

a building between the rear setback line for the building (exclusive of steps) and the rear lot line and extending the full width of the lot. In the case of a corner lot where the building faces on the side street, the rear yard may be established from the side of the house to the side property line.

66. Yard, Side - An open, unoccupied space on the same lot with a building between the side setback line for the building (exclusive of steps) and the side lot line and extending from the front yard to the rear yard.

67. Zone - The geographical area of the Town within which the zoning regulations are uniform.

68. Zoning Ordinance - The Zoning Ordinance of the Town of Portage, Utah.

103.0 ADMINISTRATION

103.1 Zoning Administrator - Authority and Duties

(CHANGE JUNE 2002)

The Zoning Administrator shall be the Planning and Zoning Commission as a whole.

The zoning administrator is hereby authorized to enforce this Ordinance and all provisions thereof and shall do so by any legal means available, including but not limited to the following:

- 1.** Advise the building inspector on the issuance of building permits. (If the zoning administrator gives written notification to the building inspector that an intended use, building, or structure would be in violation of this Ordinance, such written notification shall be a presumption of illegality and the building inspector shall not issue a building permit for such use, building, or structure. If the offices of building inspector and zoning administrator are held concurrently by one person, this person shall detail the violation in writing on the permit refusal notification.)

- 2.** Issue a permit of occupancy to the effect that the proposed use, building or structure will conform to all ordinances of the Town of Portage.

- 3.** Inspect the uses of building, structure or land to

determine compliance with the Ordinance. Such inspections shall be made at reasonable times.

4. Issue Notices of Violation wherever building or land is being used contrary to the provisions of this Ordinance. (This shall be done by serving notice in writing on any person engaged in said use and posting such notice on the premises.)

5. Inform the Town Council of all Ordinance violations and recommend specific courses of action with regard to each violation.

6. Maintain a file of Ordinance violations and action to be taken by the Town Council on such violations.

103.2 Amendments to Zoning Ordinance and Map

The Town Council may amend this Ordinance, including the zoning map, but only in accord with the following procedure:

1. The Town Council may initiate Ordinance amendment recommendations. When the proposed amendment originates with the Town Council, it shall be submitted to the Planning Commission for review and comment. The Planning Commission may initiate Ordinance amendment recommendations to the Town Council. Any other person seeking to amend this Ordinance or map shall make application for such amendment by filing the following material with the Planning Commission:

a. For annexation requests, a written petition containing the signatures of at least 50 percent of the property owners and the signatures of the owners of at least 30 percent of the assessed valuation of the property proposed for annexation shall be presented to the Planning Commission. The petition shall give a legal description of the property proposed for annexation.

b. For rezone requests, a written petition designating the change desired and the reasons therefore shall be presented to the Planning Commission.

c. For any zoning amendment, the petitioner shall complete and submit an application form to the Planning Commission at a regularly scheduled meeting of the Planning Commission.

d. A nonreturnable amendment review fee shall be made

in an amount determined by resolution by the Town Council.

2. The Planning Commission shall review the amendment application and submit its recommendations in writing concerning the proposed amendment to the Town Council within 30 days from receipt of the amendment application. If the Planning Commission fails to make a recommendation at the end of 30 days, it shall be presumed that the proposed amendment is approved.

The Planning Commission shall recommend adoption of a proposed amendment where the following findings are made:

a. The proposed amendment is in accord with the goals of the Master Plan of the Town of Portage.

b. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of this Ordinance.

3. After receipt of the written recommendations of the Planning Commission, the Town Council shall give notice of a public hearing to consider such amendment as provided by law for zoning amendments. Written notification of a public hearing to consider rezone or annexation amendments shall be mailed by certified mail to all property owners within 300 feet of the property proposed for rezone or annexation.

4. After the required public hearing on the proposed amendment, the Town Council may adopt or reject such amendment.

5. If the Town Council proposes to make any substantive change in the amendment as submitted to it by the Planning Commission, or as advertised, it shall refer such change back to the Planning Commission for its recommendation before adoption of such amendment.

Where an application for zoning amendment has been denied, the Planning Commission and the Town Council shall not review the same zoning amendment application within six (6) months of such denial, but may consider the proposal thereafter, but only if there is substantial change of conditions since the earlier application. A resubmitted application shall be processed in accordance with the procedure outlined above.

103.3 Building Permits - Site Plan Required

An application for a building or use permit shall be made to the local building inspector and the zoning administrator and shall include a site plan and such other information as may be required by ordinance in the Town of Portage.

Once approved, a building permit is valid for 180 days (6 months). If work is progressing but not complete at the time of permit expiration, an extension may be applied for at no additional cost.

Building permit becomes null and void if work or construction authorized is not commenced within 180 days (6 months), or if construction work is suspended or abandoned for a period of 180 days (6 months) at any time after work is commenced.

103.4 Building and Occupancy Permits Required

No building or structure shall be constructed, reconstructed, altered, or moved except after the issuance of a building permit by the building inspector and an occupancy permit by the zoning administrator of the Town of Portage.

103.5 Building and Occupancy Permits to Comply with this Code

Building and occupancy permits shall not be granted for the construction or alteration of any building or structure, or for the moving or removing of a building onto or from a lot or for the use or occupancy of a building or land if such structure, construction, alteration, moving, use, or occupancy would be in violation of any of the provisions of this Ordinance. Permits issued in violation of any provision of this Ordinance, whether intentional or otherwise, shall be null and void.

103.6 Fees for Permits and Amendments

In order to cover the costs incidental to processing permits required by this Ordinance, considering amendments to this Ordinance or map, and considering appeals to the Board of Adjustments, the Town Council shall establish by resolution such fees directly related to processing fees, permits, amendments or appeals.

The building permit fee shall be as follows:

(Changed October 2006)

- a.** For any building less than 200 sq. feet, no building permit shall be required unless electricity is to be installed in the building. If electricity is to be installed, then there will be inspection fees and no building permit fees.
- b.** For any building, not for human habitation (such as sheds and garages), over 200 sq. feet to 500 sq. feet, the building permit shall cost \$25.00 plus inspection fees.
- c.** For any building, not for human habitation (such as sheds and garages), over 500 sq. feet to 1000 sq. feet, the building permit shall cost \$50.00 plus inspection fees.
- d.** For any building, not for human habitation (such as sheds and garages), over 1000 sq. feet, the building permit shall cost \$100.00 plus inspection fees.
- e.** For all inhabitable dwellings, the building permit shall cost \$200.00 plus inspection fees.

(Change April 2012) Resolution 2012-6

A resolution eliminating town assessed fees for all standard design, kit packaged buildings, and/or other pre-engineered buildings, constructed within the town boundaries where such buildings do not require a county building permit and which will not have water and/or power connected to them.

103.7 Inspection and Approval Required Prior to Occupancy

Buildings and structures' requiring a building permit pursuant to the provisions of this Ordinance shall not be occupied or put into use until the local building official has inspected such building or structure, finds compliance with this Ordinance and gives a written certificate of occupancy and use to the owner or his agent to occupy and/or use the building or structure in the manner approved by the issuance of a valid building permit.

103.8 Penalties

Any person, group, firm or corporation, whether a principle, agent, employee or otherwise, violating, causing, or permitting the violations of the provisions of this Ordinance shall be guilty of a misdemeanor. Such person, group, firm or organization shall be deemed to be guilty of a separate offence for each day during which any portion of any violation of this Ordinance is permitted or continued by such person, group, firm or corporation.

In addition, the Town of Portage by action of the Town Council may also institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, or maintenance or use.