

**ORDINANCE NO. 2015-02**

**ORDINANCE TO AMEND THE COMMUNITY DEVELOPMENT CODE AT SECTION 17.5, DESIGN REGULATIONS, CONCERNING SNOWMELT DESIGN; SECTION 17.7, BUILDING REGULATIONS, CONCERNING SNOWMELT LIMITATIONS AND ESTABLISHING A SMART BUILDING PROGRAM WITH ENERGY INCENTIVES AND ENERGY MITIGATION REQUIREMENTS; AND AT SECTION 17.7.20 TO ESTABLISH THE MAXIMUM TIME TO COMPLETE A CONSTRUCTION PROJECT**

**RECITALS**

- A. The Town of Mountain Village (the "Town") is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the "Constitution") and the Home Rule Charter of the Town (the "Charter").
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof.
- C. The Town Council may amend the CDC from time-to-time to address CDC interpretations, planning matters, clarify and refine the Town's land use regulations; or to address issues or policy matters.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:**

**Section 1. Amendment of Community Development Code**

- A. The Town of Mountain Village Community Development Code is hereby amended as set forth in Exhibit A which is attached hereto and incorporated herein.
- B. The Planning Division is directed to codify the amendments in Exhibit A into the CDC.
- C. The Planning Division may correct typographical and formatting errors in the amendments or the adopted CDC.
- D. The Planning Division shall place footers on the modified pages that reflect the section being amended and the ordinance number in order to keep track of CDC amendments over time and easily address any non-conforming situation.

**Section 2. Ordinance Effect**

- E. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- F. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

**Section 3. Severability**

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

**Section 4. Effective Date**

This Ordinance shall become effective on February 14, 2015.

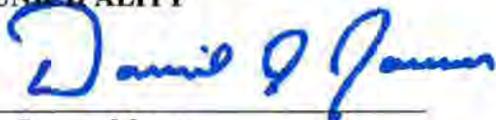
**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 15<sup>th</sup> day of January, 2015 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

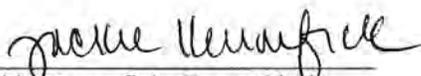
**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 11<sup>th</sup> day of December, 2014.**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By:   
Dan Jansen, Mayor

ATTEST:

  
Jackie Kennefick, Town Clerk

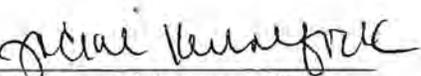
**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 15<sup>th</sup> day of January, 2015.**

**TOWN OF MOUNTAIN VILLAGE**

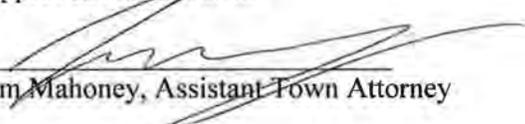
**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By:   
Dan Jansen, Mayor

ATTEST:

  
Jackie Kennefick, Town Clerk

Approved As To Form:

  
Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No.2015-02 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on December 11, 2014, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Cath Jett, Mayor Pro-Tem	X			
Jonette Bronson	X			
John Howe	X			
Michelle Sherry	X			
Martin McKinley	X			
Dave Schillaci	X			

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on December 17, 2014 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on January 15, 2015. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Cath Jett, Mayor Pro-Tem	X			
Jonette Bronson	X			
John Howe	X			
Michelle Sherry	X			
Martin McKinley	X			
Dave Schillaci			X	

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 15<sup>th</sup> day of January, 2015.

