

CHAPTER 11. DESIGN REVIEW

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7-11-1. Purpose.

The intent and purposes of design review include securing the general purposes and policies of this Title and providing that buildings, structures, and the development of land does not impair the orderly and harmonious development of neighborhoods.

It shall not be the intent of this Chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail, design, color, or materials proposed by the applicant, except where doing so would enhance the general appearance and compatibility of the development with its surroundings and in such areas where detailed regulations further the specific land use policies of the City, e.g., Gateway Overlay areas, Downtown Overlay areas. Compatibility of development shall include accessibility considerations.

(Ord. 1998-24, 08-05-1998) (Ord. 97-30, 08-06-1997)
(Ord. 1983-05, 04-20-1983)

7-11-2. Application and review.

All applications for building permits for all buildings and structures, except for single-family dwellings and their accessory buildings, shall be accompanied by architectural and site development plans drawn to scale, which shall show building locations, fences, off-street parking and circulation, location and size of adjacent streets, North arrow and property lines, major exterior elevations, building materials, proposed exterior color scheme, existing grades, proposed new grades, and other information requested by the City Engineer. All such drawings and sketches shall be accompanied by the items described in Section 7-11-7, and be reviewed and approved by the City Engineer, the Accessibility Committee, and the Fire Chief, which review and approval shall form the basis of the recommendations required by Section 7-11-6.

(Ord. 1998-24, 08-05-1998) (Ord. 97-30, 08-06-1997)
(Ord. 1983-05, 04-20-1983)

7-11-3. Inspection.

The Building Inspector is authorized to inspect, or to have inspected, all buildings and structures in the course of their construction, modification, or repair, and to inspect land uses to determine compliance with zoning provisions and conditional use permit and other development approval conditions. The Building Inspector or authorized agent is authorized to enter any building for the purpose of determining its use, or to enter any premises for the purpose of determining compliance with this Title, provided that such right of entry is to be used only in a reasonable time and manner. In no case shall entry be made to any occupied building in the absence of the owner or tenant thereof, without written permission from the owner or written order of a court of competent jurisdiction.

(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-4. Occupancy permit required.

Land, buildings, or premises in any zoning district shall hereafter be used only for a purpose permitted in the district and in accordance with district regulations. A permit of occupancy shall be issued by the Building Official to the effect that the use, building, or premises will conform to provisions of this and related codes prior to occupancy, for any building erected, enlarged, or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued regulating any lawful use of buildings or premises existing on the effective date of this amendment, including nonconforming buildings and uses. A permit shall be issued only upon compliance by the applicant with the provisions of this Code.

(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-5. Exceptions.

For buildings and uses regulated by a conditional use permit, subdivision, or planned unit development approval, design review shall be incorporated within such approval and need not be a separate application, provided the requirements of this Chapter are fully satisfied.

(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-6. Approval.

The Planning Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with this Chapter and with the general policies and objectives of this Title, and shall give or withhold approval accordingly. Before making

this determination, the Planning Commission shall receive the written recommendations of the City Engineer, the Accessibility Committee, and the Fire Chief. Such recommendation may be by letter, memorandum, or signature on the plans.

(Ord. 1998-24, 08-05-1998) (Ord. 1994-56, 01-31-1995) (Ord. 1988-18, 07-06-1988)

7-11-7. Site plans required.

A detailed site plan shall be filed as part of any application, prior to request for a building permit. It shall show and be accompanied by the following information:

- (1) Scale of plan, and direction of North point.
 - (2) Lot lines, adjacent streets, roads, easements, rights-of-way.
 - (3) Location of all existing structures on subject property and adjoining properties, with utility lines, poles, etc., fully dimensioned.
 - (4) Location of proposed construction, with location and dimension of all signs.
 - (5) Motor vehicle access, circulation patterns, parking, and curb, gutter, and sidewalk location.
 - (6) Necessary explanatory notes.
 - (7) Name, address, telephone number of builder and owner.
 - (8) The affidavit of the applicant that the site plan satisfies the requirements of the Americans with Disabilities Act standards for accessible design, as contained in 28CFR36, Appendix A.
 - (9) Required public improvements.
 - (10) All other information required as determined by the City Engineer.
- (Ord. 1998-24, 08-05-1998) (Ord. 1997-30, 08-06-1917) (Ord. 83-05, 04-20-1983)

7-11-8. Considerations in review of applications.

