Item #3

Planning Department Executive Summary

REPORT TO THE PLANNING AND ZONING COMMISSION

Final Replat of Lot 3 in Block 20 of Deer Run Subdivision Unit 4

I. BACKGROUND

A. General Information

Applicant: TEC Services
3292 El Indio Highway
Eagle Pass, Texas 78852

Owner: Bertha Enriquez
3621 Bison Drive
Eagle Pass, Texas 78852

Location: 3621 Bison Drive

Property ID Number: 7971

Request: Final replat approval to subdivide an approximately 0.4014-acre tract into two (2) residential lots, including (a) a variance to proceed to final plat directly without first having obtained preliminary replat approval (b) a variance to reduce the average 70 feet width of the lot (c) a sidewalk waiver from having to construct a sidewalk, along the property street frontage abutting Bison Drive.

B. Subject Property Information

Parcel Size: 17,490–square feet

Existing Use: 2 residential homes

Topography: Generally flat

Vegetation: residential landscaping

Zoning: Meets or exceeds the *R-1 First One-Family Dwelling District* Standards

Master Plan: Not applicable

C. Vicinity Data: The site is located within an area that features residential developments.

D. Infrastructure: The property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, cable, electric service, gas and garbage service. Access to the site is provided by Bison Drive.

II. PUBLIC NOTICE

Public notification of the subdivision with variance requests before the Planning and Zoning Commission was completed consistent with the provisions of *Chapter 211* of the *State of Texas Local Government Code Title 7.* 54 notices to the abutting property owners within a 500 feet radius of the subject property and as of November 24, 2021 the Planning Department has not received one letter as undeliverable.

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. The applicant's request contains sufficient information for consideration by the Planning and Zoning Commission. Information contained in this report and the Commission's public meeting will be used as part of the City Council's deliberation process for final approval of the subdivision. Please refer to Attachment 1.

2. *City of Eagle Pass Code of Ordinances Section 23-64(d)(1)* authorizes the Planning and Zoning Commission to waive the requirement for the construction of sidewalks in circumstances where the sidewalk would be unnecessary or unsafe due to the physical characteristics of the terrain in the subdivision. Please refer to Attachment 2 for a copy of the waiver application and photographs indicating the property frontage for subject road.

   The construction of sidewalks along the property frontage parallel to Bison Drive would create a unsafe condition, as sidewalks are not in place in the immediate vicinity of the subdivision. The construction of a sidewalk would incorrectly create the assumption that sidewalks were in place throughout the area when, in fact, this is not the case. This assumption creates an unsafe condition and, as such meets the criteria for granting a sidewalk waiver by the Commission.

3. *City of Eagle Pass Code of Ordinances Section 23-11* states that the Planning and Zoning Commission must find that the subdivision variances, enclosed as Attachment 2, comply with the criteria in order to the grant the subdivision variances. The following is a summary of this application's compliance with the criteria:

   - *City of Eagle Pass Code of Ordinances Section 23-11(a)(1)*
   - *City of Eagle Pass Code of Ordinances Section 23-11(a)(2)*
   - *City of Eagle Pass Code of Ordinances Section 23-11(a)(3)*
   - *City of Eagle Pass Code of Ordinances Section 23-11(a)(4)*
   - *City of Eagle Pass Code of Ordinances Section 23-36(a)*
   - *City of Eagle Pass Code of Ordinances Section 5(d)(1) of Appendix A of the Zoning Ordinance*

   The aforementioned subdivision variances are consistent with the subdivision variance decision criteria and therefore, should be granted.

4. The *Master Plan* emphasizes the importance of maintaining the character of the residential and commercial neighborhoods located within the City's 5-mile wide *Extraterritorial Jurisdiction* (ETJ).

   ✓ The re-subdivision is consistent with the *Housing Goals* of the *Master Plan*, as the subdivision process will ensure appropriate land development regulation with appropriate lot sizes, paved streets with curb and gutters, and adequate utility services. The construction of a concrete curb and gutter section along Bison Drive will not be required for this project if the subdivision variance request involving the requirement is granted by the Commission.

   ✓ The re-subdivision is consistent with the *Land Use Development Goals* of the *Master Plan,* as the project is designed to provide for a building lot density that is consistent with the purpose of the *R-1 First One-Family Dwelling District.* This design will allow for the continuing development of the community while retaining the neighborhood character and scale while providing utility services in the most and efficient and equitable manner. The intensity of use will not be

met as the average lot width is not met if the subdivision variance request involving the requirement is granted by the Commission.

- ✓ The re-subdivision is consistent with the *Street Goal* of the *Master Plan*, as access to the site from Bison Drive has been designed to provide the residents of and visitors to Eagle Pass and Maverick County with a street system that will enable them to travel safely and conveniently.

- ✓ The re-subdivision is consistent with the *Thoroughfare Goals* of the *Master Plan*, as Bison Drive has been designed to be part of a safe and efficient thoroughfare system.

- ✓ The re-subdivision is consistent with the *Storm Drainage Goals* of the *Master Plan*, as the size of the two lots and the eventual density of 2-dwelling-units on the re-plat site will not adversely impact existing area drainage effectiveness.

5. The re-subdivision design is consistent with the purpose of the *R-1 First One-Family Dwelling District*.

6. The re-subdivision is consistent with City design and specifications, as the project is designed and conditioned to conform to the following sections of *Article IV* in *Eagle Pass Code of Ordinances Chapter 23*:

   - ✓ *Section 23-62* governing utility easements
   - ✓ *Section 23-64* governing sidewalks, subject to the granting of a sidewalk waiver, including curb and gutter by the Planning and Zoning Commission
   - ✓ Section 23-66 governing sanitary sewage disposal
   - ✓ *Section 23-67* governing potable water supply and fire flow
   - ✓ *Section 23-68* governing storm drainage
   - ✓ *Section 23-69* governing the size of building lots, including lot width, lot depth, lot orientation, and building setback areas, subject to the granting of a lot width reduction by the Planning and Zoning Commission
   - ✓ *Section 23-71* governing the installation and inspection of utility lines

   Please refer to Attachment 3 for a copy of the *Final Engineering Report* for the proposal.

7. The re-subdivision is also consistent with the City design and specifications for landscape and tree preservation set forth in *Article VI* in *Eagle Pass Code of Ordinances Chapter 23.*

8. The re-subdivision is also consistent with the parkland dedication requirements set forth in Article V in Eagle Pass Code of Ordinances Chapter 23.

9. The subdivision's conformance with the provisions of the *Master Plan* and the *Eagle Pass Code of Ordinances* will facilitate the following benefits:

   - Protect private rights while considering public health, safety and welfare.

   - Provide for efficient and economical ways to move people and goods outside the City by an adequate plan for streets and highways.
   - Guide future development in an orderly manner, by stages according to a pattern, so that the County may have a balanced land use.

- Encourage a diversified economic base, and encourage public and private investments in land and improvements.
- Prevent and eliminate blight and slums, making the County attractive to people, commerce, and industry.
- Create the desire for a more pleasing appearance of the County, and incorporate into its physical development the basic principles of good design.
- Protect and preserve the identity of each neighborhood through use of the guidance provided by the *Master Plan* and the *Code of Ordinances.*
- Locate all land uses on land best suited for their needs, arranged in such a way as to be mutually beneficial and functional, with ample area to meet long-term needs.
- Establish a proper relationship between open space, developed areas, building bulk, light and air space, in all future development programs of land use.
- Encourage and abet the development of civic, cultural, and other public and quasi-public buildings in harmonious and functional groupings.

10. The re-subdivision will allow for a use of the property that is consistent with the residential purpose of the *R-1 First One-Family Dwelling District* and the surrounding neighborhood for the following reasons:

    A. The re-subdivision design bears a substantial relationship to the public's health, safety, and welfare.

    B. The re-subdivision is in accordance with the policies of the *Master Plan* and the residential purpose of the *R-1 First One-Family Dwelling District.*

    C. The subdivision is warranted because of the necessity to create additional building lots in the *R-1 First One-Family Dwelling District*, and because the proposed development is appropriate to accomplish the reasonable use of the property.

    D. The subject property is suitable for development in general conformance with development standards of the *R-1 First One-Family Dwelling District.*

    E. The subdivision will benefit the County as a whole and will not be detrimental to nearby land uses of a similar nature.

    F. The subdivision has been designed and conditioned to comply with all applicable subdivision criteria and standards of the City of Eagle Pass.

11. The final approval of this re-plat request is warranted, as the project conforms to the *City of Eagle Pass Master Plan* and the *City of Eagle Pass Code of Ordinances* as noted in Conclusion 1 through and including Conclusion 10 of this report.

B. <u>Planning Department Recommendation</u>

The Planning and Zoning Commission (1) **GRANT** the subdivision variance to proceed directly to Final Replat without first having obtained Preliminary Replat approval as required by *City of Eagle Pass Code of Ordinances Section 23-36(a)*, (2) **GRANT** the subdivision variance to reduce the required 70-feet lot width to 50-feet, (3) **GRANT** a sidewalk waiver and (4) recommend that City Council **GRANT** final approval of the proposed Final Replat of *Lot 3 in Block 20 of Deer Run Subdivision Unit 4,* subject to the

plat complying with the provisions of *Article III* of *City of Eagle Pass Code of Ordinances Chapter 23* governing procedures and specifications for Final Plats.

TRANSMITTED to the parties listed hereafter:
TEC Services via e-mail
Maverick County Planning Department via e-mail
Eagle Pass Planning and Zoning Commission via e-mail
Planning & Zoning Commission Report dated December 9, 2021

Attachment 1
Application

PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Phone: (830) 773-778 • Fax: (830) 773-7803

SUBDIVISION APPLICATION

TYPE OF SUBDIVISION (check one):
○ Preliminary ○ Final ◉ Replat ○ Amendment ○ Short Form Final

Property Legal Description: DEER RUN UNIT # 4, BLOCK 20, LOT 3

Maverick County Property Identification Number(s): 7971

Name of Addition: REPLAT: DEER RUN UNIT # 4, BLOCK 20, LOT 3

Location of Addition: 3621 BISON DRIVE

Number of Residential Lots: 2 Number of Commercial Lots: 0 Gross Acreage: 0.4014

Number of New Street Intersections 0 Linear feet of Streets 0

Is Subdivision inside city limits? Yes ○ No ◉; If so, Zoning District: N/A

Existing Land Use: RESIDENTIAL Proposed Land Use: RESIDENTIAL

Requested Variances: 1) VARIANCE TO PROCEED TO FINAL PLAT
2) variance to reduce the required 70 foot lot width to 56 feet

PROPERTY OWNER:

Name: ENRIQUEZ, BERTHA
Address: 3621 BISON DRIVE
City: EAGLE PASS
State: TX Zip: 78852
Signature: Bertha Enriquez

Contact: Bertha Enriquez
Phone: 830-968-0737
Fax: N/A
E-mail: N/A
Date: 10/27/21

PROPERTY OWNER:

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Signature: _____

Contact: _____
Phone: _____
Fax: _____
E-mail: _____
Date: _____

APPLICANT/SUBDIVIDER:

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1

Name: TEC Services
Address: 3292 El Indio Hwy
City: Eagle Pass
State: TX Zip: 78852
Signature:

Contact: Aaron Libson
Phone: 830-773-0579
Fax: 830-773-7312
E-mail: ajlibson@terratechengineering.com
Date: 10/27/21

SURVEYOR:

Name: Francisco Gaytan
Address: 2606 Encino Park Dr.
City: Eagle Pass
State: TX Zip: 78852
Signature:

Contact: Francisco Gaytan
Phone: 830-773-8308
Fax: 830-421-7116
E-mail: fgaytan@yahoo.com
Date: 10/27/21

ENGINEER:

Name: Florentino Caballero
Address: 3292 El Indio Hwy
City: Eagle Pass
State: TX Zip: 78852
Signature:

Contact: Florentino Caballero
Phone: 830-773-0579
Fax: 830-773-7312
E-mail: fcaballero@terratechengineering.com
Date: 10/27/21

PRINCIPAL CONTACT: ○ Owner ◉ Applicant ○ Surveyor ○ Engineer

All City communication regarding the subdivision will be directed only to the designated principal contact.

