

## **Chapter 29.44-24 Design Review.** <sup>1</sup>

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### **29.44-24.010. Purpose.**

The purpose and intent of design review is to secure the general purposes of this Ordinance and the master plan and to insure that the general appearance of buildings and structures and the development of the land shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

It shall not be the intent of this Chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color, or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings.

### **29.44-24.020. Application and Review.**

All applications for occupancy permits or building permits for all buildings and structures, except for single family and two family dwellings and their accessory buildings, shall be accompanied by architectural and site development plans to scale which shall show building locations, landscaping, prominent existing trees, ground treatment, fences, off-street parking and circulation, location and size of the adjacent streets, north arrow and property lines, drawings of the major exterior elevations, the building materials, proposed exterior color scheme, existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the Planning Commission, except that the review and approval of such permits by the zoning administrator may be authorized by the Planning Commission when the application meets all requirements of this ordinance. The number of sets of architectural and site development plans to be submitted shall be determined by the zoning administrator. <sup>2</sup> All of the above required architectural and site development plans shall have been reviewed and approved prior to the issuing of a building permit.

### **29.44-24.030. Exceptions.**

For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permits or planned unit development approval and need not be a separate application, provided the requirements of this Chapter are met. Agricultural buildings are exempt.

### **29.44-24.040. Planning Commission Approval.**

The Planning Commission, or the zoning administrator when authorized by the Planning Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with this Chapter and with the general objectives of this Ordinance, and shall give or withhold approval accordingly. Denial of approval by the zoning administrator may be appealed to the Planning Commission, and denial by the Planning Commission may be appealed to the local Governing Body, as provided for appeals in this Ordinance.

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<sup>1</sup> Numbering changed with Ordinance No. 07-13, dated 7/19/07

<sup>2</sup> Ordinance No. 98-36, 7/30/98

**29.44-24.050. Considerations in Review of Applications.**

The Planning Commission and the zoning administrator shall consider the following matters, and others when applicable, in their review of applications:

- A. Considerations relating to traffic safety and traffic congestion:
  - 1. The effect of the site development Plan on traffic conditions on abutting streets.
  - 2. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
  - 3. The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
  - 4. The location, arrangement, and dimensions of truck loading and unloading facilities.
  - 5. The circulation patterns within the boundaries of the development.
  - 6. The surfacing and lighting of off-street parking facilities.
- B. Considerations relating to outdoor advertising:
  - 1. 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 adjacent development.
- C. Considerations relating to landscaping:
  - 1. The location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
  - 2. The planting of ground cover or other surfacing to prevent dust and erosion.
  - 3. The unnecessary destruction of existing healthy trees.
- D. Considerations relating to buildings and site layout:
  - 1. Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, all in relationship to the neighborhood.
  - 2. Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street (or streets), line and pitch of roofs, and the arrangement of structures on the parcel.
- E. Considerations relating to drainage:
  - 1. The effect of the site development plan on the adequacy of the storm and surface water drainage.

**29.44-24.060. Conditions.**

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

**29.44-24.070. Findings and Decision.**

Upon a finding by the Planning Commission or zoning administrator that the application meets the intent of this Chapter, the design approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied.

**29.44-24.080. Notification of Approval or Denial.**

Upon the grant of design approval, the secretary of the Planning Commission shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereto, or the fact of denial and the reasons therefor.

**29.44-24.090. Time Limitations on Approval.**

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, or by the zoning administrator if authorized.

**29.44-24.100. Transfer of Approval upon Change in Use.**

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the Planning Commission, or the zoning administrator if authorized to do so. If the transfer is not approved, a new application must be filed.

**29.44-24.110. Conformance to Approval.**

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

**29.44-24.120. Modification.**

Upon request of the applicant, modifications in the approved plan may be made by the Planning Commission or the zoning administrator if authorized to do so, if it is found that the modification will meet requirements of this Chapter. The Planning Commission may revoke or modify a design approval which does not conform to any requirement of the approval permit.

**29.44-24.130. Supplemental Provisions for RDA District #1.**

A. Purpose. The purpose and intent of design review within the downtown Main Street district bounded by 100 North on the north, 200 South on the South, 100 East on the east, and 100 West on the west, is to secure the general purposes of this ordinance and the general plan and to ensure that the general appearance of buildings, structures, signs, and the development of the land shall in no case be such as would impair the historic character and appearance of the central business district of Brigham City.

To this end, under provisions of this Chapter, design review may restrict or specify the particular architectural design proposed and specify the exterior detail or design, color, or materials proposed by the applicant.

All applications for development or redevelopment requiring review under this chapter shall be designed in conformance with the RDA #1 Design Guidelines.

