

# **Amendment to the Coconino County Building Safety Code for an Innovative Materials and Systems Pilot Program**

## **Section 1- Name.**

This Amendment to the Coconino County Building Safety Code shall be known as the Innovative Materials and Systems Pilot Program Amendment and is hereinafter referred to as the “Amendment.”

## **Section 2- Purpose and Intent.**

The purpose of this Amendment is to allow a Rural Residential Owner-Builder, under the circumstances set forth herein, the option to seek an exemption from the application of the currently adopted version of the Coconino County Building Safety Code, including any requirement for construction plan review and/or inspection set forth in that Code. This option is only available where the property upon which the construction will take place is located in either zoning district General (G) or Agriculture Residential (AR), and has a minimum parcel size of two and one-half (2 1/2) acres or more. Only one dwelling unit can be constructed on the parcel. This option is only available for new residential owner-occupied construction projects with no more than one (1) story and with a total construction area of 600 square feet or less. This option to seek exemption is intended to apply only to property located in an area defined as “rural” or “unclassified” pursuant to ARS Section 11-861 (A), and which meet the other criteria set forth in this amendment. The further purpose of this Amendment is to encourage sustainability concepts through allowing the use of alternative materials and designs for small residential structures in rural settings.

The exemption available pursuant to this Amendment does not exempt owner-builders from compliance with statewide codes, county, or fire-district adopted fire codes and regulations nor does it exempt owner-builders from health regulations regarding wastewater treatment systems. In addition, and in lieu of plan review and inspections, an Owner-Builder shall provide affidavits affirmatively attesting that he/she has complied with the electrical, mechanical and plumbing elements of the Coconino County Building Code upon completion of their project.

## **Section 3 - Application.**

This Amendment shall apply only to proposed new construction that meets all of the following criteria:

1. The property upon which the construction is proposed is characterized as “rural” for the purposes of this Amendment, is located within a Zoning District with a maximum density of one dwelling unit per two and one-half (2 ½) acres or larger, and the subject parcel is of a size and configuration that conforms to the Zoning District in which it is located. In addition, the property shall be located within either the General (G) zoning district or the Agriculture Residential (AR) zoning district.
2. Acceptance into the Pilot Program is contingent upon the use of alternative building methods, materials, systems or design in the project.
3. The proposed new construction is for a one rural residential dwelling and is limited to no more than one (1) story and with a total construction area of no more 600 feet or less.
4. The proposed new construction meets the intent of the Pilot Program, which is to support innovative and sustainable building methods and materials that are identified as challenging to permit through the Building Code due to needed engineering or testing.
5. The proposed construction is to be used solely for the purpose of occupancy by the Owner-

Builder and shall not be sold or rented any time during construction and for a period of one (1) year from the date of the completion of the building permit acquired pursuant to this Amendment.

#### **Section 4 - Definitions.**

For the purpose of this Amendment the following definitions shall apply:

- A) Rural Residential Dwelling: Any site built residential structure consisting of no more than one story and one or more habitable rooms intended or designed to be occupied by one family with facilities for living and sleeping, with the use restricted to rural areas that fulfill the requirements of this amendment.
- B) Owner-Builder: Owners of property who build new residential structures on such property and who do the work themselves, with their own employees or with duly licensed contractors, if the structure is intended solely for owner occupancy, as defined below and are not intended for occupancy by members of the public, the owner's employees or business visitors and the structures are not intended for sale or for rent.
- C) Owner Occupancy, and Occupancy by the Owner: For the purpose of this regulation only, the terms "owner occupancy" and occupancy by the owner" include use of the proposed construction for the residency of the owner-builder or members of the owner-builder's immediate family.
- D) Rural: For the purpose of this regulation only, the term "rural" shall mean those unincorporated areas of the county eligible for the application of this regulation and as described in Section 3 (1).

#### **Section 5 - Regulation of Use.**

- A) Any dwelling constructed pursuant to a building permit issued pursuant to this Amendment is to be used solely for the purpose of occupancy by the Owner-Builder and shall not be sold or rented any time during construction and for a period of one (1) year from the date of completion of the permit. For the purposes of this Amendment, proof of the sale or rent or the offering for sale or rent of any such structure by the owner-builder within one year after completion is prima facie evidence that such project was undertaken for the purpose of sale or rent. As used in this paragraph "sale" or "rent" includes any arrangement by which the owner receives compensation in money, other items of value or labor from the occupancy or transfer of the property or the structures on the property.
- B) In the event that an Owner-Builder or any subsequent owner makes a structure constructed pursuant to this Amendment available for rental after the expiration of the one-year period, above, the owner of the structure at that time shall be responsible for notifying potential renters of the use of this Amendment during construction of the structure and providing such potential renters a copy of the recorded Notice required by Section 7, below. Failure to provide such notification shall be a violation of this Amendment.
- C) The Owner-Builder in selecting to use this Amendment will be encouraged to take advantage of the best water and energy conservation practices available at the time of construction.

## **Section 6 - Exemption Option.**

Under this Amendment, an Owner-Builder may opt to have a building permit issued that contains an exception to the application of the Coconino County Building Safety Code, including any requirement for construction plan review and inspection set forth in the Code. In lieu of plan review and inspections, an Owner-Builder shall provide affidavits affirmatively attesting that he/she has complied with the electrical, mechanical, plumbing and fire elements of the Coconino County Building Code, prior to the completion of the permit issued pursuant to this Amendment. No Certificate of Occupancy shall be issued by Coconino County for a dwelling constructed pursuant to the Pilot Program Permit issued pursuant to this Amendment.

