

**City of Kerrville Planning & Zoning Commission Agenda**

**Thursday, January 17, 2008 4:30 p.m.\***

**City Hall City Council Chambers, 800 Junction Highway, Kerrville, TX**

The meeting place has wheelchair accessibility and available accessible parking spaces. Please call the City of Kerrville Planning Division at (830) 792-8354 forty-eight hours (72) before the meeting to request accommodations.

**1. \*4:15 p.m. Pre-Meeting Session, City Council Chambers**

Review of today's agenda items between Staff and the Commission. No action will be taken and there is to be no discussion between the Commission and the applicant(s) or other audience.

**2. 4:30 p.m. Call to Order**

Chairperson calls the meeting to order; roll call.

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**3. Visitor/Citizens' Forum**

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

**4. Consent Agenda**

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

**4A. Approve the minutes from the meetings of December 13, 2007 January 3, 2008.**

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**5. Public Hearing/Consideration**

**5A. Residential Replat: Saddlewood Estates, Section Two** – A replat to combine Lots 3 and 4, Block Ten, Saddlewood Estates, Section Two into one (1) lot located at 2526 and 2586 Saddlewood Blvd. Zoned: ETJ. Applicant: Grogan Surveying. (File No. 2007-61)

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**6. Action Item**

**6A. Building Code Amendments** – Consider a recommendation to the City Council on the applicability of the building and fire codes on existing buildings as they relate to the adoption of the 2006 Edition of the International Building Code.

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**7. Staff Reports**

7A. Future Agenda Items. Applicant: Senior Planner.

7B. Director's Report. Applicant: Director of Development Services.

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**8. Adjourn** - The next scheduled meeting is Thursday, February 7, 2008.



Brian Whitton, gave examples of the reasoning of having an RPZ. The City does not know when a new business is coming in or out, therefore has decided to have all commercial buildings have a PRZ because we do not keep up with commercial installations.

Cmr. Motheral commented that when there is a water meter change they do come to our office to get water turned on in a new commercial building, therefore we do have the ability to know when businesses come in and out.

Kevin Coleman, explained that water meters are not tied into use, they are contracts for service.

Cmr. Motheral stated that RPZ's are expensive and the requirements to maintain them are also expensive. The City can make them more user friendly by following the state guidelines and that should be enough.

Cmr. Buell questioned the mop sinks and water fountain that are being required in commercial remodeled and new buildings.

Brian Whitton explained to the commission the requirements for commercial building that required mop sinks and water fountains. He also explained to the commission that we do not know when occupancy changes.

Brian Whitton went over questions the commission had regarding the proposed ordinance adopting the 2006 IBC and 2006 IRC and their local amendments.

**3. Adjourn** - The next scheduled meeting is Thursday, December 20, 2007.

The meeting adjourned at 5:55.m.

ATTEST:

\_\_\_\_\_  
Bruce Motheral, Chairperson

\_\_\_\_\_  
Trina Ramirez, Recording Secretary

**BUSINESS OF THE PLANNING AND ZONING COMMISSION  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 4A **FOR AGENDA OF:** January 17, 2008  
**DESCRIPTION:** Approval of the minutes from the meeting of January 3, 2008  
**APPLICANT(S):** Planning and Zoning Commission Secretary  
**ATTACHMENT(S):** Minutes

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The Commission Secretary recommends approval of the proposed minutes.

**PRE – MEETING:**

On January 3, 2008 the Kerrville Planning and Zoning Commission pre-meeting was called to order at 4:28 p.m. in the City Hall Council Chambers, 800 Junction Highway.

**MEMBERS PRESENT:**

Bruce Motheral, Chairperson  
Jim Kessler, Vice Chairperson  
Andy Phillips, Commissioner  
Mack Hamilton, Ex-Officio City Councilperson  
Paul Hofmann, Ex-Officio City Manager

**MEMBERS ABSENT**

Harold Buell, Commissioner  
George Hager, Commissioner

**STAFF PRESENT:**

Kevin Coleman, Director of Development Services  
Gordon Browning, Senior Planner  
Trina Ramirez, Planning and Zoning Commission Secretary  
Brian Whitton, Chief Building Official  
Huma Ahmed, Assistant to City Manger

**1. CALL TO ORDER:**

On January 3, 2008, the Kerrville Planning and Zoning Commission regular meeting was called to order at 4:30 p.m. in the City Hall Council Chambers, 800 Junction Highway.

**2. VISITOR/CITIZENS FORUM:**

**3. CONSENT AGENDA:**

3A. Approval of the minutes from the meeting of December 20, 2007.

Cmr. Kessler moved for approval of the minutes; motion was seconded by Cmr. Phillips and passed 3-0.

**3B. Final Plat: Comanche Trace Phase 11** – A seventy-two (72) lot single family subdivision on 45.52 acres located generally along the southern extension of Comanche Trace Drive. Zoned: PDD. Applicant: Grogan Surveying. (File No. 2007-16)

Cmr. Phillips moved for approval of the final plat; motion was seconded by Cmr. Kessler and passed 3-0.

#### **4. Action Item**

**4A. Preliminary (Minor) Plat: Gilmer Estates** – A three (3) lot, 0.63 acre tract located at 1831 and 1835 Thurman Street. Zoned: GTW. Applicant: Texas Land Boundaries. (File No. 2007-59)

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Mr. Browning presented the findings of fact to the Commission.

Cmr. Motheral questioned the applicant if the owner is aware of the staff notes that indicates that nothing can be built in the floodplain and question why does the owner still want to subdivide it if nothing can be built.

Gary Brandenburg, the applicant stated that the applicant is aware of the information from staff. He also stated that the shaded area on the FEMA maps shows a more relaxed version of the floodplain and indicated that this is the first time they were told that nothing could be built on the property.

David Gilmer, owner, stated that when he purchased the property there was never indication that it was in a floodplain. There was a residence on the property when he purchased it and he never had to get flood plan insurance. He was not aware of the issue of it being in the floodplain until now.

Cmr. Phillips recommended for the owner to get some additional engineering before spending any more money on the process.

Gordon Browning stated that staff has recommended for the floodplain line to be indicated on the plat because it does not match up with what is on the FEMA map, and a note on the plat that they need to do a drainage study that will be part of the final plat.