(SEAL)



*Jackie Kennefick*  
 Jackie Kennefick, Town Clerk

**Exhibit A: CDC Amendments**

## CDC Section 17.5.9(D)(b)

- building improvements. These secondary spaces can add interest to the by offering areas to be explored and discovered within the overall orientation of the major circulation system.
- vi. Secondary walkways and courtyards shall be paved with a material consistent with or complimentary to the major pedestrian areas of the town. Surface materials shall be rich and interesting, using such materials as stone pavers and granite cobbles, or concrete pavers. Surface materials shall have a minimum width of eight feet (8') and be lighted for evening use. Vertical grade changes shall be made to accommodate walking in ski boots and shall, therefore, have grades no greater than five percent (5%) with access ramps no greater than eight percent (8%). Stairways shall meet the building regulation requirements for stairs.
  - vii. Wherever possible, connecting paths and walkways shall include points of interest and artwork along their routes through such items as sculpture, fountains, bridges, archways and plaza furniture.
  - viii. Development shall be required to coordinate the design and intent of all proposed pedestrian areas with appropriate Town departments.
  - ix. Owners of lots shall be required to develop any and all pedestrian areas and plaza areas to a maximum of thirty feet (30') out from the building footprint and/or the area of disturbance as determined by the review authority at the time of review and approval. The review authority may require additional development of pedestrian areas if, upon review of the completed site, the review authority determines that additional disturbance occurred during construction beyond which was identified at the time of review and approval of the development application.
  - x. Due to the extreme daily temperature changes that are experienced in the town and drastic temperature contrasts between shade and sun exposures, the review authority may require the developer to install, and require that any homeowners association operate and maintain a snowmelt system in primary plaza areas and pedestrian areas or routes. The area of snowmelt may shall be limited in plaza areas and pedestrian routes to the extent practicable in order to minimize energy use as determined by the review authority. The extent of the snowmelt system shall be determined during the development application process ~~and under.~~ Under normal conditions snowmelt areas shall extend thirty feet (30') beyond the building footprint or cover the area of disturbance, whichever is greater unless reduced pursuant to this section by the review authority.
  - xi. The review authority shall require the developer of lots to install site furniture and fixtures a maximum of feet (30') beyond the building footprint. Secondary plaza areas shall be furnished and maintained by the developer and operator of the respective projects for general public use.
  - xii. The Town may require the developer to enter into a maintenance agreement for plaza areas that require the maintenance of all improvements in such spaces to be maintained in good repair and a clean state. The maintenance agreement shall provide that all site furniture and fixtures located on Town property shall become the property of the Town.

**10. Plumbing**

- a. **Section P2303.5.1, Rough Plumbing.** Delete the words “for piping other than plastic.”
  - b. **Section P2706.1, Waste Receptors.** Add: “Waste Receptors used for condensate disposal are permitted in any readily accessible location.”
  - c. **Section P2903.9.3, Fixture Valves and Access.** Add: Wall mounted sinks.
  - d. **Section P3009, Gray Water Recycling Add:** “Gray water may only be used as an effluent for flushing fixtures.”
- 11. Appendix A.** Sizing Capacities of Gas Piping Appendix A is a reference standard hereby adopted into the 2012 IRC.
- 12. Appendix B.** Sizing of Venting Systems Serving Appliances Equipped with Draft hoods, Category 1 Appliances, and Appliances Listed for use and Type B Vents. Appendix B is a reference standard hereby adopted into the 2012 IRC.
- 13. Appendix C.** Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems: Appendix C is a reference standard hereby adopted into the 2012 IRC.
- 14. Appendix E.** Manufactured Housing Used as Dwellings: Appendix E is a reference standard hereby adopted into the 2012 IRC
- 15. Appendix G.** Swimming Pools, Spas and Hot Tubs: Appendix G is a reference standard hereby adopted into the 2012 IRC.
- 16. Appendix H.** Patio Covers: Appendix H is a reference standard hereby adopted into the 2012 IRC
- 17. Appendix J.** Existing Buildings and Structures: Appendix J is a reference standard hereby adopted into the 2012 IRC
- 18. Appendix K.** Sound Transmission: Appendix K is a reference standard hereby adopted into the 2012 IRC.
- 19. Other Appendices.** All other appendices of the IRC not adopted herein are hereby deleted in their entirety.

