

ARTICLE A. BUILDING AND DEMOLITION PERMITS

10-18A-1: PURPOSE AND INTENT:

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

10-18A-3: CONCEPTUAL REVIEW:

10-18A-4: FINAL BUILDING PERMIT REVIEW:

10-18A-5: ACCEPTANCE OF IMPROVEMENTS AND OCCUPANCY:

10-18A-6: DEMOLITION PERMITS:

10-18A-1: PURPOSE AND INTENT:

The purpose and intent of the building permit review process is to secure the general purposes and objectives of this title and the city general plan, and to ensure that the general appearance and public safety of buildings, structures and development complement and are harmonious with the neighborhood, are consistent with the city master plan, zoning map and city design guidelines, and meet applicable health, safety and public welfare standards. See [chapter 6](#) of this title for information required to be included in or with the application.

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 **one hundred twenty (120) square feet (Building Inspector suggested to make it 200 sq ft to coincide with the IBC (International Building Code))** of floor area, or if the work costs exceed one thousand dollars (\$1,000.00), or involved, as provided for or restricted in this title and the 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.

D. Review Process Outlined: Except for single family dwellings, a building permit shall be issued only after a two (2) step review process: conceptual review and final review. Single family dwellings require only a final review by the building department.

10-18A-3: CONCEPTUAL REVIEW:

A. Purpose: The purpose and intent of the conceptual review is intended to be an abbreviated submittal, to provide an opportunity to verify the project is consistent with applicable regulations and requirements, to obtain general feedback from the public or review boards, to ascertain special requirements and make changes in design, if necessary, before incurring the time and expense of preparing a complete (final) building permit submittal.

B. Exceptions: For buildings and uses covered by conditional use permit or planned development approval, conceptual review may be incorporated within such conditional use permit or planned development approval and need not be a separate application, provided the requirements of this article are met.

C. Review Process/All Building Permit Applications (Except Single-Family Residential):

1. Application: An applicant shall submit a complete conceptual review application, signed by all owners of the subject property, to the building department. If the subject property is owned by a corporation or other business entity, the signature of an officer of the entity with authority to bind the entity will be sufficient. (Ord. 2012.04, 1-18-2012)

2. City Staff Review: After a complete conceptual review application has been received by the building official, it will determine if the project, as submitted, is consistent with the requirements of this title. The developer will be notified, in writing, of obvious deficiencies and inconsistencies. (Ord. 2012.04, 1-18-2012; amd. 2014 Code)

3. Revisions; Variances:

a. The applicant will then be given the opportunity to make the necessary corrections, revisions or redesign of the project so as to conform to the requirements of this title. If, in the judgment of the building department staff, a variance is required, the staff shall so notify the applicant. The applicant may either apply for a variance pursuant to section [10-3-2](#) of this title, or redesign the project to avoid the variance requirement. After a complete, conforming application has been received, the building department staff will make a final review of the conceptual review application, and shall forward the application to the planning commission.

b. The building department shall recommend to the planning commission, in writing, any conditions the department deems reasonable and necessary under the circumstances to carry out the intent of this article and title.

D. Planning Commission Review: Within a reasonable time after a complete submittal, the building department staff shall present the conceptual review application to the planning commission. The planning commission shall approve, approve with conditions or deny the conceptual review application.

E. Standards For Conceptual Review:

1. The proposed uses, structures and site improvements shall conform to the following:
 - a. City master plan.
 - b. Zoning regulations, general design standards and other relevant sections of this title.
 - c. International building code (IBC).
 - d. Other city design guidelines as may be adopted by the city council.
2. The design is sensitive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts and preservation of views.
3. 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.

F. Modifications:

1. If, following the building department review, and before being presented to the planning commission for consideration, the project is significantly modified, the building department must again review the modification before it is presented to the planning commission. Significant modifications may include, but are not limited to, a change of configuration of buildings on the lot, a change in the number of rooms, size or units, or other change that raises significant new issues, questions or problems as to the project's conformity to the city master plan or this title.
2. Request of the applicant for modifications to the approved plan shall be made to the building department. If it is found that the modification is minor and will meet requirements of this article and title, the department staff may approve the modifications without additional review by the planning commission. If the department finds the proposed modification is significant or does not comply with this title, the department shall prepare a recommendation report and forward the request for modification, together with its report, to the planning commission and the city recorder shall place the request for modification on the planning commission agenda for consideration and/or approval.

G. Plan Modification Fee: A fee as established by the city council for modification of approved plans or permits shall be paid when a conceptual modification is requested, prior to any review of modifications, to cover the cost of processing and review.

H. Time Limitations On Approval: A final building permit must be obtained and construction must commence within twelve (12) months from the date of notification of conceptual review approval by the planning commission, or the conceptual approval shall expire.

10-18A-4: **FINAL BUILDING PERMIT REVIEW:**

A. Single-Family Residential Projects:

1. Application: Building permits for a single-family dwelling shall require **only a final** review by the building official. Application shall be made to the building official for final 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, and a detail of the proposed fencing to enclose the pool. All pools shall require a fencing plan and shall be completely enclosed by a fence and meet all international building code standards. (**Note- the building inspector said fences are not required as long as there is an automatic cover on the pool**)

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 final 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 a final 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 master 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 sewer, water, roads, gas, electric, telephone, mail, police and fire protection, schools and recreation.

d. The complete final 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.