STATEMENT OF APPLICANT

The information contained in this subdivision application contains true and accurate information provided to the best of my ability. I acknowledge that the City of Eagle Pass will use the information contained herein as the basis for the review of the subdivision application's conformance with the provisions of *City of Eagle Pass Code of Ordinances Chapter 23*.

I understand that the City of Eagle Pass may use third party engineering peer review services. I acknowledge and agree that I am responsible for the payment of services attributable to my project, and that the preliminary approval process or final approval process will not proceed until and unless I have provided payment for the aforementioned services.

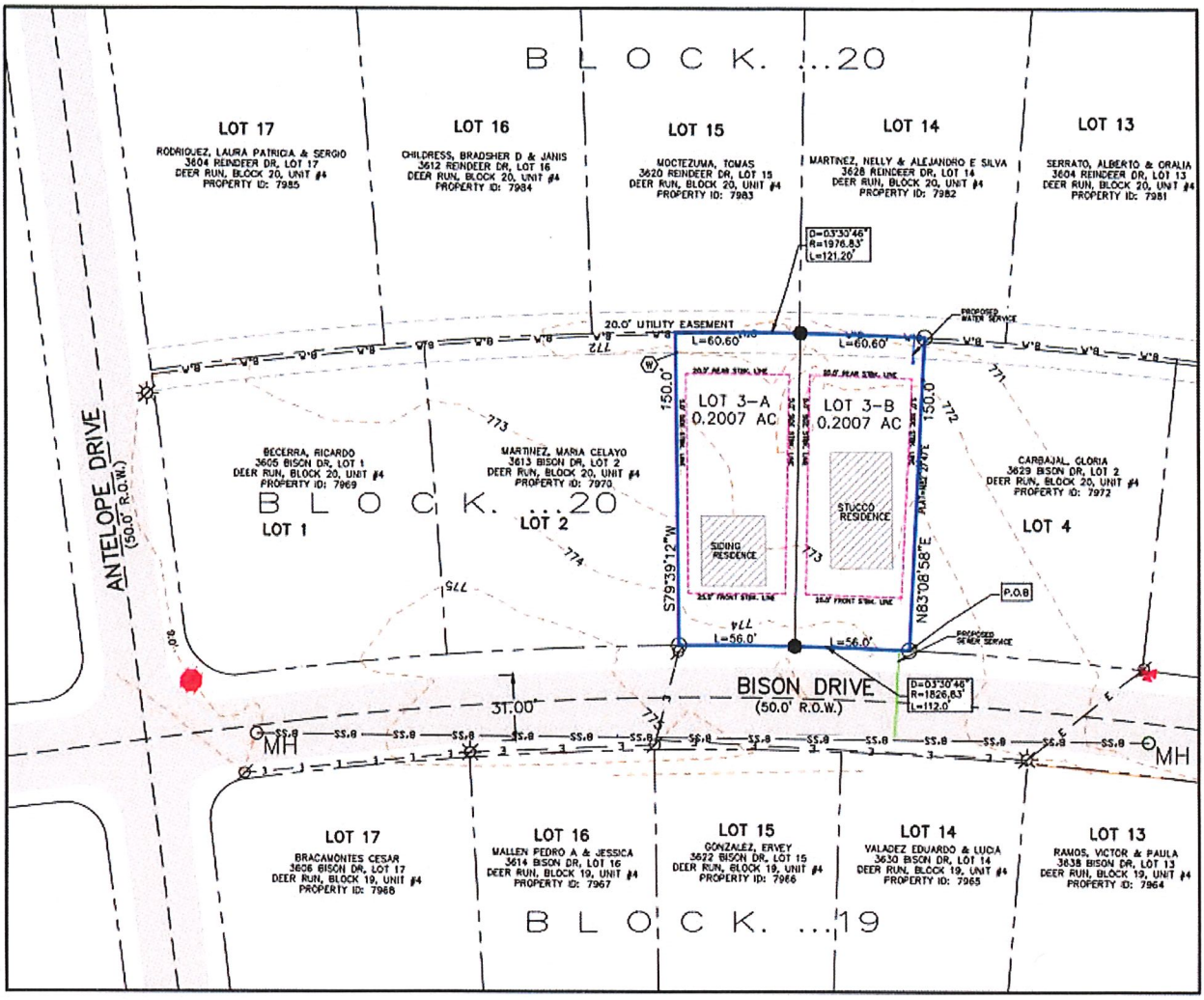
Applicant Signature

10/27/21
Date

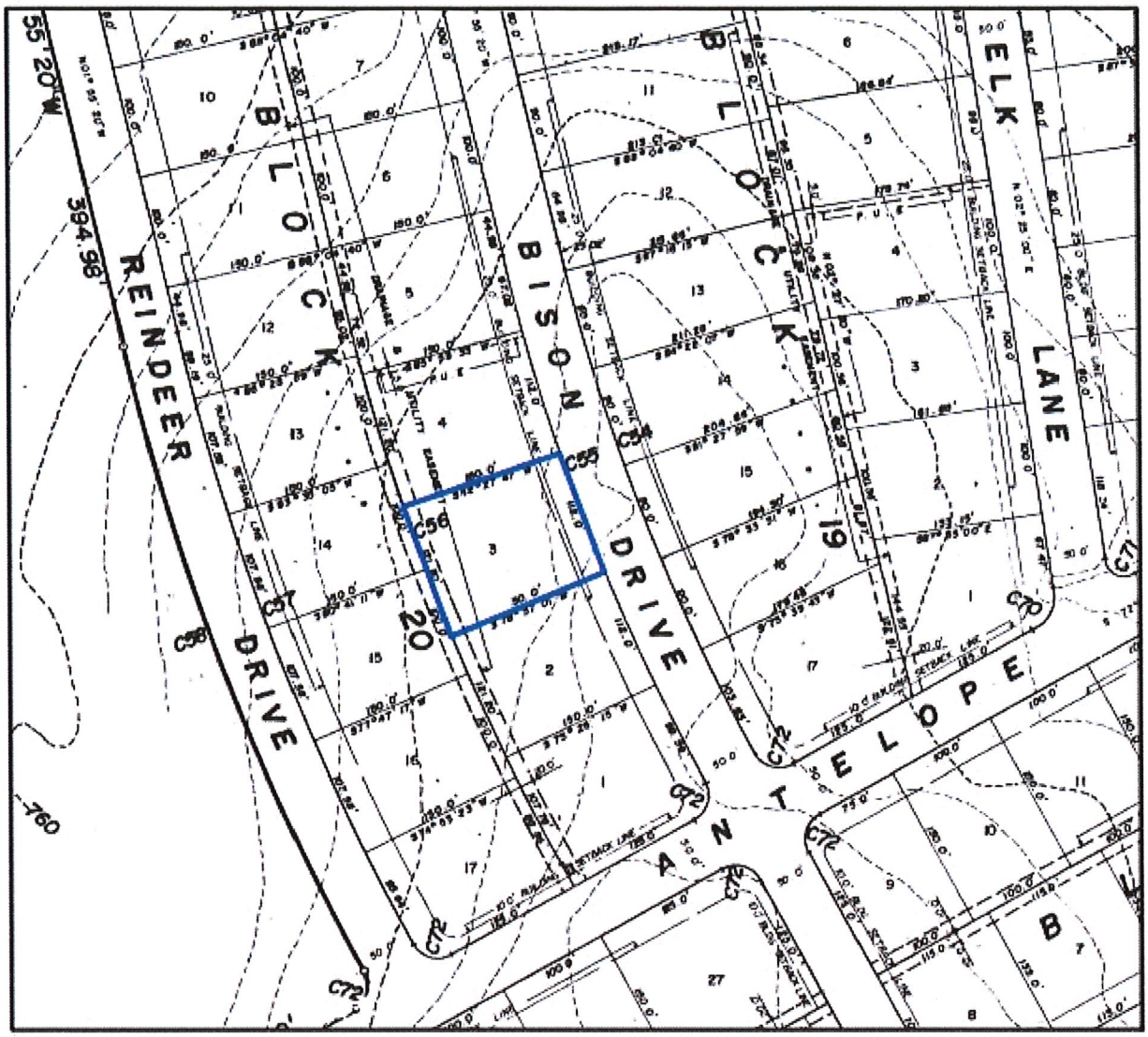
2

VICINITY MAP
NOT-TO-SCALE

Revised 11/29/2021



REPLAT SUBDIVISION LOT INFORMATION		
LOT	AREA	911 ADDRESS
3-A	0.2007 ACRES (8,743 SQ.FT.)	3621 BISON DRIVE
3-B	0.2007 ACRES (8,743 SQ.FT.)	3625 BISON DRIVE



ORIGINAL PLAT OF LOT 3, BLOCK 20
DEER RUN SUBDIVISION, UNIT#4
(ENVELOPE 113, SIDE A M.C.M.R)

Attachment 2
Subdivision Variance Request(s)
Sidewalk Waiver

PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Phone: (830) 773-778 • Fax: (830) 773-7803

SUBDIVISION VARIANCE APPLICATION

Applicant Information

Applicant (If not owner): TerraTech Engineering and Construction Services

Address: 3292 El Indio Hwy, Eagle Pass, TX, 78852

Phone: 830-773-0579 E-mail: ajlibson@terratechengineering.com

Owner: Bertha Enriquez

Address: 3621 Bison Dr.

Phone: 830-968-0737 E-mail: N/A

Property Information

Site Address: 3621 Bison Dr. MCAD Property ID No. 7971

Legal Description (from deed): Lot 3, Block 20, Deer Run Unit #4

Description of Subdivision Variance Request

Variance to proceed straight to Final Plat given existing infrastructure.

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would deprive the application of the reasonable use if their land?

This variance is required to proceed straight to final plat, since existing infrastrucure such as utility mains and paved street access are already existing, the preliminary plat process has essentially already been completed and can proceed to final.

How is the variance necessary for the preservation and enjoyment a substantial property right of the applicant?

This variance is necessary for the property owner to proceed to final plat and be able to replat/subdivide their property and obtain the proper utility services to their respective properties.

1

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Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

The granting of this variance will not be detrimental to public health, safety, or injurious to other property in the area as it is just paperwork required to be able to proceed to the final plat process.

Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of the other land in the area in accordance with the provisions of the subdivision code.

This variance is required of all property owners seeking to replat an existing platted lot to be able to legally finalize their proposed re-subdivision. This should not effect the orderly subdivision of other land in the area.

