

Title 9 – Land Management Code

Chapter 8

BUILDING PERMITS

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9-8-1: PURPOSE:

The purpose and intent of the building permit review process is to secure the general purposes and objectives of this title to ensure that the general appearance and public safety of buildings, structures and development are harmonious with and complement the neighborhood. Projects are evaluated to ensure that they are consistent with this title, the Town General Plan, Zoning Map and General Design Standards ([chapter 12](#)) of this Title and meeting applicable health, safety and public welfare standards. (ord. 08-016, 8-12-2008)

9-8-2: BUILDING PERMIT AND CONFORMANCE WITH TERMS REQUIRED

- A. **Construction, alteration, or removal of any building or structure**, or any part thereof, as provided for or restricted in this title and the uniform codes, shall not be commenced without a valid building permit and other permits as required. (2010 Code, amd. ord. 15-004, 4-28-2015)

- B. **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 under section [9-8-5](#) of this title. 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. (amd. ord. 21-005, 05-11-2021)

- C. **A building permit shall only be issued after a design review process.** Single family dwellings, accessory structures, and commercial remodels that do not change the footprint that are permitted uses and that are in compliance with the LMC may be reviewed and approved by Planning and Zoning Department. All other types of building projects shall follow a two-step process: Project Design Review by the Planning Commission and building permit final review by the Planning and Zoning Department. (amd. ord. 15-004, 4-28-2015, amd. ord. 21-005, 05-11-2021)
- D. **Any construction, alteration of any building or structure,** or any part thereof, requiring a building permit, shall require the submission of engineered building plans if required by applicable law. (2010 Code, amd. Ord. 15-004, 4-28-2015)

9-8-3: DESIGN REVIEW:

- A. **Purpose:** The design 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 Planning and Zoning Department and the Planning Commission, 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. (amd. ord. 21-005, 05-11-2021)
- B. **Review And Process:**
 - 1. **Application:** An applicant shall submit a complete design review application, signed by an owner or legal representatives of the subject property, to the Planning and Zoning Department. If the subject property is a condominium project or is owned by a corporation, the signature of an officer of the entity with authority to bind the entity shall be sufficient. The Planning and Zoning Administrator may waive application requirements that are not applicable to the project. (ord. 15-004, 4-28-2015, amd. ord. 21-005, 05-11-2021)
 - 2. **Planning and Zoning Review**
 - a. After a complete design review application has been received by the Planning and Zoning Department, the Planning and Zoning Administrator, or designee, will determine if the project, as submitted, is consistent with the requirements of this title. The developer will be notified, in writing, of deficiencies and inconsistencies. (amd. ord. 21-005, 05-11-2021)
 - b. 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 Planning and Zoning Administrator, or designee, a variance is required, the Planning and Zoning Department shall so notify the applicant. The applicant may either apply for a

variance pursuant to section [9-11-1](#) of this title or redesign the project to avoid the variance requirement. After a complete, conforming application has been received, the Planning and Zoning Department shall make a final review of the Design Review application and shall forward a written recommendation to the Planning Commission.

- c. The Planning and Zoning Administrator, or designee, shall recommend to the Planning Commission, in writing, any conditions the Planning and Zoning Department deems reasonable and necessary under the circumstances to carry out the intent of this chapter and title. (amd. ord. 21-0005, 05-11-2021)
3. Planning Commission Review: Within a reasonable time after a complete submittal, the Planning and Zoning Administrator, or designee, shall present the design review application to the Planning Commission. The Planning Commission shall review the application and approve the project as presented, approve the project with conditions and/or modifications, or deny the application with the specified deficiencies of this code that when corrected may be brought before the Planning Commission for review. (amd. ord. 21-005, 05-11-2021)

C. Standards For Review:

1. The proposed uses, structure and site improvements shall conform to the following:
 - a. Town General Plan.
 - b. Zoning regulations and other relevant sections of this title.
 - c. Applicable building codes as adopted by the state.
 - d. General design standards of [chapter 12](#) of this title, and;
 - e. Other applicable laws.
2. The design shall be sensitive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts and preservation of views.
3. Utilities and services shall be available and adequate to meet the needs of the proposed structure and uses. (2010 Code, amd. ord. 15-004, 4-28-2015)

