

ORDINANCE 2007-09

AN AMENDMENT TO THE LAND USE AND SUBDIVISION ORDINANCE 05-02, ESTABLISHING A PROCEDURE FOR BUILDING PERMIT APPLICATION, REVIEW, AND APPROVAL

Whereas the Town of Leeds desires to establish a uniform method for reviewing and approving building permit applications;

Whereas the Planning Commission recommend a procedure for building permits to be part of the Leeds Land Use and Subdivision Ordinance and it was reviewed by the Town Council;

Now therefore be it ordained by the Council of the Town of Leeds that the Land Use and Subdivision Ordinance is amended as follows:

Chapter 1: That paragraph 1.8 be amended to read as follows:

1.8 Building Permit Required

Any new construction or major alteration shall not be commenced or proceeded with except after the review and approval by the Town Building Permit Approval Authority (BPAA), and the issuance of a building permit by the Leeds Town building inspector. The BPAA will be designated by the Leeds Town Council by resolution. The BPAA may be the Town Planner, the Planning Commission or any person determined to be qualified for this responsibility by the Town Council. Work not started within one year of date of approval will require a new permit.

- 1.8.1 Procedure for Obtaining Building Permit. The building inspector shall not issue a building permit for any new construction or major alteration until the procedure detailed in sections 1.8.2 through 1.8.7 has been completed.
- 1.8.2 Application. Applications for building permits must be submitted to the Town Clerk/Recorder and must contain all the following information:
1. A completed Town of Leeds building permit application and application checklist, available at the Town office.
 2. A Completed Land Use Development application, available at the Town office.
 3. Two full size sets (a minimum of 24" by 24") and one 11" X 17" set of architectural drawings and construction details required by adopted building codes.
 4. Building elevations, drawn to scale, accurately depicting the height of all proposed buildings in reference to the natural ground level which will be shown on the drawings.
 5. A site plan, drawn to scale, containing the following:

- a. Vicinity plan
- b. North arrow and scale.
- c. Location of all existing structures on the property
- d. Setback distances from property lines to all structures (existing and proposed).
- e. Topography shown in 2 foot contour intervals if:
 - the property is subject to the Hillside Protection Overlay Zone (Chapter 20 of this ordinance), or
 - the property is in the commercial district and is larger than one acre.
6. Names and widths of adjacent streets.
7. Location of access into the property.
8. A Soil Feasibility Analysis and approval from the Southwest Utah Health Department for an onsite sewage disposal system, if the proposed development is not served by sanitary sewer.
9. Proof of water service from the culinary water provider.
10. A copy of the current subdivision Covenants, Conditions and Restrictions (CC&R's), if the proposed development is located in a subdivision with CC&R's. If the subdivision has an architectural review committee in lieu of the CC&R's the applicant may submit either a letter stating that the architectural committee approves the drawings or drawings that have been stamped by the architectural committee. Both these alternative methods require an authorized signature and date of review.
11. A letter of compliance from the Leeds Fire Department showing compliance with the requirements of applicable fire codes.
12. A completed Encroachment Permit Application, available at the Town office, if the proposed construction will encroach into the public right-of-way.
13. Proof of contractor's license for the general contractor of the project, or a completed "owner/builder certification and agreement" for residential projects with an owner/builder
14. A report addressing geological, flood, drainage, or other hazards that may affect the proposed development, if deemed appropriate by the Planning Commission (pursuant to Chapter 10 of this ordinance).

1.8.3 Completed Application. An application will not be found complete and review of the application will not proceed until all required documents, as well as any review fee required by the Town's fee schedule, have been submitted to the Town Clerk/Recorder.

1.8.4 Application Review. Upon receipt of a complete application the Town Clerk/Recorder shall forward one copy of the application to the building inspector and one copy to the Town Planner. The building inspector shall review the application for compliance with adopted building codes. The

Town Planner shall review the application for compliance with the requirements of the Land Use Ordinance, Master Road Plan and any other applicable ordinances. If the application is not in compliance with either adopted building codes, the Land Use Ordinance or any other applicable Leeds ordinance, the application will be returned to the applicant with specific directions on where the application is deficient. The applicant may then correct the deficiencies and submit a corrected application for review. If the application is in compliance and the Town Planner is not the BPAA the Town Planner shall submit a written report to the BPAA showing compliance with all applicable Ordinances to the BPAA.