Required Application Attachments

The following documentation is required to be attached to this application:

- A copy of a survey map prepared by a licensed surveyor.
- A copy of a 'run sheet' for the property detailing prior deed history, which can typically be obtained at a title company.

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions if a subdivision variance approval. I agree to provide any additional information requested by the City of Eagle Pass as they deem necessary for the processing of this application.

Applicant Signature

10/27/21
Date

PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Phone: (830) 773-778 • Fax: (830) 773-7803

SUBDIVISION VARIANCE APPLICATION

Applicant Information

Applicant (If not owner): TERRATECH ENGINEERING AND CONSTRUCTION SERVICES

Address: 3292 EL INDIO HWY, EAGLE PASS TX 78852

Phone: 830-773-0579 E-mail: AJLIBSON@TERRATECHENGINEERING.COM

Owner: ENRIQUEZ, BERTHA

Address: 3621 BISON DRIVE

Phone: 830-968-0737 E-mail:

Property Information

Site Address: 3621 BISON DRIVE MCAD Property ID No. 7971

Legal Description (from deed): DEER RUN UNIT#4, BLOCK20, LOT3

Description of Subdivision Variance Request

VARIANCE TO REDUCE WIDTH OF LOT TO FIFTY SIX (56) FEET TO COMPLY WITH SEC (5(d)(1)) OF THE CITY OF EAGLE PASS ORDINANCE WHICH REQUESTS R1 ZONED LOTS BE MINIMUM SEVENTY (70) FEET IN WIDTH.

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would deprive the application of the reasonable use if their land?

AS PER THE CITY OF EAGLE PASS ORDINANCES PERTAINING TO R-1 FIRST FAMILY DWELLING DISTRICTS, THIS IS REQUIRED IN ORDER TO PROCEED WITH THE PLAT PROCESS GIVEN THE MINIMUM LOT WIDTH REQUIRMENTS FOR R-1 DISTRICTS.

How is the variance necessary for the preservation and enjoyment a substantial property right of the applicant?

THIS VARIANCE IS REQUIRED FOR THE PROPERTY OWNER TO PROCEED WITH FINAL PLAT.

1

Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

GRANTING OF THIS VARIANCE WOULD NOT BE DETRIMENTAL TO THE PUBLIC HEALTH GIVEN THAT MOST LOTS IN THE VICINITY ARE OF THE SAME OR SIMILAR LOT WIDTH.

Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of the other land in the area in accordance with the provisions of the subdivision code.

THE GRANTING OF THIS VARIANCE WOULD NOT PREVENT THE ORDERLY SUBDIVISION OF OTHER LAND IN THE AREA AS ADJACENT PROPERTIES HAVE ALREADY BEEN DEVELOPED IN A SIMILAR MANNER

Required Application Attachments

The following documentation is required to be attached to this application:

- A copy of a survey map prepared by a licensed surveyor.
- A copy of a 'run sheet' for the property detailing prior deed history, which can typically be obtained at a title company.

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions if a subdivision variance approval. I agree to provide any additional information requested by the City of Eagle Pass as they deem necessary for the processing of this application.

Applicant Signature

11/24/21
Date

Received 11/29/2021

PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Phone: (830) 773-7781 • Fax: (830) 773-7803

Subdivision Sidewalk Waiver Application

City of Eagle Pass Code of Ordinances Section 23-64(a). Concrete sidewalks shall be required to be constructed in all residential, commercial, industrial, public and multi-family subdivision sites. Sidewalks shall have a minimum width of 4-feet and a minimum thickness of 4-inches and shall be required to be placed adjacent and/or contiguous to the property line within the streets right-of-way. Sidewalks shall be required on the subdivision side of adjacent or perimeter streets and on both sides of interior streets.

City of Eagle Pass Code of Ordinances Section 23-64(d). The Planning and Zoning Commission may waive the requirement for sidewalks in any of the following situations or circumstances:

(1) Where construction of a sidewalk by a subdivider on either or both sides of a street or a portion of a street would be either unnecessary or unsafe due to the particular physical characteristics of the terrain in the subdivision, the safety and necessity of which shall be determined by the Planning and Zoning Commission; however, such waiver may only be granted if the Commission determines that either sound engineering or safety considerations dictate that a sidewalk should not be constructed, for example, where a proposed sidewalk would cross an arroyo, creek or steep embankment; or

(2) Where a proposed sidewalk would be located adjacent to a utility easement and the land adjacent to such easement is unusable for development because of the nature of such easement, for example, a natural gas or electric utility easement or a railroad right-of-way or where a proposed sidewalk would be located adjacent to an easement and the land on the other side of the easement is of insufficient depth to allow future development on that side, provided that in either event that there is, or will be, a sidewalk on the side of the road opposite the easement; or

(3) Where a residential subdivision has double-frontage lots and the rear lots abut a collector or arterial street, a sidewalk on the side of such collector or arterial street on which the rear lot lines abut, does not have to be constructed, provided that a sidewalk is or will be, constructed on the other side of such collector or arterial street; or

(4) When the lot size in a new residential subdivision is equal to or exceeds 22,000-square-feet in area.

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Applicant Information

Applicant (if not owner): TerraTech Engineering and Construction Services

Phone: 830-773-0579 Email: ajlibson@terratechengineering.com

Owner: Bertha Enriquez

Owner Address: 3621 Bison Dr. City: Eagle Pass State: TX Zip: 78852

Phone: 830-968-0737 Email: N/A

Property Information

Site Address: 3621 Bison Dr.

Legal description (from deed): Lot 3, Block 20, Deer Run Unit #4

(Property must be legally subdivided or be lot of record)

Maverick County Identification Number: 7971

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Description of Subdivision Sidewalk Waiver Request, including exact location and distance

Due to there being no existing sidewalks in neighborhood to connect to, building approximately 112 linear feet of sidewalk would create uneven walking surfaces, and create possible tripping safety hazards for pedestrians walking at night.

Please check one or more of the following code sections under which you are requesting the waiver

O Where construction of a sidewalk by a subdivider on either or both sides of a street or a portion of a street would be either unnecessary or unsafe due to the particular physical characteristics of the terrain in the subdivision, the safety and necessity of which shall be determined by the Planning and Zoning Commission; however, such waiver may only be granted if the Commission determines that either sound engineering or safety considerations dictate that a sidewalk should not be constructed, for example, where a proposed sidewalk would cross an arroyo, creek or steep embankment.

O Where a proposed sidewalk would be located adjacent to a utility easement and the land adjacent to such easement is unusable for development because of the nature of such easement, for example, a natural gas or electric utility easement or a railroad right-of-way or where a proposed sidewalk would be located adjacent to an easement and the land on the other side of the easement is of insufficient depth to allow future development on that side, provided that in either event that there is, or will be, a sidewalk on the side of the road opposite the easement.

O Where a residential subdivision has double-frontage lots and the rear lots abut a collector or arterial street, a sidewalk on the side of such collector or arterial street on which the rear lot lines abut, does not have to be constructed, provided that a sidewalk is or will be, constructed on the other side of such collector or arterial street.

O When the lot size in a new residential subdivision is equal to or exceeds 22,000-square-feet in area.

Describe how your waiver request complies with the section or sections checked above

Constructing 112 linear feet of sidewalk along the frontage of the entire lot would create unsafe walking conditions at night for pedestrians due to the uneven walking surfaces created as a result of there being no existing sidewalks to connect to.

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this subdivision sidewalk waiver application.

I further understand that provisions of *City of Eagle Pass Code of Ordinances Section 23-64* apply to all subdivisions within the city limits and all subdivisions outside the city limits. For subdivisions outside the city limits, a guarantee of performance for sidewalks as set out in *Section 23-40* shall be furnished prior to plat approval. For subdivisions inside the city limits, sidewalks shall be required as a condition at the time the building permits are obtained and no guaranty of performance shall be required as set out in *Section 23-40*. However, inside the city limits, all sidewalks must be in place within 18-months after plat recordation and it shall be the responsibility of the subdivider to see that this deadline is met. If the sidewalks are not in place within 18-months after recordation, the subdivider of the property will be assessed the full cost of constructing the sidewalks plus $100.00 per month for each month beyond the 18-month period during which said construction remained uncompleted.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision sidewalk waiver approval by the Planning and Zoning Commission. I agree to provide any additional information requested by the City of Eagle Pass as they deem necessary for the processing of this application.

Applicant Signature

10/27/21
Date

Attachment 3
Final Engineering Report

7

To: Placido Madera

City of Eagle Pass Planning Director

From: Florentino Caballero, P.E.

Date: October 18, 2021

Reference: Final Engineering Report for Replat of Lot 3, Block 20, Deer Run Subdivision Unit 4

Mr. Madera,

Mrs. Bertha Enriquez, owner of property legally described as 'Lot 3, Deer Run Unit 4, has requested that TerraTech Engineering and Construction Services (TEC Services) prepare a Replat of this property to legally subdivide it into (2) Two Residential Lots. This property is located at 3621 Bison Drive. The property is located outside the Eagle Pass City Limits, but within the 2-mile Extra-Territorial Jurisdiction (E.T.J.) and is currently Platted as One (1) Residential Lot. The property has two existing homes, and has access to existing sewer, water, cable, and electric utilities. As a result, we are proceeding straight to the Final Plat process given the existing conditions.

General Description

The subject Plat has a total area of 0.40 Acres and measures approximately 112' x 150' (see attached Replat Sheet for reference). The subject tract will be Replatted as (2) Lots, Lot 3-A and Lot 3-B, each approximately .2007 acres (8,742.49 Sq.Ft) in area. The property has frontage towards Bison Drive and has access to paved streets. All utility infrastructure including water, sewer, electricity, and cable mains is already existing along the back end and frontage of the property. This Replat will be presented to proceed straight to Final due to the existing conditions. This property is located outside the Eagle Pass City Limits and is not currently zoned but is situated within a residential neighborhood area. Given that it is within the 2-Mile E.T.J., the proposed zoning will be R-1: First One-Family Dwelling District.

Drainage

General Drainage Description

This Plat area of this subdivision is not located within a special flood hazard area. The highest point on this tract is along the Eastern portion of the property. The subject lot drains from the East towards the West side of the property. Given that this property is already platted as part of a residential subdivision, and is already developed, no drainage improvements will be required. For platting purposes, Hydraulic Calculations are provided below only as reference. Since the property is already developed as a residential lot, only one set of calculations will be provided.

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Existing Drainage Conditions

The existing drainage conditions of this developed tract of land can be analyzed using the Rational Method. The peak rate of runoff, Q, in cubic feet per second is calculated as follows:

$$Q = C \times I \times A$$

where C = runoff coefficient

I = average rainfall intensity in inches per hour

A = tributary drainage area in acres

The parameters used in the analysis of the existing drainage of this developed tract are presented in Table 1 below.

Table 1. Existing & Developed Drainage Parameters

Parameter	Value
t_c	5 min
C_d	0.60
I_{10}	7.43 in/hr
I_{100}	10.32 in/hr
Watershed Area, A	0.4 acres

The peak rates of runoff for the existing undeveloped lots are

$$Q_{10} = C_d \times I_{10} \times A$$

$$Q_{10} = 0.60 \times 7.43 \times 0.4 = 1.78\ cfs$$

$$Q_{100} = 1.25 \times C_d \times I_{100} \times A$$

$$Q_{100} = 1.25 \times 0.60 \times 10.32 \times 0.4 = 3.10\ cfs$$

The estimated runoff for the entirety of the residential property for a ten (10) and one hundred (100) year return period are 1.78 cfs and 3.10 cfs, respectively.

