



Brighton Comprehensive Code
OAM2023-001056
Public Hearing

January 2024 Meeting

Planner: Morgan Julian

INTRODUCTION

Tonight's public meeting is being held to meet state code requirements for the recommendation for adoption of Title 19 of the Town of Brighton Municipal Code.

Following the public meeting, the Planning Commission may recommend adoption, recommend to adopt with changes, or reject the ordinances; or postpone the recommendation to Council to a future public meeting to allow time for Planning Commission members to review the proposed ordinances.

ZONING

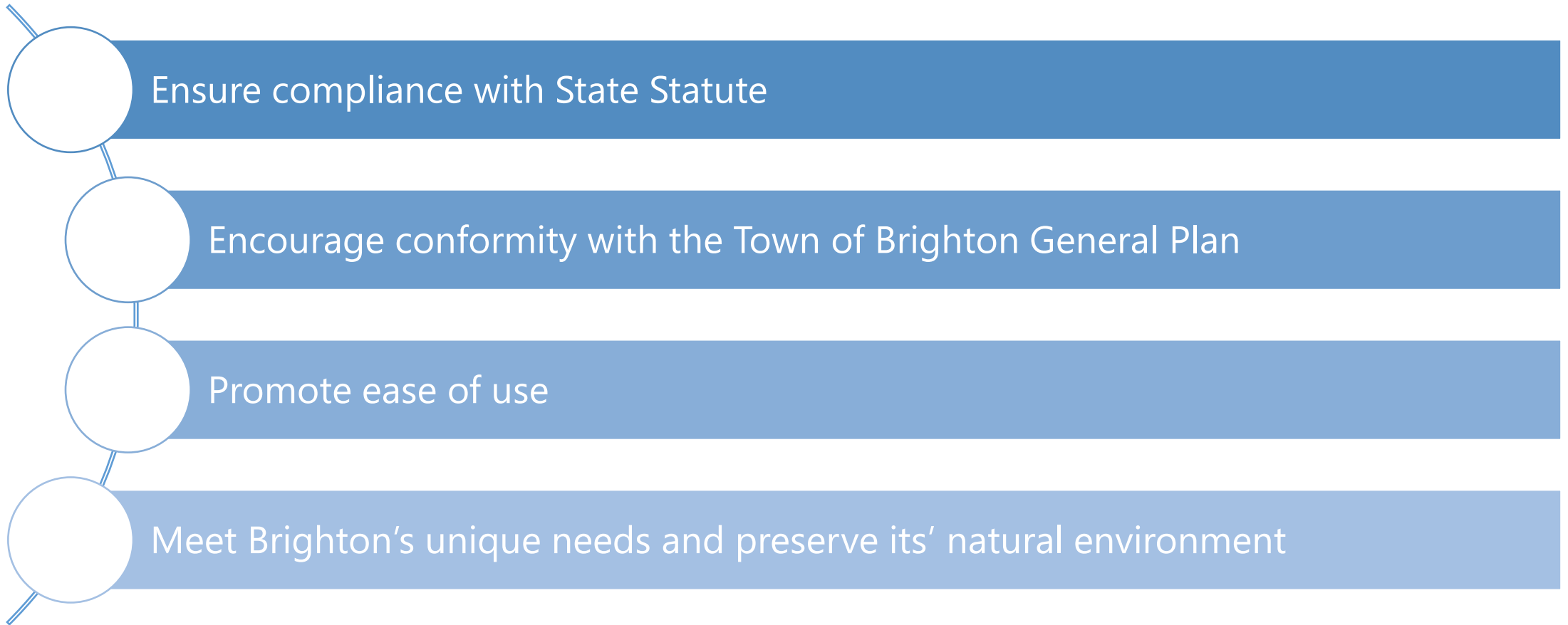


What is Zoning?

“A police power measure in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.” (Sacramento, Calif.)

