

BRIGHTON TOWN COUNCIL MEETING AGENDA

Tuesday, April 9th, 2024, at 6:30 pm

NOTICE is hereby given that the Brighton Town Council will meet on Tuesday, April 9th, 2024, for its regular meeting at 6:30pm, in a hybrid format. In person at Fire Station 108, 7688 S Big Cottonwood Canyon Road, and electronically via Zoom.

TO JOIN THE ZOOM MEETING

Join Zoom Meeting

<https://us02web.zoom.us/j/88336077345>

Meeting ID: 883 3607 7345

One tap mobile

(669)444-9171

1. CALL TO ORDER AT 6:30 PM.

2. PUBLIC HEARING

OAM2023-001056: Title 19 (Zoning) Ordinance Amendment. On January 31st, 2024, Planning Commission, after holding a public hearing, recommended adoption of the entirety of the Title 19 Amendment 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 any non-substantive revisions as determined by the Town of Brighton's legal team. On April 9, 2024, the Town Council will hold a public hearing on the following remaining chapters: Chapters 19.04 (Definitions), 19.06 (Nonconformities), 19.08 (Enforcement), 19.10 (Procedures for Analyzing Taking Claims), 19.12 (Administrative Bodies Powers and Duties), 19.14 (Zoning, Zoning Map and Boundaries), 19.16 (Land Use Processes and Procedures), 19.20 (Appeals, Variances, and Exceptions), 19.22 (Parks and Open Space), 19.46 (Site Development Standards), 19.48 (Off Street Parking and Mobility Standards), 19.52 (Signs), and 19.54 (Dark Skies). In addition, Staff would ask that the Council review and consider updates to Chapter 19.24 (FR zones) and 19.42 (Specific Use Standards) due to some errors in the prior draft presented on February 13, 2024. Adoption of the above listed Chapters along with Chapter 19.32 (Commercial Zones) and 19.38 (FCOZ), adopted on February 13, 2024, and Chapters 19.02 (Title, Purpose, Applicability), Chapter 19.56 (Flood Plain Regulations and 19.58 (Geological Hazards) adopted on March 12, 2024) will repeal and replace the existing Title 19. Staff recommend adopting the above Chapters and repealing and replacing existing Title 19. The Public Hearing will also include discussion the building height definition in 19.04 and Gross Square Footage in the FR zones, both of which staff recommends holding a public hearing but continuing the decision to the May 14, 2024, Council Meeting.

Planner: Morgan Julian. For discussion and possible action. Decision on Gross Square Footage and Building Height will be continued to May meeting.

The report can be read here: [Staff Report_Council April 9_Brighton Title 19 Code.pdf\(Review\) - Adobe cloud storage](https://www.adobe.com/acrobat/acrobat-cloud-storage.html). Or packet pages 10-234.

3. ANNOUNCEMENTS

- a. STR Subcommittee meeting date: TBD
- b. Planning Commission meeting date: 4/17/24 for Conditional use approval for a Verizon Wireless communication facility (60' tall monopole).

- 4. PUBLIC INPUT** You can email your comment to townclerk@brighton.utah.gov a ahead of time to be read during the public input section. You may also use the raise hand feature to speak at this time. All comments during the meeting shall be held until section 9.
- 5. MINUTES** Approval of Town Council Minutes for March 12th, 2024. Pages 3-9.
- 6. UPD** Cheryl Lenzer
- 7. UFA** Dusty Dern

8. SKI RESORTS

Solitude
Brighton

9. BUSINESS

- a. Revised and Restated Interlocal Cooperation Agreement Between Public Entities Governing the Unified Police Department of Greater Salt Lake. For discussion and possible action. Pages 235-277.

- 10. PUBLIC INPUT** The chat box will reopen for written public comment. You may also use the raise hand feature to provide verbal input.

11. REPORTS

- a. Mayor's Report
- b. Council Members' Reports
- c. Emergency Management Report
- d. BCCA Report

12. PROPOSALS FOR FUTURE AGENDA ITEMS

- a. Resolution adopting the Tentative Budget for Fiscal Year 2024-2025. For discussion and possible action.

13. CLOSED SESSION

Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property pursuant to per Utah Code §52-4-205.

14. ADJOURN

BRIGHTON TOWN COUNCIL MEETING MINUTES

Tuesday, March 12th, 2024, at 6:30 pm

ATTENDANCE

Dan Knopp (Mayor and meeting chair)

Council Members: Keith Zuspan, Lise Brunhart, Jeff Bossard, Carolyn Keigley

Staff: Polly McLean, Jane Martain, Kara John

Partners: Cheryl Lenzer, Wayne Dial, Dustin Dern, Amber Broadaway, Mike Doyle, Chief Mazuran

Public: Jan Maynard, Save Our Canyons, Angus Robertson, Chad Smith, Nicholas's iPhone, Julie Jag, Mark Brinton, Don Despain, Jan

CLOSED SESSION

Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property pursuant to per Utah Code §52-4-205.

It was decided this closed session was not needed.

ANNOUNCEMENTS

None

PUBLIC INPUT

None

MINUTES

Lise Brunhart moved to approve the minutes for the Town Council Meeting on February 13th, 2024, and Carolyn Keigley seconded the motion. The minutes were approved unanimously.

UPD

Cheryl Lenzer provided a verbal and written report:

For the month of February, the Town of Brighton had 237 calls. Last year we had 344 calls. Even though this month's call volume was down we were still very busy. Most of the calls were Traffic related. There were 16 Traffic Accidents, 4 Hit and Run calls, 8 Canyon Vehicle Assists, 5 Traffic Enforcement calls, 17 Traffic citations and 61 Parking notices. There were 8 Ski Thefts, 1 Fraud, and many Skiers Collision calls at both resorts. There were 4 Search and Rescue calls, 1 Disturbing the Peace, 3 Watersheds including 1 OHV and 2 Camping, 1 Burglar Alarm, 1 Mental Subject, 1 Suspicious Circumstance and 1 Damaged Property. We also had the Trespass/Assault call that made National news. That call is being handled by UPD Det. McArthur.

We had interviews for the open Canyon Patrol spot; however, we don't know when we will be able to have an officer transferred. We have also conducted our last bid for Canyon Patrol as it

is now. This bid will start at the beginning of April and will take us to June 30. Then the transition happens. The bid results will leave the open canyon position on the Afternoon crew. Dayshift will be fully staffed.

Detective Cheryl Lenzer C.O.P/Fraud/Property Crimes
Special Operations/Canyon Patrol and Rescue
Unified Police Department
Dispatch 801-840-4000

UFA

Dusty Dern reported recruit camp is about six weeks in and will be finished by mid-May. Fire School 101 is scheduled on April 12th, and Jeff Bossard is committed to that. They will be receiving several new apparatuses over the next few months. They've been waiting for 2-3 years for these due to post COVID delays. This month they'll receive 6 new ambulances and 3 type 1 fire engines. The engines will go to station 125 Midvale, 104 in Holladay, and 118 Taylorsville. The UFA Board approved the 2024-2026 Strategic Plan. It's on their website for review. It helps focus the budget process and meet goals from that plan to ensure service to the communities. In the coming months, the board will be reviewing the benefits and compensation plan. They will be moving around the CPR training and communities can volunteer to host the training. Class signups are available on their website. Last month there were 78 calls in the canyon and 48 were emergent medical calls at the resorts. Engineer Todd Hurley retired last month. There will be a pancake breakfast at the end of September with the crews and residents.

SKI RESORTS

Brighton

Mike Doyle reported that business has been strong, and they are keeping pace with last season. This Friday Pixy and the Party Grass boys are playing at the Sidewinder. Saturday the Rebel DJ truck will be out. The closing date is still being determined.

Solitude

Amber Broadway reported on the great snow and phenomenal skiing. Lift hours have changed since daylight savings to 9-4pm on Mon-Thurs and 9-5pm on Fri-Sun. The spring events calendar has many great bands coming up. At the end of the month, they are hosting the Red Bull Cascade which is a free ride competition on Powderhorn and Apex. The parking program will continue for weekends through the second week of April. The closing date will be in May.

BUSINESS

- a. **An ordinance of the Town of Brighton amending Title 19 zoning, by repealing Chapter 19.02 Title, Purpose, Applicability, Chapter 19.56 Floodplain Hazard Regulations, and Chapter 19.58 Geological Hazards ordinance. Pages 20-58. Recording 17:44.**

Morgan Julian presented the ordinance and explained the rewrite will meet the state code and reorganize the entire title to make it clearer. Other sections of this chapter have been removed or moved into other chapters for cohesion. They've added a vesting clause that is in the state code, but with some changes. The land use attorney for Brighton made some amendments and things, such as the public noticing clause. The floodplain hazard regulations, 19.56, were reviewed by FEMA and Salt Lake County Public Works Department.

Carolyn Keigley moved to adopt Ordinance 2024-O-3-1, an ordinance of the Town of Brighton amending Title 19 zoning, by repealing Chapter 19.02 Title, Purpose, Applicability, Chapter 19.56 Floodplain Hazard Regulations, and Chapter 19.58 Geological Hazards ordinance.

Lise Brunhart seconded the motion. The motion passed unanimously.

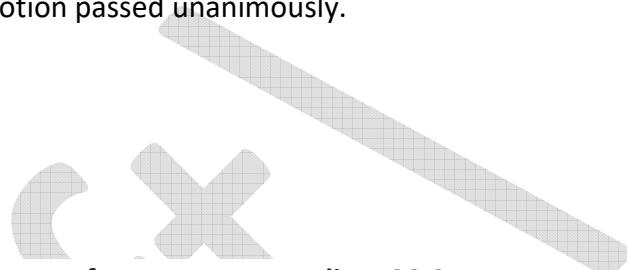
Dan Knopp: Aye

Lise Brunhart: Aye

Jeff Bossard: Aye

Carolyn Keigley: Aye

Keith Zuspan: Aye



b. Discussion and possible action on Law Enforcement. Recording: 28:35.

Carolyn Keigley highlighted the value of service we'll receive from UPD. Additionally, we'll be on the board and will have a say in policy, budget, etc. We'll also have our own officers, and they'll get to know our community. Dan Knopp expressed the importance of being on the board opposed to an advisory committee if we went with the sheriff's office. Partnering with UPD seems like the prudent thing for now. Jeff Bossard was in favor of going with UPD because of the designated officers and the importance of getting to know them. Lise Brunhart agreed and appreciated the UPD presentation last month because it showed how much they care about serving us. Keith Zuspan found UPD favorable but noted the need to address the shortfall between property tax revenue and costs. The Town of Brighton is in great shape to access funds to cover it, but the question at the MSD will be how to make up the funds overall. Carolyn added the benefit that there will always be an officer in the canyon during days and weekends. Dan noted his support for UPD is based on the importance of staying in a service district so that costs are spread among everyone. Polly explained funding is being determined one day at a time. SLVLESA will cover their members costs, but there may not be enough funding to cover all expenses. Polly reviewed the interlocal agreement that will be considered next month. She provided input to ensure there is a formula to calculate member fees. The UPD board will approve the interlocal and then the town can approve it next month. The towns and cities will give commitment with a resolution so that final budget numbers can be determined.

Carolyn Keigley moved to adopt Resolution 2024-R-3-1, a resolution of Town of Brighton Council determining Town of Brighton's choice for policing. Jeff Bossard seconded the motion and it passed unanimously.

Dan Knopp: Aye

Lise Brunhart: Aye

Jeff Bossard: Aye

Carolyn Keigley: Aye

Keith Zuspan: Aye

c. Amendment to Title 5 Business Licenses and Regulations Chapter 5.19 Short Term Rental Section 63 Water Supply and Public Sewer Required. Pages 59-60. Recording: 43:33.

Dan Knopp explained that we passed an ordinance to require an annual water and sewer connection letter upon STR business license renewal. It was realized this is cumbersome for the water and sewer companies and unnecessary. When services are connected to a home, they don't get disconnected. Polly Mclean explained this amendment also changes the terminology from requiring the service to be from a public water system to allowing the system to be managed by a certified water master. Some of the areas that have approved STRs do not have public systems. In this ordinance, an annual letter is not required from the sewer district, but an annual letter is still required from the water companies. This was at the request of Steve McIntosh, the watermaster for many of the companies. Dan expects that some of the water companies may want to be relieved of the annual water letter, but that can be changed in the future as needed.

Jeff Bossard moved to adopt Ordinance 2024-O-3-2, Amendment to Title 5 Business Licenses and Regulations Chapter 5.19 Short Term Rental Section 63 Water Supply and Public Sewer Required. Keith Zuspan seconded the motion and it passed unanimously.

Dan Knopp: Aye

Lise Brunhart: Aye

Jeff Bossard: Aye

Carolyn Keigley: Aye

Keith Zuspan: Aye

d. Authorization for the mayor to purchase a shed for package pick up at the Old Fire Station in an amount up to \$15,000. Recording: 48:24.

Dan Knopp explained this was discussed last month as a solution for people at the Brighton circle since package delivery is often a nuisance with vehicles getting stuck. Tough Shed can deliver and install a basic 8X12 shed for \$5,000. Putting out a request for proposal may allow us to spend a little more and get exactly what we want. If we go larger, we'll need to get a building permit but that would also ensure it's a solid structure that won't collapse under the snow loads. It was decided that shelves and a keypad are important features. The idea is for it to be non-permanent so that it can be moved if we decide to replace it with a full building. Lise Brunhart moved to authorize the mayor to purchase a shed in the amount not to exceed \$15,000. Keith Zuspan seconded the motion and it passed unanimously.

Dan Knopp: Aye

Lise Brunhart: Aye

Jeff Bossard: Aye

Carolyn Keigley: Aye

Keith Zuspan: Aye

e. Mailbox shelter in Silver Fork.

Dan Knopp explained the trouble with making changes to this area is that we don't own the land because it's in the UDOT right of way. Lise wondered about changing the orientation of the boxes, so they aren't facing the road where they get hit with salt and dirt which makes the locks

stick. The mail carrier reported calls from 30 people with issues getting into their mailbox. Lise has personally been through two different locks in the last month. Glenn Paul owns the land that the dumpsters are on and he's allowing the use approximately ten years at a time. Dan will talk with the mail carrier to see if we can find a solution that doesn't require us to build a structure.

PUBLIC INPUT

None

CHAT BOX COMMENTS

None

REPORTS

Mayor's Report

Dan Knopp reported on the volume of public emails he's received about the snowboarder and homeowner incident. Many people want the resident arrested and claim they will never come back to Brighton. The case is being handled by the DA's office. The issue came up in the CWC and Dan has responded to many TV stations covering the news.

Dan has been reviewing the fireworks map with the fire marshal and no changes were made. Fireworks will not be allowed in the canyon.

Next week, Dan will meet with Rocky Mountain Power to review the plan for power line burial in the neighborhoods of Pine Tree and Silver Fork. The work will be disruptive, but they will phase it to keep access to the community. They've agreed to bury some of the secondary lines as well. This will help with fire mitigation. There are residents dealing with 40% rate increases for insurance coverage because of our fire rating. After this project, we'll be able to show the rating agencies the work to help the rating come down.

The UDOT EIS is still on hold due to four lawsuits. In the meantime, they may purchase the land at the gravel pit for \$13M to build a parking garage. They won't start construction until it's settled, but they will look at engineering for how to best get 2,000 cars a day in and out efficiently. They may move forward with phase one, which is to increase buses, improve the road and parking. The UDOT board of trustees may be able to repurpose money that wasn't spent on the initial EIS. It may cover our projects at the Brighton circle.

Council Members' Reports

Carolyn Keigley reported on the trail systems she researched that connect communities, similarly to what we'd like to have. There is the Sierra Butte Trail that goes through 6 counties. There is also the Legacy Trail in Truckee that goes through subdivisions and connects to the downtown area. It is a type 1 trail, and they plow it for year-round access. There is also the Tahoe East Lakeshore Trail that has an underground tunnel section and goes around the lake from Incline Village to Sand Harbor. The South Lake Tahoe trail goes through state parks and there is a potential trail that is planned to go through campgrounds. Carolyn gathered contact information for all the organizations that put the trails together and she's going to start calling to get more background information. There is also the Tahoe Pyramid trail that is an ongoing project and will connect all the trail systems together. In the areas that go through private lands

or campgrounds, there are cost share agreements for the maintenance to be paid for in these areas.

Jeff Bossard was unable to attend the Mosquito Abatement meeting due to other commitments. He provided the information packet on Animal Services.

Lise Brunhart reported that she attended the culinary water meeting at the county. She met with John Knoblock, Chad Smith, and Cheryl Factor about the Silver Lake construction project this summer. There was discussion about beginning the project while there is still snow on the ground so large rocks could be hauled over the snow rather than disturb the dirt. It was decided the dirt disruption can be repaired.

Keith Zuspan reported the Zions Bank account is at \$462,291 which was above average for us. We'll help we'll move some of that money into our PTIF, too. Last month's distribution from the state was \$288,848. Of that, \$264,000 came out of the resort community tax and \$24,000 came out of short-term rental taxes. Interstates with the parking was remitted to us \$7,357. So that's our current intake for the month. PTIF is at \$3.642M. Last month, the interest received was \$15,862, which equates to approximately 5.4% interest annualized.

A contractor for Wasatch Front Waste and Recycling came up to relocate the activation switch for the compactor.

The MSD has been focusing on switching over all the townships to towns and cities and switching budgets from a calendar year to a fiscal year. They are also figuring out how to pay for law enforcement for the new cities and towns.

Emergency Management Report

Jane Martain reported that she's put out communication for a few small road closures and when a bus broke down, but it's been a relatively slow year.

BCCA Report

None

PROPOSALS FOR FUTURE AGENDA ITEMS

- a. Discussion on the 4,500 max square footage limit.

CLOSED SESSION

Carolyn Keigley moved to go into a closes session for a discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property pursuant to per Utah Code §52-4-205. Lise Brunhart seconded the motion. The motion passed unanimously.

ADJOURN

Jeff Bossard moved to adjourn the closed session and Lise Brunhart seconded the motion. Jeff Bossard moved to adjourn the regular meeting and Lise Brunhart seconded the motion. Both meetings were adjourned at 8:55PM.

Submitted by Kara John, Town Clerk

Draft



Meeting Body: Brighton Town Council

Meeting Date: April 9th, 2024

Planner: Morgan Julian, Long Range Planner

Project Name and File Number:
OAM2023-001056

Project Type:

- Repeal and Replace of Text Ordinance
- New Text Ordinance

Areas Affected: Town of Brighton

Key Findings:

- The drafted ordinance furthers 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.

Staff Recommendation:

Staff recommends Council adopts a portion of the Ordinance Amendment and postpone a motion for the other portion to the next Council meeting.



GREATER SALT LAKE
**Municipal Services
District**

EXECUTIVE SUMMARY

MSD Planning & Development Services ("PDS") was tasked by the Town of Brighton Council to lead an overhaul of the community's land use ordinances, including Title 19: Zoning. From the summer of 2023 to January 2024, the Town of Brighton Council ("Council") and Planning Commission ("Commission") were sent drafted revisions of these ordinances (a total of 13 chapters). In 2023, staff held public workshops with the Commission to facilitate in-depth discussions of the drafted ordinances.

Following public hearings held in January, 2024, the Planning Commission recommended adoption with revisions to Council for all Title 19 Chapters. On February 13th, the Council adopted Title 19 Chapters 19.24 Forestry Zones, 19.32 C-V Commercial Zone, 19.38 Foothills and Canyons Overlay Zone, and 19.42 Specific Use Standards. However, the Council voted to request the Planning Commission to reconsider Sections 19.24.050 A: Gross Square Footage of the Combined Primary and Accessory Structures, 19.24.060 A: Development Standards for Accessory Structures in the Forestry Zones, and 19.04.020 (27): Definition of Gross Square Feet. On March 12th, the Council adopted Title 19 Chapters 19.02 Title, Purpose, Applicability, 19.56 Floodplain Hazard Regulations and 19.58 Geological Hazards Ordinance.

During a public hearing on March 20th, the Commission re-discussed and amended the sections of Title 19 requested by the Council. On April 9th, the Council will do a first read of the amended recommendations from Commission for Title 19 Sections 19.24.050 A: Gross Square Footage of the Combined Primary and Accessory Structures, 19.24.060 A: Development Standards for Accessory Structures in the Forestry Zones, and 19.04.020 (27): Definition of Gross Square Footage. A motion regarding the adoption of these sections will be postponed to the following Council meeting in May. On April 9th, the

Council will also hear and may make a motion regarding the adoption of the following Title 19 Chapters: 19.08 Enforcement, 19.10 Procedures for Analyzing Taking Claims, 19.12 Administrative Bodies Powers and Duties, 19.14 Zoning, Zoning Map and Boundaries, 19.16 Land Use Processes and Procedures, 19.20 Appeals, Variances, and Exceptions, 19.46 Site Development Standards, 19.48 Off Street Parking and Mobility Standards, and 19.52 Signs.

Key Revisions:

See Attachment 1, 3, and 4 for more details.

Updates to General Provisions and Administrative Chapters (19.08 Enforcement, 19.10 Procedures For Analyzing Takings, 19.14 Zoning, Zoning Map and Boundaries, and 19.16 Land Use Processes and Procedures and 19.20 Appeals, Variances, and Exceptions). These chapters will replace 19.05 Planning Commission, 19.06 Zones, Maps and boundaries, 19.84 Conditional Uses, 19.90 Amendments and Rezoning, 19.92 Land Use Hearing Officer, 19.93 Procedures for Analyzing Takings Claims and 19.94 Enforcement of the existing code. The goal of updating and reorganizing these chapters is to localize related language that was scattered throughout the ordinance and to ensure that the language within these chapters reflects State Code (See Attachment 1 and 4).

New Development Chapters (19.46 Site Development Standards). 19.46 Site Development Standards is a new chapter that combines provisions related to site development that were scattered across Title 19; it adds additional standards to improve the safety, efficiency, and quality of new development. (See Attachment 1 and 4).

Residential Building Size Limitations in the Forestry Zones Chapters 19.04 Definitions and 19.24 Forestry Zones. 19.24 Forestry Zones is a new chapter that combines all Forestry Zone regulations into one chapter. The Forestry Zones Chapter (FR/FM) is introducing limitations to residential building size. The definition of Building Height in Chapter 19.04 Definitions has been revised, limiting building mass (See Attachment 3 and 4).

STAFF RECOMMENDATION

On January 31st, 2024, Planning Commission, after holding a public hearing, recommended adoption of the entirety of the Title 19 Amendment 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 any non-substantive revisions as determined by the Town of Brighton's legal team. On April 9, 2024, the Town Council will hold a public hearing on the following remaining chapters: Chapters 19.04 (Definitions), 19.06 (Nonconformities), 19.08 (Enforcement), 19.10 (Procedures for Analyzing Taking Claims), 19.12 (Administrative Bodies Powers and Duties), 19.14 (Zoning, Zoning Map and Boundaries), 19.16 (Land Use Processes and Procedures), 19.20 (Appeals, Variances, and Exceptions) , 19.46 (Site Development Standards), 19.48 (Off Street Parking and Mobility Standards), and 19.52 (Signs). In addition, Staff would ask

that the Council review and consider updates to Chapter 19.24 (Forestry zones) and 19.42 (Specific Use Standards) due to some errors in the prior draft presented on February 13, 2024. Adoption of the above listed Chapters along with Chapter 19.32 (Commercial Zones) and 19.38 (FCOZ), adopted on February 13, 2024, and Chapters 19.02 (Title, Purpose, Applicability), Chapter 19.56 (Flood Plain Regulations and 19.58 (Geological Hazards) adopted on March 12, 2024) will repeal and replace the existing Title 19. Staff recommend adopting the above Chapters and repealing and replacing existing Title 19. The Public Hearing will also include discussion the building height definition in 19.04 and Gross Square Footage in the FR zones, both of which staff recommends holding a public hearing but continuing the decision to the May 14, 2024, Council Meeting.

ATTACHMENTS

The following attachments are included as supplementary materials to this staff report:

1. **Project Background:** A summary of the entire Title 19 Zoning Update project.
2. **Project Timeline:** the original project timeline of the Ordinance Draft.
3. **Memo:** Background on the Standard for Building Size Limitation for Single-family Dwellings in the Forestry Zones
4. **Title 19 Public Hearing Draft:** Chapters 19.02 Title, Purpose, Applicability, 19.04 Definitions, 19.08 Enforcement, 19.10 Procedures for Analyzing Taking Claims, 19.12 Administrative Bodies Powers and Duties, 19.14 Zoning, Zoning Map and Boundaries, 19.16 Land Use Processes and Procedures, 19.20 Appeals, Variances, and Exceptions, 19.24 Forestry Zones, 19.32 CV- Commercial Zones and 19.38 Foothills and Canyons Overlay Zone, 19.46 Site Development Standards, 19.48 Off Street Parking and Mobility Standards, 19.52 Signs, 19.56 Flood Plain Regulations and 19.58 Geological Hazards.

ATTACHMENT 1

TITLE 19 ZONING UPDATE PROJECT BACKGROUND

Project Purpose:

Land Use Ordinances determine the use, development, and subdivision of property within a municipality. A municipality's right to implement land use ordinances is tied to its "Police Power" (or to the essential task of protecting public health, safety, and welfare). Private property rights are balanced with public needs, in order to ensure safe, equitable, and sustainable development.

The Town of Brighton identified the need to update its land use ordinances, namely Title 19 (Zoning) in order to achieve the following:

- Ensure compliance with State Statute, which restricts the authority and powers of local government;
- Encourage conformity with the Town of Brighton General Plan, which was adopted in 2022 and sets a vision for the community's future land uses;
- Promote ease of use for both staff and residents by using clear and concise language and incorporating graphics where appropriate; and
- Meet the unique needs and preserve the character of the Town of Brighton community.

Project Timeline:

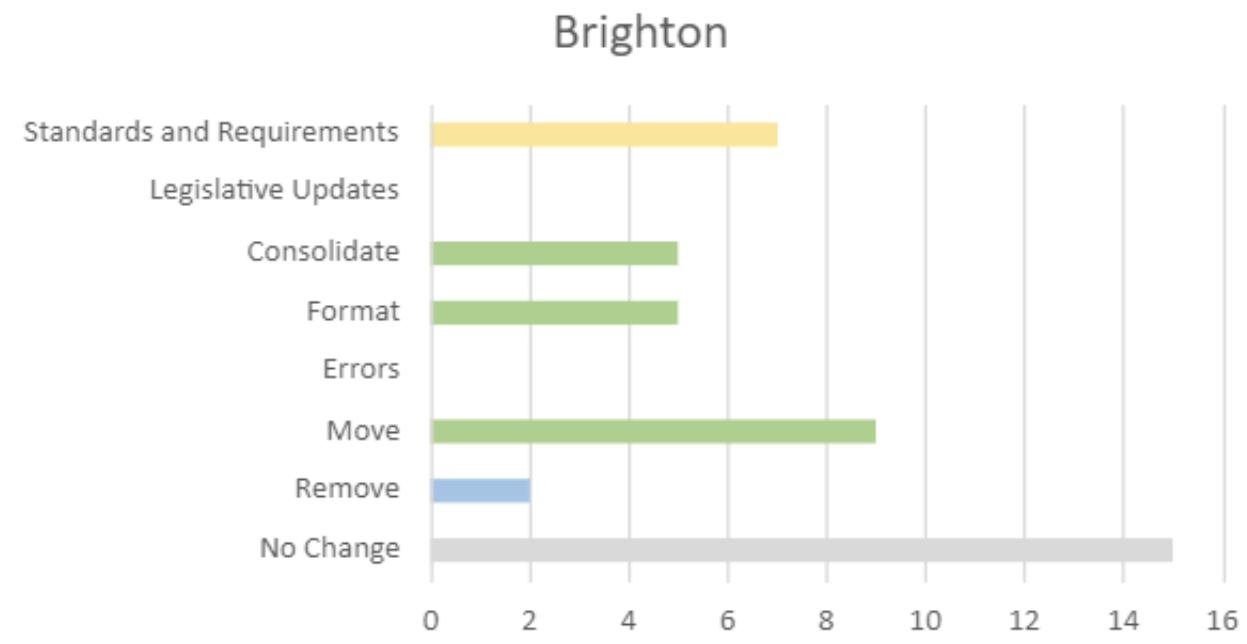
Staff have broken the ordinance-update project down into a series of three phases, as shown in Attachment 2. At the end of each phase, draft versions of the specified chapters were delivered and presented to the Planning Commission and Council for their review and feedback. All the drafted chapters have now been reviewed by and discussed with the Commission, and a final draft version of Title 19, was presented at a public hearing on January 31st, 2024. The Planning Commission recommended adoption with revisions for the entire Title 19 Ordinance. The ordinance will be presented, in parts, to the Town Council for adoption. Adoption of Title 19 is anticipated to occur in early spring of 2024.

Methodology:

Staff performed an in-depth analysis of existing Title 19 Ordinances which served as the basis from which the project team began their revisions. This analysis helped the team understand how much time to allot to various tasks, such as removing outdated sections or obsolete zoning districts, consolidating materials for ease of use, and updating language to reflect recent legislative changes and the vision of the Town of Brighton General Plan. Figure 1 comprehensively portrays the work that staff estimated needed to be completed on the Town of Brighton Ordinances. The bar chart is color-coded to show changes that staff expected to require a low, medium, or high effort. Low-effort actions included the removal of certain sections of code that were no longer applicable (blue). Medium-effort actions involved moving, reformatting, or consolidating chapters or sections of the ordinance, as well as bringing those sections into compliance with State Code (green). Finally, high-effort actions required an updating of chapters or

sections in order to improve standards and requirements or facilitate General Plan implementation (yellow).

Figure 1: Estimation of Town of Brighton Title 19 Needed Actions.



Staff followed several steps in order to produce the drafted chapters.

1. In 2022, staff members were assigned various chapters to research. They drew on model codes, planning best practices, and existing conditions to draft a “model chapter” that other staff members would later use as a basis for code revisions for the Town of Brighton’s Municipal Ordinance.
2. Staff members reviewed each other’s work at weekly Ordinance Update Meetings. Model ordinances were revised in response to feedback.
3. Model Ordinance Chapters were sent to the legal team for review.
4. Staff members revised the model ordinances accordingly.
5. In 2023, staff reviewed the Model Ordinance Chapters and tailored them to reflect the needs of the Town of Brighton. Staff reviewed the Town of Brighton’s General Plan, existing ordinances, pre-analysis, and other sources relevant to the community vision.
6. The tailored draft of Title 19 was sent to Brighton’s land use attorney for review, as well as to the Commission and Council for review.

State Code Requirements:

State Code §10-9a-Part 5 establishes powers and limitations related to municipal land use ordinances. This Section was referenced frequently by staff as they prepared drafted ordinances. The State Code

provides specific guidance for topics such as amateur radios, conditional uses, residential facilities, and accessory dwelling units. State Code language was incorporated into the drafts of Title 19 as applicable.

Section 10-9a-501 and 503 outlines the process for preparing and adopting municipal land use ordinances. The Planning Commission is responsible for holding a public hearing to consider any proposed land use ordinance or amendment. The hearing must be noticed consistent with State Code §10-9a-205. Following the public hearing, the Planning Commission may make a recommendation to the Council regarding the adoption of the drafted ordinances. Only the Council (as the legislative body) can make a final decision on the ordinances.

Decision-Making Authority:

The Town of Brighton Council, as the municipality's legislative body, has the final authority to make a decision regarding the drafted ordinances. However, the Council must first receive a recommendation from the Planning Commission. Following the Planning Commission's recommendation, the Council make a motion to:

- Adopt Title 19 as drafted;
- Adopt Title 19 with revisions; or
- Not adopt Title 19.

ORDINANCE CONTENT

Sections:

The drafted Town of Brighton Title 19 Zoning Ordinance includes the following Chapters:

1. **19.02 TITLE, PURPOSE, AND APPLICABILITY:** this chapter is much shorter than the existing Chapter 19.02 and explains the new format of the zoning ordinance.
2. **19.04 DEFINITIONS:** rather than defining terms in each individual chapter of Title 19, staff relocated all definitions to this single chapter. Where possible, terms and definitions were consolidated to reduce redundancy and improve readability.
3. **19.06 NONCONFORMING USES AND NONCOMPLYING STRUCTURES:** this Chapter has not been modified since it was adopted on December 12th, 2023. This chapter is only being moved from 19.88 to 19.06.
4. **19.08 ENFORCEMENT:** this Chapter was significantly shortened and largely references the Title 12 materials.
5. **19.10 PROCEDURES FOR ANALYZING TAKINGS:** this language is derived from state code; minimal changes were made to the existing Ordinance.
6. **19.12 ADMINISTRATIVE BODIES, POWERS & DUTIES:** this Chapter combines all sections related to authorities and their powers, including the existing Chapter on Planning Commissions, into one comprehensive Chapter. The Chapter defines the roles of the Land Use Hearing Officer (an Administrative Law Judge) and Planning and Development Services Director. Language related to these roles was previously scattered throughout the ordinance or not included at all.

7. **19.14 ESTABLISHMENT OF ZONES, ZONING MAP, AMENDMENTS:** the list of zones established was updated to reflect both newly created zones and those that were removed for the community.
8. **19.16 LAND USE PROCESSES AND PROCEDURES:** all provisions related to land use processes and procedures, including permitted and conditional use application processes, were combined into this Chapter. Clear application standards are articulated for each type of land use application.
9. **19.20 APPEALS, VARIANCES, AND EXCEPTIONS:** this Chapter combines all standards related to variances, exceptions, and appeals in one Chapter.
10. **19.22 PARKS AND OPEN SPACE ZONES:** 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.
11. **19.24 FORESTRY ZONES:** this chapter has been updated to impose more restrictive development standards in an effort to conserve water and other limited resources in the canyon and reduce any adverse impacts of development on infrastructure capacity.
12. **19.32 COMMERCIAL ZONES:** the C-V Commercial Zone Chapter has been renumbered and some uses, and non-substantive language have been removed. Additional changes to the commercial zones are expected following the completion of the Brighton Neighborhood Nodes Plan (2024-2025).
13. **19.38 FOOTHILLS AND CANYONS OVERLAY ZONE (FCOZ):** this chapter has been updated to impose more restrictive standards in an effort to reduce any adverse impacts of development on the Canyons' unique ecosystem and natural resources.
14. **19.42 SPECIFIC USE STANDARDS:** this Chapter is new but does carry some of the previous standards from Supplementary and Qualifying Regulations. Development standards were added for specific uses to encourage quality development, reduce any negative externalities associated with the use, and promote harmonious uses across the community. The standards are intended to regulate those items which the community would typically be concerned with during a conditional use review. Regulating each use through detailed standards allows the community to reduce its reliance on conditional uses and clearly communicate expectations to potential developers.
15. **19.46 SITE DEVELOPMENT STANDARDS:** this is a new chapter that combines provisions related to site development that were scattered across Title 19; it adds additional standards to improve the safety, efficiency, and quality of new development.
16. **19.48 OFF-STREET PARKING AND LOADING:** this chapter makes several changes to the existing ordinance, including organizing the required number of off-street parking spaces into a single table based on land use, adding parking maximums, addressing vehicle stacking and loading spaces, and articulating mobility and pedestrian circulation standards for parking lots.
17. **19.52 SIGNS:** this Chapter was significantly revised to achieve consistency with recent federal case law. In addition, lists of exempt and prohibited signs were expanded to reflect planning best practices, prevent unnecessary sign clutter, improve safety, and protect community character.

18. **19.54 DARK SKIES:** this is a new chapter that provides standards to encourage lighting practices that minimize light pollution, glare, light trespass, and sky glow to preserve and enhance views of the night sky. These provisions also aim to protect ecological conditions and nocturnal wildlife within the town.
19. **19.56 FLOOD PLAIN REGULATIONS:** this Chapter was updated to match current FEMA standards.
20. **19.58 GEOLOGICAL HAZARDS:** the Geologic Hazards Chapter retains the same content as what is existing in Title 19 but has been renumbered and reformatted to match the rest of the drafted ordinances.

Existing Conditions:

The existing Zoning Ordinance (Title 19) is largely carried-over from Salt Lake County's Land Use Code and has not changed significantly since Brighton incorporated as a Town. This Ordinance was very general as it was meant to serve all areas of the county and was not tailored to any one community. In 2022, the Town of Brighton adopted its' General Plan that identified specific goals for the Town's future development. The existing Ordinance does not contain the language necessary to achieve these goals.

Not only does the current Ordinance not address the specific needs and concerns of the Brighton community, but the ordinance is also very outdated and cumbersome. State legislation has changed in recent years and the current code has not yet been updated to ensure compliance with State Statute. Furthermore, the format of the existing code is decentralized, and hard to read. It does not promote ease of use for either staff or residents.

Proposed Solution:

- Chapters and standards have been modified and tailored to reflect the goals of the Town as identified in the General Plan.
- The existing ordinance is filled with extensive lists of permitted and conditional uses. These uses have been consolidated to group similar uses together in easily navigable use tables.
- Typical ordinance elements such as setback, parking, development and other standards that were absent in the existing ordinance have been addressed.
- The very short and insufficient definitions chapter in the existing ordinance has been greatly expanded to include each use listed in a use table.
- Use standards were infrequent in the previous ordinance. Use standards for many more uses have been created to eliminate the need for conditional uses.
- Site Development Standards have been consolidated into one chapter and brought up to date with modern best practices.
- The ordinance as a whole has been written to be more navigable for both the staff and the public.

Key Revisions:

1. **Residential Building Size Limitations in the Forestry Zones Chapter (19.24).** The Forestry Zones Chapter (FR/FM) is introducing setbacks standards and limitations to residential building size. See Attachment 2, 19.24.050 (A) and 19.24.050 (G).
2. **Reducing Limits of Disturbance in the Foothills and Canyons Overlay Zone Chapter (19.34).** Modifications have been made to the maximum limits of disturbance standards for all single-family residential developments. See Attachment 2, 19.38.160 (D). Updates proposed to increase the setback from perennial stream corridors to 100'.
3. **Introducing a new Parks and Open Space Zone (19.22).**
4. **Introducing the Dark Skies Chapter (19.54).**
5. **Removal of the Planned Unit Development Chapter.** All cluster development shall be referenced in the Foothills and Canyons Overlay Zone Chapter (19.38). See Attachment 2, 19.38.050.
6. **Removal of the Water Efficient Landscape Design and Development Standards Chapter.** Requirements for landscaping have been removed from this ordinance as irrigation is not permitted in the canyon. Tree removal, vegetation and revegetation standards shall be referenced in the Foothills and Canyons Overlay Zone Chapter (19.38). See Attachment 2, 19.38.110 (C).

STAFF ANALYSIS

Compatibility with Existing Plans and Ordinances:

Based on the community engagement completed in 2022 as part of the General Plan process there are several specific topics that were discussed and included in 2023 Comprehensive Code Update. These topics have been collected from previous Planning Commission discussions, MSD Staff, Affected Entity Recommendations, and property or business owners who want to see improvements made to the code for future development. These topics that were identified in the General Plan and addressed in the Code Update include:

- Adopt a maximum size and potentially minimum setbacks for single-family residences.
- Modify existing code to promote the construction of new multi-use and walking paths.
- Establish reasonable property maintenance standards for the community.
- Review single-family short-term rentals regulations and update as needed to mitigate problems.
- Establish a new zone for public facilities, utilities, and infrastructure to create compatible regulations for utility uses.
- Update land use regulations to have appropriate parking requirements and enforcement.
- Adopt new regulations for off-street parking design standards like pervious cover minimums.

- Update land use regulations to allow for transit stops and flex space for biking and walking.
- Update land use regulations to require bike parking or storage for new uses.
- Update land use regulations with best practices for native trees and removal of invasive trees or other plant species
- Adopt a dark sky ordinance to mitigate impacts to wildlife.
- Update land use regulations to include specific use standards for delivery trucks, small package centers, and recycling centers. Provide flexibility in design to accommodate other neighborhood services if necessary.
- Adopt use-specific standards for uses that may pose a greater threat to the environment.

Integration of Staff and Stakeholder Comments:

The stakeholders have had several opportunities to review and provide feedback on drafted chapters. As each phase of ordinances was sent to the Commission and Council, members were asked to call or email the planning team with questions or comments. Public workshops were held with the Commission during a regularly scheduled meeting after each phase was distributed. Feedback received from the Commission during these meetings was incorporated into Title 19.

In addition to the Commission and Council, the drafted ordinances were reviewed by several other entities:

- The Greater Salt Lake Municipal Service District's (MSD's) Current Planning team reviewed and commented on the entire model ordinance and the language tailor to the Town of Brighton.
- The Smith-Hartvigsen legal team reviewed and commented on the entire model ordinance.
- The Salt Lake County District Attorney's Office reviewed and provided feedback on the sign ordinance (Chapter 19.52).
- The International Sign Association and Sign Research Foundation reviewed and provided feedback on the sign ordinance (Chapter 19.52).
- The International Dark Skies Association (Utah Chapter) and the Salt Lake County Audubon Society reviewed the dark skies ordinance (Chapter 19.54)
- Salt Lake County Engineering Staff reviewed and provided feedback on the Off-Street Parking Standards (Chapter 19.48).
- The Town of Brighton's legal team is reviewing these final drafts prior to adoption.
- Salt Lake City Department of Public Utilities and Salt Lake Country Health Department were provided a copy for review.

Generally, the feedback from these entities was positive. Their questions and recommendations allowed staff to further vet the drafted ordinances and craft improvements. All comments have been incorporated into the public hearing draft of Title 19.

Consistency with State Code Requirements:

State Code requirements related to land use ordinances are found in Part 5 of State Code §10-9a. The staff incorporated all state provisions up to January 1st, 2024.

Anticipated Impacts:

The goals of this project were to:

- Modernize a very outdated and cumbersome ordinance;
- Ensure compliance with State Statute;
- Encourage conformity with the Town of Brighton General Plan;
- Promote ease of use for both staff and residents; and
- Meet the unique needs and maintain the character of the Town of Brighton's community and protect its' natural resources.

Staff has sought to uphold these goals by frequently referencing the General Plan during drafting, working closely with their legal team, incorporating graphics and clear language, and reaching out to staff and stakeholders for additional feedback.

It is possible that adoption of Title 19 would create some non-conforming uses or non-complying structures in the Town of Brighton. However, it should be noted that any use or structure legally established prior to the adoption date of the ordinances is allowed to continue (even if the owner of the property changes). For the most part, staff tried to prevent the creation of non-conforming uses by crafting ordinances that match existing conditions.

NEXT STEPS

The Council may adopt, adopt with revisions, or not adopt Title 19. If adopted, the drafted ordinances will replace all of the existing Title 19. This item represents a text amendment ONLY and does not include any revision to Town of Brighton's official zoning maps. If adopted, the ability to rezone areas to the new Parks and Open Space Zone will be a possibility for property owners and will require a zoning map amendment.

Within the year 2024, the Town of Brighton will be conducting an extensive analysis that will better inform future economic opportunities, and transportation and other supportive infrastructure (Brighton Neighborhood Nodes Design Plan). With this analysis, the Town of Brighton anticipates making further revisions to the Commercial Zone Chapter which may prompt related revisions to other Chapters.

Due to recent legislative bills, the Town of Brighton will also have to revise Title 18 Subdivisions before the end of 2024. This may additionally trigger changes to Title 14 Highways, Sidewalks, and Public Places as standards in this Title are often referenced in and used to inform standards in Title 18.

Attachment 3

MEMORANDUM: Building Size Limitation Explanation

Date: 04/09/2024

To: Town of Brighton Council

Request: Adoption of Ordinance Update

Applicant: Town of Brighton Council

Planner: Morgan Julian, Long-range Planner II

Planning Staff Recommendation: Council consider adoption of recommendations made by the Town of Brighton Planning Commission.

Summary: The Town of Brighton has been updating Title 19 (Zoning) of the Town of Brighton's Municipal Ordinance. As a part of this update, Staff and the Town of Brighton Planning Commission recommended standards that limit single-family building size. This limitation includes a proposed maximum gross square footage for all single-family primary and accessory structures. It also includes a more restrictive definition of 'height'. This memorandum will go over the background and details of this proposal, and the findings that led the Planning Commission to their recommendation.

Background: In January 2023, the Municipal Services District Planning & Development Services ("MSD") was tasked by the Town of Brighton Council to lead an overhaul of the community's land use ordinances, including Title 19: Zoning. A large reason for this update is to encourage conformity with the Town of Brighton General Plan, which was adopted in 2022 and sets a vision for the community's future land uses. In the General Plan, one goal for future land use in Brighton is to "regulate single-family and multifamily uses to reduce the impact on the land and adjacent properties". Under 'Actions' related to this goal; the plan calls for the adoption of a "maximum size for single-family residences" (*Town of Brighton General Plan pgs. 117-118*).

This goal was in response to the increase in large building size for single-family residences over the past two decades. The size of these homes was concerning for long-time residents, public representatives, and service providers such as local water companies. The two main concerns were that these larger homes are out of character with the Town of Brighton's traditionally small residential cabins and that they have the capacity to use more water than these smaller cabins, which is concerning as there is a limited water supply in the town.

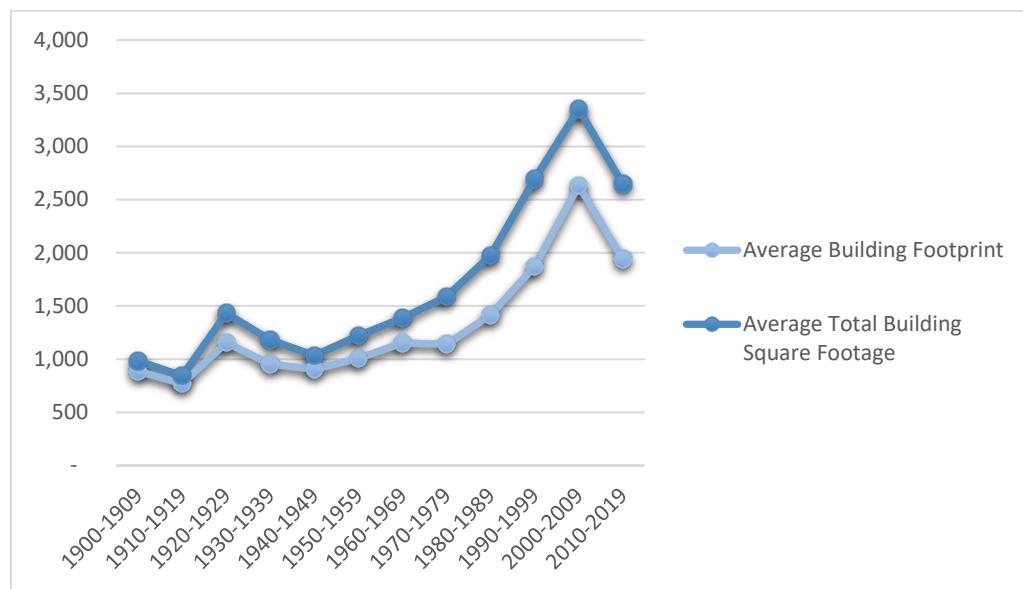
With the goal in mind of implementing the General Plan, MSD Staff began revisions on Title 19. These revisions were presented and discussed with the Planning Commission in a public meeting nearly every month for the year 2023. At least four of these public meetings focused on discussing building size limitations for single-family homes in the Forestry Zones (see *Attachment A-((Town of Brighton Planning Commission Minutes))*).

Content: During the public meetings with the Brighton Planning Commission, Staff presented findings on the existing conditions of single-family residential structures in Brighton. This report included information on zoning, setbacks, height, lot coverages, and building permits for existing residential buildings. For this report, Staff used Salt Lake County Assessor's data. The average parcel size in

Brighton for existing residential structures is .55 acres or 23,958 square feet with the most lots being zoned FR .5. Lot coverage for existing residential structures varies greatly as the restrictions associated with topography and wetlands play a large role in dictating the location of a building pad.

Staff expanded the initial report to include footprint and gross square footage of all residential buildings in the Town. Staff found that the average age of single-family homes in Brighton is fifty years, when most homes were built in the 1970s. The average building footprint for homes (not including garage) in Brighton as of 2019, is 1,411 square feet with the average gross square footage of the house (not including garage) is 1,849 square feet (see Figure 1.1).

Figure 1.1: Average Building Size Over the Decades in the Town of Brighton



There was a spike in the size of single-family homes from 2000-2009 and decrease in size from 2010-2019 as well as a decrease in homes built. The financial crisis of 2008 may have been a large contributor to this decline. Since 2019, MSD Staff has seen an increase in large homes being built once again from 2,800 square feet to 9,000 square feet (not including garage). This assessor's data since 2019 is not reflected in the table as the data has not been updated by the Salt Lake County Assessors Office GIS database.

The increase in building size has been a concern for Brighton's local water companies as well as the Planning Commission because there is a limited supply of water in the canyon and limited water shares allotted by these companies. In addition to servicing all existing residences in their systems, these companies must also anticipate servicing remaining water shares holders who have not yet built a single-family dwelling. The capacity to supply water has been stressed for the last couple decades. The water companies believe that housing size could play a role as a capacity stressor; the larger the house size, the more capacity it has for greater water use (see *Attachment B*).

Other jurisdictions in the United States are facing similar challenges. Palo Alto, California has enforced a limit of gross square footage for single-family dwellings to 6,000 square feet in hopes to mitigate the stress on region's water supply. Los Angeles, California has also implemented restrictions on building

mass through floor-area ratio standards and height limitations in order to moderate impacts on “neighborhoods and the environment” [1].

Park City, Utah has also established floor-area ratios to limit single-family house size in an effort to preserve the character of its’ small historic mining homes. The Town of Brighton has outlined similar desires to maintain its historic character and preserving smaller residential cabins within the town rather than trending toward larger and larger contemporary homes. The general plan acknowledges the citizen’s wishes to maintain a mountain community feel by limiting the mass of the built environment. Since the town is primarily single-family residential, this means implementing restrictions on the physical size of single-family homes.

The Planning Commission has recommended to the Town Council a limit on single family residential building size through a maximum gross square footage for all single-family structures as well as restricting how “height” of a building is measured. The Planning Commission has proposed a maximum gross square footage of 5,000 square feet which includes all finished and unfinished basements, attached and detached garages as well as any accessory building. They have also proposed to modify the definition of building height to match a more ubiquitous standard of measurement. The existing code defines building height as the “vertical distance above the lowest original ground surface at any point on the perimeter of the building to the highest point of the coping of a flat roof... or to a level midway between the level of the eaves and the highest point of pitched or hipped roofs...”. The Commission has recommended amending this definition to state “building height means the vertical distance above the lowest original ground surface at any point on the perimeter of the building to the highest point of any roof”.

The goal of amending this definition is twofold. The amended definition of building height is standard among other jurisdictions and more straightforward for both applicants and plans examiners. It also limits building mass. The existing definition allows a building with pitched roofs to exceed the height limitation of 30 feet. This has allowed property owners to build homes that include third floor loft areas, which increases building mass as well as gross square footage.

The Planning Commission believes restricting how building height is measured as well as incorporating accessory structures into the calculation of gross square footage will reduce the potential for homeowners to convert these spaces into living spaces in the future which would subvert the intent of these limitations; which is to mitigate further capacity stressors on the water supply in addition to reigning in a trending of growing building mass.

Planning Staff Analysis: Planning Staff finds that these recommendations are in line with the Town of Brighton’s General Plan, and it is within the scope of the Town’s legislative authority to implement such standards. Staff finds that the proposed maximum gross-square footage for a single family still far exceeds the average gross square footage of single-family homes in the Town. In addition, it is similar to other jurisdictions’ implemented limitations. Planning Staff recommends Council consider adoption of these recommendations made by Planning Commission.

Citation:

1. LeSher, A. (n.d.). *Chapter 1.1 Climate Change*. Sustainable Development Code. <https://sustainablecitycode.org/brief/establishing-maximum-size-of-single-family-residences/>



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

MEETING MINUTE SUMMARY

TOWN OF BRIGHTON PLANNING COMMISSION MEETING

Wednesday, February 15, 2023 6:00 p.m.

****Meeting minutes approved on March 15, 2023****

Approximate meeting length: 1 hour 17 minutes

Number of public in attendance: 3

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Despain

***NOTE:** Staff Reports referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Donna Conway		x	
Don Despain (Chair)		x	
Ulrich Brunhart		x	
Tom Ward			x
Ben Machlis (Vice Chair)		x	
Phil Lanuoette (Alternate)			x
John Carpenter (Alternate)			x

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr		x
Erin O'Kelley		x
Jim Nakamura		x
Brian Tucker		x
Kara John		x
Polly McLean		x

BUSINESS MEETING

Meeting began at – 6:02 p.m.

- 1) Approval of Minutes from the October 26, 2022 Planning Commission Meeting.

Motion: To approve Minutes from the October 26, 2022 Planning Commission Meeting as presented.

Motion by: Commissioner Brunhart

2nd by: Commissioner Machlis

Vote: Commissioners voted unanimous in favor (of commissioners present)

Approval of Minutes from the January 18, 2023 Planning Commission Meeting.

Motion: To approve Minutes from the January 18, 2023 Planning Commission Meeting as presented.

Motion by: Commissioner Brunhart

2nd by: Commissioner Machlis

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 2) Brighton Comprehensive Code Update: For the first Comprehensive Code Update work meeting, the Planning Commission will review the Existing Conditions Report for Residential Lots presented by MSD planning staff. This meeting will review recent development projects in the canyon to

identify issues or assets provided in the Town of Brighton's Title 19 Zoning Regulations. The issues identified at this meeting will be discussed later as the Planning Commission updates Title 19 Zoning regulations as part of the comprehensive code update. **Planner:** Erin O'Kelley (Discussion)

Ms. O'Kelley provided an update of reports and methodology and provided an update to the Council.

Ms. O'Kelley provided a presentation. Commissioners, staff, and counsel had a brief discussion regarding minimum lot size half an acre, are all smaller lots grandfathered in lots of record. If already developed, as single-family and now minimum 1/2 acre, still non-conforming. Just the lot is non-conforming not the structure. Some will pre-date zoning, or old subdivision or platted and zoning came along later. Difference between one acre and 20 acres. One dwelling unit is intentional overdeveloping then is necessary. Forest service land was not included, because they aren't developed for residential lots. Private property parcels in FR-20, don't meet the 20-acre size, considered lots of record could be built on. Resorts own big pieces of land in the resort and beyond resort boundaries. Large flock of land in Cardiff fork keep recreational.

Z/C stands for zone condition, when rezoned, council imposed a special condition. Solitude village rezoned, special conditions imposed.

Would like a sense of percentage of land left to be developed. Ms. O'Kelley will provide a list of vacant parcels. Number of outstanding shares of water not being used and shares available for development is not public information. Donut Falls area southern slopes above is not part of Brighton boundaries in Cardiff Fork.

Minimum standards for detached accessory structures. Commissioners agree. Setback size, distance to main structure. Maximum building sizes. Maximum height and building footprint or lot coverage. Ms. O'Kelley can put together examples, what potential housing and how big of house spit out, multiple levels in envelope. Nothing restricted for second level. Tie to water availability or water consumption, limiting factor and trying to control water usage. FR-1, large lot pretty good footprint. 1/2 acre parcel, 22,000 square feet, 33% for residential, footprint would be 7,300 square feet. Second story is 14,000 square feet. Adjust limits of disturbance to lot size. Regulate by height and footprint, then overall square footage. Dead space, do you count basement and storage.

Incentives for adaptive reuse of existing cabins. Instead of tearing down and keep existing building. Shouldn't be required or best route for an older building. What incentives would they be. 90% of cabins were built for summer use only and much older and weren't built for energy efficiency, frozen water lines, better to tear down and rebuild more energy efficient. Sometimes better to be moved away from the stream and is purely optional. Commissioners agree not to explore this further. Make sure non-conforming uses are addressed. If tore down needs to be rebuilt with today's standards.

Councilmember Malone is working with Salt Lake City Public Utilities if she can change the dog ordinance but will be a long road ahead and will not be in discussions with the code.

Ms. O'Kelley went through the timeline of the GAANT Chart and will send out existing conditions or code itself.

3) Other Business Items (as needed)

No other business items to discuss.

MEETING ADJOURNED

Time Adjourned – 7:19 p.m.



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MEETING MINUTE SUMMARY

TOWN OF BRIGHTON PLANNING COMMISSION MEETING

Wednesday, March 15, 2023, 2022 6:00 p.m.

****Due to a corruption of the audio file, minutes are incomplete. Attached please find the Comprehensive Code Update presentation and staff summary of changes in residential lots at the meeting****

****Meeting minutes were approved on April 19, 2023****

Approximate meeting length: 1 hour 20 minutes

Number of public in attendance: 1

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Despain

***NOTE: Staff Reports** referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Donna Conway		x	
Don Despain (Chair)		x	
Ulrich Brunhart		x	
Tom Ward		x	
Ben Machlis (Vice Chair)		x	
Phil Lanuoette (Alternate)			x
John Carpenter (Alternate)		x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr		x
Jim Nakamura		x
Erin O'Kelley		x
Brian Tucker		x
Kara John		x
Polly McLean		x

BUSINESS MEETING

Meeting began at – 6:02 p.m.

- 1) Approval of Minutes from the February 15, 2023 Planning Commission Meeting.
Motion: To approve Minutes from the February 15, 2023 Planning Commission Meeting as presented.
Motion by: Commissioner Conway
2nd by: Commissioner Brunhart
Vote: Commissioners voted unanimous in favor (of commissioners present)
- 2) Brighton Comprehensive Code Update: At this work meeting, the Planning Commission will review potential code changes recommended by staff to the FR-0.5 and FR-1 zones for residential lot development. **Planner:** Erin O'Kelley (Discussion)

Ms. O'Kelley provided information related to the approval of a Digital connectivity plan grants for

\$25,000 and \$121,000 with \$ 9,000 match from the town to do a design plan.

Ms. O'Kelley provided the Brighton Comprehensive Code Update presentation.

3) Other Business Items (as needed)

MEETING ADJOURNED

Time Adjourned – 7:22 p.m.

Brighton Comprehensive Code Update 2023 February Meeting

Agenda:

Potential Future Development

Research

Residential Lot Staff Summary Intro

Proposed Solutions for Code Changes

Draft Code

Materials:

Draft Pages of Code

Planner: Erin O'Kelley

Other:											
Public or Quasi-Public Use	P	P	P	P	P	P	P	P	P	P	P
Park and Ride	P	P	P	P	P	P	P	P	P	P	P
Parking Lot (not associated with other use)	X	X	X	X	X	X	X	X	P	P	P
Public Park	X	P	P	P	P	P	P	P	P	P	P
Private Park and recreational grounds; private camp or resort	X	P	P	P	P	P	P	P	P	P	P
Radio and/or Television Tower	C	C	C	C	C	C	C	C	C	C	C
Temporary Buildings Incidental to Construction Work, and Other Temporary Buildings	P	P	P	P	P	P	P	P	P	P	P

19.24.040 – Lot Area, Lot Width, and Density.

The minimum lot area, lot width, and maximum density requirements are as follows:

Table 19.24.040 Lot Area, Lot Width, and Density			
District	Minimum Lot Area	Minimum Lot Width	Maximum Residential Density
F-1	20,000 Sq Ft	75 Feet	
FR-0.5	0.5 Acres	100 Feet	2 d.u. per gross acre
FR-1	1 Acre	200 Feet	1 d.u. per gross acre
FR-2.5	2.5 Acres	250 Feet	1 d.u. per 2.5 gross acres
FR-5	5 Acres	300 Feet	1 d.u. per 5 gross acres
FR-10	10 Acres	300 Feet	1 d.u. per 10 gross acres
FR-20	20 Acres	300 Feet	1 d.u. per 20 gross acres
FM-10	0.5 Acres	100 Feet	10 d.u. or 20 guestrooms per net development acre
FM-20	0.5 Acres	100 Feet	20 dwelling units or 40 guestrooms per net development acre

19.24.050 - Development Standards in the FR-0.5 and FR-1 Zones:

- A. Building Footprint. Buildings in the FR-0.5 and FR-1 zone shall have a maximum building footprint for the primary building of twenty percent (20%) of the total lot area or thirty-five hundred square feet (3500 sq ft), whichever is less.
- B. Side and Rear Setbacks. The minimum setback from the side and rear property lines shall be eight feet (8 ft).
- C. Building Height. Except as otherwise specifically provided in this Title, no building or structure shall exceed thirty (30) feet on property where the slope of the original ground surface exceed fifteen percent, or the property is located in the Foothills and Canyons Overlay Zone. The Slope shall be determined using a line drawn from the point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. The box shall extend for a distance of fifteen feet (15') or to the property line, whichever is less, around the

Page 4 of 34 Town of Brighton Draft Ordinance Title 19 For Review by Planning Commission Only
Last Updated: 1/30/2023

Future Development Research

It is unknown which properties have water, assume, properties do not have water until proven otherwise.

