



How to Legalize Unpermitted Construction

Construction done without permits and inspections creates difficult problems because the plan review and inspection processes take place after the work is often covered or concealed. To legalize these structures, they must comply with the current codes and all City ordinances for zoning, fire, building, plumbing, mechanical, and electrical. It is important to note that a change of ownership does not resolve the issue of unpermitted construction. If any work was done without permits in the past, the passage of time or a change in ownership does not absolve the current owner of the responsibility to correct the illegal construction.



When legalizing unpermitted construction, a property owner has two general options:

1. You may choose to restore the building to its previous condition by first obtaining a demolition permit. *or;*
2. Start the process of legalizing the unpermitted work. This document will help guide the owner through the legalization of unpermitted construction.
 - A. The first step is to bring an accurate site plan to the Planning Division to see if your addition or alteration is allowed within the existing zoning codes.
 - B. If you obtain pre-approval from Planning to submit plans to the Building Division, the next step is to obtain construction documents such as: plans and structural calculations from a design professional. Once you obtain these, the next step is to submit to the Building Division.

Responsibilities of the Permit Applicant

Applicants shall submit the required construction documents that show compliance with codes and ordinances in effect at the time of submittal, please reference our handouts titled, [Residential Submittal Requirements](#), [Commercial Submittal Requirements](#), [Residential \(R-3\) Standard Plan Check Corrections](#) will provide guidance to the applicant with the most common submittal requirements and design considerations. These documents are not intended to cover every possible submittal requirement. It is the design professional’s responsibility to ensure that the plans and construction documents are complete and comply with current building codes The construction documents shall include, but not be limited to: plans that have been prepared by a licensed/design professional (please reference our handout titled [Design Professional Licensing Requirements](#) for guidance), structural calculations, energy calculations, etc. These plans and documents will be reviewed as if they were for new construction. The only difference being that all unpermitted work must be shown on the plans and clearly called-out as “unpermitted work”. Also, before the Building Division will accept any plans related to a Code Enforcement case, the applicant must obtain written confirmation from the Code Enforcement officer that the plans show all pending Code Enforcement items.

Plan Review Procedure

Plan Review staff will review the plans and documents as if they were for new construction. Plans must be 100% complete as required in the Building Division’s [Residential Submittal Requirements](#) handout.

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Inspection Procedures

An inspection is required to be requested and scheduled once a permit is issued. While onsite for the first inspection the inspector will evaluate the site conditions and inform the applicant what steps are required to work towards compliance. The following items *may* be required to be exposed for verification of installation and design per minimum code standards. This list is intended as a guide and does not cover every possible scenario. Pictures of work completed will not be accepted in lieu of the procedure described below.



1. Expose the foundation as directed by the building inspector at a minimum of three locations so that the footing depth and width can be determined. A minimum 2 ft. by 2 ft. inspection hole is required, unless stated otherwise by the inspector.
2. Drill a minimum of two holes, 3/4" diameter, through slab to verify thickness and material below slab.
3. Provide written verification from an approved testing agency that the reinforcing steel has been installed according to the approved plans. Ultrasonic test or R-meter scans are acceptable for this purpose.
4. Expose the foundation anchor bolts at a minimum of three locations as directed by the building inspector.
5. Expose all lateral resisting (shear) hold downs as shown on the approved plans.
6. Remove building finish/wall covering over shear paneling for fastener inspection. A minimum 2- foot by 2-foot section and not less than one area per wall line will need to be exposed.
7. Expose framing hardware and structural connectors as directed by the building inspector.
8. Provide under floor and attic access. Areas must have adequate access, ventilation, and clearances.
9. Remove cover plates from electrical outlets, switches, panels, etc. Expose grounding and bond connections. Remove light fixtures as directed. Expose concealed wiring as directed by the inspector.
10. Interior gas piping must be exposed where requested and the entire gas piping system must be pressure tested @ 10 psi for 15 minutes.
11. Exterior buried gas piping must be uncovered at each end and at 25-foot intervals, or as directed by the inspector, and air tested @ 10 psi for 15 minutes. Propane and medium pressure gas piping is required to be tested at 60 psi for 30 minutes.
12. Any new sewer drain line or sewage disposal systems shall be properly tested and exposed for inspection.
13. Expose drain/waste connection to existing drainage system. If piping is under the concrete slab, then the slab may be expected to be cut and under slab excavated to the point of connection.
14. Drain, waste, and vent plumbing shall be exposed as directed by the inspector and the piping shall be filled with water and tested for "top-out" test.
15. Make components of the mechanical system (heating and air conditioning) visible for inspection. Remove access panels if necessary and provide manufacturers' installation instructions. Expose vent piping within walls.
16. Provide installation instructions for the fireplace. Expose required fire stops and clearance from combustible material.
17. Expose wall, ceiling and floor insulation as directed by the inspector.
18. The plumbing, electrical, and mechanical systems will be required to be exposed and tested at areas indicated by the inspector. Depending on the outcome of this initial inspection of these systems, additional areas may be required to be exposed.

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