B. Application and Review. All applications for occupancy permits or building permits for all buildings, structures, and signs shall be accompanied by architectural and site development plans to scale which shall show, where determined by the zoning administrator to be appropriate and necessary to the approval process, building locations, proposed landscaping, prominent existing trees, ground treatment, fences, parking and circulation, location and size of the adjacent streets, north arrow and property lines, drawings of the major exterior elevations, the building materials, proposed exterior color scheme, existing grades and proposed new grades, and existing and proposed signage. Upon submittal of required architectural and site development plans for buildings, structures, and new site development<sup>3</sup>, such drawings and sketches shall be referred by the zoning administrator to the RDA #1 Design Committee for its comments. Prior to referral of the application to the Planning Commission, the RDA #1 Design Committee shall review the application for compliance with the RDA Area #1 Design Guidelines and shall provide to the Planning Commission a report outlining its recommendations regarding the application. Following the required review by the RDA #1 Design Committee, review and approval of such permits by the zoning administrator may be authorized by the Planning Commission when the application meets all requirements of this ordinance. All of the above required architectural and site development plans shall have been reviewed and approved prior to the issuing of a building permit. Building permits for signs shall be referred to the Redevelopment Agency Executive Director who shall review the proposed sign for compliance with the RDA #1 Design Guidelines and may approve such permits when compliance with the RDA #1 Design Guidelines is found.<sup>2</sup>

C. RDA #1 Design Review Committee - Composition and Responsibilities.

1. As referenced in this Chapter, the RDA #1 Design Review Committee shall be appointed by the Mayor and shall consist of the following members: one member appointed from the membership of the City Council, one member appointed from the membership of the Planning Commission, the City Planner or his or her designee, three members with demonstrated expertise in urban design, and one member at large. Terms for the City Council and Planning Commission representatives shall be concurrent with their terms of office or appointment, and the City Planner shall serve during the duration of his or her employment with the City. Terms of the remainder of the committee shall be staggered so that one member will serve for one year, one member will serve for two years, and the remaining two will serve for three years. Thereafter, upon the completion of the original terms, appointments shall run for a term of three years.

2. The RDA #1 Design Review Committee shall be responsible for reviewing submissions as specified in paragraph B, as well as applications for the RDA #1 facade grant program. The committee shall meet on an as needed basis, on Tuesday of the week following submittal to the Planning and zoning office of an application requiring Planning Commission approval under this chapter. A report of the committee's findings shall be submitted to the zoning administrator by 12:00 p.m. on the Friday following the committee's meeting. The report of the RDA #1 Design Review Committee shall be forwarded to the Planning Commission for its consideration.

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<sup>3</sup> Ordinance No. 01-38, dated 11/1/01

D. Exceptions. For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permits or planned unit development approval and need not be a separate application, provided the requirements of this Chapter are met.

E. Planning Commission Approval. The Planning Commission, or the zoning administrator when authorized by the Planning Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with this Chapter and with the general objectives of the Ordinance, and shall give or withhold approval accordingly. Actions of the zoning administrator may be appealed to the Planning Commission, and actions of the Planning Commission may be appealed to the Redevelopment Agency.

F. Considerations in Review of Applications. The Planning Commission and the zoning administrator shall consider the following matters, and other when applicable, 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.
2. Considerations relating to outdoor advertising:
  - a. The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards, the appearance and harmony with adjacent development, and conformance to the RDA #1 Design Guidelines.
3. Consideration relating to landscaping:
  - a. The location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
  - b. The planting of ground cover or other surfacing to prevent dust and erosion.
  - c. The unnecessary destruction of existing healthy trees.
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 the neighborhood.
  - b. Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street (or streets), line and pitch of roofs, the arrangement of structures on the parcel, and any other aspect of design determined by the Planning Commission to be valid.
  - c. Consideration of the report from the RDA #1 Design Committee regarding conformance to the established design guidelines for the downtown Main Street district.
5. Considerations relating to drainage:
  - a. The effect of the site development plan on the adequacy of the storm and surface water drainage.

G. Conditions. The Planning Commission, or the zoning administrator when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the considerations of this Chapter as the Commission or zoning administrator deems reasonable and necessary under the circumstances to carry out the intent of this Chapter.

H. Findings and Decision. Upon a finding by the Planning Commission or zoning administrator that the application meets the intent of this Chapter, the design approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied.

I. Notification of Approval or Denial. Upon the granting of design approval, the secretary of the Planning Commission shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the granting and any conditions attached thereto, or the fact of denial and the reasons therefor.

J. Time Limitations on Approval. 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 the date of notification or approval, the approval shall be deemed automatically revoked. Upon application an extension of one additional year may be granted by the Planning Commission, or by the zoning administrator if authorized.

K. Transfer of Approval Upon Change in Use. Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval

was granted is changed, unless the approval is transferred by the Planning Commission, or the zoning administrator if authorized to do so. If the transfer is not approved, a new application must be filed.

L. Conformance to Approval. Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

M. Modification. Upon request of the applicant, modifications in the approved plan may be made by the Planning Commission or the zoning administrator if authorized to do so, if it is found that the modification will meet requirements of this Chapter. The Planning Commission may revoke or modify a design approval which does not conform to any requirement of the approval permit.<sup>4</sup>

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<sup>4</sup> Ordinance No. 97-23, 9/25/97