Cmr. Phillips moved for approval of the preliminary (minor) plat; motion was seconded by Cmr. Kessler and passed 3-0.

**4B. Citizen Participation Procedures** – Discussion and possible adoption of procedures for public input at Planning and Zoning Commission meetings. Applicant: Councilman Mack Hamilton.

Kevin Coleman, Director of Development Service explained to the Commission the possible adoption of procedures for public participation and input during Planning and Zoning Commission to include Visitor/Citizens' Forum and scheduled agenda items. He also indicated that Council's policy recommends that applicants have 10 minutes for their presentation.

The Commission accepted the procedures and directed staff to modify the City Council's procedures for the Planning and Zoning Commission.

## **5. Public Hearing/Consideration**

5A. **Replat: Twin Springs Ranch II** – A replat to combine Lots 23-A and 23-B into one (1) 52.81 acre lot located at the end of Carefree Trail N. Zoned: ETJ. Applicant: Voelkel Engineering and Surveying. (File No. 2007-62)

Mr. Browning presented the findings of fact to the Commission.

Lee Voelkel, applicant, stated that he spoke to the owner and he indicated that he wants to proceed with getting the thoroughfare plan amended. The owner and the applicant want to meet with staff to see what is involved in getting the thoroughfare plan amended and requested to postpone the replat.

The Commission postponed the request

5B. **Development Site Plan** – Consider a recommendation to the City Council of a request for a development site plan for a twenty-one (21) lot, 2.25 acre duplex development located on the south side of Pinto Trail between Tomahawk Trail and Bow Lane. Zoned: RC. Applicant: Voelkel Engineering and Surveying. (File No. 2007-60)

Mr. Browning presented the findings of fact to the Commission.

Cmr. Motheral questioned if the owner was aware of drainage issues.

Lee Voelkel, Applicant, stated that the property owner for Weston Homeplace and the owner for the Development Site plan have gotten together because their projects adjoin and they have hired an engineer that will do their drainage study.

Cmr. Motheral opened the public hearing at 4:47 p.m.

Mrs. Clyde B. Colvin, stated that she has property on the corner of Bow Lane and Pinto. She indicated that when she bought that property she was told that Weston Place would be a circle of private homes and now she is concerned with the duplexes being built because of the traffic flow and it being a congested area.

Cmr. Motheral closed the public hearing at 4:47 p.m.

Cmr. Kessler moved for approval of the Development Site Plan in accordance to staff recommendation; motion was seconded by Cmr. Phillips and passed 3-0.

5C. **Building Code Amendments** – The Commission has been directed to examine the applicability of the building and fire codes on existing buildings as they relate to the adoption of the 2006 Edition of the International Building Code.

Cmr. Motheral reviewed with the commission the recommended changes for the International Building Codes, International Residential Codes, and International Plumbing Codes

Dave Venyard 612 Elm St, stated the alteration are reasonable and avoids a speed bump for owners who want to make repairs to their homes and buildings. He also stated that City staff and Council need to remember we live in Kerrville and one of the things that is most important is not the technical letter of the code, but the style and manner in which it is administered.

Brain Bondy, Kerrville Chamber of Commerce, stated that after reviewing the 2006 Codes it seemed that changes needed to be made. The Kerrville Chamber of Commerce Board members hope to see a positive out come from the recommendation that have been presented. The manner in which our processes are held through out the City and how our inspections are done reflect on the City as a whole.

## **6. STAFF REPORTS**

7A. Future Agenda Items/Project Update. Applicant: Senior Planner.

7B. Director's Report. Applicant: Director of Development Services.

7. **Adjourn** – The next scheduled meeting is Thursday, January 17, 2008.

The meeting adjourned at 5:37 p.m.

ATTEST:

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Bruce Motheral, Chairperson

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Trina Ramirez, Recording Secretary

**BUSINESS OF THE PLANNING AND ZONING COMMISSION  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 5A **FOR AGENDA OF:** January 17, 2008

**DESCRIPTION:** **Residential Replat: Saddlewood Estates, Section Two** – A replat to combine two (2) lots into one (1) lot for residential development located at 2526 and 2586 Saddlewood Blvd. The applicant is also requesting variances to Article 10-IV-2, B (b.2 & 4) of the Subdivision Regulations requiring the inclusion of two (2) subdivision corners set to the State Plane Coordinate System and ties to an original survey corner. Zoned: ETJ. (File No. 2007-61)

**APPLICANT(S):** Grogan Surveying

**ATTACHMENT(S):** Plat, Applicant's Request

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**SUMMARY STATEMENT – FINDING OF FACT**

History/Timeline:

- December 6, 2007 – Plat submitted for review.
- December 20, 2007 – Applicant submits request for variances.
- December 26, 2007 – Development Review Committee (DRC) process completed.
- **January 17, 2008 – Consideration of replat and variances by Commission.**

Summary:

- The proposed replat will create one (1) lot for residential development.
- Water service will be by Aqua Texas Water Company, Inc., sanitary sewer service will be by a private on-site sewage facility.
- The proposed replat appears to be in general conformance with the City's Subdivision Regulations except as noted below.

Applicant's Request:

In addition to consideration of the replat, the applicant is requesting that the Commission consider variances to the Subdivision Regulations regarding the requirements of two (2) subdivision corners set to the State Plane Coordinate System and one (1) corner located with respect to a corner of the original survey. The section from the Subdivision Regulations addressing these requirements and a memo from Kerr Central Appraisal District are attached for your review.

Both of these requirements are used by the City and other entities in the County to digitally rectify plats and replats into their respective geo data bases. Staff recommends that the Commission deny the applicants request.

### **RECOMMENDED ACTION**

1. Open the public hearing and receive comments,
2. Deny the variance requests as submitted, and
3. Approve the replat subject to, a). The inclusion of two (2) subdivision corners set to the State Plans Coordinate System and b). at least one (1) corner of the subdivision located with respect to a corner of the original survey of which it is a part.



