

CHAPTER 7: BUILDING AND DEMOLITION PERMITS

7.1 BUILDING PERMIT AND CONFORMANCE WITH ITS TERMS ARE REQUIRED

Construction, Substantial Alteration, repair, or removal of any building or structure or any part thereof, in excess of 120 square feet floor area or if the work costs exceed \$1,000, or involved, as provided for or restricted in this Ordinance and the International Codes, shall not be commenced without a valid building permit issued by the City.

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 Code. A new occupancy permit must be obtained prior to a change in use or character of any building or land.

Except for single family dwellings, a building permit shall be issued only after a two-step review process: Conceptual Review and Final Review. **Single family dwellings require only a Final Review by the Building Department.**

7.2 PURPOSE

The purpose and intent of the building permit review process is to secure the general purposes and objectives of this Code and the City General Plan and to insure that the general appearance and public safety of buildings, structures and development complement and are harmonious with the neighborhood, are consistent with the City General Plan, Zoning Map and General Design Standards and meet applicable health, safety and public welfare standards and regulations. See Chapter 3 for information required to be included in or with the application.

7.3 CONCEPTUAL REVIEW

7.3.1 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 use regulations and set back/height and parking requirements, to obtain general feedback from the City's Building Department, to ascertain special requirements and make changes in design (if necessary)—before incurring the time and expense of preparing a complete building plans and submitting a complete (Final) building permit submittal.

7.3.2 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

Chapter are met.

7.3.3 Review Process/All Building Permit Applications (Except Single Family Residential)

a. APPLICATION

An applicant shall submit a complete Conceptual Review application, signed by all owners of the subject property, to the Toquerville City 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.

b. CITY STAFF REVIEW

After a complete Conceptual Review application has been received by the Building Department, it will determine if the project, as submitted, is consistent with the requirements of this Chapter and the the setback, height, parking and use restrictions for the zone in which the Project is located. The Developer will be notified, in writing, of obvious deficiencies and inconsistencies.

c. REVISIONS/VARIANCES

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 Chapter and the setback, height and use restrictions set forth in this Code. If, in the judgment of the Building Department Staff, a variance or a Conditional Use Permit is required, the Staff shall so notify the applicant. The applicant may either apply for a variance pursuant to Section 10.1 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 building permit application.

7.3.4 Standards for Conceptual Review

- a. The City Building Department shall approve an applicants conceptual application if the proposed uses, structure and site improvements conforms to the following standards:
 - i. City General Plan
 - ii. Zoning regulations, General Design Standards and other relevant sections of this Code
 - iii. International Building Code (IBC)
 - iv. Other 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, water courses and floodplains, visual impacts and preservation of views.
- c. Services are available and adequate to meet the needs of the proposed structure and use(s), including,sewer,water, roads, gas, electric, telephone, mail, police and fire protection, schools and recreation.

7.3.5 Modifications

If, following the Building Department’s conceptual review, the project is significantly modified, the Building Department must again review the modification before the Building Department

conducts its final review. 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 Toquerville City General Plan or this Chapter.

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 Chapter and the General Design Standards, the Building Department staff may approve the modifications without additional review.

7.3.6 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.

7.3.7 Time Limitations On Conditional 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 City Building Department or the conceptual approval shall expire.

7.4 FINAL BUILDING PERMIT REVIEW

7.4.1 Review Process/Single Family Residential Projects

- a. **APPLICATION**
Building permits for single family dwelling shall require only a final review by the Building Department. Application shall be made to the Building Department for Final Building Permit review. See Chapter 3 for information required to be included in or with the application.

- b. **RESIDENTIAL PLAN SUBMITTAL REQUIREMENTS**
 - i. A Residential Plan Packet shall be obtained from the City Building Department staff and shall be completed which shall include all submittals required under Chapter 3 herein, together with such other additional submittals as are outlined in the Toquerville Residential Plan Packet. The Residential Plan Packet requirements may be amended from time to time by the City as construction requirements necessitate.
 - ii. **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 IBC standards

- c. **TYPES OF APPROVAL AND STANDARD OF REVIEW**

- i. For all residential projects, 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.

- iii. Residential Final Building Permit Applications. The City shall apply the following standards in reviewing and approving any Residential Final Building Permit Application :
 - (1) Review for complete application together with all documents as required under Chapter 3.
 - (2) Apply the same standards and review as designated under the following section of this Chapter (7.4.d.).
 - (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) Approval. The Building Department staff may approve, approve with conditions, or deny any application for a final building permit.
 - (5) Final Action. The Building Department shall be deemed the “Land Use Authority” for the approval and issuance of a Final Building Permit Application. The approval or denial by the Building Department staff shall constitute a final action for purposes of appeal as provided under this Code and Utah Code Ann. § 10-9a-701 *et seq.*

- d. **STANDARDS FOR REVIEW**
 - i. 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
 - ii. The design is sensitive to the constraints of topography, soil types, geologic hazards, water courses and floodplains, visual impacts and preservation of views.
 - iii. Services are available and adequate to meet the needs of the proposed structure and use(s), including: sewer, water, roads, gas, electric, telephone, mail, police and fire protection, schools and recreation.
 - iv. The complete Final Building Plans and Drawings have been reviewed and approved by the Toquerville Building Department/Building Inspector.

7.4.2 Review Process/Commerical Buildings 5,000 Square Feet or less

- a. **APPLICATION**
 Upon conceptual approval by the City Building Department and as a precondition to the construction, alteration, improvement, demolition, or other repairs in accordance with the Code, application shall be made to the Building Department for Final Building Permit review. See Chapter 3 for information required to be included in or with the application.

