

**HUNTSVILLE TOWN  
ORDINANCE 2019-12-19-C**

**HUNTSVILLE TITLE 4 EDITS – LAND USE PERMIT UPDATE**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 4 –  
LAND USE PERMIT UPDATES**

**WHEREAS**, Huntsville Town (hereafter referred to as “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the Town to regulate land use and development;

**WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on December 16, 2019 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT this ordinance on December 16, 2019;

**WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on December 19, 2019 and desires to act on this Ordinance;

**ORDINANCE**

**NOW, THEREFORE**, be it ordained by the Huntsville Town Council as follows:

**Section 1: Repealer.** Any word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Amendment.** The *Huntsville Municipal Code* is hereby amended to read as follows:

**4.1 Purpose**

Building/Land Use permits are essential for the management of building, construction and land use in Huntsville Town, provide an effective vehicle for complying with State laws and adopted building standards, and are necessary to effectively administrate building and construction procedures and to cover the costs of the administration thereof.

Additional information to help clarify the steps needed to follow this Title as outlined in 4.2 can be found on the Town Website or by contacting the Town Building Official.

## **4.2 Building/Land Use Permit Required**

### **4.2.1 Land Use Permit**

Any owner desiring to change (e.g. build a new residence) or add a use of the land shall not proceed until a Land Use Permit has been issued by the Huntsville Town Planning Commission. The only exception to this requirement is for the construction of a structure under 200 square feet that does not contain any combination of electrical, gas, mechanical, or plumbing features, as explained in 4.2.2.1. Any permanent structure being placed on land shall adhere to all land use regulations established for the zone in which that land resides. If the Huntsville Town Planning Commission deems it necessary due to extenuating circumstances, they will submit the permit application to the Huntsville Town Council for their review and approval.

### **4.2.2 Building Permit**

#### **4.2.2.1 New Structures Less than 200 Square Feet**

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint less than 200 square feet and has any combination of electrical, gas, mechanical, or plumbing improvements shall only commence work after acquiring a Land Use Permit from the Huntsville Planning Commission. A Land Use Permit is not required for new construction of a structure with a footprint less than 200 square feet that does not include any combination of electrical, gas, mechanical, or plumbing features. No building permit is required for a new structure less than 200 square feet unless electrical, gas, mechanical, or plumbing installation is required; then the owner or authorized agent must follow the requirements of 4.2.2.2 New Structures 200 Square Feet or Greater.

#### **4.2.2.2 New Structures 200 Square Feet or Greater**

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint 200 square feet or greater shall only commence work after first, having received a Land Use Permit from the Huntsville Planning Commission, and then, secondly, upon issuance of a Building Permit from the Huntsville Building Official or authorized delegate of the Huntsville Building Official. Exceptions to this rule can be found in 4.2.3 Remodel Permit or 4.2.4 Self Performed Remodel Permit – Residential.

### **4.2.3 Remodel Permit**

For the sake of the safety of the public, any structure owner or authorized agent who intends to install, alter, remove, convert or replace any existing electrical, gas, mechanical or plumbing system, the installation of which is regulated by the adopted Huntsville Town Building Official. Minor replacement or repair of such systems, especially to replace like kind (i.e., replace a water faucet, light switch, light fixture, toilet, etc.), replacement of roof shingles or siding does not require a permit. If the land use change involves excavating,

an excavation permit may be required as specified in Title 17. Exception to these requirements can be found in 4.2.4 Self Performed Remodel Permit – Residential.

#### **4.2.4 Self Performed Remodel Permit – Residential**

A Self-Performed Remodel Permit can be granted by the Huntsville Town Building Official or their designee if all the following stipulations are met:

- a. A Land Use Permit is obtained from the Huntsville Planning Commission.
- b. Work is for a remodel/repair of an existing home or for the construction/remodel/repair of an auxiliary building greater than 200 square feet (electrical and plumbing changes for any size building). If more than 25% of the square footage of the home or auxiliary building is over 200 square feet it will be considered as a new construction and will require a Remodel Permit.
- c. Work is self-performed by the owner or a close associate. This means that no compensation either monetarily or in kind for work performed on the project can be tendered.
- d. The homeowner declares on the Self-Performed Remodel Permit form all of the work that will be performed on the project receiving the Self-Performed Remodel Permit.
- e. The home owner certifies by signing the Self-Performed Remodel Permit that they will abide by all of the Utah State construction Code requirements in the construction of their project (including all applicable stamped plans by professionals licensed by the State of Utah).

#### **4.2.5 Validity Period**

##### **4.2.5.1 Land Use Permit Validity Period**

Land Use Permits shall be valid for a period of one year. If at any time the Land Use Permit expires, the owner or authorized agent must reapply for a Land Use Permit as outlined in 4.2.1. A Land Use Permit will be required to continue work on any unfinished items listed on the Land Use Permit. The owner will be responsible to pay any fees associated with the issuance of this new Land Use Permit.

##### **4.2.5.2 Building Permit Validity Period**

Building Permits shall be valid only during the period that a valid Land Use Permit is in effect. The owner may be subject to any penalties that may result from allowing the permit to expire before completion and final inspection of the work is completed.

#### **4.3 Huntsville Town Building Official**

The Huntsville Town Building Official, appointed by the Huntsville Town Council, is hereby designated and authorized as the officer charged with the enforcement of this and other applicable titles of the Huntsville Town Ordinances in regards to all building in Huntsville Town. The Huntsville Town Council, by resolution or ordinance, may from time to time entrust such administration and enforcement, in whole or in part, to any other officer or designee of Huntsville Town without amendment to this Title. The Huntsville Town Building Official is authorized to execute the duties required herein including the issuance of building permits.