**Tools for protecting public health, safety, and welfare,
and for implementing the vision of the General Plan.**

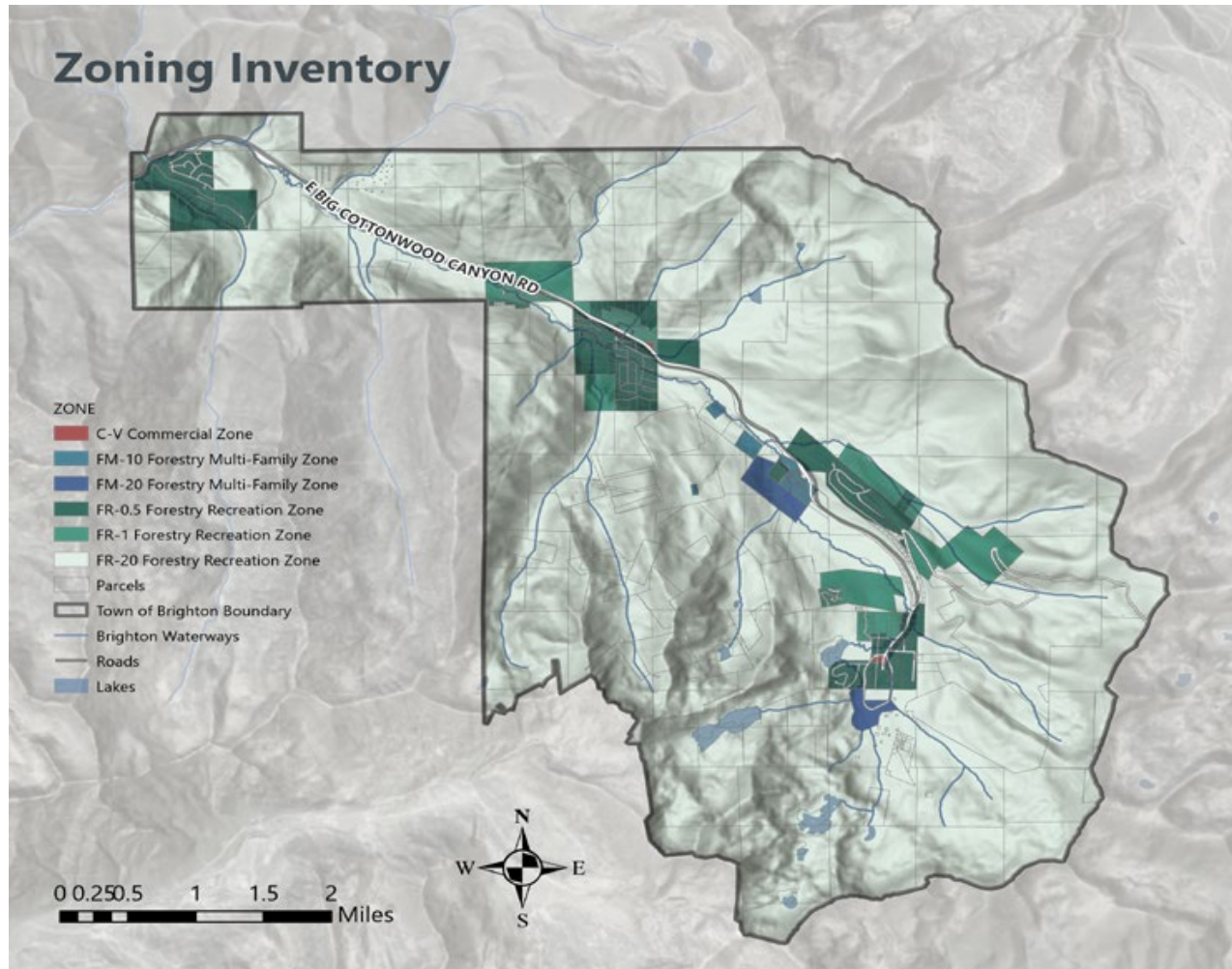
PROJECT PURPOSE



CONTENT: TITLE 19 ZONING

- Chapter 19.02: Title, Purpose, and Applicability
- Chapter 19.04: Definitions
- Chapter 19.06: Nonconforming Use and Noncomplying Structures
- Chapter 19.08: Enforcement
- Chapter 19.10: Procedures for Analyzing Takings Claims
- Chapter 19.12: Administrative Bodies, Powers, and Duties
- Chapter 19.14: Zones, Zoning Map, and Boundaries
- Chapter 19.16: Land Use Processes and Procedures
- Chapter 19.20: Appeals, Variance, and Exceptions
- Chapter 19.22: Parks and Open Space Zones
- Chapter 19.24: Forestry Zones
- Chapter 19.32: Commercial Zones
- Chapter 19.38: Foothills and Canyons Overlay Zone
- Chapter 19.42: Specific Use Standards
- Chapter 19.46: Site Development Standards
- Chapter 19.48: Off-Street Parking and Mobility
- Chapter 19.52: Signs
- Chapter 19.54: Dark Skies
- Chapter 19.56: Flood Plain Regulations
- Chapter 19.58: Geological Hazards

BRIGHTON'S CURRENT ZONING MAP



Tonight's public hearing is concerning **text amendments ONLY**. No change to the zoning map is currently being proposed.

A grayscale illustration of a house on a hill. The house has a gabled roof and a small porch. In the background, there are several tall evergreen trees and a mountain range under a light sky. The entire scene is rendered in shades of gray.

TONIGHT'S CODE DISCUSSION

CHAPTER REMOVALS

- Water Efficient Landscape Design And Development Standards (19.77)
 - This chapter was removed as irrigation is not allowed in Brighton and all appropriate vegetation standards are listed in the FCOZ chapter.
- Planned Unit Developments (19.78)