**P.O. Box 1356  
1135 Hwy. 173 N.  
Bandera, TX 78003  
Ph./Fax (830) 796-7177**

**December 20, 2007**

**To the City of Kerrville Staff and Planning & Zoning Commission,**

**I am respectfully requesting consideration for a variance to the following subdivision rules regarding platting for the replat of Lot Nos. 3 and 4 in Block Ten of the Saddlewood Estates Section Two, which is in the City of Kerrville ETJ.**

- 1) City of Kerrville Coordinates – these were provided on the Final Plat of Section Two and since we are replatting existing lots it seems redundant to provide this information on land that is already located.**
- 2) reference to an Original Survey corner – the existing plat does not show lines as it is. Since the purpose is for location of the parcels which are currently located by Plat, I see no need for this either.**

**Both of these items seem unnecessary and a poor use of my client's money. I see the need and purpose when creating a new subdivision, but while replatting it seems a waste of time and money, so for this reason I would hope this would be considered for variance and in any revised rules and regulations regarding replats in the future.**

**Thank you for your time and consideration,**

  
**Mike Grogan**

On each buildable lot in said flood plain the required base flood elevation (BFE) shall be indicated. Vertical bench marks tied to USGS Vertical datum of 1929 or the City of Kerrville's Coordinate System, shall be shown on the plat with a maximum horizontal separation of 1,000 feet between benchmarks.

b. **Boundaries**

- (1) The existing outer boundary lines of the land to be subdivided shall be drawn in such a way as to provide easy identification, and shall comply to the requirements of the preliminary plat. The record calls for course and distance in parentheses along with the measured bearings and distances which have been surveyed shall be provided on the final plat for each individual call.
- \* (2) True bearings and distances to the nearest established street right of way lines, official monuments, or existing subdivision corner shall be accurately described on the plat and rotated to the City of Kerrville Coordinate System or the State Plane Coordinate System using said system. Coordinates shall be identified for two outer boundary corners, to the nearest hundredth of a foot.
- (3) Identification (whether "found" or "set") and location of all permanent survey monuments, with a clear description of the size and type of monuments and city control points;
- \* (4) Suitable primary control points to which all dimensions, bearings and similar data are referenced. At least one (1) corner of the subdivision shall be located with respect to a corner of the original survey of which it is a part.
- (5) The location, bearings, width, purpose, and approved names (if applicable) of existing and proposed streets, alleys, easements and rights-of-way to be dedicated to public use, and lots, with the following data:
  - (a) Complete curve data including deflection angle ( $\Delta$ ), chord length, cord bearing, radius, arc length, and any other data required to reproduce the curve on the ground.
  - (b) All easements must be depicted in a graphic matter on the face of the plat, with course and distance.

## Bobby Gore

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**From:** Robert Neuman [robertn@kfc.com]  
**Sent:** Wednesday, December 19, 2007 10:56 AM  
**To:** Undisclosed-Recipient;  
**Subject:** GPS Request

City Of Kerrville  
800 Junction Hwy  
Kerrville, TX 78028

I would like to address the request to drop the GPS coordinates from recorded plats in Kerr County. I was a representative for the Kerr CAD on the Kerr 911 Advisory Board when the recommendation was made for the new rules on subdivision plats. As far as I know I am the only person maintaining an active parcel database in Kerr County, and as the representative on the Kerr 911 Advisory Board I along with the current director of the 911 District, William "T" Sandlin requested the GPS points to be added to aid us in more efficiently maintaining the GIS database for Kerr County. As I recall, the original recommendation stated that the GPS points could be provided in either the State Plane or UTM coordinate systems.

I provide my data to the taxing entities including the City of Kerrville. I also provide my data to KPUB, the Kerr 911 District, several survey companies, and the general public. When digital plat copies are received in this office the required GPS points allow me to Geo-rectify the lot lines and saves a great deal of time in plotting the new accounts into the database. This in return allows me to keep a more up to date database to provide to the entities and the taxpayers of Kerr County. Therefore it is my recommendation to keep the requirement for the two GPS coordinates in all plats for Kerr County.

Robert R. Neuman  
GIS Manager  
Kerr Central Appraisal District  
P O Box 294387  
Kerrville, TX 78029  
(830) 895-5223

**BUSINESS OF THE PLANNING AND ZONING COMMISSION  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 6A **FOR AGENDA OF:** January 17, 2008

**DESCRIPTION:** **Building Code Amendments** – Consideration of a recommendation to the City Council on the applicability of the building and fire codes on existing buildings as they relate to the adoption of the 2006 Edition of the International Building Code.

**APPLICANT(S):** Director of Development Services, Chief Building Official

**ATTACHMENT(S):** Draft recommendations to the Commission regarding code amendments, Memo from the Chief Building Official

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The Commission will consider a recommendation to the City Council regarding the applicability of the building and fire codes on existing buildings as they relate to the adoption of the 2006 Edition of the International Building Code.

The Commission has held three (3) worksessions and a public hearing regarding this issue.



**City of Kerrville**  
Development Services  
800 Junction Highway  
Kerrville, Texas 78028-5069  
830.792.8315 (O)  
830.792.3850 (F)  
brian.whitton@kerrvilletx.gov

## MEMORANDUM

TO: Paul A. Hofmann, City Manager *PAH*

VIA: Kevin Coleman, Director of Development Services *KC*

FROM: Brian Whitton, Chief Building Official *B.W.*

DATE: January 10, 2008

SUBJECT: Analysis of additions and deletions presented to the Planning and Zoning Commission for consideration to be included in the ordinances to adopt the 2006 editions of *the International Building Code, the International Residential Code, and the International Plumbing Code.*

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These proposed changes have been presented and discussed during meetings of the Planning and Zoning Commission over the past few weeks and a copy of these proposals is attached to this document.

The adoption of the most current editions of the *International Building Codes* is a process that occurs in towns and cities throughout the United States on a regular basis. In fact, the following cities have already adopted the 2006 editions of the *International Building Codes*: San Antonio, San Angelo, Fredericksburg, Laredo, Uvalde, and Universal City to name a few. These adoptions are done through ordinances which usually contain local amendments. Local amendments are used to add rules and regulations specifically tailored for special conditions or problems that need addressing by the "Authority Having Jurisdiction." They typically are used to increase the strength of the codes themselves when it is found that the minimum requirements of the codes are not sufficient to protect the public safety, health and welfare, which includes financial investments in building structures.

Building Codes are designed to be **minimum requirements**, which take into account economic issues, as well as safety and quality concerns. The following is from the first page of the *International Building Code*:

Section 101.3 **Intent.** The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

The Building Codes we use are adopted by the State of Texas as the minimum standards for all buildings in the state. Therefore, they should never be weakened with local amendments as this puts the City of Kerrville in conflict with state law. When cities do not carry out their duties to protect the public welfare in accordance with state and federal law, they become exposed to legal liability, which as we all know becomes quite expensive in certain situations.