Water District

Water District	Total Parcels	Occupied	Vac. Parcels (Res)	Vac. Parcels (Rec)	Parcels > Half Acre	Notes
Big Cottonwood Pine Tree Water Co	19	4	5	9	9	1 vacant residential parcel < 6,000 sqft
Lady of the Lake Subdivision	31	12	1	7	1	All > 6,000 sqft. 3 related parcels
Camp Tuttle	18	16	0	1	1	All listed as condos
Cardiff A.P.O.	31	17	7	3	5	3 parcels < 6,000. Long and narrow
Forest Glen A	42	31	0	3	0	All > 6,000 sqft. 8 related parcels
Mount Haven	96	54	5	23	0	All parcels > 12,000 sqft
Forest Glen B And C Water System	80	58	0	20	21	All > 6,000 sqft. Only 2 related parcels
Silver Lake Co.	218	108	8	40	16	23 of which are < 6,000 sqft
Silver Fork Pipeline Corp.	373	204	21	73	37	8 of 21 vacant res lots are < 6,000 sqft.
Solitude Ski Resort	286	233	2	12	3	Mostly Condos
Mill D Subdivision	23	N/A	N/A	N/A	0	All parcels drawn as condos.
*Pine Tree Water Co.	86		7	19	3	2 < 6,000sqft. 3 < 6,000 sqft
*Old Stage Rd Lower	7	4	3	0	2	
TOTAL	1310	741	59	210	98	Potential parcels ideal for development

Figure 1. Vacant Parcels by Water District

Future Development Research

Of all the parcels in Water District Boundaries

59 Vacant Parcels Identified as Residential

210 Vacant Parcels Identified as Recreation

98 Parcels Meeting the Minimum Lot Area

Approximately 367 vacant parcels with some indicators they could be developed.

Most of these parcels are greater than 6,000 square feet which means there is potential for some properties to also have an ADU.

These are still rough approximations since we don't know which of these lots have access to water.

It is unknown which properties have water, assume, properties do not have water until proven otherwise.

Residential Code Changes

Side and Rear Setbacks. The minimum setback from the side and rear property lines shall be eight feet (8 ft) **(page 4 of draft code)**

Building Height. Except as otherwise specifically provided in this Title, no building or structure shall exceed thirty (30) feet on property where the slope of the original ground surface exceed fifteen percent, or the property is located in the Foothills and Canyons Overlay Zone. **(page 4 of draft code)**

Established minimum standards for accessory structures. **(page 5 of draft code)**

Established a method of requesting a special exception if approved by the Planning Commission. **(page 30 of draft code)**

FR-0.5, FR-1 (Residential Lots) – Staff Summary of Changes

Purposes of changes to the FR zones:

1. Reduce the impact of residential lot development on the land.
2. Ensure that new developments are compatible with historical development patterns.
3. Improve the readability of code standards and use simple, transparent language.
4. Ensure that new standards comply with state or other regulations.

Applicability:

The following standards discussed in this staff summary refer to residential lots only in the FR-0.5 and FR-1 zone.

Resources Utilized:

- Park City, Utah [https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15-2.2%20Historic%20Residential%20\(HR-1\)%20District](https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15-2.2%20Historic%20Residential%20(HR-1)%20District)
- Alta, Utah https://codelibrary.amlegal.com/codes/altaut/latest/alta_ut/0-0-0-3062
- Holladay, Utah https://codelibrary.amlegal.com/codes/holladayut/latest/holladay_ut/0-0-0-10501
- Boulder, Colorado <https://bouldercolorado.gov/sites/default/files/2021-03/guide-building-coverage.pdf>

Changes to Note:

Pages(s)	Change to Note
82-84	Uses allowed; the total number of conditional uses has been reduced
84	Established minimum setback of 8 feet from the side and rear property line
114	Reduced limits of disturbance to 10,000 square feet and then goes up based on lot size; conditions vary for houses on septic versus sewer
84	Created new standards for detached accessory structures: distance from the house, maximum height, maximum size (800 sq ft), and provide areas for snow release
84	Established a maximum building footprint of 20% of the total area of the lot or 3500 square feet, whichever is less. This will render some existing lots in the Town of Brighton non-compliant. The smaller lots in the Town of Brighton tend to have a larger building footprint and, therefore, a larger percentage of the total area of the lot.
121	Established a process for a special exception by an applicant who requests to deviate from the Forestry and Recreation Zones.

Specific Community Considerations:

- The Planning Commission should discuss the building footprint size maximums and understand the impacts of reducing the building footprint and creating nonconforming buildings.

Staff Summary - Not Code Language

Residential Lots (FR-0.5, FR-1)

Building Footprint Details

Maximum existing building footprint surveyed was 4154 Sq Ft

Minimum existing building footprint is 600 square feet

Average building footprint surveyed was 2,177 Sq Ft

60 properties surveyed were in Silver Fork, Forest Glen, & Brighton Loop,

Building Footprint. Buildings in the FR-0.5 and FR-1 zone shall have a maximum building footprint for the primary building of twenty percent (20%) of the total lot area or thirty-five hundred square feet (3500 sq ft), whichever is less. **(page 4 of draft code)**

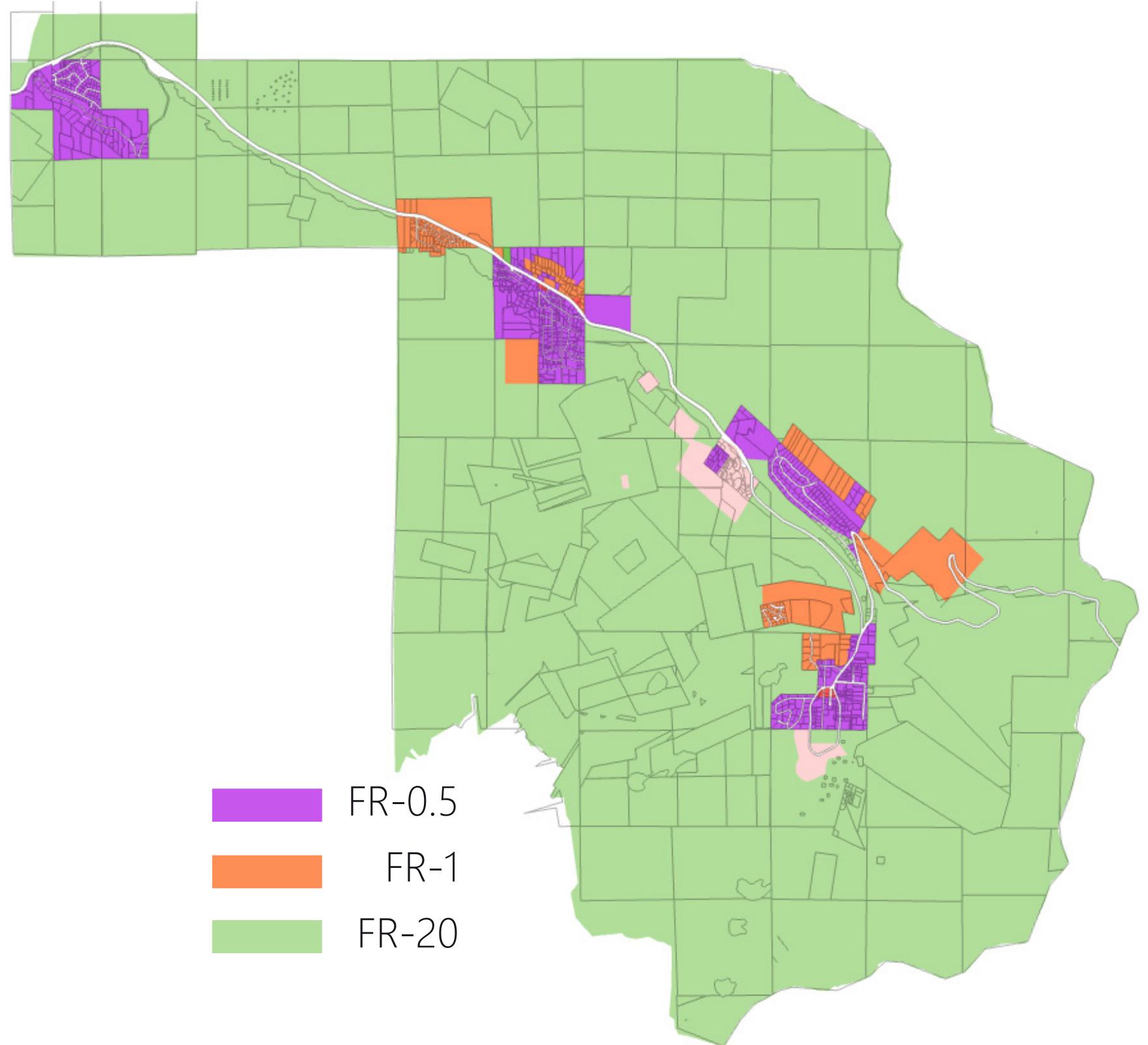
We could break this down further between the FR-0.5 and FR-1 zones but most properties are in the FR-0.5 zone

This will make some lots non-conforming especially on smaller lots this is the problem when all the residential lots are in the same zone.



Other FR Zones: FR-2.5, FR-5, FR-10, FR-20

- As of right now, staff doesn't have any changes proposed for these zones since they are in the Forest Service areas, resort boundaries, and ski resort private land, except Solitude Village and some area



		January	February	March	April	May	June	July	August	September	October	November	December		
	Important Events														
	Scope of Work	Present to PC	Presented to Council												
Phase 1 (Zones and Environmental Considerations)	Definitions (Update)		Review Existing Conditions	First Draft Completed	Planning Commission Review					Final Draft Completed					
	Forestry and Multi-Family Zone				Identify Biggest Issues			Analyze Possible Solutions							
	Forestry and Recreation Zones				Review										
	Commercial Zones (Update)			First Draft Completed	Planning Commission Review (Identify Most Important Issues, Analyzing Possible Solutions)					Final Draft Completed					
	(NEW) Parks and Open Space Zone				Planning Commission Review (Identify Most Important Issues, Analyzing Possible Solutions)										
	FCOZ (Review and Update)														
	Floodplains (Keep Existing)			First Draft Completed						Final Draft Completed					
	Geologic Hazards (Keep Existing)														
	IADUs (Keeping Existing)														
Phase 2 (Development and Use Standards)	(NEW) Specific Use Standards		First Draft Completed	Planning Commission Review (Identify Most Important Issues, Analyzing Possible Solutions)					Final Draft Completed						
	(NEW) Temporary Use Standards														
	Off-Street Parking (Update)														
	Signs (Update)														
	(NEW) Site Development Standards														
	(NEW) Dark-Sky Ordinance														
	(NEW) Historic Preservation Ordinance														
	Title, Purpose, and Applicability														
Phase 3 (Administration)	Nonconformities		First Draft Completed	Planning Commission Review (Identify Most Important Issues, Analyzing Possible Solutions)					Final Draft Completed						
	Enforcement														
	Procedures for Analyzing Takings														
	Administrative Bodies, Powers, and Duties														
	Establishment of Zones, Zoning Map, Amendments														
	Land Use Processes and Procedures														
	Appeals, Variance, and Exceptions														
	Title 18 Subdivisions														
Phase 4	Final Title 19 and Title 18 Assembled											Public Hearing	Council Meeting		



= Recommendations of Code Changes with Staff Report or Memo, Field Studies or Data, and Reviews from Stakeholders or Affected Entities
 = In April WFRC will announce the TLC Grant awards which may impact Brighton.



= In May, the Big Cottonwood Canyon Mobility Action Plan will be complete. The Town may need to incorporate additional code changes to accommodate the solutions in this plan.
 = Stakeholder meetings, open houses, agency reviews will be scheduled as needed

Code Update Planning Commission Meeting



FR-0.5, FR-1 (Residential Lots) – Staff Summary of Changes

Purposes of changes to the FR zones:

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- Alta, Utah https://codelibrary.amlegal.com/codes/altaut/latest/alta_ut/0-0-0-3062
- Holladay, Utah https://codelibrary.amlegal.com/codes/holladayut/latest/holladay_ut/0-0-0-10501
- Boulder, Colorado <https://bouldercolorado.gov/sites/default/files/2021-03/guide-building-coverage.pdf>

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Pages(s)	Change to Note
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Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

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MEETING MINUTE SUMMARY

TOWN OF BRIGHTON PLANNING COMMISSION MEETING

Wednesday, October 18, 2023 6:00 p.m.

****Meeting minutes approved on November 15, 2023****

Approximate meeting length: 1 hour 55 minutes

Number of public in attendance: 0

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Despain

***NOTE:** Staff Reports referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Donna Conway		x	
Don Despain (Chair)		x	
Ulrich Brunhart		x	
Tom Ward		x	
Ben Machlis (Vice Chair)			x
Phil Lanuoette (Alternate)			x
John Carpenter (Alternate)		x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr		x
Jim Nakamura		x
Morgan Julian		x
Brian Tucker		x
Matt Starley		x
Cameron Platt		x

BUSINESS MEETING

Meeting began at – 6:02 p.m.

- 1) Approval of Minutes from the September 20, 2023 Planning Commission Meeting.

Motion: To approve Minutes from the September 20, 2023 Planning Commission Meeting as presented.

Motion by: Commissioner Conway

2nd by: Commissioner Brunhart

Vote: Commissioners voted unanimous in favor (of commissioners present)

Ms. Julian advised the non-conforming and non-complying uses chapters will be moving forward in the November Planning Commission Meeting.

- 2) Comprehensive Code Update Landscape and Screening and Off-street Parking and Mobility Chapters. The Planning Commission will discuss new chapters as part of the Title 19 Zoning in the Town of Brighton Municipal Code. The Landscape and Screening Chapter establishes landscaping and screening standards for new and expanded development. The Off-street Parking and Mobility establishes standards to reduce street congestion and traffic hazards in the municipality. **Planner:** Morgan Julian (Discussion) **15 minutes**

Ms. Julian provided a presentation regarding the landscaping and screening chapters. Commissioners and staff had a brief discussion regarding screening around commercial parking lots, new development, and construction, limited commercial zoning, proposal to remove landscaping and screening chapter, focus on FCOZ standards, grading, and drainage removal,

Commissioner Carpenter and Commissioner Ward are in favor of removing the landscape and screening chapter.

Ms. Julian provided a presentation regarding Off-street Parking and Mobility Chapters. Commissioners and staff had a brief discussion regarding the use. Commissioners are good with that change. 19.48.030A.7. regarding a list of materials and surfacing, regarding requirement to pave and expanding the pavement. All-weather surface, outdoor recreation space parking, resort parking and forest service approval.

- 3) Comprehensive Code Update Planned Unit Development Chapter and Subdivision Title 18. The Planning Commission will discuss new chapters as part of the Title 19 Zoning and Title 18 Subdivision in the Town of Brighton Municipal Code. The Planned Unit Development Chapter regulates any combination of residential, commercial, and mixed uses allowed in the underlying zone. Title 18 Subdivisions regulates land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development. **Planner:** Morgan Julian (Discussion) **20 minutes**

Mr. Tucker provided a presentation regarding the subdivision ordinance. Commissioners and staff had a brief discussion regarding size of buildings, water requirements, canyon restraints clustered, agency reviews.

Planning commission notification of subdivisions and major decisions, commissioners consensus to come through the planning commission for review, health department shall receive will serve letters from water provider and wastewater for sewer.

Review timeline with review comments, applicants response and return changes, compliance by the end of next year with state code.

Ms. Julian provided a presentation on Planned Unit Developments. Commissioners and staff had a brief discussion regarding existing PUD pursuit and approval expired, PUD definition regarding open space/common area and subdivision difference, common areas preserved for natural environment. Planning commissioners consensus to come through to remove the PUD Chapter.

- 4) Comprehensive Code Update Forestry Zone Chapter. The Planning Commission will discuss new chapters as part of the Title 19 Zoning in the Town of Brighton Municipal Code. The Forestry Zone Chapter regulates development standards in the FR zones. **Planner:** Morgan Julian (Discussion) **1 hour**

Ms. Julian provided a presentation regarding private right aways. Commissioners and staff had a brief discussion regarding changing to 10 feet at the front from private right-of-way, survey requirement, prescriptive easements, identifying access, street facing garage 20 to 25 feet from the edge of the right-of-way. Planning commission proposed and consensus of 8 feet from home to the property line and 10 feet from the garage/private right-of-way.

Limiting building footprint, valve for relief on unusual properties, limitation on square footage and height, restraints on water supply, contemporary and variety of style housing, planning commission decision in terms of LOD and square footage, limit for water to serve, LOD of 25% is reasonable and relief with considerations. Planning commission consensus was to go with option 2. Should include garage. Limiting all accessory buildings including primary residence, to no more than 4000 square feet. Table to next meeting and have public input after agreed. Challenging access to plots, granting relief of LOD during construction.

from Matt Starley to everyone: 7:36 PM

Would the limit include detached foundational structures on the lot as well. Might get a lot of large, detached garages...

from Brian Tucker (internal) to everyone: 7:37 PM

LOD would, the home footprint wouldn't.

from Matt Starley to everyone: 7:38 PM

So effectively option 2 would. Option 1 would not.

from Brian Tucker (internal) to everyone: 7:39 PM

I don't think either option restricts the outbuildings. A coverage requirement would.

from Matt Starley to everyone: 7:42 PM

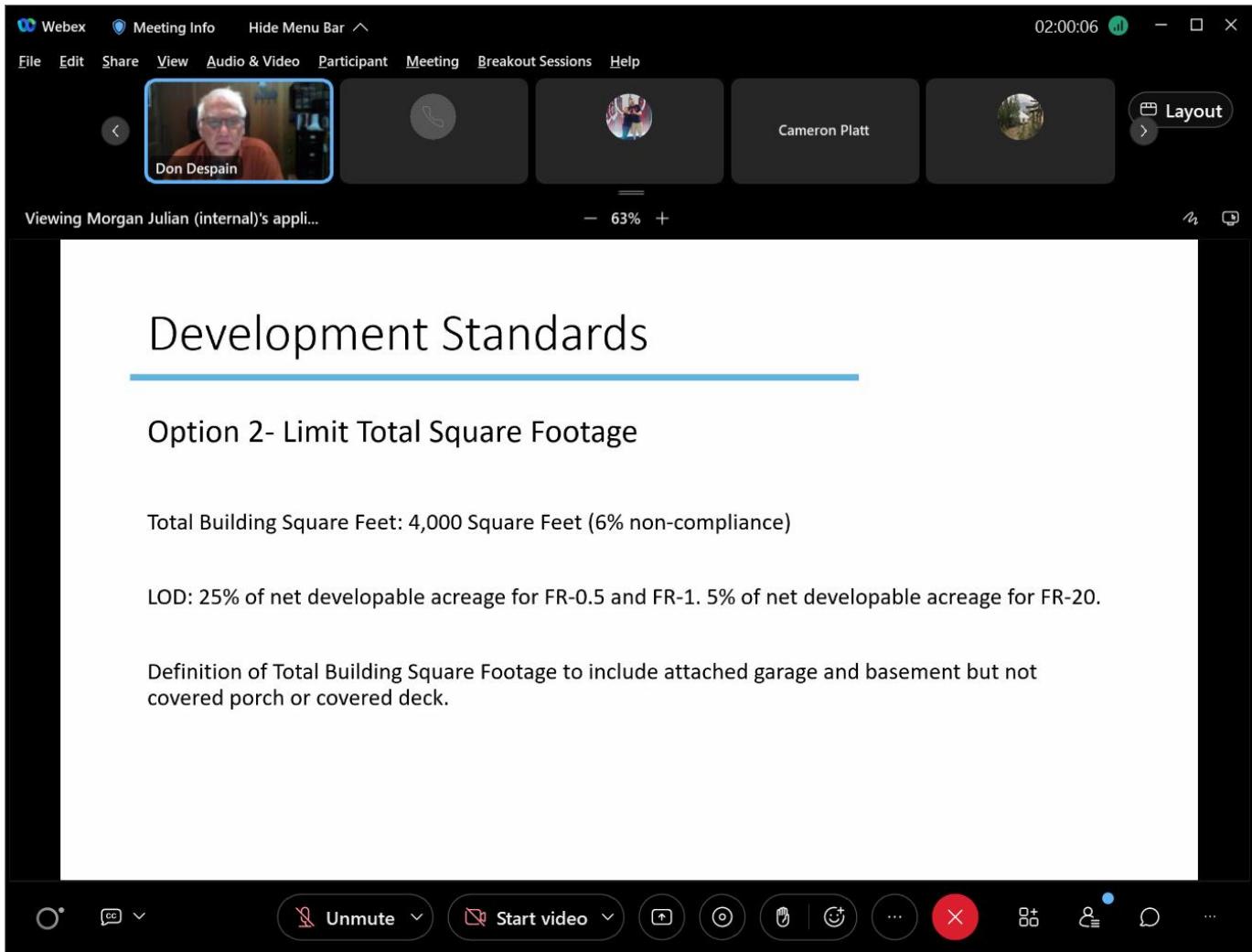
Does your footprint include your garage?

from Matt Starley to everyone: 7:45 PM

Perhaps a variation on option 2 that includes all foundation supported footprints.

from Matt Starley to everyone: 7:48 PM

Perhaps replace limits of disturbance language with building pad language and allowing 5% for limit of disturbance for construction.



5) Other Business Items. (As Needed)

Commissioner Ward asked about the neighborhood study and WFRC grant. Parking removed light rail.

Commissioner Despain adjourned.

MEETING ADJOURNED

Time Adjourned – 7:57 p.m.



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MEETING MINUTE SUMMARY

TOWN OF BRIGHTON PLANNING COMMISSION MEETING

Wednesday, November 15, 2023 6:00 p.m.

****Meeting minutes approved on January 17, 2024****

Approximate meeting length: 1 hour 29 minutes

Number of public in attendance: 0

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Despain

***NOTE:** Staff Reports referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Donna Conway	x	x	
Don Despain (Chair)	x	x	
Ulrich Brunhart	x	x	
Tom Ward	x	x	
Ben Machlis (Vice Chair)			x
Phil Lanuoette (Alternate)			x
John Carpenter (Alternate)			x

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Morgan Julian	x	x
Jim Nakamura		
Curtis Woodward	x	x
Brian Tucker	x	x
Kara John	x	x
Polly McLean	x	x

PUBLIC HEARING(S)

Hearings began at – 6:01 p.m.

OAM2023-001014 - The Municipal Services District (MSD) planning staff is requesting a recommendation of an ordinance change to be made to the Town of Brighton Municipal Code section 19.88. This is a proposed amendment to the Nonconforming Uses and Noncomplying Structures chapter. **Presenter:** Morgan Julian (Motion/Voting)

Greater Salt Lake Municipal Services District Long Range Planner Morgan Julian provided a presentation regarding the ordinance amendment.

Commissioners and staff had a brief discussion regarding FCOZ Non-Complying and Non-Conforming, structural damage and repair needing permits, increasing the footprint would require going through FCOZ, unless within the square footage and footprint. Remedy Non-Compliance within setback and move away from the creek, encroachment to the road and second story with the same footprint, proposed square footage that is non-complying needs to be less than and allow an incentive, noncompliance should be maximum height and gross square footage and should lessen the noncompliant square footage. Requirement on time limit on uninhabitable and noncomplying structures and creating pathway or transfer development rights to move water share to another lot.

From Chat:

from Curtis D. Woodward (internal) to everyone: 6:39 PM

Salt Lake City Dept. of Public utilities will not authorize moving a water right from one property to another unless the two properties are already under the same water contract.

Commissioner Ward motioned to open the public hearing, Commissioner Brunhart seconded that motion.

PUBLIC PORTION OF HEARING OPENED

No one from the public was present to speak.

Commissioner Brunhart motioned to close the public hearing, Commissioner Conway seconded that motion.

PUBLIC PORTION OF HEARING CLOSED

Commissioners and staff had a brief discussion regarding water rights and boundaries.

Motion: To recommend approval on file #OAM2023-001014 The Municipal Services District (MSD) planning staff is requesting a recommendation of an ordinance change to be made to the Town of Brighton Municipal Code section 19.88. This is a proposed amendment to the Nonconforming Uses and Noncomplying Structures chapter with amendments stated, adding graphics and scenarios and adding language regarding total gross square footage and apply with a complete application, more diligence in pursuing an application.

Motion by: Commissioner Brunhart

2nd by: Commissioner Conway

Vote: Commissioners voted unanimous in favor (of commissioners present)

BUSINESS MEETING

Meeting began at – 6:49 p.m.

- 1) Approval of Minutes from the October 18, 2023 Planning Commission Meeting.

Motion: To approve Minutes from the October 18, 2023 Planning Commission Meeting as presented.

Motion by: Commissioner Brunhart

2nd by: Commissioner Ward

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 2) Comprehensive Code Update Forestry Zone Chapter. The Planning Commission will discuss new chapters as part of the Title 19 Zoning in the Town of Brighton Municipal Code. The Forestry Zone Chapter regulates development standards in the FR zones. Planner: Morgan Julian (Discussion) 45 minutes

Commissioners and staff had a brief discussion regarding septic, sewer, and drain fields, requesting deletion of number two definitions limit of disturbance regarding septic tank, square footage and allowance for patios, decks, and covered porches, setbacks, and rights-of-way, propose adding water rights to the purpose statement, relief on minimum total square footage of 4,500. The Town

Code supersedes HOA requirements. Limiting square footage is due to water availability.

Adding water availability letters for connections to IADU's similar to STR's, restricting the footprint. Preexisting and converting to an IADU and sign off of Salt Lake City Public Utilities.

3) Other Business Items. (As Needed)

Confirmed public input and comment period in December and resume planning commission meetings in January 2024.

Commissioner Brunhart motioned to adjourn.

MEETING ADJOURNED

Time Adjourned – 7:30 p.m.

Dear MSD Planning Staff,

Silver lake Company defined a water connection to a household (Shareholder) as a 1/2" connection for most of its history. Metering wasn't done because old style street meters were a significant freeze risk, and the canyon companies didn't have reading or billing capacity. The Companies assigned an assessment to the shareholders based on year-round use or seasonal use.

The creation of water shares is highly regulated by the State Engineer based on an analysis of source capacity. Once set, the water capacity is further regulated by contract with Salt Lake City Public Utilities. All water in Big Cottonwood Canyon (as well as Little Cottonwood Canyon) has surplus water regulations attached to their sources by SLCPU.

Most of these homes were summer only homes averaging less than 2500 square feet. Even the larger family homes had a max sq/ft about 4300. Few had interior garages that averaged under 650 sq/ft.

About 1995 - Present most new structures were under 4,500 sq/ft. Then in 2008 a large residence was built in the HOA of Silver Lake Estates that came in at 9.316 sq/ft with 9 bedrooms and a 1280 ft interior garage. This residence shocked the shareholders and real estate market for its size and the question of water use and capacity. The trend in that HOA is larger residences over 5,000 sq/ft, all using only one water share. A similar history and trend have occurred in Silver Fork and the Town of Brighton. This trend is due to a large real estate market expansion where investments lead over year-round living. A good share of these large residences has turned over at least once or more. Inevitably, they apply for short term rental licensing.

Since 2010 the canyon water companies have met several times at watermaster meetings to confront their capacity stressors. New in line electronic metering has been initiated to gather water use data for analysis. Suggestions made have been requiring two water shares over a certain size or requiring an ERU billing in lieu of billing by metered usage. (Equivalent Residential Unit. as used by sewer districts). The problem is that even if large homes can afford to pay a double assessment or metered tiered use, the source capacity remains fixed and exceeded.

Other building concerns are IADUs, caretaker units, duplexes, detached garages with living space, large short term rental units and commercial conversion. Add to this fire flow regulations, fire suppression systems and drought considerations. The water companies are understandably anxious about water delivery to their shareholders, including shareholders who have not yet built. There is an imperative for a coordinated water capacity initiative with sufficient regulation to mitigate these stressors and stay in compliance with their water contracts. No new water sources are anywhere on the horizon that SLCPU would allow.

A Town ordinance regulating building size and use is a most necessary step toward mitigating these realities that are somewhat unique to our Cottonwood Canyon watershed environment. The Town of Brighton and its Planning Commission are defenders of property rights as first principles. The presentation of such an ordinance does not prevent those rights but seeks to govern them within the realities of the area and the General Plan

Silver Lake Company
Don Despain

Brighton for existing residential structures is .55 acres or 23,958 square feet with the most lots being zoned FR .5. Lot coverage for existing residential structures varies greatly as the restrictions associated with topography and wetlands play a large role in dictating the location of a building pad.

Staff expanded the initial report to include footprint and gross square footage of all residential buildings in the Town. Staff found that the average age of single-family homes in Brighton is fifty years, when most homes were built in the 1970s. The average building footprint for homes (not including garage) in Brighton as of 2019, is 1,411 square feet with the average gross square footage of the house (not including garage) is 1,849 square feet (see Figure 1.1).

Figure 1.1: Average Building Size Over the Decades in the Town of Brighton

Attachment 4

PUBLIC HEARING DRAFT BRIGHTON TITLE 19 ZONING ORDINANCE

This is a public hearing draft.

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CHAPTER 19.04: DEFINITIONS

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CHAPTER 19.08: ENFORCEMENT

CHAPTER 19.10: PROCEDURES FOR ANALYZING TAKINGS

Article II. ADMINISTRATION

CHAPTER 19.12: ADMINISTRATIVE BODIES, POWERS & DUTIES

CHAPTER 19.14: ESTABLISHMENT OF ZONES, ZONING MAP, AMENDMENTS

CHAPTER 19.16: LAND USE PROCESSES AND PROCEDURES

CHAPTER 19.20: VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS

Article III. ZONE REGULATIONS

CHAPTER 19.22: PARKS AND OPEN SPACE ZONES

CHAPTER 19.24: FORESTRY ZONES

CHAPTER 19.26: (Reserved)

CHAPTER 19.28: (Reserved)

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CHAPTER 19.38: FOOTHILLS AND CANYONS OVERLAY ZONE (FCOZ)

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Article IV. SPECIFIC USE STANDARDS

CHAPTER 19.42: SPECIFIC USE STANDARDS

CHAPTER 19.44: (Reserved)

Article V. DEVELOPMENT STANDARDS

CHAPTER 19.46: SITE DEVELOPMENT STANDARDS

Town of Brighton Draft Ordinance for Title 19 Public Hearing Draft

Last Updated: 03/27/2024

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CHAPTER 19.48: OFF-STREET PARKING AND LOADING

CHAPTER 19.52: SIGNS

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CHAPTER 19.56: FLOOD PLAIN REGULATIONS

CHAPTER 19.58: GEOLOGICAL HAZARDS

Chapter 19.02 Title, Purpose, Applicability

19.02.010 - Title.

This Title is known as "The Zoning Ordinance of the Town of Brighton" and is referred to herein as "the Ordinance" or "this Ordinance."

19.02.020 - Organization.

The Zoning Ordinance of the Town of Brighton is organized into five articles:

- A. Article I, "General Provisions" comprising Chapters 19.02 – 19.10, addresses:
 1. The organization and purpose of the Ordinance, together with definitions and enforcement procedures; and
 2. The criteria for addressing nonconforming uses, as well as procedures for analyzing takings.
- B. Article II, "Administration" comprising Chapters 19.12 – 19.20, addresses:
 1. The process for applying for various types of land use and land development permits, and the procedures for amending the General Plan, amending the Ordinance, and petitioning for zone changes; and
 2. The roles of each administrative body in the land use and development process;
- C. Article III, "Zone Regulations" comprising Chapters 19.22 – 19.40, addresses the regulations for each zoning district, including the permitted or conditional land uses and densities that are allowed in each zone.
- D. Article IV, "Specific Use Standards," comprising Chapters 19.42 – 19.44, addresses standards that are specific to the activity or use of a given property, including standards for long-term as well as temporary uses.
- E. Article V, "Development Standards," comprising Chapters 19.52 – 19.70, addresses:
 1. General standards applicable to the development of land;
 2. Standards particular to a development district or overlay zone; and
 3. Infrastructure, site design, signs, additional building standards (mass, height, setbacks), and natural conditions (such as slope, soils, drainage, etc.).

19.02.030 - Purpose.

- A. The Ordinance is intended to promote and support the goals and policies of the Town of Brighton's General Plan, and for the following purposes:
 1. To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of Brighton,
 2. To support small-scale economic opportunities and business that promote outdoor recreation, community services for residents, environmental preservation, or sustainable transportation,
 3. To support sustainable and responsible recreation and tourism,
 4. To regulate responsible alteration and development of land that promotes safety for people, wildlife, water, and the natural landscape.
 5. To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
 6. To preserve existing residential properties that embody Brighton's Mountain community,

7. To regulate housing and development to reduce impacts on the environment.

19.02.040 - Applicability.

- A. Territorial Application. All land and parcels of real property within the jurisdictional limits of the Town of Brighton is covered by the provisions of this Ordinance.
- B. General Applicability.
 1. The regulations contained in this Ordinance apply to all uses, structures, and parcels of real property, including those recorded prior to the enactment of this Ordinance.
 2. Every dwelling shall be located and maintained on a lot, as defined in this Ordinance. Except for dwelling groups, not more than one (1) dwelling structure may occupy one (1) lot.
- C. General Prohibition. No portion or whole of any structure or land may be used, occupied, constructed, moved, enlarged, or structurally altered except as provided by this Ordinance. Land needed to meet the width, yard, area, coverage, parking or other requirements of this Title for a lot or building shall not be sold or conveyed away from such lot or building.
- D. Private Agreements. This Ordinance is not intended to enforce any private agreement or covenant. If this Ordinance is more restrictive than a private agreement or covenant, this Ordinance prevails.
- E. Other Laws and Regulations. This Ordinance controls over less restrictive State or municipal statutes, ordinances, or regulations.

19.02.050 – Transition Rules.

- A. In those instances where this Ordinance conflicts with previously applicable zoning regulations, the following rules apply:
 1. Division of Consolidated Lots. Previously platted lots consolidated into one taxable parcel may not be re-divided into lots smaller than the minimum area required in the underlying zone.
 2. Previously Issued Building Permits. If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance or any amendments to this Ordinance, and if construction has begun within 180 days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and upon completion may be occupied under an occupancy permit for the use originally intended.
 3. Previously Granted Approvals.
 - a. All approvals granted prior to the effective date of this Ordinance remain in full force and effect. The recipient of the approval may proceed to develop the property in accordance with the approved plans and any applicable conditions.
 - b. If the recipient has failed to act on an approval before the approval expires, including any periods of extension granted, the provisions of this Ordinance control.

19.02.060 - Inactive Applications

Applications for property development and/or use permits shall be actively pursued to a final decision by the town. If no activity such as plan submittals, reviews, meetings, or communication by the applicant has occurred on an application for one hundred eighty (180) days, the application will be deemed as inactive, and the file closed. The applicant may submit a written request to maintain the application as active, wherein upon finding that there is good cause and reasonable belief that the application will be pursued to completion, the planning director, or their designee may grant a one-time ninety (90) day extension. Once a file is closed, an applicant will be required to reapply for permits or development.

19.02.070 – Severability.

If any provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remaining provisions of this Ordinance. The effect of the judgment is confined to the provision immediately involved in the controversy in which the judgment or decree was rendered.

19.02.080– Vesting

1. An Applicant is entitled to a substantive review and approval of a land Use Application if the Application conforms to the requirements of the Town's Land Use and Zoning Maps, the municipal specification for public improvements application to a Subdivision or Development, and the applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:
 - a. the land Use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the Application; or
 - b. before the Application is submitted, the municipality has formally initiated proceedings by publicly noticing an amendment to its ordinances in a manner that would prohibit approval of the Application as submitted.
2. The municipality shall process an Application without regard to proceedings initiated to amend the municipality's ordinances if:
 - a. 180 days have passed since the proceedings were initiated; and
 - b. the proceedings have not resulted in an enactment that prohibits approval of the Application as submitted.
3. An Application for a Land Use approval is considered, submitted and complete when the Application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
4. The continuing validity of an approval of a land Use Application is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence.
5. A municipality is bound by the terms and standards of applicable land Use ordinances and shall comply with mandatory provisions of those ordinances.

Chapter 19.04 Definitions

19.04.010 – Definitions and Interpretation of Language.

For the purpose of Titles 18 and 19 of this Ordinance, certain words and terms are defined as set out in this Chapter. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular, and words included herein but defined in the building code shall be construed as defined therein.

19.04.020 – General Definitions.

A. General terms used in Title 19 are defined as follows:

1. "Affected Entity" means the same as defined in Utah Code 10-9a-103 (3).
2. "Agent" means a person with written authorization to represent a property owner.
3. "Appeal Authority" means the same as "Land Use Hearing Officer."
4. "Bench Mark" means a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.
5. "Boundary Line Agreement" means an agreement to establish the location of a boundary between adjoining properties where the location of the boundary is ambiguous, uncertain, or disputed.
6. "Buffer" means an area along the course of any watercourse or roadway or boundary line to be maintained without the disturbance of buildings or structures other than fencing, if allowed.
7. "Concept Plat / Drawing" means a drawing that shows the overall concept of a proposed development, as further defined in these regulations.
8. "Conditional Use" means a land use that has unique characteristics or negative effects that may not be compatible in an area without conditions to mitigate or eliminate the detrimental impacts.

A land use listed as a conditional use is a use of land for which a conditional use permit is required pursuant to this Title.

9. "Conservation Easement" means an easement that perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the conservation easement holder, permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.
10. "Council" means the municipal council, unless otherwise clearly indicated.
11. "Culinary Water Authority" means the department, agency, or public entity with the responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
12. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
13. "Development Code" means Titles 18 and 19 of the Municipal Code.
14. "Development Review Committee (DRC)" means Planning and Development Services Staff, in consultation with agencies contracted with the municipality for engineering, health, fire, and surveying reviews and services. Comments from affected entities, other service providers or other reviewing agencies may also be solicited as needed.
15. "Director" means the Greater Salt Lake Municipal Services District Director of Planning and Development Services.
16. "Dwelling" means any building or structure, or portion thereof, intended for residential use.
17. "Dwelling Unit" means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one (1) kitchen or set of cooking facilities are considered to contain more than one (1) dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:
 - a. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
 - b. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;
 - c. There is only one electric and/or gas meter for the building.
18. "Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.
19. "Facility Company" means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.
20. "Family" means one of the following groups of individuals, but not more than one group at the same time:
 - a. An individual living alone; or

- b. Two (2) or more people, all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children, and up to two (2) other unrelated persons who do not pay rent; or
- c. Up to four (4) related or unrelated individuals who live and cook together as a single housekeeping unit; or
- d. Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.

21. "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.

22. "Grading Plan" means a plan that shows all finish grades, spot elevations, drainage as necessary and existing and new contours.

23. "Graffiti" means inscriptions, drawings, paintings, or other visual defacing of buildings, structures, or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in municipal ordinances.

24. "Gross Square Feet" means the sum of all areas on all floors of any building(s). Gross square footage shall include any detached and attached garages, other accessory structures, and finished and unfinished basements.

25. "Ground Cover" means material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches (12").

26. "Guest" means a person paying for staying or receiving services at a bed and breakfast, hotel, motel, resort, or similar facility.

27. "Guestroom" means a room that is designed for double occupancy by guests, for sleeping purposes.

28. "Hardscape" means patios, decks and paths. Does not include driveways.

29. "Health Department" means the Health Department of Salt Lake County, Utah.

30. "Inoperable Vehicle" means a vehicle that is not currently registered or licensed in the State of Utah or in another state, or which has been dismantled or wrecked to the point of being non-drivable.

31. "Land Trust" means a private non-stock, non-profit corporation that has as its purpose the preservation.

32. "Land Use Application" means an application required by the zoning or subdivision ordinances.

33. "Land Use Authority" means the person, board, commission, agency, or other body designated by the Council to act upon a land use application.

34. "Land Use Decision" means any final decision of the Planning Commission, or final administrative decision of the Director or other official responsible for the enforcement of zoning and subdivision regulations.

35. "Land Use Hearing Officer" means the "Appeal Authority" created pursuant to Utah Code §10-9a.701 to hear appeals to zoning decisions applying to the zoning ordinance as provided in Section 19.16.020 and for decisions by the Planning Commission. The Land Use Hearing Officer is also the appeal authority for subdivision appeals subject to Section 18.08.040 of this Ordinance. The Land Use Hearing Officer is also charged with the powers and duties enumerated in Section 19.12.040.C.

36. "Landscaping" means any combination of living plants, such as native trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences or benches.
37. "Lot of Record" means any land parcel that existed, as recorded in the Office of the Salt Lake County Recorder, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952 and all land parcels that were legally created for the purposes of development pursuant to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of the first Subdivision Ordinance enactment.
38. "Local Jurisdiction" means the Town of Brighton.
39. "Membrane Covered Frame Structure" means a non-pressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane that provides the weather barrier.
40. "Minor Local Street" means a street, existing or proposed, often of limited continuity, the primary purpose of which is to provide access to property and serve the local needs of a neighborhood. A minor local street carries low volumes of traffic at the lowest speed limits.
41. "Monument" means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the Salt Lake County Surveyor's specifications and referenced to Salt Lake County survey monuments.
42. "Municipal Engineering Division" means the division or personnel hired by or contracted with the municipality to provide engineering services.
43. "Municipal Flood Control Division" means the division or personnel hired by or contracted with the municipality to provide flood control and water quality services.
44. "Municipal Geologist" means the personnel hired by or contracted with the municipality to provide geologic hazard review and geology services.
45. "Natural Condition" means the topography and vegetation of the area that is unaltered by clearing and grading during construction and protected in perpetuity.
46. "Noncomplying Structure" means a structure that: (a) legally existed before the structure's current land use designation; and (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.
47. "Nonconforming Use" means a use of land that:(a)legally existed before its current land use designation;(b)has been maintained continuously since the time the land use ordinance governing the land changed; and(c)because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
48. "Nonconforming Lot" means a legally established lot or parcel that met the applicable area, width, and other applicable requirements in effect at the time the lot or parcel was created, but which fails by reason of such adoption, revision, or amendment of the zoning ordinance, to conform to the present requirements of the zone in which it is located.
49. "Owner" includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

50. "Owner Occupancy" means a property where the property owner resides as reflected in title records makes his or her legal primary residence at the site, as evidenced by voter registration vehicle registration driver's license county assessor records or similar means.
51. "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.
52. "Permitted Use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
53. "Planning and Development Services" means the Planning and Development Services Department of the Greater Salt Lake Municipal Services District.
54. "Planning Commission" means the municipal Planning Commission.
55. "Primary Dwelling" means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.
56. "Provisional Parking" means an area or areas within a parking lot where parking spaces which are shown on the approved parking plan are landscaped rather than paved.
57. "Residential Zone" means any forestry zone or any zone that permits single-family residential uses.
58. "Right-of-way" means any recognized (recorded, platted, prescriptive, or other) shared vehicular accessway that extends along either private or public property for the purpose of accessing multiple properties.
59. "Road" can be used interchangeably with the word street.
60. "Record of Survey Map" means a map of a survey of land prepared in accordance with Utah Code.
61. "Sanitary Sewer Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
62. "Standards and Specifications" means the construction and design requirements and standards of the municipality for the construction and installation of public infrastructure and improvements. The documents shall be approved by the Municipal Engineer and approved by Resolution of the Council.
63. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not as part of the main structure.
64. "Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet (25') wide, which has been made public by right of use and which affords the principal means of access to abutting property. Street does not include alleys or trails. May sometimes be referred to as road.

65. "Street, Private" means an access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to one or more properties, but held in private ownership.
66. "Street Light" means a raised light installed within or adjacent to the street right-of-way, turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells to turn them on at dusk and off at sunrise or activate automatically in foul weather.
67. "Structure" means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.
68. "Structural Alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.
69. "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
 - a. "Subdivision" includes:
 - i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
 - ii. Except as provided in Subsection B, divisions of land for residential and nonresidential uses, including land used or to be used for commercial purposes.
 - b. "Subdivision" does not include:
 - i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 - ii. A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with § 10-9a-524 if no new parcel is created;
 - iii. A recorded document, executed by the owner of record:
 - (a) Revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
 - (b) Joining a lot to a parcel;
 - (c) A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah Code Annotated, § 10-9a-524 and §10-9a-608, if:
 - (i) No new dwelling lot or housing unit will result from the adjustment; and
 - (ii) The adjustment will not violate any applicable land use ordinance;
 - (d) A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
 - (i) Is in anticipation of future land use approvals on the parcel or parcels;
 - (ii) Does not confer any land use approvals; and
 - (iii) Has not been approved by the land use authority;
 - (iv) A parcel boundary adjustment;
 - (v) A lot line adjustment;

- (vi) A road, street, or highway dedication plat;
- (vii) A deed or easement for a road, street, or highway purpose; or
- (viii) Any other division of land authorized by law.

70. "Subdivision Amendment" means an amendment to a recorded subdivision in accordance with Utah Code Annotated, §10-9a-608, that:

- a. Vacates all or a portion of the subdivision;
- b. Alters the outside boundary of the subdivision;
- c. Changes the number of lots within the subdivision;
- d. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- e. Alters a common area or other common amenity within the subdivision.

71. "Subject Property" means the land area for which an approval is required to comply with this Ordinance.

72. "Substantial improvement" means:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either:
 - i. Before the improvement or repair is started; or
 - ii. If the structure is damaged and is being restored, before the damage occurred.
- b. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- c. The term does not, however, include either:
 - i. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

73. "Trails" means a system of public recreational pathways located within the municipality for use by the public for walking, biking and/or horseback riding as designated.

74. "Utility Company" means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.

75. "Utilities or Improvements" means all types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services, and surface improvements such as sidewalks, curbs, gutters, and streets.

76. "Vehicle" means a self-propelled device used for transporting persons or things, including, but not limited to, automobiles, watercraft, motorcycles, snowmobiles, and recreation vehicles. Does not include heavy machinery.

77. "Vehicle, Commercial" means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:

- a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;

- b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles;
- c. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature;
- d. Vehicles with more than two axles; or
- e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

19.04.030 – Site Standard Definitions.

- A. Site Development terms used in Title 19 are defined as follows:
 - 1. "Active Recreation" means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.
 - 2. "Arterial Street" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the UDOT Functional Classification Map as a controlled-access highway, limited-access road, major street, parkway, or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.
 - 3. "All Weather Surface" means a surface composed of gravel, stone, macadam, or other approved pervious material, with sufficient depth and compaction to permit vehicular traffic in extremely inclement weather.
 - 4. "Alley" means a public or private way that affords a secondary means of access to abutting property.
 - 5. "Basement" means any floor level below the first story in a building, except that a floor level in a building having only one-floor level shall be classified as a basement unless such floor level qualifies as a first story.
 - 6. "Base Density" means the original density permitted under the property's zoning category, in dwelling units per acre.
 - 7. "Buildable Area" means a lot or portion thereof possessing all of the following physical characteristics:
 - a. The area contains no territory having a slope of thirty percent (30%) or greater;
 - b. The area contains no territory which is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide, or rockfall;
 - c. The engineering properties of the soil provide adequate structural support for the intended use; and
 - d. The area does not possess any other recognized natural condition which renders it unsafe for building purposes.
 - 8. "Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.
 - 9. "Building Alteration" means any act or process that changes the architectural detail, function, or structural design of a building, including but not limited to the erection, construction, reconstruction, or removal of any building.

10. "Building Coverage" means the maximum horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level or above, whichever is the greater area, including, without limitation, courts and exterior stairways, but excluding:
 - a. Uncovered decks, porches, patios, terraces, and stairways all less than thirty inches high; and
 - b. The outer four feet (4') of completely open, uncovered, cantilevered balconies having a minimum of eight feet (8') of vertical clearance below.
11. "Building Envelope" means the building pad, building footprint, and height restrictions, which define the maximum building area in which all development must occur. The building envelope is the area that remains for placing a structure on a site after building line, setback, side yard, height and bulk regulations are observed.
12. "Building Facade" means the exterior of a building located above ground and generally visible from public points of view.
13. "Building Footprint" means the total area of the foundation of a structure, or the furthest exterior wall or supporting column of the structure. Decks, porches, patios, stairways, terraces, planter boxes and balconies that are both uncovered and less than thirty inches (30") tall, measured from the finished grade are not part of the building footprint.
14. "Building Height" means the vertical distance above the lowest original ground surface at any point on the perimeter of the building to the highest point of any roof.
 - a. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet (12') in horizontal dimension. The height of each stepped building segment shall be measured separately.
 - b. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations including but not limited to grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the development services division using the best information available. The elevation shall be determined using a certified topography survey with a maximum contour interval of two feet (2').
15. "Building Street Frontage" means the portion of the building directly fronting or adjacent to the street. Building Street Frontage is calculated by dividing the portion of the building at the build-to-line or within a specified distance of the build-to-line by the street frontage.
16. "Build-to-Line" means the maximum distance a building may be setback from a property line or other designated location. The purpose of a build-to-line is to bring structures adjacent to streets and sidewalks or pedestrian paths to encourage pedestrian activity.
17. "Collector Street" means a street which carries traffic from local streets to the Arterial Street system, including the principal entrance streets of residence development and the primary circulating streets within such a development. A collector street may have prohibited movements and the number and spacing of driveways may be controlled.
18. "Cul-de-sac" means a minor street having one open end and being terminated at the other by a vehicular turnaround.
19. "Dedication" means the setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.
20. "Entrance" means the location of ingress to a room, building, or lot; a location of admittance.
21. "Exit" means the location of egress from a room, building, or lot.

22. "Fence" means any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.
23. "Final Plat" means a plat map prepared in accordance with the provisions of this Ordinance for the purpose of subdividing property. A final plat must be based on an accurate survey, and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified.
24. "Frontage" means the uninterrupted linear or curvilinear extent of a lot, abutting on a street, measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the rights-of-way. If a lot has frontage on more than one street, only the frontage on one street may be used to satisfy the minimum lot frontage.
25. "Grade, Finished" means the topographic elevations where the earth meets the building, upon project completion. Excluded from this definition are window wells serving basement rooms. Also referred to as "final grade".
26. "Grade, Natural" means the topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. When natural grade is not readily apparent, an approximation of preexisting conditions using grades on adjacent sites, retaining walls, prior survey maps, etc., may be used as a reference for determining natural grade. All such grade approximations shall require the concurrence of the Director. "Grade, Natural" is also referred to as "existing grade".
27. "Green Space" means open space maintained in a natural, undisturbed, or revegetated condition.
28. "Guarantee" means a bond, escrow or irrevocable letter of credit given by the applicant(a) to ensure the proper installation of public infrastructure and improvements.
29. "Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; also, the size of buildings or structures, the most intense being higher, longer and/or wider.
30. "Lot" means a parcel of land occupied or proposed to be occupied by a building or buildings, together with such yards, open spaces, lot width, and lot areas as are required by this Title, having frontage upon a street or a right-of-way approved by a Land Use Hearing Officer, or upon a right-of-way not less than twenty feet (20') wide. Except as provided in this Title, not more than one dwelling structure shall occupy one lot.
31. "Lot, Corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.
32. "Lot, Double Fronting" means a lot having frontage on two (2) streets that are parallel or nearly so or do not intersect.
33. "Lot, Interior" means a lot other than a corner lot.
34. "Lot Line Adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.
35. "Lot Line, Front" means the front boundary line of a lot bordering the street.
36. "Lot Line, Rear" means a lot line that is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, the rear lot line shall be that lot line that is generally parallel to and at the maximum distance from the front lot line, having a length of at least ten feet (10').

37. "Lot Line, Side" means any lot boundary line not a front lot line or a rear lot line.
38. "Lot Width" means the distance between the side lot lines measured at the required front yard setback line. For a corner lot, the lot width is the distance between one of the front lot lines and the opposite side yard line at the required front yard setback line.
39. "Main Building" means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.
40. "Major Local Street" means a street, existing or proposed, which serves or is intended to serve to connect minor local streets with collector streets while also providing direct access to property. A major local street has more continuity for through-traffic than a minor local street.
41. "Marginal Access Street" means a local street, parallel and adjacent to a minor arterial or minor collector street providing access to abutting properties and protection from arterial or collector streets.
42. "Off Street Parking" means a site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street.
43. "Organic Disposal Site" means a disposal site where settled or precipitated solid matter produced by water and sewage treatment processes is disposed of in compliance with the board of health requirements, using sanitary land-filling techniques, in a manner that does not create a nuisance or health hazard, that protects the environment, and will not cause a pollution source of water, air, etc.
44. "Open Space" means an area of land or water set aside to be preserved or reserved for use by residents of the development. An expanse of lawn, trees, plants, or other natural areas. Any landscaped area of the site including: required yards, setbacks, walkways, and limited common areas. It does not include parking, driveways, or buildings with habitable space for primary uses, but may include buildings for the purpose of providing an amenity. Open space may be distributed throughout the development and need not be in a single large area. Open space may include sensitive areas, such as areas with thirty percent (30%) or greater slope, fault zones, floodplains, high water tables, and wetlands if they have been designed as an integral element of the project. Any additional amenity that is located on the roof of a building shall not be considered open space.
45. "Parking Lot" means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
46. "Parking Space" means space within a building, lot, or parking lot for the parking or storage of one automobile.
47. "Passive Recreation" means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.
48. "Preliminary Approval" means an approval, with or without recommended alterations, given to a preliminary plat by the Planning Commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.
49. "Preliminary Plat" means a map or plan of a proposed land division or subdivision. A drawing that shows the perimeter boundary, topography, lot layout arrangement, street layout, and other features of a proposed subdivision, as specified for a preliminary plat in the Ordinance.

50. "Public Utility Easement" An area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility lines, mains, services, and minor facilities.
51. "Setback" means a distance from a curb, property line, or structure within which building is prohibited.
52. "Side Yard, Corner Lot" means a side lot line that abuts a street.
53. "Side Yard, Interior Lot" means a side lot line that abuts a side or rear lot line of another lot.
54. "Stealth Design" means the use of alternative support structures to blend or hide the communication equipment with the design, shape, or color of the structure. Examples of stealth design include field lights, clock towers, bell towers, water towers, flagpoles, windmills, monuments, etc.
55. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet (6') above grade for more than fifty percent (50%) of the total perimeter or is more than twelve feet (12') above grade at any point, such usable or unused underfloor space will be considered as a story.
56. "Story, First" means the lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet (4') below grade for more than fifty percent (50%) of the total perimeter, or not more than eight feet (8') below grade at any point.
57. "Story, Half" means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.
58. "Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:
 - a. Fences and walls that conform with this code.
 - b. Landscape elements including trees, shrubs, and other plants.
 - c. Necessary appurtenances for utility services associated with minor public utilities.
 - d. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.
 - e. Cornices, eaves, belt courses, buttresses, and other similar architectural features may project into any yard not more than two feet (2').
 - f. Bay windows, cantilevered floors, and fireplace structures may project into any yard not more than two feet (2'), provided that they are not wider than eight feet (8') wide.
 - g. Porches, door stoops, awnings, fire escapes, and stairways may project into an interior side yard not more than two feet (2') and a front, rear, or corner side yard not more than four feet (4').
 - h. Accessory structures subject to this Title.
59. "Yard, Front" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.
60. "Yard, Rear" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

61. "Yard, Required" means the open space around buildings which is required by the terms of this Title.
62. "Yard, Side" means a space on the same lot with a building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side lotline of the building. See "Side Yard, Interior Lot" and "Side Yard, Corner Lot".

19.04.040 – Telecommunications Definitions.

- A. Telecommunications terms used in Title 19 are defined as follows:
 1. "Amateur Radio Antenna" means a radio antenna that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or meets the standards related to amateur radio service adopted under 47 C.F.R. Part 97.
 2. "Amateur Radio Antenna Support Structure" means a lattice or pole structure which acts as a support to the amateur radio antenna. Typical support structures are triangular or square in cross-section, crank up, or guyed, and are constructed with galvanized steel or aluminum.
 3. "Antenna" means a transducer, attached to a support structure, designed to transmit or receive electromagnetic waves.
 4. "Distribution system" means the portion of the system located between: (1) the service drop transformer and the distribution substation for electric service, (2) the service drop and the receive site (headend) for cable television, or (3) the service drop and the transmission system for telephone service.
 5. "Earth Station" means a communication facility that transmits and/or receives signals to and from orbiting satellite(s).
 6. "Lattice Tower" means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure that often tapers from the foundation to the top.
 7. "Service Drop" means the portion of the system located between the distribution system and wall of the building or structure occupied or intended to be occupied by a customer.
 8. "System" means all poles, towers, wires, lines, cables, conduits, pipes and accessory equipment providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution system, transmission system, and accessory equipment.
 9. "Telecommunication Facilities, Wireless Communication Facilities, and Radio/TV Transmitting Towers" means facilities used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. Telecommunications Sites/Facilities do not include Amateur Radio equipment that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or amateur radio service adopted under 47 C.F.R. Part 97.
 10. "Transmission System" means the portion of the system which is used to carry the service from points of generation or switching centers to distribution points such as electrical substations and equipment sites. In the case of electrical service, a transmission system is defined as carrying a voltage of forty-six (46) KV or more.
 11. "Wireless Facility" means equipment at a fixed location that enables wireless communication between user equipment and a communications network, including (a) equipment associated with wireless communication; and (ii) regardless of the technological configuration, a radio

transceiver, an antenna, a coaxial or fiber-optic cable, a regular or back up power supply, or comparable equipment. Wireless Facility does not include the structure or an improvement on, under, or within which the equipment is collocated; or a coaxial or fiber-optic cable that is: between wireless structures or utility poles; not immediately adjacent to or directly associated with a particular antenna; or a wireline backhaul facility. (Utah Code § 54-21-101)

12. "Wireless Telecommunications Antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
13. "Wireless Telecommunications Equipment Shelter" means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
14. "Wireless Telecommunications Site/Facility" means an unmanned structure that consists of equipment used primarily for the transmission, reception, or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.
15. "Wireless Telecommunications Tower" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

19.04.060 – Sign Definitions.

- A. Sign terminology used in Title 19 is defined as follows:
 1. "Address Sign" means a sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.
 2. "Awning" means a shelter extending from the exterior wall of a building and composed of nonrigid materials, including cloth, plastic, or other nonrigid materials, except for the supporting framework.
 3. "Awning Sign" means any sign painted on, attached to, or supported by an awning.
 4. "Balloon Sign" means a sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device.
 5. "Banner" means a temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method, or that may be supported by stakes in the ground. Banners do not include flags.
 6. "Blade Sign" means the same as "Projecting Sign".
 7. "Canopy" means a freestanding, permanent roof-like shelter, other than an awning, that may be either freestanding or attached to an adjacent building or structure.
 8. "Canopy Sign" means a permanent sign attached to or constructed on a canopy.
 9. "Driveway Sign" means a small permanent sign located near driveway access points and/or at the intersection of internal access drives.
 10. "Electronic Message Center" means a sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lamp bank or through mechanical means (e.g., electronic or digital signs).