 - This chapter was removed as PUDs are not feasible in Brighton due to topography. Cluster development standards, delineated in FCOZ, are more appropriate for the Town.

REVISIONS 19.04 DEFINITIONS AND 19.16 LAND USE PROCESS PROCEDURES

- 19.04 Definitions
 - “Breezeway” Ordinance #2021-9-2
 - “Second Kitchen” Ordinance #2021-9-2
- 19.16 Land Use Process
 - 19.16.020 General Administrative Procedures
 - Needs to be reworded to match language adopted by Brighton in Ordinance #2022-0-10-2

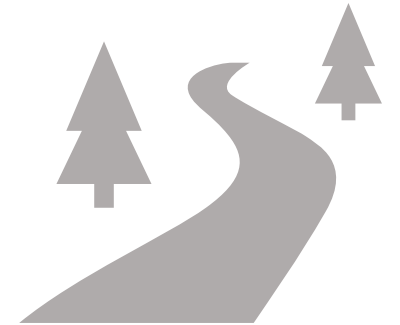
REVISIONS 19.20 SPECIAL EXCEPTIONS

- 19.20.020 (B)(2a 2-4)-Remove
 - a. The Land Use Hearing Officer may consider approval of the following special exceptions:
 2. The enlargement of or addition to a noncomplying structure or a structure occupied by a nonconforming use.
 3. The relocation of a noncomplying structure or a nonconforming use to another portion of the lot.
 4. The reconstruction on a lot of a noncomplying structure or a structure occupied by a nonconforming use.

PARKS AND OPEN SPACE ZONE (19.20)

This new chapter creates zoning districts specifically for recreation and open spaces, with preservation of the natural environment as the primary goal. The zones are intended for application on the Town of Brighton's existing open space.

This Zone allows for recreational uses such as commercial recreation (both public and private), trails, and parks.



FORESTRY ZONE (19.24)

- Residential Building Size Limitations in the Forestry Zones Chapter
 - Maximum building size: 4,500 gross square feet
 - Setbacks: 8 feet from property line and 10 feet from any right of way
- Use Schedule
 - Reduced to reflect more residential uses
 - Bed and Breakfast Homestay vs Bed and Breakfast Inn (Commercial Zone Only?)
- Dwelling Groups
 - a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common
 - Does Planning Commission want to keep this as a permitted use?