- 1.8.5 Permit Issuance. If the application is in compliance with adopted building codes, the Land Use Ordinance and any other applicable ordinances, the building inspector shall issue a building permit, upon payment of all applicable building and impact fees. The building inspector shall only issue a permit when the BPAA has confirmed that the application meets the requirements of the Land Use Ordinance and all applicable Leeds ordinances. The building permit will expire sixty (60) days after approval date if the fees are not paid and the permit picked up by the owner or builder. The BPAA shall notify the Planning Commission (if the BPAA is other than the Planning Commission) via email that the building permit has been issued. A copy of the building permit along with the application, drawings, and all documents submitted will be filed by the Town Clerk/Recorder.
- 1.8.6 Timely Review by Building inspector and Town Building Permit Approval Authority. The BPAA and building inspector shall review applications for building permits in an expeditious, manner. Applications for building permits shall be approved, denied, returned to the applicant as incomplete, or referred to the Planning Commission, if the BPAA is other than the Planning Commission, within twenty-one (21) days from the date a completed application is submitted to the Town Clerk/Recorder.
- 1.8.7 Application Referral to the Planning Commission. The Town BPAA may elect to refer any application for a building permit to the Planning Commission for review (providing the BPAA is other than the Planning Commission) if the Land Use Ordinance specifically requires the Commission to make a decision or ruling regarding some aspect of the proposed development, or if the complexity of the application merits review by the Commission. If the BPAA refers the application to the Planning Commission, the item will be placed on the next available Commission meeting agenda in accordance with the Commission's operating procedure for receiving material to be reviewed. The Town Clerk/Recorder shall inform the applicant of the time and place of the Planning Commission meeting. At that meeting the Commission shall approve, deny, require additional information or conditionally approve the

building permit application. The building inspector shall then issue a permit for the proposed development, based on the Commission's decision and pursuant to section 1.8.5.

- 1.8.8 Permit Procedure with the Absence of Town Planner. In the event the Town has not appointed a Town Planner, or in the event the Town Planner is unavailable or unable to perform the building permit review, the Planning Commission shall fulfill the duties assigned to the Town Planner in section 1.8.4 and 1.8.7. In such a case, the time period of permit review in section 1.8.6 shall be extended from twenty-one (21) days to six (6) weeks.
- 1.8.9 Builder Compliance with Approval. The builder is required to build in accordance with the approved drawings. If the building inspector identifies that the building under construction is not in accordance with the approved plans in a manner that would therefore be in violation with a Leeds Ordinance, the building inspector will notify the BPAA in writing of such deviation. After evaluating the deviation the BPAA shall request that the builder explain the reason for the deviation and submit drawings reflecting the changes for approval. If the changes are not in compliance with Leeds Ordinances or building codes the project shall be stopped. Before proceeding the builder must correct the non-compliant item(s). If the builder does not submit the revised drawings within seven (7) calendar days from notification the project shall be stopped until proper drawings are received or the building is changed to comply with the original drawings.

Definition: To be added to definition in section 1.6 of the Leeds Land Use and Subdivision Ordinance.

Major Alteration. Major alteration includes:

1. Any change that requires inspection under the State or Federal uniform building codes;
2. Any structural change;
3. Any change that would result in the building being non-compliant with any Leeds ordinance.

Effective Date. This ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE LEEDS TOWN COUNCIL, STATE OF UTAH,

ON THIS
DAY OF _____, 2007.

Trudy Law, Mayor

Attest _____
Karen Markovich, Clerk/Recorder

ROLL CALL VOTE:

MAYOR _____	aye _____	nay _____
TOWN COUNCIL MEMBERS:		
_____	aye _____	nay _____
_____	aye _____	nay _____
_____	aye _____	nay _____
_____	aye _____	nay _____

Aye votes _____ Nay votes _____ Abstentions _____
Ordinance #2007-11 is passed _____ rejected _____

Karen Markovich, Clerk/Recorder