11. "Flag" means any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or Staff and anchored along only one edge or supported or anchored at only two corners. Flags do not include banner.
12. "Flat Sign" means the same as "Wall Sign".
13. "Holiday Decorations" means signs or displays including lighting which are a non-permanent installations timed around national, state, and local holidays, religious or cultural holidays, or other holiday seasons.
14. "Illegal Sign" means a sign that is not permitted or allowed to be established in a zone, does not meet the requirements of the zoning ordinance, and/or has not received nonconforming status. Any sign not specifically listed as a permitted or conditional use is prohibited in that zone.
15. "Incidental Sign" means signs that are often attached to doors, windows, gas pumps, or other structures that are small in nature and typically intended to be read by a user up close, rather than from a distance by pedestrians or drivers.
16. "Light Pole Banner" means a temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.
17. "Limited Duration Sign" means a non-permanent sign that is displayed on private property for more than thirty (30) days, but not intended to be displayed for an indefinite period.
18. "Marquee Sign" means a permanent, roof-like canopy with an integral sign that extends from part or all of a building face that may or may not project over a public right-of-way.
19. "Marquee Sign" means a permanent, roof-like canopy with an integral sign that extends from part or all of a building face that may or may not project over a public right-of-way.
20. "Monument Sign" means a sign permanently affixed to the ground at its base, supported entirely by a base structure that is flush to the ground, and not mounted on a pole.
21. "Mural" means a large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols.
22. "Permanent Sign" means a sign attached or affixed to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign and whose intended use appears to be indefinite.
23. "Pole Sign" means a freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.
24. "Portable Sign" means a sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.
25. "Projecting Sign" means a double-sided sign, excluding canopy and awning signs, mounted on a building such that the faces of the sign are perpendicular to the building and normal flow of traffic. It may also be referred to as a blade sign.
26. "Roof Sign" means any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.
27. "Sidewalk or Sandwich Board Sign" means a moveable sign not secured or attached to the ground or surface upon which it is located that's supported by its own frame. A common form of sidewalk sign may be referred to as a sandwich board sign that has the cross-sectional shape of the letter

A. Sidewalk signs may also be in a form that has a cross-sectional shape of an upside-down letter T.

28. "Sign" means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a commodity, an event, a gathering, or product, which are visible from any public way. "Sign" also includes the sign structure supports, lighting system, and any attachments, ornaments, or other features intended to draw the attention of observers.

29. "Sign Alteration" means a change or rearrangement in the structural part or design of a sign whether by extending on a side, by increasing in area or height, or by relocating or changing position.

30. "Sign Area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than ten degrees. For signs that do not have a frame or a separate background, the sign area shall be computed on the basis of the least rectangle, triangle, or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square, or other such shape shall be computed as one-half of the total surface area.

31. "Sign Copy" means the words logos, symbols, or message displayed on a sign.

32. "Sign Face" means an exterior display surface of a sign including non-structural trim exclusive of the supporting structure.

33. "Sign Height" means the vertical distance above the natural grade at any point on the perimeter of the sign to the highest point of the sign structure.

34. "Sign Maintenance" means the upkeep of signs in a safe, presentable and good condition, including the replacement of defective parts, repainting, cleaning, and other acts required for the maintenance of said sign.

35. "Sign Setback" means the minimum distance that any portion of a sign or sign structure shall be from any street property line.

36. "Sign Structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having a location on or below the ground.

37. "Snipe Sign" means a temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

38. "Soft Lighting" means low-lumen light sources (450 lumens maximum).

39. "Temporary Sign" means a type of non-permanent, sign that is located on private property that can be displayed for no more than thirty (30) consecutive days at one time.

40. "Vehicle Sign" means a sign or advertising device attached to or located on a vehicle or trailer parked on a public right-of-way, public property, or parking area with access by the general public so as to be visible from a public right-of-way for the basic purpose of directing people to a business or activity.

41. "Wall Sign" means a building-mounted sign that is either painted on, attached to, or displayed on a wall or its facing in a manner parallel to the wall surface.

42. "Window Sign" means any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily

from the outside of the building. Customary displays of merchandise behind a store window are not considered signs.

19.04.070 – Use Definitions.

A. Uses identified in Title 19 are defined as follows:

1. "Accessory Equipment" means the portion of the system including equipment sites, transformers, switchgear, pedestals, terminals, meters, buildings (substations), and other similar equipment that is normally installed aboveground in accordance with accepted practices of underground systems.
2. "Accessory Structure" means a detached subordinate building or structure the appropriate use of which is subordinate and customarily incidental to the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use. Accessory structures include detached garages or carports, garden or storage sheds, and children's playhouses, but do not involve the conduct of a business.
3. "Accessory Dwelling Unit, Detached" means a habitable living unit detached from a primary single-family dwelling and contained on one lot for the purpose of offering a long-term rental of thirty (30) consecutive days or longer. Detached Accessory Dwelling Units are not permitted in the Town of Brighton.
4. "Accessory Dwelling Unit, Internal" (IADU) or Accessory Dwelling Unit, Attached means an accessory dwelling unit created:
 - a. Within a primary dwelling;
 - b. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit (IADU) was created; and
 - c. For the purpose of offering a long-term rental of thirty (30) consecutive days or longer.
5. "Accessory Use" means a use clearly incidental and subordinate to the existing primary use and customarily related to the primary use and located on the same lot or in the same building as the primary use.
6. "Bar" means a commercial establishment open to the general public which sells and serves intoxicating beverages for consumption on the premises, subject to the Utah Alcoholic Beverage Control Act.
7. "Breweries and Distilleries in association with a Restaurant" means a business which conducts the retail sale of beer or liquor which is brewed or distilled on the premises in compliance with applicable state and federal laws. Such establishments may also include restaurants as an accessory use.
8. "Campground" means a public area designated by a public agency for camping, or a private area licensed by the local governing body for camping. "Campground" also includes any lot or parcel of land upon which two or more sites are located, established or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes. This may include accessory facilities such as kitchens, pavilions, playgrounds, or storage for recreation equipment.
9. "Camping" means the use of any tent, trailer, lean-to, teepee, recreational vehicle, or similar non-permanent structure or vehicle for temporary living quarters for residential, recreation, education, or vacation purposes.

10. "Carport" means a private garage not completely enclosed by walls or doors. For the purposes of this Title, a carport shall be subject to all of the regulations prescribed for a private garage.
11. "Child Care" means the provision, day or night, of supplemental parental care, instruction, and supervision for a non-related child or children, on a regular basis, and for less than twenty-four (24) hours a day. The term does not include babysitting services of a casual, non-recurring nature, or in the child's own home or cooperative, or reciprocative child care by a group of parents in their respective domiciles.
12. "Child Care Center" means a facility, operated by a person qualified and licensed by the State of Utah, which provides children with daycare and/or preschool instruction as a commercial business and complying with all applicable state standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides childcare for less than twenty-four (24) hours per day. "Commercial Daycare Facilities" excludes the following:
 - a. Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;
 - b. Facilities operated in connection with a fitness center, shopping center, or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or
 - c. Special activities or programs, including athletics, crafts instruction, and similar activities, are conducted on a periodic basis by civic, charitable, private, or governmental organizations.
13. "Child Care, Licensed Family" means the provision of childcare for sixteen or fewer children, including the provider's children who are under the age of thirteen, in the home where the caregiver resides, in the absence of a child's parents, for four (4) or more hours but less than twenty-four (24) hours, on a regularly scheduled, ongoing basis. A "Child Care, Licensed Family" is subject to licensing by the Utah Department of Health and Human Services.
14. "Child Care, Residential" means the provision of childcare for eight or fewer children, including the provider's children, who are under the age of thirteen, in the home where the caregiver resides, in the absence of a child's parents, for less than twenty-four (24) hours, on a regularly scheduled, ongoing basis. A "Child Care, Residential" is subject to licensing by the Utah Department of Health and Human Services.
15. "Church, Synagogue, Mosque, Temple, Cathedral, or Other Religious Buildings" means a building, with accessory structures and uses, where persons regularly assemble for religious purposes and related social events and which building, with accessory structures and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.
16. "Club" means a building used, occupied, and operated by an organized association of persons for social, fraternal, religious, or patriotic purposes, whose activities are confined to the members and their guests, but shall not include any organization, group, or association, of which the principal activity is to render a service usually and ordinarily carried on as a business. A club may also be a bar, subject to the Utah Alcoholic Beverage Control Act.
17. "Cluster Subdivision" means a subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space.
18. "Commercial Recreation" means recreational facilities operated as a business and open to the general public for a fee.

19. "Court" means an occupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.
20. "Duplex" means the same as "Dwelling, Two Family."
21. "Dwelling, Manufactured Home" means a transportable factory-built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that: (a) in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred square feet (400 sq.ft.) or more; and (b) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. A manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, lateral forces, and frost protection in compliance with the municipality's Building Code, as adopted. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the Municipality Code, as adopted.
22. "Dwelling, Modular Unit" means a structure: (a) built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and (b) the purpose of which is for human habitation, occupancy, or use
23. "Dwelling, Multiple Family" means a building containing five (5) or more residential dwelling units.
24. "Dwelling, Single-Family" means a building containing one (1) residential dwelling unit.
25. "Dwelling, Single-Family Attached" A residential structure designed to house a single-family unit from the lowest level to roof, with a private outside entrance, but not necessarily occupying a private lot, and sharing a common wall adjoining dwelling units.
26. "Dwelling, Three- and Four-Family (3-plex and 4-plex)" means a building containing three (3) or four (4) residential dwelling units, each unit designed to be occupied by one (1) family.
27. "Dwelling, Two Family" means a building containing two (2) residential dwelling units.
28. "Dwelling group" means a group of two (2) or more dwellings located on a parcel of land in one (1) ownership and having any yard or court in common.
29. "Educational Facility" means: (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and programs for children with disabilities; (ii) a structure or facility: (A) located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the use of that building; and (iii) a building to provide office and related space to a school district's administrative personnel; and (b) does not include: (i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is: (A) not located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the purposes of a building described in Subsection (12)(a)(i); or (ii) a therapeutic school.
30. "Educational Facility with Residential Accommodation" means an educational facility with living accommodations for students or Staff, such as universities, colleges, boarding schools, and seminaries. Educational facility includes public and private schools (PreK-12) designed for educational activities with a curriculum for technical or vocational training, pre-kindergarten, kindergarten, elementary, secondary, or higher education and recognized as an educational institution by the State of Utah Board of Education, the State of Utah Board of Higher Education, or the State Board of Regents.

31. "Farm Products" means fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products), and fish.
32. "Farmers' Market" means an outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more producers, at which (a) at least seventy-five percent (75%) of the products sold are farm products or value-added farm products and (b) at least seventy-five percent (75%) of the vendors regularly participating during the market's hours of operation are producers, or family members or employees of producers.
33. "Food Cart" means a cart:
 - a. That is not motorized; and
 - b. That a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.
34. "Food Truck" means:
 - a. A fully encased food service establishment;
 - b. On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
 - c. From which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption;
 - d. A food cart; or
 - e. An ice cream truck.
35. "Garage, Private" means a detached accessory structure or portion of a main building designed for the parking or temporary storage of automobiles of the occupants of the premises.
36. "Gardening for Personal Use" means an accessory use that includes the production of fruits, vegetables, spices, and other food plants for personal use. "Gardening for Personal Use" may include a greenhouse or plant nursery subject to accessory structure regulations.
37. "Home Occupation" means any use or activity conducted entirely within a residential dwelling or a legal accessory structure or structure that is clearly incidental and secondary to the existing residential use and does not change the character of the residence or neighborhood and there is no display of any stock and the use complies with the applicable business license requirements.
38. "Home Preschool" means a preschool program complying with all Utah standards and licensing for non-family members in an occupied dwelling unit, by residents of that dwelling unit, in which lessons are provided for not more than ten (10) children for each session of instruction. If there are eight or more children, there must be two or more providers present. Sessions may not last for not more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any twenty-four (24) hour period.
39. "Hotel" means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. A central kitchen, dining room, accessory shops and services catering to the general public can be provided. Additional services, such as restaurants, meeting rooms, conference space and recreational facilities are allowed as accessory and subordinate uses.
40. "Household Pet" means animals customarily permitted in the house and kept for company or pleasure, including dogs, cats, canaries, and similar pets.

41. "Institutional Use" means a facility that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, or tax-exempt organization.
42. "Junk" means any worn out or discarded materials including but not necessarily limited to scrap metal, inoperable motor vehicles or recreational vehicles which are inoperable for more than sixty (60) days, and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.
43. "Liquor and/or Wine Store" means a facility for the sale of packaged liquor or wine, located on premises owned or leased by the state of Utah and operated by a state employee.
44. "Major Seasonal Sale" means a type of temporary use offering goods not offered year-round by another business on the property or is the only business on the property for the duration the use is occurring or occupies land in a designated park and is greater than eight hundred square feet (800 sq.ft.).
45. "Major Seasonal Use" means a type of temporary use that offers a service or activity not offered year-round by another business on the property or is the only business on the property for the duration the use is occurring or occupies land in a designated park and is greater than eight hundred square feet (800 sq.ft.).
46. "Micromobility Support Infrastructure" means infrastructure, such as docking stations, signage, or other small-scale infrastructure, needed to support licensed micromobility systems.
47. "Micromobility" means small, light-weight, and low-speed (less than thirty (30) mph) motorized vehicles that may be part of a shared-use program.
48. "Mining (Subsurface)" means mining by digging or constructing access tunnels, adits, ramps, or shafts and excavating directly from the natural mineral deposits exposed.
49. "Mining (Surface)" means mining by removing the overburden lying above the natural deposits and excavating directly from the natural deposits exposed, or by excavating directly from deposits lying exposed in their natural state, and shall include dredge operations conducted in or on natural or artificially created waterways.
50. "Minor Seasonal Sale" means a type of temporary use offering goods not offered year-round by another business on the property, and the total area of the use takes up eight-hundred square feet (800 sq. ft.) or less.
51. "Minor Seasonal Use" means a type of temporary use that offers a service or activity not offered year-round by another business on the property and the total area of the use takes up eight-hundred square feet (800 sq. ft.) or less.
52. "Minor Ski Resort Improvements" means construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts, and related resort appurtenances, equipment, recreational access corridors, pedestrian or non-motorized trails, non-snow related activities, and accessory uses, or vehicular maintenance roads constructed or used in connection with the construction, operation, or maintenance of a resort.
Minor ski resort improvements also include the construction, operation and maintenance of Remote Avalanche Control Devices.
53. "Mobile Store" means a business that is carried out entirely from a motor vehicle or thing that is designed to be or is mobile such as hand pushcarts and self-propelled kiosks, whereby the entire inventory offered for sale is carried and contained in the motor vehicle or thing that is designed

to be or is mobile at the time the stock is offered for sale and is delivered to the purchaser at the time of sale. This use excludes food trucks/mobile restaurants, as defined in this Chapter.

- 54. "Office, General" means a building offering executive, administrative, professional, or clerical services, or a portion of a building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.
- 55. "Office, Intensive" means a business offering executive, administrative, professional, or clerical services with a high level of client interaction and traffic generated; and/or a business that employs five (5) or more persons per one thousand square feet (1,000 sq.ft.) of net leasable office space.
- 56. "Office, Medical" means a building used by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.
- 57. "Outdoor Dining" means an area of designated size used as a seating area with tables and chairs for the contiguous restaurant.
- 58. "Outdoor Recreation, Large Scale, and including Outdoor Entertainment Locations" means areas or facilities that offer recreation or entertainment outside and require significant land or are expected to create a larger impact. Such uses include shooting ranges, amphitheaters, outdoor stages and concert venues, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.
- 59. "Outdoor Recreation, Small Scale". Areas or facilities that offer recreation outside. Such uses include tennis facilities, miniature golf courses, ropes courses, and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices. Excludes outdoor recreation, large-scale.
- 60. "Outdoor Sales Event" means a type of temporary use that uses a portion of outside space to temporarily sell products from a business in a building already located on the property with a business license.
- 61. "Outdoor Storage" means the same as "Accessory Outside Storage"
- 62. "Park and Ride" means an area or structure intended to accommodate parked vehicles for the general public, where commuters park their vehicles and continue to travel to another destination via public transit, carpool, vanpool, or bicycle. The parking lot may be shared with other uses or stand-alone.
- 63. "Personal Care Services" means an establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tanning and nail salons, permanent makeup facilities, tattoo and body piercing establishments, and weight loss centers.
- 64. "Personal Instruction Services" means an establishment engaged in the provision of informational, instructional, personal improvement, and similar services of a professional nature or by a nonprofit organization. Typical uses include art and music schools, driving instruction, computer instruction, gymnastic and dance studios, handicraft or hobby instruction, and martial arts training.
- 65. "Planned Unit Development (PUD)" means an integrated design for the development of residential, commercial, or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied

or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements. PUDs are not permitted in the Town of Brighton.

66. "Post Office" means a facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.
67. "Private Nonprofit Recreational Grounds And Facilities" means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Revised Nonprofit Corporation and Cooperation Act.
68. "Private Residential Tennis Court/Sports Court" means a recreation court requiring a base surface with a gross square footage of four hundred square feet (400 sq.ft) or more, permitted as an accessory use to and on the same lot as a single-family residential dwelling. These are prohibited except where the natural slope is twenty percent (20%) or less.
69. "Private Swimming Pool" means any structure or container holding water to a depth of eighteen inches (18") or greater and having either a diameter or diagonal measurement of ten feet (10') or greater, permitted as an accessory use to and on the same lot as a single-family residential dwelling.
70. "Public Parks" means parks that are maintained by a public agency.
71. "Public Use" means a use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, government and public utility administrative offices, fire stations, police stations, and facilities that are part of the local service delivery system for public utilities. "Public Use" does not include public utility production, storage, and treatment facilities such as power plants, refineries, natural gas processing and storage plants, water treatment plants, or sewage treatment facilities.
72. "Public Utility, Major" means structures that house operations for public utilities like, but not limited to, power generation plants, electrical switching stations, primary substations, refuse collection and disposal facilities, and water and wastewater treatment facilities and similar facilities.
73. "Public Utility, Minor" means local utility structures that are necessary for a specific development or service like, but not limited to, poles and lines.
74. "Public Utility" includes every railroad corporation, gas corporation, electrical corporation, distribution electrical cooperative, wholesale electrical cooperative, telephone corporation, telegraph corporation, water corporation, sewerage corporation, heat corporation, and independent energy producer not described in Utah Code § 54-2-201 where the service is performed for, or the commodity delivered to, the public generally, or in the case of a gas corporation or electrical corporation where the gas or electricity is sold or furnished to any member or consumers within the state for domestic, commercial, or industrial use.
75. "Reception Hall, Reception Center" means a room or building for the purpose of hosting a party, banquet, wedding, or other reception or social event. Such halls are often found within pubs, clubs, hotels, or restaurants.
76. "Recreation Facility, Commercial" means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated as a business on private or public property and open to the public for a fee.

77. "Recreation Facility, Private" means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated on private property and not open to the public, including recreation facilities owned by a homeowners' or property owners' association for private use.
78. "Recreation Facility, Public" means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated by a public agency and open to the public with or without a fee.
79. "Rehabilitation/Treatment Facilities" means a facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. "Rehabilitation/Treatment Facilities" does not include residential facilities for the elderly or persons with disabilities.
80. 80. "Remote Avalanche Control Device." Structure, typically in the form of a tower, designed to reduce the risk of unpredictable naturally triggered avalanches by artificially triggering, through remote control, smaller controlled avalanches. This device is designed to reduce the hazards natural avalanches pose to skiers, workers, and others who are in and around the boundaries of ski resorts.
81. "Residential Facility for Elderly Persons" means a dwelling unit owned by a resident thereof or an immediate family member of a resident, or for which the title has been placed in trust for a resident; and is voluntarily occupied on a twenty-four (24) hour per day basis by eight (8) or fewer elderly persons in a family-type arrangement. A "residential facility for elderly persons" does not include any facility: (1) operated as a business; provided that such facility shall not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility; (2) where persons are placed: (a) for alcoholism or drug abuse treatment; or (b) as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility which is: (i) a health care facility as defined by Utah Code or successor law, or (ii) a residential facility for persons with a disability.
82. "Residential Facility for Persons with a Disability" means a residence in which more than one person with a disability resides; and (a) which is licensed or certified by the Department of Human Services under Utah Code Title 62A, Chapter 2, Licensure of Programs and Facilities; or (a) which is licensed or certified by the Department of Health under Utah Code Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
83. "Restaurant, Sit-Down with or without Alcohol" means a building or facility for the preparation, retail sale, and on-site consumption of food and non-alcoholic and/or alcoholic beverages.
84. "Retail and Service Commercial" means a business primarily engaged in the sale or rental of goods, merchandise, or services directly to the consumer, and includes no outdoor storage. These uses do not include sexually oriented businesses, retail tobacco specialty stores, check cashing, pawn shops, vehicle or large equipment rental, sales, repair, or assembly. Uses include department, grocery, variety and drug stores; art galleries; bakeries; jewelry stores; florists; auto parts stores; business and social services; and similar uses. These uses may include twenty-four-hour uses and drive-up windows subject to this Title.

85. "Retail Shops or Galleries where Primary Product is Produced On-Site" means establishments (not exceeding five thousand square feet (5,000 sq. ft.)) engaged in the selling of goods where the primary product is produced on-site. This definition is limited to small-scale uses but can include bakeries, confectionaries, nut shops, frame shops, restored furniture, cardmaking shops, jewelry-making stores, photo galleries, art galleries, and pottery studios. This definition also includes 'painting with a twist', 'paint nite', paint-your-own-ceramics businesses, and similar uses. A room or building for the display or sale of works of art, including space for the artist to create displayed work.

86. "Sexually Oriented Business or Activity" means adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, or adult entertainment out-call services in the form of semi-nude dancing or exhibitions, adult motion picture theater, adult theater, seminude model studios, or sexual encounter establishments.

87. "Shared Mobility Device" means bicycles and motor-assisted scooters operated by a shared mobility device system.

88. "Shared Mobility Device System" means any transportation service that involves the commercial use of shared mobility devices by users, either concurrently or sequentially after one another.

89. "Shopping Center" means a group of three or more commercial establishments that are planned, developed, and managed as a unit with common areas for off-street parking provided on the properties.

90. "Short-Term Rental" means any dwelling or portion thereof as defined in section 5.19.010 of this Code.

91. "Sidewalk Displays and Sidewalk Cafes" means an accessory use that allows for the spillover of seating and/or sales displays onto the sidewalk or walkway in front of an existing business subject to limitations in this Title. "Sidewalk Café" means a restaurant with tables on the sidewalk in front or on the side of the premises. "Sidewalk Display" means the outdoor display of merchandise for sale by a business use.

92. "Ski Resort" means:

- a. Any publicly or privately developed recreational use permitted by relevant local, state, and federal authorities, for snow-related activities, accessory year-round or non-snow related activities, and associated facilities and improvements.
- b. Such uses, activities, and facilities may be conducted on a commercial or membership basis, solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located.
- c. Snow-related activities include but are not limited to: downhill skiing, cross-country skiing, snowboarding, snow shoeing, snowmobiling, or other snow-related activities.
- d. Accessory year-round and non-snow related activities include but are not limited to: alpine recreational activities; cultural events and festivals; and conference events.
- e. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort.

93. "Ski Run" means a groomed path on a slope for the purpose of skiing; typically associated with a ski resort.
94. "Solar Energy System, Accessory" means a roof-mounted, wall mounted, or ground mounted panel, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property.
95. "Swap Meets And Flea Markets" means a market operating for the sale or exchange of merchandise at retail by many sellers within a parking lot or enclosed building. This does not include garage sales.
96. "Tavern" means the same as "Bar."
97. "Temporary Construction Office" means a temporary building or structure used as a construction office for a project located on the same site during its construction. A temporary construction office must be removed from the property prior to the final certificate of occupancy being issued on the building or project.
98. "Temporary Sale, Farm Products" means a type of temporary use that is less than six hundred square feet (600 sq. ft.) and at least seventy-five percent (75%) of the products sold are farm products or value-added farm products.
99. "Theatres and Concert Halls (Indoor)" means buildings that contain screens, stages, or other platforms around which patrons gather to experience film, theater, and other performances. Concessions may be allowed as an accessory use. Such uses include concert halls, play theaters, cinemas, comedy clubs, operas, and orchestra and symphony halls. Does not include outdoor theaters and concert halls (see "Outdoor Recreation, Large Scale, and including Outdoor Entertainment Locations").
100. "Therapeutic School" means a residential group living facility: (a) for four or more individuals that are not related to the owner of the facility or the primary service provider of the facility; (b) that serves students who have a history of failing to function at home, in a public school, or in a nonresidential private school; and (c) that offers room and board, and an academic education integrated with (i) specialized structure and supervision or (ii) services or treatment related to a disability, emotional development, behavioral development, familial development, or social development. (Utah Code § 62A-2-101)
101. "Tiny Home" means a dwelling less than four hundred square feet (400 sq. ft.) in size, not including loft space, that meets building code requirements and is on a permanent foundation. A tiny home is either a single-family dwelling or an accessory dwelling unit. A tiny home used as the primary residential use on a lot or parcel is a single-family dwelling for the purposes of this Ordinance. A tiny home used as an accessory dwelling is prohibited in the Town of Brighton.
102. "Impound Lots" means the temporary storage of vehicles that have been towed, carried, hauled, or pushed from public to private property for impoundment in a public or private impound yard. These uses are prohibited in Brighton.
103. "Twin Home" means the same as "Dwelling, Two Family."
104. "Value-added Farm Products" means any product processed by a producer from a farm product.
105. "Vertical Indoor Agriculture" means growing crops in vertically stacked layers indoors, often incorporating controlled-environment agricultural techniques and soilless farming techniques such as hydroponics, aquaponics, or aeroponics.

106. "Water Pumping Plant and Reservoir" means a natural or artificial water storage basin with a pumping station to distribute potable or irrigation water.
107. "Water Treatment Facility" means the facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.

Chapter 19.06 Nonconforming Uses and Noncomplying Structures

19.06.010 - Purpose.

This Chapter regulates the continued existence of nonconforming uses or noncomplying structures as defined in Section 19.04. While nonconforming uses and noncomplying structures may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the developments prescribed by this Title. In addition, applications are reviewed to ensure that they are reducing the degree of nonconformity and improving the physical appearance of the structure and site through such measures as site and building design, or the improved functions of the Use in relation to other uses.

19.06.020 - Determination of a Noncomplying Structure or a Nonconforming Use..

The Director or designee shall determine the nonconforming or noncomplying status of properties. As described in Utah Code 10-9a-511, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use through substantial evidence.

- A. The Director or designee shall determine a legal nonconforming use upon finding that:
 1. The use legally existed before its current land use designation;
 2. The use has been maintained and not discontinued for one year or more since the time the land use ordinance governing the land changed; and
 3. Because of one or more subsequent land use ordinance changes, the use does not conform to the regulations that govern the use of the land.
- B. The Director or designee shall determine a legal noncomplying structure upon finding that:
 1. The structure legally existed before the structure's current land use designation; and
 2. Because of one or more subsequent land use ordinance changes, the structure does not conform to the regulations that now govern the use of the land.
- C. Determinations. Upon review of an application, a written determination shall be issued by the Director or designee of the non-conforming or non-complying status on a property.
- D. Appeals. Pursuant to Section 19.12.040 of this title, any person adversely affected by a final decision of the Director or designee may appeal that decision to the land use hearing officer.

19.06.030 - Continuation of Use.

A. Continuation of a Nonconforming Use. Subject to the limitations in this section, the nonconforming use of land may continue, provided that no such nonconforming use of land can in any way expand or extend either on the same or adjoining property.

B. Continuation of a Noncomplying Structure. A Non-Complying Structure that was lawfully constructed may be used and maintained, subject to the standards and limitations of this Chapter.

19.06.040 – Abandonment or Loss of a Nonconforming Use.

- A. Abandonment of a Nonconforming Use. A nonconforming use that is discontinued for a minimum period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Abandonment may also be presumed to have occurred if a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written approval of the Town of Brighton regarding the extension of the nonconforming use; or the primary structure associated with the nonconforming use remains vacant for a period of one (1) year.
 - 1. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
 - 2. After a nonconforming use has been abandoned, any subsequent use of the building, structure, or land must conform to the regulations for the zone in which it is located.
 - 3. “Majority” is defined as more than fifty percent (50%) of the square footage of the primary structure.
- B. Rebuttable Presumption of Abandonment. After abandonment has been presumed by the director or designee, the property owner may rebut the presumption of abandonment by submitting sufficient evidence that abandonment has not in fact occurred.

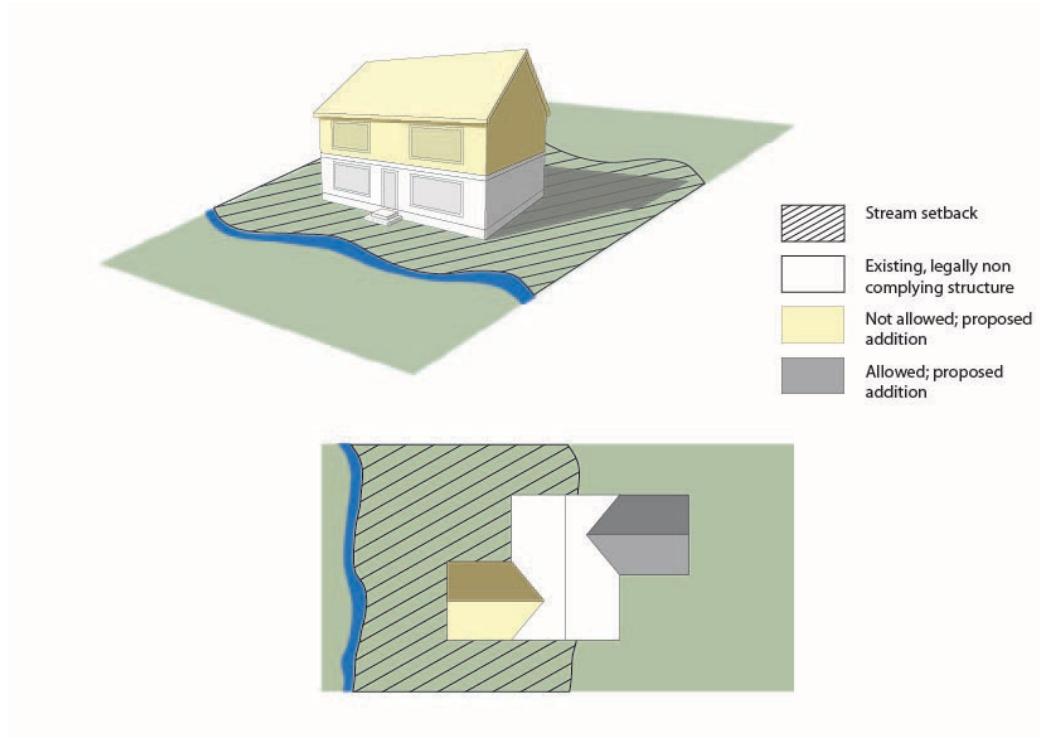
19.06.050 - Nonconforming Use.

- A. Expansion of Use Permitted. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.
- B. Change of Use.
 - 1. A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the Planning Commission finds that such use would not be more intensive than the most recent existing legal nonconforming use.
 - 2. Any change of a nonconforming use to another nonconforming use is a conditional use and subject to the conditional use approval standards, except that the proposed nonconforming use need not conform to the adopted General Plan.
 - 3. As part of the change of use, structures cannot be enlarged, removed, reconstructed or otherwise altered except for interior remodeling and exterior restoration or renewal that will make the appearance of the structure more nearly conform to the character of the area in which it is located.
 - 4. As part of the change of use, the existing lot cannot be enlarged or modified except to create landscape, fencing, curb, gutter and sidewalk, road widening or minimum off-street parking to provide a safer and more compatible facility.

19.06.060 - Noncomplying Structure or Structure Occupied by a Nonconforming Use.

- A. Maintenance, Exterior or Interior Remodeling, or Repairs Permitted. The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.
- B. Addition, Enlargement, Expansion. A non-complying structure shall not be added to, enlarged, or expanded in whole or in part unless the proposed change complies with all current land use regulations. In other words, all new square footage of building must fully comply with the setback, size, and height regulations set forth in this title (see *Figure 1*).
- C. Moving or Reconstruction at a New Location. A non-complying structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same, or any other lot unless:
 - 1. The proposed change will lessen the degree of the existing noncompliance and not create any new noncompliance of all or any part of the structure; or
 - 2. The proposed change complies with all governing land use regulations at the time of the change.
 - 3. For the purposes of this Chapter, "lessen the degree of existing noncompliance" means:
 - a. To decrease the gross total square footage of structure not in compliance (see *Figure 1*); and,
 - b. To increase the distance from the ordinary high-water mark, wetlands, and/or property line when the nonconformity pertains to a setback distance.
- D. Remodels requiring reconstruction. A noncomplying structure that has deteriorated to a state where a full demolition or construction or reconstruction of a foundation is necessary for interior or exterior remodels may be reconstructed in the same location subject to current land use regulations. The existing noncompliance may continue if the degree of noncompliance is not increased or a new violation in land use regulations is not created.
 - 1. A noncomplying structure that has deteriorated to a condition that the structure is rendered uninhabitable may not be reconstructed, restored, or substituted, once written notice from the Town of Brighton is served to the property owner that the structure is uninhabitable and that the nonconforming use or noncomplying structure will be lost if the property owner does not apply with a complete land use application within one (1) year from the day in which the written notice is served.
- E. Damage or Destruction. A noncomplying structure or structure occupied by a nonconforming use that is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, and the damage is not the result of the intentional or reckless disregard of the owners or occupants, may be restored, and the occupancy or use of such structure or part thereof that existed at the time of such damage or destruction may be continued or resumed, provided

that such restoration is started within a period of one (1) year following damage or destruction, and the restoration is diligently prosecuted to completion.



(Figure 1: Adding to a non-complying structure.)

Chapter 19.08 Enforcement

19.08.010 - Enforcement Authority.

The Director is charged with the enforcement of this Ordinance and may employ all legal means available to do so including administratively, criminally or civilly as set forth in the Municipal Code of Brighton including but not limited to Title 12 Code Enforcement and Community Enhancement (ACE) Program.

19.08.020- Inspection

- A. The Director or an authorized representative of the Director is authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair and to inspect land uses to determine compliance with the provisions of this title.
- B. The Director or an authorized representative of the Director shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of this title, provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

19.08.030 - Unlawful Use Prohibited.

- A. No land, building or structure shall be developed, constructed, remodeled, restored, altered or used in violation of the provisions of this Ordinance or the zone in which such land, building or structure is located.
- B. Violation of any of the provisions contained in this Title is prohibited. Any person who violates the provisions of this Title shall be subject to the criminal and civil penalties set forth in the municipal code.

19.08.040 - Violation--Penalties and Remedies.

- A. Violation of any provision of this Title is punishable as a Class C misdemeanor upon conviction. In addition, the provisions of this Title may also be enforced by injunctions, mandamus, abatement, civil penalties, any other remedies provided by law, or any combination thereof.
- B. For purposes of penalties and remedies set forth in this Title, each day that a violation continues is a separate offense.
- C. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.

19.08.050 - Violation--Persons Liable.

Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this Title may be held jointly and severally responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

Chapter 19.10 Procedures for Analyzing Takings Claims

19.10.010 - Findings and Purpose.

The Council finds that:

- A. Enactment of zoning and other land development regulations within the Town of Brighton is necessary to protect the health, welfare and safety of the residents of the Town of Brighton.
- B. When an owner of private property claims that the enforcement of any Town land use regulation constitutes an unconstitutional taking of private property, it is in the Town's best interests to have established procedures for obtaining relevant information for analyzing and resolving such claims.

19.10.020 - Takings Relief Petition.

A. Takings Relief Petition.

1. Any applicant may file a takings relief petition with the Director alleging that a final decision of the Director, Planning Commission, or Land Use Hearing Officer on a land use application results in an unconstitutional taking of the applicant's private property.
2. A takings relief petition shall be filed no later than 30 calendar days from the final decision of the Director, Planning Commission, or Land Use Hearing Officer.

B. Information to Be Submitted with Takings Relief Petition.

1. The takings relief petition shall be submitted on a form prepared by the Director, and shall be accompanied at a minimum by the following information:
 - a. The name of the petitioner;
 - b. Sufficient facts to show that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah or the Fifth Amendment to the United States Constitution.
 - c. The name and physical street address and mailing address of the current owner of the property; form of ownership (whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture, limited liability company, or other); and if owned by a corporation, partnership, joint venture, or limited liability company, the names and addresses of principal shareholders, partners, or members;
 - d. The price paid and other terms of any sale of the property or any portion thereof, including the date of purchase, the name of the seller, and the relationship, if any, between the petitioner (owner or developer) and the party from whom the property was acquired;
 - e. The nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest;
 - f. All appraisals of the property prepared for any purpose, include financing, offering for sale, or ad valorem taxation, within the three years prior to the date of the petition;
 - g. The assessed value of and ad valorem taxes on the property for the three years prior to the date of the petition;
 - h. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance, term of the loan, and other significant provisions, including but not limited to, right of purchase to assume the loan;
 - i. All listings of the property for sale or rent, price asked and offers received (if any), during the period of ownership or interest in the property;

- j. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
- k. For income producing property, itemized income and expense statements from the property for the previous three years;
- l. Evidence and documentation of improvements, investments, and expenditures for professional and other services related to the property made during the past three years;
- m. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
- n. Information describing all use(s) of the property during the five years prior to the petition.

2. The Director may request additional information reasonably necessary to arrive at a conclusion concerning whether there has been a taking.

C. Failure to Submit Information. In the event that any of the required information from the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and the reasons why such information is unavailable.

19.10.030 - Procedures to Determine Takings Claims.

A. Preliminary Determination of Taking.

1. Within 30 days of the filing of a petition with all required information, the Council, in consultation with the Director and the Attorney, shall make a preliminary determination on the issue of whether a taking may have occurred.
2. If the Council makes a preliminary determination that a taking may have occurred, the Director and Attorney shall recommend whether a further hearing shall be formal or informal under the rules of procedure adopted by the Council for such hearings. The Council shall then:
 - a. Appoint a hearing officer,
 - b. Elect to conduct either formal or informal administrative proceedings, and
 - c. Proceed with a full review of the petition.
3. If the Council, upon consultation with the Director and the Attorney, determines that a taking has not occurred, the petition shall be denied and no hearing officer shall be appointed.

B. Appointment and Qualifications of Hearing Officer.

1. Within 30 days following a preliminary determination by the Council that a taking may have occurred, the Director shall contact the appointed hearing officer to review information by the petitioner. The hearing officer shall hold a public hearing to determine whether a taking has occurred, and make a recommendation to the Council concerning the petition.
2. The appointed hearing officer shall be licensed to practice law in the state of Utah. Prior to appointment, the hearing officer shall submit a statement of no potential or actual conflict of interest under the Utah Rules of Professional Conduct, in connection with the petitioner or petition at issue.

C. Notice of Public Hearing. Within ten days following appointment of the hearing officer, written notice of a public hearing shall be published and posted in accordance with the Utah Code § 10-9a. The hearing shall be held within 30 days of the date of written notice unless a reasonable extension of time is agreed to by both the Director and petitioner.

D. Conduct of the Hearing.

1. **Rules of Procedure.** The hearing shall be conducted according to the requirements of the rules of procedure adopted by the Council for such hearings.

2. Burden of Proof. The petitioner shall have the burden of proving by a preponderance of the evidence that the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking.
3. Town of Brighton Response. The Town of Brighton has the right to respond to any allegations provided by the petitioner and present evidence at the hearing.

E. Determining the Takings Issue. The hearing officer shall consider, among other items, the following information or evidence:

1. Any estimates from contractors, appraisers, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility of construction or development on the property as of the date of the petition, and in the reasonably near future;
2. Any evidence or testimony of the market value of the property both under the uses allowed by the existing regulations and any proposed use; and
3. Any evidence or testimony concerning the value or benefit to the petitioner of clustered development on other remaining contiguous property owned by the petitioner, and eligibility for such clustering as provided elsewhere in this Title.

F. Findings of the Hearing Officer. On the basis of the evidence and testimony presented, the hearing officer shall make the following specific findings as part of his/her report and recommendations to the Council:

1. Whether the petitioner has provided the required information for a takings relief petition;
2. Whether the petitioner has a protectable interest in the property that is the subject of the petition;
3. The market value of the property under the existing zoning regulation;
4. The market value of the property under the proposed use;
5. Whether there are other economically viable uses that may be made of the property;
6. The market value of, or benefit accruing from eligible clustered development on other remaining contiguous property owned by the petitioner;
7. Whether it was feasible to undertake construction on, or development of, the property as of the date of the application, or in the reasonably near future thereafter;
8. Whether the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking of private property without just compensation

G. Report and Recommendations of the Hearing Officer.

1. The hearing officer shall prepare a report and recommendation which shall be submitted to the Council and mailed to the petitioner within 30 days following the conclusion of the public hearing.
2. If the hearing officer finds that the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking of private property without just compensation, the matter shall be remanded to the Council with recommendations concerning relief that might be appropriate. In making such recommendations, the hearing officer shall consider, among other remedies:
 - a. Approval of development on some portion of the property;
 - b. A rezoning of the property to a more appropriate classification, approval of an alternative development plan, modification or waiver of normally applicable development standards, or other appropriate land-use regulatory action;

- c. An opportunity to cluster development. Recommendations for clustering within the boundaries of the subject property owned by the petitioner shall require a written finding by the hearing officer that such clustering and the resulting increase in development density will be compatible with existing developments and land use patterns on properties surrounding the subject property. For purposes of such “compatibility” finding, the hearing officer shall compare the petitioner’s proposed development, incorporating the increased transfer density with existing development on surrounding properties, and take into consideration the following factors:
 - (1) Architectural character;
 - (2) Building size, height, bulk, mass, and scale;
 - (3) Building orientation;
 - (4) Privacy considerations in terms of privacy for prospective residents within the petitioner’s development and in terms of privacy protection for adjoining land uses;
 - (5) Building materials;
 - (6) Building color; and
 - (7) When applicable, operations of the petitioner’s development project, including but not limited to hours of operation; activities that may generate adverse impacts on adjacent land uses such as noise or glare; location of loading/delivery zones; and light intensity and hours of full illumination.
- d. A waiver of permit fees; or
- e. Acquisition of all or a portion of the property at market value.

H. Council Review and Consideration.

- 1. Within 60 days following receipt of the hearing officer’s report, the Council shall review the report and recommendations and approve or deny the takings relief petition.
 - a. The Council may extend the period for final determination upon a finding that due to the size and complexity of the development or proposal and similar factors, additional review time is necessary.
- 2. The Council may hold a public hearing and provide notice as set forth in Utah Code §10-9a. Only new testimony and evidence shall be presented at any such public hearing.
- 3. The Council may adopt any legally available incentive or measure reasonably necessary to offset the taking and may condition such incentives upon approval of specific development or site plans.
- 4. The decision of the Council shall not become final until it adopts a resolution approving or denying the petition and specifying any relief it may deem appropriate.

I. Time Limits/Transferal of Relief or Incentives. Any relief or incentives adopted by the Council pursuant to this chapter may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the relief incentives be valid after the expiration date of a specific development approval.

Chapter 19.12 Administrative Bodies Powers and Duties

19.12.010 – Purpose.

The purpose of this chapter is to outline the specific powers and duties of the different boards, commissions and officials having administrative, legislative, or quasi-judicial roles set forth in this Ordinance.

19.12.020 – Council.

The council has the authority to enact and amend land use ordinances and to enact and amend a zoning map for the Town of Brighton.

19.12.030 - Planning Commission

A. Appointed Term

1. The Town of Brighton planning commission shall consist of five members and up to two alternate members.
2. Commissioners shall serve four-year terms (except for the initial terms as provided below) or longer until successors are appointed.
3. The initial members of the Commission shall staggered and were appointed as follows:
 - a. One appointee shall serve an initial term which shall expire on May 14, 2023, one appointee shall serve an initial term which shall expire on May 14, 2024, two appointees shall serve an initial term which shall expire on May 14, 2025, and one appointee shall serve an initial term which shall expire May 14, 2026.
4. Terms shall commence on May 15 of each year.
5. In the event a term of a member shall expire before a successor is appointed, the member shall continue to serve until a successor is appointed.
6. The members and alternate members of the planning commission are not required to reside within the Town of Brighton.
7. Upon expiration of a Commissioner's term, the seat shall be appointed by the mayor with the advice and consent of the Town council.
8. Members of the Commission may serve successive terms.

B. Vacancy—Removal.

1. Any vacancy occurring on the Planning Commission by reason of death, resignation, removal or disqualification shall be filled by the mayor with the advice and consent of the council for the unexpired term of such member.
2. The mayor, with the advice and consent of the council, may remove a member of the Planning Commission for cause after filing written charges against the member. The member will be provided with a hearing on the charges if requested by the member being removed.

C. Organization—Procedures.

1. The Planning Commission shall elect a chairperson from its members who shall serve a one-year term. The chairperson is a voting member.
2. The Planning Commission shall elect a vice chairperson from its members who shall serve a one-year term. The vice chairperson is the designated chair pro-tempore and a voting member.
3. The Planning Commission may create and fill any other necessary offices it deems necessary and may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purpose the Planning Commission considers necessary for its proper function.
4. A minimum of three (3) full and/or alternate members in attendance at the meeting is required to constitute a quorum.
5. The minimum number of "yes" votes necessary to carry an action of the commission shall be a majority of the members of the quorum in attendance but shall never be less than three (3).
6. Alternate members shall be designated to sit as voting members of the commission at any time one or more regular members are absent from the meeting. The designation of the alternate member to voting status shall be made by the chairman at the commencement of the meeting in accordance with the seniority of the alternate members in attendance at the time, and any alternate so designated shall serve as a voting member until the conclusion of the meeting.

D. Powers and duties. The Planning Commission shall:

1. Prepare and recommend a general plan and amendments to the general plan to the council;
2. Prepare and recommend zoning ordinances and maps and amendments to zoning ordinances and maps to the council;
3. Prepare and recommend subdivision ordinances and amendments to those ordinances to the council;
4. Approve or deny conditional use permits;
5. Advise the council on matters that the council directs;
6. To make, at the request of the Director, an interpretation of the zone map regarding the location of zone boundary lines;
7. To decide, at the request of the Director, the meaning of disputed terms or phrases within the text of the zoning regulations; and
8. Provide other functions as specified in this chapter or as directed by the council.

19.12.040 - Land Use Hearing Officer.

A. Creation.

1. The position of Land Use Hearing Officer is created pursuant to the enabling authority granted by the Land Use, Development, and Management Act, § 10-9a-701 of the Utah Code Annotated.
2. The Land Use Hearing Officer shall be an administrative law judge appointed as provided in the Municipal Code.
3. The Land Use Hearing Officer shall act in a quasi-judicial manner.

B. Procedures.

1. The Land Use Hearing Officer may administer oaths and compel the attendance of witnesses.
2. Hearings the Land Use Hearing Officer holds on appeals of a land use decision are open to the public.
 - a. The Land Use Hearing Officer shall:
 - (1) Keep minutes of all proceedings;
 - (2) Keep records of all examinations and other official actions; and

- (3) File all records in the office of Planning and Development Services. All such records are public records.
- 3. Decisions of the Land Use Hearing Officer become effective immediately on the date when the written decision is issued, unless a different time is designated at the time the decision is made.

C. Powers and duties. The Land Use Hearing Officer shall:

- 1. Act as the appeal authority for zoning ordinance decisions applying this Title as provided in Section 19.16.020
- 2. Act as the appeal authority for conditional use decisions by a Planning Commission;
- 3. Hear and decide the special exceptions to the terms of the zoning ordinance set forth in Section 19.20.020.B.3;
- 4. Hear and decide variances from the terms of the zoning ordinance as set forth in Section 19.20.010;
- 5. Hear and decide appeals, interpretation of the zone map regarding the location of zone boundary lines or decision of the meaning of disputed terms or phrases within the text of the zoning regulations by either the director or the Planning Commission.

19.12.050 – Director.

The Director has the following powers:

- A. To make an interpretation of the zoning map regarding the location of zone boundary lines, or decide the meaning of disputed terms or phrases within the text or the zoning regulations. The Director, at his or her discretion, may request the Planning Commission make the determination of interpretations of the zoning map or the meaning of disputed terms or phrases within the text of the zoning regulations to the Planning Commission;
- B. To make administrative determinations as to the classification of uses not specifically listed in this Ordinance subject to appeal to the Planning Commission. Administrative determinations shall be based upon a comparison of the nature and characteristics of the proposed use with those uses specifically authorized in the intended zone;
- C. To review conditional use amendments as set forth in 19.16.040.G.1
- D. To review and make decisions on occupancy permits;
- E. To receive and forward applications for zoning amendments, variances, conditional uses, zoning appeals and other administrative reviews required by this Ordinance to the appropriate board, commission or official;
- F. To maintain permanent and current records as required by this Ordinance including, but not limited to, all relevant information and official action on zoning amendments, variances, conditional uses, zoning appeals and other administrative reviews;
- G. To conduct inspections of structures or the use of land to determine whether there is compliance with this Title, and, in case of any violation, to order corrective action;
- H. To administer application review procedures as set forth in chapter 19.16; and
- I. To review and make determinations of a Noncomplying Structure or a Nonconforming use pursuant to 19.06.020 Determination Of A Noncomplying Structure Or A Nonconforming Use.

Chapter 19.14 Zones, Zoning Map, and Boundaries

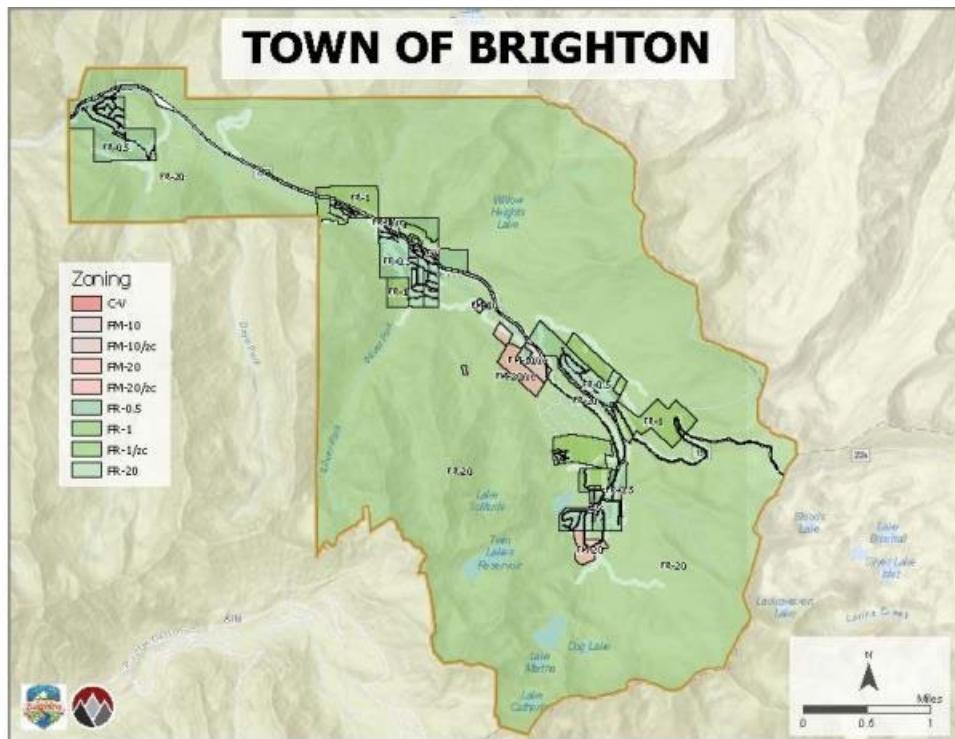
19.14.010 - Zones Established.

For the purpose of this Title, the Town of Brighton is divided into classes of zones, as follows:

FM-10	Forestry Multifamily Zone
FM-20	Forestry Multifamily Zone
FR-0.5	Forestry and Recreation Zone
FR-1	Forestry and Recreation Zone
FR-20	Forestry and Recreation Zone
C-V	Commercial Zone
P-R	Parks and Recreation Zone
OS	<u>Natural Open Space Zone</u>

19.14.020 – Zoning Map Exhibit.

The Official Zoning Map of the Town of Brighton as set forth below.



19.14.030 - Filing of This Title and Zoning Maps.

This Title and the maps shall be filed in the custody of the municipal clerk, and may be examined by the public subject to any reasonable regulations established by the municipal clerk.

19.14.040 - Boundary Location Rules.

- A. Where uncertainty exists as to the boundary of any zone, the following rules shall apply:
 1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley or block, or such property line, shall be construed to be the boundary of the zone;
 2. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park, or other public land, or any section line, then in such case the center of the stream, canal or waterway, or of the railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the zone;
- B. Where the application of the above rules does not clarify the zone boundary location, the Land Use Hearing Officer shall interpret the map.

19.14.050 - Zoning of Annexed Areas.

Properties that are annexed into the Town of Brighton shall be given a zoning designation by action of the Council at the time of annexation. The Council shall be guided by the general plan and by the criteria set forth in Table 19.16-2 in zoning the subject property. Annexations of multiple parcels may result in more than one zone applying to the annexation area; however, except in the case of overlay zones, only one zone may apply to each parcel.

Chapter 19.16 Land Use Processes and Procedures

19.16.010 – Purpose.

The purpose of this chapter is to delineate the procedures, requirements and approval standards that apply to land use and zoning applications and approvals.

19.16.015 Table of Land Use Decision Processes.

This table is an illustrative summary of the administrative and legislative decision processes in Title 19. If there are any inconsistencies between this table and the other provisions of this Title, the other provisions of the Title govern.

REFERENCE TABLE: APPLICATIONS & APPROVALS	ZONING TEXT AND MAP AMENDMENTS AND OTHER LEGISLATIVE ACTS	PERMITTED USE	CONDITIONAL USE	VARIANCES	SPECIAL EXCEPTIONS
APPLICATION INITIATION	Property owner, person authorized in writing by the property owner, Council or Planning Staff	Property owner or a person authorized in writing by the property owner			
NOTICE(1)	In accordance with Utah Code 10-9a	Not required	Required (1)	Required (1)	Required (1)
RECOMMENDATION	Planning Commission, public input	Public agency review	Public agency review	Public agency review	Public agency review

REFERENCE TABLE: APPLICATIONS & APPROVALS	ZONING TEXT AND MAP AMENDMENTS AND OTHER LEGISLATIVE ACTS	PERMITTED USE	CONDITIONAL USE	VARIANCES	SPECIAL EXCEPTIONS
FINAL DECISION	Council	Director designee or	Planning Commission	Land Use Hearing Officer	Land Use Hearing Officer, Planning Commission, or Director (dependent on application type)
APPEAL BODY	3rd District Court	Land Use Hearing Officer	Land Use Hearing Officer	3rd District Court	3rd District Court

TABLE 19.16-1: FOOTNOTES

1 Notices shall be mailed 10 days prior to the meeting to property owners within 300 feet of the subject property's boundary.

19.16.020 - General Administrative Procedures.

The Director is the administrator of the Zoning Ordinance with power to review and make decisions on zoning ordinance interpretations. The authority and responsibility of the Director shall include the following:

- A. Review of Development Plans. The Director shall establish development plan review processes to ensure that proposed land uses and development plans comply with the provisions of this Ordinance and protect the public health, safety, and general welfare. At the discretion of the Director or Designee, review of permit or license applications may be conducted without submittal of a land use application if compliance can be ascertained based on the permit or license application documents.
- B. Interpretation of Permitted and Conditional Uses – Administrative Determination. The Director shall determine whether proposed uses of property are consistent with the permitted and conditional uses within each zone. The procedure to request the Director's determination shall be as follows:
 1. Written Request. A written request for a determination shall be filed with the Director or Designee, which shall include a detailed description of the proposed use and such other information as the Director may require.

2. Investigation. The Director shall undertake such investigations as deemed necessary to compare the proposed use with those uses specifically listed in this Title, and to make a determination of the proper classification.
3. Determination. Within 30 days of the filing of a written request, the Director shall prepare a written determination, which shall be provided to the applicant. The determination shall state the zone classification in which the proposed use will be permitted as well as the basis for finding that such use is of the same character as uses allowed in that zone classification. The determination and all information related thereto shall become a permanent public record in the office of the Director.
4. Effect. The use as specified in the determination of the Director shall thereafter become a permitted or conditional use in the class of zoning district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.
5. Appeal. The Director's determination may be appealed to the Land Use Hearing Officer. Such appeal shall be filed in writing within 10 days after written notification to the applicant of the Director's determination.

19.16.030 - Land Use Applications.

- A. Pre-Application. At any time prior to or during the Completeness Review process outlined below, a pre-application meeting may be requested by the applicant or Director or Designee to discuss the application, plans, and anticipated review process. However, such pre-application meeting does not result in vesting of the pre-application or the application. In order to facilitate efficiency of review process, the Director or Designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.
- B. Applications. A property owner, or other person expressly authorized in writing by the property owner, may file for a land use permit. All land use applications for permitted or conditional uses shall be filed with the Director or Designee. Applications shall contain:
 1. An application form provided by Planning and Development Services which form may be via online submitting software.
 2. Property identification documents such as a legal description, plat map, and if applicable, site survey. This is not required for text amendments.
 3. A title report of the property from within 6 months of the application.
 4. Plans and other documents as necessary to evaluate the proposed application for compliance with applicable codes, including a site plan (see Subsection 19.16.030.B), building elevations, preliminary landscape and amenities plans, preliminary grading/drainage plan, and any other pertinent documents.
 5. Applications are subject to the Completeness Review process outlined in 19.16.030.C. An application is considered as having been accepted only when deemed a complete application and the applicable application fees have been paid. The payment of a partial fee and preliminary plans for a pre-submittal review does not constitute a complete application.
- C. Plans.
 1. Site Plan. A detailed site plan is required as part of all applications for land use or development approval, including conditional uses, permitted uses, variances, special exceptions, site development plans for the Foothills and Canyons Overlay Zone, and building permits. The Director

may specify the number of plans required and the medium (electronic, paper, etc.) in which site plans may be submitted. The site plan shall show:

- a. Scale.
- b. Direction of North point.
- c. Lot lines and adjacent streets, roads and rights-of-way.
- d. Location of all existing structures on subject property and adjoining properties, completely dimensioned, including utility lines, poles, etc.
- e. Location and building elevations of any proposed construction and improvements, including the location of all signs.
- f. Vehicle access, including circulation patterns and the location of individual parking stalls, curbs, gutters, and sidewalks or trails.
- g. Any necessary explanatory notes, including calculations of lot coverage, parking ratios, gross floor area of buildings, easements, floodplains, topography, rights of way and other notes necessary to evaluate for compliance with all applicable land use requirements.
- h. Areas for snow storage.
- i. Name, address and telephone number of builder and owner.
- j. Any other information required by the Director or indicated on the application form.

2. Building Elevations. Building elevations, when required, shall show:
 - a. Note of scale used
 - b. Orientation of each elevation, including distance to nearest property line
 - c. Explanatory notes describing building, cladding and trim materials
 - d. Original and finished grade at all points along each elevation of the building
 - e. A building envelope that describes that maximum buildable height of all elevations as measured from original grade
 - f. Finished floor elevations of all levels of a building including, but not limited to, basements, garages, patios, and decks
 - g. Top of footing elevations at each corner of the building
 - h. Total height of building, as measured from original ground surface to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of pitched or hipped roofs, or gambrel roofs
 - i. Necessary explanatory notes to address any requirements particular to the zone in which the property is located
 - j. All other information that may be required, as determined by the Director
3. Preliminary Landscape or Reclamation Plan. Preliminary landscape or reclamation plans, when required, shall show:

- a. Note of scale used, north arrow and preparation date
- b. Project name and address
- c. General landscape design intent statement including the general character and location of proposed landscaping and open areas
- d. A legend showing all plant types and sizes, symbols, line types, hatching and abbreviations used in the plan set
- e. Site boundary, property lines, and any construction phasing lines

- f. All existing significant vegetation, including an indication of what is proposed to be removed
- g. All existing and proposed structures
- h. All proposed softscape and hardscape areas
- i. A tabulation of the total project area, landscaped area, impervious areas, building coverage areas and building coverage percentage
- j. Detailed landscape improvements with planting symbols clearly drawn to indicate each plant
- k. The name and contact information of the landscape design professional who prepared the plan

4. Other plans and documents. Other plans and documents may be required in order to verify compliance with this Title or other applicable codes, ordinances, statutes and regulations.