The calculations provided in this report are simply for Platting purposes. No drainage improvements are required.

Street

This property has paved street access and luminaries along Bison Drive. Please refer to Replat sheet for locations.

There is an existing fire hydrant located on Bison Drive to the North of the subject property. Please refer to Replat Sheet for location.

Water Service

There is an existing 8" Water Main that runs along the back end of this property. Please refer to the replat for details. A new water service will be extended to the new lot created as part of this replat. All Water Mains in this area are operated by Eagle Pass Water Works.

Sanitary Sewer Service

There is an existing 8" Sanitary Sewer Main that runs along the frontage of the property. This property has access to a sewer service lateral from the existing sewer main. Please see Replat for reference. A new sewer service will be extended to the new lot created as part of this replat. All sanitary sewer lines in this area are operated by Eagle Pass Water Works.

Other Utilities

The subject property has access to other utilities such as electricity, phone, and cable via the frontage of the property.

Conclusion

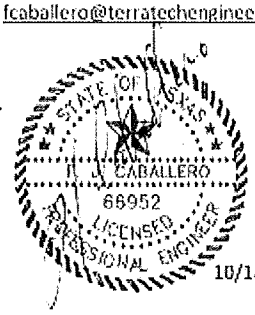
The existing and proposed use of this property is Residential. The proposed Replat will not have an impact on the current use, drainage patterns, or utilities as required infrastructure for Platting is already built-out.

Should you have any additional questions concerning this report, please contact Florentino Caballero, P.E. at (830) 773-0579 or fcaballero@terratechengineering.com or ajlibson@terratechengineering.com

Sincerely,

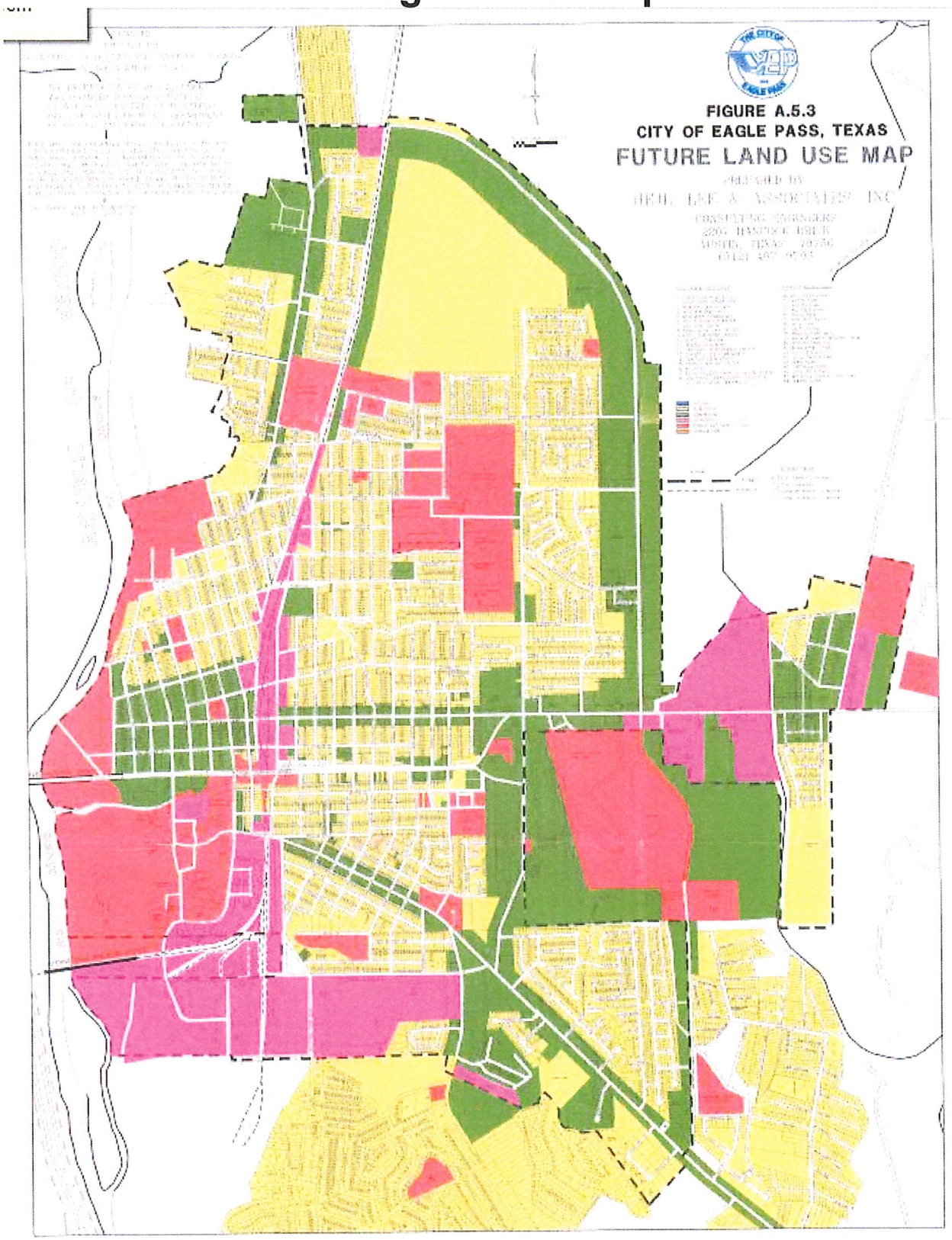
Florentino Caballero, P.E.

TEC Services



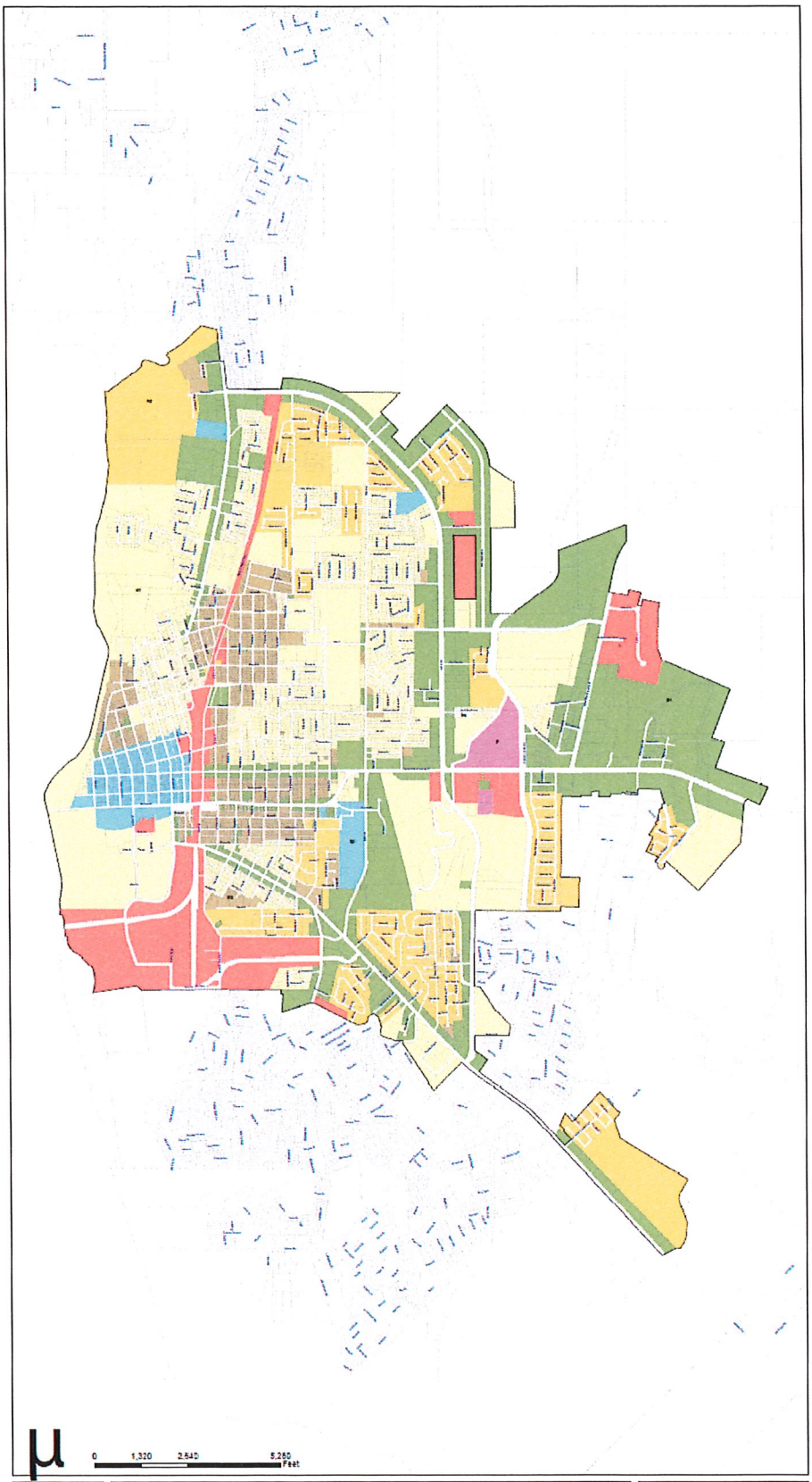
10/18/2021

Attachment 4
Master Plan Map
Zoning District Map



Legend

- City Limits Outline
- B1 - Neighborhood Business District (<9,00 Sq. Ft.)
- B2 - Central Business District
- B3 - General Business District (>8,000 Sq. Ft.)
- I - Industrial District
- F - Floodway District
- R1 - First One-Family Dwelling District
- R2 - Second One-Family Dwelling District
- R3 - Duplex Dwelling District
- R3A - Apartment District
- R4 - Townhouse Residence District



Eagle Pass, Texas

October 1, 2007 (Updated)

TRUE AUTOMATION, INC.

Item #4

Planning Department Executive Summary

REPORT TO THE PLANNING & ZONING COMMISSION

597 Medina Street Rezone Request

I. BACKGROUND

A. General Information Case No. 7163

Applicant: Ernesto Fuentes
405 Monroe Suite A
Eagle Pass, Texas 78852

Location: 597 Medina Street

Legal Description: Lot 17 & 18 in Block 7 of Hillcrest Addition

Property ID Number: 9750

Request: Rezone parcel from *R-3 Duplex District* to *R-3A Apartment District.*

B. Subject Property Information

Parcel Size: 11,625 square-feet

Existing Use: Residential Dwelling

Zoning District: R-3 Duplex District

Master Plan: Residential

C. Vicinity Data

The site is located with an area that is primarily comprised of *R-1 First One-Family Dwelling Districts, R-3 Duplex Districts, and R-3A Apartment Districts.*

D. Infrastructure

Property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, electric service, garbage, and cable.

Access to this lot is provided by Medina Street and Leona Street.

II. PUBLIC NOTICE

Public Notification of the Planning and Zoning Commission public hearing to consider the rezone request was completed consistent with the provisions of *Chapter 211* of the *State of Texas Local Government Code Title 7.*

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. *Section 1(b)(4)* of *Eagle Pass City Charter Article IX* authorizes the Planning and Zoning Commission to recommend or disapprove proposed changes to the *City of Eagle Pass Zoning Plan.* A request for a change in a zoning district designation for a property constitutes a change to the *zoning plan* and the *zoning plan map.*

2. The applicant's request contains sufficient information for consideration by the Eagle Pass Planning and Zoning Commission. Information contained in this report and the Commission's associated public meeting will be used by the City Council in their consideration of the rezone request. Please refer to Attachment 1.