#### **4.4 Permits to Comply with Title**

The Huntsville Town Building Official shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of the Huntsville Town Land Use Title, nor shall any Huntsville Town Officer grant any permit or license for the use of any building or land if such use would be in violation of this Title.

#### **4.5 Powers and Duties of Huntsville Town Building Official**

It shall be the duty of the Huntsville Town Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. They shall enforce all of the provisions of this Title, entering actions in the courts when necessary, and their failure to do so shall not legalize any violation of such provisions. The Huntsville Town Building Official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration and use fully conform to all Huntsville Town Land Use Title regulations then in effect.

#### **4.6 Building Inspector**

The Huntsville Town Building Inspector(s) shall be appointed by resolution of the Huntsville Town Council and be authorized to execute the duties of that office under the direction of the Huntsville Town Council. The appointed Building Inspector must possess a valid combination level State of Utah Building Inspector license including valid International Code Council (ICC, formerly ICBO) certificates for building, electrical, plumbing, and mechanical inspectors.

#### **4.7 Certificate of Occupancy Required**

No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use, except for agricultural purposes, in accordance with Utah State Law until a Certificate of Occupancy shall have been issued by the Huntsville Town Building Official stating that the building or the proposed use thereof, complies with the provisions of this Title. A Certificate of Occupancy either for the whole or a part of a building or structure shall be applied for when the builder is ready. A temporary occupancy permit may be issued for a period of not more than one (1) year and shall be issued within seven (7) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed and inspected by the Huntsville Town Building Inspector to be in conformity with the provisions of this Title.

#### **4.8 Zones Requiring a Land Use Permit**

In order to verify the requirements of the Land Use Title in general, and setbacks for permitted or conditional uses in the A-3, CR-1, S, O, FP, and RC Zones, no structure, including agricultural structures, shall be constructed, changed in use, or altered, as provided or as restricted, until and unless a Building/Land Use Permit is approved and issued by the Huntsville Town Building Permit Official.

The site plan requirements for these zones are specified in the Land Use Title.

#### **4.9 Zones Requiring Site Plan Approval**

The location of main and accessory buildings on a site in relation to one another, the provision of off-street parking space, the provision for driveways for ingress and egress, and the provision of other open space on a requested site, and the display of signs, shall be in accordance with a site plan or plans or subsequent amendment thereof, reviewed by the Huntsville Town Planning Commission prior to the issuance of a Building/Land Use permit by the Huntsville Town Building Official.

In considering any site plan hereunder, the Huntsville Town Planning Commission shall endeavor to assure safety and convenience of traffic movement both within the area covered and in relation to access streets, harmonious and

beneficial relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods.

#### **4.10 Building Permit Fees**

Building/Land Use permit and renewal fee valuations and schedules shall be adopted by resolution of the Huntsville Town Council.

#### **4.11 Impact Fees**

An impact fee per building lot shall be assessed of each builder at the time of issuance of a building permit. Such impact fee amount, as described in the Impact Fees Title, shall be adopted by resolution of the Huntsville Town Council.

#### **4.12 Plan Reviewer**

The Huntsville Town Planning Commission shall direct the Huntsville Town Building Official, or Building Inspector, to review building and site plans, make a recommendation on plans that are non-compliant with applicable codes to the Huntsville Town Planning Commission and the Huntsville Town Council.

The Huntsville Town Engineer shall review site plans for engineering considerations such as storm drain facilities, structural calculations, and the design of improvements.

#### **4.13 Licensing**

All departments, officials and public employees of Huntsville Town, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Title and shall issue no permit or license for uses, buildings, purposes where the same would be in conflict with the provisions of this Title, and any such permit or license, if issued in conflict with the provisions of the Title, shall be null and void.

#### **4.14 Penalties**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Title shall be guilty of a Class C misdemeanor and punishable as provided by law. Such person, firm or corporation who intentionally violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Title is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

#### **4.15 Responsibility for Damage to Huntsville Town Streets**

The real property owner is responsible to maintain an orderly construction site so as not to cause risk of injury to the public or to Huntsville Town streets. Any debris on or damage to Huntsville Town streets must be immediately remedied at the expense of the real property owner or their authorized agent.

#### **4.16 Appeal Authority**

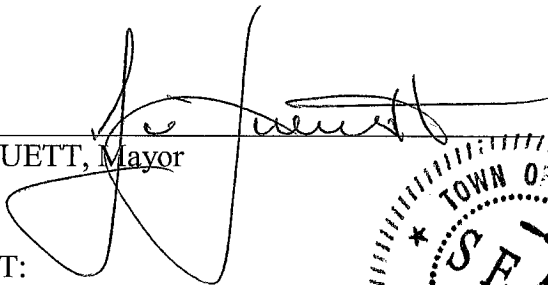
In order to hear and decide appeals in orders, decisions or determinations made by the Huntsville Town Building Official and the Huntsville Town Planning Commission relative to the application and interpretation of this Title, there shall be a Huntsville Town Appeal Authority. The creation, office, and duties of the Huntsville Town Appeal Authority is described in the Appeal Authority Title. The Appeal Authority shall consist of members who are qualified to determine if the intent of the applicable adopted codes have been satisfied. They will not have authority to waive requirements of the code.

**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance shall be effective immediately upon posting or publication after final passage.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	X			
CM Max Ferre'	X			
CM McKay	X			
CM Bill Wangsgard	X			
CM Blake Bingham	X			

ADOPTED AND APPROVED on this 19<sup>th</sup> day of December, 2019.

  
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JIM TRUETT, Mayor

ATTEST:

  
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BECKKI ENDICOTT, Recorder



RECORDED this 19<sup>th</sup> day of December 2019