In summation, it is important to remember the City of Kerrville will soon undergo an audit by the Insurance Services Organization (ISO). After this audit the City will receive a grade based on how well the city protects life and property through ordinances and enforcement of ordinances. The Building Codes adopted and the level of enforcement of these codes plays an important role in determining the city's grade.

## INTERNATIONAL BUILDING CODE

**105.2**      **BUILDINGS: ADD: SHEETROCK REPAIRS**  
*ADD: IN PARAGRAPH AFTER WATER CLOSETS INSERT, "OR ELECTRICALLY POWERED WATER HEATERS."*

**105.2.2**      **REPAIRS: DELETE: "THE CUTTING AWAY OF ANY WALL, PARTITION OR PORTION THEREOF,"**

**304.1**      *ADD: SMALL RETAIL & WHOLESALE (LESS THAN 5,000 SQ. FT.).*  
*ADD: SMALL SALES ROOM (LESS THAN 5,000 SQ. FT.).*

**3406.5**      **CHANGE OF OCCUPANCY: ADD: WHERE CHANGE IN OCCUPANCY DOES NOT INCREASE THE HAZARD LEVEL BASED ON LIFE AND FIRE RISK AND THE STRUCTURE WAS CONSTRUCTED TO THEN CURRENT CODES, THERE SHALL BE NO REQUIREMENT TO UPGRADE THE EXISTING STRUCTURE TO NEWER OR MORE STRINGENT CODES UNLESS THERE IS AN EXISTING HEALTH OR SAFETY HAZARD PRESENT.**

**3406.5.1**      **MINOR ALTERATIONS: ADD: WHERE A CHANGE IN OCCUPANCY REQUIRES A MINOR ALTERATION OR INTERIOR ADDITION TO THE EXISTING STRUCTURE NO PERMIT IS REQUIRED.**

*ADD TO DEFINITIONS: (A MINOR ALTERATION OR INTERIOR ADDITION IS HEREWITH DEFINED AS THE REMOVAL OR REPLACEMENT OF FLOOR COVERINGS, PAINTING, CEILINGS, AND THE INTERIOR NON-STRUCTURAL WALLS, NOT INCLUDING DEMISING OR FIRE WALLS BETWEEN TENANT SPACES, THAT DO NOT REQUIRE THE ADDITION OF PLUMBING, MECHANICAL EQUIPMENT, FUEL GAS, OR ELECTRICAL COMPONENTS.)*

**3406.6**      **PUBLIC WATER SYSTEMS: ADD: PUBLIC WATER SYSTEM CONNECTIONS SHALL NOT REQUIRE BACKFLOW PREVENTION ASSEMBLIES EXCEPT WHERE SPECIFICALLY CALLED FOR BY THE TCEQ "RULES AND REGULATIONS FOR PUBLIC WATER SYSTEMS, 30 TAC CHAPTER 290.47(i)". DOUBLE CHECK VALVE ASSEMBLIES, ATMOSPHERIC VACUUM BREAKERS, OR PRESSURE VACUUM BREAKERS, MAY BE USED IN IRRIGATION SYSTEMS WHERE NO CHEMICALS ARE APPLIED BY PUMP(S) IN OR THROUGH THE IRRIGATION SYSTEM. DOUBLE CHECK VALVE ASSEMBLIES, ATMOSPHERIC VACUUM BREAKERS, OR PRESSURE VACUUM BREAKERS SHALL BE CHECKED ONCE EVERY YEAR BY A QUALIFIED INSPECTOR AND A WRITTEN REPORT PREPARED AS DIRECTED IN "30 TAC CHAPTER 290.47(f)".**

**3406.7**      **ASBESTOS INSPECTIONS:** *ADD:* ASBESTOS INSPECTIONS SHALL NOT BE REQUIRED IN BUILDINGS CONSTRUCTED AFTER 1980.

**3409.3**      *ADD:* NOR SHALL A MINOR ALTERATION OR INTERIOR ADDITION TO AN EXISTING STRUCTURE OR TENANT SPACE REQUIRE THE UPGRADING OF THE REMAINDER OF THE EXISTING STRUCTURE OR TENANT SPACE TO MEET NEWER (CURRENT) CODES. ALL WORK SHALL BE CONFINED TO THAT SPECIFICALLY REQUIRED FOR THE MINOR ALTERATION OR INTERIOR ADDITION TO AN EXISTING STRUCTURE.

**3410.3.1**      SECTION 115 WAS DELETED BY THE CITY.

**3410.3.2**      *DELETE:* REFERENCE - "IPMC".

**3410.4.1**      *ADD:* UNLESS BUILDING'S LOAD BEARING STRUCTURE IS NOT BEING CHANGED, IN WHICH CASE NO STRUCTURAL STUDY IS REQUIRED.

## INTERNATIONAL RESIDENTIAL CODE

**105.2**      **BUILDINGS:** *ADD: SHEETROCK REPAIRS*  
*ADD: AFTER LAST PARAGRAPH AFTER WATER CLOSETS INSERT, "OR*  
*ELECTRICALLY POWERED WATER HEATERS."*

**105.2.2**      **REPAIRS:** *DELETE: "THE CUTTING AWAY OF ANY WALL, PARTITION*  
*OR PORTION THEREOF,"*

**R401.3.1**      *DELETE: ENTIRE SECTION.*

**P2609.3**      *ADD: DEFINITION OF "ATMOSPHERIC VACUUM BREAKER" (AVB).*

**P2609.7(d)**      *ADD: OR A HOSE BIBB WITH AN "ATMOSPHERIC VACUUM BREAKER"*  
*(AVB) COMPONENT.*

**P2609.22.1**      *AMEND FIRST SENTENCE: RIGHT OF ENTRY: A CITY EMPLOYEE MAY*  
*ENTER A CUSTOMER'S PROPERTY OR FACILITIES *DURING NORMAL BUSINESS HOURS**  
*OR *WITH AN APPOINTMENT* TO INSPECT A CROSS-CONNECTION, BACKFLOW*  
*PREVENTION ASSEMBLY, OR PIPING.*

## INTERNATIONAL PLUMBING CODE

**109.8.b**      *ADD:* IF BOARD IS NOT CONVENED WITHIN TEN (10) BUSINESS DAYS AFTER THE CITY RECEIVES THE WRITTEN APPEAL, THE APPLICANT IS AUTOMATICLY GRANTED THE APPEAL AS REQUESTED.