3. The *Master Plan* is the primary document used in the analysis as to the appropriateness of a rezone request. The *Master Plan Map* provides direction as to the areas of the City in which residential, commercial, and industrial development is to be situated.

4. The 'Housing Goals' of the *Master Plan* are applicable to this rezone, as the eventual use of the site will be residential. The rezone, if granted, will result in construction activities that will include the enforcement of appropriate land development regulations resulting in appropriate lot sizes, paved streets with curb and gutters, and adequate utility services.

5. The rezone request is consistent with the 'Land Use Development Goals' of the *City of Eagle Pass Master Plan.* The request to change from the *R-3 Duplex District* to the *R3-A Apartment District* will allow for a continuation of the development in the neighborhood while retaining the community's character and scale. The change will facilitate the ultimate development of urban uses in a compatible arrangement that will make the community attractive to both residents and visitors and desirable to quality investments, while improving the residential environment of the city.

The purpose of the rezone is to allow for subsequent construction of 6 dwelling units on the property.

6. The rezone request is consistent with the *Master Plan's* 'Street Objectives', 'Thoroughfare Goals', and 'Thoroughfare Objectives', as access to the rezone site will be provided by Medina Street.

7. The rezone request conforms to the purpose of the City's zoning code, as the subsequent residential development of the property will result in a use that is consistent with intent of the *R3-A Apartment District* and consistent with residential uses in the vicinity of the site, with a view to conserving the value of buildings and encouraging the most appropriate use of land adjacent that will have access to a public street. Please refer to Attachment 2 for a copy of the City's *Zoning District Map.*

8. The property is located in a neighborhood that contains residential uses and should allow for property to be rezoned to a higher and better use. Please refer to Attachment 1 for a photograph of the rezone site.

9. The rezone request has been conditioned to insure conformance with the direction provided in the *Master Plan's* 'Storm Drainage Goals' and 'Storm Drainage Objectives'.

10. The rezone request is consistent with both the goals and objectives of the *Master Plan* and the purpose of the *City of Eagle Pass Code of Ordinances Appendix A* governing

zoning as set forth in Conclusion 1 through 9 of this Report. The rezone request, therefore, should be approved.

B. Planning Department Recommendation

The Planning and Zoning Commission recommend that the City Council prepare and **ADOPT** an Ordinance granting a zoning district change from *R-3 Duplex District* to *R-3A Apartment District* for property legally defined as "Lot 17 & 18 in Block 7 of the Hillcrest Addition", subject to the following condition:

1. Subsequent development of the property shall comply with the following sections in the City of Eagle Pass *Code of Ordinances*:

    - Chapter 8 governing the building code
    - Chapter 12 governing the electrical code
    - Chapter 13 governing fire codes
    - Chapter 14 governing garbage and rubbish
    - Chapter 21 governing the plumbing code
    - Chapter 22 governing streets, sidewalks and other public places
    - Chapter 23 governing land subdivision, including landscaping
    - Chapter 27 governing waters and sewers, including drainage
    - Appendix A governing zoning, including off-street parking

TRANSMITTED to the parties listed hereafter:

Ernesto Fuentes via e-mail
Planning and Zoning Commission Members via e-mail
Eagle Pass Planning Department Report dated December 7, 2021

Attachment 1
Application

PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Telephone: (830) 773-7781 • Fax: (830) 773-7803
www.eaglepasstx.us • planning@eaglepasstx.us

ZONING CHANGE APPLICATION

Case No: 7163

Applicant Information

Name: Ernesto Fuentes

Mailing Address: 405 Monroe Suite A

Phone: 830-968-0033 E-mail: ernesto@efuenteslaw.com

Note: If you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application

Property Owner Informationn

Name: Ernesto Fuentes (L&E Realestate Rentals)

Mailing Address: _____

Phone: _____ E-mail: _____

Property Information

Site Address: 597 Medina MCAD Property ID # 9750

Legal Description: Lot(s) 17 &18 Block 7 Subdivision Hillcrest Addn
(Property must be legally subdivided or be lot of record)

Front Yard Width (feet) 75 Rear Yard Width (feet) 75 Side Yard Width (feet) 155

Proposed Project

Amend Zoning Regulations contained in section _____

Amend the Official Zoning Map & Master Plan by changing .27 acres of land currently zoned

R3 Duplex Dwelling to be zoned R3A Apartment District

Conforms with the Zoning Map? ☒ Yes ☐ No

Conforms with Master Plan Designation? ☒ Yes ☐ No

☐ Vacant Land ☐ Vacant Building ☐ Single Family Dwelling ☐ Commercial

☒ Multi-Family Dwellings ☐ Industrial ☐ Other _____

Detailed Explanation of Proposed Use
Proposed Use of Property/Reason for Change: We are looking to build 6 apartment units in this lot and it requires to be
rezoned into multifamily apartment district to be able to accomodate the construction. This is larger corner lot and this re-zone will allow
to maximise the construction and use of the lot while conforming to all applicable ordinances.
Describe the character and/or nature of uses surrounding the property:
Commerical offices, warehouse, residential, multifamily. There is a very good mix in the surrounding properties.
Will the rezoned designation be compatible with the classification and use of adjoining lands? ☒ Yes ☐ No
If No, how do you propose to reduce any adverse impact?

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this zoning change application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the zoning change request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of the zoning change approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.

Applicant Signature

NOV 1, 2021
Date

Office Use

Date Application Accepted for Review: _____ By: _____

Contact Date for Supplemental Info: _____ Supplemental Info Received: _____

Completeness Review Date: _____ By: _____

Application Returned to Applicant: _____ (when applicable)

LOCATION

Address: 597 MEDINA ST EAGLE PASS TX 78852

Market Area:

Market Area CD: NHGA027

Property ID: 9750 **Zoning:** R3

Geographic ID: H3000070001700 **Agent:**

Type: R

Legal Description: HILLCREST ADDN, BLOCK 7, LOT 17 & 18, (NORTH 25 FT OF LOT 17)

OWNER

Name: L & E REAL ESTATE RENTALS

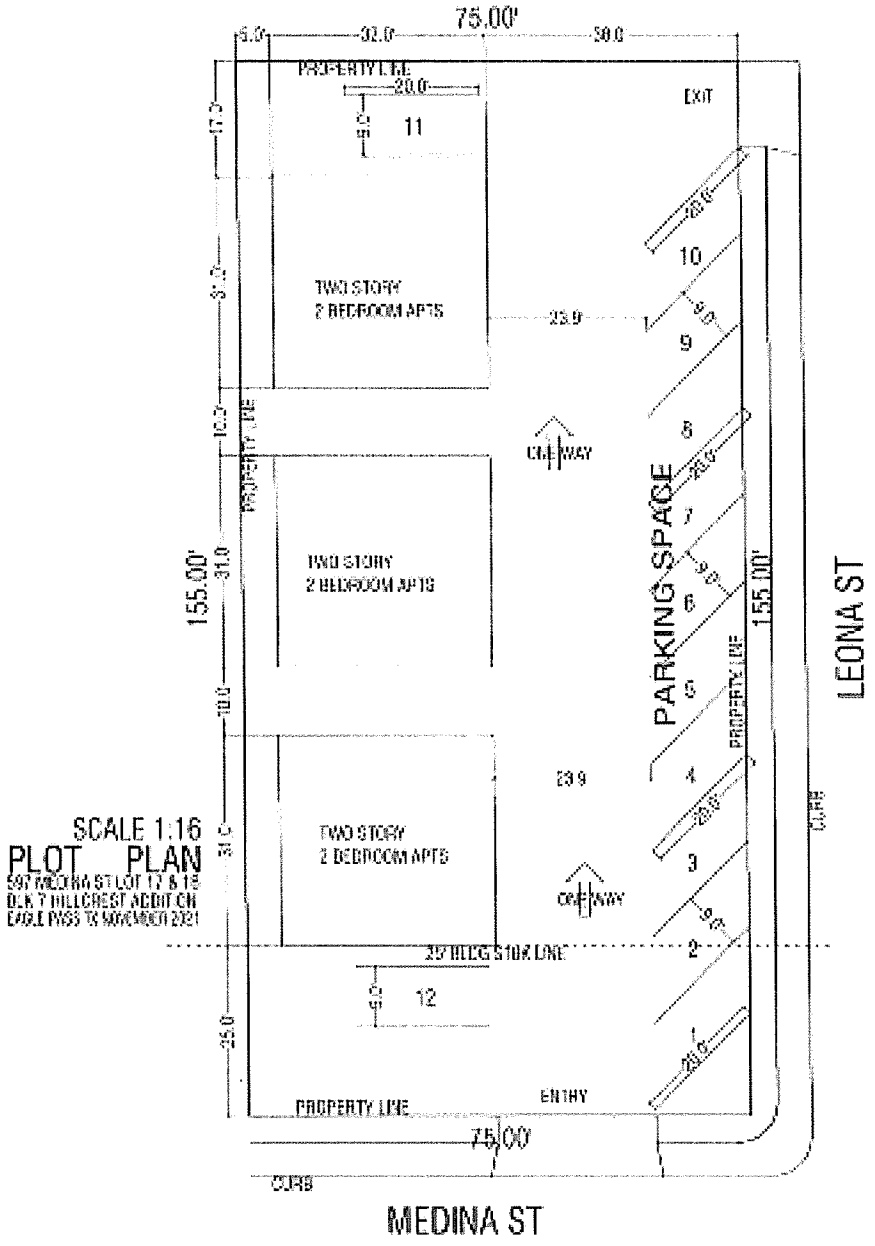
Secondary Name:

Mailing Address: 2308 WILLOW RIDGE EAGLE PASS TX 78852

Land	Description	Acres	SQFT
RM	RES MULTI-FAMILY	0.27	11,625.00

N Pierce St
Ford St
ueces St
Nueces St
Leona St
Medina St
Medina St
Ford St
Leo

Plot Plan

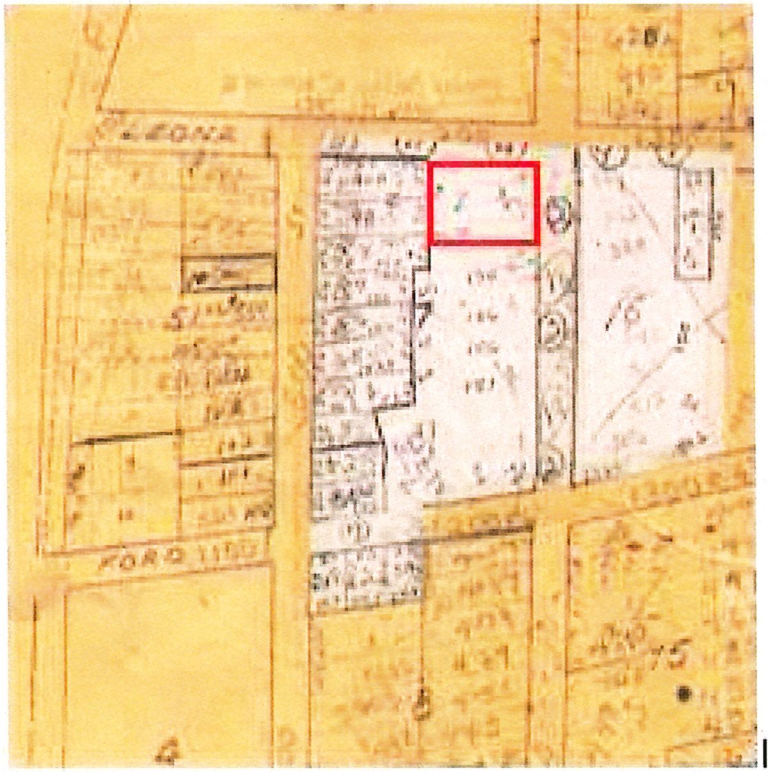


AREA		PLAN OF NEW APARTMENTS CO
	JG Home Design	ERNESTO FUENTES 597 MEDINA LOT 17 & 18 BLK 7 HILLCREST ADDITI EAGLE PASS, TX NOVEMBEF

Attachment 2
Zoning Map & Master Plan

Zoning Map

Recorded Plat – Legacy Map



Item #5

This report will be provided at a later date.

