

CITY OF BELVEDERE

ORDINANCE NO. 2024-05

**A REGULAR ORDINANCE OF THE CITY OF BELVEDERE AMENDING SECTION
20.04.035, ESTABLISHING TIME LIMITS FOR CONSTRUCTION, TO
INCORPORATE REQUIREMENTS RELATING TO PERMIT FEE REVALUATIONS**

Note: Unchanged text appears in plain Times New Roman font.

Additions to text appear in *single-underline italics Times New Roman font*.

Deletions to text appear in ~~*strikethrough italics Times New Roman font*~~.

**THE CITY COUNCIL OF THE CITY OF BELVEDERE DOES ORDAIN AS
FOLLOWS:**

SECTION 1. Section 20.04.035 is hereby amended to read as follows:

20.04.035 Time Limits for Construction

A. *Purposes.* The City Council finds that:

1. A continuous stream of large numbers of construction projects on private properties within the City for many years past has resulted in substantial and continuing adverse impacts on the City and its residents from construction activities;
2. Among those adverse impacts are long-term noise disturbances to neighbors of the construction projects, loss of already inadequate on-street parking due to the presence of large numbers of construction vehicles, and frequent closures of the City's narrow streets for construction deliveries and staging, which closures hinder and/or eliminate local and emergency access for varying periods of time;
3. The City has seen numerous individual projects designed and built on a very large scale so that construction has often continued for many years, thus prolonging the adverse impacts created by those projects;
4. It is in the interests of the health, safety, and welfare of the citizens of Belvedere to place a reasonable time limit on the duration of each construction project, so as to balance the needs of the owner of the project with those of his neighbors and the community generally in the safe and peaceful enjoyment of their properties;
5. The time limits adopted in this section allow an adequate and reasonable amount of time for the kinds of construction projects undertaken in the City; and
6. Because of the substantial and continuing adverse impacts on the City and its residents from construction activities, the permit reactivation charges established in Belvedere Municipal

Code Section 16.04.030(B) are necessary to motivate timely completion and encourage compliance with such time limits and achieve the purposes of this section.

B. *Construction Time Limit Required.* This chapter shall apply to any project for which a design review approval is required, and/or any project requiring a building permit with an estimated construction value of fifty thousand dollars or greater, and/or any landscaping project with an estimated construction value of fifty thousand dollars or greater that is associated with a building permit. As part of any application for design review, the applicant shall file a reasonable estimate of the cost of the proposed project, and based thereon, a construction time limit shall be established for the project in accordance with the guidelines set forth in Subsection C of this section. The applicant shall submit all information requested by the Building Official to support the estimated value of the project, which information may include without limitation, an executed construction contract. Compliance with such time limit shall become a condition of design review approval. The time for completion of the project shall also be indicated on the building permit. For projects exceeding five hundred thousand dollars in project valuation, a detailed PERT or GANTT chart, including detailed information on the critical path of the project, may be required prior to the issuance of any building permit at the request of the City Building Official. Once approved, the property owner shall provide the City with written monthly job progress reports consistent with the approved PERT or GANTT chart if requested by the City Building Official.

C. *Time Limit Guidelines.*

1. *Table.* Except where a longer time period is established pursuant to Section 16.04.030(B), the maximum time for completion of approved alterations, additions, modifications, repairs, or new construction, following issuance of the building permit, shall not exceed the following:

Construction Time Limits Based Upon Demonstrable Estimated Project Value

Estimated Value of Project (\$)	Construction Time Limit (months)
\$0 to \$100,000	6 months
\$100,001 to \$500,000	12 months
\$500,001 to \$2,000,000	18 months
Greater than \$2,000,000	24 months

As appropriate and no less than every five years, the City shall review and may adjust the estimated project values set forth above.

2. Final Inspections and Completion of Projects. In order for a project to be final and complete for the purposes of the applicable Construction Time Limit, the building permit shall be approved and signed by authorized representatives of the following agencies in the following order, as appropriate:

- a. the Tiburon Fire Protection District;
- b. Marin County Sanitary District No. 5;

*c. the City of Belvedere Building Department; and
d. the City of Belvedere Planning Department.*

Prior to and as a condition of the Building Department's final approval, the applicant shall provide a Final Cost Evaluation Statement as described in Policy 14.6, Permit Fee Revaluation, of the City's Administrative Policy Manual and receive the Building Department's approval of that statement.

3 2. *Time Limit for Landscaping.* To complete landscaping work approved as part of a larger construction project, the applicant may have an additional ninety days after the date of final inspection approval of the building permit for the main construction project. To receive the additional 90 days, the applicant must file an application prior to the expiration of the latest granted CTL deadline date, and make a deposit against the timely completion of the landscaping work in an amount determined by the Building Official in consultation with the Director of Planning and Building. The additional 90 days does not apply to projects solely comprised of landscaping and related improvements.

D. This section shall be known and cited as the "Construction Time Limit Ordinance of the City of Belvedere."

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional, invalid or effective. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 4. Pending Violations. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage. Within fifteen (15) days following its passage, a summary of this Ordinance shall be published with the names of those City Council members voting for or against the Ordinance and the City Clerk shall post in the office of the City Clerk, a certified copy of the full text of the adopted Ordinance along with the names of the members voting or against the ordinance.

INTRODUCED AT A PUBLIC HEARING on October 14, 2024 and adopted at a regular meeting of the Belvedere City Council on November 12, 2024, by the following vote:

AYES: Cooper, Kemnitzer, Lynch, Wilkinson. Mayor Mark

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED:



Peter Mark, Mayor

ATTEST:



Beth Haener, City Clerk