**17.7.12 INTERNATIONAL ENERGY CONSERVATION CODE**

- A. Adoption.** The Town hereby adopts and incorporates herein by reference as the energy code of the Town of Mountain Village the International Energy Conservation Code, 2012 Edition, (“IECC”) published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.
- B. Alternative Methodologies.** A developer may propose to meet LEED Gold or higher certification as an alternative methodology to meeting the requirements of this section.
- C. Amendments, Additions and Modifications.** The IECC 2012 edition is hereby amended as follows:
  - 1. Section 103.1, Creation of Enforcement Agency.** Section 103.1 is hereby amended to read:

“**Section 103.1, Creation of Enforcement Agency.** The Building Division is hereby charged with enforcing the IECC, with the Building Official acting as the code official.”
  - 2. Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.
  - 3. Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. **Section C101.1, Title.** Section C101.01, Title is hereby amended as follows:

“**Section C101.1, Title.** This Code shall be known as the International Energy Conservation Code of the Town of Mountain Village and shall be cited as “this code” or the “IECC”

5. **Local Energy Saving Measures**

- a) **Scope.** The following requirements apply to all new residential construction, remodels, or additions, including without limitation single-family dwellings, multi-family dwellings, and mixed use developments.
- b) **Mandatory Requirements.** All projects shall comply with the local energy savings measures as set forth herein unless the Building Official, after receiving and reviewing a proposal for alternative means from a Colorado Licensed Engineer, determines that the alternative proposal meets the required renewable offset requirements as set forth herein. The Town may retain an engineering consultant for verification as needed at the expense of the permit holder.
- c) **HERS Ratings.**
  - i. All new detached single-family dwellings shall achieve the following Home Energy Rating System (“HERS”) ratings prior to the issuance of a building permit based on the gross floor area of the home:
    - (a) 7,000 sq. ft. or less: HERS rating of 60 or lower.
    - (b) 7,000 to 13,000 sq. ft.: HERS rating of 55 or lower
    - (c) 13,000 feet and larger: HERS rating of 50 or below.
  - ii. A confirmed HERS rating is required at or before CO.
- d) **Smart Building Program.** The intent of the Smart Building Program (“Program”) is to reduce the amount of energy and greenhouse gas emissions produced in the community through the promotion of energy efficient designs and building practices.
  - i. The following incentives are provided to accomplish the intent of the Program:
    - (a) **Renewable Energy.** A renewable energy 20% building permit fee discount shall be provided when (1) there is no exterior energy use; and (2) at least 20% of the estimated energy use is offset by a renewable energy source.
    - (b) **Exterior Energy Use:** Buildings designed with no exterior energy use elements other than lighting are eligible for a 15% building permit fee discount, which shall be applied in addition to any other building permit fee discounts available. When this rebate is awarded, a covenant shall be recorded against the property for the benefit of the town, acknowledging the acceptance of the owner’s forfeiture of the right to install any exterior energy use items after obtaining the CO for a period of fifty years in a form acceptable to the town attorney’s office. If during this period after CO it is found that exterior energy use items are desired by the owner and installed, the awarded building permit fee discount pursuant to this section shall be paid

to the town per the terms of the covenant.

**(c) Interior Energy Use HERS Rating:** Buildings designed with a HERS rating below 50 are eligible for a building permit fee discount in addition to the building permit fees set forth herein. The discount calculation begins at a HERS rating of 50. A new building with a HERS rating of 50 would pay 100% of the building permit fee. The building permit fee would be reduced proportionately with the percentage reduction in the HERS rating. For instance a HERS score of 25 is a 50% reduction in the building permit fee. A HERS score of 0 would result in a 100% building permit fee discount. **HERS ratings can be lowered by either on-site or off-site solar photovoltaic systems.**

These three (3) owner incentives can be used collectively toward a building permit fee discount. Maximum collective building permit fee discount available with the Program efficient home design is a maximum cumulative discount of 100% of the building permit fee.

ii. **Exterior Energy Use.** The IECC or accepted performance compliance methods do not address exterior energy use. However, it is the intent of the Program to include all energy use on site in the evaluation of the building's performance regarding energy use. Therefore, the energy required of exterior snowmelt systems, as well as site-built pools and spas must also be offset with renewable energy via the Offset Program (see below).

iii. **Program Scope.** The Offset Program shall apply to site built outdoor, spas, pools and all exterior energy used for snowmelt.

iv. **Snowmelt**

(a) All snowmelt anywhere on the property shall be offset via the Program except for:

(i.) Single-family Development: 1,000 square feet of exempt hydronic snow melt that shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks, stairs and landings.