D. Completeness Review for a complete application. Upon receipt of an application request and associated documents, the Director or Designee shall review the application to determine whether:

- a. Complete and accurate plans have been submitted,
- b. The application itself contains complete information regarding the property, applicant, proposed land use,
- c. Evidence that all prerequisite conditions for the specific land use have been addressed, and,
- d. The property owner or authorized agent has authorized the submittal of the application.

2. If the application is determined to be incomplete, the Director or Designee shall notify the applicant by mailing a written notice in writing within 30 days:
 - a. That the application is incomplete, and
 - b. The specific components of the application deemed insufficient.
 - c. If this notice is not timely mailed, the application shall be considered complete, for purposes of further substantive land use authority review.
3. Upon notice being given, an application deemed incomplete shall be terminated after 60 days if the necessary components to complete the application have not been submitted.
4. The applicant may raise and resolve in a single appeal any determination made under this Subsection to Land Use Hearing Officer, including an allegation that a reasonable period of time has elapsed under Subsection 2.
5. If the application is determined to be complete, the Director or Designee shall authorize the payment of the applicable application fees.

E. Application Review. The application review process may include:

1. The creation of a planning file for reference by the applicant, Staff and the public.
2. An on-site review by the Director or Designee as allowed in Utah Code §10-9a-303.
3. Review of the submitted site plan and elevations for compliance with this Ordinance.
4. Referral of the application and site plans to those government agencies and development review agency authorized to protect the health, safety and welfare of the public and to ensure the project's compliance with this Ordinance and all other applicable ordinances and codes.
5. Referral of the application for conditional uses to the appropriate decision-making body as set forth in section 19.16.040.
6. An action letter informing the applicant as to whether the application has been approved, approved with conditions, denied, or tabled pending the submittal of additional information or amended plans. An application requiring submittal of additional information or amended plans

shall be terminated after 60 days if the necessary components to complete the application have not been submitted, unless an extension is granted by the Director in writing.

19.16.035 – Allowed or Permitted Uses.

A. Initiation. A property owner, or other person expressly authorized in writing by the property owner, must file a complete application, as required in 19.16.030 (C).

B. Determination. On any application to construct a building or other improvement to property which is defined by this Code as an Allowed or Permitted Use in the Zone in which the Building is proposed, the Director or Designee must review the Application to determine whether the proposal:

1. is an Allowed Use within the zone for which it is proposed;
2. complies with all applicable Development requirements of that zone, including Building Height, Front, Side, and Rear Setbacks, and Lot coverage;
3. respects Lot Lines of a Legal Lot;
4. meets the applicable parking requirements;
5. can be adequately serviced by roads, and existing or proposed utility systems or lines;
6. pertains to land in which all tax assessments have been paid, and;
7. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the International Building Code, as adopted by the Town of Brighton.

C. If the Application does not comply with the requirements of the zone, the Director or designee shall notify the Owner of the project or the Owner's Agent, if any, stating specifically what requirements of the zone have not been satisfied.

D. DISCLAIMER. No permit issued shall be valid if any of the criteria listed in this section have not been met.

19.16.040 - Conditional Uses.

A. Requirement. A conditional use permit shall be required for all uses listed as conditional uses in Title 19.

B. Initiation.

1. A property owner, or other person expressly authorized in writing by the property owner, may file for a conditional use permit for that property. In addition to the request for land use approval, a conditional use application may include a request for land development plan approval.
2. The Planning Commission is the land use authority and shall take formal action on requests for conditional use permits. When a land development plan is submitted in conjunction with a conditional use application, the land development plan shall be included in the materials presented to the Planning Commission. In rendering an approval, conditions of approval may be imposed by the Planning Commission that necessitate changes to the land development plan.

3. As administrator of the zoning ordinance, the director is responsible to ensure the land development plan not only complies with the applicable codes and ordinances, but also complies to the conditions of approval imposed by the Planning Commission. If, during the course of land development plan review, the director finds changes are made to the site plan not in harmony with the conditions imposed by the Planning Commission, the Director may, at their discretion, refer the land development plan to the Planning Commission for review.
- C. Land Use Approval.
 1. Approval Process.
 - a. The Planning Commission shall consider applications for a conditional use permit in a public meeting and shall make a decision on the proposed conditional use, evaluating the application in accordance with the standards in subsection D below.
 - b. MAILED NOTICE. Courtesy notice shall be mailed ten (10) days prior to the public meeting to adjacent and surrounding Property Owners within 300 feet of the subject property's boundary. The Property Owner or agent must provide the Planning Department with an electronic list of each Property Owner of record of each Parcel located entirely or partly within the 300 feet of the subject property's boundary. The addresses for neighboring Property Owners must be as shown on the most recently available Salt Lake County tax assessment rolls. Any defect in such courtesy mailed notice shall not affect or invalidate any hearing or action by the Planning Commission on the Conditional Use Permit.
 - c. The Planning Commission shall take action in the form of approval, modified approval or denial on applications for conditional uses. Unless otherwise designated, a decision by the Planning Commission approving a conditional use application authorizes the director to proceed with approval of the land development plan.
 - d. Failure by the applicant to provide information that has been requested by the Planning Commission or the Director to resolve conflicts with the standards in Subsection D may result in an application being denied.
 - e. The Director, under authority of the Planning Commission, shall grant final approval of conditional use permit applications after all of the conditions and requirements of the preliminary approval have been met. Applications with a land development plan element shall not receive final conditional use approval until the land development plan has been approved by the director. As a condition of preliminary approval, the Planning Commission may require that final land development plan be brought before the Planning Commission for final approval.
 - f. Final approval of a conditional use permit application is in the form of a letter to the applicant, which, together with the approved land development plan if required, constitutes the conditional use permit. Final approval shall not modify or invalidate any of the conditions or terms imposed by the Planning Commission.
 2. Approval Standards. The Planning Commission shall review the site plan and other information submitted to evaluate the impacts of the proposed conditional use. The Planning Commission may impose conditions to mitigate the reasonably anticipated detrimental impacts of the proposed use. A conditional use permit shall be approved unless the imposition of conditions cannot mitigate reasonably anticipated detrimental effects as stated in Utah Code 10-9a-507.
- D. Rules for Approved Conditional Uses. The following general rules apply to all approved conditional uses:

1. Approval of a conditional use authorizes only the particular use for which the conditional use is issued.
2. No use authorized by a conditional use may be enlarged, extended or relocated, unless an application is made for approval of a new conditional use in accordance with the procedures set forth in this section.
3. Development of the property shall not commence until the applicant has secured all the permits and approvals required by municipal ordinances and any permits required by regional, state, and federal agencies.

E. Expiration and Extension of Time.

1. A conditional use expires 12 months from the date of final approval by the Director, unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period in compliance with all required conditions and this Ordinance.
2. One 12-month extension may be granted upon the payment of an additional filing fee equal to the original filing fee. Such extension shall be filed before the end of the initial 12-month period.

F. Revocation of Conditional Use.

1. The Planning Commission may revoke a conditional use permit upon a finding of failure to comply with the terms and conditions of the original approval or for any violation of this Ordinance or other applicable law.
2. The Planning Commission shall hold a public hearing prior to taking action on revocation. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee and affected entities at least 10 days prior to the hearing.

G. Appeals. Appeals may be made to the Land Use Hearing Officer within 10 days of the date of the decision of the Planning Commission.

19.16.050 - Withdrawal of Application.

- A. An applicant may withdraw an application at any time prior to the final decision on the application, including any time during which the application has been tabled.
- B. An applicant may request a refund of fees at the time the application is withdrawn. The Director shall consider the amount of work performed by Staff on the application when determining whether or to what extent fees may be refunded. Fees associated with a public meeting or hearing shall not be refunded if the item is heard at a public meeting or hearing.
- C. A notice of withdrawal of an application and a request for refund of fees shall be in writing and submitted to the Director.

19.16.060 - Performance Bonds.

- A. Any required improvements such as curb, gutter and sidewalk (or pedestrian paths), fences, and landscaping shall be satisfactorily installed prior to the Town of Brighton authorizing electrical service or, if no electrical service is required, prior to issuance of any occupancy permit.
- B. In lieu of completing such improvements, the developer may file a cash or surety bond, escrow agreement, or letter of credit with the Planning and Development Services Director, in an amount sufficient to ensure completion of improvements within one year.
 1. Ten percent (10%) of a bond amount for public improvements shall extend for a one year period beyond the date the improvements are completed to guarantee replacement of any defective public improvements.

2. Ten percent (10%) of a bond amount for live plants shall extend for a one year period beyond the date of planting to guarantee replacement of diseased or dead plants.
3. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer may call for inspections of the improvements by the Director.
- C. Whenever necessary in order to protect the health, safety and welfare of Town residents from traffic, flood, drainage or other hazards, the Land Use Authority may require as part of bond approval that improvements be completed in a specified sequence and in less than one year. Such requirements shall be incorporated into the bond.
- D. Bonds will be processed and released in accordance with the procedures set forth in chapter 3.56 of the Municipal Code.
- E. When the developer is a school district, Town of Brighton, service area, special-purpose district or other political subdivision of the State, the Mayor may waive the bond and accept in lieu thereof a letter from the governing body guaranteeing installation of the improvements. Before approving any such waiver, the Mayor shall receive a recommendation from the Director.

19.16.070 - Occupancy Permits.

- A. A permit of occupancy is required prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used for anything other than permitted agricultural uses.
- B. The permit of occupancy shall be issued by the Chief Building Official and the Director if the use and/or building or premises conforms to the provisions of this Title and related ordinances.
- C. A permit of occupancy shall be required whenever the character or use of any building or land is proposed to be changed from one use to another use.
- D. Upon written request from the owner, a permit of occupancy shall also be issued covering any lawful use of a building or premises existing on the effective date of this Ordinance, including nonconforming buildings and uses.

19.16.080 - Zoning Text, Land Use Regulation and Map Amendments.

- A. Initiation. A zoning text, land use regulation, or map amendment may be initiated the Council, the Planning Commission, the Director, a property owner(s) in the Town of Brighton, or a person authorized in writing by the property owner(s).
- B. Authority. The Council shall take formal action on requests for zoning text, land use regulation, or map amendments after receiving a recommendation from the Planning Commission.
- C. Procedure.
 1. Filing of Application
 - a. All zoning map or text amendment applications shall be filed with the Director or Designee in accordance with this Chapter. The Director or Designee shall forward the application to the Planning Commission for further review and recommendation after the date the application is deemed complete.
 - b. Disapproval of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof to the same zone classification, or if the application is for a commercial classification to the same or any other commercial classification, within one year of the date of the final disapproval of the application unless the council finds that there has been a substantial

change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period.

2. Notice. The Director or designee shall provide notice of proposed zoning text or map amendments in accordance with Utah Code §10-9a-205. An “adjacent property owner” under this section of State law is an owner of property located within three hundred feet (300') of land that is directly affected by the land use ordinance change.
3. Action by Planning Commission.
 - a. The Planning Commission shall consider a proposed zoning text or map amendment in a public hearing.
 - b. After the close of the public hearing, the Planning Commission may evaluate the application against the applicable considerations in subsection D below and shall make a recommendation to the Council for approval, modified approval, or denial.
4. Action by Council
 - a. After considering the recommendation of the Planning Commission at a public meeting, the Council may approve, deny, alter, or remand for further review and consideration any application.

D. Approval Considerations. Table 19.16-2: Guidelines for Zoning Map and Text Amendments. The Planning Commission recommendation and the Council decision on any zoning text or map amendment are matters of legislative discretion. In making a recommendation and decision, the Planning Commission and the Council, respectively, may consider one or more of the factors in Table 19.16-2 below.

Table 19.16-2: GUIDELINES for CONSIDERING Zoning MAP & TEXT Amendments

FACTORS		
	MAP AMENDMENTS	TEXT AMENDMENTS/ LAND USE REGULATIONS
1. The proposed amendment is compatible with the Adopted General Plan.	X	X
2. The proposed amendment promotes the public health, safety and welfare.	X	X
3. The proposed amendment is a more suitable zoning classification for the property than the current classification.	X	
4. The proposed amendment is compatible with the intent and general purposes of this Ordinance.	X	X

Table 19.16-2: GUIDELINEs for CONSIDERING Zoning MAP & TEXT Amendments

FACTORS	MAP AMENDMEN TS	TEXT AMENDMEN TS/ LAND USE REGULATION S
5. The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.	X	X
6. The proposed amendment benefits the citizens of the Town of Brighton as a whole.	X	X
7. The proposed amendment does not create a significant number of nonconformities.	X	X
8. The proposed amendment is compatible with the trend of development, if any, in the general area of the property in question.	X	

E. Appeals. Any person adversely affected by a zoning amendment decision of the Council may appeal the decision to the 3rd District Court of Salt Lake County as provided for in § 10-9a-801 of the Utah Code, as amended.

Chapter 19.20 Variance, Special Exceptions, and Appeals

19.20.010 – Variances.

A. Initiation.

1. A property owner or other person expressly authorized in writing by the property owner may apply for a variance from the terms of a zoning ordinance as set forth below and § 10-9a-702 of the Utah Code.
2. The Land Use Hearing Officer hears all applications for a variance.

B. Procedure.

1. All applications shall be filed with the Director in accordance with the requirements of Chapter 19.14.
2. Approval by the Land Use Hearing Officer

- a. The Land Use Hearing Officer shall consider a proposed variance in a public meeting.
- b. Based upon the evidence presented at the public meeting, the Land Use Hearing Officer shall make a decision on the variance, evaluating the application in accordance with the standards below.
- c. The Land Use Hearing Officer may take action in writing on applications for variances in the form of approval, modified approval, or denial.

C. Conditions and Restrictions.

1. When approving a variance, the Land Use Hearing Officer may impose additional requirements on the applicant including conditions and restrictions upon the location, construction, design and use of the property, that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified.
2. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the approval.
3. The Land Use Hearing Officer may grant a variance less than that requested when the record supports the applicant's right to some relief, but not to the entire relief requested.
4. Use variances are prohibited.
5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

D. Approval Standards.

1. The Land Use Hearing Officer may grant a variance only if all of the following standards are met.
 - a. Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances.
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
 - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - e. The spirit of the zoning ordinance is observed, and substantial justice done.
2. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (D)(1), the land use hearing officer may not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on or associated with the property for which the variance is sought; and
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
3. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection (D)(1), the land use hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.
4. In determining whether or not there are special circumstances attached to the property under subsection (D)(1), the land use hearing officer may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties in the same district.

5. In granting a variance, the land use hearing officer may impose additional requirements on the applicant that will:
 - a. Mitigate any harmful effects of the variance; or
 - b. Serve the purpose of the standard or requirement that is waived or modified.
- E. Appeals. Any person adversely affected by a variance decision of the Land Use Hearing Officer may appeal the decision to the 3rd District Court of Salt Lake County.
- F. Any variance granted shall run with the land.

19.20.020 – Special Exceptions.

- A. Submittal and Procedure.
 1. Submittal of Application. All applications shall be filed in accordance with the requirements of Chapter 19.16.
 2. Special Exceptions Approved by the Land Use Hearing Officer.
 - a. The Land Use Hearing Officer may consider approval of the following special exceptions:
 - (1) Where a zone boundary line divides a lot in single ownership, extension of a use allowed on either portion of the lot a maximum of fifty feet (50') into the other portion of the lot.
 - b. The Land Use Hearing Officer shall consider a proposed special exception in a public meeting.
 - c. During or after the close of the public meeting, the Land Use Hearing Officer may take action in the form of approval, modified approval or denial in writing.
 - d. Based upon the evidence presented at the meeting, the Land Use Hearing Officer shall evaluate the application to determine that the exception is consistent with the purposes of this Ordinance and will not be detrimental to the health, safety or general welfare of persons residing or working, or injurious to property in the vicinity
 3. Special Exceptions Approved by the Planning Commission.
 - a. The Planning Commission may consider approval of the following special exceptions:
 - (1) Exceptions as set forth in the Foothills and Canyons Overlay Zone, Chapter 19.38.
 - b. The Planning Commission shall consider a proposed special exception in a public meeting.
 - c. Having heard the matter at a public meeting, the Planning Commission may take action in the form of approval, modified approval or denial on applications for a special exception.
- B. Conditions. The Land Use Hearing Officer or Planning Commission may impose such conditions and restrictions upon the location, construction, design or use of the property, as necessary or appropriate to protect the public interest and adjacent property.
- C. Appeals.
 1. Any person adversely affected by a decision of the Planning Commission regarding a special exception may appeal that decision to the Land Use Hearing Officer.
 2. Any person adversely affected by a decision of the Land Use Hearing Officer regarding a special exception may appeal that decision to the 3rd District Court of Salt Lake County.

19.20.030 – Administrative Appeals.

- A. Definition
Any person adversely affected by a decision made by the Director or Planning Commission in administering or interpreting this Title, or a fee charged as listed in Utah Code 10-9a-510 may appeal such decision to the Land Use Hearing Officer (“administrative appeal”).

- B. Initiation

1. An appeal shall be filed in writing within 10 days of the decision, include a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken, specify the errors in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance, specifically allege how such action is arbitrary, capricious or illegal and shall present every theory of relief that the appellant can raise in district court.
2. The Land Use Hearing Officer shall hear all appeals of such decisions by the Director or Planning Commission administering or interpreting this Title.
3. Appeals must be submitted to the Director with the fee as determined in the fee schedule, contain the name, address, and telephone number of the petitioner; the petitioner's relationship to the project or subject Property.

C. Standard of Review

1. The appellant has the burden of proving that the land use authority erred.
2. The appeal authority shall review factual matters with deference to the land use authority's determination of factual matters. No new evidence may be received.
3. The appeal authority shall determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.
4. Review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the appeal authority grants either party approval to enlarge the scope of the appeal to accept information on other matters.

D. Procedure

1. Administrative appeals shall be considered in a public meeting.
2. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance unless those terms or requirements are applied in a manner that is arbitrary, capricious or illegal.
3. The person filing the appeal has the burden of proving that the decision was arbitrary, capricious or illegal.
4. The Land Use Hearing Officer's review is limited to the record. The Land Use Hearing Officer shall not accept or consider any evidence outside the record unless that evidence was offered to and improperly excluded by the Council, the Planning Commission, or the Director. If there is no record, the Land Use Hearing Officer may call witnesses and take evidence.
5. After review of the record and written and oral argument from both parties, the Land Use Hearing Officer shall render a decision.
6. The Land Use Hearing Officer shall affirm the decision of the Planning Commission, or the Director, unless the Land Use Hearing Officer finds that decision was arbitrary, capricious or illegal.
7. If the decision of the Planning Commission, or the Director is determined to be arbitrary, capricious or illegal, the Land Use Hearing Officer may reverse, alter or remand the decision to the original decision-making body for further review and consideration of the action taken.

E. Stay of Proceedings. Upon the filing of an appeal, any approval granted under this Title will be suspended until the Land Use Hearing Officer has acted on the appeal.

19.20.040 – Conditions Precedent to Review.

- A. As provided by Utah Code Annotated § 10-9a-701(4), an adversely affected party of a land use decision shall present to the applicable appeal authority every theory of relief that it can raise in district court.
- B. Appeals of decisions regarding whether or not to amend the number, shape, boundaries, or area of any zoning district; any regulation of or within the zoning district; or any other provision of the development code may be appealed directly to the district court.
- C. An adversely affected party shall not appeal to the district court a decision of the Planning Commission under subsection B of this section. Only final decisions of the municipal council regarding amendments to the zoning ordinance of the Town of Brighton (Title 19 of this code) or other provisions of the development code may be appealed to the district court.
- D. An adversely affected party shall have thirty (30) days to appeal a final decision of the municipal council under subsection 19.16.080 of this Title to the district court.

Chapter 19.24 Forestry Zones

19.24.010 – Purpose of Provisions.

The purpose of the forestry, forestry and recreation, and forestry and multi-family zones is to provide a mix of limited residential, limited multi-family, recreation opportunities, and other specified uses for the foothills and canyon areas of the Town of Brighton to ensure development is compatible with and protects the natural and scenic resources of these areas for the continued benefit of future generations. Specific development standards under this chapter are also imposed in an effort to conserve water and other limited resources in the canyon and reduce any adverse impacts of development on infrastructure capacity.

19.24.020 – Establishment of Forestry Zones.

- A. Forestry and Recreation Zones (FR-0.5, FR-1, FR-20): The FR Zones promote a mix of small-scale residential and recreational uses. These zones allow for development that is compatible with the Canyon surroundings, but prioritize the protection of the natural environment.
- B. Forestry Multi-Family Zones (FM-10, FM-20): The FM zones promote the development of small, compact communities with high-density residential and commercial uses in the foothill and canyons areas, while still prioritizing the protection of the natural environment.

19.24.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific use listed in the following schedule is permitted in the zone as indicated, subject to the general provisions, special conditions and additional restrictions set forth in this Title. Conditions for specific uses can be found in Chapter 19.42 Special Use Standards.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses identified in Table 19.24.030, the more restrictive provisions of this Title apply.
- C. Conditional Uses. The following conditional uses are subject to the requirements of this chapter, all general and specific conditions, criteria, and approval procedures set forth in Chapter 19.16, "Conditional Uses".
- D. Abbreviations. The abbreviations in the schedule mean:
 1. P - Permitted Use. This land use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
 2. C – Conditional Use. This land use is conditional based upon the unique characteristics or potential impacts on the Town of Brighton, surrounding neighborhoods, or adjacent land use incompatibility in some areas of the zone, or compatibility only if special conditions are required to mitigate the detrimental impact of land use. The Planning Commission is the land use authority for land uses with this designation.
 3. X – Prohibited. This land use is not allowed in the zone.
 4. Any use not listed as permitted or conditional in the applicable zone shall be prohibited.

Use Categories	FR-0.5	FR-1	FR-20	FM-10	FM-20
Residential:					
Accessory Structures	P	P	P	P	P
Accessory Dwelling Unit, Internal subject to 19.42	P	P	P	P	P
Dwelling, Multi-Family	X	X	X	C	C
Dwelling, Single-Family	P	P	P	P	P
Commercial:					
Home Business subject to 19.42	P	P	P	X	X
Home Daycare/Preschool subject to 19.42	P	P	P	P	P

Minor Ski Resort Improvements	P	P	P	P	P
Residential Facility for Persons with a Disability subject to 19.42	P	P	P	P	P
Residential Facility for Elderly Persons	P	P	P	P	P
Ski Resorts and Ski Resort Facilities	C	C	C	C	C
Short-term Rentals	P	P	P	P	P
<u>Industrial:</u>					
Hydroelectric Dam	X	X	X	X	X
Water pumping plant and reservoir	C	C	C	X	X
Water Treatment, water storage, and watershed management facilities	C	C	C	X	X
Wireless Telecommunications Facilities	C	C	C	P	P
<u>Other:</u>					
Public or Quasi-Public Use	C	C	C	C	C

19.24.040 – Lot Area, Lot Width, and Density.

The minimum lot area, lot width, and maximum density requirements are as follows:

Table 19.24.040 Lot Area, Lot Width, and Density

District	Minimum Lot Area	Minimum Lot Width	Maximum Residential Density
FR-0.5	0.5 Acres	100'	2 d.u. per gross acre
FR-1	1 Acre	200'	1 d.u. per gross acre
FR-20	20 Acres	300'	1 d.u. per 20 gross acres
FM-10	0.5 Acres	100'	10 d.u. or 20 guestrooms per net development acre
FM-20	0.5 Acres	100'	20 dwelling units or 40 guestrooms per net development acre

19.24.050 - Development Standards for Single-family Residential Structures in the Forestry Zones:

- Gross Square Footage of the Combined Primary and Accessory Structures. The maximum gross square footage of the combined primary and accessory structures on a property shall be five thousand square feet (5,000 sq. ft.).
- Setbacks. The minimum setback shall be eight feet (8') from all property boundaries and ten feet (10') from the nearest edge of any right-of-way.
 - Garages Fronting the Street. If the garage entrance is facing the front lot line with a minimum setback of ten feet (10') the area between the front of garage and the right-of-way may not be

used for parking of extra vehicles, unless to meet minimum parking requirements for single-family lots.

2. Snow Storage. Adequate snow storage must be provided in the front yard setback for all parking, vehicle entrances and walkways. Snow storage must be provided on the private property.
- C. Building Height. Except as otherwise specifically provided in this Title, no building or structure shall exceed thirty feet (30') The elevation shall be determined using a certified topography survey with a maximum contour interval of two feet (2').
- D. Snow Release. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

19.24.060 Development Standards for Accessory Structures in the Forestry Zones.

A. Building Footprint. The maximum size allowed for an accessory structure shall be eight hundred square feet (800 sq ft).

B. Setback from Primary Structure. An accessory structure shall be set back at least six feet (6') from the primary structure on the lot. C. Building Height. The maximum height for an accessory structure shall be twenty feet (20'). D. Snow Release. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official. E. Accessory structures shall not encroach on any required easement or right-of-way.

19.24.070 - Limits of Disturbance.

The limits of disturbance required under the Foothills and Canyons Overlay Zone may impact the maximum area allowed for the building footprint. Refer to Section 19.38.160 for all requirements for the limits of disturbance.

19.24.080 – Natural Hazards.

Construction of permanent structures in areas subject to natural hazards, including floods, landslides, and avalanches, shall be subject to the requirements and limitations set forth in Chapter 56 Floodplain Hazard Regulations and 19.58 Geologic Hazards Ordinance.

19.24.090 – Water Quality.

- A. **Department of Health Approval Required.** Prior to the issuance of a conditional user permit or site plan development plan approval for all uses in the forestry zones, regardless of size or number of units, the applicant shall receive the written approval of the Board of Health certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.
- B. **Developments of more than Nine Lots/Units.** Development of more than nine (9) lots or units shall receive written approval from the Utah Department of Environmental Quality certifying that the culinary water system and sewage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the Utah Department of Environmental Quality relating to the culinary water supply and wastewater disposal.
- C. **Applicable State Regulations and Standards.** The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, Sections R317-501 through R317-513, as amended from time to time. The applicable state regulations for culinary water supply can be found in the Utah Administrative Code, as amended from time to time.

D. Subsequent Changes in Site Plan. If after Health Department or Utah Department of Environmental Quality review and action pursuant to this Section, a site development plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for review and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such review must be submitted prior to final approval of the site development plan.

19.24.140 – Applicability to Lots of Record and Waivers from Slope Requirements.

- A. Applicable Lots of Record. All Standards and requirements for development in the Forestry zones as set forth in this Chapter shall apply to development on lots and in subdivisions that were recorded prior to the enactment date of the ordinance codified in this Chapter.
- B. Lots of Record – Waivers for Slope Requirements. All properties in the Forestry zones also located in the Foothills and Canyons Overlay Zone, the Planning Commission may waive grade requirements for streets or roads and slope protection requirements for lots of record and lots and plans of subdivisions that were approved prior to February, 1998, when the original Foothills and Canyons Overlay Zone was adopted, provided the conditions and criteria set forth in the FCOZ section 19.38.060 (A) Slope Protection Standards are satisfied.

19.24.150 – Related Provisions

- Foothills and Canyons Overlay Zone Chapter 19.38
- Specific Use Standards Chapter 19.42
- Site Development Standards Chapter 19.46
- Off-Street Parking and Mobility Standards Chapter 19.48
- Floodplain Hazard Regulations Chapter 19.56
- Geological Hazards Chapter 19.58

Chapter 19.26 (Reserved)

Chapter 19.28 (Reserved)

Chapter 19.30 (Reserved))

Chapter 19.32 C-V Commercial Zone

19.32.010 – Purpose of Provisions.

The purpose of the C-V Zone is to provide for areas in appropriate locations where commercial centers providing for the needs of tourists and travelers may be established, maintained and protected, subject to conditional use approval by the planning commission. The regulations of this zone are designed to encourage the provision of transient housing facilities, restaurants, service stations, and other commercial activities providing for the convenience, welfare, or entertainment of the traveler.

19.32.020 Permitted Uses

Permitted uses in the C-V Zone include:

1. Accessory uses customarily incidental to a conditional and permitted use;

19.32.030 Conditional Uses

Conditional uses in the C-V Zone include:

1. Antique shop without outside display.
2. Any other establishment for the service of visitors, determined by the planning commission to be of the same general character as the above uses.
3. Art gallery. — Automobile service station, campground and travel trailer park.
4. Bed and breakfast inn, which may include a restaurant and conference meeting rooms.
5. Class A beer outlet.
6. Class B beer outlet.
7. .
8. Handicraft shop.
9. Mobile store provided it meets the following requirements:
 - i) A location on improved property including a main building with paved parking, and landscaping, curb, gutter, and sidewalk if required by Brighton.
 - (1) A maximum display area of one hundred square feet outside the portable structure, a minimum of ten feet behind the property line, not on landscaped areas, and not obstructing access to the property.
 - ii) Compliance with the sign ordinance.
 - iii) The structures comply with the yard requirements of the zone.
 - iv) The mobile store including display area shall not be located within the clear view of intersecting streets.

- v) Written approval from the property owner to locate on the site.
- 10. Public or quasi-public use.
- 11. Recreation, commercial.
- 12. Restaurant; drive-in refreshment stand.
- 13. Restaurant liquor license.
- 14. Shared parking.
- 15. State-approved liquor and/or beer outlet on state-owned property.
- 16. Hotel.

19.32.040 Board Of Health Approval

Prior to issuance of a conditional use permit or site plan approval for all uses, regardless of size or number of units, the applicant shall receive the written approval of the board of health certifying that all health requirements have been satisfied and that the proposed construction will not damage the natural watershed. In addition, developments of more than nine lots or more than nine units shall receive the written approval of the State Division of Health certifying the culinary water system and the sewerage system. All approvals shall be in accordance with the regulations of the State Division of Health relating to culinary water supply and wastewater disposal.

19.32.050 Building Height

No building or structure in the C-V Zone shall exceed three stories or thirty feet in height.

19.60.060 Lot Area, Coverage And Yard Requirements

The following minimum requirements shall be observed in the C-V Zone, except where increased for conditional uses:

1. Lot Area shall be ten thousand square feet(10,000 sq. ft.)
2. Maximum Lot Coverage shall be forty percent (40%)
3. Front Yard shall be twenty feet (20')
4. Side Yard shall be none
5. Rear Yard shall be ten feet (10')

19.60.070 Maximum Coverage

In the C-V Zone, the maximum coverage for the aggregate of all buildings, paved surfaces and graded areas shall be twenty-five percent of the site area.

19.60.080 Natural Hazards

In the C-V Zone, construction of permanent structures is not permitted in areas subject to hazards such as floods, landslides, and avalanches.

19.60.090 Grading - Permit Required

In the C-V Zone, to eliminate the possibility of erosion and unsightly scars on the mountain slopes, cut-and-fill shall be controlled by standards adopted by the planning commission, which are based on slope and grade analysis, for construction of access roads, private rights-of-way, and building sites. All cut-and-fill surfaces shall be replanted and maintained to negate the possibility of erosion and scarring. All grading shall also comply with the requirements of the Uniform Building Code as adopted in Chapter 15.08, Uniform Building Code.

19.60.100 Natural Vegetation

Natural vegetation shall not be removed in the C-V Zone unless the site plan and the plan for vegetation clearing is approved by the planning commission for conditional uses, or the development services division director for permitted uses, subject to all the provisions of this chapter.

19.60.110 Building Materials

In the C-V Zone, buildings shall be designed to preserve the natural beauty of the canyon area. Only those building materials which will blend harmoniously into the natural environment shall be permitted. The use of wood, stone and other harmonious materials is encouraged, and the use of bland, unpainted concrete blocks and unpainted metal is prohibited on exterior surfaces.

19.60.120 Special Provisions Applicable

Developments in the C-V Zone shall be subject to the provisions of Sections 19.24.040 through 19.24.110 of this title, and as set out in Sections 19.32.130 through 19.32.180 of this chapter.

19.60.130 Lot Area, Width And Slope

In the C-V Zone, the minimum lot area shall be one-half acre. The minimum width of any lot shall be one hundred feet. Construction is not permitted where the slope exceeds thirty percent. Roads and other vehicular routes shall not cross property having a slope greater than thirty percent unless, after review by the planning commission, it is determined that:

- A. Appropriate engineering measures can be taken to minimize the impact of the cuts and fills, consistent with the purpose of this chapter; and
- B. The environment and aesthetics of the area will not be significantly affected.

19.60.140 Yards

In the C-V Zone, because of the unique nature of the topography and climatic conditions of the canyon areas, the side, rear and front yard requirements will be determined on an individual basis by the planning commission for conditional uses, and by the development services division director for single-family dwellings.

19.60.150 Building Height

1. In the C-V Zone, the unique nature of the topography, vegetation, soils, climatic and aesthetic characteristics of the canyons defy uniform regulations and require that the heights of structures be determined on an individual basis. Maximum and minimum heights of all conditional uses shall be determined by the planning commission based on a careful analysis of the following:
 - a) Natural setting.
 - b) Relationship to other structures and open spaces.
 - c) Contour intervals and topographic features.
 - d) Height, density, and type of vegetation.
 - e) Scenic vistas.
 - f) Other elements deemed appropriate to ensure that the provisions of Section 19.10.010 are met.

19.60.160 Maximum Density

1. FM-10 Zone shall be 10 dwelling units or 20 guestrooms per net developable acre
2. FM-20 Zone shall be 20 dwelling units or 40 guestrooms per net developable acre

19.60.170 Off-Street Parking

In the C-V zone, for conditional uses the planning commission shall determine the number of parking spaces required. For permitted uses, the planning and development services division director shall determine the number of parking spaces required. However, the minimum requirements of Chapter 19.48 shall be provided, except that for hotels and resort hotels, one-half parking space shall be provided for each guestroom. The planning commission may modify the requirements of Sections 19.48.060 through 19.48.700.

19.60.180 Utilities

In the C-V zone, all utilities shall be placed underground.

19.60.200 Lots Of Record

The planning commission for conditional uses and the development services director for permitted uses may waive the slope requirements of this chapter for legal lots of record and subdivisions in the C-V zone which were approved by the planning commission prior to the enactment of the ordinance from which this section derives if such waiver would not be injurious to health, safety and the general public welfare of the inhabitants of Brighton and is consistent with the purpose of this title.

Chapter 19.34 (Reserved)

Chapter 19.36 (Reserved)

Chapter 19.38 Foothills and Canyons Overlay Zone (FCOZ)

19.38.010 – Purpose of Provisions.

The general purpose of the foothills and canyons overlay zone is to promote safe, environmentally sensitive development that strikes a reasonable balance between the rights and long-term interests of property owners and those of the general public related to the protection of the Canyon's unique ecosystem and assets.

Specifically, these standards are intended to:

- A. Preserve the visual and aesthetic qualities of the foothills, canyons, and prominent ridgelines as defined herein, contributing to the general attractiveness and, where appropriate, the commercial

viability of these areas.

- B. Protect public health and safety by adopting standards designed to reduce risks associated with natural and man-made hazards.
- C. Provide efficient, environmentally sensitive, and safe vehicular and pedestrian circulation.
- D. Encourage development that conforms to the natural contours of the land and minimizes the scarring and erosion effects of cutting, filling and grading on hillsides, ridgelines, and steep slopes.
- E. Balance private and commercial needs against the risk of destabilizing fragile soils, defacing steep slopes and degrading water quality.
- F. Minimize disturbance to existing trees and vegetation, conserve wildlife habitat, protect aquifer recharge areas, and otherwise preserve environmentally sensitive natural areas by encouraging clustering, the transfer of development rights, or other design techniques to preserve the natural terrain.
- G. Reduce flooding by protecting streams, drainage channels, absorption areas, and floodplains.
- H. Protect property rights and commercial interests and encourage economic development.
- I. Recognize the link between environmental protection and economic prosperity in the canyons.

19.38.020 – Applicability.

- A. Geographic Area of Application. Maps delineating the boundaries of the foothills and canyons overlay zone are on file with the planning and development services division. Such maps, as amended, are incorporated into this chapter as if fully described and detailed herein.
- B. Development Activities Covered. The standards and regulations of the foothills and canyons overlay zone apply to all development that occurs within the mapped foothills and canyons overlay zone. Development includes all land disturbance activities such as grading, clearing, and excavation.
- C. Jurisdictional Exemptions. These provisions do not apply to properties owned by the state or the government of the United States, except as specifically authorized by state or federal statute or regulation, intergovernmental agreement, or other form of cooperative agreement.
- D. Recognition of Salt Lake City Extraterritorial Jurisdiction. Brighton recognizes that Salt Lake City has extraterritorial jurisdiction for protection of its watershed located in the canyons east of Salt Lake City from City Creek Canyon south to Little Cottonwood Canyon. All development in Brighton impacting surface water, wells, storage facilities, or aquifers located within Salt Lake City watershed areas shall be referred to Salt Lake City to confirm compliance with applicable ordinances and watershed protection standards. If confirmation is not received within the time prescribed by Brighton ordinance for processing applications, the Planning Commission or director may approve the application subject to confirmation being received prior to a building permit being issued. Brighton shall notify other water providers of which Brighton is aware that have protected watersheds in the canyons and may have authority over the proposed development within those areas. Notification shall include a copy of the application, any public hearing dates for the application, and contact information for Brighton planning and development services division.

19.38.030 – FCOZ Development Approval Procedure.

- A. Purpose. The purpose of this section is to outline the site plan application and approval process required for all development or construction activity, including tree/vegetation removal and grading, or Subdivision of land, in the foothills and canyons overlay zone.
- B. Joint Applications. Where a process is already established by ordinance or agreement for review and approval of a land use application in the foothills and canyons (such as a subdivision, conditional use or permitted use site plan, development agreement, or variance process), applicable FCOZ standards

shall be applied concurrently with the related application. If there is no related land use application under review, the applicant shall be subject to the following process.

C. Application Process.

1. Pre-Application Meeting.

- a. Purpose. An informal pre-application meeting with the director is required prior to submitting a site development plan application. The purposes of the pre-application meeting are to provide an opportunity for the parties to discuss:
 - (1) The application submittal, review, and approval process.
 - (2) The proposed development of the site and its relationship to site conditions and area characteristics, including geologic, hydrologic, and environmental issues.
- b. Scheduling of Pre-Application Meeting. To request a pre-application meeting, the applicant shall submit a pre-application meeting request on a form provided by Brighton, together with any required fees and materials. Upon submittal of a complete application, the development proposal shall be scheduled for discussion at a pre-application meeting.
- c. Attendance. In addition to the director, other Brighton participants in the pre- application meeting may include representatives from the health department, engineer's office, fire department, Salt Lake City department of public utilities, and any other person or entity Brighton deems appropriate.

2. Site Development Plan.

- a. Application.
 - (1) Upon conclusion of the pre-application meeting process, an applicant seeking approval of a development plan shall submit an application form, together with required maps, plans, reports, special requests, and fees, to the director. All submitted materials shall be available for public review.
 - (2) Following documentation of assurances provided at the pre-application meeting or field inspections, the director may waive or modify submittal requirements deemed unnecessary.
 - (3) The director may require additional information, as necessary, to substantiate compliance with the provisions and standards of this chapter and other applicable codes and ordinances. For example, the director may seek technical and policy recommendations from other public agencies with related legal jurisdiction such as the local health department; state division of wildlife resources; state division of forestry, fire, and state lands; U.S. Forest Service; and U.S. Soil Conservation Service.
- b. Staff Review. The director shall review the development proposal for compliance with the standards and processes of this Ordinance, including Paragraph D below, and shall document findings in a written report. The report shall specify all areas of noncompliance with regulations together with any recommended modifications or conditions of approval to mitigate detrimental impacts and bring the plan into compliance and shall be made available to the public and provided to the applicant (unless specifically waived by the applicant) no less than three business days prior to any applicable Planning Commission meeting.

D. Approval Standards. The following is a summary of site development plan review standards. Failure to document compliance with any of the following may result in denial of a site development application.

1. The development is consistent with the purposes and intent of the policies, goals, and objectives of any applicable plan, including the Wasatch Canyons general plan, the Brighton regional trails plan, and applicable community general plans, as amended.
2. The site plan, grading, construction, and development activities comply with the mandatory requirements of the FCOZ, unless modifications or waivers have been expressly granted.

3. The development complies with all applicable development regulations, standards, requirements, or plans adopted by the local or state authority, including but not limited to water quality and wastewater regulations.

E. Expiration of Site Development Plan/Issuance of a Building Permit.

1. A building permit issued pursuant to the FCOZ site development plan approval process must reference all conditions or stipulations applicable to such approval. All development, construction, and use shall be in accordance with the approved site development plan.
2. An approved site development plan shall be valid for a period of twelve months from the date of the final approval, unless authorized as a multi-phase development.
3. A building permit may be obtained at any time within the twelve-month period. If substantial progress towards obtaining a building permit is not made within the one-year period, approval of the site development plan automatically lapses and the plan is null and void.
4. A building permit issued for any phase of a development that has received site development plan approval may extend the life of the site development plan for the entire development for an additional twelve months from the date of issuance of the building permit. If any successive twelve-month period expires before a building permit application is filed for a subsequent phase or phases, then the site development plan approval automatically lapses, and the plan is null and void as to all undeveloped or un-built phases of the development, unless substantial progress toward obtaining a building permit is demonstrated.
5. A twelve-month extension of the life of the site development plan may be obtained subject to paying an extension fee equal to the conditional use and subdivision extension fee in the adopted fee schedule.

F. Appeals. Pursuant to Section 19.20.040 of this Title, any person adversely affected by a final decision of the zoning authority may appeal that decision to the Land Use Hearing Officer.

19.38.040 – Underlying Zoning District.

- A. Conflicts. Unless specifically exempted or modified by the underlying zone, such as a mountain resort zone, all development shall comply with the standards of this chapter.
- B. Division of Consolidated Lots. Previously platted lots consolidated into one taxable parcel may not be re-divided into lots smaller than the minimum area required in the underlying zone.
- C. Setbacks. Setbacks from property lines are established by the underlying zone. If no setbacks are stated, an applicant wishing to locate a building closer than ten feet (10') to the property line shall demonstrate that the structure will not place additional burden on neighboring properties by addressing the following factors: snow load, drainage, access, fire protection, and building code.

19.38.050 – Cluster Development.

- A. General Requirements. Cluster development is the grouping of residential properties on lots smaller than allowed in the underlying zone to reduce infrastructure costs and environmental impacts and to reserve otherwise developable land for open space or recreation. Whether proposed by an applicant or required by the Planning Commission, cluster development may only be approved upon satisfaction of the following conditions:
 1. The clustering proposal meets all other applicable requirements set forth in the foothills and canyons overlay zone or in other applicable ordinances or regulations.
 2. The clustering proposal, compared with a more traditional site plan, better attains the policies and objectives of the foothills and canyons overlay zone, such as providing more natural open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, prominent ridgelines, wetlands, and steep slopes.
 3. The clustering proposal shall have minimal adverse impact on adjacent properties or development, or, if such impacts may result, the applicant has agreed to implement appropriate mitigation

measures such as landscape, screening, illumination standards, and other design features as recommended by the director to buffer and protect adjacent properties from the proposed clustered development.

4. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape and are compatible with adjacent properties or development.

B. Density Bonus for Cluster Development.

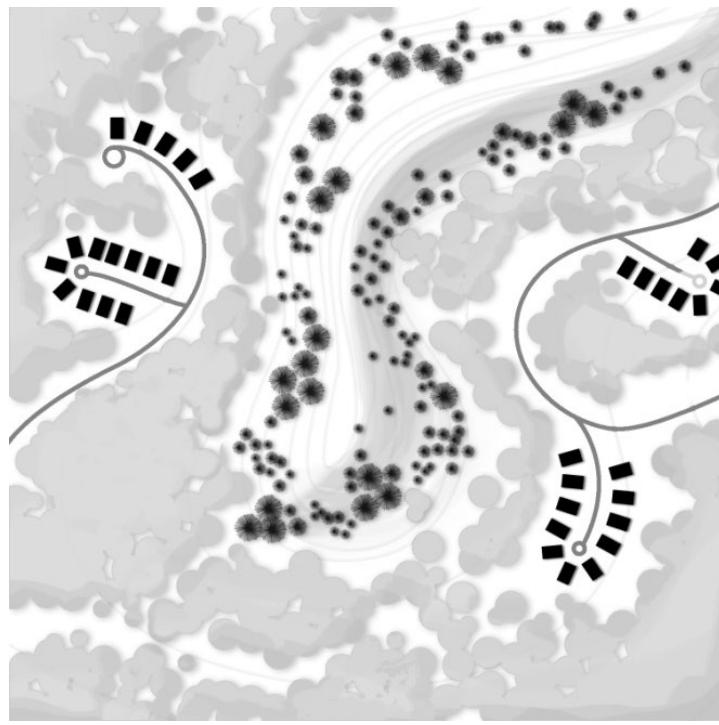
1. A cluster density bonus of up to twenty-five percent (25%) over the base density permitted in the underlying zone may be available for cluster developments that satisfy the above standards while taking into account the bonus density.
2. The allowable density bonus for a cluster development is equal to twenty-five percent (25%) of the "net developable acreage," and must be rounded to the nearest whole number, but in no case less than one.

C. Cluster Development Design.

1. The undeveloped area of the development site shall be preserved as active or passive natural open space. Natural open space areas shall conform with any adopted Brighton open space and/or trail plans, provide contiguity with adjacent natural open space and/or conservation areas, protect unique natural, historic, or cultural site features and resources, and avoid fragmentation of conservation areas within the site
2. The maximum number of lots allowed in a single cluster is twenty (20) lots. Each cluster shall be separated from other residential clusters by a minimum of one- hundred feet (100').
3. The layout of a cluster development shall protect significant natural resources on or adjacent to the site. Natural resources include riparian areas, wetlands, ecological resources, steep slopes and ridgelines, and wildlife habitat and corridors. The overall site design shall employ the site's natural topography to hide multiple residential clusters from the sight of adjacent clusters.
4. A cluster development shall preserve the open sky backdrop above any ridgelines and, where possible, significant views of the natural landscape as viewed from adjacent streets.

D. Illustration of Cluster Development. Figure 19.38.1: Cluster Development illustrates recommended cluster development.

FIGURE 19.38.1: CLUSTER DEVELOPMENT



19.38.060 – Slope Protection.

A. Slope Protection Standards.

1. Unless otherwise allowed in this Title, no development activities, including clearing, excavation, grading, and construction, are allowed on slopes greater than thirty percent (30%).
2. Structures shall be set back from ascending or descending slopes greater than thirty percent (30%) in accordance with the requirements of the current adopted building code.

B. Development on Ridgelines.

1. Unless otherwise allowed in this Title, no development may break the horizon line, defined as the point where the ridge visibly meets the sky as viewed from public rights of way or trails.
2. Unless otherwise allowed in this Title, no development may be located within one-hundred feet (100') (map distance) from either side of the crest of a protected ridgeline designated as such in an adopted Brighton master plan or incorporated by other ordinance.
3. FIGURE 19.38.2 Ridgeline development illustrates recommended ridgeline development.

FIGURE 19.38.2: RIDGELINE DEVELOPMENT



- C. Natural Open Space within Steep Slopes. Unless expressly allowed in this Title, all areas with slope greater than thirty percent (30%) must remain in natural private or public open space, free of any development activities.
- D. Waiver of Slope Protection Standards for Lots of Record.
 - 1. The Planning Commission may only waive or modify the following slope protection standards as applied to development on lots of record and in subdivisions that were approved prior to the effective date of this chapter:
 - a. Slope protection standards prohibiting development on slopes greater than thirty percent (30%) or in ridge line protection areas, as set forth above.
 - b. Limitations on the crossing of slopes greater than thirty percent (30%) by any street, road, private access road or other vehicular route, as addressed in Subsection 19.38.080.
 - 2. The Planning Commission may only waive these standards upon satisfaction of the following criteria:
 - a. Strict compliance with the above slope protection standards.
 - (1) Renders the site undevelopable, or
 - (2) Results in substantial economic hardship not created by the applicant or otherwise self-imposed, or
 - (3) Results in a building location that requires excessive grading, vegetation removal, or driveway distances in conflict with the purposes of this chapter; and
 - b. The development substantially conforms to all other development, site design, and environmental standards of this chapter and in all other applicable ordinances and codes.
 - 3. In granting a waiver from slope and ridge line protection standards, the Planning Commission may impose reasonable conditions to mitigate the impacts, if any, that the Planning Commission determines the proposed development has on adjacent properties and the surrounding environment.

4. Notwithstanding its discretion to grant waivers for lots of record from the slope protection standards set forth in this chapter, in no case shall the Planning Commission permit development other than roads on slopes greater than forty percent (40%).
5. In the interest of protecting the public health, safety, and welfare, Brighton may pursue negotiations with a property owner to purchase their property as open space as an alternative to granting a waiver. These negotiations, as long as they are performed in good faith, shall not delay Brighton's processing of any land use application.

19.38.070 – Grading Standards.

- A. Prior to issuance of a building permit in accordance with a grading and excavation plan and report for the site approved by the development services engineer; no grading, excavation, or tree/vegetation removal is permitted, whether to provide for a building site, for on-site utilities or services, or for any roads or driveways.
- B. Figure 19.38.3: Cutting and Grading illustrates recommended development that minimizes cuts.

FIGURE 19.38.3: CUTTING AND GRADING



- C. The original, natural grade of a lot may not be raised or lowered more than four feet (4') at any point for construction of any structure or improvement, except:
 1. The site's original grade may be raised or lowered eight feet (8') if a retaining wall is used to reduce the steepness of man-made slopes, provided that the retaining wall complies with the requirements of subsection I. below.
 2. The site's original grade may be raised or lowered more than eight feet (8') with terracing, as specified in subsection I. below.
- D. Separate building pads for accessory structures other than private garages, (such as barns, or recreational structures such as tennis courts, swimming pools, and similar facilities) are prohibited except where the natural slope is twenty percent (20%) or less.
- E. The following limits apply to graded or filled man-made slopes.

1. Slopes of twenty-five percent (25%) or less are encouraged wherever possible.
2. Graded or filled man-made slopes may not exceed a slope of fifty percent (50%).
3. Cut man-made surfaces or slopes may not exceed a slope of fifty percent (50%) unless it is substantiated, on the basis of a site investigation and submittal of a soils engineering or geotechnical report prepared and certified by a qualified professional, that a cut at a steeper slope will be stable and will not create a hazard to public or private property.
4. All cut, filled, and graded slopes shall be re-contoured to the natural, varied contour of the surrounding terrain.

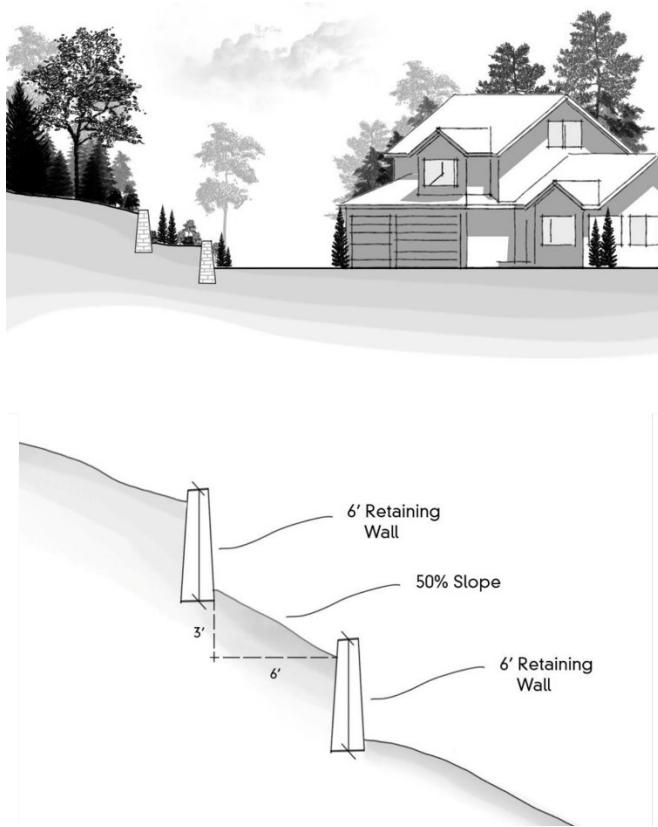
F. Any slope exposed or created in new development shall be landscaped or re-vegetated pursuant to the standards and provisions of this chapter.

G. Excavation for footings and foundations shall be minimized to lessen site disturbance and ensure compatibility with hillside and sloped terrain. Intended excavation must be supported by detailed engineering plans submitted as part of the application for site plan approval.

H. Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to re-vegetation.

1. If a single retaining wall is used, one (1) vertical retaining wall up to eight feet (8') in height is permitted to reduce excavation and embankment.
2. Terracing is limited to two walls with a maximum vertical height of six feet (6') each. The width of a terrace shall be a minimum of a one-to-one (1:1) ratio with the height of the wall. Terraces are measured from the back of the lower wall to the face of the upper wall. Terraces created between retaining walls shall be permanently landscaped or re-vegetated as required by this chapter.
3. Figure 19.38.4: Terracing and Retaining Walls illustrates recommended terracing.

FIGURE 19.38.4: TERRACING & RETAINING WALLS



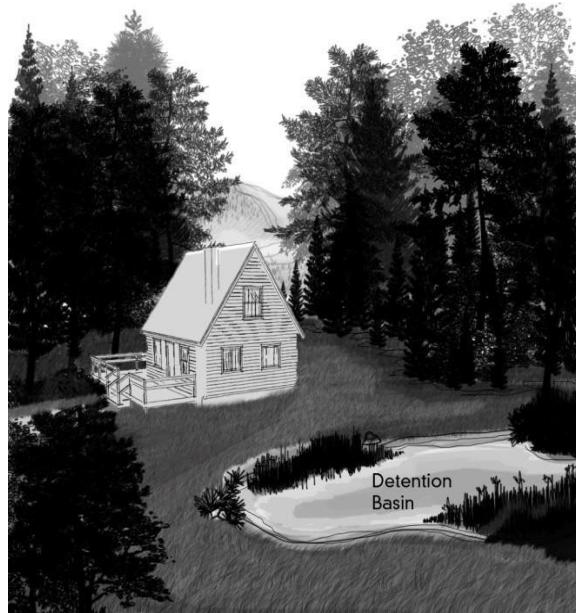
4. Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape, as required by the design standards of foothills and canyons overlay zone.
5. All retaining walls shall comply with the minimum standards of the International Building Code.

I. Except for restoration and maintenance activities authorized by the state engineer and Brighton flood control division, filling or dredging of water courses, wetlands, gullies, stream beds, or stormwater runoff channels is prohibited. Bridge construction is allowed pursuant to the standards set forth of this section.

J. Where detention basins and other storm and erosion control facilities are required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized. See Figure 19.38.5: Recommended Detention Basin Treatment which illustrates recommended treatment.

1. Detention basins shall be free form, following the natural landforms. If such forms do not exist, the basin shall be shaped to emulate a naturally formed depression.
2. Redistributing soils from basin construction to natural side slopes around the perimeter of the basin is encouraged. Side slopes are limited to a maximum slope of three-to-one. These slopes are created to filter, redirect or soften views of the basin. Total screening of basins is not required. Side slopes shall be varied to replicate natural conditions.
3. Naturalized planting themes are required for basins. Trees and shrubs may be grouped in informal patterns to emulate the natural environment but may not reduce the volume of the basin.
4. The ground surface of the basin and surrounding disturbed areas shall be covered with native grass mixture or other appropriate groundcover. It is the intent to provide a natural cover that does not require regular mowing or fertilization.
5. Appropriate erosion control measures are required on all slopes.

FIGURE 19.38.5: RECOMMENDED DETENTION BASIN TREATMENT



19.38.080 – Site Access.

- A. Motor vehicle access to a building or development site shall be by road (including private access road), street, alley, or driveway. Any road, street, alley, or driveway constructed after the enactment of this chapter shall comply with the applicable requirements of this section.
- B. Streets, roads, alleys, or driveways shall comply with the Brighton highway ordinance and fire authority regulations.
- C. Streets, roads, alleys, or driveways may not cross slopes averaging (in any fifty feet (50') interval) between thirty percent (30%) and fifty percent (50%) unless specifically authorized by the Planning Commission, upon the favorable recommendation of the director and public works engineer, after finding that all of the following conditions and constraints are met:
 1. No alternate location for access is feasible or available.
 2. No individual segment or increment of the street, road, alley, or driveway in excess of one hundred feet (100') in length may cross slopes averaging between thirty percent and fifty percent (50%).
 3. The cumulative length of individual segments or increments that cross slopes averaging between thirty percent (30%) and fifty percent (50%) may not exceed ten percent (10%) of the total length of the street, road, alley, or driveway.
 4. All crossings shall be designed and constructed to eliminate significant adverse environmental or safety impacts.
- D. Under no circumstances shall any segment of a street, road, alley, or driveway cross slope averaging greater than fifty percent (50%).
- E. Streets, roads, alleys, or driveways shall follow natural contour lines where possible. If the natural contour lines do not reasonably facilitate access to the development site, a private access road or driveway may be designed and submitted for approval with a slope not to exceed the requirements set forth in Title 14 of Brighton Code. Figure 19.38.6: Recommended Access Route Configuration illustrates the access route following natural contours.

FIGURE 19.38.6: RECOMMENDED ACCESSS ROUTE CONFIGURATION



- F. Grading for streets, roads, alleys, or driveways is limited to the paved portion of the right-of-way, plus up to an additional ten feet (10') on either side of the pavement as approved. However, when developing access on slopes in excess of twenty-five percent (25%), only the paved portion of the right-of-way used for vehicular travel, plus the minimum area required for any additional improvements, such as curb, gutter or sidewalk or pedestrian path, may be graded. The remainder of the access right-of-way must be left undisturbed.
- G. Streets or roads may be required to provide access or maintain existing access to adjacent lands for vehicles, pedestrians, emergency services, and essential service and maintenance equipment.
- H. Private access roads and driveways shall ensure safe, convenient, and adequate access to individual buildings. Driveway access to a development must be consistent with Brighton general plans. In addition, provision of private access road and driveway access is subject to the following requirements:
 - 1. All private access roads and driveways shall comply with the Brighton highway ordinances and fire authority regulations.
 - 2. Private access roads and driveways greater than one hundred fifty feet (150') in length shall meet the following requirements:
 - a. Provide a turnaround that meets Brighton's road/street and fire authority standards.
 - b. Provide an adequate number of spaced turnouts along the length of the private access road or driveway, as determined by the public works engineer in consultation with the fire authority.
 - 3. If variation from the above standards is sought, the applicant shall apply for a written Code Modification Approval from the fire authority that specifies any additional requirements that must be completed prior to construction.
 - 4. Shared private roads and driveways are encouraged between adjacent lots.
 - 5. Private access roads and driveways to a building site shall have direct access to a public street or to a private right-of-way previously approved by the Planning Commission.
 - 6. Finished grades shall comply with the following:

- a. Finished private access roads and driveways are limited to a maximum grade of twelve percent (12%), or as determined by the public works engineer on a case- by-case basis based on health and safety concerns and the need for adequate access for Brighton service providers. In no case, however, may the public works engineer approve a maximum grade greater than fifteen percent (15%).
- b. Private access road and driveway grades within twenty feet (20') of the roadway are limited to ten percent (10%) slope.

7. The director has discretion to administratively offer relief of the driveway access standards 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,
 - (4) Strict application of the standard(s) would render a site undevelopable.

19.38.090 – Trails.