Item #6

Key Details for City of Eagle Pass adoption of International Code Council Codes

- The City of Eagle Pass (COEP) adopts ordinances which generally govern matters not already covered by State and Federal law.
- COEP adopts specific versions of International Codes via ordinance. Currently many of the code versions adopted by COEP are 2015. Adopted International codes are found in Ordinance Chapters 8, 12, 13, 15, 21, 23.
- The International Code Council (ICC) is the leading global source of model codes and standards and building safety solutions that include product evaluation, accreditation, technology, training, and certification.
- The ICC produces updated versions of their codes every three years. Since the City adopted 2015 versions of code, 2018 and 2021 version have been released and have various updates.
- Texas allows for local government entities to make amendments to the International codes they adopt to meet local concerns regardless of whether the amendments are less stringent than the original version of the codes.

Sources:

https://www.iccsafe.org/about/who-we-are/

https://www.tml.org/DocumentCenter/View/1416/Building-Codes-Part-I---2019-11-PDF

What's New in the 2018 I-Codes?

Key changes include:

2018 International Building Code® (IBC®)

- Accessory storage spaces of any size are now permitted to be classified as part of the occupancy to which they are accessory.
- New code sections have been introduced addressing medical gas systems and higher education laboratories.
- Use of fire walls to create separate buildings is now limited to only the determination of permissible types of construction based on allowable building area and height.
- Where an elevator hoistway door opens into a fire-resistance-rated corridor, the opening must be protected in a manner to address smoke intrusion into the hoistway.
- The occupant load factor for business uses has been revised to one occupant per 150 square feet.
- Live loads on decks and balconies increase the deck live load to one and one-half times the live load of the area served.
- The minimum lateral load that fire walls are required to resist is five pounds per square foot.
- Wind speed maps updated, including maps for the state of Hawaii. Terminology describing wind speeds has changed again with ultimate design wind speeds now called basic design wind speeds.
- Site soil coefficients now correspond to the newest generation of ground motion attenuation equations (seismic values).
- Five-foot tall wood trusses requiring permanent bracing must have a periodic special inspection to verify that the required bracing has been installed.
- New alternative fastener schedule for construction of mechanically laminated decking is added giving equivalent power-driven fasteners for the 20-penny nail.
- Solid sawn lumber header and girder spans for the exterior bearing walls reduce span lengths to allow #2 Southern Pine design values.

Sec. 8-16. [Amendments.]

The following sections of the building codes adopted in section 8-15 are amended as follows:

A. International Building Code

1. *Section 101.2 Scope, Exception 2* is amended to exclude townhouses.
2. *Section 101.4.4 Property Maintenance* is not adopted.
3. *Section 102.6 Existing structures* is adopted, except that the reference to the *International Property Maintenance Code* is deleted.
4. *Section 103.1 Creation of enforcement agency* is adopted, except that the term "department of building safety" shall be replaced with the term "planning department". The planning director shall serve as the building official for purposes of the administration of this code.
5. *Section 103.3 Deputies* is adopted, except that the reference to the International Property Maintenance Code is deleted.
6. *Section 104.10 Modifications* is amended to read as follows:

   Whenever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to consider and grant modifications on a case-by-case basis upon the receipt of a written modification request, provided that the building official shall first find that special individual reason makes the strict letter of this code impractical and that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen the health, accessibility, life and fire safety, or structural requirements of the code.

   The request for modification shall be submitted in writing to the building official and shall contain the following information:

   a. The applicable code section.

   b. A detailed description of the prescriptive path required by the specific section of the applicable code for which the modification is sought.

   c. The purpose of the prescriptive path.

   d. A description of the modification request, including detailed documentation that includes the following:

      i. The practical difficulty involved in carrying out the provisions of the code.

      ii. The special individual reason that makes the application of the code impractical. Impractical is defined as a code requirement that is incapable of being accomplished without extreme hardship. Extreme hardship may include expense, but this specific form of hardship shall be supported by a cost-to-benefit analysis.

      iii. The modification is in compliance with the intent and purpose of the code. Documentation in support of the request shall be provided from nationally recognized standards referenced in the *International Building Code* (IBC) and the *International Fire Code* (IFC).

      iv. The modification does not lessen health, accessibility, life and fire safety, or structural code requirements.

      v. The modification is not intended to permit setting aside or ignoring a code provision; rather, it is intended to provide acceptance of equivalent protection. Such modifications shall not extend to actions that are necessary to correct violations of the code. A code violation, or the expense of correcting a code violation, or construction undertaken that is not in conformance with approved plans, shall not constitute a practical difficulty.

7. *Section 104.11 Alternative materials, design and methods of construction and equipment* is amended to read as follows:

   The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

   The request for the use of alternative materials, design, and methods of construction and equipment shall be submitted in writing to the building official and shall contain the following information:

   a. The applicable code section.

   b. A detailed description of the prescriptive path required by the specific section of code for which the alternative method is sought.

   c. The purpose of the prescriptive path.

   d. A description of the alternative method request, including detailed documentation that includes the following:

      i. Demonstration that the alternative addresses the safety of building occupants.

      ii. Demonstration that the alternative offers equivalent performance as that required by the code.

      iii. A report in support of the request shall be provided that contains evidence of this equivalency. This report shall comply with the directive contained in *IBC Section 104.11.1.*

      iv. The alternative provides an equivalent level of protection for the public health, safety and welfare as required by the code.

8. *Section 105.2. Work exempt from permit* is amended to read as follows:

   a. Sub-Section 1 is deleted.

   b. Sub-Section 2 is deleted.

   c. Sub-Section 4 is amended to read as follows:

      Retaining walls that are not over 4-feet in height, as measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, Class II, or Class III liquids. Any portion of the retaining wall located below grade or below the supporting surcharge material shall be constructed of concrete and not cinder block material. The fence retaining wall shall not be designed to allow for the conveyance of surface water onto an adjacent property.

9. *Section 105.2.3 Public service agencies* is deleted.

10. *Section 107.2.5 Site plan* is amended to read as follows:

    The construction documents submitted with the application shall be accompanied by three (3) copies of a site plan drawn to scale on paper not less than 8.5-inches by 11-inches in size and not greater than 11-inches by 17-inches in size, and shall contain the following information:

    a. North arrow.

    b. Dimensions of the property in accordance with an accurate boundary line survey.

    c. Location of new construction and existing structures on the site, and their distances from lot lines.

d. Location and dimensions of all easements.

e. Location and size of any floodplain or floodway on the property.

f. Location and dimensions of all required off-street parking.

g. Location and dimensions of required landscaping.

h. Established grade(s)/elevation(s) and proposed finished grade(s)/elevation(s).

i. Names of any public or private streets abutting the property.

j. Location of existing and proposed fire hydrant(s).

In the case of demolition, the site plan shall show the structure(s) to be demolished and the location and size of existing structures that are to remain on the site. The building official is authorized to waive or modify the requirement for the site plan when the application for permit is for an alteration or repair when resulting in no increase to the footprint of the structure.

11. *Section 107.3.4 Design professional in responsible charge* is amended to read as follows:

All documents submitted to the city pursuant to the provisions of the *International Building Code* shall be prepared by a licensed architect, with structural information prepared by a licensed engineer. The name of the architect and engineer shall be so designated on the application, and shall act as the design professional in responsible charge of the project. If the circumstances require, the owner shall designate a substitute design professional in responsible charge who shall perform the duties required of the original design professional in responsible charge. The building official shall be notified in writing by the owner if the design professional in responsible charge has changed or is unable to continue to perform their duties.

The design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by other, including phased and deferred submittal items, for compatibility with the design of the building.

12. *Section 108.1 General* is amended to read as follows:

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) calendar days. The building official is authorized to grant extensions based upon demonstrable cause.

Exceptions:

1. Temporary construction office trailers associated with a building being constructed on the same site as that proposed for the office trailer. The units shall be removed within thirty (30) calendar days of the issuance of a final certificate of occupancy for the structure being served by the office trailer.

2. Temporary signs pursuant to the provisions of *Section 15(i) of City of Eagle Pass Code of Ordinances Appendix A.*

13. *Section 109.2 Schedule of permit fees* is amended to read as follows:

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedules established in the applicable chapters of the *City of Eagle Pass Code ofOrdinances* and as follows:

(a) Permit fees. On all buildings, structures, or alterations requiring a building a fee of two dollars ($2.00) per one thousand dollars ($1,000.00) value plus a permit fee of twenty-eight dollars ($28.00) shall be paid at the time of application filing, but such permit fee shall not be less than thirty dollars ($30.00).

(b) Moving of a building or a structure. For the moving of any structure, the fee shall be eighty-eight dollars ($88.00).

(c) Demolition of buildings or structures. For the demolition of any building or structure, the fee shall be eighty-eight dollars ($88.00)

(d) Plan check fee. The following base plan check fees shall be paid at the time of building permit issuance:

1. Additions and renovations: Twenty-eight dollars ($28.00)
2. New single family and multi-family residential: Seventy-three dollars ($73.00)
3. New Commercial and industrial: (One hundred sixty-three dollars ($163.00)
4. Anything over one hundred thousand dollars ($100,000) in valuation, an additional one (1) percent of the building permit fee shall be added to the base plan check fee.

(e) Grading. A forty three dollars ($43.00) fee shall be assessed for all fill and grade permits.

14. *Section 109.3 Building permit valuations* is amended to read as follows:

The applicant for a permit shall provide an estimated permit value at the time of application, and shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.

Final building permit valuation shall be set by the building official, and shall be based upon square-foot construction costs contained in the twice-annual International Code Council document entitled "Building Valuation Data".

Any change in the building valuation data shall become effective upon twice-yearly publication of the data update by the International Code Council, except as noted above for the "R-3 Residential, one- and two-family" group.

15. *Section 109.6 Refunds* is amended to read as follows:

The building official may authorize refunding of not more than eighty (80) percent of the permit fee paid, when no work has been performed under a permit issued in accordance with this code. A request for a refund shall be provided in writing by the applicant within one hundred eighty (180) calendar days from the date of permit issuance.

16. *Section 111.1 Use and occupancy* is amended to read as follows:

(a) No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the city.