(ii.) Multi-family, Mixed Use and Commercial Development: 1,000 sq. ft. plus 50 square feet per dwelling unit of exempt hydronic snow melt that shall be allowed without mitigation located only on the main drive(s), decks, amenity areas and/or code required exit walkways, stairs and landings.

(i-)(iii.) Attached single family units reviewed from the IRC (Duplex and Townhomes). 500 square foot of exempt per dwelling unit hydronic snowmelt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks stairs and landings.

(iv.) Pedestrian routes and plaza areas in the Village Center provided such areas meet the Design Regulations.

(ii-)(v.) Pool deck areas for multi-family or mixed-use hotbeds development sites as envisioned in the Comprehensive Plan.

- (b) **Definition of Exempt Snow-Melt Area:** Tubing installed to melt snow on a deck etc. where the intent is to remove snow from the walkable or drivable area shall be measured per the size of the entire potentially snow-melted area. For example if a 10' x 20' deck only has perimeter snow melt tubing, the entire area shall be counted toward the snow melt exemption.
- (c) All snow melt systems shall be equipped with both moisture and temperature sensors to control operation per the IECC and IRC.
- (d) Hydronic snow melt systems shall have a minimum of R-15 insulation on the non-snow melt side.
- v. **Spas.** Factory built spas (hot tubs) that are in compliance with section 1604 of title 20 of the current California Energy Commission requirements and have a maximum standby energy use of 205 watts per hour are exempt. Spa energy uses above 205 watts per hour adjusted for local climatic conditions are included in renewable energy mitigation offset requirements. Proof that the site built spa meets this requirement may be provided by a town engineering consultant, if needed, and will be at the expense of the owner. The owner of said property shall have the option of providing energy from a town approved renewable energy system, or making payment in lieu, or a combination of both, in order to offset energy used by exterior energy use equipment with renewable energy sources.
- vi. **Exterior Pools.** Exterior heated swimming pools must prove compliance with the currently adopted Energy Codes. The Council may waive the need to offset exterior pool heating for multifamily or mixed use hotbed projects that are envisioned in the Comprehensive Plan, or the town may use a portion of the project revenues to pay for part of or all of the energy offset.
- vii. **Heated Garages.** Heated garages must prove compliance with the currently adopted Energy Codes. This can be accomplished with a free program known as RES-Check. The garage would be included in the Res-Check calculation with the heated home. The blower door test required as per R402.4.1.2 shall apply only to the homes habitable space and the air sealing for the garage shall be visually inspected.
- viii. **Exterior Energy Use Calculation.** The total exterior energy use that must be offset with renewable energy, or payment made as a payment in-lieu as allowed in these regulations, will be calculated by the Town Building Official using the Build Smart Exterior Energy Calculation Spreadsheet ("Spreadsheet") (Appendix 17-2). The Spreadsheet calculations were developed using the standard amount of energy used by the exterior systems and adjusted for local climatic conditions. Alternate and creative engineering solutions to reduce exterior energy use are encouraged and may be accepted as an offset method, when approved by the Building Official. The Spreadsheet will be updated regularly according to market fluctuations and may be amended and adopted by the annual Fee Resolution.
- ix. **Renewable Energy Credit Calculation.** Renewable mitigation offsets may be produced on-site or off-site and must be approved by the town. On site renewable energy methods receive double credit for offset purposes. For example if a town approved renewable energy source such

as solar, geothermal heat pump, etc. installed on site produces 4KW then it will get credit for offsetting 8KW of exterior energy use. As new technology or other offsite renewable energy projects come on line, they may also be considered as approved systems by the Building Official. Where the necessary amount of renewable energy is unattainable on-site, a combination of renewable energy methods may be used.