D. Modifications:

1. When a project contemplates a modification to the plan and it is deemed by the Planning and Zoning Administrator to be minor in scope (such as unseen structural modifications, interior floor layout not resulting in increased density, facade repairs, landscaping, etc.), the project may be approved by the Planning and Zoning Administrator or designee. Modifications deemed "significant" in nature by the

Planning and Zoning Administrator, or designee, shall be submitted to and reviewed by the Planning and Zoning Administrator, which shall then forward its recommendation to the Planning Commission for review. (amd. ord. 21-005, 05-11-2021)

2. If, following the Planning and Zoning Department review, and before being presented to the Planning Commission for consideration, the project is significantly modified, the Planning and Zoning 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, lot layout or configuration, a change in the number of units, or other change that raises significant new issues, questions, or problems as to the project's conformity to the General Plan or this title. (amd. ord. 21-005, 05-11-2021)

E. **Plan Modification Fee:** A fee as indicated on the Consolidated Fee Schedule for modification of plans or permits shall be paid when a design modification is requested, prior to any review of modifications, to cover the cost of processing and review.

F. **Expiration:** A design review approval expires after one year from the date of the Planning Commission approval if a building permit has not been issued. (ord. 08-016, 8-12-2008)

9 -8-4: FINAL REVIEW:

A. **Review Process:**

1. Application: Following design review by the Planning Commission, if required, application shall be made to the Planning and Zoning Department for final review. (amd. ord. 21-005, 05-11-2021)
2. Planning and Zoning Review: The Planning and Zoning Department 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. (amd. ord. 21-005, 05-11-2021)

B. **Standards For Review:**

1. The proposed uses, structure and site improvements shall be consistent with the following: (amd. ord. 21-005, 05-11-2021)
 - a. Town General Plan.

- b. Zoning regulations, Town Design Standards, and other relevant sections of this title.
 - c. International Building Code (IBC) and all current applicable codes as currently adopted by the state.
 - d. The plans approved during the Design Review process. (ord. 21-005, 05-11-2021)
2. The design shall be sensitive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts, and preservation of views.
 3. Utilities and services shall be available and adequate to meet the needs of the proposed structure and uses, including, but not limited to, roads, gas, electric, storm drainage, telecommunications, public safety, schools and recreation, or bonding provided for subject to sections [9-13-5](#) and [9-13-7](#) of this title.
- C. **Plan Revisions:** After a building permit is granted, a project may not be altered without the approval of the Planning and Zoning Administrator or designee. In order to ensure that the proposed modification is consistent with this title, and that the redesign is still in conformity with design and final review, the Planning and Zoning Administrator, or designee, may then require any documents deemed reasonably necessary to evaluate the modification. For violations of this requirement, the Planning and Zoning Administrator, or designee, may suspend the building permit and construction on the project. (amd. ord. 21-005, 05-11-2021)
- D. **Expiration:**
1. Every permit issued shall expire 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.
 2. Once a building permit is granted and construction commenced, the approval shall continue for a period of twenty-four (24) months, unless otherwise revoked or extended. The building permit shall expire upon a permanent occupancy permit being issued. (ord.08-016, 8-12-2008)

9-8-5: 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 Planning and Zoning Department verifying that the building project is completed and in compliance with all applicable

- codes for occupancy, including all on-site and off-site improvement work, landscaping, site restoration and cleanup. (amd. ord. 21-005, 05-11-2021).
2. A set of "as built drawings", as defined in section [9-2](#) of this title and has been filed with the Planning and Zoning Department. (amd. ord. 21-005, 05-11-2021).
- B. **Inspection:** The Planning and Zoning Administrator or other designated official 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. (amd. ord. 21-005, 05-11-2021)
- C. **Acceptance Of Improvements:** On or off site improvements shall be deemed accepted by the Town only after complete inspection by the Planning and Zoning Administrator for buildings and structures, the issuance of an occupancy permit; and for on or off site public improvements, upon the issuance of a certificate of acceptance by the Planning and Zoning Administrator, or designee. (2010 Code, amd. ord. 21-005, 05-11-2021)