Uses Removed from FZ:

- Agriculture
- Household Pets
- Beer Outlets
- Commercial and Private Recreation
- Commercial Daycares
- Horses and other animals
- Restaurants with Liquor License
- Logging
- Offices
- Underground Vaults
- Apartments
- Packing Agencies
- State Store

FORESTRY ZONE (19.24)

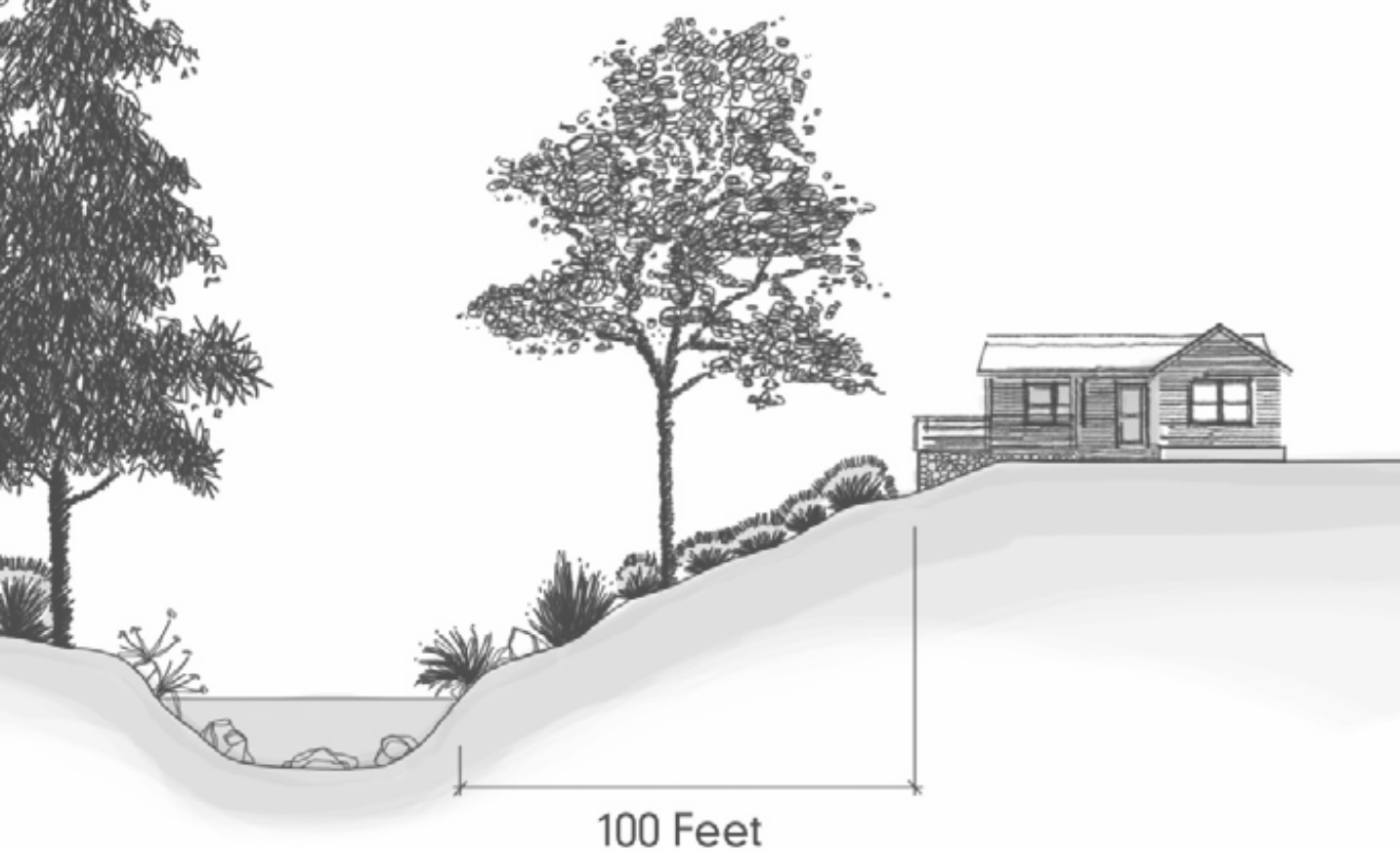
- Remove language in Building Height to say only “no building or structure shall exceed 30 feet”
 - C. Building Height. Except as otherwise specifically provided in this Title, no building or structure shall exceed thirty feet (30') on property where the slope of the original ground surface exceed fifteen percent (15%), or the property is located in the Foothills and Canyons Overlay Zone.
- Adding Conditional Use provision
 - This subsection was adopted under Ordinance #2022-0-10-2 and was not transferred to the new code.
- Remove “Caretaker Living Quarters”
 - Too similar to “Living Quarters for Employees” that was removed in the existing code under Ordinance #2021-9-2 and was brought in from model code.

