

TOQUERVILLE CITY
ORDINANCE 2020.05
BUILDING PERMIT PROCESS,



An Ordinance amending Title 10, Chapter 18A Building Permits to streamline the building permit process.

RECITALS

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized under the laws of the State of Utah; and

WHEREAS, pursuant to Utah State Code 15A-1-202, the State of Utah recognizes the City of Toquerville as a local regulator that is empowered to engage in the regulation of construction, alteration, remodeling, building, repair and other activities to the code; and

WHEREAS, Toquerville is responsible for providing a process to obtain a building permit; and

WHEREAS, the amendments proposed will be consistent with the current practices of the building permit process and requirements.

ORDINANCE

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of Toquerville City, State of Utah, as follows:

Chapter 18: PERMITS REQUIRED

10-18A-1: PURPOSE AND INTENT:

10-18A-2: CONFORMANCE WITH PERMIT REQUIREMENTS:

10-18A-3: BUILDING PERMIT REVIEW:

10-18A-4: ACCEPTANCE OF IMPROVEMENTS AND OCCUPANCY:

10-18A-5: DEMOLITION PERMITS:

10-18A-1: PURPOSE AND INTENT:

The purpose and intent of the building and permit review process is to ensure the public safety of buildings, structures, and development and to meet applicable health, safety, and public welfare standards.



10-18A-2: CONFORMANCE WITH PERMIT REQUIREMENTS:

- A. **Building Permit Required:** Construction, alteration, repair or removal of any building or structure, or any part thereof, in excess of two hundred (200) square feet of floor area, or if the work costs exceed one thousand dollars (\$1,000.00), or involves work, as provided for or restricted in this title or applicable international codes, shall not be commenced without a valid building permit.
- B. **Permitted Use; Occupancy Permit Required:** Land, buildings or premises in any zoning district shall be used only for the purposes permitted in such district and in accordance with an occupancy permit issued by the building department. The use, building or premises must conform to the provisions of the occupancy permit and all related ordinances, regulations, resolutions and requirements of this title. A new occupancy permit must be obtained prior to a change in use or character of any building or land.
- C. **Special Accommodation For Temporary Occupancy:** The owner-builder of a single-family residence may request special accommodation from the city to live on the residential premises during the construction of the permanent dwelling. The building permittee may only request one special accommodation/temporary living quarters. Such accommodation may include living in the following types of structures:
 - 1. Mobile home.
 - 2. Motor home.
 - 3. Camper trailer.

In order to receive accommodation, the owner-builder must have submitted application for a building permit and paid all necessary fees, including all connection fees for utilities on the lot. This special accommodation will have a primary expiration date of six (6) months and be eligible for one 6-month extension, contingent upon progress toward completion of the single-family dwelling for occupancy. Temporary living quarters must be vacated and disconnected from all utilities prior to the issuance of a certificate of occupancy.

10-18A-3: BUILDING PERMIT REVIEW:

- A. **Single-Family Residential Projects:**
 - 1. **Application:** Building permits for a single-family dwelling shall require a review by the building official. Application shall be made to the building official for a building permit review. See chapter 6 of this title for information required to be included in or with the application.
 - 2. **Residential Plan Submittal Requirements:**
 - a. **Residential Plan Packet:** A residential plan packet shall be obtained from the city building staff and shall be completed, which shall include all submittals required



under chapter 6 of this title, together with such other additional submittals as are outlined in the residential plan packet. The residential plan packet requirements may be amended from time to time by the city as construction requirements necessitate.

- b. **Swimming Pools:** A separate pool plan will be required, which shall include a site plan showing the location of the pool and proximity to any other structures. All pools shall require either a detailed fencing plan and shall be completely enclosed by a fence, or an automatic pool cover and meet all international building code standards.

3. City Staff Review:

- a. For all projects, except single-family residential, the city staff, upon receipt of a completed application and all fees, shall review the application and shall approve, approve with conditions or deny the building permit application.
- b. For single-family residential applications, apply the following standards:
 - (1) Review for complete application, together with all documents as required under chapter 6 of this title.
 - (2) Apply the same standards and review as designated under subsection A4 of this section.
 - (3) Determine whether a variance, conditional use or zone amendment is required. If so, the application shall be returned to the applicant with notice that application for variance, conditional use or zone amendment must be pursued prior to building permit review.
 - (4) The residential review staff may approve the completed application, approve with conditions, or deny.
 - (5) The approval or denial by the residential review staff shall constitute an action by a zoning officer for purposes of appeal as provided under this land management code.

4. Standards For Review:

- a. The proposed uses, structures and site improvements conform to the following:
 - (1) City General Plan.
 - (2) Zoning regulations and other relevant sections of this title.
 - (3) International building code (IBC).
- b. The design is sensitive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts and preservation of views.



