

MEMORANDUM

TO: Ordinance Committee
FROM: Maureen O'Meara, Town Planner
DATE: March 7, 2013
SUBJECT: Building Permit Notification Amendment

Introduction

The Town Council has referred to the Ordinance Committee a request to consider requiring a public notification of building permit issuance. At the February 8th meeting, the Ordinance Committee agreed to develop a public notice requirement. Attached is a first draft of an amendment to the Zoning Ordinance.

When to send a notice

If you are not sending a notice for every building permit, the first question to answer is what types of construction tend to make neighbors anxious. The committee agreed at the last meeting that work that does not expand the "skin" of the building does not need a notice. Beyond that, construction in close proximity to the property line or substantial expansion generally should require a notice.

The simplest approach, which minimizes differences of opinion over interpretation, is to create a requirement with as few exceptions or triggers as possible. The Code Enforcement Officer and support staff will be responsible not only for mailing the notice, but also for determining when a notice is required. The more complicated the notice "triggers" are, the more time it will take to decide when a notice is needed. Further, triggers based on the size of construction could result in requiring building permit applicants to submit additional information.

Summary of amendment

The amendment language has been added to Sec. 19-3-3, which governs the issuance of building permits. The committee should keep in mind that the provisions determine when a notice must be sent, not what is actually allowed for construction.

The first trigger is based on proximity to the property line. Any expansion of a structure located within 10' of the minimum setback would require a notice. The Zoning Ordinance defines expansion as follows:

Expansion of a Structure: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached structures such as decks, garages, porches and greenhouses.

The Code Enforcement Officer is recommending this approach because it is a simple way to decide if a notice should be sent.

An option has been provided to exempt small expansions, such as adding a bulkhead or a small dormer. Staff is not recommending this option. Actual footprint expansion can be calculated, but is often complicated by reuse of existing building footprint. Volume is just plain hard for most people to calculate. Currently, volume expansion is only calculated for building expansions in the shoreland zone. If a volume expansion trigger is included, building permit applicants may be required to calculate the volume of their project.

The second trigger is related to proximity to water. Any expansion within the first 125' of the Shoreland Zone would trigger a notice. The Shoreland Performance Overlay District requires a minimum 75' setback from the normal high water line. Buildings closer than 75' are nonconforming, but may still expand up to 30%. Buildings that meet the 75' setback still must comply with a maximum lot coverage requirement. The bulk of complaints regarding lack of building permit notification have originated in the Shoreland Zone.

Additional options have been prepared for the convenience of the committee, but are not recommended by staff. These include expansions occurring above the existing roofline and a general provision allowing the Code Enforcement Officer to elect to send a notice.

Paragraph 3 sets out the substance of the notice and requires everyone within 50' of the property where construction will occur to receive a notice. It also specifies the minimum information needed to be in the notice and that a record of the notice must be kept.

Next Steps

The committee should review the draft and recommend revisions. If no revisions are suggested, the committee could consider a recommendation to the Town Council. If further revisions are desired, the draft should be reviewed by the Ordinance Committee again at its next meeting.