multiple fee structure under a CofO. (i.e. CofO for the structure issued to the property owner, CofO issued to each individual tenant but with varying costs dependent on square footage)

Result: Revised.

Recommendations Chapter 5 Revisions Articles VII - X

December 4, 2009:

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1. Article VII Miscellaneous requirements - Add section governing storage/dumping of construction materials
Result: Revised.
2. Sec. 5-90 Certificate of occupancy required – require CofO's for two-family rental homes
Result: Not incorporated
3. Sec. 5-113 Temporary storage facilities – allow exception to the 30 day limitation for properties with an active permit for construction
Result: Revised.
4. Sec. 5-134 Demolition review – clarify the 'single' step process for significance & compatibility reviews, language appears to require separate steps.
Result: Revised.
5. Sec. 5-137 (b) 7a - Remove drive approach requirement
Result: Revised.
6. Article IX Demolition – add regulation language for demolition by neglect
Result: Not incorporated
7. Article X Tree preservation – add section governing removal of non-heritage, non-multi-trunk 'cluster' type tree situations (i.e. multiple 16" oaks in a cluster, but individually not considered heritage)
Result: Revised.

Architectural Review Board

December 15, 2009

Recommendations Chapter 5 Revisions All Articles

1. 5:134 - Instead of "noted" architect should this say licensed architect?
Result: Revised.
2. I think we need to shorten up the period for demolition. Why is the certificate valid for 6 months. Why not 3?
Result: Consideration pending
3. 5:138 Can we waive the reconnect fee on water so that property owners can water sod put down after demolition?
Result: Section deleted.

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4. 5:139 Does the Fire Chief also need to approve an emergency demolition?

Result: Revised.

5. Recommendation to include in the definition of compatibility a reference to both sides of the street during compatibility evaluation.

Result: Revised.

6. Recommend revision to the definition for permanent foundation.

Result: Revised.

7. 5:78.- Recommendation to require form surveys to establish finish floor height prior to release of foundation inspection.

Result: Consideration pending

8. Board expressed interest in requesting that the Community Development office pursue adding sections for demolition salvage, green building or sustainability standards to be incorporated after adoption of the proposed Chapter 5 revisions. Importance placed on in-depth public input and design.

Result: Council consideration pending

Planning & Zoning Commission

January 4, 2010

Recommendations Chapter 5 Revisions All Articles

1. Article VII.- Recommendation to add language establishing a maximum finished floor height above grade, requiring stepped foundations for lots where extreme topography would create an excessive exposure of foundation if designed at one level.

Result: Consideration pending

2. 5-156.- Require a minimum % of mitigated trees to be provided on site specific to the heritage tree removal.

Result: Consideration pending

3. Board expressed interest in requesting that the Community Development office pursue adding sections for demolition salvage, green building or sustainability standards to be incorporated after adoption of the proposed Chapter 5 revisions. Importance placed on in-depth public input and design.

Result: Council consideration pending

Board of Adjustment

January 6, 2010

Recommendations Chapter 5 Revisions All Articles

1. Board expressed interest in requesting that the Community Development office pursue adding sections for demolition salvage, green building or sustainability standards to be incorporated after adoption of the proposed Chapter 5 revisions. Importance placed on in-depth public input and design.

Result: Council consideration pending

City Council Briefing

January 11, 2010

Recommendations Chapter 5 Revisions All Articles

1. Strengthen regulations of construction zones.

Result: Revised.

2. Provide stronger regulation of tree protection during construction.

Result: Administrative.

3. Provide further justification for increase in food establishment fees.

Result: In Process

4. Re-evaluate Storm water and drainage plan criteria.

Result: In Process

5. John Hertz - requesting that the Community Development office pursue adding sections for demolition salvage, green building or sustainability standards to be incorporated prior to adoption of the proposed Chapter 5 revisions.

Result: Council consideration pending

6. Peter Dewitt – Dewitt Architects –

- o Drainage Article: input prohibition against impeding or redirecting natural drainage (exceptions for appropriate structures where impeding or re-directing is unavoidable or understood)

Result: Revised.

Architectural Review Board

January 19, 2010

Recommendations Chapter 5 Revisions All Articles

1. Add language requiring erosion control for demolition case properties. Recommended minimum standards to include silt fencing to prevent erosion or run-off into the street right-of-way.

Result: Revised.

2. Add language requiring that the minimum finished floor elevation for all new foundation be provided in addition to the form board survey. Mirrors the recommendation #2 from the **Freese & Nichols Engineering Review**.

Result: Revised.

3. Add language to Chapter 3 Zoning providing for a maximum foundation height above existing grade.

Result: Will be addressed in the future for Ch. 3 zoning amendments

Property and Business Owners

January 21, 2010

Recommendations Chapter 5 Revisions All Articles

1. No comments

City Council Briefing

January 25, 2010

Recommendations Chapter 5 Revisions All Articles

1. Bill Kiel - Recommendation to provide Repair & Maintenance permit to alleviate increases in property values when actual construction does not provide an actual property improvement regarding value.

Result: Revised.

2. Cappy Lawton – Recommends leaving food establishment fees as is with no increase.

Result: Revised.

