

CHAPTER 27. ZONING ADMINISTRATOR

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1-27-1. Appointment.

The Mayor, with the advice of the City Council, may appoint from among the employees of Tooele City a Zoning Administrator, who shall be primarily responsible for administering, interpreting, and enforcing the terms of the Tooele City Code Title 7, Uniform Zoning Title.

(Ord. 2013-04, 06-19-2013)

1-27-2. Duties of the Zoning Administrator.

(1) Administrative Interpretation. The Zoning Administrator shall interpret Title 7, Uniform Zoning Title, to members of the public, City departments, and to other branches of City government, subject to general and specific ordinances and policies established by the City Council and City Administration. Upon written request, the Zoning Administrator shall make a written interpretation of any part or portion of the text of Title 7 pursuant to this Chapter. Such interpretations may include use interpretations to determine whether a proposed use is substantially similar to a listed use shown to be a permitted or conditional use in Title 7. The Zoning Administrator shall confer as necessary with the City Attorney in making any administrative interpretation or decision.

(2) Administrative Duties. The Zoning Administrator shall be responsible for all administrative actions required by Title 7, including the giving of notice, holding of hearings, preparation of staff reports, issuance of decisions, and receiving and processing of appeals.

(3) Land Use Applications. The Zoning Administrator shall review or cause to be reviewed all applications for a site plan, subdivision, Conditional Use Permits, General Plan text amendment, General Plan Land Use Map amendment, Title 7 text amendment, Zoning Map amendment, and all other land use applications as set forth in Title 7, and inform the appropriate land use authority of the findings of that review

(4) Enforcement. The Zoning Administrator shall enforce or cause the enforcement of the provisions of Title 7, and the terms or conditions of any land use approval wherever and however violations of those provisions or approvals occur. This may include consultation with the City Attorney, Ordinance Enforcement Officer, or Police Department, as applicable, issuing notices to comply or take other appropriate action, and the preparation of exhibits, testimony, and other data which may be needed in such enforcement. The failure of the Zoning Administrator to enforce the provisions of Title 7 or the terms or conditions of any land use approval

shall not legalize or be deemed to condone any act in violation of such provisions or approvals.

(5) Administrative Decisions. The Zoning Administrator shall render administrative decisions on those certain routine and uncontested matters as may be delegated to him or her by ordinance of the City Council and pursuant to established guidelines or policies relating thereto.

(6) Advice. The Zoning Administrator may advise all persons making application for any project which requires approval by the Planning Commission or City Council.

(7) Appeals. The Zoning Administrator shall be responsible for providing the complete written record to the Administrative Hearing Officer.

(Ord. 2016-15, 10-19-2016) (Ord. 2013-04, 06-19-2013)

1-27-3. Effect of Interpretations and Decisions.

(1) An administrative interpretation or decision shall apply only to the property for and circumstances under which the interpretation or decision is given.

(2) A use interpretation finding a use to be a permitted or conditional use in a particular zoning district shall be deemed to authorize only that use on only the property that is the subject of the interpretation. A use interpretation shall not authorize another allegedly similar use for which a separate use interpretation has not been issued.

(3) A use interpretation finding a particular use to be a permitted or conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by Title 4 or Title 7, or other applicable provisions of the Tooele City Code.

(Ord. 2013-04, 06-19-2013)

1-27-4. Request for Review by Director.

Any person aggrieved by a written interpretation or decision of the Zoning Administrator may request, in writing, a review of that interpretation or decision by the Community Development Director. The Community Development Director shall issue a written decision in which he or she may affirm, modify, overturn, or remand for further consideration the interpretation or decision of the Zoning Administrator.

(Ord. 2013-04, 06-19-2013)

1-27-5. Appeal.

Any person aggrieved by the Community Development Director's decision after review of the Zoning Administrator's interpretation or decision may file a written appeal of the decision to the Administrative Hearing Officer. The Administrative Hearing Officer shall hear and conduct all such appeals based upon a review of the written record alone, taking no new testimony or evidence. The written record shall consist of the land use

application that is the subject of the decision, the land use applicant's request for a Zoning Administrator interpretation, the Zoning Administrator interpretation or decision, and the Community Development Director's decision, including accompanying documents and materials.