- c. Services are available and adequate to meet the needs of the proposed structure and use, including sewer, water, roads, gas, electric, telephone, mail, police and fire protection, schools and recreation.
- d. The complete building plans and drawings have been reviewed and approved by the building department/building inspector. (Ord. 2012.04, 1-18-2012)
- e. The installation of curbs, gutters, sidewalks and improvements of streets to centerline, if street is already improved with asphalt or centerline, plus ten feet (10') where the street is not improved with asphalt, as approved by the city in accordance with its ordinances and specifications, shall be required on any existing or proposed street adjoining a lot on which a building permit application for construction is made. Street improvements are required for new home construction or remodel for change of use or commercial use. Such curbs, gutters, sidewalks and street improvements shall be required as a condition of obtaining a building permit. The city may require a property owner to make an equivalent payment for the labor and materials necessary to install curb, gutter, sidewalk and asphalt, as calculated by the city engineer, in lieu of requiring the property owner to install the requisite improvements. Any required dedication of property for such improvements shall be conveyed to the city by quitclaim deed for immediate installation or for such future time as it becomes prudent for the city to install the said improvements.
- f. All building pads are required to be one (1) foot higher than the road centerline, measured at the center of the pad. If this requirement conflicts with the IBC this requirement will govern.

(1) Exception: If the lot is larger than one (1) acre and is located in an undeveloped area, a grading plan showing positive drainage and a pad elevated one (1) foot above the natural grade may be exempted.

B. Commercial Buildings:

- 1. Application: Upon conceptual approval by the planning commission and as a precondition to the construction, alteration, improvement, demolition or other repairs in accordance with this title, application shall be made to the building department for building permit review. See chapter 6 of this title for information required to be included in or with the application.
- 2. City Staff Review: The city staff, upon receipt of a completed application and all fees, shall review the application and shall approve, approve with conditions, or deny the building permit application.
- 3. Standards For Review:
 - a. The proposed uses, structure and site improvements conforms to the following:

(1) City General Plan.



(2) Zoning regulations, general design standards and other relevant sections of this title.

(3) International building code (IBC).

(4) Any city design guidelines as may be adopted by the city council.

b. The design is sensitive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts and preservation of views.

c. Services are available and adequate to meet the needs of the proposed structure and use, including roads, gas, electric, telephone, mail, police and fire protection, schools and recreation.

d. The complete building plans and drawings have been reviewed and approved by the building department/building inspector.

e. Every commercial building will require a final site plan approval before a building permit is issued.

E. Expiration:

1. Every permit issued by a building department official pursuant to this article shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) calendar days from the date of issuance of such permit. Unless, prior to expiration of the permit, the permittee submits a written request for extension, which is reviewed and approved by the building department, the building department may grant only one such extension not to exceed an additional one hundred eighty (180) days. Only one such extension may be granted by the building department. Additional extensions shall be treated and reviewed as an original application for building permit.

2. Once a building permit is granted and construction commenced, the approval shall continue until the building permit expires under the provisions of the international building code or until occupancy permits are granted for the project.

10-18A-4: ACCEPTANCE OF IMPROVEMENTS AND OCCUPANCY:

A. **Occupancy Permit:** An occupancy permit shall be issued only for a single building (a single permit may not be issued for multiple buildings) upon compliance with the following conditions:

1. A notice of completion has been issued by the building department verifying that the building project is completed and in compliance with all applicable codes for occupancy, including all site improvement work, unless the city grants special consideration pursuant to section 10-5-3, "Security For Completion", of this title and related provisions.



2. A set of "as built" drawings has been filed with the building department.

- B. **Inspection:** The building official, the fire chief of the Hurricane Valley fire district or state fire marshal shall, upon presentation of evidence of authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings, structures and other construction projects during the course of their construction, modification or repair, and to inspect land uses to determine compliance with the provisions of this title. The building department, from time to time, may require special inspections by inspectors certified in areas not common to regular construction. The expense of such inspections will be borne by the builder.
- C. **Acceptance Of Improvements:** On or off site improvements shall be deemed accepted by the city only after complete inspection by the appropriate city official and/or city engineer; for buildings and structures, the issuance of an occupancy permit; and for on or off site improvements other than building, upon the issuance of a certificate of acceptance by the mayor.
- D. **Review Fees And Costs:** All professional fees, including engineers, planners and inspectors, incurred for review by the city planner and city engineer in the review process for any building permit shall be assessed to the applicant and shall be paid in full as a prerequisite to issuance of a building permit.

10-18A-5: DEMOLITION PERMITS:

- A. **Conditions Requiring Permit:** A demolition permit shall be required prior to the removal of any building or structure containing any of the following: concrete, electrical systems, heating and air conditioning systems, reinforced steel, or any hazardous material, such as asbestos, lead or lead based paints.
- B. **Exemptions:** Agricultural outbuildings of a single-story construction on a footprint not exceeding two hundred (200) square feet shall be exempt from a demolition permit requirement.
- C. **Permit Review Procedure:** Demolition permits shall be reviewed under the building permit review procedures set forth in section 10-18A-4 of this article. See chapter 6 of this title for information required to be included in or with the application. (Ord. 2012.04, 1-18-2012)

REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.



EFFECTIVE DATE. This Ordinance shall take effect immediately upon approved by the City Council.

PASSED AND APPROVED THIS 13th DAY OF FEBRUARY 2020.

Justin Sip	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>
Ty Bringhurst	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>
Keen Ellsworth	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>
John "Chuck" Williams	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input checked="" type="checkbox"/>
Gary Chaves	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>

CITY OF TOQUERVILLE
a Utah Municipal Corporation



Lynn Chamberlain, Mayor

Date 2/19/2020



Attest: Ruth Evans, City Recorder