Citizens

Recommendations Chapter 5 Revisions All Articles

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1. Additional requirement for all replacement trees of a removed heritage tree to be of a type listed in our heritage tree designation table. (Exceptions for Crepe Myrtle, Mountain Laurel, and Palms)
Result: Revised.
2. 5-154.- Blackie Bolduc – recommendation to revise the minimum dbh which would require tree removal permit to 8” instead of 4”.
Result: Revised.
3. Pruyin Hildebrand – see attached comment letter.
Result: Council consideration pending
4. George Geis - Clarify that a Certificate of occupancy is not required for all multi-family structures or uses and is only required for multi-family properties with an on-site management office, or semi-public pool. The Certificate of Occupancy does not govern the interior of individual residence spaces for these multi-family properties.
Result: Revised.
5. George Geis – Schedule of Development Fees - Recommendation to eliminate certificate of occupancy fees for ownership of structures which existed prior to the adoption of the proposed revisions, and for tenants which existed prior to the adoption of the proposed revisions.
Result: Revised.
6. George Geis – Definition of Earth Fill and Sec. 5-50 (b7) - Revise earth fill requirements by deleting the (3-ft) threshold for required permitting to include any earth fill above existing grade to require permitting which would provide review for any neighboring drainage concerns that may arise.
Result: Council consideration pending
7. George Geis – Add clarification reference statement to Sec. 5-50b to note exceptions listed in Sec. 5-50c for instances when permits are not required.
Result: Revised.
8. George Geis – Sec. 5-55 – Add language referencing Chapter 2 A.R.B. responsibilities and process sections for the section governing permits where A.R.B. review is required.
Result: Revised.
9. George Geis – Increase an owners required response time from 3 working days to 5 working days when notified that a Certificate of Occupancy is required.
Result: Revised.

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10. George Geis – Sec. 5-121 Drainage Requirements – add reference language of Chapter 7 Flood Damage, Prevention and Control.

Result: Revised.

11. George Geis – Schedule of Development Fees - Clarify that no fee will be charged for a Certificate of Occupancy for commercial new construction ‘shell’ projects.

Result: Revised.

12. Glen Huddleston – Clarification of Tree Pruning processes and fees required.

Result: Revised

13. Maggie Houston – Clarification to require hardship to remove a Heritage Tree not just meet the mitigation standards

Result: Revised

14. General business/property owners’ comments – revise and detail the appeals process for code interpretations.

Result: Revised

15. General business/property owners’ comments – Sec. 5-13 Definitions and 5-134 distinguish between administrative review and demolition review and the definitions of both.

Result: Revised

16. General business/property owners’ comments – Sec. 5-13 Definitions and 5-50 distinguish between minor repair and routine maintenance and when permits are required.

Result: Revised

17. General business/property owners’ comments – delete amendment to I.B.C. and I.R.C. prohibiting wood shakes/shingles.

Result: Pending consideration

18. General business/property owners’ comments – Sec. 5-42 clarify language for requirements for boarding up vacant structures to specifically identify vacant, AND open, and unsecured structures

Result: Revised

19. General business/property owners’ comments – Sec. 5-50 delete ‘change of occupancy’ from items listed which require permits.

Result: Revised

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20. General business/property owners' comments – Sec. 5-50c clarify what repair projects are exempt from permitting regarding siding replacement.

Result: Revised

21. General business/property owners' comments – Sec. 5-51 delete for 'at any time and for any reason' and simply state that the director may revoke or deny permits 'with cause'.

Result: Revised

22. General business/property owners' comments – Sec. 5-56 clarify that if outside consultants are proposed to be used and a fee charged for plan review then the applicant is notified prior to submission to the outside consultant.

Result: Revised

23. General business/property owners' comments – Sec. 5-113 distinguish between temporary storage units (P.O.D.S.) and temporary construction offices.

Result: Revised

24. General business/property owners' comments – Sec. 5-134 clarify exemptions to the demolition review process for both significance and compatibility.

Result: Revised

25. General business/property owners' comments – Sec. 5-151 delete section regarding tree planting within city right-of-way and under power lines.

Result: Revised

26. General business/property owners' comments – Sec. 5-156 clarify when a tree removal permit is required, exemptions from permitting, and the mitigation of removal for heritage trees. Reduce mitigation standards since smaller lots cannot accommodate 3:1 ratio.

Result: Revised

27. General business/property owners' comments – Schedule of Development Fees – evaluate additional ways to reduce commercial business start-up costs beyond what is already incorporated within the proposed revisions. Reduced the application fee for A.R.B. review for signs from \$250.00 to \$100.00.

Result: Revised

28. George Geis – Sec. 5-13 – Provide definition for Block as referenced in Compatibility definition.

Result: Revised

29. George Geis – Sec. 5-13 – Change 'established' to 'existing' within the Compatibility definition.

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Result: Revised

30. George Geis – Sec. 5-50 – Clarify whether smoke detectors are include within Fire Protection systems when permits are required.

Result: Revised

31. George Geis – Sec. 5-53 – Clarify that individual laborers are not included in the contractor registration requirements for Tradesmen.

Result: Revised

32. George Geis – Sec. 5-56 – Clarify that applicants for building permits shall have the right to accept any recommended outside consultants when special circumstances require outside plan review.

Result: Revised

33. George Geis – Sec. 5-90 – Clarify that existing owners of structure/property do not require a new certificate of occupancy with each new tenant change out.

Result: Revised

34. George Geis – Sec. 5-95 – Add owner-occupied to the list of responsible parties for responding to notice that a CofO is required.

Result: Revised

35. George Geis – Sec. 5-96 – Clarify that all properties are treated equally under the regulations for Special Events.

Result: Revised

36. George Geis – Sec. 5-110 – Consider waiving permit fees for security fencing around construction projects.

Result: Revised

37. General business owners – Sec. 5-8 – Provide for final appeal to City Council for code related appeals

Result: Revised

38. General property owners – Schedule of Development Fees – Eliminate \$10 fee required for tree trimming permit.

Result: Revised