The City shall consider the following matters, among others, in their review of applications:

- (1) Considerations relating to traffic safety and traffic congestion:
 - (a) The effect of the site development plan on traffic conditions on abutting streets.
 - (b) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
 - (c) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
 - (d) The location, arrangement, and dimensions of truck loading and unloading facilities.
 - (e) The circulation patterns within the boundaries of the development.
 - (f) The surfacing and lighting of off-street parking facilities.
 - (g) The effect of the site development plan on traffic conditions for uses within the development, including compliance with Chapter 4-8 of the Tooele City Code.
- (2) Considerations relating to outdoor advertising, including the number, location, color, size, height,

lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with neighboring development.

(3) Considerations relating to landscaping:

- (a) The location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with neighboring development, or to conceal storage areas, utility installations, or other unsightly development.
- (b) The planting of low or no water irrigation required ground cover or other surfacing to prevent dust and erosion.
- (c) The unnecessary destruction of existing healthy trees.
- (d) The planting of sod or seeded grass turf shall be prohibited in industrial zones.
- (e) The planting of sod or seeded grass turf in commercial and mixed-use zones shall be limited to areas intended, designed, and constructed for active recreation, activity, and similar areas.
- (f) Areas desired for the decorative, aesthetic or appearance of grass or turf that are not intended, designed, and constructed for active recreation, activity, and similar areas shall utilize artificial turf.
- (g) All plantings outside of allowable turf areas shall utilize drip-style irrigation systems.

(4) Considerations relating to buildings and site layout:

- (a) Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, all in relationship to neighboring development.
 - (b) Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on streets, line and pitch of roofs, and the arrangement of structures on the parcel.
 - (5) Considerations relating to drainage, including the effect of the site development plan on the adequacy of the storm and surface water drainage, retention, and/or detention.
- (Ord. 2023-22, 06-07-2023) (Ord. 2021-03, 01-20-2021) (Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-9. Considerations.

The Planning Commission, or the City Engineer, when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the considerations of this Chapter as the Planning Commission or City Engineer deem reasonably necessary under the circumstances to carry out the intent of this Chapter.

(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-10. Time limitations on approval; extension.

If construction in harmony with the permit for any development for which design approval has been

granted has not been commenced within one (1) year from date of notification of approval, the approval shall be deemed automatically revoked. Upon application an extension of time may be granted by the Planning Commission.

(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-11. Conformance to approval.

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto. Nonconformance shall be grounds for refusing to issue, or revoking, an occupancy permit.

(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-12. Modification.

No modification in the site plan may be made without the prior approval of the Planning Commission under the regular approval procedure provided by this Chapter. All shall satisfy the requirements and intent of this Chapter. The Planning Commission may revoke or modify a design approval which does not conform to all provisions of the approved permit.

(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-13. Bonds and bond agreements for public improvements.

All public improvements, as defined in Section 7-1-5, required by the City as part of the approved site plan shall comply with the bonding requirements of Section 7-19-12. No building permit shall be issued without verification from the City Attorney that a satisfactory bond and bond agreement have been provided by the applicant.

(Ord. 1998-24, 08-05-1998)

7-11-14. Reimbursement.

All site plan approvals shall be conditioned upon and subject to the payment of appropriate reimbursement amounts as determined in accordance with Tooele City Code §7-19-13.

(Ord. 2005-06, 05-18-2005) (Ord. 2000-02, 01-19-2000)

7-11-15. Water Rights.

All site plan approvals are conditioned upon compliance with the water rights conveyance requirements of Title 7, Chapter 26. No building permit shall be issued without verification from the Public Works Director that the required water rights have been conveyed to and accepted by the City.

(Ord. 2000-02, 01-19-2000)

7-11-16. Failure to act.

Should the applicant for any submitted application under this Chapter fail to resubmit corrected plans or application materials from any City review of the

application within 180 calendar days from the return of that City review, the application shall be considered abandoned. Prior to an application being deemed abandoned, the Community Development Department shall provide to the applicant a notice of potential abandonment at least 30 calendar days prior to abandonment. Following abandonment, the City shall determine the expended portion of fees paid through all efforts involved with the application up to and including the process of abandonment and all unexpended application fees refunded to the applicant. For the purpose of entitlements by this Chapter, abandoned applications shall be considered as if having never been submitted for review. An abandoned application may be resubmitted as a new application at any time following abandonment, including the payment of new application fees and a complete package of application materials, and shall be subject to all requirements applicable at the time of the new submission.

(Ord. 2021-02, 01-20-2021)