- A. All proposed development in the foothills and canyons overlay zone shall be platted consistent with Brighton general plans regarding trails, including those portions of the adopted Brighton parks and recreation master plan that address trails and trail access locations. A dedication of private land may be required for public trails if the required dedication complies with the exaction requirements set forth in Utah Code § 10-9a-508(1).
- B. All land offered for dedication for trails or public access to trails must be verified on the ground by the director before approval of the site plan. Brighton has the option of rejecting the applicant's offered land dedication if the proposed dedication does not comply with the exaction requirements set forth in Utah Code § 10-9a-508(1), or the requirements set forth in subsection (C) below; Brighton may suggest more suitable land for the applicant's consideration that does comply with each of these requirements.
- C. Land offered for dedication for trails must be located so that:
 1. Proposed trail construction and maintenance is feasible.
 2. Side slopes do not exceed seventy percent (70%).
 3. Rock cliffs and other insurmountable physical obstructions are avoided.
- D. At Brighton's sole option, dedications for trails or public access may be of a fee or less-than-fee interest to either Brighton, another unit of government, or non-profit land conservation organization approved by Brighton.
- E. Brighton may allow a density bonus up to twenty-five percent (5%) of the maximum allowable density attributable to areas of the site with greater than thirty percent (30%) slope to be transferred to the developable areas of the site where the applicant demonstrates that the offered dedication is beyond what would be roughly proportional to the demand for such trails or trail access generated by the proposed development. Brighton may reduce the applicable minimum lot area requirement within the site's developable area if necessary, to accommodate the transferred density.

19.38.100 – Fences.

- A. No fence may be constructed or installed unless shown on an approved site plan.
- B. No fence in excess of forty-two (42") inches in height may be constructed or installed outside the designated limits of disturbance on a site, unless required by Brighton, such as fenced corrals for

horses or other animals. Fences are subject to the intersecting streets and clear visibility restrictions of this Title.

- C. Fences in front yards and along roadways may not exceed forty-two inches (42") in height.
- D. Fences in identified wildlife corridors are strongly discouraged, but in no case may exceed forty-two inches (42") in height.
- E. Fences shall conform to the design standards of this section.

19.38.110 – Tree and Vegetation Protection.

- A. Purpose. Protection of existing tree and vegetation cover is intended to:
 - 1. Preserve the visual and aesthetic qualities of the Brighton's foothills and canyons.
 - 2. Encourage site design techniques that preserve the natural environment and enhance the developed environment.
 - 3. Control erosion, slippage, and sediment run-off into streams and waterways.
 - 4. Increase slope stability.
 - 5. Protect wildlife habitat and migration corridors.
 - 6. Conserve energy, in proximity to structures, by reducing building heating and cooling costs.
- B. Applicability. These provisions apply to all development in the foothills and canyons overlay zone, with the following exceptions:
 - 1. The removal of dead or naturally fallen trees or vegetation to protect public health, safety, and welfare.
 - 2. The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, to perform authorized field survey work, or to protect structures from fire consistent with the Utah Wildland-Urban Interface Code.
 - 3. The removal of trees or vegetation on land zoned or lawfully used for agricultural and forestry activities, including tree farms, or pursuant to approved forest management programs. In the event a site is substantially cleared of trees pursuant to such legitimate activities, no development or site plan applications for other types of development may be accepted by the town within thirty-six months (36) from the date of the clearing.
 - 4. The director has discretion to administratively offer relief of the standards in this section by up to twenty-five percent (25%) if either of the following circumstances applies:
 - 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.
- C. Tree/Vegetation Removal.
 - 1. Outside the Limits of Disturbance. The removal of trees is allowed under the following circumstances:
 - a. Where trees have naturally fallen or are determined by a licensed arborist to be dead or dying.
 - b. Where trees have been diagnosed by a qualified arborist as unhealthy beyond reasonable rehabilitation.
 - c. Where the species is classified by the Utah Department of Agriculture and Food as a noxious weed.
 - d. Where trees are determined to be potentially harmful to the public health, safety, or welfare.

- e. Where it has been determined by the Town of Brighton that tree removal is necessary to restore clear visibility at driveways and intersections.
- f. Where the preservation of trees would prevent reasonable site grading to accommodate a functional arrangement of buildings and related improvements on the property. Written documentation of the above is required prior to the removal of any tree.
- g. Any removal of trees within fifty-feet (50') of a stream corridor or wetlands must be approved by the Salt Lake City Department of Public Utilities prior to their removal.

2. Within the Limits of Disturbance. Significant trees removed from within the limits of disturbance shall be replaced as set forth in this section.
3. Wildfire Hazards and Tree/Vegetation Removal. Defensible space is defined as the required space between a structure and wildland area that, under normal conditions, creates a sufficient buffer to slow or halt the spread of wildfire to a structure. Appropriate defensible space surrounding a structure is established in Utah Wildland-Urban Interface Code incorporated in UFA Wildland-Urban Interface Site Plan/Development Review Guide. See subsection G below. A copy of the approved fire protection plan shall be submitted to the Planning and Development Services for incorporation into the final approval documents.
4. Tree/Vegetation Removal for Views Prohibited. No trees or vegetation may be removed solely for the purpose of providing open views to or from structures on a site.

D. Replacement of Significant Trees.

1. When a significant tree is removed from inside the established Limits of disturbance, which removal is not required by wildland-urban interface standards referenced in C.3. above, the applicant or developer shall replace such tree(s) on the lot, according to the following schedule and requirements:
 - a. A significant tree that is removed shall be replaced with ten (10) container seedlings native to the surrounding area and placed in locations on the lot that are appropriate, feasible, practical for growth outside the defensible space and that comply with fire requirements and standards, as determined by the planning director or their designee.
2. If the remainder of the lot outside the permitted limits of disturbance is heavily wooded, defined as areas of trees with canopies that cover eighty percent (80%) of the area, and is not suitable to the planting of replacement container seedlings, the requirement to plant replacement container seedlings may be waived by the planning director or their designee.

E. Revegetation and Land Reclamation Plan.

1. On a parcel of land that has been or will be altered from its natural condition by man- made activities, a revegetation and land reclamation plan prepared and certified by a qualified professional may be required for review and approval by the director. The plan shall incorporate the elements of the fire protection plan, and shall indicate a timeframe for revegetation that is acceptable to Brighton and that takes into account optimal seasonal growing conditions.
2. The revegetation and land reclamation plan shall depict the type, size, number, and location of any vegetation and trees to be planted and illustrate how the site will be recontoured with sufficient topsoil to ensure that vegetation is successful. All new trees shown on the plan shall:
 - a. Comply with the Vegetation Clearance Guidelines of the Wildland-Urban Interface Code;
 - b. Be spaced no closer than twenty feet (20') on center; and,
 - c. Be on the Utah Fire Resistive Species list in the Wildland-Urban Interface Code.
3. Any slope exposed or created in new development shall be landscaped or revegetated with native or adapted trees and plant material. New vegetation shall be equivalent to or exceed the amount

and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.

4. On man-made slopes of twenty-five percent (25%) or greater, plant materials with deep rooting characteristics shall be selected to minimize erosion and reduce surface runoff. The planting basin shall be kept level with a raised berm around the base of the plant to help retain moisture.
5. Topsoil that is removed during construction may be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.
6. The land reclamation plan may not include landscaping or other elements that conflict with the approved fire protection plan.

F. Tree/Vegetation Protection During Construction and Grading Activities.

1. Limits of disturbance, as established in Section 19.38.160, shall be shown on the final plans for development and shall be clearly delineated on site with fencing or other separation methods approved by the director prior to the commencement of excavation, grading, or construction activities on the site.
2. Within the limits of disturbance, fencing, at a minimum, shall be placed around each significant tree that will not be removed and around stands of twelve (12) or more smaller trees. Such fencing shall be placed at the edge of the individual or outermost tree's drip zone. No construction, grading, equipment or material storage, or any other activity is allowed within the drip zone, and the fencing must remain in place until all land alteration, construction, and development activities are completed.
3. If it is necessary to fill over the root zone, compacted soils shall be avoided by sandwiching fabric, rocks, and more fabric under the area to be filled.
4. If fill creates a tree well or depression around a tree or shrubs, such area shall be filled in or drained so that the vegetation is not drowned by the pooling of rainfall or irrigation.
5. If a significant tree that will not be removed has roots that are cut, the branches shall be trimmed by an amount equal to the percent of roots that were lost. Cutting more than thirty percent (30%) is prohibited. Roots shall be pruned cleanly prior to digging and not ripped off by heavy equipment. If the tree whose roots have been cut dies within a two-year (2) period, the replacement provision in section D above applies.
6. Utility trenches near trees shall be avoided. If a line must be near a tree, tunneling, auguring, or other mitigation measures shall be used.

G. Maintenance of Defensible Space.

1. Trees, undergrowth, and other plant material within thirty feet (30') of a dwelling or to the property line, whichever is less, and greater than fifty feet (50') from the ordinary high-water mark of a perennial or ephemeral stream corridor, may be removed without permitting or approval. This applies to new and existing construction and the maintenance of the defensible space.
2. Trees located more than thirty feet (30'), but no more than one-hundred feet (100') from a dwelling may only be removed for fire safety reasons if approved by the planning department under the following conditions:
 - a. Location of trees:
 - (1) A site plan drawn to scale is submitted to the planning department that identifies the size, species and location of any tree proposed to be removed; and
 - (2) The crown of any tree proposed to be removed is located ten feet (10') or less from the crown of adjacent trees and structures, overhead electrical facilities or unmodified fuel; and
 - (3) The tree is located greater than fifty feet (50') from the ordinary high-water mark of a perennial or ephemeral stream corridor; or

- b. The tree is dead or dying.
3. Undergrowth and dead plant material may be removed from all areas on the lot at all times without a permit.

H. Tree Removal not Authorized by this Section.

1. If a significant tree(s) is removed contrary to any provision in this section, the person(s) responsible for the removal shall pay to Brighton the value of the tree(s).
 - a. The value of the tree(s) shall be determined by a tree appraiser who is an ISA (International Society of Arboriculture) certified arborist with at least five (5) years of experience appraising trees using the appraisal methods outlined in the current edition of "The Guide for Plant Appraisal," authored by the Council of Tree and Landscape Appraisers (CTLA). The appraiser shall prepare an appraisal report using these methods and adding to the value from these methods an analysis of the tree(s) contributory value, i.e., the value that the tree(s) contributed to the overall value of the property on which they were located.
 - b. The appraiser shall be chosen by the person(s) responsible for the removal and Brighton.
 - c. The person(s) responsible for the removal shall pay the cost of the appraisal.
2. If a significant tree(s) is removed contrary to this Section, all development and Brighton permitting and processing of the land use application shall be put on hold for up to sixty (60) days from the date of Brighton's discovery of removal. During that time, Brighton will inventory the significant tree(s) that were removed, and the process of valuing the tree(s) that were removed shall commence, pursuant to Subsection 1 above.
3. The person(s) responsible for removing the significant tree(s) shall pay for the cost of site restoration, including the removal of the stump(s). The stump(s) may not be removed until an appraisal is completed pursuant to paragraph 1. above.
4. The person(s) responsible for removing the significant tree(s) shall also replace the tree(s) in accordance with the provisions in this section. The bond referenced in Subsection (D)(1)(b) of this section shall be a surety bond for those that unlawfully remove trees.
5. In addition to the civil penalties provided in paragraphs 1—4 of this Subsection (G), the person(s) responsible for removing the significant tree(s) may also be subject to criminal prosecution as a Class B misdemeanor for each significant tree unlawfully removed.

19.38.120 – Natural Hazards.

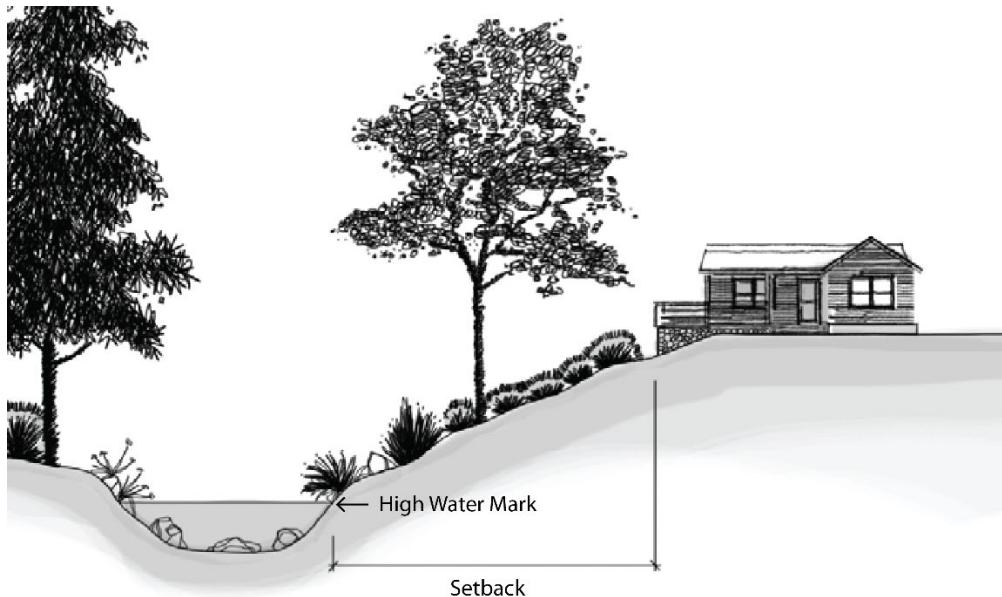
A natural hazards report, together with geotechnical, slope, soils, and grading reports, may be required as provided in 19.38.030 "Geological Hazards" and Chapter 19.38 "Floodplain Hazards." Brighton shall review all-natural hazards reports and recommendations in the report and may require, consistent with the above ordinances, that preliminary conditions be satisfied prior to final approval of the site plan.

19.38.130 – Stream Corridor and Wetlands Protection.

- A. Purpose. The following requirements and standards are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions of stream corridors, associated riparian areas, and wetlands.
- B. Applicability. Unless previously delineated by Brighton, boundaries for stream corridors and wetland areas are delineated according to the following standards:
 1. Stream corridor and wetland area delineation shall be performed by a qualified engineer or other qualified professional with demonstrated experience and expertise to conduct the required site analysis. Delineations are subject to the approval of the director.
 2. Stream corridors shall be delineated at the ordinary high-water mark. Stream corridors do not include irrigation ditches that do not contribute to the preservation and enhancement of fisheries or wildlife.

3. Boundary delineation of wetlands are established using the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands jointly published by the U.S. Environmental Protection Agency, the Fish and Wildlife Service, the Army Corps of Engineers, and the Soil Conservation Service.
- C. **Prohibited Activities.** No development activity may be conducted that disturbs, removes, fills, dredges, clears, destroys, or alters, stream corridors or wetlands, including vegetation, except for restoration and maintenance activities allowed in this Title as approved by Brighton flood control, the state engineer's office, and other applicable authorities.
- D. **Setbacks.**
 1. **Perennial Stream Corridors.** All buildings, accessory structures, and parking lots shall be set back at least one hundred feet (100') horizontally from the ordinary high-water mark of perennial stream corridors. (See Figure 19.38.7: Setback from Stream Corridor). All on-site wastewater disposal systems shall be set back at least one-hundred feet (100') horizontally from the ordinary high-water mark of perennial stream corridors except as otherwise determined by the Health Department as authorized by Health Regulation 14 and Utah Administrative Code R317-4.

FIGURE 19.38.7: SETBACK FROM STREAM CORRIDOR



2. **Wetlands.** All buildings, accessory structures, and parking lots shall be set back at least fifty feet (50'), and all on-site wastewater disposal systems shall be set back at least one hundred feet (100') horizontally from the delineated edge of a wetland.
3. **Ephemeral Streams.** Leach fields shall be set back one hundred feet (100') from the channel of an ephemeral stream except as otherwise determined by the Health Department as authorized by Health Regulation 14 and Utah Administrative Code R317-4. All buildings, accessory structures, and parking areas or parking lots shall be set back at least fifty feet (50') from the channel of an ephemeral stream.
4. **Natural Open Space/Landscape Credit for Setback Areas.** All setback areas are credited toward any relevant private natural open space or landscape requirements but are not credited toward trail access dedication requirements.

- E. Preservation of Vegetation. All existing vegetation within the stream corridor or wetland setback area shall be preserved to provide adequate screening or to repair damaged riparian areas, supplemented where necessary with additional native or adapted planting and landscaping.
- F. Bridges. Any bridge over a stream corridor and within the stream setback area may be approved provided the director affirms that the bridge is planned and constructed in such a manner as to minimize impacts on the stream corridor.
- G. Modification of Setbacks.
 - 1. The Planning Commission has discretion to administratively reduce the perennial corridor and wetlands setbacks by a maximum of fifty percent (50%) 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.
 - 2. New Structures. For new developments, the Planning Commission may authorize construction to no closer than twenty-five feet (25') from a wetland subject to the following criteria:
 - a. Denial of an encroachment of more than the twenty-five percent (25%) into the wetlands setback area allowed by Section 19.38.130(G) would render the site undevelopable.
 - b. No alternative location for the development further away from the wetland is feasible or available.
 - c. Creative architectural or environmental solutions have been incorporated into the development proposal in order to ensure that the purposes of wetland protection, as set forth in Subsection 19.38.130 are achieved.
 - d. No federal or state laws, or other Brighton ordinances or regulations are violated.
 - 3. Limitation. In allowing for the preceding improvements, the Planning Commission may not:
 - a. Increase the maximum limits of disturbance set forth in Subsection 19.38.160.
 - b. Authorize construction of a building or structure within fifty feet (50') of a stream corridor or within twenty-five feet (25') of a wetland without having first consulted with the Salt Lake City Department of Public Utilities and the Health Department to receive approval as outlined in Health Department Regulation 14 "Watershed Regulation".
 - 4. In the interest of protecting the public health, safety, and welfare, Brighton may pursue negotiations with a property owner to purchase their property as open space as an alternative to granting a waiver. These negotiations, as long as they are performed in good faith, shall not delay Brighton's processing of any land use application.

19.38.140 – Wildlife Habitat Protection.

- A. Purpose. Brighton finds that its foothills and canyon areas provide important wildlife habitat for a wide variety of animal and bird species. In combination with the tree/vegetation and stream corridor/wetlands protection standards, the following requirements have been developed to promote and preserve valuable wildlife habitats and to protect them from adverse effects and potentially irreversible impacts.
- B. Development Limitations in Areas of Critical Habitat. All development subject to these provisions shall incorporate the following principles in establishing the limits of disturbance and siting buildings, structures, roads, trails, and other similar facilities:
 - 1. Facilitate wildlife movement across areas dominated by human activities by:

- a. Maintaining connections between adjacent natural open space parcels and areas, and between natural open space parcels and areas in close proximity.
- b. Prohibiting fencing types that inhibit the movement of wildlife species.
2. Mimic features of the local natural landscape by:
 - a. Minimizing disturbance to trees, the understory, and other structural landscape features during construction.
 - b. Providing selective plantings on the property that enhance the habitat value for the endemic wildlife population.

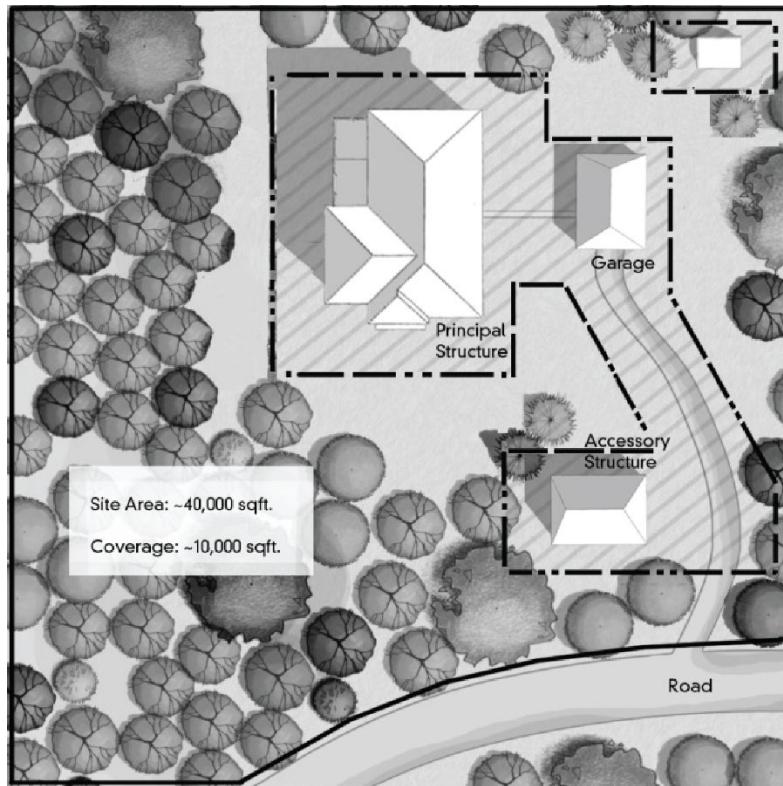
19.38.150 – Traffic Studies.

- A. Traffic and Parking Impact Study Required. A traffic and parking impact study is required as part of the site plan application for the following developments in the foothills and canyons overlay zone:
 1. All residential development that creates a projected increase in traffic volumes equal to or greater than ten percent (10%) of current road/street capacity as determined by the public works engineer.
 2. All non-residential development that creates a projected increase in traffic volumes equal to or greater than fifty (50) trip-ends per peak hour.
 3. All development that affects a roadway identified by Brighton transportation engineering manager as having an unacceptable level of service (LOS) based on AASHTO guidelines and the Highway Capacity Manual.
- B. Required Submittals. A traffic and parking impact study must address, at a minimum, the items specified in the "Submittal Requirements for Development Proposals in the Foothills and Canyons Overlay Zone," which is incorporated by reference.
- C. Review and Improvements. All development subject to this section must demonstrate that the peak hour levels of service on adjacent roadways and at impacted intersections after development will comply with current Brighton transportation and impact mitigation policies and recommendations.
- D. Circulation and Access Plan. All development required by this subsection to submit a traffic and parking impact study is also required to provide a circulation and access plan to ensure free-flowing access to the site and avoid congestion and unsafe conditions on adjacent public roads and streets. The circulation and access plan may be combined with the required traffic and parking impact study.

19.38.160 – Limits of Disturbance.

- A. Scope and General Requirements. "Limits of disturbance" must be established on the site plan, indicating the specific area(s) of a site where construction and development activity must be contained. (See Figure 19.38.8).

FIGURE 19.38.8: ILLUSTRATION OF LIMITS OF DISTURBANCE



B. Purpose for Limits of Disturbance. Limits of disturbance are established for the following purposes:

1. Minimizing visual impacts from the development including, but not limited to: screening from adjacent and downhill properties, ridgeline area protection, and protection of scenic views.
2. Erosion prevention and control including, but not limited to, protection of steep slopes and natural drainage channels.
3. Fire prevention and safety including, but not limited to, location of trees and vegetation near structures.
4. Preservation of tree cover, vegetation, and the site's natural topography.
5. Conservation of water including, but not limited to, preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations.
6. Wildlife habitat protection including, but not limited to, preservation of critical wildlife habitat and migration corridors and routes.
7. Stream corridor and wetland protection and buffering.

C. Limits of Disturbance May Be Noncontiguous. Limits of disturbance necessary to accommodate proposed development may be noncontiguous in order to best achieve the above purposes.

D. Maximum Limits of Disturbance.

1. For single family residential uses, the limits of disturbance shall be a minimum of three thousand square feet (3,000 sq.ft.) or the total square footage of the lot, whatever is less; The maximum limits of disturbance shall be ten thousand square feet (10,000 sq.ft.) or forty percent (40%) of the total square footage of the lot, whatever is less.
2. For all other uses, the maximum limits of disturbance shall be determined by the director on a case- by-case basis in harmony with the purposes of FCOZ stated in 19.38.010 to accomplish the purposes set forth in Subsection B of this section.

E. Modification of Limits of Disturbance.

1. The director has discretion to administratively increase the limits of disturbance by a maximum of twenty-five percent (25%) where applicable upon satisfaction of the criteria set forth below:
 - 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.

19.38.170 – FCOZ Design Standards.

- A. Purpose. As stated in 19.38.010, the general purpose of design standards is to promote development that balances the rights of the landowner with protection of the foothill and canyon environment. These standards are intentionally broad to allow flexibility in design, compatibility with varying features of the natural landscape, and consistency with the following purposes:
 1. Preserve and enhance the beauty of the landscape by encouraging the retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas, natural plant formations, trees, and similar features.
 2. Encourage planning and design of development and building sites that balances safety, recreational opportunity, economic development, and enjoyment of property rights, while adapting development to, and preserving natural terrain.
 3. Establish a foundation for development in sensitive lands to insure a more harmonious relationship between man-made structures and the natural setting.
 4. Direct new development in the canyons and foothills toward areas meeting suitability criteria, as outlined in the Town of Brighton's General Plan and other applicable general or community plans.
- B. Advisory or Mandatory Design Standards. The development and design standards set forth in this chapter fall into two categories: "advisory" standards and "mandatory" standards. Design standards that are advisory encourage voluntary adaptation. Development within the foothills and canyons overlay zone is to comply with all of the mandatory standards unless alternative design is approved by the Planning Commission upon a finding that the alternative design is in harmony with the purposes of FCOZ as stated in Section 19.38.010. The design standards and categories are summarized below in Table 19.38.1: FCOZ Design Standards.

TABLE 19.38.1: FCOZ DESIGN STANDARDS

		Design Standard
Mandatory	Advisory	A. Select an appropriate site
X		A site must be suitable for the type of building or use being planned without major alterations to the site.
X		Buildings or uses shall comply with this chapter and all applicable state and federal laws, recognizing the natural or man-made restraints on particular sites such as slope, soil instability, landslides, avalanche, or flooding. (See, for example, Section 19.38.120 (Natural Hazards) and Chapter 19.56 (Floodplain Hazard Regulations).)
		B. Site buildings in a manner that preserves existing landforms
Mandatory	Advisory	

		<p>See Figure 19.38.9</p> <p>FIGURE 19.38.9: PRESERVE EXISTING LAND FORMS</p> 
	X	<p>Each building should be located so that it does not dominate the landscape. The best way to decrease visual impacts is to locate the project as far away from prominent viewing locations as possible.</p>
X		<p>Visually prominent areas of the site shall be left in their natural condition with the exception of areas necessary for access. Structures shall be screened using existing landforms and vegetation. (See Subsection 19.38.110 (Tree and Vegetation Protection).)</p>
	X	<p>Where practical, buildings should be placed in the following locations on a site:</p> <p>Within tree masses to screen buildings</p> <p>At the edge of trees or land masses overlooking natural open space</p> <p>In open areas where they are not visible from roads, trails, or other public lands</p>
Mandatory	Advisory	<p>C. Site buildings so they do not protrude into significant viewscapes</p> <p>See Figure 19.38.10</p> <p>FIGURE 19.38.10: PRESERVE SIGNIFICANT VIEWS</p>

		
	X	Buildings should be designed to fit their sites and to leave natural massing and features of the landscape intact. Each building should be designed as an integral part of the site rather than an isolated object at odds with its surroundings.
	X	Where feasible, views should be maintained both to the site and to features beyond, as seen from public rights-of-way, trails, and other public lands. Projects should not be located on prominent topographic features where they dominate views or unnecessarily obscure the views of others.
<p style="text-align: center;">D. Site buildings so their form does not break prominent skylines. See Figure 19.38.11</p> <p style="text-align: center;">FIGURE 19.38.11: RIDGELINE DEVELOPMENT</p>		
Mandatory	Advisory	

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		Buildings shall be sited at less visible places and designed so they are not obtrusive, do not loom over the hillside, and do not break prominent skylines from key vantage points. Skylines are ridges or hilltops on the horizon line that do not have backdrops behind them as viewed from key vantage points. Heavily traveled public roads located below skylines or hilltops are key vantage points.
Mandatory	Advisory	<p>E. Site buildings to preserve significant trees and vegetation.</p> <p>See Figure 19.38.12</p> <p>FIGURE 19.38.12: PRESERVE SIGNIFICANT VEGETATION</p> 
		Buildings shall be sited to keep removal of significant trees and vegetation to a minimum. (See section 19.38.160 (Limits of disturbance), 19.38.110 (Tree and vegetation protection.)
Mandatory	Advisory	F. Cluster buildings and parking, and coordinate neighboring developments.
	X	Clustering is encouraged to reduce land disturbance and the cost of providing services, road and parking area maintenance, snow removal, etc. (See Section 19.38.080 (Site Access).)
	X	Cooperative, coordinated development and the sharing of services, infrastructure, facilities, and parking among adjoining landowners is encouraged.
Mandatory	Advisory	<p>G. Locate parking facilities to minimize their visual impact.</p> <p>See Figure 19.38.13</p> <p>FIGURE 19.38.13</p>

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X		When visible from publicly used roads, parking facilities shall be screened to blend into the natural environment. Parking lot design that requires backing onto a public street is prohibited. (See Section 19.38.080 (Site Access))
X		Parking facilities should be located to the rear or side of main buildings if possible when a site has a lot width of one hundred feet (100') or more.
X		Parking facilities shall be designed consistent with the existing topography.
X		Parking facilities shall provide adequate snow storage areas.
Mandatory	Advisory	H. Place utility lines underground.
X		When possible, utilities shall be placed underground and within existing roadways or in established shoulders to minimize the impact to existing natural features, such as natural vegetative patterns and land forms.
X		Tree cutting for utility corridors shall be minimized to reduce visual impacts. All disturbed areas shall be re-vegetated. (See Section 19.38.110 (Tree and Vegetation Protection).)
Mandatory	Advisory	<p>I. Design buildings to solidly meet the ground plane. See Figure 19.38.14</p> <p>FIGURE 19.38.14: STRUCTURE MEET THE GROUND PLANE</p>

			
X		Building designs that require a strong structural statement, such as extensive cantilevers or cuts and fills, are prohibited on sensitive hillsides with slopes greater than thirty percent (30%), wetlands, streams, or hillsides with soil instability consistent with this chapter.	
X		Buildings shall firmly meet the ground. Placing buildings on piers such that exterior walls do not continue down to the ground is prohibited, with the exception of piers that support decks.	
Mandatory	Advisory	<p>J. Design buildings on hillsides to follow the natural terrain. See Figure 19.38.15</p> <p>FIGURE 19.38.15: FOLLOW HILLSIDE TERRAIN</p> 	
X		Buildings shall be located to minimize earth work and land disturbance.	
X		Buildings shall be designed to follow natural contours rather than modifying the land to accept a building design not tailored to the site. (See Section 19.38.070 (Grading))	

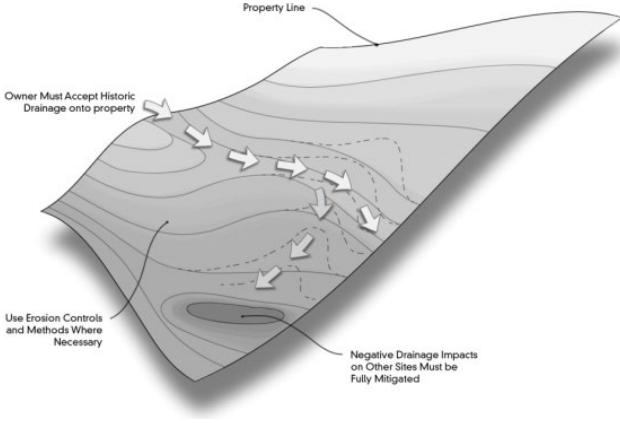
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Mandatory	Advisory	<p>K. Design buildings to minimize mass and scale See Figure 19.38.16</p> <p>FIGURE 19.38.16: MASS AND SCALE</p> 
X		Building designs shall incorporate changes in the planes of walls and changes in the slope and height of roof lines to add variety, create visual interest, and minimize scale.
X		The massing of buildings shall be scaled to harmonize and achieve balance with the natural features of the specific site.
X		Roof lines and building mass shall echo the angles and shapes repeated in the natural landscape.
X		Building mass and wall lines shall be broken up to complement natural canyon settings and slopes.
Mandatory	Advisory	L. Select appropriate building materials and colors
X		Predominant tones on exterior walls shall tend toward neutral colors, replicating natural textures—for example, warm earthy hues; dark green of forests; whites, greys, and grey-brown of the mountains; the tan of grasses; and similar colors. Bright, harshly contrasting color combinations are prohibited. Paint finishes shall have low levels of reflectivity.
	X	The use of self-weathering metals is encouraged. Chemically treating wood so that it can be allowed to self-weather is also encouraged.
Mandatory	Advisory	M. Use fire-resistant roof surfacing materials that blend with the colors of the adjacent landscape.
X		The color of roof surfacing materials shall blend with the surrounding landscape such as brown, tan, dark green, grey, etc.
X		Flammable wood roofing shingles are prohibited in the canyons or foothills.
Mandatory	Advisory	N. Preserve existing trees and vegetation.

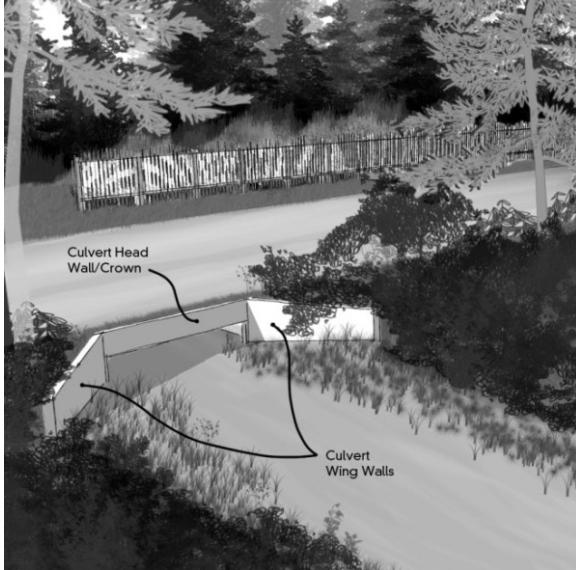
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X		Significant trees and vegetation shall be preserved as provided in Section 19.38.110.
	X	When landscaping within the thirty-foot fire-break area, the use of fire-resistant plants is strongly encouraged.
X		Dryland species of plants shall be selected for slope re- vegetation.
Mandatory	Advisory	O. Landscape in order to retain the original character and harmony among the various elements of a site.
X		Landscaping shall incorporate natural features such as trees, significant vegetative patterns, interesting land forms, rocks, water, views, and orientation.
	X	Landscaped areas should be an integral part of the development project, and not simply located in left-over space on the site. New planting should blend in with the existing landscape.
X		All disturbed areas shall be re-vegetated using native or adapted plant species and materials characteristic of the area.
	X	Use of fire-resistant plants is encouraged.
		P. Limit site grading for buildings to preserve existing land forms. See Figure 19.38.17
FIGURE 19.38.17: BUILDING DESIGN TO LIMIT GRADING		
Mandatory	Advisory	 <p>Existing Grade</p> <p>Fill Area</p> <p>*Balance Cut & Fill Where Possible</p>

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X		Building designs that require extensive cut and fills are prohibited. See Section 19.38.070.
	X	Modification of the natural terrain should be minimized.
X		Slopes steeper than thirty percent (30%) shall not be disturbed except as allowed by this chapter.
X		Buildings, driveways, and roads shall follow the natural contours of the site as feasible, and comply with Brighton excavation, grading, and erosion control standards.
<p style="text-align: center;">Q. Preserve natural drainage patterns in site design. See Figure 19.38.18.</p> <p style="text-align: center;">FIGURE 19.38.18: PRESERVE NATURAL DRAINAGE PATTERNS</p> 		
Mandatory	Advisory	
X		All final excavation, grading, and drainage plans shall conform to applicable Brighton excavation, grading, and erosion control standards.
X		Development shall preserve the natural surface drainage pattern unique to each site. Grading plans shall ensure that drainage flows away from structures, especially structures that are cut into hillsides.
X		Development must prevent negative or adverse drainage impacts on adjacent and surrounding sites.
X		Standard erosion control methods are required during construction to protect water quality, control drainage, and reduce soil erosion. Sediment traps, small dams, or barriers of straw bales are generally required to slow the velocity of runoff.
<p style="text-align: center;">R. Locate buildings outside stream corridor buffer zones</p>		
X		Permanent structures shall be located a minimum of fifty feet (50') horizontally (plan view) from the ordinary high- water mark of stream corridors or other bodies of water. At the discretion of the Director and based on site-specific soils, water, or vegetation studies, setback distances

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		may be reduced as provided in Section 19.38.130 (Stream Corridor and Wetlands Protection).
X		Where feasible, developments shall not alter natural waterways.
Mandatory	Advisory	<p>S. Construct bridges for stream crossings. See Figure 19.38.19</p> <p>FIGURE 19.38.19: CULVERTS</p>  <p>The diagram shows a culvert structure installed in a stream bed. The top part of the culvert is labeled 'Culvert Head Wall/Crown'. The side walls extending from the culvert into the stream bed are labeled 'Culvert Wing Walls'.</p>
X		Culverts may only be installed on small side drainages, across swales, and on ephemeral or intermittent streams. (See Section 19.38.130, (Stream Corridor and Wetlands Protection)). Culverts are prohibited to cross perennial streams; bridges to cross perennial streams are permitted.
X		Bridges and culverts shall be sized to withstand one hundred year storm events. Concrete or stone head walls and side walls are required to maintain the integrity of the bridge structure. (See Chapter 19.56 (Floodplain Hazards)).
Mandatory	Advisory	<p>T. Design traffic circulation to respect existing topography, achieve acceptable slopes, and adhere to minimum width and turning standards. See Figure 19.38.20</p> <p>FIGURE 19.38.20: DRIVEWAY DESIGN</p>

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X		Vehicular access shall be safe and have adequate width to allow for snowplowing and snow storage.
X		Access roads shall avoid steep grades and sharp turning radii that can make access, especially in the winter, difficult.
Mandatory	Advisory	U. Provide safe, adequate off-street parking with year-round access
X		New development shall comply with off-street parking requirements provided in this chapter.
	X	Shared driveways and shared parking areas with adjoining owners are Encouraged.
X		Off-street parking areas shall be large enough to avoid vehicles having to back out onto a public street.
Mandatory	Advisory	V. Design new roads and driveways to reduce their visual impact.
	X	Roads and driveways should be screened using existing land forms and vegetation. Long tangents, including on side roads intersecting with arterial roads or highways, should be avoided in favor of curvilinear alignments reflecting topography.
X		Cuts and fills shall be re-graded to reflect adjacent land forms and re-vegetated with native plants. See Section 19.38.070.
Mandatory	Advisory	W. Respect existing land forms, contours, and natural settings in the placement of fences.

		<p>See Figures 19.38.21</p> <p>FIGURE 19.38.21: QPAQUE FENCE</p> 
X		<p>Fences may be erected to screen service and outdoor areas or provide a safety barrier. (See Section 19.38.070 (Grading Standards—Retaining Walls))</p>
X		<p>Fencing used to screen patios, other outdoor areas, and service areas may be composed of the following fencing materials:</p> <ul style="list-style-type: none"> • Natural or stained wood • Brick • Rock • Stone • Pre-cast fences or walls textured and colored to imitate any of the above materials • Wrought Iron
X		<p>The following fencing materials are prohibited:</p> <ul style="list-style-type: none"> • Solid Board • Concrete or Concrete Block • Chain Link, except around telecommunications facilities, public utility compounds, and other related or similar facilities where security concerns and terrain make this type of fencing practical, as approved by the Planning Commission for fences around conditional uses and approved by the Zoning Administrator for fences around permitted uses. Where a chain link fence is used, a powder or dull coating of the fence is required. • Plywood • Painted materials • Vinyl, except rail fences for contained of horses
X		<p>Rail fences and low rock walls are permitted along arterial roads and highways, and at other locations to delineate property lines.</p>

X		Fences located along property lines and arterial roads or highways are limited to a maximum height of forty-two inches, except where necessary for security, safety, protection of public health, wildlife, private property, livestock, etc.
	X	Solid barrier fences located along arterial roads or highways or placed directly on a site's front property line are discouraged.
X		Walls and fences are to be reviewed on a site-by-site basis, and require a building permit.

19.38.180 – Exceptions.

- A. Minor Ski Resorts. Minor ski resort improvements are permitted with the following exceptions, subject to approval of the site plan application for FCOZ:
 - 1. Development on slopes greater than thirty percent (30%).
 - 2. Development on designated ridge lines or ridgeline protection area.
 - 3. No Limitations on terracing.
 - 4. Permissions for streets, roads, private access roads, and other vehicular routes to cross slopes over fifty percent (50%), including limitations on driveway length.
 - 5. Removal of trees and vegetation, therefore no requirements for tree replacement.
- B. Special Exception Request to the Planning Commission. An applicant whose proposed residential structure does not meet the requirements in the base zone may seek extraordinary relief and exceptions to the requirements by submitting an application to the Planning Commission setting forth in detail:
 - 1. The specific provisions from which the applicant seeks exceptions and the requested relief;
 - 2. Detailed information and explanation establishing that:
 - a. The proposed residence will be in harmony with the purpose of this chapter, the general plan and any other land use document applicable to the area.
 - b. The proposed residence will be compatible with existing residential development within reasonable distance in terms of height, mass, and lot coverage.
 - c. The proposed residence will not be detrimental to the health, safety, and general welfare of persons within a reasonable distance.
 - d. Each point on the highest ridge of the structure will be no more than forty feet (40') above the point on the original grade vertically below it, unless allowed as a height exception in this Title.
 - 3. Additional factors that the Planning Commission may consider in deciding whether to grant an exception under this part include:
 - a. Unusual lot shape;
 - b. Unusual or difficult terrain;
 - c. Drainage problems;
 - d. Situations that appear not to be clearly addressed in the Title.

An application for an exception under this section will be subject to a public evidentiary hearing before the Planning Commission, for which notice of no less than ten (10) days prior to the hearing will be given to all property owners who own property within three-hundred feet (300').**19.38.190 – Waiver for Mountain Resort Improvements that are not in a Mountain Resort Zone.**

- A. Authority to Grant Waivers. The topographic conditions, soil characteristics, hydrologic patterns,

climatic constraints, susceptibility to natural hazards, vegetation, wildlife habitat concerns, and aesthetic considerations of foothill and canyon areas often create circumstances in which strict compliance with adopted standards is not only difficult but sometimes impossible to achieve. As these challenges are frequently created by the very nature and operational characteristics of mountain resorts and many public uses, and are therefore most often self-imposed, other avenues of administrative relief are sometimes necessary and appropriate. Accordingly, the land use authority may waive or modify the development standards for these uses.

B. Waiver Request Procedures.

1. A petition or request for a waiver or modification of an Foothills and Canyons Overlay Zone development standard may be submitted in writing by the owner or authorized agent of the subject property. The petition or request shall be made concurrent with the related land use permit application—for example, conditional use application. The petition or written request shall clearly explain:
 - a. Those aspects or elements of the development proposal that are strictly prohibited.
 - b. All FCOZ regulations requested to be waived or modified in order for the development to reasonably proceed.
 - c. The basis, justification or grounds for granting the waiver or modification.
 - d. Why other common designs or improvements that may be less impactful on the environment and adjacent properties are not being considered.
2. Each proposed waiver or modification is to be referred for decision to the relevant land use authority under the ordinance. The waiver or modification petition is to be accompanied by a written staff report with recommendations.
3. When a public hearing is required, the notice shall be given fourteen days in advance of the hearing and shall specify the waivers or modifications requested, the relevant ordinance provisions from which the waivers or modifications are sought, and the general nature of the development that is proposed if the requested waivers or modifications are granted.

C. Approval Standards. In deciding whether to grant waivers or modifications to the development standards of the Foothills and Canyons Overlay Zone, the land use authority shall consider the following standards as deemed applicable by the land use authority:

1. The proposed waiver and improvements contribute to the overall use, operation, and maintenance of the property, and whether reasonable alternative means exist to reduce or mitigate adverse impacts.
2. Strict compliance with these regulations may result in substantial economic hardship or practical difficulties for the owner of the property.
3. Strict compliance with these regulations may result in substantial economic hardship or practical difficulties for the owner of the property.
4. The waivers or modifications may result in a development proposal that better preserves area views, reduces adverse impacts on existing trees and vegetation, reduces the overall degree of disturbance to steep slopes, protects wildlife habitat, or reflects a greater degree of sensitivity to stream corridors, wetlands, rock outcrops, and other sensitive environmental features in the vicinity of the proposed improvements.

5. The granting of the waiver or modification may have neutral or beneficial impact to the public health, safety, or welfare, or to properties or improvements in the vicinity.
6. The proposed development, as modified by the request, is consistent with the goals, objectives, and policies of the adopted community general plan applicable.
7. Creative architectural or environmental solutions may be applied to alternatively achieve the purposes of this chapter.
8. The development in all other respects conforms to the site design, development, and environmental standards set forth in the Foothills and Canyons Overlay Zone and in all other applicable ordinances and codes.
9. The waivers or modifications requested do not violate other applicable federal, state, and local laws.

D. Waivers. Slope waivers are not required for facilities or uses with slopes of thirty percent or less. Slope waivers are required for eligible development activities associated with such land uses according to Table 19.38.2.

E. Action on Waiver Requests.

1. The waiver or modification request may be approved as proposed, denied, or approved with conditions.
2. The decision on the request shall include the reasons for approval or denial.
3. In granting a waiver from or modification of development standards, conditions may be imposed to mitigate the impacts of the proposed development on adjacent properties and the area. These may include, for example, measures to:
 - a. protect scenic vistas, especially views from public rights-of-way and public lands,
 - b. protect natural settings in the vicinity of site improvements, and
 - c. enhance the relationship to and compatibility with other structures and open spaces in the vicinity of the proposed improvements.
4. All development shall comply with approved plans. Any proposed revisions or changes to plans requires a resubmittal and request for final action.

TABLE 19.38.2. PERMISSIBLE SLOPE RANGES FOR ELIGIBLE ACTIVITIES

Slope Range	Eligible Development Activities
Thirty percent (30%) or less	<ul style="list-style-type: none"> • No slope waiver required
Greater than thirty percent (30%) up to forty percent (40%)	<ul style="list-style-type: none"> • All development activities associated with allowed uses
Greater than forty percent (40%) up to fifty percent (50%)	<ul style="list-style-type: none"> • Pedestrian trails • Non-motorized vehicle trails • Motorized vehicle roads and trails for emergency or maintenance purposes

	<ul style="list-style-type: none"> • Ski runs, ski lifts and supporting appurtenances and other mountain resort accessory activities
Greater than fifty percent (50%)	<ul style="list-style-type: none"> • Pedestrian trails • Non-motorized vehicle trails • Ski runs, ski lifts and supporting appurtenances and other mountain resort accessory activities

19.38.200 – Definitions.

For the purpose of this Chapter, certain words, phrases, and terms used herein shall have the meanings assigned to them by this section:

- A. “Alteration.” Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls.
- B. “Building site.” A space of ground occupied or to be occupied by a building or group of buildings.
- C. “Caliper.” A standard for trunk measurement of nursery stock, determined by measuring the diameter of the trunk six inches above the ground for up to and including five-inch caliper size, and twelve inches above the ground for larger trees.
- D. “Clustering.” A development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.
- E. “Driveway.” A private area used for ingress and egress of vehicles, which allows access from a street or road to a building, structure, or parking spaces.
- F. “Engineering geologist.” A geologist who, through education, training and experience, is able to conduct field investigations and interpret geologic conditions to assure that geologic factors affecting engineered works are recognized, adequately interpreted, and presented for use in engineering practice and for the protection of the public.
- G. “Expansion.” An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.
- H. “Fence.” A structure erected to provide privacy or security, which defines a private space or is used to constrain domestic animals.
- I. “Geotechnical engineer.” A professional engineer licensed in the state of Utah, whose education, training, and experience is in the field of geotechnical engineering.
- J. “Grading.” Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.
- K. “”“Limits of disturbance.” The area(s) in which construction and development activity are to be contained, including development and construction of the principal building, accessory structures, recreation areas, utilities, services, septic tank drain fields and related system requirements, storm drainage, and other similar services or improvements. The following are not included in limits of disturbance calculations:
 - 1. Driveways;

2. Areas consisting of natural ponds, streams, trees, and other vegetation where no grading work is done.
- L. "Lot of Record." means any land parcel that existed, as recorded in the Office of the Salt Lake County Recorder having frontage upon a street, a right-of-way approved by the Land Use Hearing Officer, or a right-of-way not less than twenty feet (20') wide, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952 and all land parcels that were legally created for the purposes of development pursuant to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of the first Subdivision Ordinance enactment.
- M. "Minor ski resort improvements." Construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts and related resort appurtenances, equipment, recreational access corridors, pedestrian or non-motorized trails, non-snow related activities and accessory uses, or vehicular maintenance roads constructed or used in connection with the construction, operation, or maintenance of a resort. Minor ski resort improvements also include the construction, operation and maintenance of Remote Avalanche Control Devices.
- N. "Mountain resort or Ski Resort" means:
 1. Any publicly or privately developed recreational use permitted by relevant local, state, and federal authorities, for snow-related activities, accessory year-round or non-snow related activities, and associated facilities and improvements.
 2. Such uses, activities, and facilities may be conducted on a commercial or membership basis, solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located.
 3. Snow-related activities include but are not limited to: downhill skiing, cross- country skiing, snowboarding, snow shoeing, snowmobiling, or other snow-related activities.
 4. Accessory year-round and non-snow related activities include but are not limited to: alpine recreational activities; cultural events and festivals; and conference events.
 5. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort.
- O. "Natural open space." Land in a predominantly open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; or trails for non-motorized activities.
- P. "Net developable acreage" is defined as land with all of the following:
 1. An average slope less than thirty percent (30%).
 2. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface and groundwater quality.
 3. Minimum distance from any stream corridor as defined in this Chapter.
 4. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. (See Chapter 19.56 (Floodplain Hazard Regulations) and Section 19.38.120 (Natural Hazards).

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- Q. "Open Space." Any area of a lot that is completely free and unobstructed from any man-made structure or parking areas.
- R. "Ordinary high water mark."
 - 1. The line on the bank to which the high water of a stream ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means, taking into consideration the characteristics of the surrounding areas.
 - 2. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.
 - 3. In braided channels, the ordinary high water mark shall be measured to include the entire stream feature.
- S. "Overlay zone." A zoning district that encompasses one or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.
- T. "Qualified professional." A professionally trained person with the requisite academic degree, experience, and professional certification or license in the field(s) relating to the subject matter being studied or analyzed. "Remote Avalanche Control Device." A structure, typically in the form of a tower, designed to reduce the risk of unpredictable naturally triggered avalanches by artificially triggering, through remote control, smaller controlled avalanches. This device is designed to reduce the hazards natural avalanches pose to skiers, workers, and others who are in and around the boundaries of ski resorts.
- U. "Retaining wall." A wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.
- V. "Ridgeline protection area." An area consisting of a prominent ridgeline that is highly visible from public right-of-ways or trails, and that includes the crest of any such designated prominent hill or slope, plus the land located within one hundred feet (100') horizontally (map distance) on either side of the crest.
- W. "Significant trees." Live trees of six-inch caliper or greater, groves of five (5) or more smaller live trees, or clumps of live oak or maple covering an area of fifty square feet (50 sq.ft.) to the drip line perimeter.
- X. "Site plan." An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.
- Y. "Ski Resort" means:
 - 1. Any publicly or privately developed recreational use permitted by relevant local, state, and federal authorities, for snow-related activities, accessory year-round or non-snow related activities, and associated facilities and improvements.
 - 2. Such uses, activities, and facilities may be conducted on a commercial or membership basis, solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located.

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3. Snow-related activities include but are not limited to: downhill skiing, cross- country skiing, snowboarding, snow shoeing, snowmobiling, or other snow-related activities.
4. Accessory year-round and non-snow related activities include but are not limited to: alpine recreational activities; cultural events and festivals; and conference events.
5. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort.

Z. "Slope." The level of inclination from the horizontal, determined by dividing, in fifty foot (50') intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.

AA. "Stream, Ephemeral." Those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (U.S.G.S.) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (Contrast with "Stream, Perennial.")

BB. "Stream, Perennial." Those streams, excluding ephemeral streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (Contrast with "Stream, Ephemeral.")

CC. "Stream corridor." The corridor defined by a perennial stream's ordinary high water mark.

DD. "Substantial economic hardship." A denial of all reasonable economic use of a property.

EE. "Trails." A type of natural open space that is a system of public recreational pathways located within the Town for use by the public for walking, and/or biking as designated.

FF. "Undevelopable" means strict application of this Title prevents the minimum development necessary to establish a permitted or conditional use in the underlying zone on the property.

GG. "Vegetation." Living plant material, including but not limited to trees, shrubs, flowers, grass, herbs, and ground cover.

HH. "Waiver." Permission to depart from the requirements of an Ordinance with respect to the application of a specific regulation.

Chapter 19.40 (Reserved)

Chapter 19.42 Specific Use Standards

19.42.010 - Purpose.

The purpose of this Chapter is to further the purposes of the General Plan, this Ordinance, and all other municipal Land Use Ordinances, as well as to ensure compatibility of selected specific uses with surrounding uses and properties to avoid any negative impacts associated with such uses.

19.42.020 – Applicability.

- A. This Chapter contains the specific and additional regulations for permitted and conditional uses identified in the Schedule of Uses for each of the zones contained in this Title. Any use not listed as permitted or conditional in the applicable zone shall be prohibited.
- B. Compliance with specific use standards, as applicable, as well as all other requirements of this Ordinance, and all other Land Use Ordinances, and all other Federal, State, and Local requirements are required for any Land Use Application approval required by this Ordinance, or any other Approval, Permit, or License required by other Land Use Ordinances.

19.42.030 - Accessory Dwelling Units, Internal.

- A. Purpose. The Town of Brighton recognizes that Internal Accessory Dwelling Units in single-family residential zones can be an important tool in the overall housing plan for the Town of Brighton. The purposes of the Internal Accessory Dwelling Unit standards of this code are to:
 1. Comply with State of Utah legislation which allows for Internal Accessory Dwelling Units generally and requires municipalities to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
 2. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
 3. Provide for affordable housing opportunities;
 4. Make housing units available to moderate income people who might otherwise have difficulty finding housing in the Town of Brighton;
 5. Provide opportunities for additional income to offset rising housing costs;
 6. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
 7. Preserve the character of single-family neighborhoods by providing standards governing development of Internal Accessory Dwelling Units; and
 8. Ensure that Internal Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an IADU prior to renting the IADU.
- B. Allowed Areas and Zones.
 1. IADUs incorporated within the single- family residence shall be a permitted use on single family home lots in the Forestry zones where the minimum area of the lot is 6,000 square foot or greater.
 2. In no case shall an IADU be permitted in a townhome, a multi-family PUD, or other attached unit type or on any lot that cannot satisfy parking or other conditions of the code.

- C. Number of Residents Allowed in Accessory Units. IADUs shall not be occupied by more than four persons.
- D. Parking Requirements. In addition to the required parking for the existing home, the property owner must demonstrate that one (1) on-site parking space is available for an IADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where attached garage conversions are done to create an IADU, replacement of on-site parking spaces are required for the primary dwelling in a number equal to the parking spaces eliminated by such IADU.
- E. Water Availability. Applications for an IADU must include submittal of a written approval from the water company servicing the property stating that sufficient water is available for the IADU and that the IADU complies with all applicable water service requirements.
- F. Owner Occupancy. The primary dwelling or the IADU must have owner occupancy as the owner's primary residence. An application for an IADU shall include evidence of owner occupancy as the owner's primary residence.
- G. Number of IADUs per Lot. Only one IADU is allowed per lot.
- H. IADU Standards.
 - 1. An approved building permit is required for all IADUs before an IADU is constructed.
 - 2. Before an IADU can be rented, all other applicable provisions of this chapter and the Town of Brighton Code must be met. Existing non-compliant IADUs may come into compliance by receiving a permit and verifying existing work was done according to code.
 - 3. The IADU shall conform to all applicable building, fire, and health codes, including applicable water service requirements and sewer, black-water tank, or septic requirements.
 - 4. Conversions of an existing space to an IADU will require compliance with safety requirements per building code including, but not limited to, egress windows with window wells in case of emergency, close off door(s) if needed between the IADU and main unit, and sufficient HVAC and climate control for the IADU.
 - 5. IADUs will not require a separate HVAC or firewall.
 - 6. Owner shall provide a separate address marking for emergency services and mailing services.
 - 7. Single-family residences with an IADU shall retain the same appearance as a single-family residence.
 - 8. IADUs shall not be located in a detached accessory structure connected by a Breezeway.
 - 9. No IADU may be located in a primary dwelling that is served by a failing septic and/or black-water tank.
- I. Affidavit and Notice of Accessory Dwelling Unit.
 - 1. Applicants for IADUs shall provide an affidavit stating that the owner of the property will live in either the primary dwelling or IADU as their primary residence.
 - 2. Upon approval of the IADU by the building official, and upon the issuance of a business license pursuant to Section 19.42.030 J a Notice of Internal Accessory Dwelling Unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the IADU.
 - 3.
 - a. The Notice shall include:

- (1) A description of the primary dwelling, including number of bedrooms, bathrooms, and kitchens;
- (2) A statement that the primary dwelling contains an internal accessory dwelling unit; and
- (3) A statement that the internal accessory dwelling unit may only be used in accordance with regulations in this Chapter and also referenced to in the Notice as "the Town of Brighton's Internal Accessory Dwelling Units Regulations".

4. Upon sale of the property, if the new owner wishes to continue use of a previously approved IADU, the new owner shall be required to sign and record a new affidavit, update their information with the planning and business license departments, and comply with current administrative IADU requirements.
5. A copy of the recorded notice will be provided to the applicant.

J. Business Licensing. Prior to renting any IADU, a business license must be obtained. That license must be maintained and renewed annually as long as the unit is rented out.

K. Non-Rental Use Of IADUs. IADUs used for non-rental uses such as using an IADU for housing that does not include renting the unit to a third-party will follow the same approval process as all other IADUs including recordation of the Affidavit and Notice except that a business license is not required.

1. Should an IADU used for non-rental uses later be rented, a business license must be obtained prior to doing so.
2. Examples that fall under non-rental use may include housing family members, caretakers, nannies, or other in-home employees

L. Retention of Single-Family Residence Status.

1. IADUs are part of a single-family residence and shall not be treated as a multi-family residence.
2. IADUs may not be separately metered apart from the single-family residence.
3. IADUs may not be sold or subdivided separately from the single-family residence.

M. Short-Term Rental Use Prohibited. Units approved as IADUs shall not be used as short-term rentals. Any rentals shall be for 30 consecutive days or more.

N. Remedies for Violations. In addition to any other legal or equitable remedies available to the Town of Brighton, the Town of Brighton may hold a lien against a property that contains an internal accessory dwelling unit in accordance with the provisions and procedures of Utah Code Annotated § 10-9a-530. If the owner of the property violates any of the provisions of that Section or any of the provisions of this Ordinance.

19.42.080 – Bars and Clubs.

