

CITY OF STANLEY

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Discussion of Approved Changes To Building Permit Ordinance 3/13/2014

Section 15.04.010 was changed to clarify the types of “structural alterations” that require building permits. The existing ordinance required building permits for “structural alterations”, but did not define what the term included, so conceivably any change to a structure could require a building permit. The new ordinance defines structural alterations as changes to the building footprint, or changes to the exterior appearance of the structure that are subject to the building appearance and materials requirements covered in Title 17 of the Stanley municipal code. Clarifying the types of alterations that will be covered removes the need to file a building permit application for interior changes. The Stanley zoning ordinance requires buildings to be rustic in appearance, in keeping with the Stanley Comprehensive Plan, so exterior building changes will require a building permit only if they would change the appearance of the building.

Section 15.04.010 also was changed to eliminate the need to apply for a building permit for a number of minor actions that have required building permits in the past. This will reduce costs to property owners, and eliminate the need for paperwork to cover minor actions that do not conflict with the Stanley Comprehensive Plan, Zoning Ordinances, or other sections of the Stanley Municipal Code. Actions exempt from the building permit process now include gardening and raised garden boxes, ground-level patios, maintenance and repair on existing roads and driveways, movable storage sheds less than 150 square feet that comply with zoning and building appearance regulations, fence replacement or maintenance if construction is substantially the same as the current fence and otherwise meets requirements of the Stanley Municipal Code, landscaping that does not substantially alter the terrain, sprinkler systems, and playground equipment that is moveable and not permanently anchored.

Another change within 15.04.010 requires that the City approve changes to the proposed use or construction specified in an original approved permit if the changes occur during the term of the permit. The intent of this change is to provide the Council a chance to review changes in plans to ensure that the building still complies with zoning and other requirements. This is especially important in relation to building appearance and materials requirements. The proposed use should not be changed during construction (e.g. redesigning from residential to commercial), but may be changed in subsequent years as long as the new use complies with city zoning requirements.



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Several residents asked why the building permit code requires that multi-family dwellings provide for off-street parking and snow storage when this requirement also exists in the zoning ordinance. This provision is not new and was not

changed in the new version of the building permit ordinance, but seems redundant to some people. This language exists in the building permit ordinance because the language about multi-family dwellings and off-street parking in the zoning ordinance only applies to the Limited Commercial District. At the time the Limited Commercial District was established, multi-family dwellings were only allowed in it and not in the other commercial districts. About two years ago the zoning ordinance was changed to allow multi-family dwellings in the Commercial and Commercial A Districts. Allowing multi-family dwellings in several zoning Districts created a need to make the requirement for off-street parking generic for all affected Districts. Requiring off-street parking for all multi-family dwellings, as a condition of the building permit, was a simple way to accomplish this.

15.04.020 and 030 were changed to clarify how the issuance of City building permits should be coordinated with permits and approvals from other regulatory agencies. The first clarification states that the City is not responsible for determining whether the proposed action requires a permit or approval from other regulatory entities, and is not responsible for obtaining such permits and approvals. The City intends to provide a list of situations that may require such permits and approvals in the instructions for applying for building permits, as a reminder to applicants. The list may not be all-inclusive, since these requirements can change, but will provide a helpful guideline.

In order to help the applicant avoid potential problems or delays that may arise if there is not smooth coordination among regulators, Section 15.04.030 was changed to provide that the Council may approve a building permit application contingent upon the applicant obtaining required permits and approvals from all Federal, State and local agencies and departments with jurisdiction covering the proposed building permit actions. Construction in sensitive areas, such as wetlands, floodplains, and critical habitat will go smoother and with fewer potential conflicts if there is good coordination from the beginning. Since a proposed building (or site preparation such as fill), that may be permitted by the City could be in conflict with other regulatory mandates, the coordination would work best if the City does not issue a building permit until it is clear that other regulatory concerns can be satisfied. The new wording allows the city to approve a building permit contingent upon other regulatory approval, so that the city's intent can be established for consideration by other regulators. This provision could ease the process of obtaining those approvals.