**109.8.c**      *CHANGE:* SECOND PARAGRAPH 109.8.b "ADVISARY RESPONSIBILITY". THIS PARAGRAPH SHOULD BECOME **109.8.c**.

**608.13**      **PUBLIC WATER SYSTEMS:**      *ADD:* PUBLIC WATER SYSTEM CONNECTIONS SHALL NOT REQUIRE BACKFLOW PREVENTION ASSEMBLIES EXCEPT WHERE SPECIFICALLY CALLED FOR BY THE TCEQ "RULES AND REGULATIONS FOR PUBLIC WATER SYSTEMS, 30 TAC CHAPTER 290.47(i)". DOUBLE CHECK VALVE ASSEMBLIES, ATMOSPHERIC VACUUM BREAKERS, OR PRESSURE VACUUM BREAKERS, MAY BE USED IN IRRIGATION SYSTEMS WHERE NO CHEMICALS ARE APPLIED BY PUMP(S) IN OR THROUGH THE IRRIGATION SYSTEM. DOUBLE CHECK VALVE ASSEMBLIES, ATMOSPHERIC VACUUM BREAKERS, OR PRESSURE VACUUM BREAKERS SHALL BE CHECKED ONCE EVERY YEAR BY A QUALIFIED INSPECTOR AND A WRITTEN REPORT PREPARED AS DIRECTED IN "30 TAC CHAPTER 290.47(f)".

**608.18.4**      *ADD:* DEFINITION OF "ATMOSPHERIC VACUUM BREAKER" (AVB).

## Analysis of Proposed Amendments

Key:

- Code Citations are underlined.
- Proposed changes, additions, deletions under review by the Planning and Zoning Commission are in **bold**.
- Analysis of Proposed Amendments by Brian Whitton, Chief Building Official, are *italicized*.

Proposed Amendments to *the International Building Code*:

1. Section 105.2 Work exempt from permit.

**Proposed change:**

**Add: sheetrock repairs. Add: electric water heaters.**

*Analysis of proposal:*

*Section 105.2 **Work exempt from permit.***

*This section is a list of items that do not require a permit. Item number 7 states: "Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work." Sheetrock repairs are considered finish work and as such are exempt from permits. They have never been required to be permitted and there is not a requirement for permits for sheetrock repairs to be found anywhere in any of the codes nor has there ever been a requirement in any building code. Therefore, this addition is not needed and should not be adopted.*

*All cities with a population of 5,000 or more are required by state law to adopt by ordinance one of the two state approved plumbing codes, either the Uniform Plumbing Code or the International Plumbing Code. These codes are the minimum standards for all plumbing throughout the State of Texas. These codes are to be enforced by state licensed plumbing inspectors who swear an oath to enforce all minimum standards of the plumbing codes and the requirements of the Plumbing License Law of the State of Texas. All water heaters are, in essence, miniature boilers and therefore are potential hazards. Many people throughout the world have been killed or maimed by improperly installed water heaters not to mention tremendous property damage to structures. Water heater explosions have leveled houses and other buildings and therefore are important items that require permits and inspections. Any city that exempts electric water heaters from permits has placed its plumbing inspectors in jeopardy of losing their licenses for not enforcing basic plumbing code requirements they swear an oath to enforce. Therefore, this proposed addition should not be adopted.*

2. Section 105.2.2 Repairs.

*"Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not*

include the cutting away of any wall, partition or portion thereof, the removal or cutting away of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.” (Actual Code Language.)

**Proposed change:**

**Delete: “the cutting away of any wall, partition or portion thereof.”**

*Analysis of proposal:*

*It is important to remember state and federal asbestos laws govern demolition of commercial buildings or portions of commercial buildings including interior demolition of partitions. Asbestos surveys and asbestos abatement (if needed) are required as well as notification of the Texas Department of Health (TDH) prior to demolition. Also, it is crucial the Inspection Division verify any wall to be taken down is non-load bearing, does not effect the integrity of the structure (lateral bracing for example), and does not effect egress or fire safety issues (fire barriers, etc.) Therefore, this proposed deletion should not be adopted.*

3. **Section 304.1 Business Group B (occupancy type).**

This section of the *International Building Code* is a listing of the types of businesses that are categorized as “B occupancies.” “B” occupancies must meet code requirements that are unique to this group.

**Proposed change:**

**Add: Small retail and wholesale (less than 5,000 sq. ft.)**

**Add: Small sales room (less than 5,000 sq. ft.)**

*Analysis of proposal:*

*Retail and wholesale occupancies and sales rooms are classified in the International Building Code as “M” or mercantile occupancies. They are not included in the “B” or business occupancy group. The following quote from the International Building Code Commentary explains the reasoning for this.*

*“The purpose of this chapter (Chapter 3: Use and Occupancy Classification) is to classify a building, structure or part thereof into a group based on the specific purpose for which it is designed or occupied. Throughout the code, group classifications are considered a fundamental principle in organizing and prescribing the appropriate features of construction and occupant safety requirements for buildings, especially general building limitations, means of egress, fire protection systems and interior finishes.”*

*Simply stated, mercantile occupancies are regulated by a different set of rules based on use. Therefore, "M" occupancies should not be moved into the "B" group.*

*The previously adopted 2006 edition of the International Fire Code has the same classification categories as the International Building Code with retail and wholesale sales shown in the "M" or mercantile group.*

4. Section 3406. Change of Occupancy.

This section describes the requirements for existing structures when the occupancy classification changes. If a building that is currently used as a barber shop ("B" occupancy) is sold to an investor for the purpose of opening a restaurant ("A" assembly occupancy) a change in occupancy has taken place and the new occupancy must meet the requirements for the restaurant use. This means restrooms, kitchens, dining areas, exits, and parking must meet the minimum requirements for the new occupancy type. Sizes of restrooms, number of toilet fixtures, kitchen grease hoods, sinks, floor drains, grease traps, emergency egress, fire suppression systems, fire alarm systems are a few of the mandatory requirements that must be addressed before the restaurant can open for business.