- x. **Payment In-lieu.** The town has the resources and ability to install renewable energy systems on public property or invest in offsite renewable energy systems that will offset exterior energy used in the community. If preferred by the property owner, the Town may accept payment from the owner of the affected property, in lieu of providing energy produced by a Town approved renewable energy system. Or, the town may accept partial payment in lieu from the affected property owner that provides only partial energy produced by a Town approved on-site or off-site renewable energy mitigation system. The owner shall make payment prior to receiving the building permit. The payment in lieu shall be calculated using the Spreadsheet.
- xi. **Approved Renewable Energy Systems.** All renewable energy systems proposed as part of the Build Smart Renewable Mitigation Program must be approved in advance by the Building Official. An engineering analysis may be required for calculating the renewable energy mitigation credit produced by an on- or off-site system. Review of the system by a Town engineering consultant, if needed, will be at the expense of the owner.
  - (a) On-site renewable energy systems provided to offset exterior energy use will be required to be maintained and operated for the lifetime of the property, through a written agreement with the property owner and a covenant on the property.
  - (b) Off-site renewable mitigation shall only be approved by the Building Official if, through a written agreement: (1) the system is legally tied to the property using exterior energy use with the inability to transfer to another property; and (2) the Town can easily verify at any time the offsite renewable energy system continues to provide renewable energy as provided for herein, with no restrictions on the Town's ability to access renewable energy utility information.
- xii. **Shut-off Timers.** Exterior energy use items not mentioned shall be supplied with automatic shutoff timers.
- xiii. **Appropriation of funds.** All renewable mitigation program payments in lieu received by the town shall be deposited into a separate account with the Town and used exclusively for renewable mitigation systems to offset exterior energy consumption for the benefit of the town's citizens.

~~d)e)~~ **Engineered Heating Systems.** All detached single-family dwellings with equipment that meets the requirements for commissioning per sub-section N must have engineered heating systems. Where mechanical ventilation is required high efficiency energy recovery ventilators or heat recovery units shall be utilized for this purpose.

~~e)f)~~ **Direct Vent Furnace.** When the scope of the work of an addition to a dwelling or a remodel of a dwelling requires replacement of a furnace, the furnace shall be

replaced with a direct vent unit that has a minimum 92 percent AFUE.

- f)g) **Direct Vent Boiler.** When the scope of the work of an addition to a dwelling or a remodel of a dwelling requires replacement of a boiler, the boiler shall be a direct vent unit that has a minimum 90 percent AFUE.
- g)h) **Prohibition on Electric Heating.** Electric resistance heating shall not be used as the buildings primary heating source.
- h)i) **Fireplaces.** Fireplaces must be EPA or California certified, and have tight fitting gasketed doors. Wood burning fireplaces shall meet the Solid Fuel Burning Device Regulations.
- i)j) **Programmable Thermostats.** Programmable thermostats are required for ~~forced-air central~~ all heating and cooling systems as per the 2015 IRC section N1103.2.1-
- j)k) **Automatic Exhaust Fan Switches.** Timers, humidistats or motion sensors are required for bath exhaust fans.
- k)l) **Local Insulation Requirements.**

- i. Headers shall be insulated full open depth.
- ii. Framed corners must be capable of being insulated.
- iii. Shaft and knee walls for skylights shall be insulated as exterior walls and provided with adequate backing to support the insulation.

- l)m) **Range Hood Ducting.** Range hoods are required and must be ducted to the exterior.