FOOTHILLS AND CANYONS OVERLAY ZONE (19.38)

- Reducing Limits of Disturbance in the Foothills and Canyons Overlay Zone Chapter.
 - Maximum LOD: 10,000 square feet or 40% of the lot; whichever is less
 - Minimum LOD: 3,000 square feet or the size of the lot; whatever is less
- Adding vegetation language from landscape chapter.
 - Transferring language from the existing landscape chapter regarding removing non-significant vegetation



FOOTHILLS AND CANYONS OVERLAY ZONE (19.38)



- Council recommends changing the setback from perennial streams from 50 feet to 100 feet (19.38.130 D.1)

G. Modification of Setbacks.

1. The Planning Commission has discretion to administratively reduce the perennial corridor and wetlands setbacks by a maximum of twenty-five percent (25%) where applicable upon satisfaction of the following criteria:
 - a. The modification is designed to yield:
 - (1) More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
 - (2) Less visual impact on the property or on the surrounding area; or
 - (3) Better protection of wildlife habitat; or
 - b. Strict application of the standard(s) would render a site undevelopable.

COMMERCIAL ZONE (19.32)

- Chapter 19.32 (CV Commercial Zone) has not changed from the current code but is being renumbered.
 - Suggest small revisions for now but full revision should wait until after the Brighton Neighborhood Nodes Design Plan
 - Suggest to remove the following uses:
 1. Automobile service station, campground and travel trailer park
 2. Class C fireworks store
 3. Tourist Court and Motor Hotel (Keep Motel and Hotel?)
 - Suggest to remove language on single-family dwellings as they are not allowed in the zone anyway.

SPECIFIC USE STANDARDS (19.42)

- Dwelling Groups
 - Existing criteria will need to be added in this chapter if PC keeps this use in the Forestry Zone
- Short-term Rentals
 - Existing criteria will need to be added in this chapter
- Bed and Breakfast Inn
 - Does Planning Commission want to add a standard that requires Bed and Breakfast Inns to be connected to sewer and prohibit septic for this use?
 - Does Planning Commission want Bed and Breakfast Inns to be Owner-Occupied?
- 19.42.170 B.5.-Remove
 - Snowblower or small engine repair not including vehicles engines;
- 19.42.180 A.1. –Remove Minimum of 3 Floors
- 19.42.180 A.3. –Remove Hot tubs and Swimming Pools

SITE DEVELOPMENT STANDARDS 19.46

- 19.46.090 F –Remove Wood Material Language
 - The building shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, fiberglass or metal tiles or slate or built-up gravel materials.
- 19.46.090 J.2. –Include More Specific Language Possibly
 - (Proposed) 19.46.090 (J)(2).

Roof structures above the maximum height that provide utilities, safety measures, or building code requirements may be erected above the height limits prescribed in this Title, but no space above the height limit shall be allowed for the purpose of providing additional floor space. Roof structure for this purpose may not exceed a maximum of twenty feet (20') above the maximum allowed building height unless otherwise specified in this Title.
 - (Existing) 19.76.190 Height Limitations - Exceptions

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures, may be erected above the height limits prescribed in this title, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and no heights are permitted above the maximum allowed under airport height provisions.