(b) A certificate of occupancy shall not be issued for a permit associated with a Assembly Group A Occupancy, a Business Group B Occupancy, an Institutional Group I Occupancy, a Mercantile Group M Occupancy, or a Residential Group R Occupancy unless the applicant has demonstrated that the project has established a separate billing account for an individual water meter and individual solid waste disposal service for each commercial space tenant and each multi-family dwelling unit tenant.

(c) A final certificate of occupancy shall not be issued for a permit on property that has not been legally created in conformance with the provisions of *City of Eagle PassCode of Ordinances Chapter 23*governing subdivisions.

17. *Section 113 Board of Appeals* is amended to read as follows:

A. The City of Eagle Pass Building Codes Council (BCC) is hereby created in and for the City of Eagle Pass.

The BCC shall have the sole authority to hear and decide appeals concerning the interpretation, administration and enforcement of the building code.

B. Composition. The persons selected to serve on the BCC shall possess knowledge of the international building codes and the national electrical code, and shall be drawn from the following fields of expertise:

(1) One registered electrical contractor who is an active master electrician

(2) Two registered contractors with knowledge of the building codes

(3) One local business person

(4) One architect or engineer

The Planning Director or their designee shall serve as the Secretary for the BCC.

C. Appointment. The members of the BCC shall be appointed by the City Council.

D. Tenure of office. The members of the BCC shall hold office for a term of two (2) years from the date of their confirmation until the date or reappointment, or until their successors have been appointed by the City Council.

No BCC member shall serve more than two (2) consecutive terms.

E. Removal. Any member of the BCC may be removed for cause by the City Council upon the receipt of a recommendation of such removal for cause by the City Manager, or may be removed by the City Council without such recommendation if the City Council finds that the removal of a member or members is in the public interest.

F. Quorum. Four members of the BCC shall be present at any meeting as a requirement for the transaction of business.

G. Compensation. The members of the BCC shall serve without compensation.

H. Officers. The BCC shall elect a Chair and Vice Chair at the first meeting of each calendar year.

I. The BCC shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code.

1. An appeal shall be based upon a claim that (a) the true intent of the building code has been incorrectly interpreted, (b) the provisions of the building code do not fully apply, or (c) an equally good or better form of construction is proposed.

2. The BCC is not authorized to waive the requirements of the building code.

3. Appeals of orders, decisions, or determinations made by the building official or fire marshal relative to the application and/or interpretation of the various codes adopted herein shall be filed with the building official in writing within thirty (30) calendar days of the date of the order, decision, or determination together with the one hundred fifty dollar ($150.00) appeal processing fee. Failure to appeal within thirty (30) calendar days of written notification of action or determination shall waive any right to an administrative determination of the matter.

4. Except for any action undertaken pursuant to *City ofEagle Pass Code of Ordinances Chapter 8*governing unsafe structures and equipment, the enforcement of any notice and order by the building official shall be stayed until final determination of the appeal is made by the BCC or by a court of law under judicial appeal.

5. The appeal hearing process shall conform to *Section 20*of *City of Eagle Pass Code of Ordinances Appendix A.*

18. *Section 114.4 Violation penalties* is deleted.

19. *IBC Appendix A* governing employee qualifications, *Appendix B* governing the Board of Appeals, *Appendix D* governing fire districts, and *Appendix K* governing the *International Electrical Code* are deleted.

B. International Residential Code

1. *Section R102.7 Existing structures* is adopted, except that the reference to the *International Property Maintenance Code* is deleted.

2. *Section R103.1 Creation of enforcement agency* is adopted, except that the term "department of building safety" shall be replaced with the term "planning department". The planning director shall serve as the building official for purposes of the administration of this code.

3. *Section R104.10 Modifications* is amended to read as follows:

   Whenever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to consider and grant modifications on a case-by-case basis upon the receipt of a written modification request, provided that the building official shall first find that special individual reason makes the strict letter of this code impractical and that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen the health, accessibility, life and fire safety, or structural requirements of the code.

   The request for modification shall be submitted in writing to the building official and shall contain the following information:

   a. The applicable code section.

   b. A detailed description of the prescriptive path required by the specific section of the applicable code for which the modification is sought.

   c. The purpose of the prescriptive path.

   d. A description of the modification request, including detailed documentation that includes the following:

      i. The practical difficulty involved in carrying out the provisions of the code.

      ii. The special individual reason that makes the application of the code impractical. Impractical is defined as a code requirement that is incapable of being accomplished without extreme hardship. Extreme hardship may include expense, but this specific form of hardship shall be supported by a cost-to-benefit analysis.

      iii. The modification is in compliance with the intent and purpose of the code. Documentation in support of the request shall be provided from nationally recognized standards referenced in the International Residential Code (IRC) and the International Fire Code (IFC).

      iv. The modification does not lessen health, accessibility, life and fire safety, or structural code requirements.

      v. The modification is not intended to permit setting aside or ignoring a code provision; rather, it is intended to provide acceptance of equivalent protection. Such modifications shall not extend to actions that are necessary to correct violations of the code. A code violation, or the expense of correcting a code violation, or construction undertaken that is not in conformance with approved plans, shall not constitute a practical difficulty.

4. *Section R104.11 Alternative materials, design and methods of construction and equipment* is amended to read as follows:

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

The request for the use of alternative materials, design, and methods of construction and equipment shall be submitted in writing to the building official and shall contain the following information:

a. The applicable code section.

b. A detailed description of the prescriptive path required by the specific section of code for which the alternative method is sought.

c. The purpose of the prescriptive path.

d. A description of the alternative method request, including detailed documentation that includes the following:

   i. Demonstration that the alternative addresses the safety of building occupants.

   ii. Demonstration that the alternative offers equivalent performance as that required by the code.

   iii. A report in support of the request shall be provided that contains evidence of this equivalency. This report shall comply with the directive contained in *IBC Section 104.11.1.*

   iv. The alternative provides an equivalent level of protection for the public health, safety and welfare as required by the code.

5. *Section R105.2 Work exempt from permit* is amended to read as follows:

   a. Sub-Section 1. is deleted.

   b. Sub-Section 2 is deleted.

   c. Sub-Section 4 is amended to read as follows:

      Retaining walls that are not over 4-feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, Class II, or Class III liquids. Any portion of the retaining wall located below grade or below the supporting surcharge material shall be constructed of concrete and not cinder block material. The fence retaining wall shall not be designed to allow for the conveyance of surface water onto an adjacent property.

6. *Section R105.2.3 Public service agencies* is deleted.

7. *Section R106.2 Site plan* is amended to read as follows:

   The construction documents submitted with the application shall be accompanied by three copies of a site plan drawn to scale on paper not less than 8.5-inches by 11-inches in size and not greater than 11-inches by 17-inches in size, and shall contain the following information:

   a. North arrow

   b. Dimensions of the property in accordance with an accurate boundary line survey

   c. Location of new construction and existing structures on the site, and their distances from lot lines

   d. Location and dimensions of all easements

   e. Location and size of any floodplain or floodway on the property

f. Location and dimensions of all required off-street parking

g. Location and dimensions of required landscaping

h. Established grade(s)/elevation(s) and proposed finished grade(s)/elevation(s)

i. Names of any public or private streets abutting the property

j. Location of existing and proposed fire hydrant(s)

In the case of demolition, the site plan shall show the structure(s) to be demolished and the location and size of existing structures that are to remain on the site. The building official is authorized to waive or modify the requirement for the site plan when the application for permit is for an alteration or repair when resulting in no increase to the footprint of the structure.

8. *Section R108.3 Building permit valuations* is amended to read as follows:

The building permit valuation shall include the total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including material and labor.

Final building permit valuation shall be set by the building official, and shall be based upon the schedule set forth in subsection 8-16(A)(13).

Permit fee payment shall be as set forth in IBC Section 109.25 as amended.

9. *Section R108.5 Refunds* is amended to read as follows:

The building official may authorize refunding of not more than 80-percent of the permit fee paid, when no work has been performed under a permit issued in accordance with this code. A written request for a refund shall be submitted by the applicant within one hundred eighty (180) calendar days from the date of permit issuance.

10. *Section R110.1 Use and occupancy* is amended to read as follows:

(a) No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the city.

(b) All exposed soils on the building site shall be covered by sod or similar landscape material prior the issuance of a certificate of occupancy for a residence.

(c) A final certificate of occupancy shall not be issued for a permit on property that has not been legally created in conformance with the provisions of *City of Eagle Pass Code of Ordinances Chapter 23*governing subdivisions.

11. *Section R112 Board of Appeals* is amended to read as follows:

A. The City of Eagle Pass Building Codes Council (BCC) is hereby created in and for the City of Eagle Pass.

The BCC shall have the sole authority to hear and decide appeals concerning the interpretation, administration and enforcement of the building code.

B. Composition. The persons selected to serve on the BCC shall possess knowledge of the international building codes and the national electrical code, and shall be drawn from the following fields of expertise:

(1) One registered electrical contractor who is an active master electrician

(2) Two registered contractors with knowledge of the building codes

(3) One local business person

(4) One architect or engineer

The Planning Director or their designee shall serve as the Secretary for the BCC.

C. Appointment. The members of the BCC shall be appointed by the City Council.

D. Tenure of office. The members of the BCC shall hold office for a term of two (2) years from the date of their confirmation until the date or re-appointment, or until their successors have been appointed by the City Council.

No BCC member shall serve more than two (2) consecutive terms.

E. Removal. Any member of the BCC may be removed for cause by the City Council upon the receipt of a recommendation of such removal for cause by the City Manager, or may be removed by the City Council without such recommendation if the City Council finds that the removal of a member or members is in the public interest.

F. Quorum. Four members of the BCC shall be present at any meeting as a requirement for the transaction of business.

G. Compensation. The members of the BCC shall serve without compensation.

H. Officers. The BCC shall elect a Chair and Vice Chair at the first meeting of each calendar year.

I. The BCC shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code.

1. An appeal shall be based upon a claim that (a) the true intent of the building code has been incorrectly interpreted, (b) the provisions of the building code do not fully apply, or (c) an equally good or better form of construction is proposed.

2. The BCC is not authorized to waive the requirements of the building code.

3. Appeals of orders, decisions, or determinations made by the building official or fire marshal relative to the application and/or interpretation of the various codes adopted herein shall be filed with the building official in writing within thirty (30) calendar days of the date of the order, decision, or determination together with the one hundred fifty dollar ($150.00) appeal processing fee. Failure to appeal within thirty (30) calendar days of written notification of action or determination shall waive any right to an administrative determination of the matter.

4. Except for any action undertaken pursuant to *City of Eagle Pass Code of Ordinances Chapter 8*governing unsafe structures and equipment, the enforcement of any notice and order by the building official shall be stayed until final determination of the appeal is made by the BCC or a court of law under judicial appeal.

5. The appeal hearing process shall conform to *Section 20*of *City of Eagle Pass Code of Ordinances Appendix A.*

12. *IRC Appendix I* governing private sewage disposal, *Appendix L* governing permit fees, *Appendix P* governing sprinkling are not adopted.

C. International Mechanical Code

1. *Section 102.9 Requirements not covered by this code* is amended to read as follows:

Requirements necessary for the strength, stability or proper operation of an existing or proposed mechanical system, or for the public safety, health and general welfare, and not specifically covered by this code, shall be determined by the building official.