The following is one of the code sections that address changes in occupancy classification.

Section 3406.1 Conformance.

"No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use." (Actual code language.)

**Proposed change:**

**Add Section 3406.5**

**Where change in occupancy does not increase the hazard level based on life and fire risk and the structure was constructed to then current codes, there shall be no requirement to upgrade the existing structure to newer or more stringent codes unless there is an existing health or safety hazard present.**

**Proposed change:**

**Add Section 3406.5.1**

**Minor alterations: Where a change in occupancy requires a minor alteration or interior addition to the existing structure no permit is required. Definition: A minor alteration or interior addition is herewith defined as the removal or replacement of floor coverings, painting, ceilings, and the interior non-**

**structural walls, not including demising or fire walls between tenant spaces, that do not require the addition of plumbing, mechanical equipment, fuel gas, or electrical components.**

**Proposed change:**

**Add Section 3406.7**

**Asbestos Inspections: Asbestos inspections shall not be required in buildings constructed after 1980.**

*Analysis of proposals:*

*Asbestos surveys, asbestos abatement, and the Americans with Disabilities Act (ADA) are federal and state laws that every community must comply with. Changes of occupancy and “minor alterations” as described above trigger these requirements. For example: A “B” (business occupancy) is changed into a restaurant. The new occupancy must have an asbestos survey and asbestos abatement if asbestos is found. Asbestos is found in ceiling tiles, floor coverings, the mastic used for floor coverings, sheetrock, sheetrock joint compound, attic insulation, pipe insulation and many other construction products.*

*It is a little known fact that asbestos is still mined by various countries of the world and asbestos is used in building products that are imported into this country. These building products are mistakenly installed in new buildings every day in the United States. It is for this reason asbestos surveys and asbestos abatement are required on buildings even if the building was just constructed. Any local amendment exempting asbestos surveys would place the City of Kerrville in the position of telling local contractors and building owners violation of state and federal law is not a problem, when in fact it would subject any contractor or owner to liability issues as well as stiff fines from state and federal agencies. All three proposed additions would fall into this problem area and should not be adopted.*

*Changes of occupancy are also subject to the Americans with Disabilities Act (ADA). This is federal and state law and is not open to consideration to be deleted with local amendments. All three proposed additions would be in conflict with the ADA laws and therefore should not be adopted.*

*The City of Kerrville has a designated fire district (the central city area-approximately 15 blocks) which places limitations on the types of materials that can be used for interior construction projects. This fact would present a problem if permitting requirements for “minor alterations and additions” were deleted by the proposed additions to the building code.*

*Changes in occupancy are subject to building code, fire code, mechanical code, electrical code, plumbing code, and health code requirements. (See explanation of Section 3406 Change of Occupancy above.) All three proposed additions would be in conflict with basic requirements for changes in occupancy and would be in*

*conflict with state law as they would weaken the building codes adopted by the state. Therefore, these three proposed additions should not be adopted.*

*It must be noted that a change in tenants in a building or space is not a change of occupancy classification and the building or space is not required to be brought up to all the requirements of the latest codes. Any existing space that does not undergo reconstruction of the interior is not required to meet the letter of the latest codes as long as there are no health or safety concerns.*

*For example: A given building has a new tenant move in. The building's electrical system was installed 40 years ago under the electrical code in effect at that time. The system is not in compliance with current electrical code requirements. However, it is determined through inspection the system is safe. Therefore, there would be no code requirement to upgrade the electrical system by installing a new system. All the codes (building code, mechanical code, fuel gas code, plumbing code, energy code, electrical code) make this point very clear. This is a long established tenet in building code history that deals with existing buildings. After all, it would make no sense to require every building in town to be "rebuilt" every time the latest editions of the building codes are adopted.*

5. **Section 3409.3 Extent of Application.**

"An alteration of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction. Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility." (Actual code language.)

**Proposed change:**

**Section 3409.3 Add: Nor shall a minor alteration or interior addition to an existing structure or tenant space require the upgrading of the remainder of the existing structure or tenant space to meet newer (current) codes. All work shall be confined to that specifically required for the minor alteration or interior addition to an existing structure.**

*Analysis of proposal:*

*The Americans with Disabilities Act (ADA) has requirements in conflict with the above proposed addition. For example: if an alteration or addition affects the accessibility to an area of primary function the route to the primary function area must be accessible. Accessibility requirements are state and federal law and must not be weakened by local amendments. Therefore, the proposed addition should not be adopted.*

6. **Section 3410.3.2.**

**Proposed change:**

**Delete reference-"IPMC". (International Property Maintenance Code)**

*Analysis of proposal:*

Chapter one, code section 101.4.5, **Property maintenance** states the following:  
*The provisions of the Property Maintenance Code shall apply.....*

*This code section has been deleted from the International Building Code by way of a local amendment. This is in the draft ordinance to adopt the IBC. This means the Property Maintenance Code will not be in effect in the City of Kerrville and renders any reference to the IPMC in the code null and void. Therefore, the proposed addition is not needed and should not be adopted.*

7. **Section 3410.4.1 Structural analysis.**

“The owner shall have a structural analysis of the existing building made to determine adequacy of the structural systems for the proposed alteration, addition or change of occupancy. The existing building shall be capable of supporting the minimum load requirements of chapter 16.” (Actual code language.)

**Proposed change:**

**Add: Unless the building’s structure is not being changed, in which case no structural study is required.**

*Analysis of proposal:*

*There is no objection to this addition.*

8. **Section 3406 Change of Occupancy.**

**Proposed change:**

**Add: Section 3406.6 Public water systems. Public water system connections shall not require backflow prevention assemblies except where specifically called for by the TCEQ (Texas Commission on Environmental Quality) “rules and regulations for public water systems, 30 TAC chapter 290.47(i)”. Double check valve assemblies, atmospheric vacuum breakers, or pressure vacuum breakers may be used in irrigation systems where no chemicals are applied by pump(s) in or through the irrigation system. Double check valve assemblies, atmospheric vacuum breakers, or pressure vacuum breakers shall be checked once every year by a qualified inspector and a written report prepared as directed in “30 TAC chapter 290.47(f)”.**

*Analysis of proposal:*

*The International Plumbing Code (IPC) and the Uniform Plumbing Code (UPC) are the plumbing codes approved for use by the State of Texas and all plumbing in the state is required to comply with one of these codes.*