Bars and Clubs, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

- A. A security and operations plan shall be prepared by the applicant and approved by the Unified Police Department of Greater Salt Lake and the Director. The security and operations plan shall be filed with the Planning and Development Services Department as part of the business license. The security and operations plan shall include:
 1. A complaint-response community relations program;
 2. A provision for resolving neighborhood complaints regarding the operations on the business premises;
 3. Design and construction requirements to ensure that any sound level originating within the premises, measured within fifteen feet (15') from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth in Title 9;
 4. A provision stating that live entertainment shall only be located within an enclosed building subject to the foregoing sound limit;
 5. Prohibiting electronically amplified sound in any exterior portion of the premises;
 6. Designation of a location for smoking tobacco outdoors in conformance with State law;
 7. A provision stating that any trash strewn on the premises be collected and deposited in a trash receptacle by six o'clock (6:00) A.M. the following day, including any smoking and trash or debris in parking lot areas;
 8. A provision stating that portable trash receptacles on the premises be emptied daily, and automated receptacles be emptied at least weekly. Automated receptacles shall be located only within a municipality approved trash storage area; and
 9. A parking management plan which shall include consideration of the impact of parking on surrounding neighborhoods.
- B. Site and floor plans proposed for the premises shall be reviewed and approved by the Unified Police Department of Greater Salt Lake. Such review may require design features for the purpose of reducing alcohol related problems such as consumption by minors, driving under the influence, and public drunkenness.
- C. In addition to the required setbacks, where a bar or club abuts a residentially zoned parcel, an additional buffer consisting of vegetative landscaping or walls are required along any property line or within any required yard area on the lot where the premises are located.
- D. The location of an outdoor smoking area shall be selected to mitigate the effect on neighboring residences, businesses, and buildings. Where complaints are made about the outdoor smoking area, the Planning Commission may require the outdoor smoking area to be moved to an alternate location where it can be shown that the smoking area is adversely affecting neighboring residences, businesses, and buildings.
- E. Not more than one alcohol related establishment as noted in the table of permitted and conditional uses shall be located within five hundred feet (500') of another alcohol related establishment as measured linearly without regard to intervening structures from the nearest point on the property line of one establishment to the nearest point on the property line of the second establishment.

19.42.140 – Child Care.

Child Care, where allowed as a permitted or conditional use in the applicable zone, is also subject to the following standards:

- A. A person exempted from licensing as a childcare center under the Utah Department of Health and Human Services Rule R381-60-3 is not subject to land use approval or business licensing. Building Code Regulations may still apply.
- B. "Child Care, Residential" must be licensed by the Utah Department of Health and Human Services under Rule R430-50 et seq. A copy of the Health and Human Services License must be submitted prior to the issuance or renewal of a Business License.
- C. "Child Care, Licensed Family" must be licensed by the Utah Department of Health and Human Services under Rule R430-90 et seq. A copy of the Health and Human Services License must be submitted prior to the issuance or reissuance of a Business License.
- D. When Child Care is provided from a residence:
 1. The applicant must reside in the home in which the business will be conducted.
 2. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the Director to ensure that the parking is functional and does not change the residential character of the lot.
 3. No signs shall be allowed on the dwelling or lot except a nameplate sign.
- E. At no time shall the applicant provide daycare or preschool services for a group of children exceeding the maximum number specified for such facility.
- F. The use shall comply with the health department noise regulations.
- G. The play yard may not be located in the front yard and shall only be used between eight a.m. and nine p.m.
- H. The use shall comply with all local, state, and federal laws and regulations. (The Life Safety Code includes additional requirements if there are more than six children).
- I. Upon complaint that any of the requirements of this section or any other municipal ordinance are being violated by a home day care/preschool caregiver, the Town of Brighton shall review the complaint and if substantiated may institute a license revocation proceeding under Title 5.
- J. Planning and Development Services shall notify in writing all property owners within a three-hundred-foot (300') radius of the caregiver's property concerning the licensing of a home day care/preschool at such property.
- K. A "Child Care Center" must be licensed by the Utah Department of Health and Human Services under Rule R381-100 et seq. A copy of the Health and Human Services License must be submitted prior to the issuance or reissuance of a Business License. A Child Care Center is subject to the following requirements:
 1. Minimum Lot Size: Twenty thousand square feet (20,000 sq.ft).
 2. Location Requirements. The child daycare use shall be addressed on and oriented to an arterial or collector street.
 3. Rear Yard Playground Equipment: All outside playground equipment shall be located only in the rear yard.

4. Landscape Buffering. Any outside area where children are allowed must be fenced with a solid fence at least six feet (6') high. At least ten feet (10') from the fence to the interior portion of the property shall be landscaped in such a way that the area cannot be used by the patrons.

19.42.170 – Home Occupations.

- A. Home Occupations are subject to the following standards:
- B. Restrictions. The following business activities are prohibited from taking place at a residential dwelling unit:
 1. Commercial uses of a primarily retail nature or that rely on walk up traffic;
 2. Vehicle, trailer, or boat repair or maintenance, including body and fender work;
 3. Vehicle sales or rentals;
 4. Vehicle impound operations, junkyards, accessory outdoor storage, or storage yards;
 5. Major appliance repair (washers, dryers, refrigerators, etc.).
 6. Any use involving the storage or sale of flammable, explosive or hazardous materials;
 7. Mortuaries or crematoriums;
 8. Sexually oriented businesses;
 9. Welding, iron works, foundries, manufacturing, or assembly uses.
- C. Exemptions. The following activities are exempted from or not subject to regulation under this chapter:
 1. Uses other than a home business that are listed as permitted or conditional uses in residential zones;
 2. Garage or yard sales, provided:
 - a. The sale is held for not more than three consecutive days;
 - b. No more than two (2) sales are held per year at the same location; and
 - c. No consignment goods are offered for sale;
 3. A home-based business operated by a resident of the municipality, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.
- D. Standards. The following standards apply to home businesses:
 1. The primary use of the dwelling shall be residential.
 2. The person operating the business shall reside in the dwelling at least nine (9) months per year.
 3. For lots that front on a right of way less than eighty feet (80') wide, only the business operator and his/her immediate family members who reside in the home shall be employed to do any work in the home, whether compensated or not, in conjunction with the business. For lots that front on a right of way of eighty feet (80') or greater, one (1) non-resident employee is allowed to be employed to do work in the home.
 4. Customers shall be allowed at the residence on an appointment only basis between the hours of seven p.m. and ten p.m. (7:00 a.m. and 10:00 p.m.) Group lessons or sessions may not exceed six (6) people at a time.
 5. Exterior remodeling that would change the residential appearance of the home is prohibited. Interior structural alterations made to the home are allowed only if they are consistent with its primary use as a dwelling.

6. Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There may be no display of goods produced by the home occupation observable from outside the dwelling.
7. All business activities shall take place entirely within the dwelling and/or attached garage and may not occupy more than twenty-five percent (25%) or more than five-hundred square feet (500 sq.ft.), whichever is less, of the floor area of the home.
8. Storage or display of supplies, inventory, equipment, or materials in any portion of the yard or within a detached accessory structure is prohibited. Explosive or combustible materials may not be stored or used in association with a Home Occupation.
9. The home business may use only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses.
10. The home business may not emit or create excessive odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations, or interference with radio and/or television reception.
11. In addition to the parking spaces required for the residents of the dwelling, off-street parking for customers and for an employee, if allowed under Subsection 3 above, shall be provided in the driveway or garage.
12. Any nameplate sign may not exceed three square feet (3 sq.ft.), may not be illuminated, and shall be attached to a wall or window of the dwelling.
13. Vehicles: No vehicle larger than a passenger car, van, or one-ton pickup truck may be brought to, parked on, or stored on the property in conjunction with a home business except that:
 - a. Occasional deliveries and pick-ups by commercial small package delivery organizations such as the USPS, FedEx, UPS or DHL are exempt from this requirement.
 - b. Tanker trucks, box vans, delivery vans, and similar vehicles may not be stored on site. Such vehicles may be located off site in an approved and licensed off-site storage location.
 - c. One trailer may be used in association with a Home Occupation in accordance with the following standards:
 - (1) The maximum body length of an enclosed trailer is twenty feet (20'). The maximum body length of an open trailer is sixteen feet (16').
 - (2) Trailers shall be garaged or stored on private property and may not be located within the Front Yard setback or, for Corner Lots, in either the Front or Side Yard setback.
 - (3) Trailers may have one sign covering the lesser of twenty-four square feet (24 sq.ft.) or thirty percent (30%) of the side panel of the trailer.
14. The home occupation applicant must either be the bona fide owner of the home (as shown on the current Salt Lake County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.
15. The property address (house number) shall be clearly posted on the home using letters at least four inches in height in a color that contrasts with the color of the building.
16. The condition of the dwelling and landscaped areas shall be well maintained.
17. The activities of the home occupation may not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion, or safety to the structure the use is conducted in, adjacent structures, or the occupants thereof.

E. Regulations and Enforcement.

1. All non-exempt home businesses shall obtain a municipality business license.

2. An application for a home business, accompanied by the application fee, shall be submitted to Planning and Development Services. The application shall be approved upon the applicant agreeing to comply with the standards set forth in this section.
3. A change of business ownership or relocation to a new address is considered a new business and requires separate approval.
4. The home business license shall be renewed each year that the home occupation is in operation.
5. All home businesses shall be reviewed for compliance with the provisions of this Chapter. Noncompliance may result in revocation of the home business license.
6. The business owner is responsible for complying with all applicable health, fire, building and safety codes.
7. Violations of the standards set forth in this section shall be subject to the civil penalties outlined in section 19.08.070. In addition, a business license revocation hearing may be scheduled at the discretion of the Director for any business found to be in violation of the home business standards or any other municipal ordinance.

19.42.180 – Hotel.

- A. The following standards shall apply to all hotels, motels and other similar lodging facilities that are new development, redevelopment, changed from another use, or retrofits of existing buildings:
 1. The minimum number of floors within the building shall be three (3). Any Basement space may not count toward meeting the minimum floor requirement.
 2. Where stucco or fiber cement siding are used as exterior materials, at least twenty-five percent (25%) of the exterior shall be brick, stone or another comparable material approved by the Director or Designee.
 3. The minimum area per guest room shall be two-hundred and eighty square feet (280 sq.ft.).
 4. Each guest room shall include a restroom.
 5. Hotels, motels, or other lodging facilities are encouraged to co-locate with complementary uses such as dining, shopping and entertainment are within close proximity.
 6. In addition to meeting these standards, existing buildings or structures being converted to be or include a hotel, motel, or other lodging facilities shall be brought into conformance with all applicable building codes.
 7. All guest rooms shall be accessed from interior corridors.

19.42.210 - Outdoor Dining Appurtenant to A Permitted Restaurant Use.

- A. Outdoor dining, when listed as a permitted or conditional use in the applicable zone and appurtenant to a permitted restaurant use, is subject to the following requirements:
 1. A useable pedestrian pathway through zone at least five feet (5') wide must be maintained as unobstructed by fire hydrants, trees, poles, meters, fountains, etc., and any proposed seating.
 2. Restaurants serving liquor must be able to contain distribution to the site.
 3. Public facilities, such as drinking fountains, fire hydrants, trash cans, etc., may not be obstructed. Public facilities may not be defaced or damaged. Damaged facilities will be restored at the property owner's expense.
 4. Crosswalks may not be obstructed.
 5. Dining may not interfere with adjacent business access, the growth or maintenance of street trees and maintenance of public facilities. Site distance for vehicles and pedestrians may not be obstructed.

6. Minimum Conditions of approval:
 - a. There may be no addition in the number or arrangement of tables on public property without prior approval.
 - b. Tables and chairs may not be located, other than approved in the initial application, so as to further encroach onto the designated public way.
 - c. The management of the restaurant is responsible for the removal of litter, debris, snow, and sidewalk or pedestrian path cleaning.
 - d. There may be no additional signage, other than normal menus and logos on umbrella canopies.
 - e. Restore any damage to public facilities and clean public facilities each day from food and drink spills and debris.
 - f. Sidewalk dining is subject to inspection by the Planning and Development Services for compliance.
7. Other dining facilities, such as cooking implements, coolers, serving tables, bars, etc., may not be allowed.

19.42.250 Residential Facility for Persons with a Disability

Residential facilities for persons with a disability are subject to the following standards:

- A. Licensing. The licensing requirements for "residential treatment programs" and "residential support programs" are defined and administered pursuant to state law and the Utah Administrative Code.
- B. Exceptions to Permitting Requirements. Four (4) or fewer unrelated individuals who share housekeeping responsibilities in a single dwelling do not require a land use permit but function as a "family," as defined in Section 19.04.020 of this Title.
- C. Reasonable Accommodation. The Director or Designee shall consider requests for a permitted use/reasonable accommodation for a "residential facility for persons with a disability". Residential Facilities may be permitted in any zone where single-family residential uses are permitted, provided that:
 1. The residential facility meets or will meet all program, physical facility, and licensure requirements of the State Department of Human Services or Health Department;
 2. The residential facility meets all applicable municipal standards, licensing and zoning requirements;
 3. The residential facility may not house persons who are involuntarily residing therein or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility;
 4. The applicant provides sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include information relating to the history, management, financial feasibility, and therapeutic benefits of the residential facility, and applicable law; and

5. The Director or Designee may not deny the application based upon reasonably anticipated detrimental effects to the community so long as reasonable conditions are proposed to mitigate such anticipated detrimental effects.

D. Termination. A residential facility use permitted by this Title is nontransferable and shall be subject to revocation by the appropriate land use authority if:

1. The facility is devoted to a use other than a residential facility for persons with a disability;
2. The residential facility exceeds the maximum number of residents specified and approved in the original application, changes the disability classification under State Code, or remodels or expands without first receiving the applicable permits; or
3. The residential facility is not licensed by the State Department of Health or Department of Human Services.

E. Day Treatment. To avoid excessive traffic, overburdened on street parking, and related impacts altering the residential character of a neighborhood, no day treatment for non-residents shall be permitted in residential facilities for persons with a disability in the R-1 or R-2 Zones.

19.42.260 – Retail Shops or Galleries where Primary Product is Produced on Site.

A. Retail Shops or Galleries where Primary Product is Produced on Site, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

1. The applicant shall demonstrate that noise, odors, traffic, light pollution, and refuse produced by the use shall be reasonably mitigated.
2. Storage of products may not block front windows nor spill outdoors onto the property.

19.42.280 – Sexually Oriented Business or Activity.

A. Purpose: The purpose of this Section is to establish reasonable and uniform regulations for sexually oriented businesses, their location, and signage, and to mitigate adverse impacts to the community consistent with state and federal law.

B. Business Permitted—Restrictions:

C. Other than outcall services and nude and seminude dancing agencies, sexually oriented businesses shall be permitted only in areas zoned C-V, subject to the following additional restrictions:

1. Sexually oriented businesses shall be subject to conditional use requirements.
2. No sexually oriented business may be located:
 - a. Within one-thousand feet (1,000') from any school, public park, religious institution, or other sexually oriented business;
 - b. Within three-hundred feet (300') from an agricultural or residential boundary;
 - c. Distance requirements for this Section shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the school, public park, religious institution, agricultural or residential zoning district, or other sexually oriented business, and to the nearest property line of the sexually oriented business.
3. Outcall services and nude and seminude dancing agencies shall be permitted only in zones where offices are allowed. Customers are not allowed to visit such an office.

D. Sign restrictions. Notwithstanding anything to the contrary contained in Chapter 19.52 of this Title, signs for sexually oriented businesses shall be limited as follows:

1. No more than one exterior sign shall be allowed.
2. No sign shall be allowed to exceed eighteen square feet (18 sq.ft.).
3. Signs shall contain alphanumeric copy only.
4. No animation shall be permitted on or around any sign, or on the exterior walls or roof of such premises.
5. No descriptive art or designs depicting any activity related to, or inferring, the nature of the business shall be allowed on any sign.
6. Only flat signs shall be permitted.
7. Painted wall advertising is prohibited.
8. Other than the signs specifically allowed by this section, the sexually oriented business may not construct any temporary sign, banner, light or other device designed to draw attention to the business location.

E. Severability. If any provision of this section, or the application thereof to any person or circumstances, is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity may not affect other provisions hereof which can be implemented without the invalid provision. To this end the provisions of this section are declared to be severable.

19.42.290—Short-term Rentals.

A. Short-term rentals are subject to the following requirements:

1. The on-site parking and the access to the site are available for use and maintained, including snow removal, throughout the entire year, and
2. The dwelling unit is served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year and are approved by the health department prior to issuance of a license.
3. A letter is provided from
 - a. the Big Cottonwood Canyon Improvement District which serves as the sewer district for the property confirming that the property is connected to the sewer year-round; and,
 - b. the water provider that serves as the public water system company serving the property approving the use and confirming that there is water available year-round; and,
 - c. Salt Lake City Public Utilities confirming the use is allowed pursuant to its water supply contract and ordinances; and,
 - d. Salt Lake County Health Department confirming approval.
4. The owner shall obtain and maintain a valid short term rental license as required by Chapter 5.19.

19.42.340 – Wireless Telecommunications Facilities.

A. Purpose. The purpose of this Section is to establish general requirements for the siting of wireless telecommunications facilities and to:

1. Encourage the location of facilities in nonresidential areas;
2. Minimize the total number of monopole facilities throughout the community;
3. Encourage the joint use of new and existing communication sites;
4. Encourage location of facilities where adverse impact on the community is minimal;

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5. Encourage innovative design of facilities to minimize adverse visual impact; and
6. Enhance the ability of the providers of telecommunication services to do so quickly, effectively, and efficiently.

B. Applicability.

1. The requirements of this Section apply to both commercial and private wireless telecommunications services, such as "cellular" or "PCS" (personal communications services) communications and paging systems.
2. All facilities shall comply with the regulations in this Section, all other ordinances of the Town of Brighton, and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

C. Site Location Plan Required.

1. A site location plan shall be submitted by each company desiring placement of wireless telecommunication facilities.
2. The plan shall be submitted to Planning and Development Services prior to processing any permits for permitted or conditional use locations.
3. The plan shall include an inventory of existing and anticipated sites for the Town of Brighton and within one-half mile of the municipal boundary.
4. For each site, the plan shall indicate:
 - a. Area coverage, if known;
 - b. Antenna location;
 - c. Antenna height above existing grade; and
 - d. Antenna type.
5. The plan shall be updated upon request from the Director or Designee.
6. Every plan shall be considered proprietary information and not be part of the public record.

D. Allowable Uses. The wireless communications facilities specified in Table 19.42-1 are allowed, provided that they comply with all requirements of this Ordinance.

TABLE 19.42-1: SPECIFIC USE STANDARDS
ALLOWABLE WIRELESS COMMUNICATIONS FACILITIES

P- Permitted Use	C- Conditional Use		X- Not allowed	
Zones	Wall Mount	Roof Mount	Monopole	Lattice Tower
All CV, FM, and FR Zones	P1, C2	P1, C2	C	X

TABLE 19.40-1: FOOTNOTES

1- Permitted use only on nonresidential buildings.

2- Conditional use on residential buildings.

E. Facility Types and Standards. There are four general types of antenna structures. The standards for the installation of each type of antenna structure are as follows:

1. Wall Mounted Antenna.

- a. Wall mounted antennas may not extend above the wall line of the building or structure or extend more than four feet (4') horizontally from the face of the building or structure (see Figure 19.40-1).
- b. Antennas, equipment, and the supporting structure shall be painted to match the color of the building, structure, or background against which they are most commonly seen.
- c. Antennas and the supporting structures on buildings should be architecturally compatible with the building.
- d. Antennas shall be considered wall mounted if they are mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.
- e. Stealth wall mounted antennas are encouraged, and variations from the provisions of this Section may be allowed, as determined by the Director for permitted uses and the Planning Commission for conditional uses. Stealth wall mounted antennas need not be located with public or quasi-public uses in all Forestry zones.

2. Roof Mounted Antenna.

- a. Roof mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms. Antennas and antenna mounting structures may not extend more than eight feet (8') above the existing roofline of the penthouse or mechanical equipment room.
- b. For antennas not mounted on a penthouse or mechanical equipment room but on a flat roof:
 - (1) Setback. The antennas shall be mounted at least five feet (5') from the exterior wall or parapet wall of the building or structure.
 - (2) Height. For antennas mounted between five feet (5') and fourteen feet (14') from the exterior wall or parapet wall, the maximum height of the antenna is equal to the distance the antenna is set back from the exterior wall or parapet wall. For antennas setback more than fourteen feet (14'), the maximum height shall be fourteen feet (14'). Antennas extending more than nineteen feet (19') above the roofline require conditional use approval (see Figure 19.40-2).
 - (3) Roof-mounted antennas extending above the roofline of any penthouse or mechanical equipment room require conditional use approval.
- c. Roof mounted antennas on a pitched roof are allowed, provided the antennas and antenna support structures do not extend higher than the peak of the roof, measured by a horizontal line from the peak extending over the roof (see Figure 19.40-3).
- d. Roof mounted antennas shall be constructed and colored to match the surroundings in which they are located.
- e. Stealth roof mounted antennas are encouraged and variations from the provisions of this Section may be allowed, as determined by the Director for permitted uses and the Planning Commission for conditional uses. Stealth roof mounted antennas need not be located with public or quasi-public uses in all Forestry zones.

3. Monopole.

- a. The height limit for monopoles is sixty feet (60'), except the Planning Commission may allow a monopole up to eighty feet (80') in the CV zones if it finds:
 - (1) The monopole will blend in with surrounding structures, poles, or trees and is compatible with surrounding uses,
 - (2) The monopole will be available for co-location with other companies, and
 - (3) The monopole will be setback at least three-hundred feet (300') from any residential zone boundary.
 - (4) The height shall be measured from the top of the structure including antennas, to the original grade directly adjacent to the monopole.
- b. No monopoles shall be allowed in the front yard setback of any lot.
- c. Monopoles shall be setback from any residential structure a distance equal to the monopole's height.
- d. Stealth monopole facilities are encouraged and variations from the provisions of this Section may be allowed, as determined by the Director for permitted uses and the Planning Commission for conditional uses. Stealth monopoles need not be located with public or quasi-public uses in all Forestry zones.

4. Lattice Tower. Lattice towers are not permitted.

F. Color. The color of monopoles, antennas, and any associated buildings or equipment shall blend with the surroundings in which they are located.

G. Additional Requirements.

- 1. The following shall be considered by the Planning Commission for conditional uses:
 - a. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures.
 - b. The possibility of locating the antenna on other existing structures in the same vicinity, such as other monopoles, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc., without significantly impacting antenna transmission or reception.
 - c. Location of the antenna in relation to existing vegetation, topography (including ridge lines), and buildings to obtain the best visual screening.
 - d. Spacing between monopoles that creates detrimental impacts to adjoining properties.
 - e. Installation of improvements, including, but not limited to landscaping and fencing as per Section 19.16.040.

H. Accessory structures. Accessory structures to antenna structures shall comply with the required setback, height, and landscaping requirements of the zone in which they are located. All utility lines on the lot leading to the accessory structure and antenna structure shall be underground.

I. Non-maintained or Abandoned Facilities.

- 1. The Town of Brighton shall provide notice to an owner or agent of a non-maintained or abandoned telecommunications facility that the facility must be repaired or put into use within ninety (90) calendar days.
- 2. If the owner or agent fails to repair the facility or put the facility into use within ninety (90) days of notice, the Town of Brighton may require the facility to be removed from the building or premises.

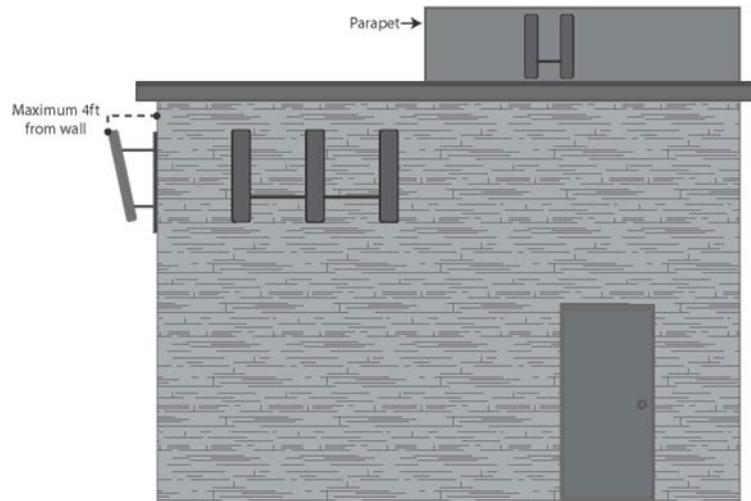
J. Building Permit Required.

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1. A building permit from Planning and Development Services is required for all wireless telecommunication facilities, including, but not limited to, monopoles and roof and wall mounted antennas.

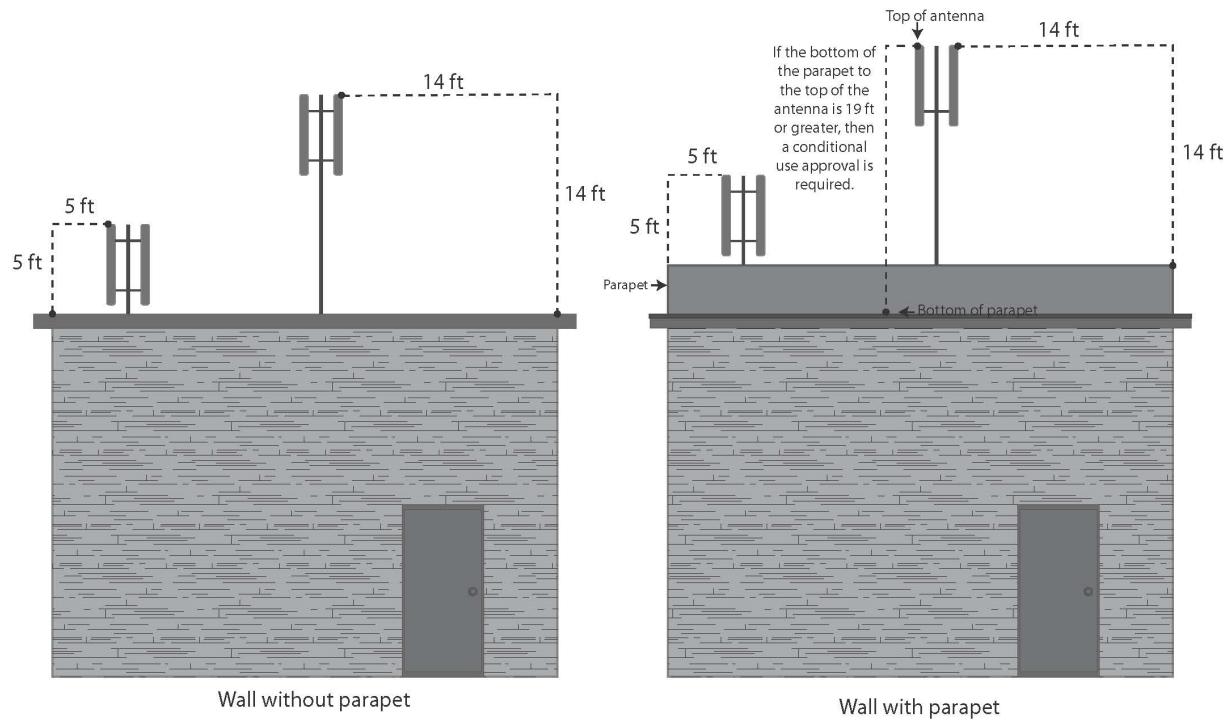
K. Illustrations.

The illustrations, Figures 19.40-1, 19.40-2, and 19.40-3, are intended to demonstrate graphically the intent of this Chapter.

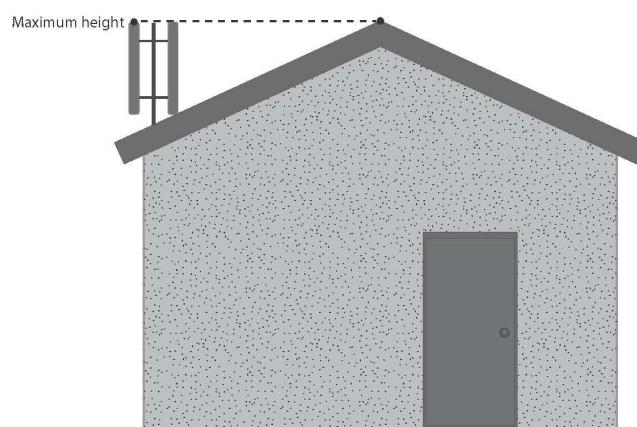


(Figure 19.40-1)

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(Figure 19.40-2)



(Figure 19.40-3)

Chapter 19.44 (Reserved)

Chapter 19.46 Site Development Standards

19.46.010 - Purpose of Provisions.

- A. It is the purpose of the site development standards to promote the health, safety, and welfare of the community. In support of these purposes, this Ordinance contains regulations designed to:
 - 1. Protect existing neighborhoods, preventing their decline, and promoting their livability;
 - 2. Conserve land and water resources;
 - 3. Recognize geologic features, soil, and topography;
 - 4. Minimize congestion in the streets and reduce reliance on automobiles by providing walking, bicycling, and transit use;
 - 5. Secure safety from fire and other dangers;
 - 6. Provide adequate space for utilities, open space, water supplies, sewer service, and transportation;
 - 7. Promote compatibility between the natural and man-made environments; and
 - 8. Promote the desired high-quality site planning, building, lighting, signage, and streetscape design.
 - 9. Provide notice to the Town of Brighton and affected property owners of new or upgraded utility or facility systems to allow an opportunity to determine if sufficient reason exists to require the systems to be installed underground and to determine if funds are available to pay for underground installation.

19.46.020 - Applicability.

The provisions of this Ordinance shall apply to all new development within the Town of Brighton that occurs after the adoption of this Ordinance. No building shall be erected or structurally altered, nor shall any land development activity take place, unless it conforms to the provisions of this Ordinance.

19.46.040 - All Uses, Buildings, and Structure to Comply with Zoning Requirements.

Every building or structure erected, reconstructed, altered, enlarged or moved, and every building, structure, or land, rearranged, designed or intended for any use shall be built or used only as allowed by the requirements of this Ordinance, including the requirements of the zone in which the building, structure, or use is located, and all other Land Use Ordinances.

19.46.050 - Minimum Requirements and Underlying or Overlay Zones.

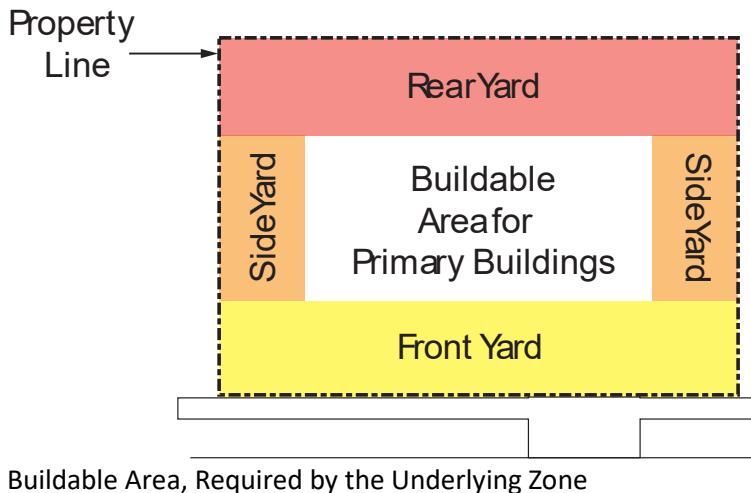
- A. The provisions of this Chapter are the minimum requirements. Where the provisions of this Ordinance conflict with other ordinances, the most restrictive provision shall prevail.
- B. The underlying zone of a property may impose site development standards in addition to the minimum requirements provided in this Ordinance. Where the provisions of this Ordinance conflict with other ordinances, the most restrictive provision shall prevail.
- C. Overlay zones may impose site development standards in addition to the minimum requirements provided in this Ordinance. Where the provisions of this Ordinance conflict with other ordinances, the most restrictive provision shall prevail.

19.46.060 - Application Required.

All requests to establish a use, or construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof, shall be initiated by the submission of a Land Use Application, as required by all Land Use Ordinances and/or Building Permit Application, as required by the adopted Building Code, as applicable.

19.46.070 - General Site Standards.

- A. Lot Frontage Required. Every lot shall have frontage upon a dedicated or publicly approved road or street, or right-of-way providing direct access to a dedicated or publicly approved road or street. The required lot frontage shall be not less than half of the minimum lot width required in the zone as measured at the front property line except for lots that have been approved as a flag lot.
- B. Yards and Setbacks Measurement.
 1. Yards and setbacks shall be measured according to the lengths required in the underlying zone.
 2. Yards and setbacks shall be measured from the property's boundary line, as determined by the legal description or subdivision plat on record at the Salt Lake County Recorder's Office, to the exterior foundation of the proposed or existing building.
- C. Required Yards for One Building Only.
 1. No required yard or setback area for a lot or building shall be considered as providing the required yard or setback for any other lot or building.
 2. No area required to meet the lot width, area, setback, or other requirements of this Ordinance for any lot or building may be divided, sold, or leased separate from such lot or building.
- D. Required Yards to be Unobstructed.
 1. All required setback areas shall be open to the sky and unobstructed except for permitted and approved accessory structures and structures and for projections allowed under section 19.46.080 (I.) Projections.
 2. Walls and fences, complying with the requirements of this Ordinance and required approval by a Land Use Authority, as provided herein may encroach into required yards.
- E. Buildable Area. Every lot or parcel created after the effective date of this Ordinance shall have a buildable area sufficient to establish a building or structure thereon, which meets the minimum standards of the Zone in which the lot or parcel is located. Buildable areas shall be required to be identified for each lot on all subdivision plats and plans for the purposes of ensuring that an adequate buildable area is provided, and to inform future owners of the allowable buildable area. Any area located within an easement may not be included within any buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the Municipal Attorney.
- F. Snow Storage and Drainage. Where snow removal and storage may pose a problem to traffic circulation or reduce the amount of adequate parking for winter business, the property owner shall designate a snow storage area and remove snow as necessary.
 1. Required Area: Snow storage areas not less than thirty-three percent (33%) of the parking, sidewalk, and driveways areas shall be incorporated into the site design.
 2. Location:
 - a. Snow storage shall be located to avoid piling of snow against significant trees.



G. **Buildings to be on Lots.** All buildings and structures, as defined herein, shall be located and maintained on a separate legal lot, such lot meeting all requirements of the Title 19, including the requirements of the Zone in which the lot is located.

H. **Fencing.**

1. **Fencing Setbacks.** A fence, hedge, wall, column, pier, post or any other similar structure for fencing or any combination of such structures is permitted in the required setback if it meets the following conditions:
 - a. No fence, hedge, or wall extends beyond or across a property line without a recorded agreement with the abutting property owner; and
 - b. Only one fence or wall shall be allowed per property line. Double fences, walls, or combination thereof are prohibited.
2. **Fencing Materials.**
 - a. Fencing materials shall be made of high quality, durable, materials that require minimal maintenance. All fencing shall follow the design requirements set forth in Chapter 19.38 Foothills and Canyons Overlay Zone of this Title.
3. **Prohibited Fencing Materials.** The following fencing materials are prohibited:
 - (1) Materials not typically used or designated/manufactured;
 - (2) Scrap material;
 - (3) Security wire; or
 - (4) Electrified fencing, except for legally established agricultural uses on properties in the A-1 or A-2 zones that do not abut a public trail.

I. **Landscaping.** Landscaping shall follow the requirements set forth in Chapter 19.38 Foothills and Canyons Overlay Zone of this Title.

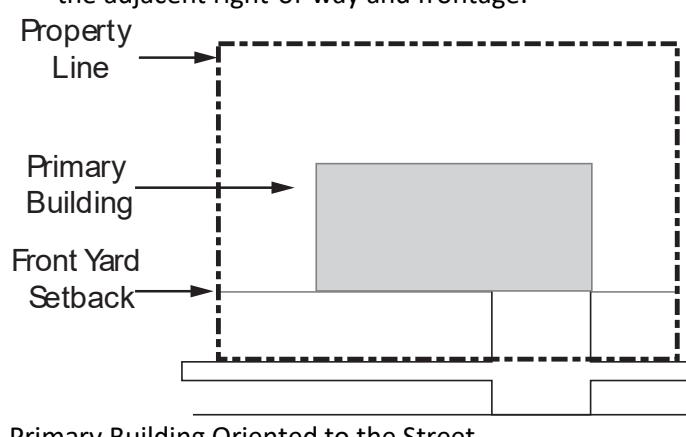
J. **Signs.** Any development shall follow the sign standards set forth in Chapter 19.52 of this Title.

19.46.090 - Building Standards.

A. **Conform to Building Code.** The building must meet the Town of Brighton's building code or, if it is a manufacture home, it must be certified under the National Manufactured Housing Construction and

Safety Standards Act of 1974 and must have been issued an insignia and approved by the U.S. Department of Housing and Urban Development and must not have been altered in violation of such codes. A used manufactured home must be inspected by the building official or designee prior to placement on a lot to ensure it has not been altered in violation of such codes.

- B. Buildings Taxed. The building must be taxed as real property. If the building is a manufactured home, an affidavit must be filed with the State Tax Commission pursuant to Utah Code 59-2-602.
- C. Utilities. If the building provides human-occupiable space and is constructed in a permanent nature, the building must be connected to and approved for all required utilities. Utilities shall be buried underground with the following exceptions:
 1. Transformers, pedestals, fire hydrants, and other appurtenances normally associated with "underground" utility installations are permitted on the surface of the ground.
 2. The development of existing lots in areas of the Town of Brighton now served with existing aboveground utilities, are exempt from this requirement.
- D. Permanent Foundation. The building must be attached to a site-built permanent foundation which meets the Uniform Building Code or, if the dwelling is a manufactured home, the installation must meet the ICBO Guidelines for Manufactured Housing Installations, including any successors to these standards, and the space beneath the structure shall be enclosed at the perimeter of the dwelling in accordance with such ICBO Guidelines, and constructed of materials that are weather-resistant and aesthetically consistent with concrete or masonry type foundation materials. At each exit door there must be a landing that is a minimum of thirty-six inches (36") by thirty-six inches (36") and that is constructed to meet the requirements of the Uniform Building Code. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation.
- E. Roofs. 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.
- F. The Director or Designee may approve deviations from one or more of the developmental or architectural standards provided in subsections A through F of this section on the basis of finding that the architectural style proposed provides compensating design features and the proposed building will be compatible and harmonious with existing structures in the vicinity. The determination of the Director or Designee may be appealed to the Land Use Hearing Officer pursuant to the provisions in Chapter 19.20.
- G. Building and Street Relationships.
 1. Buildings may not be oriented away from the street. The front of the building shall be parallel with the adjacent right-of-way and frontage.



2. The front of the building shall be accessible by a pedestrian from an adjacent right-of-way.

H. Projections.

1. The following may be erected on or projected into any required yard space in all Zones:
 - a. Fences and walls in conformance with this Code.
 - b. Landscape elements, including trees, shrubs and other plants.
 - c. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.
 - d. Necessary appurtenances for utility services associated with minor public utilities.
 - e. Decks not more than two feet (2') high.
 - f. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, awnings or similar architectural features attached to the building and not enclosed by walls, extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard.
 - g. Bay windows, cantilevered floors and fireplace structures may project into any yard not more than two feet (2'), provided that they are not wider than eight feet (8') wide.
 - h. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building no greater than eight feet (8') wide and extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard.
2. Projections into Required Yards. The following structures may be erected on or projected into any required yard:
 - a. Accessory structures subject to this Title.

I. Building Height Limitations and Exceptions.

1. Buildings shall not be erected that contain less than one story above grade, as defined in this Title.
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.
3. Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding seventy-five feet (75') if the building is set back from each otherwise established building line at zone in which the building is erected. Public or semipublic utility buildings do not include cell towers.
4. Flag Poles and Church steeples are not included in building height calculations.

J. Parking and Loading. Any development shall follow the parking and loading standards set forth in Chapter 19.48 Off-Street Parking and Mobility of this Title.

19.46.100 - Infrastructure and Public Improvements

The minimum requirements for public improvements shall be a combination of standards set forth in Title 14 Highways, Sidewalks, and Public Places and applicable standards set forth in this Title or adopted in the Town of Brighton's Master Transportation Plan.

A. Public Streets.

1. Street lighting shall either be chosen from the Town of Brighton's approved streetlight list or installed to match a theme set by developments within the zone or neighborhood.
2. Street lighting shall be installed in conformance with Title 18 Chapter 18.24 Required Improvements.

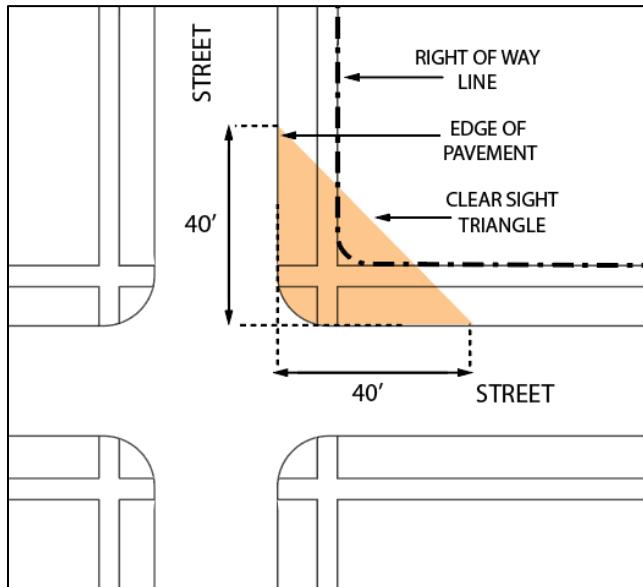
3. **Street Signs and Markers.** Standard street name signs shall be installed at one corner of all street intersections. The size, design, materials, location, fabrication, installation, and maintenance of the signs and poles within the public right of way and elsewhere shall be in accordance with the Utah Department of Transportation, the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD), or the Town of Brighton's adopted policies, as applicable.

B. **Private Streets.**

1. Private streets or roads shall be designed and constructed to meet or exceed the private street standards set forth in Title 14 Highways, Sidewalks, and Public Places, as applicable.
2. Private streets or roads are allowed in the following circumstances:
 - a. If shown on an approved development plan as private streets;
 - b. For residential subdivisions where the street is equally shared between properties. Such streets shall be required to have a maintenance and operations plan included in the declaration of covenants, conditions, and restrictions for the subdivision.

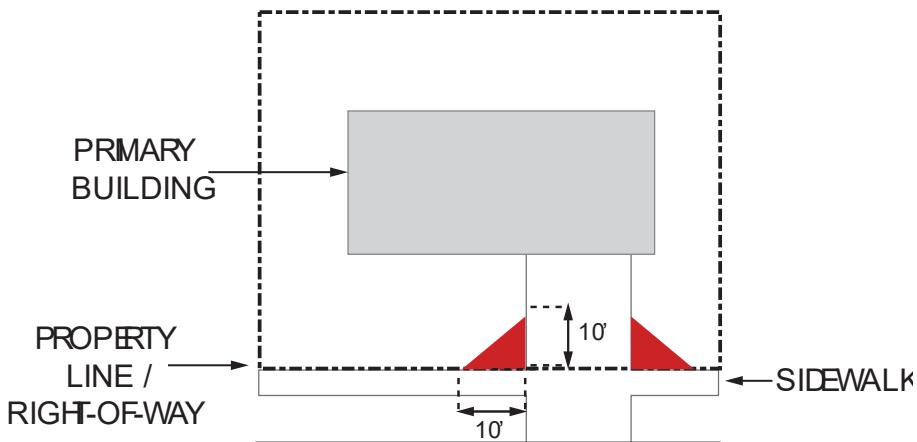
C. **Ingress and Egress Requirements.** No building with human occupiable space shall be erected or enlarged on a parcel in any zone unless such parcel abuts upon or has access to a publicly accepted and maintained street, a private driveway, a private road, or a public or private alley.

D. **Intersecting Streets and Clear Visibility.** In all zones which require a front yard, no obstruction to view in excess of three feet (3') in height shall be placed on any corner lot within a triangular area formed by the street property lines or right-of-way lines and a line connecting them at points forty feet (40') from the intersection of the street lines, except mature trees which are located in the clear sight triangle shall be pruned to a height of at least seven feet (7') above the established sidewalk, pedestrian path, or street elevation.



Intersecting Streets and Clear Visibility.

E. **Intersecting Streets and Driveways.** In all zones, no view obstruction, including a sight-obscuring fence, wall, sign, other similar structures, and landscaping which exceeds three feet (3') in height shall be placed within a triangular area formed by a diagonal line connecting lines located at the curb line or sidewalk line and driveway line ten feet (10') from the projected intersection of such lines.



Intersecting Streets and Driveways

- F. Acceptance by Private Streets. Prior to acceptance by the Town of Brighton, any private street, or any driveway allowed for access with a development that is not constructed and maintained to the Town of Brighton's adopted street standards shall be improved to the Town of Brighton's adopted street standards.
- G. Driveways. A driveway shall be allowed for vehicular access according to the standards set forth in Title 14 Highways, Sidewalks, and Public Places. Chapter 19.48 Parking and Mobility.
- H. Pedestrian and Bicycle Mobility.
 1. Each lot shall have pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, parking areas, open space, and public trail. Such systems shall be designed to connect with all elements within the development, adjacent areas, and transit stops and can include sidewalks along public or private streets, wide outside travel lanes, bike lanes on roadways, and walkways and trails in alternative locations as appropriate. Design, location, dimensions, dedications, easements, and reservations shall conform to applicable Municipal policies and standards for sidewalks, bicycle routes, and trails.
 2. Walkways and trails shall be designed to maximize the safety of users and the security of adjoining properties with respect to location, visibility, and landscaping.
 3. Bicycle Facilities. Bicycle facilities shall be provided in accordance with the standards set forth in Chapter 19.48 Parking and Mobility.

19.46.110 – Environmental Protection Standards.

- A. Recreational Facilities and Open Space Standards.
 1. Open space standards do not apply to single-family, two-family, or three-family, development on individual lots.
 2. All floodplains, wetlands, streams, riparian buffers, ponds, lakes, and other water bodies shall be contained in open space.
 3. At least fifty percent (50%) of open space shall be contiguous.
 4. Recreational facility and open space requirements shall be satisfied by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development.
 5. One (1) or more active recreational facilities shall be provided for twenty-five percent (25%) of the total open space required in accordance with the minimum requirements in Table 19.46.000 Recreational Facility Standards Table.

Chapter 19.46 Site Development Standards

6. Twenty-five percent (25%) of the total open space required shall be dedicated to passive recreation opportunities or green space in its natural condition.
7. Passive recreation areas shall be located near landscaping and open space or green space or may be incorporated into green infrastructure facilities for stormwater if approved by the Public Works or Engineering Department.
8. Commercial Development: Commercial development greater than one (1) acre shall provide twenty percent (20%) open space.
9. Required open space may be any combination of active or passive recreation suited to and used by the age bracket of persons likely to work in the area or green infrastructure or low-impact development standards for stormwater as approved by the Municipal Engineer.
10. Open Space Bonding: Bonding for approved amenities shall be required.
11. Recreation Facility Calculation: Active recreational facility calculations shall be the sum of the minimum area requirements listed in Table 19.46.000 Recreational Facility Standards Table. When a proposed recreation facility exceeds the required minimum square footage related to any of the recreational facility standards one point five, two, two point five (1.5, 2, 2.5) times, in increments of zero point five (0.5) times, it may be counted as that number of facilities.
12. Recreational Facility Standards: Any development shall follow the minimum standards in the recreational facility standards table.

Table 19.46.000 – Recreational Facility Standards Table.

Recreational Facility Type	Minimum Area	Additional Standards
Active Recreational Facilities		
Basketball Court	4,700 sq. ft.	
Sports Court	4,700 sq. ft.	
Tennis Court	6,120 sq. ft.	
Pickleball Court	1,800 sq. ft.	
Community Center or Clubhouse	1,200 sq. ft.	The minimum area does not include a leasing office.
Playground	1,000 sq. ft.	Playgrounds adjacent to a parking lot or road shall be fenced with transparent fencing along the shared boundary.
Path or Trail	9,000 sq. ft.	Shall be six feet (6') wide. Shall not include sidewalks. May or may not be paved.
Other		Any facility not listed that is determined by the Planning Commission or Director with a minimum area also approved by the Planning Commission or Director.

Passive Recreational Facilities

Chapter 19.46 Site Development Standards

Picnic Area	500 sq. ft.	Shall include a pavilion or gazebo and at least one sitting area with a table.
Plaza	1,000 sq. ft.	Only allowed for non-residential development.
Bike Station	4 bike stalls	Shall include a bike work stand with tools, air pump.
Pollinator Gardens	50 sq. ft.	A single species of the plant should be in clusters of twenty-five square feet (25 sq.ft.).
Educational or Interpretive Signage	25 sq. ft.	Associated with a path, native plant demonstration, low-impact development, green infrastructure feature, pollinator garden, or other natural feature or open space feature explaining
Native Plant Demonstration	100 sq. ft.	A single species of the plant should be in clusters of twenty-five square feet (25 sq.ft.).
Other		Any facility not listed that is determined by the Planning Commission with a minimum area also approved by the Planning Commission.

B. Stormwater and Water Quality. Any development shall follow the standards set forth in Title 17 Flood Control and Water Quality.

C. Culinary Water and Sanitary Sewer Requirements. All dwellings and other structures used for human occupancy shall be served by an adequate culinary water and sewage disposal facility approved by the Salt Lake County Health Department.

D. Geologic Hazards and Floodplains. All development in the Town of Brighton shall be reviewed for compliance with Chapters 19.56 Flood Plain Regulations and Chapter 19.58 Geologic Hazards Ordinance.

E. Mechanical Equipment. Air conditioning units, generators and other auxiliary mechanical and building equipment shall be placed at locations where they will be least intrusive in terms of noise, appearance, and odors, particularly for adjacent properties and public rights-of-way. Screening walls, landscaping, and other screening treatments shall be used so all required mechanical equipment is screened from public streets and adjoining properties. All building-mounted mechanical or communications equipment shall be a color to make it as unobtrusive as possible. If located on or adjacent to a building wall, the color of all mechanical and communications equipment shall blend with the color and design details of the building.

F. Wildland Urban Interface. Lots found to be within the Wildland Urban Interface (WUI) as determined by the Utah Division of Forestry, Fire, and State Lands or other state-designated agencies may have additional requirements for site development. Lots found to be within the Wildland Urban Interface shall be required to demonstrate compliance with any applicable codes during the site plan approval process or other applicable land use applications.

G. Landscaping. Any development shall follow the landscaping standards set forth in Chapter 19.38 Foothills and Canyons Overlay Zone of this Title.

19.46.130 - Utility and Facility Placement Regulations.

- A. Systems Required to Be Underground. Unless exempted under Section 19.46.040 of this Chapter, the following systems may be required to be installed underground:
 1. All new transmission systems installed after the effective date of the ordinance codified in this Chapter.
 2. All upgraded transmission systems which would increase the height of poles from less than sixty-five feet (65') to more than sixty-five feet (65') above existing grade.
- B. Exemptions. The following systems are exempt from the provisions of Section 19.46.130 of this Chapter:
 1. Except as provided in Section 19.46.030(B) of this Chapter, this Chapter does not require the burial of any existing aboveground systems, nor does it prohibit or restrict the repair, relocation, maintenance, or replacement of any existing systems.
 2. Aboveground installation of the following systems is permitted, subject to compliance with all other applicable statutes, ordinances, and regulations:
 - a. New service drops and/or distribution lines where service is available from existing aboveground systems;
 - b. Temporary systems required for construction projects not to exceed a period of twelve months;
 - c. Street light poles, light rail overhead catenary, wireless telecommunications towers, and accessory equipment;
 - d. Transmission systems installed in the two main north-south transmission corridors, as identified on the map entitled "main north-south electrical transmission corridors" on file with the planning and development services division.
 3. In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist such that the installation of a system would have minimal visual, health, or safety impact on the public, variations or exceptions to the requirements of this Chapter may be approved by the Town of Brighton; provided, that the variations and exceptions are consistent with the purposes of this Chapter.
 4. In cases where the Town of Brighton determines that insufficient funds are available to pay for the incremental costs of underground installation of a system or determines that the public benefit to be derived from underground installation is not cost effective or is otherwise not in the public interest:
 - a. The Town of Brighton shall give notice to the utility or facility company that the Town of Brighton will not require the underground installation and will not pay the incremental costs of underground installation of the system:
 - (1) Within ninety days after notice is given under Section 19.46.050 of this Chapter in the case of a new transmission system; and
 - (2) Within sixty days after notice is given under Section 19.46.050 of this Chapter in the case of a new distribution system or an upgraded transmission system which would increase the height of poles from less than sixty-five feet (65') to more than sixty-five feet (65') above existing grade.
 - b. If the Town of Brighton has not given notice to the utility or facility company regarding underground installation as provided in subsection (D)(1) of this section it shall be deemed that the Town of Brighton has determined that insufficient funds are available to pay for the

incremental costs of underground installation or has determined that the public benefit to be derived from underground installation is otherwise not in the public interest.

C. Notification of Affected Property Owners. Prior to beginning a project involving the installation or upgrading of four or more poles, a utility/facility company providing electrical power for general consumption shall send written notification of the project to all adjacent property owners and the director of public works. The purpose of such notification is to allow the Town of Brighton and potentially affected property owners to determine whether there are reasons to require the underground installation of the system, to determine whether sufficient funds are available to pay the incremental costs of underground installation of the new or upgraded system, and provide the Town of Brighton opportunity to meet with the company to discuss the project.

1. Such notification shall include a full description of the project including:
 - a. the need for the project;
 - (1) location of the project;
 2. height, width, type and general location of poles; and
 - a. amount of voltage.
 3. Failure of property owners to receive notice of the project shall in no way affect the validity of action taken. Failure to reach an agreement within the sixty-day period shall not be grounds for the delay of the project. Notification is not required for emergency projects, relocations, replacements and systems which are exempt under Section 19.46.040 of this Chapter except for an exemption resulting after notification under Section 19.46.040(D) of this Chapter.

D. Excavation Permit Required. All underground systems to be installed in the right-of-way of any municipal road shall be made in accordance with the provisions of Chapter 14.16 of this code, Excavations.

19.46.150 - Easements.

- A. Storm drainage and utility easements for water, sanitary sewer, electricity, gas, and communications improvements shall be provided in the location and to the width as required by the provider.
- B. Easements for other purposes as required by the Director or designee shall be designed, designated, reserved, and dedicated as appropriate.
- C. All site plans and plats shall exhibit standard easement notes stating the type and purpose of the easement along with a list of prohibited uses/activities within the easement.
- D. Any cross-access agreement shall specify maintenance responsibilities and require that access be unrestricted. The agreement and a plat depicting the easement shall be recorded. Copies of the recorded documents and an attorney certification that the requirements for this paragraph have been met shall be provided to the Director or designee.

Chapter 19.48 Off Street Parking and Mobility Standards

19.48.010 – Purpose of Provisions.

- A. The purpose of this Chapter is to reduce street congestion and traffic hazards in the Town of Brighton and improve resource management by incorporating efficient, attractive facilities for off-street parking, loading, and internal automobile and pedestrian circulation as an integral part of every use of land. The standards in this Chapter are intended to provide for the following:
 1. Improve bicycle and pedestrian facilities to reduce reliance on personal automobiles, provide for improved circulation between and within development sites, and promote transportation options to reduce Vehicle Miles Traveled (VMT) and related vehicle emissions for the purposes of preserving or enhancing air quality;
 2. Relieve traffic congestion in the streets and improve overall traffic safety, including safety for people walking and biking;
 3. Minimize any detrimental effects of off-street parking areas on adjacent lands;
 4. Improve the visual aesthetics of parking areas;
 5. Ensure that parking areas are appropriately located to serve community needs; and
 6. Prevent the establishment of excessive amounts of off-street parking and facilitate infill development where possible to make the most of limited land resources.

19.48.020 – Off-Street Parking and Bicycle Parking Required.

- A. Off-street parking, bicycle parking, and loading spaces shall be provided at the time any building or structure is erected, enlarged, increased in capacity, or any new use is established. Such parking and loading facilities shall be provided in accordance with the provisions of this Chapter.
- B. Plans Required to Obtain Building Permit. All applications for a building permit shall include a site plan showing a parking layout that meets all requirements of this Chapter and includes the location of ingress and egress, loading areas, internal automobile, bicycle, and pedestrian circulation, vehicle and bicycle parking, landscaping, and lighting. The provided plan shall be reviewed for consistency with this Chapter by the Director or Designee.

19.48.030 – Specifications.

A. Any parking facility or portion thereof shall meet the following specifications:

1. Use of Off-Street Parking, Stacking, and Loading Facilities. All vehicular parking areas, stacking areas, and loading areas required by this Chapter shall only be used for those designated purposes.
2. Location. Except as otherwise permitted through community parking credits, all off-street parking areas shall be provided on the same lot as the use it serves, or no farther than three hundred feet (300') from the primary entrance of a building or structure to the nearest point of the parking facility along publicly available sidewalk or walkways designated on the site plan.
3. Access to parking spaces shall be from private roadways or aisles and not from public streets.
4. Coverage. No off-street parking area shall occupy more than sixty-five percent (65%) of the property not occupied by buildings.
5. Size. Parking stalls and aisles shall comply with the dimensional regulations presented in Table 19.49.030.

Table 19.49.030: Parking Space and Aisle Dimensions

Stall Angle	Aisle Width	Stall Depth	Stall Width
90°	24'	18'	9'
60°	20'	20.1'	
45°	15'	19.1'	
30°	15'	16.8'	
Parallel (0°)	15'	22'	

6. Parking stalls adjacent to a column or wall must have an additional two feet (2') of width to accommodate ingress/egress from the vehicle.
7. Surfacing. All off-street parking, stacking, loading areas and drive approaches from the alley or street shall be surfaced with an all-weather surface.
8. Pervious Surfaces. Surfaces such as pervious asphalt, or pervious concrete are permitted; subject to municipal policies pertaining to stormwater management. A maintenance plan, outlining responsible parties, procedures, and schedules for maintenance of pervious pavement or permeable surfaces must be submitted and approved by the Municipal Engineer.
9. Exception for Outdoor Storage. Surfacing materials for outdoor parking areas associated with vehicle or container storage may be graded and compacted gravel, provided the subject area is at least one hundred feet (100') in driving distance from the nearest public street, no gravel is tracked off-site, and the paving surface is permitted in this Title.
10. Driveways, General. Adequate ingress and egress to the parking area shall be provided by clearly defined driveways.
11. Distance from Lot Line. All driveways, including the entry radius of the drive approach that serve a single main building or principal use, shall be at least one foot (1') from an abutting lot line.
12. Sidewalk Continuity. Where they exist, sidewalks shall extend through driveway approaches, and driveways shall be built to the grade of the sidewalk so that driveways do not create curb cuts in the sidewalk.

13. Driveway Surface. There shall be an all-weather surface driveway from the public or private right-of-way to the required parking space. A pervious surface may be used, subject to applicable municipal ordinances and policies.
14. Accessible Parking. Accessible parking spaces required to satisfy the Americans with Disabilities Act shall be provided. Such stalls shall be included within the required number of spaces outlined in Table 19.48.150. For multi-family residential developments, the accessible stalls shall be provided in addition to the number of stalls required in 19.48.150.
15. Electric Vehicle Charging Stations. Parking lots and structures of one-hundred and fifty (150) parking spaces or more shall provide at least one (1) electric vehicle charging station for every seventy-five (75) parking spaces. Charging stations shall be associated with individual parking spaces and shall be installed according to appropriate design standards, as approved by the Director or Designee.
16. Stormwater. All parking areas are subject to the stormwater management provisions of Title 17 and any other municipal ordinances.

19.48.040 – Standards for Parking in Forestry Zones.

- A. Residential Driveways. A driveway shall be provided for vehicular access from the street or right-of-way to the required parking spaces of any dwelling in a Forestry zone.
- B. The number, location, and width of driveways shall comply with the specifications set forth in Sections 14.12.110 and 14.36.060 of municipal ordinances.
- C. Driveways over one hundred fifty feet (150') in length are subject to approval by the Fire Authority.
- D. Paved or gravel parking areas or driveways may not occupy more than fifty percent (50%) of the area of a front or rear yard. Any lot less than forty feet (40') wide may install one driveway that exceeds the fifty percent (50%) parking or driveway rule as long as that driveway does not exceed twenty feet (20') in width.
- E. Front Yard Parking. Parking or storage of motor vehicles in the unpaved portion of the front yard of a residential use or residentially-zoned property is prohibited. A legal driveway in the front yard may be used for parking, provided the public sidewalk or pedestrian path is not blocked.
- F. Recreational Vehicles. Recreational vehicles parked or stored on residential property in any Forestry zone shall:
 1. Be parked or stored on a paved surface in the front yard, side yard, or rear yard of a dwelling. Additionally, a recreational vehicle may be parked or stored on a parking pad which is constructed of six inches of compacted gravel. This area must be kept weed free.
- G. Commercial Vehicles. Commercial vehicles shall not be parked or stored on residential property in a Forestry zone, except in the following circumstances:
 1. Commercial vehicles may be parked on a property in conjunction with lawfully permitted construction, maintenance, or site development activities so long as said activities are diligently pursued.
 2. One commercial vehicle may be parked behind the front line of the dwelling and screened from view from public streets or neighboring properties with an opaque fence that is at least six feet (6') tall, provided it is parked on a paved surface. The commercial vehicle may not exceed Class 5 (two-axle, six tire single unit trucks) in Federal Highway Administration vehicle classification.