SIGNS (19.52)

- Would Planning Commission like to remove this time provision for Holiday lights to accommodate for the memorial located on Solitude's property in tribute to a former Ski Patrol? (19.52.050 D)
- Does Planning Commission want to assign the duty of approval to Town Council for murals? (19.52.050 Q)
- Does Planning Commission want to permit Pole Signs in Brighton? (19.52.070)
- Does Planning Commission want to adjust the required height for monument signs to accommodate Solitude's Village sign? (19.52.070)



DARK SKIES (19.54)

1. Encourage lighting practices that minimize light pollution, glare, light trespass, and sky glow to preserve and enhance views of the night sky.
2. Maintain the mountainous community character of the Town of Brighton.
3. Protect ecological conditions and nocturnal wildlife within the Town of Brighton.
4. Maintain nighttime safety, utility, and security.
5. Encourage lighting practices that promote energy conservation.



KEY REVISIONS TO ALL OTHER CHAPTERS

- Chapters 19.02 – 19.20 are administrative chapters that have been reviewed closely by Staff and two legal teams.
 - Most of the language in these chapters have not changed and closely follows State Code.
 - Most of the changes that have occurred in these chapters are re-organizing and re-numbering.
 - 19.04 (Definitions) has included more definitions than what it is in the existing code.
 - 19.06 (Nonconforming Uses and Noncomplying Structures) was adopted in December 2023, and is only included for renumbering purposes.
- Chapters 19.56 (Floodplain Hazards Regulation) and 19.58 (Geological Hazards Ordinance) have changed to better reflect State Code and they have been reorganized.

REVIEW IN ADDITION TO PLANNING COMMISSION AND COUNCIL

MSD Current Planning Team (All Chapters)

MSD and Brighton's Legal Team (All Chapters)

SLCo District Attorney's Office (Chapter 19.52)

International Sign Association and Sign Research Foundation (Chapter 19.52)

International Dark Skies Association (Utah Chapter) and the SLCo Audubon Society (Chapter 19.54)

SLCo Engineering Staff (Chapter 19.48, 19.56 and 19.58)

Salt Lake City Department of Public Utilities and Salt Lake Country Health Department were provided a copy for review

STAFF FINDINGS

The drafted ordinance further the goals of the General Plan

The drafted ordinance increases the clarity and navigability of the ordinance for the staff and the public

The drafted ordinance meets existing state code requirements

The Planning Commission and Council received all drafted Chapters in December 2023, and have had the opportunity to provide feedback to staff virtually and in-person.

The revisions to Title 19 are expected to meet the project goals identified by the Council and project team. Any legal non-conformities created will be able to continue into the future.

STAFF RECOMMENDATION

The project team has thoroughly reviewed the drafted Title 19 Ordinance. In addition, the draft was sent to additional MSD departments, outside partners, and the Commission and Council for comment.

Given the findings, staff recommends that the Planning Commission make a:

Recommendation of adoption with revisions which include grammar, formatting, or referencing revisions or other revisions as determined necessary to prepare the final drafts for adoption; and to include criteria for Short-term Rentals in the Specific Use Standards Chapter (19.42); and references for this chapter in the Forestry Zone Chapter (19.24); and to include any non-substantive revisions as determined by the Town of Brighton's legal team.

NEXT STEPS

Planning Commission Recommendation to Council

Parks and Open Space Zone will become a potential option for property owner

Commercial Zone will be revisited once the Brighton Neighborhood Nodes Design Plan is completed

Title 18 (Subdivisions) will have to be revised by the end of the year which may trigger changes to Title 14 (Highways, Sidewalks, and Public Spaces)



Thank you

Morgan Julian

Long Range Planner II

Greater Salt Lake Municipal Services District

mojulian@msd.utah.gov

(385) 377-3765

Title 19 Zoning

Chapter 19.02: Title, Purpose, and Applicability

- Chapter 19.04: Definitions **with future revisions**

Chapter 19.06: Nonconforming Use and Noncomplying Structures

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