(Ord. 2016-15, 10-19-2016) (Ord. 2013-04, 06-19-2013)

1-27-6. Administrative Interpretations.

(1) Initiation. Any person may request an administrative interpretation.

(2) Procedure. An application for an administrative interpretation shall be considered and processed as provided in this Section.

(a) A complete application shall be submitted to the office of the Zoning Administrator on a form established by the City along with any fee established by the City. The application shall include at least the following information:

(i) the name, address, and telephone number of the applicant and the applicant's agent, if any;

(ii) the specific provision or provisions of Title 7 for which an interpretation is requested;

(iii) specific facts of the situation which illustrate the need for an administrative interpretation;

(iv) the precise interpretation claimed by the applicant to be correct;

(v) the legal and other grounds that support the interpretation claimed by the applicant to be correct; and

(vi) when a use interpretation is requested the application shall include:

(A) a statement explaining why the proposed use should be deemed included within a use category allowed by the zoning district applicable to the property; and

(B) documents, statements, and other evidence demonstrating that the proposed use will conform to all use limitations established by the zoning district applicable to the property.

(b) After the application is determined by the City to be complete, the Zoning Administrator shall review the request and make an interpretation of Title 7 in accordance with the standards set forth in this Chapter.

(c) After making a decision, the Zoning Administrator shall provide to the applicant written notice of the decision, mailed to the address indicated on the application.

(d) A record of all Zoning Administrator administrative interpretations and decisions, all Community Development Director decisions, and all Administrative Hearing Officer decisions, issued pursuant to the provisions of this Chapter, shall be maintained in the office of the Zoning Administrator.

(3) Standards for Making Administrative Interpretations. The following standards shall apply to administrative interpretations.

(a) Administrative interpretations shall not add to, ignore, or amend the provisions of the Tooele City Code.

(b) Questions about the location of zoning district boundaries shall be resolved by applying the following standards:

(i) zoning district boundaries indicated as approximately following the edge or center line, as the case may be, of a street, alley, railroad, highway, or other public way, incorporated municipality, flood plain, body of water or topographic feature that was in existence when the boundary was established, shall be interpreted as following such edge or center line;

(ii) zoning district boundaries indicated as approximately following platted lot lines, block, or parcel tract boundaries shall be interpreted as following such lines;

(iii) when a public road, street, or alley is officially vacated, such property shall have the same zoning as the adjacent property and in the event vacated property is adjacent to two zones, each zone shall extend to the center line of the vacated property; and

(iv) when a physical or cultural feature existing on the ground is at odds with one shown on the Zoning Map, or when any other uncertainty exists with respect to a zone boundary, the Zoning Administrator shall determine the boundary location.

(c) An administrative interpretation shall be consistent with:

(i) The provisions of Title 7; and

(ii) Any previously rendered interpretations based on similar facts, unless those previous interpretations are determined to be incorrect.

(d) A use interpretation shall also be subject to the following standards:

(i) A use of a structure or property defined in the Tooele City Code shall be interpreted as provided as defined therein.

(ii) Any use specifically listed or otherwise designated as "not permitted" in a table of permitted and conditional uses for a particular zoning district shall not be allowed in that zone.

(iii) No use interpretation shall allow a use in a zoning district unless evidence is presented demonstrating that the use will conform to development standards established for that district.

(iv) No use interpretation shall allow a use in a particular zoning district unless findings of evidence are provided to demonstrate the use to be substantially similar to uses allowed in that zone.

(v) If a proposed use is most similar to a conditional use authorized in the zoning district in which it is proposed to be located, any interpretation allowing such use shall require that the use be approved only as a conditional use subject to Chapter 7-5 of the Tooele City Code.

(vi) No use interpretation shall allow the establishment of any use that would be inconsistent with

the statement of purpose of the zoning district in which it would be located.

(Ord. 2016-15, 10-19-2016) (Ord. 2013-04, 06-19-2013)