3. One commercial vehicle may be parked in the front yard or side yard of a dwelling in the Forestry zone upon issuance of a permit by Planning and Development Services, as long as all of the following criteria are met:
 - a. No other commercial vehicle is parked or stored on the property;
 - b. The operator of the vehicle is required to be on call twenty-four (24) hours a day to use the vehicle in response to an emergency;
 - c. The commercial vehicle is parked on a paved surface;
 - d. The commercial vehicle is parked entirely on private property, not parked on or over the street, sidewalk, or pedestrian path; and
 - e. The commercial vehicle does not exceed Class 5 (two-axle, six tire single unit trucks) in Federal Highway Administration vehicle classification.

19.48.050 – Required Number of Off-Street Parking Spaces.

- A. The amount of required off-street parking spaces for individual uses shall be determined in accordance with Table 19.48.150: Off-Street Parking Requirements, found at the end of this Chapter. The following factors shall be used in determining the required number of parking spaces.
- B. Fractions. Where units of measurements determining the number of required parking or loading spaces result in a fraction, the fraction shall be counted as one (1) additional parking space (rounded up to the nearest whole number).
- C. Uses.
- D. Parking shall be calculated separately for each use in a building, structure or on a lot, except that the Director or Designee may determine that a lower standard would be adequate for shared parking, as described in Section 19.48.060.
- E. Accessory uses shall be calculated separately.
- F. Unlisted Requirements. The Director or Designee shall make a determination as to the proper classification of a parking requirement not listed for a particular use based on the requirement of the closest comparable use. Where a comparison cannot reasonably be made, the Director may require a Parking Demand Study to determine the amount of parking needed on the site.
- G. Bicycle Parking. Bicycle Parking shall be as required in Section 19.48.080. Bicycle parking may not occupy any vehicle parking space required by this Chapter.
- H. Exceptions for the Reuse of Existing Buildings and Structures. The Director or Designee may grant a waiver of these requirements for development which reuses an existing building if the applicant can demonstrate that sufficient parking exists on the site to accommodate anticipated parking demand.

19.48.060 – Process for Reductions in Off-Street Parking Requirements.

- A. Off-street parking requirements may be reduced by the Director or Designee upon a finding by the Director or Designee that the applicant meets the requirements for at least one (1) of the allowable reductions of this Section. In no case may the total required off-street parking for a site be reduced more than fifty percent (50%).
- B. Transit Exists to Serve the Site.
 1. When considering a parking reduction for transit availability, the Director or Designee may require the applicant to submit a Transportation Demand Management (TDM) Study demonstrating the number residents, customers, or employees that already use or would be expected to use transit instead of parking.
- C. Reductions for Bicycle Facilities.

1. Vehicle parking requirements may be reduced by one (1) space for every four (4) covered, secured bicycle parking spaces provided beyond the amount of bicycle parking required in Section 19.48.080. To qualify for this reduction, a work stand and floor pump is required to be provided on-site. These amenities shall be maintained in working condition and made accessible to cyclists using the parking spaces.
2. Off-street parking requirements may also be reduced by four (4) spaces if free showers and locker facilities are available for use within a building or structure on-site.

D. The Director or Designee may not approve a reduction under this Subsection that is more than ten percent (10%) of the total required off-street parking for a site.

E. In reviewing a parking reduction, the Director or Designee may consider the following as applicable:

F. The land use and development character of the area to be served by the parking facility, including intensity of uses requiring parking, the availability of transit, proximity to nearby employment centers and residential neighborhoods, and other relevant factors;

G. The availability of any other publicly available parking in the area, including the number of spaces, applicable restrictions, or other uses counting spaces in the same parking area toward the applicable parking requirement;

H. The timing of parking use relative to other uses in the area, including information on hours of operation;

I. Applicable guidelines from the American Planning Association, Envision Utah, and/or the Urban Land Institute;

J. Whether the applicant has made all efforts to comply with Table 19.48.150 to the extent practicable considering parking lot design, layout efficiency, and any unique constraints of the site; and

K. Whether supporting documentation provided by the applicant adequately demonstrates that sufficient parking is available to meet projected typical demand.

19.48.070 – Process for Calculating Shared Parking.

A. Where a mix of land uses creates staggered peak periods of parking demand, shared parking agreements that have the effect of reducing the total amount of required parking spaces are encouraged. Shared parking agreements for off-street parking for two (2) or more buildings or uses is permitted subject to the following:

1. Shared parking areas shall be located within three hundred feet (300') of the use as measured along walkways designated on the site plan or already existing;
2. Adjacent lots shall be connected by drive aisles; and
3. Shared parking leases or agreements shall have a term of not less than five (5) years, including any renewals at the option of the lessee.
4. A proposal for the sharing of off-street parking shall be submitted to the Director or Designee for site plan review and approval. Conditional use applications which require Planning Commission approval, and for which shared parking is being proposed as part of the application, must have Planning Commission approval for the shared parking.

B. Shared Parking Calculation. In determining the total requirements for shared parking facilities, the Director, Designee, or Planning Commission shall use Tables 19.48.150 and 19.48.070 according to the following calculation steps:

1. For each applicable general land use category, calculate the number of spaces required for the use as if it were the only use (using Table 19.48.150).

2. Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in Table 19.48.070 (six time periods per use).
3. For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.
4. Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.
5. If any uses are not listed in Table 19.48.070, the Director or Designee shall determine the required parking for the six time periods.

Table 19.48.070: Guidance for the Determination of Shared Parking Requirements.

General Land Use Category	Weekdays			Weekends		
	12 AM – 7AM	7 AM – 6 PM	6 PM – 12 AM	12 AM – 7AM	7 AM – 6 PM	6 PM – 12 AM
Office	5%	100%	5%	0%	5%	0%
Retail	5%	100%	75%	5%	100%	60%
Restaurant	25%	70%	100%	30%	75%	100%
Lodging	100%	55%	100%	100%	55%	100%
Theater / Entertainment	5%	20%	100%	5%	50%	100%
Conference Rooms / Reception Venue	0%	100%	100%	0%	100%	100%
Place of Worship	0%	30%	50%	0%	100%	65%
Institutional	5%	100%	20%	5%	100%	10%

19.48.080 – Requirements for Bicycle Parking.

- A. **Bicycle Parking Required.** Bicycle parking facilities shall be provided for any new commercial, multi-family residential, recreational, public and/or quasi-public use for which automobile parking is required; or for modification or change of any of such uses that results in the need for additional automobile parking facilities.
- B. **Number of Required Spaces.** The number of bicycle parking spaces required shall be equal to five percent (5%) of the vehicular parking spaces required for such use, with a minimum requirement of two (2) spaces, and a maximum requirement of twelve (12).
- C. **Bicycle Parking Spaces shall be:**
 1. Located on the same lot as the principal use;
 2. Located and designed to prevent damage to bicycles by cars;
 3. Located so as not to interfere with pedestrian movements;
 4. Located in a highly visible, well-lighted area that is located near entrance(s) to the building;
 5. Located to provide safe access from the spaces to the public right-of-way or bicycle lane;

6. Designed to accommodate a range of bicycle shapes and sizes, and to allow the frame and wheel(s) of each bicycle to be supported and secured against theft without interfering with adjacent bicycles; and
7. Anchored to resist removal by vandalism and resistant to rust or corrosion.

D. Required bicycle parking spaces may be located within the building. Any proposed bicycle parking spaces or facilities shall be clearly shown on the applicable site plan, indicating location and type.

19.48.090 – Off-Street Loading and Unloading Standards.

- A. Applicability. Any building or portion thereof which is to be occupied by one (1) or more uses that require the receipt or distribution of materials or merchandise by vehicles shall provide and maintain off-street loading spaces as required by this Section.
- B. Location.
 1. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a street;
 2. Loading/unloading operations shall not interfere with the normal movement of vehicular and pedestrian traffic in public rights-of-way, off-street parking areas, internal drives, pedestrian paths, or sidewalks;
 3. No loading space that is adjacent to a Residential Zone shall be nearer than thirty feet (30') to the parcel line zoned residential unless it is contained within a completely enclosed building, or enclosed on all sides by a wall or solid, opaque fence not less than six feet (6') high; and
 4. The vehicular path and turning radii to the loading area must be shown on the site plan to verify truck maneuverability for the largest truck intended to serve the use.
- C. Specifications. Loading/unloading spaces shall be at least twelve feet (12') wide, thirty feet (30') long, and have fourteen feet (14') of vertical clearance. Each additional required loading space shall be at least ten feet (10') in width, forty-five feet (45') in length, and have fourteen feet (14') of clearance.
- D. Required Number of Loading Spaces. The minimum number of loading spaces required is shown in Table 19.48.090.

Table 19.48.090: Loading Space Requirements.

Use Type	Units	Required Loading Spaces
Non-Residential (square feet of gross floor area)	Up to 10,000 sq.ft.	NA
	10,001 – 20,000 sq.ft.	1
	20,001-75,000 sq.ft.	2
	75,001-100,000 sq.ft.	3
	100,001+ sq.ft.	5

19.48.110 – Parking Lighting and Screening Standards.

- A. Screening. The sides and rear of any off-street parking area for more than five (5) vehicles which adjoins or faces an institutional or residential use shall be effectively screened by a masonry wall or solid visual barrier fence unless otherwise provided for more specifically by the requirements of the

zoning district in which such parking area is located. Such wall or fence shall be not less than six feet (6') in height and shall be maintained in good condition and free from advertisement.

B. Lighting. Lighting shall comply with all provisions listed in 19.54.

19.48.120 – Mobility and Pedestrian Circulation.

A. The following mobility and circulation standards apply in all parking areas or portions thereof.

1. Street, Sidewalk, and Pedestrian Path Continuation.
 - a. Streets, internal circulation drives, and parking aisles shall be arranged to provide for the alignment and continuation of existing or proposed streets and drives into adjacent lots, developed or undeveloped.
 - b. Internal vehicular circulation areas shall be designed to allow for cross access to adjacent lots with residential, nonresidential or mixed-uses.
 - c. A stub for future cross access shall be provided from the vehicular use area to all adjacent lots. Where cross access is deemed impractical by the Planning Commission, Director, or Designee during Site Plan Review on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross access may be waived provided that appropriate bicycle and pedestrian connections are made between adjacent developments or uses.
 - d. A cross-access easement shall be recorded with the Salt Lake County Recorder prior to the issuance of a Building Certificate of Occupancy for the development.
2. Pedestrian Access Required. Pedestrian access shall be required for all sites to improve the health, safety and welfare of the public by providing clear pedestrian pathways at perimeter and internal site locations to reduce pedestrian and vehicular conflicts, improve accessibility for persons with disabilities, and establish a multi-modal environment that is supportive of walking, biking and transit use. All attached single-family and multiple family residential, non-residential and mixed-use developments shall comply with the following requirements.
 - a. Continuous internal pedestrian walkways shall be provided to connect off-street surface parking areas with the primary entrances of main buildings.
 - b. At least one (1) pedestrian walkway with a minimum width of five feet (5') shall be provided from the internal pedestrian walkway network to any public sidewalk system, pedestrian path, or trail. In the case of corner lots, connections shall be made to the sidewalks, pedestrian paths, or trails of both streets.
 - c. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt.
3. Walkways in Parking Lots. All-weather surfaced walkways shall be provided for access to adjacent parks, shopping areas, transit stops, anticipated walkways and institutions. Walkways shall either be dedicated sidewalks raised above the surface of the parking lot, or, if at the same level as the parking lot, clearly marked with striping and tactile alerts, and may use alternative materials, such as pavers.
 - a. Each surface parking area that has fifty (50) or more parking spaces or has any parking spaces more than three hundred fifty feet (350') from the front entrance of the primary building as measured along walkways shown on the site plan, shall have at least one (1) pedestrian

walkway or sidewalk allowing pedestrians to pass from the row of parking furthest from the primary building façade to the primary building entrance.

- b. The required walkway must be at least five feet (5') wide, shall not be within a driving aisle, and, where possible, shall be within a landscaped island running perpendicular to the primary building façade. If parking spaces are adjacent to a sidewalk, the sidewalk must be at least seven feet (7') wide to allow for vehicular overhang.
- 4. **Trail Connections.** Where trails exist or are planned within three hundred and fifty feet (350') of a primary building entrance, paths or sidewalks shall connect building entries to the trail system.

19.48.130 – Maintenance of Off-Street and Bicycle Parking.

- A. Maintenance. All parking areas, including bicycle parking, shall be maintained free of dust, trash, weeds and debris. Surfacing, curbing, lighting fixtures, signs, and related appurtenances shall be maintained in a smooth, well-graded condition, and in good repair and safe condition at all times.
 - 1. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.
 - 2. All off-street parking, stacking and loading areas required by this Chapter shall be maintained free of accumulated snow or standing water that prevents full use and occupancy of the areas, except for temporary periods of heavy rainfall or snowfall, not to exceed five (5) days.

19.48.140 – Supplementary Parking and Mobility Standards.

- A. The following supplementary parking and mobility standards apply.
 - 1. **Provisional Parking.** Provisional parking in excess of the maximum parking spaces allowed in Table 19.48.150 may be permitted if the following conditions are met.
 - a. Provisional parking spaces shall be shown on the site plan as complying with the parking stall size requirements of this Chapter as well as the maneuverability and aisle requirements of Municipal Code.
 - b. After one year's time from the issuance of the land use permit, a property owner may request a review of the provisional parking. Upon a finding by the Planning Commission (for a conditional use) or the Director or Designee (for a permitted use) that the additional parking is needed, approval shall be granted for the provisional parking to be paved and made permanent.
 - c. The Planning Commission may set conditions of approval as part of any conditional use permit that utilizes provisional parking to provide for monitoring and future review of the parking plan.
 - 2. **Valet Parking.** Off-site parking may be permitted to meet the requirements of this Chapter if a Valet Parking program is established.
 - a. A valet parking plan shall identify the following.
 - (1) The location of parking spaces, pick-up areas, drop-off areas, and egress/ingress;
 - (2) The involvement of personnel; and
 - (3) General operating procedures.
 - b. At least ten percent (10%) of the required parking spaces shall be reserved as on-site, self-parking spaces and shall be indicated as such on the valet parking plan.
 - 3. **Transit Access and Amenities.**

- a. Transit Stops. Where public transit service is available or planned, convenient access to transit stops shall be provided by means of public or private sidewalks or walkways. Any provided seating shall not obstruct a public sidewalk or pedestrian path.
- b. Where transit shelters are provided, they shall be placed in highly visible and well lighted locations for purposes of safety, subject to review by the Utah Transit Authority.

19.48.150 - Parking Requirements Table.

The amount of required off-street parking spaces for individual uses shall be determined in accordance with Table 19.48.150: Off-Street Parking Requirements.

Table 19.48.150: Off-Street Parking Requirements

Use	Minimum Required Spaces	Maximum Required Spaces	Additional Requirements
Single Family	2 spaces per dwelling unit	NA - but no more than 50% of yard space may be paved.	Spaces may be arranged one behind another
Accessory Dwelling Unit	1 space per accessory dwelling unit	2 spaces per accessory dwelling unit	Spaces may be arranged one behind another, but may not count toward the minimum parking requirements for a single-family home
Residential Facilities for Elderly Persons or Persons with a Disability	4 spaces	1 space per employee, plus 1 space per 2 residents	Parking spaces may be arranged one behind another
Child Care, Licensed Family or Residential	1 space per 8 clients, plus 1 per employee	5 spaces per 1,000 sq.ft. of building space	
Retail Shops or Galleries where Primary Product is Produced On-Site	1 space per 500 sq.ft. of gross floor area used for the display of goods or services, plus 1 space per employee on the highest employment shift	1 space per 250 sq.ft. of gross floor area used for the display of goods or services, plus 1 space per employee on the highest employment shift	
Swap Meets and Flea Markets	NA - but all parked vehicles must be accommodated on-site, off-street		

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Bars, Breweries, Distilleries, and Restaurants	1 space per 4 persons based on max occupancy	1 space per 2.5 persons based on max occupancy	
Hotel	1 space per sleeping unit, plus parking for any accessory uses	1.5 spaces per guest room or unit	
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	.25 spaces per seat; or 1 space per 300 sq.ft. of floor area if no seating is present	1 space per 3 seats; or 1 space per 200 sq.ft. of floor area if no seating is present	
Park and Ride	NA	120 spaces	
Public Park	2 spaces per 1,000 sq.ft. of courts, ball fields, or pools	3 spaces per 1,000 sq.ft. of courts, ball fields, or pools	
Other Public or Institutional Use	As determined by Director or Designee		
Commercial Recreation, Recreation Facility	2.5 spaces per 1000 sq.ft. of floor area	4 spaces per 1,000 sq.ft. of floor area	
Reception Hall, Reception Center, Theater, Concert Hall	1 space per 4 people at max occupancy	1 space per 2.5 people at max occupancy	
Campground	1 space per campsite	2 spaces per campsite	Spaces may be arranged one behind another
Outdoor Recreation, Large Scale	As determined by Director or Designee		
Ski Resort	Parking and Stacking Spaces as determined by Director or Designee		

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19.52.010 – Purpose of Provisions.

- A. This Chapter is provided to achieve the purposes of the General Plan and all other Town of Brighton Land Use Ordinances, and to achieve the following additional purposes:
 1. To provide for the identification of businesses, sites and buildings;
 2. To provide a convenient method of public communication without unnecessary clutter;
 3. To eliminate signs and displays that create potential hazards to motorists, pedestrians, or property;
 4. To avoid confusion of allowed signs with required traffic signs and other regulatory and public safety signs;

5. To minimize any adverse effects of signs and associated lighting on adjacent properties;
6. To ensure compliance with constitutional protected First Amendment Rights.

19.52.020 – Sign Plan Required.

- A. Application Requirements. When a land use application on a parcel of ground is submitted to Planning and Development Services, the application shall be accompanied by a complete comprehensive sign plan that includes the following:
 1. Name of organization and location;
 2. Contact person;
 3. Address and phone number for contact person;
 4. Description of the activities occurring on the site where the sign will be installed;
 5. Description of any existing signage that will remain on the site;
 6. Identification of the type of sign/signs to be erected by the applicant;
 7. Site plan depicting the locations of proposed signage and existing remaining signage;
 8. Scale drawings of the proposed signage; and
 9. A written description explaining the drawing of the proposed signage, including a detailed description of materials, colors, and letter height, type and style.
- B. Process. The sign plan shall be reviewed by the land use authority under the same process, permitted or conditional, as the land use application.
 1. The Director or Designee is the land use authority for all permitted uses, including sign plans associated with a permitted use.
 2. The Planning Commission is the land use authority for all conditional uses, including sign plans associated with a conditional use.
- C. Applicants seeking to add a new sign on a property or enlarge or alter an existing sign are not required to submit a new sign plan, but are required to obtain a sign and building permit as described in Section 19.52.030.

19.52.030 – Sign and Building Permit Required.

- A. No new or existing sign may be erected, enlarged, re-located, or structurally altered without first obtaining a sign permit, and for any permanent sign, a building permit.
 1. Changes to Sign Face or Copy. Unless an enlargement, relocation, or structural alteration is involved, a permit is not required for a change to sign face or copy.
 2. Requirements for Non-Permanent Signs. A sign permit is required for limited duration signs but is not required for temporary or portable signs.
 3. Nonetheless, temporary and portable signs shall include a signature in indelible ink on the lower right-hand corner, stating:
 - a. Contact information for the sign's owner; and
 - b. The date the temporary sign was erected.
- B. A nonconforming sign may not be reconstructed, raised, moved, placed, altered, extended, or enlarged unless the sign is changed so as to conform to all provisions of this Title.
 1. Alterations do not include changing the text or copy of electronic message centers, off-premises advertising signs, theater signs, outdoor bulletins, or other similar signs which are designed to accommodate changeable copy.

2. Exception for LED Retrofits. Nonconforming signs that update fluorescent lighting to LED lighting may do so without coming into compliance with other provisions of this Chapter; however, a building permit is required for the retrofit.

19.52.040 – Enforcement.

- A. Any sign determined to be a hazard to the public health or safety, or determined to be a nuisance because of inadequate maintenance, dilapidation, or be a Land Use, Building Code, or other ordinance violation shall be remedied and corrected upon written notice by the Director or Designee.
 1. Any sign not remedied or corrected within the timeframe specified on the written notice by the Director or Designee shall be subject to removal by the Town of Brighton, or subject to other remedies available to the Town of Brighton under the law.
 - a. The Director or Designee may grant an extension to the specified timeline before removing the sign if good cause exists.
 - b. If a sign poses an immediate and significant hazard to public safety, the Director or Designee may authorize the immediate removal of such sign.
- B. The Town of Brighton may confiscate non-permanent signs installed in violation of this Chapter.
- C. Where other ordinances are in conflict with the provisions of this Chapter, the most restrictive ordinance shall apply.

19.52.050 – Exempt Signs.

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

- A. Official traffic signs.
- B. Government/regulatory signs.
- C. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside and are located greater than three feet (3') from the window.
- D. Holiday and seasonal decorations, provided that decorations are maintained in attractive condition, do not constitute a fire hazard and do not cause excessive light trespass. Holiday decorations may be erected no sooner than forty-five (45) days before the holiday and shall be removed no later than thirty (30) days after the date of the applicable holiday.
- E. Personal expression signs of any sign type, including flags, provided that they do not exceed six square feet (6 sq.ft.) in area per side and are not illuminated.
- F. Address signs. Up to two (2) signs stating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification.
 1. Residential Zones. Signs not to exceed three square feet (3 sq.ft.) in area.
 2. Non-residential Zones. Signs not to exceed five square feet (5 sq.ft.) in area.
- G. Public signs. Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
- H. Driveway Signs. One (1) sign per driveway entrance, not to exceed two (2) sq. ft. in area.
- I. Security and warning signs. These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.
 1. Residential Zones. Signs not to exceed two square feet (2 sq.ft.) in area.

2. Non-residential Zones. Maximum of one (1) large sign per property, not to exceed five square feet (5 sq. ft.) in area. All other posted security and warning signs may not exceed two square feet (2 sq. ft.) in area.
- J. Flags.
 1. Location. Flags and flagpoles shall not be located within any right-of-way.
 2. Height. Flags and flagpoles shall have a maximum height of thirty-five feet (35').
 3. Number. No more than four (4) flags per lot in residential zones, no more than six (6) flags per lot in all other zones.
 4. Size. Maximum flag size is thirty-five square feet (35 sq.ft.) in residential zones; there is no maximum size in non-residential zones.
 5. Flags up to six square feet (6 sq.ft.) in area are considered personal expression signs and are regulated in accordance with Subsection 19.52.050(E).
- K. Legal notices.
- L. Memorial signs or historical identification signs erected by the Town of Brighton or other State or Federal Agencies, including plaque signs up to three square feet (3 sq.ft.) in area.
- M. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this Ordinance.
- N. Incidental signs, including incidental window signs.
- O. Directional signs, provided the following standards are met:
 1. Area. No single directional sign shall exceed four square feet (4 sq. ft.) in area.
 2. Height. Directional signs shall have a maximum height of four feet (4').
 3. Illumination. Directional signs shall be non-illuminated.
- P. Artwork and Murals, provided that:
 1. The property owner receives written permission from the Council to install the mural or artwork;
 2. The installation contains no electrical or mechanical components or changing images;
 3. The installation does not cause damage to any building or site, especially any historically designated building or site;
 4. The primer and paint used if the mural or artwork is directly painted on a wall shall not be a vapor barrier; moisture shall be allowed to escape through the surface of the mural;
 5. No more than twenty-five percent (25%) of the artwork or mural may contain copy;
 6. The painted artwork or mural is maintained in good condition and repaired in the case of vandalism or accidental destruction; and
 7. The property owner submits an image of, description of, and the location of the finished mural to Planning and Development Services for inclusion in public maps advertising local artwork and points of interest.
- Q. Temporary Signs. Temporary signs do not require a permit, as described in Section 19.52.030. However, temporary signs shall follow all standards outlined in this Chapter, including those found in Table 19.52.070.

19.52.060 – Prohibited Signs.

Sign types not specifically allowed or exempt as set forth within this Chapter are prohibited. In addition, the following signs are explicitly prohibited in the Town of Brighton:

- A. All signs in violation of any provision of this Ordinance, including all signs erected, enlarged, or structurally altered without receiving the necessary approval(s).

- B. All signs in violation of any requirements or conditions of approval including all temporary signs established for longer than thirty (30) calendar days, or limited duration signs established for more than ninety (90) days.
 - 1. Established time periods for temporary and limited duration signs may be extended by the Director or Designee if the Director or Designee finds that a longer duration is needed in order to fulfill the purposes of the temporary or limited duration sign.
- C. Any new off-premise signs designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located, including all billboards.
 - 1. Subject to State Code, the Town of Brighton may only require termination of an existing billboard in the Town of Brighton and its associated rights through:
 - (1) Gift;
 - (2) Purchase;
 - (3) Agreement;
 - (4) Exchange; or
 - (5) Eminent Domain.
- D. Signs that are abandoned, dilapidated, or advertise businesses that no longer carry a business license or exist within the Town of Brighton (see Section 19.52.120).
- E. Signs located within a clear view area.
- F. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter. Signs attached to any fences, traffic control devices and signs, utility poles, trees, shrubs, or other natural objects are prohibited, unless specifically provided for by law including no trespassing and no hunting.
- G. Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
- H. Mechanical movement signs, including revolving signs.
- I. Pennant strings and streamers.
- J. Animated signs, flashing signs, or signs that scroll or flash text or graphics.
- K. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations.
- L. Any signs that imitate, resemble, interfere with, or obstruct official traffic or warning lights, signs, devices, or signals.
- M. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
- N. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- O. Reflective signs or signs containing mirrors.
- P. Signs incorporating beacon or festoon lighting.
- Q. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.
- R. Roof signs.
- S. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.
- T. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as defined in Utah State Code.

19.52.070 – Allowed Signs.

- A. The signs listed in Table 19.52.070 are allowed, subject to the specified standards. Additional standards may apply as indicated by superscript in the table, and as articulated following the Table.
- B. Signs that were legally established before the adoption date of this chapter may be alter rebuilt or moved to another location on the property subject to Subsection 19.06.060 (C).
- C. Figure 19.52.070 demonstrates types of signs allowed in Brighton and corresponds with the categories in Table 19.52.070B.

Figure 19.52.070: Allowed Sign Types.

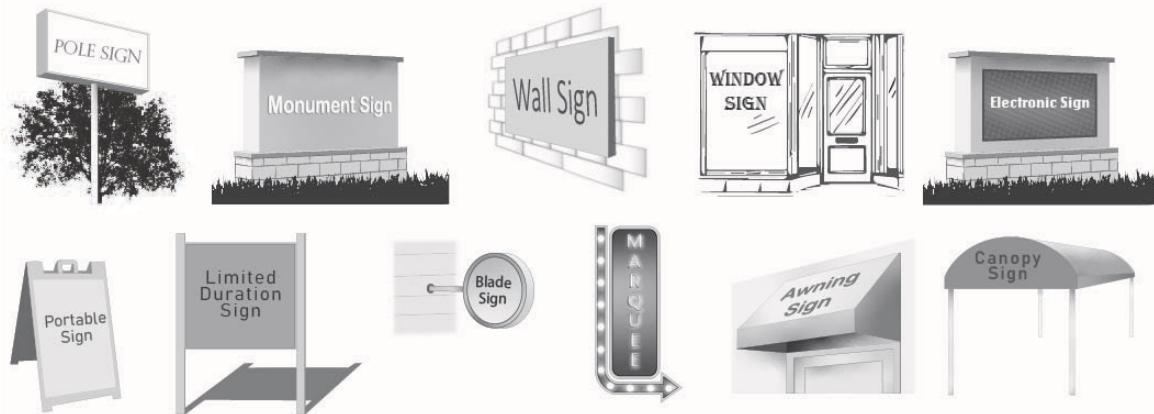


Table 19.52.070 B: Allowed Signs and Associated Standards.

Sign Type	Zones Permitted	Location Setback /	Dimensions	Number Permitted
Permanent				

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Monument ^{ABE}	All Zones	<p>In single-family residential zones:</p> <p>Monument signs may not be placed on a single family residential property, but may be used in common areas to identify a master-planned community or direct traffic to development amenities.</p> <p>Shall be set back at least six feet (6') from property lines.</p> <p>In all other zones:</p> <p>Shall be set back at least two feet (2') from property lines.</p>	<p><i>In residential zones:</i></p> <p>Max Height: 6'.</p> <p>Max Area: 36 sq.ft.</p> <p><i>In all other zones:</i></p> <p>Max Height: 12'.</p> <p>Max Area: 100 sq.ft.</p>	<p>In FR zones:</p> <p>One sign per street frontage.</p> <p>In all other zones:</p> <p>One sign per three-hundred feet (300') of street frontage.</p>
Wall or Flat	All Zones	<p>Wall or flat signs shall only be permitted in association with a licensed business conducted on the premises and may not be used to identify home occupations.</p>	<p>In commercial zones:</p> <p>In total, wall signs may not exceed fifteen percent (15%) of the wall area.</p> <p>In all other zones:</p> <p>In total, wall signs may not exceed five percent (5%) of the wall area.</p> <p>No portion of a wall sign shall be mounted or painted on less than eight feet (8') above the finished grade or extend out more than twelve inches (12") from the building wall on which it is affixed.</p>	NA

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Projecting / Blade	C-V, FM	<p>Shall be located on the façade, at least two feet (2'). away from a shared wall with an adjoining use or building.</p>	<p>No portion of a projecting sign shall project more than four feet (4'). from the face of the building; and</p> <p>The outermost portion of the projecting sign shall project no closer than five feet (5'). from a curbline of a public street.</p> <p>The lowest edge of a projecting sign shall be at least 8'. above the finished grade.</p>	Maximum of three (3) projecting / blade signs per use, with no more than one (1) sign per building face.
Awning ^c	All Zones	<p>Shall be centered within or over architectural elements such as windows or doors.</p> <p>Awning signs shall only be permitted in association with a licensed business conducted on the premises and may not be used to identify home occupations.</p>	<p>The lowest edge of the canopy or awning shall be at least eight feet (8') above the finished grade;</p> <p>The awning or canopy may not project more than six feet (6') from the building;</p> <p>A maximum of twenty-five percent (25%) of the wall area may be covered with an awning; and</p> <p>A maximum of fifty percent (50%) of the awning may be covered with graphics.</p>	Maximum of three (3) awning signs per use, with no more than one (1) awning sign per building face.
Window ^e	All Zones	NA	<p><i>In residential zones:</i></p> <p>The maximum sign area per use is eight square feet (8 sq.ft.)</p> <p><i>In all other zones:</i></p> <p>The maximum sign area per use is sixteen square feet (16 sq.ft.)</p>	Maximum of three (3) window signs per use, with no more than one (1) window sign per building face.

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Marquee	All non-Residential Zones	May be located only above the principle public entrance of a building facing a public street or parking lot.	The lowest edge of the marquee sign shall be at least ten feet (10'). above the finished grade; The sign may not exceed the width of the entrance it serves, plus two feet (2') on each side thereof; and No marquee shall extend closer to the curb than three feet (3').	One (1) per public entrance
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Temporary Non-Permanent				
Limited Duration		If two (2) limited duration signs are allowed, the signs shall have a minimum of two hundred (200') spacing between them.	<p><i>In non-residential zones:</i></p> <p>Max Area: 32 sq.ft.</p> <p>Max Height: 8'.</p> <p><i>In residential zones:</i></p> <p>Max Area: 16 sq.ft.</p> <p>Max Height: 6'.</p>	One (1) per parcel of ground, plus one (1) additional sign if the parcel exceeds five (5) acres or has at least four hundred feet (400') of street frontage.
Portable	All Zones	May not be placed in any manner that blocks the flow of pedestrian traffic or otherwise threatens the public health, safety, or welfare.	<p>Max Area: 9 sq.ft.</p> <p>Max Height: 3'.</p>	One (1) per business
Temporary			<p><i>In non-residential zones:</i></p> <p>Max Area: 32 sq.ft. for banners, 16 sq.ft. for all other temporary signs</p> <p>Max Height: 24' for hanging banner, 6' for freestanding banner, 8' for all other types</p> <p><i>In residential zones:</i></p> <p>Max Area: 32 sq.ft. for banners, 16 sq.ft. for all other temporary signs</p> <p>Max Height: 24' for hanging banner, 6' for freestanding banner, 6' for all other types</p>	Only one (1) banner is allowed per property. For other temporary sign types, two (2) signs are allowed per property.

- A. If a pole sign is used, a monument sign may not be used.
- B. Any ground-floor awning projecting into the right-of-way must be retractable.
- C. Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.
- D. Monument signs are prohibited on single-family properties but may be used in common areas to direct entry to a subdivision or identify a clubhouse or other amenity.

19.52.080 – Standards of General Applicability.

All signs, including those exempt from permitting processes, shall also comply with the following standards:

- A. Size Computation. When more than one use occupies a lot, the frontage may be used to calculate the sign size for one total pole or projecting sign, not for each use. The total may then be divided between the uses.
- B. Height of Pole Signs. The height of pole signs, except as otherwise specified in this Chapter, shall be measured from the grade at the property line of the yard in which the sign is located to the top of the sign.
- C. Imprint of Ownership Required. The imprint of the sign owner and sign erector of all signs shall be in plain and public view.
- D. Change of Copy. Sign text, statement, symbol, picture, graphics, and message may be changed and modified by the owner and do not constitute a structural sign alteration provided such changes do not constitute a public hazard or nuisance and are not of an obscene nature.
- E. Right-of-Way Clearance. No sign or portion thereof may be permitted within three feet (3') of any road or street right-of-way or utility easement and all signs must maintain necessary clearances from underground or overhead power transmission lines, as required by the electrical power provider.
- F. Fire Protection Clearance. No sign or portion thereof may interfere with the use of fire protection appliances, including hydrants, standpipes, automatic fire sprinkler connections, and similar fire protection and suppression equipment. No sign or sign structure shall obstruct any fire lane.
- G. Signs Prohibited from Resembling Public Safety Devices. No sign or portion thereof may imitate or resemble a public safety sign or device including any lights, emblems, or text that resembles public warning or public safety lights or signs.
- H. Clear View and Traffic Flow Provisions. No sign or portion thereof may occupy any clear view area, and no sign may create any traffic or pedestrian flow hazard.
- I. Signs on Public Property. No sign may be located on publicly owned land or inside street rights-of-way except signs erected by permission of an authorized public agency.

19.52.090 – Design Standards Specific to Zones or Historic Districts.

Additional signage design guidelines may exist for mixed-use zones, historic districts, and special land use centers. The applicant shall refer to and comply with the Town of Brighton's other applicable adopted plans and ordinances.

19.52.100 – Sign Lighting Requirements.

The following sign lighting requirements are provided to achieve the purposes of this Chapter and Ordinance:

- A. Externally illuminated signs are permitted as follows:
 1. All externally lit signs shall be illuminated with steady, fully shielded light sources aimed directly onto the sign. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from any location.
- B. The following internally illuminated signs are permitted:
 1. Individual back-lit letters that are silhouetted against an illuminated wall, or halo-illuminated.
 2. Individual letters with translucent faces, containing soft lighting elements inside each letter.

3. Metal-faced box signs with cutout letters and soft-lighting fluorescent tubes.
- C. Lighting.
 1. No lighting or illumination associated with any sign shall constitute a safety hazard or create a nuisance to surrounding properties.
 2. The intensity of lighting shall not exceed that necessary to illuminate a sign from the closest adjacent public right-of-way. The nighttime illuminance of a sign may not increase ambient lighting conditions by more than three-tenths (0.3) foot candles when measured perpendicular to the sign face at a distance determined by the following formula:
 - a. Measurement Distance (in feet) = the square root of [Area of electronic message center face in square feet x 100]
 - b. An ambient light measurement shall be taken using a foot candle meter at the required distance with the sign lighting turned off. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken with the sign lights fully turned on.
 3. No light source shall be directed toward any adjacent property.
 4. All light sources shall be fully shielded or hooded.
- D. If the Director or Designee or adjacent property owners allege that an illuminated sign violates any portion of this Section, the complainant may request a photometric assessment to measure the amount of light and ascertain the validity of the alleged violation. If photometric measuring devices are available through the Town of Brighton, the Town of Brighton shall perform the assessment. If the Town of Brighton has no measuring devices, the complainant may provide an independent assessment through a qualified professional to the Director or Designee. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.

19.52.120 – Unused and Abandoned Signs.

- A. Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within thirty (30) days of such unavailability. Empty signs frames shall either be replaced with new signs for an active business or removed within six (6) months from the time the sign area becomes vacant.
- B. Vacant portions of signs where panels remain empty for over six (6) months shall be removed or brought into compliance by the property owner. If removal does not occur voluntarily, after appropriate notice is given, the entire sign and support structure shall be taken down by the owner or may be removed by the Town of Brighton and all costs incurred shall be the responsibility of the property owner.

Chapter 19.56 Floodplain Hazard Regulations

19.56.010 – Authorization and Findings

A. Statutory Authorization.

1. The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Municipal Council of the Town of Brighton does ordain as follows:
2. The Town of Brighton elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and the Town of Brighton's community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of the Town of Brighton having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, the Town of Brighton may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

B. Findings of Fact.

1. The flood hazard areas of the Town of Brighton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
3. These potential flood losses are caused by:
 - a. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
 - b. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
 - c. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

19.56.020 – Purpose of Provisions

- A. It is the purpose of this Chapter to promote the public health, safety and general welfare of the community and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;
 5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 7. Ensure that potential buyers are notified that property is in a flood area and can make their decisions based on full information.
 8. Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

19.56.030 - Methods of Reducing Flood Losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
- B. Requiring that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Controlling filling, grading, dredging and other developments that may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

19.56.040 – General Provisions.

- A. Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Town of Brighton.
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Salt Lake County and Incorporated Communities," dated November 19, 2021, with accompanying flood insurance rate maps (FIRMs), and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this chapter.
- C. Establishment of Development Permit. A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Chapter.
- D. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.
- E. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- G. Warning and Disclaimer of Liability.
 - 1. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.
 - 2. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Brighton, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made thereunder.

19.56.050 – Administration.

- A. Floodplain Administrator Appointed. The Director of Planning and Development Services is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
 - 1. Review all applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 19.56.100 (F) are met,
 - 2. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.
 - 3. Obtain and record the actual elevation provided by the developer (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures except

those located in zone A where base flood elevation data was not available nor required by this chapter,

4. For all new or substantially improved floodproofed structures except those located in zone A where base flood elevation data was not available nor required by this chapter:
 - a. Verify and record the actual elevation provided by the developer (in relation to mean sea level), and
 - b. Maintain the floodproofing certifications required in Subsection (A)(6) of Section 19.56.080,
5. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
6. Review, approve or deny all applications for development permits required by adoption of this Chapter.
7. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
8. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
9. Verify that notification has been made to cities adjacent to the watercourse and to the State Division of Comprehensive Emergency Management, prior to any alteration or relocation of a watercourse, and evidence of such notification has been submitted to the Federal Emergency Management Agency.
10. Verify that maintenance is provided for within the altered or relocated portion of such watercourse so the flood-carrying capacity is not diminished,
11. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
12. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
13. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

19.56.060 - Relationship of floodplain hazard regulations to zones.

The floodplain hazard regulations of this chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the zone in which the land is located, and/or general provisions under Page 163 of 187 Brighton Draft Ordinance Title 19

Title 19 of this code, as amended. Property located within such areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. In cases of conflict between such zone classifications and the floodplain hazard regulations, the most restrictive provisions shall govern. Permitted and conditional uses permitted in the areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. All uses involving development, as defined in this chapter, shall further meet the supplemental conditions and standards set forth in this chapter.

19.56.070 - Conditional use permits required when.

A conditional use permit, if required by this title, shall be obtained prior to special flood hazard area approval under Section 19.74.080. Prior to issuance of a conditional use permit, the planning commission shall insure that requirements of this chapter are met.

19.56.080 – Permit Procedures.

- A. Application. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following submittals and information are required:
 1. Plans drawn to scale shoring the location, dimensions, and elevations of proposed landscape alterations.
 2. Plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
 3. Location of the foregoing in relation to SFHA's.
 4. Elevation, in relation to mean sea level, of the lowest floor (including basement and crawlspace) of all new and substantially improved structures.
 5. Elevation, in relation to mean sea level, to which any nonresidential structure (if applicable) shall be floodproofed.
 6. A certificate from a registered professional engineer that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this chapter and the NFIP Regulations.
 7. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 8. All other information that may reasonable be required by the Floodplain Administrator.
 9. Reasonable fees in accordance with the adopted fee schedule.
- B. Approval or Denial. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:
 1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the comprehensive plan for that area.

19.56.090 - Variances and Appeal Procedures.

- A. The Land Use Hearing Officer shall hear and decide all appeals and requests for variances from the requirements of this chapter, as provided in Chapter 19.20 of this Title, as amended. The following conditions shall apply, in addition to the provisions of Chapter 19.20:
 1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below one foot above the base level, providing the Land Use Hearing Officer has considered all technical evaluations, all relevant factors, and standards specified in other sections of this chapter, providing the following items have been considered:
 - a. The danger that materials may be swept onto other land to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
 2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. The Floodplain Administrator shall maintain in perpetuity a record of all variance actions, including justification for their issuance, and shall report variances to FEMA and the State Coordinating Agency upon issuing a variance.

B. Prerequisites for Granting a Variance.

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional and undue hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below one foot above the base flood elevation and that the cost of flood insurance will be commensurate with the increased flood risk resulting from the reduced lowest floor elevation.

C. The Land Use Hearing Officer shall maintain the record of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

19.56.100 – Provisions for Flood Hazard Reduction.

A. General Standards. In all areas of special flood hazards, the following standards are required for all new construction and substantial improvements:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Substantial Improvement and Substantial Damage Determination. For applications for building permits to improve buildings and structures within a special flood hazard area, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, shall:

1. Estimate the market value of the building or structure only (not of land) before the start of construction of the proposed work. If the applicant disagrees with the estimated market value, the applicant may obtain an appraisal of the market value prepared by a qualified independent appraiser. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs.
4. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage, compliance with the flood regulations of this chapter is required.

C. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in this chapter, the following standards are required:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to 1 foot or more above the base flood elevation. A registered professional engineer, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this chapter are satisfied.
2. Nonresidential Construction. New construction and substantial improvement of any commercial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to 1 foot or more above the base flood elevation or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot (1') above grade.

- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 4. Enclosures below the BFE. Enclosures below the BFE may only be used for building access, vehicle parking, and storage. Certification and documentation from a professional, licensed engineer is required if the structure's lowest floor is built below the BFE. Applicant shall enter into a maintenance and nonconversion agreement with the Town of Brighton that it will maintain the improvements outlined in this paragraph and not modify or convert them to uses other than approved uses.
- 5. Crawlspaces. New construction and substantial improvements built on an at grade crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:
 - a. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet (5') per second unless the design is reviewed by a qualified design professional, such as a registered professional engineer.
 - b. The crawlspace is an enclosed area below the BFE and, as such, must have flood openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot (1') above the LAG.
 - c. The crawlspace enclosure must have proper flood openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of one square inch of flood opening is required per one square foot of the enclosed area subject to flooding.
 - d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork must either be placed above the BFE or sealed from floodwaters.
 - e. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
 - f. The interior grade of a crawlspace below the BFE must not be more than two feet (2') below the LAG.
 - g. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed four feet (4') at any point.
 - h. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
 - i. Note. Buildings with below grade crawlspaces will have higher flood insurance premiums than buildings that have preferred crawlspace construction, with interior elevation at or above the LAG.
- 6. Manufactured Homes.

- a. All manufactured homes to be placed within Zone A on a community's FHBMR or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot (1') or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. In the A1-30, AH, AO and AE Zones, manufactured homes placed or substantially improved in an existing manufactured home park shall be elevated so that the lowest floor is one foot (1') or more above the base flood elevation; or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

7. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
 - a. Be on the site for fewer than one-hundred and eighty (180) consecutive days and be fully licensed and ready for highway use;
 - b. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" in this section.

D. Standards for Subdivision Proposals.

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit and other requirements of this chapter.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development that is greater than fifty (50) lots or five (5) acres, including the placement of manufactured home parks and subdivisions.
4. All subdivision proposals, including the placement of manufactured home parks and subdivisions shall, have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

E. Standards for Areas of Shallow Flooding (AO/AH Zones). Located within the areas of special flood hazard established by this chapter, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does

not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated one foot (1') or more above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
2. All new construction and substantial improvements of non-residential structures:
 - a. Have the lowest floor (including basement) elevated one foot (1') or more above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet (2') if no depth number is specified), or;
 - b. Together with attendant utility and sanitary facilities be designed so that below one foot (1') above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer shall submit a certification to the Floodplain Administrator that the standards of this subsection are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

F. Floodways. Located within areas of special flood hazard established in Section 19.56.040 are areas designated as "floodways." Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Encroachments, including fill, new construction, substantial improvements, placement of manufactured homes, and other developments, are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If subsection A of this section is satisfied, all new construction and substantial improvements and placement of manufactured homes shall comply with all applicable flood-hazard reduction provisions of Sections 19.56.100 through 19.56.180.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

19.56.110 – Definitions.

- A. The following definitions shall apply to terms used in this Chapter only. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.
 1. "100-Year Flood" means a flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "100-hundred-year flood" and "1-percent-annual-chance flood" are synonymous. The term does not imply that the flood will necessarily happen once every 100 hundred years. Mandatory flood insurance requirements may apply.

2. "100-Year Floodplain" means the area of land susceptible to being inundated due to the occurrence of a 1-percent-annual-chance flood.
3. "500-Year Flood" means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years and mandatory flood insurance requirement generally does not apply.
4. "500-Year Floodplain" means the area of land susceptible to being inundated due to the occurrence of a 0.2-percent-annual-chance flood.
5. "Accessory Structure" means a structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure. The ownership of the accessory structure is the same owner as of the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.
6. "Addition" means any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.
7. "Alluvial Fan Flooding" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
8. "APEX" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
9. "Appurtenant Structure"—see Accessory Structure.
10. "Area of Future-Conditions Flood Hazard" means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.
11. "Area of Shallow Flooding" means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet (1'-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
12. "Area of Special Flood-Related Erosion Hazard" means the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHB). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.
13. "Area of Special Flood Hazard" means the lands in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHB). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V
14. "Base Flood" means the flood having a 1-percent chance of being equaled or exceeded in any given year.
15. "Base Flood Elevation (BFE)" means the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of

the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

- 16. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.
- 17. "Best Available Data" means existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community. {If Higher Standard Option elected refer to ARTICLE III, SECTION B.1 USE OF BEST AVAILABLE DATA}
- 18. "Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.
- 19. "Building" see Structure.
- 20. "Channelization" means the artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.
- 21. "Code of Federal Regulations (CFR)" means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.
- 22. "Conditional Letter of Map Revision (CLOMR)" means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.
- 23. "Conditional Letter of Map Revision Based on Fill (CLOMR-F)" means FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.
- 24. "Crawlspace" means an under-floor space that has its interior floor area (finished or not) no more than four feet (4') from the bottom floor joist to the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation.
- 25. "Critical Facility" means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living and similar facilities.
- 26. "Critical Feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
- 27. "Deed Restriction" means a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example,

they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

- 28. "Detached Garage" means a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.
- 29. "Development" means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or materials.
- 30. "Elevated Building" means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.
- 31. "Enclosure" means an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.
- 32. "Erosion" means the process of the gradual wearing away of land masses by wind, water, or other natural agents.
- 33. "Existing Construction" means structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as Existing Structures.
- 34. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.
- 35. "Existing Structures"—see Existing Construction.
- 36. "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- 37. "FEMA" means the Federal Emergency Management Agency.
- 38. "FHB" means Flood Hazard Boundary Map.
- 39. "Fill" means the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with

engineered material is not considered fill if the elevations are returned to the existing conditions.

Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

40. "Flood or Flooding" means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
- b. The overflow of inland or tidal waters.
- c. The unusual and rapid accumulation or runoff of surface waters from any source.
- d. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this Chapter and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- e. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this Chapter.

41. "Flood Insurance Manual" means the document FEMA produces twice a year and is used to write flood insurance policies underwritten by the NFIP. The document contains definitions, policy rates, coverage and limitations, application and insurance policy forms.

42. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

43. "Flood Insurance Study (FIS) or Flood elevation study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

44. "Floodplain Development Permit" means a community issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.

45. "Floodplain or Flood-Prone Area" means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of Flooding).

46. "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

47. "Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.

48. "Flood Opening" means an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

49. "Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are those constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).
50. "Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.
51. "Floodway"—see Regulatory Floodway.
52. "Floodway encroachment lines" mean the lines marking the limits of floodways on federal, state, and local flood plain maps.
53. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.
54. "Functionally Dependent Use" means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.
55. "Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone.
56. "Historic Structure" means any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- e. By an approved state program as determined by the Secretary of the Interior, or
- f. Directly by the Secretary of the Interior in states without approved programs.

57. "Letter of Map Amendment (LOMA)" means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property's location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when it is actually on natural high ground above the BFE.

58. "Letter of Map Revision (LOMR)" means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

59. "Letter of Map Revision Based on Fill (LOMR-F)" means FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

60. "Levee" means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

61. "Levee System" means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

62. "Lowest Adjacent Grade (LAG)" means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

63. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Title.

64. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

65. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

66. "Map" means the FHBM or the FIRM for a community issued by FEMA.

67. "Mean Sea Level" means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

68. "Mixed Use Structures" means structures with both a business and a residential component, but where the area used for business is less than 50 percent of the total floor area of the structure.

69. "New Construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
70. "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
71. "No-Rise Certifications" means formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.
72. "Physical Map Revision (PMR)" is FEMA's action whereby one or more map panels are physically revised and republished.
73. "Recreational Vehicle" means a vehicle which is:
 - a. Built on a single chassis;
 - b. four-hundred square feet (400 sq.ft) or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.
74. "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
75. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.
76. "Section 1316" means to the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.
77. "Special Flood Hazard Area"—see Area of Special Flood Hazard.
78. "Start of Construction" means substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one-hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the

construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

79. "Structure for Floodplain Management Purposes" means a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
80. "Structure for insurance purposes" means:
 - a. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site.
 - b. A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
 - c. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.
 - d. For insurance purposes, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.
81. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
82. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.
 - a. The term does not, however, include:
 - b. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
 - c. Any alteration of a "historic structure", if the alteration will not preclude the structure's continued designation as a "historic structure."
83. "Variance" means a grant of relief by a community from the terms of a flood plain management regulation.
84. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

85. "Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.
86. "Watercourse" means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

Chapter 19.58 Geological Hazards Ordinance

19.58.010 - Purpose of provisions.

The purpose of the geologic hazards ordinance is to promote the health, safety and general welfare of the citizens of the Town of Brighton, and minimize the potential adverse effects of geologic hazards to public health, safety and property by encouraging wise land use in geologically hazardous areas.

19.58.020 - Definitions.

- A. As used in this chapter, the following terms have the following meanings:
 1. "Active fault" means a fault displaying evidence of greater than four inches of displacement along one or more of its traces during Holocene time (about 10,000 years ago to the present).
 2. "Avalanche" means a large mass of snow, ice, and debris in swift motion down a slope; includes both wet and dry snow avalanches.
 3. "Buildable area" means that portion of a site where an approved engineering geology and/or geotechnical report, as required, has indicated is not impacted by geologic hazards, or concluded that the identified hazards can be mitigated to a level where risk to human life and property are reduced to an acceptable and reasonable level, and where structures may be safely sited. Buildable areas must be clearly marked on the site plan and/or final approved plat, as appropriate.
 4. "Critical facilities" means essential facilities, and lifelines such as major utility, transportation, and communication facilities and their connections to essential facilities.
 5. "Debris flow" means a slurry of rock, soil, organic material, and water transported in an extremely fast and destructive flow that flows down channels and onto and across alluvial fans; includes a continuum of sedimentation events and processes including debris, flows, debris floods, mudflows, clearwater floods, and alluvial fan flooding.
 6. "Development" includes all critical and essential facilities, subdivisions, single-family dwellings, commercial buildings, additions to existing buildings, and utility conveyances, and other land uses.
 7. "Engineering geologist" means a geologist who, through education, training and experience, is able to conduct field investigations and interpret geologic conditions to assure that geologic factors affecting engineered works are recognized, adequately interpreted, and presented for use in engineering practice and for the protection of the public.
 8. "Engineering geology" means the application of geological data, principles and interpretation so that geological factors affecting planning, design, construction, and maintenance of engineered works are properly recognized and adequately interpreted.
 9. "Essential facility" means buildings and other structures that are intended to remain operational in the event of extreme environmental loading from snow or earthquakes, including all Category II and III structures as classified in Table 1604.5 of the Building Code.

10. "Fault" means a fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other (see "Active fault").
11. "Fault setback" means an area on either side of a fault within which construction of structures for human occupancy or critical facilities is not permitted.
12. "Fault scarp" means a steep slope or cliff formed by movement along a fault.
13. "Fault trace" means the intersection of a fault plane with the ground surface, often present as a fault scarp, or detected as a lineament on aerial photographs.
14. "Fault zone" means a corridor of variable width along one or more fault traces, within which deformation has occurred.
15. "Geologic hazard" means a surface fault rupture, liquefaction, landslide, debris flow, rockfall, avalanche, and/or other geologic processes that may present a risk to life and property.
16. "Geologic hazard maps" refers to the following maps showing Geologic Hazards Special Study Areas in then unincorporated Salt Lake County:
17. "Surface Fault Rupture and Liquefaction Potential Special Study Areas" dated March 31, 1989 and revised March 1995;
18. "Avalanche Special Study Areas" dated March 31, 1989;
19. "Landslide, Debris Flow, and Rockfall Special Study Area Map" dated April 9, 2002.
20. "Geologic Hazard Special Study Area" means a potentially hazardous area as shown on the geological hazards maps, or in other areas defined under "Applicability" (Section 19.58.030), within which hazard investigations are generally required prior to development.
21. "Geotechnical Engineer" means a professional engineer licensed in the State of Utah whose education, training and experience, is in the field of geotechnical engineering.
22. "Geotechnical Engineering" means the investigation and engineering evaluation of earth materials including soil, rock and man-made materials and their interaction with earth retention systems, foundations, and other civil engineering works. The practice involves the fields of soil mechanics, rock mechanics, and earth sciences and requires knowledge of engineering laws, formulas, construction techniques, and performance evaluation of engineering.
23. "Governing body" means the Municipal Council.
24. "Landslide" means a general term for the downslope movement of a mass of soil, surficial deposits or bedrock, including a continuum of processes between landslides, earthflows, mudflows, debris flows and debris avalanches, and rockfall.
25. "Liquefaction" means a process by which certain water-saturated soils lose bearing strength because of earthquake-related ground shaking and subsequent increase of groundwater pore pressure.
26. "Non-Buildable Area" means that portion of a site which an engineering geology report has concluded may be impacted by geologic hazards that cannot be feasibly mitigated to a safe level, and where siting of structures is not permitted.
27. "Rockfall" means a rock, or mass of rock, newly detached from a cliff or other steep slope which moves downslope by falling, rolling, toppling, or bouncing; includes rockslides, rockfall avalanches, and talus.
28. "Setback" means an area within which construction of habitable structures or critical facilities is not permitted.

29. "Slope Stability" means the resistance of a natural or artificial slope or other inclined surface to failure by landsliding; usually assessed under both static and dynamic (earthquake induced) conditions.
30. "Structure designed for human occupancy" means any residential dwelling or other structure used or intended for supporting or sheltering any human occupancy.

19.58.030 - Applicability.

These regulations are applicable to:

- A. All lands within Geological Hazard Special Study Areas in the Town of Brighton, as shown on the following geologic hazards maps on file with Planning and Development Services:
 1. "Surface Fault Rupture and Liquefaction Potential Special Study Areas" dated March 31, 1989 and revised March 1995;
 2. "Avalanche Special Study Areas" dated March 31, 1989; and
 3. "Landslide, Debris Flow, and Rockfall Special Study Areas" dated April 9, 2002.
- B. Areas where slopes are in excess of thirty percent (30%); and
- C. Areas where topography, geology, soil conditions, slope instability, slope angle or aspect, whether on-site or off-site, indicate a potential for geologic hazards.
- D. Such maps and areas described above and all amendments thereto are made a part of this chapter as if fully described and detailed herein. Each change in the geologic hazards maps shall be subject to the amendment procedures set forth in Chapter 19.16.

19.58.040 - Disputes.

- A. Disputes may arise when:
 1. There is a conflict between the boundary lines illustrated on the map and actual field conditions,
 2. Detailed investigations show that mapped hazards are not present within a particular area, or
 3. Field conditions indicate that unmapped hazards may exist that require study.
- B. Disputes shall be settled as follows:
 1. The person disputing the special study area boundary or the presence of mapped or unmapped hazard(s) within a particular area shall submit technical and geologic evidence to support their claim to the Municipal Geologist in the form of a site-specific geologic hazards report (see Section 19.58.060).
 2. The Municipal Geologist may request the Utah Geological Survey, U.S. Forest Service, and/or other experts to review the evidence (third-party review) prior to making a decision concerning the dispute. The cost of the third-party review shall be paid by the person disputing the map.
 3. The Municipal Geologist may allow deviations from the mapped boundary line only if evidence is provided by the applicant that, to the satisfaction of the Municipal Geologist, clearly and conclusively establishes that the Geologic Hazard Special Study Area boundary location is incorrect, or that the mapped hazards are not present within a particular area.
 4. Any decision of the Municipal Geologist may be appealed to the Land Use Hearing Officer pursuant to the appeal procedures set forth in Chapter 19.20.

19.58.050 - Studies and reports required.

Any applicant requesting development on a parcel of land within a Geologic Hazard Special Study Area, as required under Chart 19.58.050, or in other applicable areas as defined in Section 19.58.030, shall submit

Chapter 19.58 Geological Hazards Ordinance

to the Planning and Development Services Division two copies of a site-specific geologic hazard study and report.

Chart 19.58.050: Special Study Area Report Requirements					
Based on Special Study Area Maps					
Is a Site-Specific Geological Hazards Report Required Prior to Approval?					
		Liquefaction Potential			
Land Use (Type of Facility)	Surface Fault Rupture	HIGH and MODERATE	LOW and VERY LOW	Landslide, Debris Flow & Rockfall	Avalanche
Critical and Essential Facilities as defined in Section 19.58.020	Yes	Yes	Yes	Yes	Yes
Industrial and Commercial Bldgs. (1 story and <5,000 sq. ft.)	Yes	No*	No	Yes	Yes
Industrial and Commercial Bldgs. (>5,000 sq. ft.)	Yes	Yes	No	Yes	Yes
Residential-Single Lots/Single Family Homes	Yes	No*	No	Yes	Yes
Residential Subdivisions (>9 Lots), and Residential Multi-Family Dwellings (4 or more units per acre)	Yes	Yes	No	Yes	Yes
Residential Subdivisions (<9 Lots), and Residential Multi-Family Dwellings (<4 units per acre)	Yes	No*	No	Yes	Yes

*Although a site-specific investigation is not required, the owner is required to file a disclosure notice prior to land use approval

19.58.060 - Geologic hazard and engineering geology reports.