*The IPC and UPC consider irrigation systems to be “high hazard” installations and as such neither code allows double check valve assemblies to be used for irrigation systems. Double check valve assemblies are rated for “low hazard” installations only. Also, double check valve assemblies are notoriously unreliable and malfunction often. Irrigation systems typically have sprinkler heads housed in*

*depressions in the ground. Rain storms and irrigation systems provide water that washes over the ground or lawn. This water picks up contaminants such as bird droppings, feces from dogs, cats, deer and other animals, chemical and animal fertilizers, pesticides used in spraying lawns and trees, chemical weed killers, and anything else that would be on or in the ground. This contaminated water settles in the depressions that house the sprinkler heads creating a direct cross connection between potable water and toxic contaminated water. Improperly protected irrigation systems can and do allow harmful contaminants to enter the public water supply endangering the health of the citizens using the water system. This is documented fact and unfortunately occurs across the United States every day.*

*Atmospheric vacuum breakers (AVB's) and pressure vacuum breakers (PVB's) are rated for "high hazard" installations but are not rated for back pressure. Other constraints include mandatory requirements for heights of installation for the devices. Atmospheric vacuum breakers must be installed a minimum of 6 inches above the highest sprinkler head. Pressure vacuum breakers must be installed a minimum of 12 inches above the highest sprinkler head. In the hill country of Kerrville this creates a problem when installers do not pay proper attention to these requirements. Also, lawn service people install chemical fertilizer systems, both pump and non-pump systems, on irrigation systems without the knowledge of the Authority Having Jurisdiction thereby creating back pressure conditions that AVB's and PVB's are not rated for.*

*The International Plumbing Code states the following in section 608.16.5....where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer (RPZ).*

*Reduced Pressure Principle Backflow Prevention Assemblies (RPZ's) are the most reliable backflow device produced. RPZ's have a long track record of the highest quality of protection of public water systems throughout the world. RPZ's are rated for low and high hazard installations and are rated for back siphonage and back pressure. RPZ's are the best choice for irrigation systems and are required by the City of Kerrville's water manager for all irrigation systems in the City of Kerrville.*

*The City of Kerrville has a requirement for all new commercial facilities, occupancy changes in existing commercial facilities, and existing occupancies deemed actual or potential hazards to have RPZ's installed to protect the public water system even though a particular facility may not be readily identifiable as a "contamination hazard." Businesses move in and out of existing buildings and tenant spaces on a regular basis, one day a space may house a book keeping business, and the next day a photo lab or printing business. The City of Kerrville has no way to determine if an actual or potential hazard exists in these tenant changes and usually is not aware a change has taken place. For this reason RPZ's are a requirement. This*

*has been a requirement since the city adopted its TCEQ mandated cross-connection control program more than four years ago.*

*The City of Kerrville is required by state and federal law to protect the public water supply and has a great responsibility in doing so. Backflow events happen in Kerrville. For example: when a water main breaks, when fire pumps and fire hydrants are tested, when fires are fought using city water, when pump station pumps stop or malfunction backflow and/or back siphonage occurs.*

*There are many documented cases of backflow events where people have become ill and died from diseases such as typhoid and from chemical poisoning which have been introduced into the public water system through backflow events. The City of Kerrville cannot afford to be less than vigilant in protecting the public water system. Therefore, this proposed addition should not be adopted.*

*City of Kerrville Public Works Director, Charlie Hastings, and Water/Wastewater Manager, Stuart Barron, will have comments at a later date and can provide more details on Backflow problems and concerns.*

Proposed changes to the *International Residential Code*.

9. **Section R105.2 Work exempt from permit.**

This section is similar to the same section found in the International Building Code. It is a list of items that do not require a permit. Item #6 states: Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work. Sheet rock repairs are considered finish work and there is not a requirement for permits for this type of work.

**Proposed changes:**

**Add: “sheetrock repairs”**

**Add: “or electrically powered water heaters”**

*Analysis of proposals:*

*These proposed additions are identical to those proposed in Section 105.2 in the International Building Code and are not needed and should not be adopted for the same reasons as stated above. (See previous discussion.)*

10. **Section R105.2.2 Repairs.**

**Proposed change:**

**Delete: “the cutting away of any wall, partition or portion thereof.”**

*Analysis of proposal:*

*This is identical to the addition proposed above for the International Building Code in Section 105.2.2. While the asbestos laws do not govern this type of demolition it*

*is still necessary for the Building Inspection Division to monitor the cutting away of walls in residences and therefore, this proposed addition should not be adopted.*

**11. Section R202 Definitions.**

Section R202 is amended by adding the following definitions: Occupancy and occupancy classification.

**Proposed change:**

**Section R202 Occupancy classification. Change “the occupancy classification is determined by the Building Official” to read “the occupancy classification is to be determined by the building use, zoning, city ordinances and confirmed to be in compliance by the Building Official.”**

*Analysis of proposal:*

*The two definitions added to chapter two of the IRC (occupancy and occupancy classification) in the local amendments of the draft ordinance to adopt the IRC are not needed and should be removed from the ordinance. Therefore, the proposed addition is not needed and should not be adopted.*

**12. Section R401.3.1 Surface water diversion; prohibited activity.**

This section is the City of Kerrville’s 1995 storm drainage ordinance which outlines requirements for drainage for new residential construction. It is a local amendment listed in the draft ordinance to adopt the IBC and IRC.

**Proposed change:**

**Delete entire section.**

*Analysis of proposal:*

*The Building Inspection Division does not find anything especially wrong with the existing language of the 1995 drainage ordinance. However, the language in the International Residential Code provides for the enforcement of drainage issues concerning new home construction even though the language is limited. The Building Inspection Division is not opposed to deletion of Section R401.3.1 to allow for further review at a later date if this is desired, but it is important to recognize that the City of Kerrville has significant drainage problems that have to be addressed.*

**13. Section R402.2 and R403.1**

These sections deal with concrete foundation minimum requirements and have been deleted and substituted with the minimum requirements for residential slab foundations which have been in effect and utilized by the Building Inspection Division for at least twenty five years. These are the current requirements as adopted by ordinance and are merely being brought forward into the ordinance to adopt the 2006 International Residential Code. These requirements simplify the rules of the 2006 International Residential Code and are more user-friendly.