B. Commercial Buildings ~~Five Thousand Square Foot Or Less:~~

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 final 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 final building permit application.

3. Standards For Review:

a. The proposed uses, structure and site improvements conforms to the following:

(1) City master 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 final 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.

C. Commercial Buildings Exceeding Five Thousand Square Feet:

1. Purpose: The purpose of this review process for projects of a larger scope is to review and resolve the technical details entailed in a larger construction project in order to clearly identify expectations and to minimize changes and revisions. The final building permit, together with the final detailed site plan, and all information and procedures relating thereto, shall in all respects be in compliance with provisions of this title and any other applicable ordinances.

2. 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, an application shall be submitted to the building department for final building permit review. See [chapter 6](#) of this title for information required to be included in or with the application. The building department, at its discretion, may require the plans to be reviewed by a professional structural engineer, the cost of which will be borne by the builder.

3. City Engineer, Building Official Review:

a. Upon receipt of the completed application by the city staff, together with all fees, the application shall be reviewed by the city engineer and building official.

b. The city engineer and building official shall review the completed application for general compliance with the submittals required under [chapter 6](#) of this title, the conceptual approval from the planning commission, the general design standards and other applicable ordinances and design guidelines, if any. If the application and detail site plan is not complete or not in general compliance, the city engineer and building official shall notify the applicant in writing and specify the respects in which it is deficient. When a submission is complete and in general compliance, the city engineer and building official shall refer the final building permit application, together with detailed site plan, with a transmittal letter to such public agencies and utilities as are customary or deemed appropriate for the specific application by the city engineer and building official. In the transmittal letter, each of the public agencies and utilities shall be requested to forward within ten (10) days a written report of its findings and recommendations to the city engineer and building official. These

referral agencies may include, but not necessarily be limited to, any special improvement districts, including Ash Creek special service district, the Southwest health department, the city Public Works Department, the Hurricane Valley Fire District, Army Corps of Engineers, the telephone company, BLM, State of Utah, gas company and power company. 4. Planning Commission Review: Within a reasonable time after submission of a final building permit application, and after the City Engineer and building official have determined that the application complies with the conceptual approval and the applicable ordinances as set forth herein, the Planning Commission shall review the final building permit application and act thereon. If the Planning Commission finds that the proposed plan complies with the requirements of this title and is satisfied with the proposed improvements set forth in the detailed site plan, it shall approve, or approve with conditions, the building permit. If the Planning Commission finds that the proposed building permit and detailed site plan and/or improvement incorporated therein does not meet the requirements of this title or other applicable ordinances, it shall deny such building permit application. The Planning Commission's decision shall be a "final decision" for purposes of review by the Appeal Authority.

4. Planning Commission Review: Within a reasonable time after submission of a final building permit application, and after the City Engineer and building official have determined that the application complies with the conceptual approval and the applicable ordinances as set forth herein, the Planning Commission shall review the final building permit application and act thereon. If the Planning Commission finds that the proposed plan complies with the requirements of this title and is satisfied with the proposed improvements set forth in the detailed site plan, it shall approve, or approve with conditions, the building permit. If the Planning Commission finds that the proposed building permit and detailed site plan and/or improvement incorporated therein does not meet the requirements of this title or other applicable ordinances, it shall deny such building permit application. The Planning Commission's decision shall be a "final decision" for purposes of review by the Appeal Authority.

5. Standards For Review:

a. The proposed uses, structure and site improvements conform to the following:

(1) City master plan.

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

(3) International Building Code (IBC).

(4) The proposed project complies with the conceptual approval.

b. The design is sensitive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts, including night lighting pollution, 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, as applicable.

d. Preliminary engineering has demonstrated sufficient water supply, and approved sewage disposal system meets with the requirements of the City.

e. Impacts on City infrastructure or neighboring land uses, if any, created by the proposed improvements have been appropriately mitigated.

6. Notification Of Applicant: The City Recorder shall provide notice to the applicant, in writing, of the action taken by the Planning Commission. One copy of the final building permit, together with a copy of the minutes of the Planning Commission meeting, detailed site plan, notices if any, from the City Planner to the applicant, accompanying conditions, if applicable, shall be retained in the permanent file of the Planning Commission in the City offices. The receipt of a signed copy of the approved building permit shall be authorization for the applicant to proceed with construction pursuant to the terms and conditions of the final building permit.

D. Modifications, Revisions To Project:

1. If, following the Building Department review, and before being presented to the Planning Commission for consideration, the project is significantly modified, the Building Department must again review the modification before it is presented to the Planning Commission. Significant modifications may include, but are not limited to, a change of configuration of buildings on the lot, a change in the number of rooms, size or units, or other change that raises significant new issues, questions or problems as to the project's conformity to the master plan or this title.

2. Request of the applicant for modifications to the approved plan shall be made to the Building Department. If it is found that the modification is minor and will meet requirements of this article and title, the department staff may approve the modifications without additional review by the Planning Commission. If the department finds the proposed modification is significant or does not comply with this title, the department shall prepare a recommendation report and forward the request for modification, together with its report, to the Planning Commission and the City Recorder shall place the request for modification on the Planning Commission agenda for consideration and/or approval.

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 final 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-5:**

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.
3. Three (3) trees have been planted.

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 final building permit.

10-18A-6: 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 final 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.