This section describes requirements for site-specific geologic hazard studies and reports, where required according to Section 19.58.050, the Geologic Hazard maps and Chart 19.58.050:

- A. An engineering geology report that includes a geologic hazards investigation and assessment shall be prepared by a qualified engineering geologist, except as provided in Sections 19.58.060 (C) and (F), below. A "qualified engineering geologist" requires 1) an undergraduate or graduate degree in geology, engineering geology, or a related field with a strong emphasis in geologic coursework, from an accredited university; 2) at least three full years of experience in a responsible position in the field of engineering geology; and 3) per State law, after January 1, 2003, geologists practicing before the

public must be licensed in Utah. The report shall be site-specific and shall identify all known or suspected potential geologic hazards, originating on-site or off-site, whether previously mapped or unmapped, that may affect the particular property. All reports shall be signed and stamped by the preparer and include the qualifications of the preparer.

- B. Fault rupture hazard reports shall contain all requirements as described in the document "Minimum Standards for Surface Fault Rupture Studies" published by Salt Lake County, and incorporated by reference as Appendix A of this Ordinance. Fault study reports shall be prepared, signed, and stamped by a qualified engineering geologist as described in Appendix A.
- C. Liquefaction analyses shall contain all requirements as stated in the document "Liquefaction: A Guide to Land Use Planning" published by Salt Lake County and incorporated by reference as Appendix B to this Ordinance. Liquefaction analyses shall be prepared by a qualified professional geotechnical engineer licensed in the State of Utah, and shall include the professional engineer's original stamp and signature.
- D. Debris flow hazard studies and reports shall include test pits or trench logs (scaled one inch (1") to five feet (5')), include estimates of the number and frequency of past events and their thicknesses, volume and maximum clast sizes; and include estimates of the recurrence, depth, and impact forces anticipated in future events. While debris flow hazard analyses may require contributions from hydrologists and engineers, the debris flow report shall be under the control of, and prepared by, a qualified engineering geologist, and shall include the geologist's qualifications to perform the study (such as their experience in performing similar studies).
- E. Landslide reports shall be prepared in accordance with the Utah Geological Survey's "Guidelines for Evaluating Landslide Hazards in Utah" (Hylland, 1996). Landslide reports shall be prepared, signed, and stamped by a qualified engineering geologist, and include the qualifications of the preparer. Slope stability or other analyses included in these reports shall include both static and dynamic conditions, and shall be prepared by a qualified professional geotechnical engineer licensed in the State of Utah, and shall include the professional engineer's original stamp and signature.
- F. Snow avalanche hazard reports shall be prepared in accordance with the document "Snow-Avalanche Hazard Analysis for Land Use Planning and Engineering" (Colorado Geological Survey Bulletin 49) or other appropriate references. Avalanche hazard reports must be prepared by an experienced avalanche expert, and shall include the avalanche expert's qualifications to perform the study (such as their experience in performing similar studies).
- G. Other geologic hazard or engineering geology reports shall be prepared in accordance with Utah Geological Survey Miscellaneous Publication M, "Guidelines for Preparing Engineering Geologic Reports in Utah." All reports shall be signed by the preparer and include the qualifications of the preparer. Generally, these reports must be prepared, signed, and stamped by a qualified engineering geologist licensed in the State of Utah. However, reports co-prepared by a professional engineer must include the professional engineer's original stamp and signature.
- H. All reports shall include, at a minimum:
 1. A 1:24,000-scale geologic map (with reference) showing the surface geology, bedrock geology (where exposed), bedding attitudes, faults or other structural features, and the locations of any geologic hazards;
 2. A detailed site map of the subject area showing any site-specific mapping performed as part of the geologic investigation, and including boundaries and features related to any geologic hazards, topography, and drainage. The site map must show the location and boundaries of the hazard(s),

delineation of any recommended setback distances from hazard(s), and recommended location(s) for structures. Buildable and non-buildable areas shall be clearly identified. Scale shall be one inch (1") equals two hundred feet (200') or smaller.

3. Trench logs and test pit logs (scale: one inch equals five feet (1"=5'), or smaller), boring logs (scale: one inch equals feet (1"=5'), or smaller), aerial photographs, references with citations, and other supporting information, as applicable
4. Conclusions that summarize the characteristics of the geologic hazards, and that address the potential effects of the geologic conditions and geologic hazards on the proposed development and occupants thereof in terms of risk and potential damage.
5. Specific recommendations for additional or more detailed studies, as may be required to understand or quantify the hazard, evaluate whether mitigation measures are required, and evaluate mitigation options.
6. Specific recommendations for avoidance or mitigation of the effects of the hazard(s), consistent with the purposes set forth in Section 19.58.010. Design or performance criteria for engineered mitigation measures and all supporting calculations, analyses, modeling or other methods, and assumptions, shall be included in the report. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified professional geotechnical or structural engineer, as appropriate.
7. Evidence on which recommendations and conclusions are based shall be clearly stated in the report.
8. Additional or more detailed studies may be required, as recommended by the report or as determined by the Municipal Geologist, to understand or quantify the hazard, or to evaluate whether mitigation measures recommended in the report are adequate.

19.58.070 - Review of reports—Approval procedure.

- A. In order to fulfill the purposes of this chapter, the Planning and Development Services Division or the Planning Commission, as appropriate under the Town of Brighton's Development Standards, shall review any proposed land use which requires preparation of a geologic hazard report under this chapter to determine the possible risks to the safety of persons or property from geologic hazards.
- B. Prior to consideration of any such development by the Planning and Development Services Division and the Planning Commission, the geologic hazard report shall be submitted to the Municipal Geologist for review and recommendation. The Municipal Geologist may request the Utah Geological Survey, the U.S. Forest Service, and/or other experts to review the report (third-party review) and provide additional recommendations. Any cost the municipal must pay for such third-party reviews shall be paid by the applicant prior to Planning Commission or Planning and Development Services Division action. The Municipal Geologist shall file a copy of the geologic hazard report in the Municipal Geologist's Geologic Hazards Library, and another copy in the Planning and Development Services project file. A copy may also be forwarded to the Utah Geological Survey.
- C. The Municipal Geologist and other retained experts in their review of the report, and the Planning Commission or Planning and Development Services Director in their consideration of the development, shall determine whether the development complies with all of the following standards:
 1. A suitable geologic hazard report has been prepared by a qualified professional as defined in Section 19.58.060.

2. The proposed land use does not present an unreasonable risk to the safety of persons or property (including buildings, storm drains, public streets, utilities or critical facilities, whether off-site or on-site), or to the aesthetics and natural functions of the landscape (e.g. slopes, streams or other waterways, drainage, wildlife habitat, etc., whether off-site or on-site) because of the presence of geologic hazards or because of modifications to the site due to the proposed land use;
3. At the Planning Commission's discretion, with advice from the Municipal Geologist, the proposed land use may be approved if the applicant submits substantial evidence in the geologic hazard report that, using best available practices, the identified hazards can be mitigated to a level where the risk of human life and damage to property are reduced to an acceptable and reasonable level in a manner which has a minimum effect on the natural environment. Mitigation measures should consider, in their design, the intended aesthetic functions of other governing ordinances such as the Foothills and Canyons Overlay Zone (Ch. 19.72).

D. Any area determined to contain geologic hazards to life or property shall not be approved for development unless the applicant demonstrates that the identified hazards or limitations can be overcome in such a manner as to minimize hazard to life or property. The applicant must include, with the geologic hazards report, an acceptable mitigation plan that defines how the identified hazards or limitations will be overcome in such a manner as to minimize hazard to life or property, as described in Section 19.58.070C(1), above, and without impacting or affecting off-site areas.

E. The Municipal Geologist may set other requirements as are necessary to overcome any geologic hazards and to ensure that the purposes of this chapter are met. These requirements may include, but are not limited to:

1. Additional or more detailed studies to understand or quantify the hazard or determine whether mitigation measures recommended in the report are adequate;
2. Specific mitigation requirements; establishment of buildable and/or non-buildable areas; limitations on slope grading; and/or revegetation;
3. Installation of monitoring equipment and seasonal monitoring of surface and subsurface geologic conditions, including groundwater levels;
4. Other requirements such as time schedules for completion of the mitigation, phasing of development, etc.

F. The Planning Commission or Planning and Development Services Director may set requirements necessary to reduce the risks from geologic hazards as a condition to the approval of any development which requires a geologic hazards report.

19.58.080 - Requirements in geologic hazard areas.

A. Active fault considerations.

1. No critical facility (excluding transportation lines or utilities, which by their nature may cross active faults) or structures designed for human occupancy shall be built astride an active fault. A fault study must be prepared as defined in Sections 19.58.030 and 19.58.060, and Appendix A, prior to final approval of the land use or building permits. If a fault is discovered in the excavation for such a structure, whether located within a Special Study Area or not, a special study, as described in Section 19.58.060 must be performed to determine if the fault is active. If the fault is determined to be active, the procedures set forth in Section 19.58.070 shall be followed. The fault study report shall establish a fault setback on either side of the fault following the requirements in Appendix A, within which no critical facilities or structures for human occupancy shall be placed.

2. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements in Appendix A or the requirements of the Building Code, whichever is more stringent. The Planning and Development Services Director may increase footing setback requirements where information from a geotechnical report indicates slope conditions warrant a greater setback distance.

B. Liquefaction considerations.

1. Liquefaction analyses shall be performed for all critical facilities regardless of the mapped special study area designation for the site.
2. For all structures for which a liquefaction analysis indicates that ground settlement may be anticipated, the project structural engineer shall provide documentation to the Municipal Geologist that the building will be designed to accommodate the predicted ground settlements, in such a manner as to be protective of life safety during the design event.

C. Avalanche considerations.

1. Development of structures for human occupancy is not permitted within an avalanche special study area, or in other areas where avalanche hazards may exist, unless a detailed avalanche hazard analysis is performed, as described in Section 19.58.060, by a qualified avalanche expert.
2. If the avalanche analysis indicates that the site may be impacted by avalanches, the report shall delineate the following areas:
 - a. A "red zone" of high avalanche potential [return period of twenty-five years or less, and/or impact pressures over six hundred pounds per square foot (psf)] within which critical facilities or structures for human occupancy are not permitted;
 - b. A "blue zone" (return period between twenty-five and three hundred years, and impact pressures less than six hundred psf) within which critical facilities or structures for human occupancy shall only be permitted when at least one of the following requirements has been met:
 - (1) The structure is designed to incorporate direct protection measures that address the estimated impact forces (flowing snow/debris and powder blast loading). The estimated impact forces shall be calculated by the avalanche expert. The structure shall be designed by, and the plans stamped by, a qualified structural engineer licensed in the State of Utah; or
 - (2) Appropriate engineering controls (i.e. deflection structures, snow retention nets, dams, etc.) are designed and installed to mitigate the avalanche hazard. Design or performance criteria for engineered mitigation measures (including estimated impact forces, flow heights, location and dimensions of the mitigation structures) and all supporting modeling or other analyses, calculations, and assumptions, shall be calculated by the avalanche expert and included in the report. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified professional geotechnical or structural engineer, as appropriate, licensed in the State of Utah.

19.58.090 - Disclosure.

Disclosure when a geologic hazards report is required. Whenever a geologic hazards report is required under this chapter, the owner of the parcel shall record a restrictive covenant running with the land in a form satisfactory to the Town of Brighton prior to the approval of any development or subdivision of such

parcel. Disclosure will include signing a Disclosure and Acknowledgment Form provided by the Town of Brighton, which will include the following:

- A. Notice that the parcel is located within a Geologic Hazard Special Study Area as shown on the geologic hazard map or otherwise defined in Section 19.58.030;
- B. Notice that a geologic hazards report was prepared and is available for public inspection in the Municipal Geologist's Geologic Hazards Library;
- C. Where geologic hazards and related setbacks are delineated in subdivisions and PUDs, the owner shall also place additional notification on the plat stating the above information, prior to final approval of the plat.

19.58.100 - Disclosure when a geologic hazards report is not required.

Whenever a parcel to be developed is located within a Geologic Hazard Special Study Area but a geologic hazards report is not required under this chapter (such as but not limited to, a single-family home located in a moderate liquefaction potential area), notice that the parcel is located within such area(s) shall be recorded by the land owner by signing a Disclosure and Acknowledgment Form provided by the Town of Brighton, prior to the approval of any such development.

19.58.110 - Warning and disclaimer.

The geologic hazards ordinance codified in this chapter and geologic hazard maps represent only those hazardous areas known to the Town of Brighton and should not be construed to include all possible potential hazard areas. The geologic hazards ordinance and the geologic hazard maps may be amended as new information becomes available pursuant to procedures set forth in Chapter 19.16.080. The provisions of this chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of geologic hazards. This chapter shall not create liability on the part of the Town of Brighton, any officer or employee thereof for any damages from geologic hazards that result from reliance on this chapter, or any administrative requirement or decision lawfully made thereunder.

19.58.120 - Change of use.

No change in use which results in the conversion of a building or structure from one not used for human occupancy to one that is so used shall be permitted unless the building or structure complies with the provisions of this chapter.

19.58.130 - Conflicting regulations.

In cases of conflict between the provisions of existing zoning classifications, building code, subdivision ordinance, or any other ordinance of the Town of Brighton and the geologic hazards ordinance codified in this chapter, the most restrictive provision shall apply.

**REVISED AND RESTATED INTERLOCAL COOPERATION AGREEMENT
BETWEEN PUBLIC ENTITIES GOVERNING THE UNIFIED POLICE DEPARTMENT OF
GREATER SALT LAKE**

This Revised and Restated Interlocal Cooperation Agreement (the “2024 Agreement”) is made and entered into as of the 1st day of July, 2024, to be effective when all of the conditions identified in Section 16 of this Agreement have been satisfied, by and among the CITY OF HOLLADAY (“Holladay”), MIDVALE CITY (“Midvale”), MILLCREEK (“Millcreek”) and the TOWN OF BRIGHTON, all municipal corporations and political subdivisions of the State of Utah; and, COPPERTON METRO TOWNSHIP (“Copperton”), EMIGRATION CANYON METRO TOWNSHIP (“Emigration”), KEARNS METRO TOWNSHIP (“Kearns”), MAGNA METRO TOWNSHIP (“Magna”), and WHITE CITY METRO TOWNSHIP (“White City”), all incorporated metro townships and political subdivisions of the State of Utah. All of the above may be referred to individually as a “Member” and collectively as the “Members.” The interlocal entity originally created and revised and restated in this Agreement by the Members is referred to as the UNIFIED POLICE DEPARTMENT OF GREATER SALT LAKE (the “UPD”).

RECITALS

- A. Several of the Members as well as other entities no longer affiliated with the UPD, established the UPD via interlocal agreement effective January 1, 2010, which was also subsequently amended (“the Agreement”).
- B. The original membership of the UPD has changed over the course of its history. The cities of BLUFFDALE, HERRIMAN, RIVERTON and TAYLORSVILLE have exited UPD. MIDVALE, MILLCREEK, the Town of BRIGHTON, COPPERTON METRO TOWNSHIP, EMIGRATION CANYON, KEARNS METRO TOWNSHIP, MAGNA METRO TOWNSHIP, and WHITE CITY METRO TOWNSHIP joined the UPD.

C. Throughout these changes and since its creation in 2010, the UPD has been a provider of law enforcement and related services to its member municipalities and unincorporated Salt Lake County.

D. H.B. 35 *Metro Township Modifications* has passed in the 2024 Utah Legislative Session and is awaiting an anticipated signature by the Governor, which, if signed, will convert Copperton, Emigration Canyon, Kearns, Magna, and White City from metro townships into municipalities.

E. In July of 2024, Salt Lake County will exit membership of the UPD and UPD will no longer be rendering service to Salt Lake County.

F. The Members to this 2024 Agreement desire that UPD continue to provide law enforcement and related services to the Members. The Members recognize that the depth of service provided by the UPD ensures that their communities are receiving consistent and high-quality service.

G. Because of the significant changes in the membership of the UPD, the upcoming departure of Salt Lake County, the potential conversion of metro townships to municipalities, numerous amendments to the 2010 Interlocal, as well as lessons learned since its creation in 2010, the Members agree that a revised and restated interlocal agreement is the best means of setting forth the terms and conditions of the continued existence and governance of the UPD. This 2024 Agreement is therefore intended to revise and replace, in its entirety, the 2010 Agreement establishing the UPD, including any amendments thereto.

H. Pursuant to the Interlocal Cooperation Act, Utah Code Ann. § 11-13-101 *et seq.* (the “Interlocal Cooperation Act”), the Members, all of which are “public agencies” for the

purposes of the Interlocal Cooperation Act, are authorized to enter into this 2024 Agreement, to maintain an interlocal entity for the law enforcement and related services to the Members.

I. The Members desire to enter into this 2024 Agreement to affirm the continuation of the UPD, refine the description of its membership, and revise the governance of and terms and conditions of service by the UPD.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises of the Members and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Members agree as follows:

1. Interlocal Entity. Pursuant to the Interlocal Cooperation Act, the Members agree to the continued existence of the Unified Police Department of Greater Salt Lake as a separate political subdivision and body politic and corporate of the state of Utah, as established pursuant the 2010 Agreement, subject to the revised and restated terms and condition found in this 2024 Agreement.

2. Name. The legal entity will continue to be known as the Unified Police Department of Greater Salt Lake.

3. Summary of Scope of Services to be Provided by UPD. The scope and type of services provided to the Members by UPD will be determined through the regular adoption and maintenance of a strategic plan and UPD policies, adherence to standards of emergency response coverage, and the annual budget process as determined by the UPD's Board of Directors.

4. Service Delivery.

a. Generally. The UPD will deliver its services through precincts located in its Coverage Area and centralized shared services. The definitions of precinct and shared services

below are meant to be a general guideline subject to revisions by the UPD Board. Some services listed as precinct or shared services may be moved from one category to another as deemed appropriate by the UPD Board without the need to amend this Interlocal.

b. *Precinct/Basic Services:* Personnel, supplies, and equipment assigned to specific precincts or geographical areas as necessary to provide law enforcement services to the citizens within the Coverage Area as determined by the Board to include, but not limited to, patrol officers to respond to emergency and nonemergency calls for service, traffic enforcement, community-oriented policing officers, and property crime detectives.

c. *Shared Services:* Services provided by the UPD, either directly or by contract, and shared among the Members, subject to annual funding and Board approval, include but are not limited the following:

1) *Administrative Services.* Personnel, supplies, and equipment necessary to administratively support a law enforcement service agency and administer grants and monies as determined by the Board to include, but not limited to, command staff, human resources, financial services, legal services, insurance, outside counsel, expert services and consultant fees, risk management, media services, records management, production and GRAMA response.

2) *Crime Prevention Services.* Personnel, supplies, and equipment to support a crime prevention unit as determined by the Board to include, but not limited to, community-oriented policing support, assisting businesses within the Coverage Area with crime prevention strategies and techniques, coordinating neighborhood watch organizations, crime analysis, and public education through presentations to community organizations.

3) *Investigative Services and Multijurisdictional Task Forces.* Personnel, supplies, and equipment to support specialized investigative units as determined by the Board to include, but not limited to, Violent Crimes Unit (robbery, homicide, adult sex crimes), Special Victims Unit (domestic violence, juvenile sex crimes), and participation in multi-jurisdictional task forces such as the Metro Gang Unit, Metro Narcotics Unit, Mental Health Unit, CAR Team, Public Order Unit, forensics and crime lab services and other task forces.

4) *Training Services.* Personnel, supplies, and equipment to support a training unit as determined by the Board to include, but not limited to, range and weapon certification, annual certification training, recruit training, and supervisory training.

5) *Logistics Services.* Fees for dispatch, including VECC or any successor agency, personnel, supplies, and equipment to support a logistics unit as determined by the Board to include, but not limited to, property and evidence storage and security, communications, and fleet services.

6) *Special Operation Services.* Personnel, supplies, and equipment to support a special operations division as determined by the Board to include, but not limited to, special weapons and tactics team (S.W.A.T.), canine unit, and supervision of crossing guards.

5. *Member Fee.*

a. Fees and costs for services attributable to the Member Fee will be based upon the member's precinct services and its proportionate share of shared services, based upon a shared service formula adopted by the board. The member fee will also include any precinct specific

enhanced services. The budget will be transparently prepared and stated with reasonable specificity in each annual budget adopted by the UPD Board. The Board will adopt policies and/or resolutions that provide guidance for the development of the budget. Members will be provided with reasonable notice prior to any proposed change in the level of services or reallocation of UPD resources compared to the prior fiscal year. Each Member will be charged an individual Member Fee.

b. The Salt Lake Valley Law Enforcement Service Area (SLVLESA) and other special districts created hereafter to fund law enforcement services may pay the Member Fees for service area or district members. In the event that SLVLESA or any other special district does not pay for any portion of a Member Fee for one of its members, each Member is responsible for paying the balance of its Member Fee.

6. Fiscal Year and Budget Deadlines: The UPD shall operate on a fiscal year basis beginning July 1 and ending June 30 of the following year. The UPD administration will propose a preliminary budget increase maximum (PBIM) for the upcoming fiscal year and submit it to the UPD Board no later than the regularly scheduled March meeting. The PBIM shall be an aggregate of all UPD Shared Services budgetary expenditures, excluding any grant or other revenue-neutral, outside-funded expenditures. Expenditures that are unique to a precinct and funded only by one UPD Member may be excluded from the expenditures used to calculate the PBIM. All other budgetary deadlines will follow Utah law to approve a budget for the upcoming fiscal year.

7. Department and Member Fund Balances: Department Fund Balances are separate from Member Fund Balances and Department Fund Balances will be regulated by statute and UPD budget policies. The Unified Police Department of Greater Salt Lake recognizes the existing Member Fund Balances carried over from FY 2023-2024 for each Member Special Revenue Fund.

Member Fund Balance constitutes money budgeted, but not spent, in member funds during the previous fiscal year. Member Fund Balances can be carried over and used for UPD purposes by the Member or returned to the Member. The Member Fund Balance may be paid to a vested departing member in good standing after withdrawal. The Board shall have the authority to establish policies that recognize, define, limit, or eliminate these funds going forward but cannot eliminate the existing funds in the Member Precinct Funds.

8. PBIM Override. The PBIM shall be a budgetary guide for the development of the budget for the upcoming fiscal year. In the event the UPD Board considers the approval of the annual budget or a subsequent budget amendment that exceeds the PBIM for the fiscal year, the original budget or amendment shall only be approved upon a super majority 75% weighted vote. The weighted vote shall be calculated using the formula approved in Paragraphs 10(b)(2)-(5) to this 2024 Agreement.

9. Enhanced Services. A Member may individually propose an enhanced level of precinct specific service provided by the UPD. The Board of Directors must approve the enhancement, the cost, and start date of the new enhanced service. The additional fee for enhanced services will accrue as of the date such services begin and be due and payable as part of that Member's Member Fee as provided for in this 2024 Agreement or, in the case of a Member that is part of SLVLESA or other special district, a separate Enhanced Services Fee paid separately to UPD by the Member receiving such services.

10. Governance and Administration of UPD. The UPD will be governed by a Board of Directors comprised of representatives of the Members served by the UPD.

a. Board of Directors.

- 1) Each City, Town, and Metro Township to which the UPD provides services will receive a position on the Board of Directors (the “Board”).
- 2) Each Board Member must be an elected official of the Member, either a mayor or councilmember of the municipality’s governing body.
- 3) Board Members will serve indefinitely at the pleasure of the appointing entity. Any appointment or removal of a Board Member will be accompanied by a letter or resolution from the applicable Member notifying the UPD of such action.
- 4) Board meetings and all actions taken thereby will be in compliance with the Utah Open Meetings Act (Utah Code §52-4-101, et. seq.) or successor applicable open meetings law.
- 5) Matters related to the operation of the Board, such as meeting times, the conduct of meetings, chair and vice-chair appointments, and other rules of order and procedure will be established and adopted by the Board as policies and procedures.
- 6) Alternate Board Representative: Member may also designate in writing up to two alternate representatives, ranked in order, who also must be a mayor, city council member, chief executive officer, or senior level manager of the Member. The Member representative or alternate representative will attend, participate, and vote on matters coming before the Board of Trustees on behalf of the Member. Members may use an alternate no more than two times a fiscal year.

b. Voting.

- 1) For all matters related to the governance of the UPD, and once a quorum has been established, each Board Member will be entitled to one vote on the Board.

Matters, unless otherwise specifically stated herein, will be passed by a vote of a majority of the Board at a duly noticed meeting.

2) In regards to any proposed vote of the Board, to be taken pursuant to subsection (b)(l) above, to adopt a fiscal year's tentative or final budget, or to adopt any budget amendment, any two Board Members representing separate Members may call for a "weighted vote," at which time, after an opportunity for discussion and deliberation by the Board, a vote will be taken on such issue based upon a weighted voting system with the weight of each Board Member's vote being determined as follows:

3) A "Member Fee Percentage" will be calculated by computing the percentage each Member is paying for the UPD's services in comparison to the total of all Member Fees

4) A "Population Percentage" will be calculated by comparing a Member's population to the total population of the communities served by the UPD, using the most recently available census data, as updated by the Kem C. Gardner Policy Institute or other agency subsequently designated by the State of Utah for population estimates.

5) Each Member's Member Fee Percentage and its Population Percentage will then be averaged (i.e., 50 percent allocation by Member Fee Percentage and 50% by Population Percentage) to create the final "Weighted Voting Percentage" for that Member.

6) When weighted voting is requested under this Section, approval of the budget or budget amendment will pass with an affirmative vote that meets or exceeds sixty percent (60%) of the total weighted vote of all Board Members rather than a majority of all the Board Members.

c. Executive Staff:

1) The Board will directly supervise, appoint, and be responsible for removing, if necessary, the Chief of Police/CEO of the UPD. The Board will negotiate, approve, and execute a written employment agreement with the Chief of Police/CEO setting forth the terms and conditions of employment.

2) The Chief Legal Officer (CLO) of the UPD will be supervised by the Chief of Police. The Chief Legal Officer has an independent duty to report to the Board. The Board will approve the selection and compensation of the CLO. The Board may remove the CLO either upon or without a recommendation from the Chief of Police.

3) The Chief Financial Officer (CFO) of the UPD will be supervised by the Chief of Police. The CFO has an independent duty to report to the Board. The Board will approve the selection and compensation of the CFO. The Board may remove the CFO upon or without a recommendation from the Chief of Police.

4) The Chief of Human Resources may be the Merit System Coordinator, as described in Exhibit A to this 2024 Agreement, will operate pursuant to policies established by the Board and will report to the Board on matters related to the UPD's Merit System.

5) The appointment, transfer, and removal of Precinct and Division Chiefs will be governed by policies established by the Board.

6) All other employees will be supervised by the Chief of Police pursuant to policies adopted by the UPD.

d. Policies. The Board will adopt a set of Board Policies that will broadly govern and set the expectations for the operation of UPD. These Board Policies will inform and direct a set of operational policies created and adopted by the Chief of Police/CEO in consultation with the CLO and Command Staff.

e. Facilities. The UPD, under the direction of the Board, may construct, lease, or purchase any necessary space for the purposes of providing services under this Agreement. The UPD Board will equitably apportion the costs to the Members similar to the apportionment of the Member Fee. If the benefit of such facility specifically inures to one or more Members to the exclusion of others, the Board may apportion the cost of such facility to the benefiting Member or Members to be paid as an addition to the Member Fee.

f. Conversion of Metro Townships. The conversion of metro townships to municipalities will not change the relationship between the affected Members and UPD. Each affected Member will be bound by this Agreement after its conversion and will maintain its existing privileges and obligations as a Member. After its conversion, each affected Member will automatically be recognized by its official municipal name without any requirement to amend this Agreement.

11. 2010 Equipment. The 2010 Agreement or subsequent amendments provided that members may convey specific description of equipment conveyed to the UPD by the Members then forming the Department. The time elapsed since the 2010 Agreement or the 2012 Amendments, means that all or nearly all of the equipment conveyed has been cycled through, merged with other equipment, or used to the end of its useful life. The Members therefore agree to disclaim any rights to return of property found in the 2010 Agreement or 2012 Amendments and agree that disposition of any equipment to members upon dissolution or withdrawal will be accomplished according to the provisions of this 2024 Agreement.

12. Employees. The Members agree that no member will have any fiscal obligation or liability for the payment of salary, wages, benefits, or other compensation of employees beyond the assessment of the Member Fee.

13. **Merit System.** The Members agree that the UPD will operate with a Merit System for sworn law enforcement officer employees and any policies duly adopted to be consistent therewith and general merit principles. Civilian employees will also be part of a civil service system to be approved by the UPD Board. All existing rank and seniority shall be continued in the Merit System. The Merit System is established pursuant to Exhibit A.

14. **Reports, Audits, and Performance Measures.**

a. UPD will be subject to Utah Code § 11-13-501 et. seq., or its successor provision, for accounting, reporting, budgeting, and auditing requirements, as modified and enhanced as determined by the Board. The functions of budget officer, treasurer, or any other defined function with respect to UPD will be determined by policies and procedures adopted by the Board.

b. To ensure transparency, the UPD will prepare a financial report as part of the annual budgeting process and receive an annual audit report. Such reports will be both posted online and available upon request.

c. The UPD will also keep records and statistics related to the performance of its services and will, from time to time, prepare reports summarizing performance. The Board or any individual Member may make a request for the creation of such a report at any time and UPD will use its best efforts to prepare such a report in a timely manner.

15. **Indemnification.** The UPD and the Members are governmental entities under the "Utah Governmental Immunity Act" (UTAH CODE ANN. § 63G-7-101, *et seq.*) (the "**Immunity Act**"). Consistent with the terms of the Immunity Act, and as provided herein, it is mutually agreed that each are responsible and liable for its own wrongful or negligent acts which are committed by it or by its agents, officials, or employees. The UPD and the Members do not waive any procedural

or substantive defenses or benefits otherwise available under the Immunity Act nor does any Member or the UPD waive any limits of liability currently provided by the Immunity Act or comparable legislative enactment, including without limitation, the provisions of Section 63G-7-604, regarding limitation of judgments. Any indemnity and insurance obligations incurred by UPD or a Member under this agreement are expressly limited to the amounts identified in the Act. Subject to the foregoing, the UPD shall defend, indemnify, save and hold harmless the Members (including their respective elected and appointed officers and employees) from and against any and all demands, liabilities, claims, damages, actions and/or proceedings, in law or equity (including reasonable attorney's fees and costs of suit) relating to or arising from the law enforcement services provided, or to be provided, by the UPD hereunder, except where such demands, claims, actions or proceedings resulting from the negligence or misconduct of the Members, or their respective elected or appointed officers or employees. Each Member shall defend, indemnify, save and hold harmless the UPD or the Members (including its elected and appointed officers and employees) from and against demands, claims, actions and/or proceedings, in law or equity (including reasonable attorney's fees and costs of suit) relating to or arising from negligent actions or failure to act of that Member's elected and appointed officers or employees; the UPD's enforcement of any ordinances of that Member that is alleged to be unconstitutional; or improper disclosure by that Member of private, controlled, or protected information under the provisions of GRAMA. The UPD is considered a governmental entity for purposes of the Act, including the defense and indemnification of employees, volunteers, and Members of the Board.

16. Term. This 2024 Agreement will be effective as of the date listed at the beginning of this Agreement or when it is fully approved and executed by the Members, whichever is later. Unless terminated as provided for herein, it will be in effect for a term of fifty years.

17. Admission of New Members. The Members anticipate that during the term of this Agreement that additional governmental entities may wish to join the UPD and be bound to the terms and conditions of this Agreement. The process and requirements for becoming an additional Party to this Agreement and member of the UPD will apply equally to the addition of a new Member Entity to the UPD entity that approaches the UPD Board or a UPD Member about joining the UPD. Admission of an additional Member will be pursuant to the following process and conditions:

a. The UPD Chief will advise the Board Chair of any expressed interest in joining the UPD of which the UPD Chief becomes aware, and the Board Chair will advise the UPD Chief of any expressed interest in joining the UPD of which the Board Chair becomes aware. The UPD Chief and Board Chair will then authorize UPD representative to hold initial, non-public discussions with any municipality or other entity expressing interest in joining the UPD to gauge feasibility or level of interest in joining. However, neither the UPD Chief nor the Board Chair is authorized to discuss the potential of an entity joining the UPD in a public setting without prior notice to the Board. Furthermore, neither the UPD Chief nor the Board Chair may make any agreements with the potential new member concerning joining the UPD without complying with the requirements of this Paragraph 18.

b. Under the direction of the Board, UPD staff will conduct a feasibility study to evaluate the potential addition of the new member. In conducting the feasibility study under this section, the study should include the following (these guidelines are subject to revision by the Board in subsequent Board Policy without the need to amend this Agreement):

- 1) Population and population density within the proposed municipality;

- 2) Current and five-year projections of demographics and economic base in the proposed municipality, including household size and income, commercial and industrial development, and public facilities;
- 3) Projected growth in the proposed municipality during the next five years;
- 4) The present and five-year projections of the cost, including overhead, of providing the Baseline Services in the proposed municipality as is provided by the UPD in similar municipalities;
- 5) The number, classification, and cost of wages, salaries, and benefits of line and staff employees that the proposed municipality desires UPD to absorb as part of joining the UPD assuming that:
 1. The UPD will agree to accept all police personnel assigned to existing department;
 2. The UPD will have the option to consider employment of the Chief, Officers and other staff;
 3. Employees transferred to the UPD will transfer with:
 - a. Wages normalized to the UPD pay structure except that if an employee's existing wage is higher, the employee wage will be frozen until the wage is normalized with the UPD wage schedule;
 - b. Seniority equal to years of full-time career experience with the joining municipality on the last day of employment with the joining municipality;

c. Vacation and sick leave balances on the last day of employment with a calculation of the total liability being paid for by the joining municipality, consistent with UPD Policy;

6) The location, condition, and value of the physical assets necessary to provide services in the joining municipality that would be transferred to the UPD by the municipality including in the study the feasibility of:

1. The joining municipality retaining ownership of the precincts and being responsible for capital maintenance.
2. Transferring necessary assets, such as vehicles, equipment, PPE, precinct supplies, etc. to the UPD to provide the services to the joining municipality.

7) An assessment of the debts, liabilities, and obligations of the joining municipality that may be necessary for the UPD to acquire in order to provide the services to the joining municipality.

8) The fiscal impact that the joining municipality's addition has on other Members by the UPD, including any Member Fee changes that may become necessary to maintain existing levels of service for current Members.

9) Any other factor that UPD staff consider relevant to the question of admitting a new municipality to the UPD.

c. A joining municipality, depending upon the circumstances and the equities involved in it joining the UPD, may be subject to a separate agreement that may contain a minimum period of membership that will be negotiated based on the review of the

circumstances, including the assets and liabilities the municipality will be transferring to the UPD.

d. Approval of a new municipality as a new member of the UPD would require a two-thirds affirmative vote of the UPD's Board, the new member agreeing to have its legislative council approve and to sign as a Member to this 2024 Agreement, and the Members' respective legislative councils approving the amendment to this 2024 Agreement admitting the new member.

18. Withdrawal.

a. Cooperation. If a Member wishes to withdraw from the UPD and the terms and conditions of this 2024 Agreement, the Members agree to work cooperatively in such a manner as to minimize the harm to any Member and the public safety of the citizens of all Members. The UPD will respect the desire and decision of the withdrawing Member, and the withdrawing Member will respect the need for and allow the necessary planning to ensure a withdrawal will result in the minimum impact possible on the UPD and remaining Members.

b. Requirements.

1) Due to the complexities of the operation of the UPD and the significant impact a withdrawal may have on the other Members, a Member must provide twelve months' advance notice as to the date it wishes to withdraw from the UPD. The twelve months will run from the date the Chief of Police and CLO receive the notice from the withdrawing Member. The Members acknowledge that the annual Member Fees paid to the UPD do not constitute the establishment of a debt for any Member and will be paid as services are provided. Furthermore, the Members acknowledge that the inclusion of a twelve months' withdrawal period renders this Agreement one of reasonable duration.

2) In order to be admitted, a prospective Member must agree to a minimum term of admission. Any Member departing with less than the minimum term established by the Board at the time of admission will not be entitled to any assets it may have been entitled to pursuant to Paragraph 18(c).

3) The twelve-month notice requirement for withdrawal may be shortened upon mutual agreement between the withdrawing Member and the Department, if approved by the UPD Board.

4) Upon providing notice of its intent to withdraw, the withdrawing Member's Board Member must, if applicable, relinquish his or her position as Board Chair/Vice-Chair and any committee Chair. The Board Member will also be automatically recused from matters directly affecting the withdrawal process. Such recusal will only extend to voting on matters related to the withdrawal process and the withdrawing Member's Board Member will have the right to participate in Board discussions and debates related to such issues. However, a withdrawing Member's Board Member may be excluded from any closed sessions, properly held pursuant to the Utah Open and Public Meetings Act, to discuss matters related to the withdrawal of that Member. In the event a withdrawing Member revokes its intent to withdraw, its Board and Committee positions will be reinstated.

5) The Members and UPD agree that if a Member withdraws and subsequently forms or participates in a new police department with other Members, the UPD and the withdrawing Member will, in good faith, negotiate or join existing relevant mutual and automatic aid agreements covering both the UPD and the withdrawing Member.

6) Upon receiving a notice of intent to withdrawal, the Members will begin the withdrawal process by creating a withdrawal plan that will comply with the general principles provided for in this Section 18.

c. Disposition of Precincts or Equipment.

1) Precinct Lease. The Department will cease using the precinct owned by the withdrawing Member upon the effective date of the Member's withdrawal. The withdrawing Member, or other precinct or building owner, will receive the precinct in an as-is condition as of the effective date of the withdrawal. In the event the withdrawing Member is not the owner of the precinct at the time of withdrawal, and it wishes to use the precinct building after withdrawal, the withdrawing Member will be responsible for coordinating such use with the building's owner. The UPD will use reasonable efforts to maintain the precinct in its condition from the date of the notice to the date of withdrawal but will not be responsible for any normal wear and tear during the withdrawal period, nor for any deterioration or destruction of the precinct building outside of its control.

2) Precinct Inventory. The UPD and the withdrawing Member will meet and confer to create a property disposition plan to account for supplies and equipment located in the precinct serving the withdrawing Member that is to be vacated by the UPD. This plan will contain an inventory of any items for which the withdrawing Member can specifically prove ownership. The withdrawing Member will be entitled to retain such inventoried items upon withdrawal.

3) Vehicles and Equipment. In the event the withdrawing Member has transferred vehicles or equipment to the UPD, and such vehicles or equipment has not been cycled through to the end of its usable life or inseparably incorporated in the UPD's inventory, those assets which are traceable and not significantly modified by the UPD post transfer, will be returned to the withdrawing Member. All department vehicles and equipment assigned to the precinct shall be provided to the departing Member. No training of any employee shall be subject to reimbursement upon departure. UPD or other Service Area Member Precinct Fund Balances, assets assigned to other member precincts, and all shared assets including vehicles, major assets and equipment purchased through the shared formula is owned by the UPD and the respective Members and is not subject to any claim by the departing member for any item or equivalent value.

4) Debt Obligation. The withdrawing Member will not be obligated to continue its portion of the payment for any UPD debt related to the acquisition of equipment, however, it will not have any property right to any such vehicles and equipment in the precinct(s) serving the withdrawing Member except as provided for above. Except as required to meet statutory and audit requirements for the UPD and meet any outstanding financial obligation incurred by the Member to the UPD, a departing Member is entitled to take its Precinct Fund Balance upon departure. Any Precinct Fund Balance owed to a departing Member will be paid by the UPD after the next fiscal year audit.

d. Personnel. In the event the withdrawing Member plans upon withdrawal to start its own department or expand a previously existing department with others, the withdrawing Member agrees to provide (or to encourage, in good faith, the existing department it is joining)

an employee selection process exclusively for interested, existing UPD personnel prior to engaging in an open and public recruitment for staffing.

- 1) This process does not include recruitment for chief or other executive level positions.
- 2) The withdrawing Member is not obligated to hire those who apply during this process, merely to give existing UPD personnel the first opportunity to fill the prospective new positions.
- 3) The withdrawing Member agrees that UPD employees that are hired by the withdrawing Member will have the option to either: 1) receive a payout of their UPD vacation balance directly from the UPD on the employee's date of separation pursuant to UPD policy; or 2) transfer their vacation hours to their new position with the withdrawing Member. In the event of a transfer and acceptance of vacation hours, the UPD will pay to the withdrawing Member the value of the vacation hours at the employee's wage rate as of the employee's last day with the UPD.
- 4) Sick leave balances of employees hired by the withdrawing Member will not be transferred and will be handled pursuant to internal UPD's policy and procedure.
- 5) Retirement contributions by the UPD for any employee leaving the UPD and starting work with a withdrawing Member will cease upon the employee's last day with UPD.
- 6) UPD agrees to allow employees leaving the UPD and moving to the withdrawing Member to take their existing, issued personal protective equipment with them to their new employment with the withdrawing Member. The ownership of the PPE will be transferred to the withdrawing Member at no cost.

19. Coverage Area. The coverage area of the UPD may increase or otherwise be affected by annexations, disconnections, consolidations, boundary adjustments and/or dissolutions related to the individual Members. The Members agree to notify the UPD, in advance, of any such changes to the coverage area. If such a change is significant enough to materially affect the response time or other operational issues, the Members agree that a change to the Member Fee may be warranted and that such change may be brought to the Board for approval outside of the annual budgetary process.

20. Remittance. Each Member will prospectively remit the payments required to UPD by this 2024 Agreement, such as the Member Fee established each annual budget year or any other required payments, on a quarterly basis and on the first day of each calendar quarter. Upon agreement between UPD and a Member, a Member may also pay prospective amounts due at shorter intervals, such as monthly, so long as the arrangement is agreed upon in advance and in writing.

21. Breach or Failure to Pay.

a. A failure to timely pay the Member Fee, or other payment due to UPD, will be considered an immediate and material breach of this 2024 Agreement. Upon such failure to pay, the UPD will notify the breaching Member of the alleged breach and provide thirty days for the breaching Member to remedy the alleged breach. UPD will continue to provide the services provided for in this 2024 Agreement in light of the public safety impacts a cessation of services would cause, however, failure to remedy the alleged breach after 30 days will result in the UPD being allowed to declare a default of this 2024 Agreement. Upon declaration of default, UPD may seek all remedies available at law or equity (including the judicial remedy of injunctive relief to require the continued payment for services being provided), and the

declaration of default will be deemed to constitute an involuntary Notice of Withdrawal to begin the process provided for in Paragraph 18 for the breaching Member. The UPD may recover all legal costs, including reasonable attorney fees, it incurred in seeking a remedy under this subsection. Additionally, notwithstanding any language in this Agreement, the breaching Member will also forfeit its Precinct Fund Balance, vehicles, and equipment to the UPD as liquidated damages for the additional costs the other Members will incur in providing services to the breaching Member.

b. Upon a material breach of this 2024 Agreement by a Member, such as failure to pay its fee, the non-breaching Member or Members will notify the breaching Member of the alleged breach and provide 30 days to remedy the alleged breach. If the breaching Member fails to remedy the alleged breach, the non-breaching Member or Members may declare a Default of 2024 Agreement and seek appropriate remedies in law or equity. In the event of a material breach requiring pursuit of legal remedies, the breaching Member will pay the prevailing Member's costs and reasonable attorney fees.

22. Termination. Due to the nature of the services being provided and the structure of the UPD, this 2024 Agreement cannot be terminated in its entirety except by the expiration of its term or the mutual agreement of all Members that the UPD should be dissolved as an interlocal entity. The Agreement may be terminated as to an individual Member pursuant to the withdrawal process provided for Paragraph 18. Upon withdrawal this 2024 Agreement will be terminated with respect to the withdrawing Member, but any remaining payment obligations remaining after withdrawal and all the provision of Paragraph 15 (Indemnification) will survive the termination with respect to said Member.

23. Dissolution. The UPD may be dissolved, and operations terminated upon the unanimous written consent of all Members to this 2024 Agreement at the time of dissolution. Upon dissolution, all leases will terminate, all assets actually contributed by a Member still identifiable as separate property with a right of return will be returned to such Member, and any remaining assets (whether real property or personal property) of the UPD will be distributed based on a fraction, the numerator of which is the aggregate amount of Member Fees paid by a Member and the denominator of which is the aggregate amount of Member Fees paid by all of the Members to the UPD for services. Any unpaid liabilities of the UPD will be paid by the Members based on the same fraction. Such liability will be a joint liability.

24. Amendment. This Agreement may not be amended except by written instrument signed by all Members. Amendments will be approved as follows:

- a. Amendments may be proposed to the Board by any Member or staff of the UPD.
- b. The Board shall consider the proposed amendment and may only approve the advancement of the proposed amendment for review by the Members by a vote of at least two-thirds of the Board present at a duly noticed meeting.
- c. Upon advancement, each Member must present the proposed amendment to their appropriate legislative bodies for review and consideration.
- d. Each Member will have sixty days to review the proposed amendment with its executive officers and legislative body and either provide notice of acceptance of the proposed amendment or suggest alternatives to be considered by the Board.
- e. Subsequent to this legislative review, the Board may approve a final amendment only by a vote of at least two-thirds of the Board at a duly noticed meeting. Such a vote must

be a vote to approve representing at least two-thirds of the total Board seats, not just the votes of those present at the particular meeting.

f. Upon approval by the Board pursuant to this Paragraph, all Members must agree to the final Amendment via a written document amending this 2024 Agreement within thirty days. Failure to agree to the approved Amendment will constitute an involuntary Notice to Withdraw pursuant to Section 18.

25. Notices. All notices, requests, demands, and other communications hereunder will be in writing and given to any Member by delivering a copy, via U.S. Mail, to the mayor (or if applicable to the form of government, the council chair or city manager) of any municipal, sent to that Member's official governmental office address, with a copy also sent to the same official office and addressed to "City Attorney" or "Chief Counsel." For the UPD, notices should be sent to the following:

If to UPD: Unified Police Department of Greater Salt Lake
Office of the Chief
3365 South 900 West
Salt Lake City, UT 84119

With a copy to: Unified Police Department of Greater Salt Lake
Chief Legal Officer
3365 South 900 West
Salt Lake City, UT 84119

26. Interlocal Cooperation Act. The Members enter into this 2024 Agreement pursuant to the Interlocal Cooperation Act. For the purpose of satisfying specific requirements of the Interlocal Cooperation Act, the Members agree as follows:

a. This Agreement maintains and affirms the creation of the separate interlocal entity known as UPD that will operate using its own budget, may acquire real or personal property and may take any other act authorized by Utah law.

b. The UPD will be governed by its Board and according to the provisions of this 2024 Agreement.

c. Because this 2024 Agreement cannot take effect until it has met the requirements of the Interlocal Cooperation Act, each Member agrees by its signature that the agreement has been presented and approved by that Member's legislative body by a resolution or ordinance that is in compliance with Utah Code § 11-13-202.5(2) and been submitted and approved by the attorney authorized to represent the Member in compliance with Utah Code § 11-13-202.5(3). Furthermore, upon approval and execution by the Members, each Member agrees to keep a copy of this 2024 Agreement on file with the Member's keeper of records.

27. Entire Agreement. This Agreement constitutes the entire agreement between the Members regarding those subjects that are the subject matter of this Agreement, and this Agreement supersedes all prior agreements and understandings between the Members pertaining thereto, except where otherwise specifically stated herein. Notwithstanding the foregoing, any prior agreements between any Members, such as leases, land-use agreements, easements, deeds, or other matters separate and distinct from the creation and operation of the UPD as an interlocal entity as provided for in this Agreement remain in full force and effect and subject to their own respective terms and conditions.

28. Governing Law & Venue. The provisions of this Agreement will be governed by and be construed in accordance with the laws of the state of Utah. Disputes and other issues between the Members arising out of or related to this 2024 Agreement will be decided by litigation in the Third Judicial District Court of Salt Lake County, Utah.

29. Disputes. In the event of disputes and in the absence of any agreement to the contrary, UPD agrees to continue to provide services during any litigation and the adverse Member

will continue to make payments to UPD in accordance with the terms of this 2024 Agreement to ensure the continued protection of public safety within the Member's communities. This provision may be enforced by injunctive relief by the courts if necessary.

30. Waiver. No failure by a Member to insist upon strict performance of any covenant, duty, agreement, or condition of this Agreement, or to exercise any right or remedy consequent upon a breach thereof, will constitute a waiver of any such breach or of any other covenant, agreement, term, or condition of this Agreement. A Member may, by notice delivered in the manner provided in this Agreement, but will be under no obligation to, waive any of its rights or any condition to its obligations hereunder, or any duty, obligation, or covenant of the other Members. No waiver will affect or alter the remainder of this Agreement, but each and every other covenant, agreement, term, and condition hereof will continue in full force and effect with respect to any other then existing or subsequently occurring breach.

31. Nonfunding. The Members acknowledge that funds are not presently available for performance of this Agreement beyond the close of their respective fiscal years. Each Member's obligation for performance of this Agreement beyond that date is contingent upon funds being appropriated for payments due under this Agreement. If no funds or insufficient funds are budgeted and appropriated in any fiscal year, or if there is a reduction in appropriations of the Member resulting in insufficient funds for payments due or about to become due under this Agreement, then this Agreement shall create no obligation as to such fiscal year, but instead shall terminate and become null and void for that Member on the first day of the fiscal year for which funds were not budgeted and appropriated, or, in the event of a reduction in appropriations, on the last day before the reduction becomes effective (except as to those portions of payments herein then agreed

upon for which funds are appropriated and budgeted). However, any member exiting the UPD under non-funding shall not be entitled to any assets under the departure clause.

32. Severability. In the event that any condition, covenant, or other provision hereof is held to be invalid, void, or unenforceable, the same will be deemed severable from the remainder of this Agreement and will in no way affect any other covenant, condition, or other provision herein contained. If such condition, covenant, or other provision will be deemed invalid due to its scope or breadth, such provision will be deemed valid to the extent of the scope or breadth permitted by law.

33. Counterparts. This Agreement may be executed in counterparts, each of which will be deemed an original and all of which together will constitute one and the same instrument. Delivery of an executed signature page by facsimile or e-mail transmission shall be effective as delivery of a manually signed counterpart of this Agreement.

IN WITNESS WHEREOF, the Members have executed and caused this Agreement to be duly executed effective as provided in Section 16.

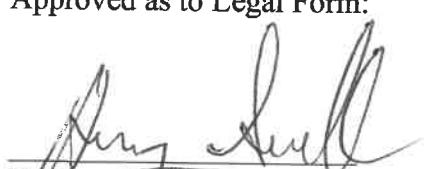
[insert signature pages]

UNIFIED POLICE DEPARTMENT OF GREATER SALT LAKE

**UNIFIED POLICE DEPARTMENT
OF GREATER SALT LAKE**

By: 
Jason Mazuran
Chief of Police

Approved as to Legal Form:


Harry Souvall
Chief Legal Counsel

DATED: 3-15-2024

Attest:


Harmony McQueen
UPD Clerk

CITY OF HOLLADAY

CITY OF HOLLADAY

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

MIDVALE CITY

MIDVALE CITY

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

MILLCREEK

MILLCREEK

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

TOWN OF BRIGHTON

TOWN OF BRIGHTON

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

COPPERTON METRO TOWNSHIP

COPPERTON METRO TOWNSHIP

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

EMIGRATION CANYON METRO TOWNSHIP

EMIGRATION CANYON METRO TOWNSHIP

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

KEARNS METRO TOWNSHIP

KEARNS METRO TOWNSHIP

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

MAGNA METRO TOWNSHIP

MAGNA METRO TOWNSHIP

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

WHITE CITY METRO TOWNSHIP

WHITE CITY METRO TOWNSHIP

By: _____
Print: _____
Its: _____

Approved as to Legal Form:

Attest:

DATED: _____

EXHIBIT A: UPD MERIT SYSTEM

DEFINITIONS

The terms used in this UPD Merit System plan shall be defined as follows:

- a. “Agreement” shall mean that contract, adopted under the Interlocal Agreement Act, which creates or ratifies the creation of the Unified Police Department of Greater Salt Lake.
- b. “Board” shall mean the Board of Directors of the Unified Police Department of Greater Salt Lake.
- c. “Chief” shall be the Chief and CEO of the Unified Police Department of Greater Salt Lake.
- d. “Commission” shall mean the Merit Commission of the Unified Police Department of Greater Salt Lake.
- e. “Coordinator” shall be the Coordinator for the UPD Merit System.
- f. “Department” shall mean that part of the Unified Police Department of Greater Salt Lake which provides operational and support services, under the direction of the Chief.
- g. “Members” shall mean the municipal corporations and incorporated metro townships which are signatories of the Agreement.
- h. “Merit System” shall mean the Police Merit System created to govern personnel matters in UPD, as established by this Exhibit.

- i. “Plan” refers to the Police Merit System Plan, which creates the Merit System and governs personnel matters therein.
- j. “UPD” shall mean the Unified Police Department of Greater Salt Lake.

UPD MERIT SYSTEM

1. Employment in the Unified Police Department of Greater Salt Lake (“UPD”) will be governed by the UPD Merit System as set out in the Agreement, this UPD Merit System plan (“Plan”), and policies and procedures adopted under paragraph three below.
 - a. All employees of the UPD, with the exception of merit-exempt director level positions and temporaries, will be covered by a UPD Merit System and their employment status will be governed by policies and rules adopted in accordance with this Plan.
 - b. Merit-exempt administrative employees may be appointed by the Board and shall include the Chief of Police, Chief Legal Counsel, Chief Financial Officer, and such other administrative positions which by their nature are confidential or key policymaking or both, and which cannot or should not be included in the merit system. Merit-exempt administrative employees are at-will. Merit-exempt employees, whose appointment expires or is terminated except for cause, shall be returned to the previous merit position held.
 - c. Temporary employees, which include administrative or support staff employees who work less than 1040 hours per year, are merit- exempt and are at will.
2. The Merit System, and the policies adopted under this Plan, shall provide for the effective implementation of basic merit principles, including the following:
 - a. Hiring, selecting, advancing, and disciplining employees based on ability, knowledge and skill;
 - b. providing fair and adequate compensation;
 - c. training employees to assure high quality performance;
 - d. retaining employees on the basis of adequate performance and separating employees whose inadequate performance cannot be corrected or whose actions or behaviors warrant termination;
 - e. fairly treating all applicants and employees without regard to race, color, religion, gender, national origin, political affiliation, age, or disability or any other characteristic protected by federal or state law from discrimination;
 - f. providing information regarding political rights and prohibited practices; and
 - g. providing a procedure for informal employee grievances and formal appeals.

3. The adoption of personnel policies and the establishment of a pay plan are legislative activities which are the responsibility of the Board.
 - a. The Board shall adopt a comprehensive code of personnel policies and procedures regarding the employment status, procedures and benefits for all employees covered by the merit system, including sworn and civilian employees. Those personnel policies and procedures must be consistent with merit principles and with the provisions of this exhibit.
 - b. The Board shall adopt a comprehensive merit system classification plan and grade allocation system applicable to all merit- covered employees and shall prepare and establish a pay plan that includes salaries, incentives, leave, insurance, retirement, and other benefits.
 - c. All current UPD rank, seniority and merit status will automatically transfer from the existing merit system to this UPD Merit System. Any assignment however is subject to the needs of the UPD, and no merit status is granted to any assignment within UPD.
4. The administration of the Merit System and classification plan is the responsibility of a Merit System Coordinator (“Coordinator”).
 - a. The Coordinator is a merit-exempt employee or a contractor who works immediately under the direction of, and at the pleasure of, the Board. The Coordinator may be a current full-time exempt employee, such as the HR director, or may be a part-time employee or contractor.
 - b. The Coordinator maintains and manages the Merit System classification plan, as directed by the Board, makes recommendations regarding Merit System and personnel matters to the Board and to the UPD Chief.
 - c. The Coordinator shall prepare and conduct competitive examinations for both hiring and promotion and shall prepare registers based on the results of those examinations. All positions covered by the Merit System shall be filled by competitive process. The final hiring authority is vested in the UPD Chief, in accordance with policies and procedures adopted by the Board.
5. The resolution of formal personnel grievances and appeals brought by Merit System employees is a judicial activity within the responsibility of a Merit Commission (“Commission”).
 - a. The Commission shall consist of three persons (“Commissioners”) appointed by the UPD Board upon recommendation of the Chief, or independent choice of the board, after consultation with employee representatives. UPD’s recognized Labor Representative will nominate one of the three Commissioners with consultation and approval of the Board. No Commissioner shall be employed by the UPD, any member or hold active membership or any position in any public safety labor organization.

- b. Commissioners shall be persons who are experienced in personnel civil service, law enforcement, law, or related backgrounds and who support basic merit principles. Commissioners may not hold elected office nor be employees of the UPD or any member of the UPD or any municipality contracting services with the UPD. Commissioners shall be appointed for three-year terms, but the initial terms of commissioners shall be adjusted in order to stagger terms and one commissioner, chosen by lot, shall serve a two-year term, the second a three-year term, and the third a four-year term.
 - c. Compensation of Commissioners shall be set by Board policies and procedures. Commissioners may be removed by the Board, for cause, including failure to perform Commission activities. The internal organization of the Commission, including the appointment of a chair and the establishment of hearing procedures, shall be at the discretion of the Commissioners. Staff assistants and accommodation shall be provided by the UPD.
 - d. Commissioners shall have the authority to hear and resolve appeals and disciplinary action which are brought by merit employees. In so doing, the Commission may affirm, modify, or vacate disciplinary action. The subject matter jurisdiction regarding appeals which may be heard by the Commission shall be established and defined by policies and procedures adopted by the Board; provided, however, that the Commission shall always have the authority to hear grievances regarding demotion, suspension without pay and termination. The Board, by policy and procedure, shall define employee grievances that are and are not appealed to the Commission, and those that are resolved by internal grievance within UPD command structure.
 - e. Any appeals by employees regarding general pay inequities which significantly affect the cost of Services are not heard by the Commission but are appealed to and resolved by the UPD Board. Appeals regarding pay inequities shall be resolved in accordance with policies adopted by the Board. The Board may refer the hearing to the Commission for recommendations, but these are not binding on the Board.
 - 6. The UPD's operational services, including patrol, shared services, and support staff services, are provided by the UPD ("Department"). The Department's personnel administration, as set out below, is the responsibility of the Chief of Police.
 - a. The Chief of Police is responsible for management of the Department, including those operational personnel matters which are not specifically vested in the Coordinator under the provisions of this plan. The Chief of Police shall adopt and promulgate an operational procedures manual regarding standard operating procedures in the Department, including but not limited to personnel matters such as work schedules and assignments, payroll procedures, staffing, travel, and training.
 - b. All employees are subject to disciplinary action based on misconduct or failure to perform, under the responsibility of the Chief of Police and as defined in policies and procedures adopted by the Board. Such policies and procedures shall comply with

merit principles as established in this Plan. The right to review disciplinary action shall be established by policies and procedures, which shall distinguish between disciplinary action which is subject to formal appeal to the Commission and that which is subject to informal grievance internal to the Department.

- c. The Chief of Police shall administer and support an internal grievance review system which may include mediation or a peer review board, as provided in Policies and Procedures adopted by the Board.
- d. The UPD Chief shall be responsible to develop job descriptions, make final selections for appointments and promotions from registers as established herein, conduct performance evaluations and to carry out the responsibilities vested in the UPD Chief by Policies and Procedures and may make recommendations to the Board and the Director regarding merit system issues.

7. Amendments to this Plan may be proposed by the UPD Chief, the Coordinator, a member of the Board, or other interested parties. A proposed amendment shall be submitted to the Board for consideration and review. The Board shall make a recommendation regarding the proposal and forward it to the legislative bodies of each city, town, and township member the UPD for consideration and approval. If at least two-thirds of the legislative bodies of the Member Entities concur in the proposed amendment, it shall be adopted and become part of this plan.