~~Snow Melt. 1000 sq. ft. of hydronic grade level fossil fuel snowmelt beneath drives, patios, and walkways on detached dwelling units is allowed. A 30% increase in grade level fossil fuel provided snow melt on a single family residence shall be allowed where the single family dwelling HERS rating is 50 or below. Any additional snowmelt shall be offset by a town approved renewable energy method.~~

- ~~m) **Definition of Exempt Snow Melt Area:** Tubing installed to melt snow on a deck etc. where the intent is to remove snow from the walkable or drivable area shall be measured per the size of the entire potentially snow melted area. For example if a 10' x 20' deck only has perimeter snow melt tubing, the entire area shall be counted toward the snow melt exemption. All snow melt systems shall be equipped with both moisture and temperature sensors to control operation per the IECC and IRC. Hydronic snow melt systems shall have a minimum of R-10 insulation on the non-snow melt side.~~

- n) **Mechanical Systems Commissioning and Completion Requirements.**

Engineering and commissioning of the mechanical and hot water heating systems shall be required on all residential where any of the following apply:

- i. The equipment input rating exceeds 200,000 btu.
- ii. The heated water exceeds 210 deg. F
- iii. The heated water or water glycol storage capacity exceeds 120 gallons  
Prior to the approval of the final mechanical inspection, the registered design professional shall provide evidence of mechanical systems commissioning and completion of the mechanical system installation to the Building Official.

- o) **Systems Adjusting and Balancing.** HVAC systems shall be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within the

## CDC Section 17.7.20(A)

- iii. Limits of disturbance and fencing at such line;
  - iv. Erosion control and water quality protection measures using best management practices consistent with the Grading and Drainage Design Regulations;
  - v. Laydown/storage areas;
  - vi. Parking areas;
  - vii. Crane location and swing radius;
  - viii. Portable toilet location(s);
  - ix. Construction trailer location(s);
  - x. Dumpster and recycling bin locations;
  - xi. Method to protect any surrounding plaza areas caused by heavy vehicles, construction or development; and
  - xii. Bear-proof trash can location.
- b. Other information as required by the Community Development Department.
3. The construction mitigation plan shall be reviewed and approved by the Community Development Department in consultation with the Police, Public Works and other applicable Town departments.
  4. The general easement shall be protected as approved by the Review Authority, with the goal to avoid locating construction activities in the general easement and the need to respect the neighbors and neighboring properties, especially in regard to the placement of dumpsters, portable toilets and other more intensive construction infrastructure.
  5. Construction projects adjacent to rights-of-ways and pedestrian areas including, but not limited to, walkways, hiking and biking trails, plazas, restaurants, etc., shall provide screened, fencing or hoarding (with appropriate directional signage) and needed lighting to direct pedestrians away from potential hazards related to the construction site. Pedestrian protection adjacent to the construction site shall be the responsibility of the owner and owner's agent. The Building Official has the right to require additional fencing if deemed necessary to protect public safety or screen construction activity. All public pedestrian protection shall be provided per chapter 33 of the IBC.
  - ~~6.~~ Construction staging in accordance with these regulations may occur on an off-premise site provided property owners immediately adjacent to the site are provided written notification prior to the Community Development Department reviewing or approving the plan. The Community Development Department may require large-scale, off-site construction staging areas to be reviewed and approved by the DRB with public notice as required by the public hearing noticing requirements. Such large scale staging areas should be evaluated concurrent with the required development review process for efficiencies and a holistic evaluation and mitigation of impacts.
  - ~~7.~~ All construction projects shall progress and be completed as expeditiously as possible in order to minimize impacts to neighboring properties.
  - ~~8.~~ A permit for any approved work shall be deemed to have been abandoned six (6) months after the date of the permit, unless such approved work has been pursued in good faith or an extension permit extending this six (6) month period has been issued. The Building Official is authorized to grant an extension not exceeding six (6) months. The extension shall be requested in writing and justifiable cause demonstrated.

### B. CONSTRUCTION HOURS AND NOISE

Blasting, pile driving, jack hammering, heavy equipment operations, and loud noises and in general are permitted between the hours of seven (7) in the morning and six (6) in the evening