The City, therefore, adopts *Section 602.2.1 Materials exposed within plenums*, except for Exception 3 governing materials exposed within plenums in one-family and two-family dwellings.

2. *Section 103.1 General* is adopted, except that the term "department of mechanical inspection" shall be replaced with the term "planning department". The planning director shall serve as the code official for purposes of the administration of this code.

3. *Section 105.1 Modifications* is amended to read as follows:

   Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon the receipt of a written modification request, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and that the modification is in compliance with the intent and purpose of this code and does not lessen the health, life and fire safety requirements. The details of the action granting the modification shall be recorded and entered in the files of the department.

   The request for modification shall be submitted in writing to the code official and shall contain the following information:

   a. The applicable code section.

   b. A detailed description of the prescriptive path required by the specific section of the applicable code for which the modification is sought.

   c. The purpose of the prescriptive path.

   d. A description of the modification request, including detailed documentation that includes the following:

      i. The practical difficulty involved in carrying out the provisions of the code.

      ii. The special individual reason that makes the application of the code impractical. Impractical is defined as a code requirement that is incapable of being accomplished without extreme hardship. Extreme hardship may include expense, but this specific form of hardship shall be supported by a cost-to-benefit analysis.

      iii. The modification is in compliance with the intent and purpose of the code. Documentation in support of the request shall be provided from nationally recognized standards referenced in the *International Mechanical Code* (IMC) and the *International Fire Code* (IFC).

      iv. The modification does not lessen health, accessibility, life and fire safety, or structural code requirements.

      v. The modification is not intended to permit setting aside or ignoring a code provision; rather, it is intended to provide acceptance of equivalent protection. Such modifications shall not extend to actions that are necessary to correct violations of the code. A code violation, or the expense of correcting a code violation, or construction undertaken that is not in conformance with approved plans, shall not constitute a practical difficulty.

4. *Section 105.2 Alternative materials, methods, equipment and appliances* is amended to read as follows:

   The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

The request for the use of alternative materials, design, and methods of construction and equipment shall be submitted in writing to the code official and shall contain the following information:

a. The applicable code section.

b. A detailed description of the prescriptive path required by the specific section of code for which the alternative method is sought.

c. The purpose of the prescriptive path.

d. A description of the alternative method request, including detailed documentation that includes the following:

   i. Demonstration that the alternative addresses the safety of building occupants.

   ii. Demonstration that the alternative offers equivalent performance as that required by the code.

   iii. A report in support of the request shall be provided that contains evidence of this equivalency. This report shall comply with the directive contained in *IBC Section 104.11.1.*

   iv. The alternative provides an equivalent level of protection for the public health, safety and welfare as required by the code.

5. *Section 106.5.2 Fee schedule* is amended to read as follows:

   The following specific fees shall be added to a $15.00 base mechanical inspection fee as follows:

   a. Condensing Unit: $16.75 per device

   b. Device Replacement: $12.50 per device

   c. Unlisted Unit Evaluation: $12.50 per device

   d. Mechanical Device Outlet: $1.10 per device

   e. Furnace and Coil: $16.75 per device

   f. Outlet and Damper: $1.10 per device

   g. Rooftop Unit: $46.25 per device

   h. Re-Inspection: $28.00

6. *Section 106.5.3 Fee refunds* is amended to read as follows:

   The code official shall authorize the refunding of fees as follows:

   a. The full amount of any fee paid hereunder which was erroneously paid or collected.

   b. Not more than 80-percent of the permit paid when no work has been done under a permit issued in accordance with this code.

   The code official shall not authorize the refunding of any fee paid, except upon the receipt of a written refund request submitted by the original permittee no later than one hundred eighty (180) calendar days after the date of fee payment.

7. *Section 109.1 Application for appeal* is amended to read as follows:

   A. The City of Eagle Pass Building Codes Council (BCC) is hereby created in and for the City of Eagle Pass.

      The BCC shall have the sole authority to hear and decide appeals concerning the interpretation, administration and enforcement of the building code.

B. Composition. The persons selected to serve on the BCC shall possess knowledge of the international building codes and the national electrical code, and shall be drawn from the following fields of expertise:

(1) One registered electrical contractor who is an active master electrician

(2) Two registered contractors with knowledge of the building codes

(3) One local business person

(4) One architect or engineer

The Planning Director or their designee shall serve as the Secretary for the BCC.

C. Appointment. The members of the BCC shall be appointed by the City Council.

D. Tenure of office. The members of the BCC shall hold office for a term of two (2) years from the date of their confirmation until the date or re-appointment, or until their successors have been appointed by the City Council.

No BCC member shall serve more than two (2) consecutive terms.

E. Removal. Any member of the BCC may be removed for cause by the City Council upon the receipt of a recommendation of such removal for cause by the City Manager, or may be removed by the City Council without such recommendation if the City Council finds that the removal of a member or members is in the public interest.

F. Quorum. Four members of the BCC shall be present at any meeting as a requirement for the transaction of business.

G. Compensation. The members of the BCC shall serve without compensation.

H. Officers. The BCC shall elect a Chair and Vice Chair at the first meeting of each calendar year.

I. The BCC shall hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code.

1. An appeal shall be based upon a claim that (a) the true intent of the mechanical code has been incorrectly interpreted, (b) the provisions of the mechanical code do not fully apply, or (c) an equally good or better form of construction is proposed.

2. The BCC is not authorized to waive the requirements of the mechanical code.

3. Appeals of orders, decisions, or determinations made by the code official or fire marshal relative to the application and/or interpretation of the various codes adopted herein shall be filed with the code official in writing within thirty (30) calendar days of the date of the order, decision, or determination together with the one hundred fifty dollar ($150.00) appeal processing fee. Failure to appeal within thirty (30) calendar days of written notification of action or determination shall waive any right to an administrative determination of the matter.

4. Except for any action undertaken pursuant to *City of Eagle Pass Code of Ordinances Chapter 8*governing unsafe structures and equipment, the enforcement of any notice and order by the code official shall be stayed until final determination of the appeal is made by the BCC or by a court of law under judicial appeal.

5. The appeal hearing process shall conform to *Section 20*of *City of Eagle Pass Code of Ordinances Appendix A.*

13. *IMC Appendix B* governing recommended permit fee schedule is not adopted.

C.[D.] International Existing Building Code

1. *Section 103.1 Creation of enforcement agency* is adopted, except that the term "department of building safety" shall be replaced with the term "planning department". The planning director shall serve as the code official for purposes of the administration of this code.

2. *Section 104.10 Modifications* is amended to read as follows:

   Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon the receipt of a written request by the owner or owner's representative, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and that the modification is in conformity with the intent and purpose of this code, and that such modification does not lessen the health, accessibility, life and fire safety, or structural requirements. The details of the action granting modifications shall be recorded and entered in the files of the department.

   The request for modification shall be submitted in writing to the code official and shall contain the following information:

   a. The applicable code section.

   b. A detailed description of the prescriptive path required by the specific section of the applicable code for which the modification is sought.

   c. The purpose of the prescriptive path.

   d. A description of the modification request, including detailed documentation that includes the following:

      i. The practical difficulty involved in carrying out the provisions of the code.

      ii. The special individual reason that makes the application of the code impractical. Impractical is defined as a code requirement that is incapable of being accomplished without extreme hardship. Extreme hardship may include expense, but this specific form of hardship shall be supported by a cost-to-benefit analysis.

      iii. The modification is in compliance with the intent and purpose of the code. Documentation in support of the request shall be provided from nationally recognized standards referenced in the *International Building Code* (IBC), the *International Plumbing Code* (IPC), the *International Mechanical Code* (IMC), the *International Existing Building Code* (IEBC), and *International Fire Code* (IFC).

      iv. The modification does not lessen health, accessibility, life and fire safety, or structural code requirements.

      v. The modification is not intended to permit setting aside or ignoring a code provision; rather, it is intended to provide acceptance of equivalent protection. Such modifications shall not extend to actions that are necessary to correct violations of the code. A code violation, or the expense of correcting a code violation, or construction undertaken that is not in conformance with approved plans, shall not constitute a practical difficulty.

3. *Section 104.11 Alternative materials, design, and methods of construction and equipment* is amended to read as follows:

   The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

The request for the use of alternative materials, design, and methods of construction and equipment shall be submitted in writing to the code official and shall contain the following information:

a. The applicable code section.

b. A detailed description of the prescriptive path required by the specific section of code for which the alternative method is sought.

c. The purpose of the prescriptive path.

d. A description of the alternative method request, including detailed documentation that includes the following:

5. *Section 112 Board of Appeals* is amended to read as follows:

A. The City of Eagle Pass Building Codes Council (BCC) is hereby created in and for the City of Eagle Pass.

The BCC shall have the sole authority to hear and decide appeals concerning the interpretation, administration and enforcement of the building code.

B. Composition. The persons selected to serve on the BCC shall possess knowledge of the international building codes and the national electrical code, and shall be drawn from the following fields of expertise:

(1) One registered electrical contractor who is an active master electrician

(2) Two registered contractors with knowledge of the building codes

(3) One local business person

(4) One architect or engineer

The Planning Director or their designee shall serve as the Secretary for the BCC.

C. Appointment. The members of the BCC shall be appointed by the City Council.

D. Tenure of office. The members of the BCC shall hold office for a term of two (2) years from the date of their confirmation until the date or re-appointment, or until their successors have been appointed by the City Council.

No BCC member shall serve more than two (2) consecutive terms.

E. Removal. Any member of the BCC may be removed for cause by the City Council upon the receipt of a recommendation of such removal for cause by the City Manager, or may be removed by the City Council without such recommendation if the City Council finds that the removal of a member or members is in the public interest.

F. Quorum. Four members of the BCC shall be present at any meeting as a requirement for the transaction of business.

G. Compensation. The members of the BCC shall serve without compensation.

H. Officers. The BCC shall elect a Chair and Vice Chair at the first meeting of each calendar year.

I. The BCC shall hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code.

1. An appeal shall be based upon a claim that (a) the true intent of the international existing building code has been incorrectly interpreted, (b) the provisions of the international existing building code do not fully apply, or (c) an equally good or better form of construction is proposed.

2. The BCC is not authorized to waive the requirements of the international existing building code.

3. Appeals of orders, decisions, or determinations made by the code official or fire marshal relative to the application and/or interpretation of the various codes adopted herein shall be filed with the code official in writing within thirty (30) calendar days of the date of the order, decision, or determination together with the one hundred fifty dollar ($150) appeal processing fee. Failure to appeal within thirty (30) calendar days of written notification of action or determination shall waive any right to an administrative determination of the matter.

4. Except for any action undertaken pursuant to *City of Eagle Pass Code of Ordinances Chapter 8*governing unsafe structures and equipment, the enforcement of any notice and order by the code official shall be stayed until final determination of the appeal is made by the BCC or by a court of law under judicial appeal.

5. The appeal hearing process shall conform to *Section 20*of *City of Eagle Pass Code of Ordinances Appendix A.*

(Ord. No. 2012-12, § 2, 5-1-2012; Ord. No. 2016-13, § 1, 3-22-2016)

Editor's note(s)—Ord. No. 2012-12, §§ 1, 2, adopted May 1, 2012, repealed the former § 8-16, and enacted a new § 8-16 as set out herein. The former section pertained to the repeal of conflicting provisions and derived from Ord. No. 02-02, § 2, 1-8-2002.