**Proposed change:**

**It is recommended that this amendment be clarified and separated into foundation types. Footing design: “post tension, Monolithic.” Foundation design: “post tension, Monolithic.” Retaining wall. (other if applicable).**

*Analysis of proposal:*

*The language and charts included in this section in the draft ordinance to adopt the International Residential Code are understandable, user friendly and have been successfully used for many years. Therefore, there is no need to revise what is not broken. This addition should not be adopted.*

**14. Section M1411.3 Condensate disposal.**

“Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. Condensate shall not be discharged into a street, alley, or other area so as to cause a nuisance or hazard. The condensate from any heating system, air conditioning system, or any other source, shall not be discharged into the sanitary sewer. Condensate shall discharge to the exterior, an adequately sized French drain, or some other location approved by the Building Official.” (Actual language from the draft ordinance to adopt the *International Residential Code*.)

**Proposed change:**

**It is recommended that this amendment be clarified as to what an “adequately sized French drain, or some other location approved by the Building Official” would consist of. It is recommended that some sort of guideline be developed for “condensate, French drain” and or what would be considered to be an appropriate “other location” by the Building Official. Example: “X” tonnage of air conditioning discharges “X” amount of condensation therefore a “French drain” of “X” (dimension) is required. Or may discharge to “X” location with “X” amount of ground cover. The committee recommends that this amendment and section be given more time and attention so that more research may be done to provide a more informed recommendation.**

*Analysis of proposed recommendation:*

*Every building project in the City of Kerrville is unique. No two buildings have the same factors governing disposal of condensate. Sizes and numbers of air conditioning systems, amount of condensate produced, distances condensate piping must be laid, lot drainage requirements, soil types and ability of soil to lose or retain water, are all factors that must be considered when disposing of condensate. The existing language of this amendment is flexible to allow the Building Inspection Division, the contractor, and the engineer in responsible charge to arrive at an appropriate solution for a project based on the individual needs of each building constructed. It is not possible to write specific requirements that would cover each and every construction project’s unique condensate problems.*

*The existing language has been used for many years by the Building Inspection Division and has served its purpose well. Therefore, there is no need to modify this code section. The Code Section M1411.3 should remain as written in the draft ordinance to adopt the International Residential Code.*

15. Section P2609.3.

This is a section from the local amendment included in the draft ordinance to adopt the IRC.

**Proposed change:**

**Add: definition of “Atmospheric Vacuum breaker” (AVB)**

*Analysis of proposed addition:*

*The International Residential Code has a definition of atmospheric vacuum breaker in section P2902.3.2. Therefore, this addition is not needed and should not be adopted.*

16. Section P2609.7(d)

This is a section included in the draft ordinance to adopt the IRC. “A customer who obtains potable public water from the public water system for use at a construction site shall install a reduced pressure principle backflow prevention assembly (RPZ).”

**Proposed change:**

**Add: or a hose bibb with an “atmospheric vacuum breaker” (AVB) component.**

*Analysis of proposal:*

*Construction sites are high hazard uses with the potential for back pressure and back siphonage. Hose bibb AVB’s are not rated for back pressure and are not suitable for protection of the city water supply at construction sites. They are easily disabled or removed. RPZ’s are the only choice for this type of protection. This addition should not be adopted.*

17. Section P2609.22.1 Right of entry.

This section is included in the draft ordinance to adopt the IRC. “A City employee may enter a customer’s property or facilities to inspect a cross connection, backflow prevention assembly, or piping. The right of entry is a condition of the City providing water service, directly or indirectly, to a customer’s property or facilities, whether within or outside the city limits, and is a condition of connection to the public water system.”

**Proposed change:**

**P2609.22.1 Amend the first sentence: Right of entry. A city employee may enter a customer’s property or facilities during normal business hours or**

**with an appointment to inspect a cross-connection, backflow prevention assembly, or piping.**

*Analysis of proposal:*

*City employees would under almost every circumstance request entry during normal business hours. However, emergencies can happen at anytime and it could be necessary for city employees to call a customer to open a facility for inspection at other than normal business hours. There is no objection to amending the first sentence as long as an exception for emergencies is added.*

Proposed changes to the *International Plumbing Code*:

18. Section 109.8(b)

This section is from the local amendments in the draft ordinance to adopt the 2006 *International Plumbing Code* and refers to the Plumbing Board of Adjustments and Appeals. "Conducting hearings on appeals. Within a period of ten (10) days from the filing of the appeal, the Board shall hear the appeal, together with the testimony of all parties concerned, and render a decision thereon within three (3) days thereafter."

**Proposed change:**

**Add: If the Board is not convened within ten (10) business days after the city receives the written appeal, the applicant is automatically granted the appeal as requested.**

*Analysis of proposal:*

*Boards are routinely convened as soon as possible for the benefit of all concerned. However, there are circumstances when a Board might not be able to meet within the 10 day period. Members might be out of town and a proper quorum might not be possible. The Board, by law, may not waive a code requirement and there should not under any circumstance be a provision for automatic waiver or granting of an appeal. Therefore, this addition should not be adopted.*

19. Section 608.13 Public water systems.

**Proposed change:**

**Add: Public water system connections should not require backflow prevention assemblies except where specifically called for by the TCEQ "rules and regulations for public water systems, 30 TAC chapter 290.47(i)". Double check valve assemblies, atmospheric vacuum breakers, or pressure vacuum breakers, may be used in irrigation systems where no chemicals are applied by pump(s) in or through the irrigation system. Double check valve assemblies, atmospheric vacuum breakers, or pressure vacuum breakers shall be checked once every year by a qualified inspector and a written report prepared as directed in "30 TAC chapter 290.47(f)".**



**BUSINESS OF THE PLANNING AND ZONING COMMISSION  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 7A **FOR AGENDA OF:** January 17, 2008

**DESCRIPTION:** Future Agenda Items

**APPLICANT(S):** Senior Planner

**ATTACHMENT(S):**

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The following item has been scheduled for the Commission's February 7, 2008 meeting;

Preliminary Plat: Kroc Center – A one (1) lot 16.155 acre tract located generally at the end of George Street southeast of Paschal Street and fronting the southside of Holdsworth Drive. Zoned: PDD. Applicant: Matkin-Hoover Engineering and Surveying. (File No. 2008-01)