- b. **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. If it is determined by the City's Building Department that the proposed structure and site improvements are of sufficient complexity or detail, the City may forward said Final Building Permit Application to outside professionals including structural engineers for a third-party plan review. The cost of said third-party plan review shall be born solely by the applicant and shall be above and beyond any building permit application fee. The City Building Department shall not issue a Final Building Permit Approval until all third-party plan check fees have been paid.

c. **STANDARDS FOR REVIEW**

- i. In reviewing and approving any Final Building Permit Application for a proposed commercial building 5,000 sq. ft in size or less, the City Building Department shall insure that 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
- ii. The design is sensitive to the constraints of topography, soil types, geologic hazards, water courses and floodplains, visual impacts and preservation of views.
- iii. Services are available and adequate to meet the needs of the proposed structure and use(s), including roads, gas, electric, telephone, mail, police and fire protection, schools and recreation.

7.4.3 Review Process -Commerical Buildings Exceeding 5000 Square Feet.

a. **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.

b. **APPLICATION**

Upon conceptual approval by the Toquerville Planning Commission and as a precondition to the construction, alteration, improvement, demolition, or other repairs in accordance with this Code, an application shall be submitted to the city's Building Department for final building permit review. See chapter 3 for information required to be included in or with the application. If it is determined by the City's Building Department that the proposed structure and site improvements are of sufficient complexity or detail, the City may forward said Final Building Permit Application to outside professionals including structural engineers for a third-party plan review. The cost of said third-party plan review shall be born solely by the applicant and shall be above and beyond any building permit application fee. The City Building Department shall not issue a Final Building Permit Approval until all third-party plan check fees have been paid.

c. CITY PLANNER REVIEW

- i. Upon receipt of the completed application by the City Building Department staff, together with all fees, the application shall be reviewed by the City Planner.
- ii. The City Planner and City Engineer shall review the completed application for general compliance with the submittals required under Chapter 3, 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 Planner 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 Planner 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 Planner. In the transmittal letter each of the public agencies and utilities shall be requested to forward within ten days a written report of its findings and recommendations to the City Planner. These referral agencies may include, but not necessarily be limited to, any special improvement districts including Ash Creek Special Service District, the Washington County Health Department, the City Public Works Department, the fire department, Army Corp of Engineers, the telephone company, BLM, State of Utah, gas company and power company.

d. CITY STAFF REVIEW

Within a reasonable time after submission of a Final Building Permit Application, and after the City Planner and City Engineer has determined that the application complies with the applicable ordinances as set forth in this Code, the City Building Department shall review the Final Building Permit Application and act thereon. If the City Building Department finds that the proposed plans complies with the requirements of this Chapter 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 City Building Department finds that the proposed building permit and detailed site plan and/or improvement incorporated therein does not meet the requirements of this Chapter or other applicable ordinances or building codes, it shall deny such building permit application. The Building Department shall be deemed the “Land Use Authority” for the approval and issuance of a Final Building Permit Application. The approval or denial by the Building Department staff shall constitute a final action for purposes of appeal as provided under this Code and Utah Code Ann. § 10-9a-701 *et seq.* Accordingly, the Building Department’s decision shall be a “Final Decision” for purposes of review by the Board of Adjustment.

e. STANDARDS FOR REVIEW

- i. The purposed 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 Codes (IBC)
 - (4) The proposed project complies with the Conceptual Approval.
- ii. The design is sensitive to the constraints of topography, soil types, geologic hazards, water courses and floodplains, visual impacts, including night lighting pollution, and preservation of views.

- iii. Services are available and adequate to meet the needs of the proposed structure and use(s), including: sewer, water, roads, gas, electric, telephone, mail, police and fire protection, schools and recreation as applicable.
 - iv. Preliminary engineering has demonstrated sufficient water supply, and approved sewage disposal system, meets with the requirements of the City.
 - v. Impacts on city infrastructure or neighboring land uses, if any, created by the proposed improvements have been appropriately mitigated.
- f. **NOTIFICATION OF APPLICANT**
The City shall provide notice to the applicant, in writing, of the action taken by the City Building Department. One copy of the final building permit, together with a copy of the detailed site plan, building plans, notices if any, from the City Planner to the applicant, accompanying conditions, if applicable, shall be retained in the permanent files of the City Building Department. 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.

7.4.4 Modifications to Projects with Building Permit Already Issued

If, following the issuance of a building permit plans for a project is significantly modified, the Building Department must again review the modification and reissue or modify the existing building permit. 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's General Plan or this Code. If it is found that the proposed modification is minor and will meet requirements of this Chapter and this Code, the Building Department staff may approve the modifications without additional review. All modification approvals must be in writing and signed by an official of the City Building Department to be effective.

7.4.5 Expiration

Every permit issued by a City Building Department official pursuant to this Chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 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 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. All extension approvals must be in writing and signed by an official of the City Building Department to be effective. 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.

7.5 ACCEPTANCE OF IMPROVEMENTS AND OCCUPANCY

7.5.1 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:

- a. 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 12.5 (Security for Completion) and related provisions.
- b. A set of "as-built" drawings has been filed with the City Building Department.
- c. Three trees have been planted.

7.5.2 Inspection

The Building Inspector or other designated member of the Building Department, Fire Chief, City 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 owner or contractor of the Project.*

7.5.3 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.

7.5.4 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.

7.6 DEMOLITION PERMITS

7.6.1 General Requirement

- a. 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 out buildings of a single story construction on a footprint not

exceeding 200 square feet shall be exempt from a demolition permit requirement.

7.6.2 Permit Review Procedure

Demolition permits shall be reviewed under the final building permit review procedures set forth in Section 7.4 above. See Chapter 3 for information required to be included in or with the application.