## **Section 7 - Recording.**

Each time a building permit is issued pursuant to this Amendment for a residential dwelling, a Notice that such a permit has been issued pursuant to the provisions of this Amendment shall be recorded with the Coconino County Recorder by the Coconino County Community Development office. The form of this Notice shall be provided by the Coconino County Community Development office and shall contain information concerning the issued building permit, including but not limited to: a description of the proposed construction, the legal description of the property upon which the construction will take place, the fact that no Certificate of Occupancy will be issued upon completion of the permit and that the Owner-Builder will not sell or rent the building or structure for a period of one (1) year from the date of completion of the building permit. This Notice shall be executed by the Owner-Builder prior to recording.

## **Section 8 - Permits.**

This Amendment does not affect the requirement that prior to construction the Rural Residential Owner- Builder must obtain all permits required under State law and County ordinances, including a Pilot Program Permit issued pursuant to Section 9 of this Amendment, below.

## **Section 9 - Application Process.**

To obtain a permit, the applicant shall first file an application with the Sustainable Building Division. Permit applications shall contain the following information:

- 1) Name and mailing address of the owner(s) of record;
- 2) Address and location of the proposed structure;
- 3) A general description of the proposed structure, including a statement that the structure will not exceed one-story and will have a total construction area of 600 square feet or less;
- 4) A site plan conforming to the requirements of Section 2.1 of the Coconino County Zoning Regulations; Setback information from the proposed structure to the property lines in all directions shall be mandatory for consideration of eligibility for the Pilot Program Permit.
- 5) The signature of the owner of record or authorized agent;
- 6) Any other data or information as may be required by statute or regulation; and
- 7) A stipulation by the owner of record or authorized agent that the building or structure is to be constructed by the owner, or by licensed contractors with the Owner-Builder acting as the General Contractor, and that the building or structure is being built solely for occupancy by

the owner, and that the building or structure constructed pursuant to this permit will not be sold or rented for a period of one (1) year from the date of completion of the building permit.

**Section 10 - Availability.**

This Amendment is limited to use by the Owner-Builder once in every five years for the construction of a residential dwelling.

**Section 11 - Waiver of Plans.**

No plans, other than a site plan and floor plan, must be submitted as part of this Pilot Program.

**Section 12 - Permit Expiration.**

Any building permit issued under this Amendment shall be valid, without renewal, for a maximum period of 36 months for the Owner-Builder to show compliance with all County zoning regulations, setback requirements, and all state and local code requirements for which exemption does not apply as noted in Section 2, and to file all affidavits required pursuant to Section 6; however, the County may, upon written request of the permittee, extend the time limit for the permit once for an additional 12 months.

**Section 13- Inspections.**

Inspections will be required for compliance with all other laws, ordinances, and regulations for which the exemption does not apply as noted in Section 2.

**Section 14 - Inspection Requests and Notice.**

It shall be the duty of the applicant to notify the applicable Department that the construction is ready for inspection and to provide access to the premises when applicable. Inspections shall be requested by the applicant at least twenty-four (24) hours in advance of the intended inspection.

**Section 15 - No Certificate of Occupancy.**

By opting to obtain a building permit under the provisions of this Amendment, the Owner-Builder agrees and understands that no Certificate of Occupancy will be issued for the residential dwelling at the completion of the permit.

**Section 16 – Fees.**

Fees shall be required and collected by the Community Development Department to provide for the cost of administering the provisions of this Amendment as adopted by the Board of Supervisors. It is the intent of this amendment that a permit processing fee schedule be established to reflect the actual administrative costs resulting from the application of the Amendment.

**Section 17 - General Requirements.**

Each structure shall be built and maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.

**Section 18 - Electrical Requirements.**

Where electrical wiring or appliances are installed, the installation shall be in accordance with the provisions contained in the currently adopted Coconino County Building Safety Code.

### **Section 19 - Mechanical Requirements.**

Where mechanical equipment or appliances are installed, the installation shall be in accordance with the provisions contained in the currently adopted Coconino County Building Safety Code.

### **Section 20 - Plumbing Requirements.**

Plumbing equipment, systems and installation shall be in accordance with the requirements contained in the Coconino County Building Safety Code and the Coconino County Health Department regulations. Alternative materials and methods shall be permitted provided that the design complies with the intent of the County codes and regulations. Potable water shall be available to the dwelling.

### **Section 21 - Fire Prevention Requirements.**

Residential Smoke Detectors and Carbon Monoxide Detectors shall be provided in accordance with the requirements contained in the Coconino County Building Safety Code.

### **Section 22 - Sanitation Requirements.**

Sanitation facilities, including the type, design, and number of facilities, as required and approved by the Environmental Engineering Supervisor, shall be provided to the dwelling site.

### **Section 23 - Violations.**

The critical concern in the promulgation of this Amendment is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this Amendment, and therefore, in the event that an order to correct a substandard condition is ignored, or any other violation of this Amendment occurs, it is the intent of this section that the adopted County Hearing Officer Rules of Procedure for violations be followed.

### **Section 24 - Petitions for Appeals.**

When applicable the adopted appeals process contained in the Coconino County Zoning Regulations or the Coconino County Building Safety Code shall be followed to hear and decide appeals dealing with issues concerning the application of this Amendment. The department shall keep a record of the decisions on appeals.

### **Section 25 - Rezoning and Change of Use.**

If a structure on a property has been built under the relief granted by this Amendment, this would be considered a factor against a rezoning to a higher density, a conditional use permit or any other change of use if this action diminishes the parcel size to less than one dwelling unit per two and one-half (2-1/2) acres. Any change of use from a residential dwelling to a commercial use shall require certification by a registered design professional that the building complies with the currently adopted Coconino County Building Code.