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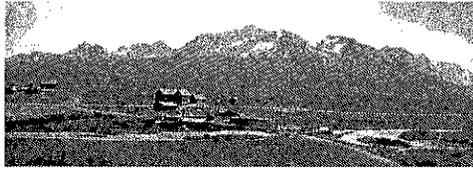
The procedure for approving building permits was changed to allow the Council's designated representative to act upon all building permit applications that, in the representative's judgment, clearly comply with all building and zoning requirements of the Stanley Municipal Code. The intent is to simplify the building permit approval process by allowing the City Clerk, or other authorized representative, to issue most building permits without a vote by the City Council. This will avoid unnecessary delays for many permits, and allow work for some projects to begin sooner during the short building season. The current code section 15.04.010 already allows permits to be issued by the Council's authorized representative, so this provision simply clarifies the circumstances and procedures for accomplishing that.

One person suggested that having the Clerk approve most building permits would make it more difficult for residents to know about proposed or approved permits because those permits would no longer appear on the Council's agenda. This issue can be resolved by posting pending actions on the City web site, by compiling an e-mailing list of people who would like to be informed about pending applications, or by listing approved permits within the minutes of the next Council

meeting. Since the language states that permits acted upon by the Clerk will be those that clearly comply with all building and zoning requirements, these will be approvals for simple actions that would not require research or analysis by the Council. If the Clerk feels that an application is controversial or complicated, he/she will request action by the Council. These procedures can be specified in a Council Resolution establishing the Clerk or other person as the designated representative.

A section on appeal of building permit actions was added per advice of the City Attorney. These are standard procedures that had been omitted in the existing building permit requirements, but which are legally required.

The section on enforcement and penalties was changed to bring it in line with the State definition of a misdemeanor and standard language for enforcing misdemeanors. The new building permit ordinance did not change the type of penalty for violating the building permit requirements, which has long been classified as a misdemeanor. During the final hearing on the proposed building permit ordinance changes, some people advocated that the penalty be reduced to an infraction. This issue had not come up during the previous 1 ½ years of meetings, worksessions, and hearings on building permit changes and on proposed omnibus changes to penalties throughout the city code. The Council feels that it is always appropriate to bring up new concerns, but that this new one can be discussed and researched within the continuing effort to update penalty provisions throughout the entire code.



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The term for new residential permits and minor commercial permits was changed from one year to two years. The term for major commercial construction was changed to three years. The intent of this change is two-fold. First, large, commercial developments currently face an unreasonable burden under a one-year permit. Rather than face almost certain renewal requirements, and possibly having to apply for a new permit to complete work, this provision establishes a 3-year permit to simplify the process. Second, almost all residential and small commercial construction is not completed in one year, and receives an automatic one-year extension. The short building season, combined with the scarcity of contractors and workers makes it difficult to complete most construction in one year. Therefore, issuing a two-year permit will simplify the building permit process and eliminate the need to apply for the automatic renewal. In addition to extending the term of a permit, an applicant will now be permitted to specify a six-month delay between the application and the start date of the permit. This will allow the applicant to arrange for contractors, procure materials and complete all preparations so that work can begin immediately on the proposed start date. For example, an application submitted in November could specify May as the start date. The two-year term then runs until May two years in the future. Therefore, the effective timeframe for completing work under a permit would be up to 2 ½ years. However, the

city still wishes to see a sincere effort to complete construction within the permit term, and therefore requires the applicant to apply for a new permit at the end of two years rather than receive a renewal if the project remains unfinished. The city has received numerous complaints about the lack of action on some building projects, with construction activity or partially finished buildings disturbing the harmony and aesthetics of neighborhoods. These changes should provide an incentive for a project to be completed within the permit term to avoid fees associated with applying for a new permit to finish the work.

An additional change clarified that only exterior construction needs to be completed during the term of the permit. The previous wording just stated that all construction must be completed, which would include interior as well as exterior construction. This change allows interior work to be completed without a time limit, making it easier to comply with the terms of the permit.

A final change requires that permit applications identify the ultimate construction objective of the building project and that individual permits not be issued for incremental phases of a building project. The intent of this provision is to ensure that the final project objective can be evaluated, and that all portions of the final building will meet city code requirements. Incremental permits for partial construction of a building in stages might leave the ultimate objective unknown, resulting in problems with future incremental phases of the project that might not meet city code requirements. Also, such permits could result in many years passing before construction is completed, during which time neighbors would have to be burdened by the sight of excavations,



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fill, foundations, or partially completed buildings. The City has received numerous complaints about these types of situations. This provision would not cover or interfere with finishing work on the inside of buildings, although the intended use (e.g. residential or commercial) would have to be stated. It pertains to the completion of the exterior of buildings to ensure that the exterior appearance of the building complies with Code requirements and meets the intent of the Stanley Comprehensive Plan.