BRIGHTON TOWN COUNCIL MEETING AGENDA

Tuesday, May 14th, 2024, at 6:30 pm

NOTICE is hereby given that the Brighton Town Council will meet on Tuesday, May 14th, 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**
   a. OAM2023-001056: The Planning Commission has been working with staff over the past year to draft amendments to Title 19 (Zoning) of Town of Brighton Municipal Code. The changes to Title 19 have been reviewed and considered by the Council in February, March and April 2024 and the action proposed at this hearing will be to confirm the chapters already adopted, amendments thereto, as well as the remaining chapters in Title 19. This amendment affects all areas within the Town of Brighton. Title 19 will be proposed as a repeal and replacement of entire existing Title 19 of Municipal Code. This item covers ordinance text amendments ONLY. There are no map amendments proposed. Planner: Morgan Julian. For discussion and possible action adopting Ordinance 2024-O-5-1.

3. **ANNOUNCEMENTS**
There is an application to amend the approval for relocation and rebuild of a non-complying structure located at 10806 E. Moose Run, to additionally allow for a retaining wall to be built within the 50' setback of a perennial stream corridor. The ALJ will be hearing this application on May 21, 2024 at 1pm. A public notice will be posted with the specifics of the request and the date, time and location of the meeting at least 24 hours prior to the ALJ review.

4. **PUBLIC INPUT** You can email your comment to townclerk@brighton.utah.gova 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 April 9th, 2024 and Short-Term Rental Subcommittee Minutes for April 29th, 2024.

6. **UPD** Cheryl Lenzer

7. **UFA** Dusty Dern

8. **SKI RESORTS**
Solitude
Brighton

9. **BUSINESS**

a. Approve a resolution adopting the Tentative Budget for the Town of Brighton, Utah for the Fiscal Year 2025 beginning July 1, 2024, and ending June 30, 2025, and set a time and place for a public hearing on June 11, 2024, at 6:30 PM at Fire Station 108, 6788 S Big Cottonwood Canyon Rd, and electronically via Zoom. Presented by Nate Rockwood. For discussion and adoption.
b. Silver Fork Lodge Right-of-First-Refusal and purchase agreement. Presented by Polly McLean and Nate Rockwood. For discussion.
c. Set date and time for Town Hall meeting regarding Silver Fork Lodge Right-of-First-Refusal and purchase agreement. For discussion.
d. Verizon Cell Tower. Discussion regarding possible locations of a cell tower within the Town. This is not an approval of the Conditional Use Permit for a cell tower which is before the Planning Commission Presented by Troy Benson and Jane Martain.
e. Forest Ranger Contract. For discussion and possible action.
f. Resolution to adopt an updated Fee Schedule. Presented by Polly McLean. For discussion and possible action.
g. STR meeting update. Presented by Jeff Bossard. For discussion.
h. Update on administrative changes to Lease to Locals program. For discussion.
i. UPD Update. Presented by Carolyn Keigley. For discussion.

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**

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, April 9th, 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, Cameron Platt, Jane Martain, Kara John, Morgan Julian, Jim Nakamura, Kayla Mauldin, Curtis Woodward,
Partners: Cheryl Lenzer, Wayne Dial, Dustin Dern, Amber Broadaway, Mike Doyle, Barbara Cameron,
Public: Sheryl Facktor, JZ, Goose, Laurie Hilyer, Chad Smith, 801-979-2529, Amy Kelley, Kathy Anderson, Phillip Mervis, Mark Brinton, Spencer Shaver, Wendy Smith, Ulrich Brunhart, Ez is so hot, Jeff Mitchell, A, Spencer Shaver, Angela Bovo, Maggie, Angus Robertson

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. 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. Or packet pages 10-234.

Morgan Julian presented the remaining 10 chapters for the Title 19 Ordinance update. The purpose for the changes are to update Salt Lake County's code that Brighton adopted and to be more reflective of the community goals outlined in the General Plan. The project began in January 2023 and included public workshops. These chapters were recommended for adoption by the Planning Commission. The definitions and standards in the forestry zones will be postponed to next month. Chapters 19.04-19.20 have been condensed and reorganized for administrative purposes and to follow state code. They have

been reviewed by staff and two legal teams. Building height will be discussed but voted on at a later date. Chapter 19.4, Development Standards, is a new chapter that provides guidance for site development in addition to FCOZ, which will still prevail when it's more restrictive. This chapter distinguishes how to apply things like setback standards.

Off-Street Parking Mobility 19.48 adds standards for pedestrian pathways, biking, and bicycle parking. The portions removed from this chapter don't apply in Brighton. The requirement for pavement was replaced with "all-weather surfacing" to help with stormwater concerns. How much of the lot can be paved for parking needs to be determined.

The Signs chapter, 19.52, was updated to meet state code, and standards by the International Signs Association and Signs Research Foundation. Electronic messaging centers were not allowed in the previous code, or in this code, however, representatives from Solitude reached out in favor of permitting these sign types. The council could allow them in the FM zones, exclusively occupied by the resorts.

Chapter 19.42 cleans up Specific Use Standards and adds standards for residential facilities for persons with disabilities.

Staff recommends adoption of chapters 19.04, 19.06, 19.08, 19.10, 19.12, 19.14, 19.16, 19.20, 19.46, 19.48, 19.52, and to amend 19.24 Forestry Zones, and 19.42 Specific Use Standards. Staff also recommends repealing and replacing the existing Title 19 after a public hearing. The public hearing will also include discussion of the definition of height and gross square footage which staff recommends continuing the decision to May 14th.

Lise Brunhart recommended increasing the resolution on the map of 19.14.020 to improve the quality when it's zoomed in.

The public hearing was opened for the sections above excluding portions 19.04 and 19.24.

PUBLIC INPUT FOR HEARING

1) Amber Broadaway commented regarding electronic signs and shared images of plans for an electronic sign proposal at Solitude. Digital signage is a more secure way for them to communicate with guests. One mockup is a seven foot tall screen that can display images and video as well as text, but they would comply with whatever standards are adopted. The local vendor they've been working with has experience delivering products that comply to dark sky ordinances. A digital sign could inform guests about parking, roadside restrictions, welcome information, daily events, road closures, operating hours, celebrating employees, no dog reminders, summer fire hazards, avalanche info, and messages the town wants to disseminate.

It was noted that Brighton resort has a new electronic sign that is fixed to their new lift, however, the allowed use of that sign is being determined with the Forest Service. The town's policy should not be influenced by the existing sign, but determined based on what is best for the town.

2) Sheryl Facktor has started building so the changes don't affect her building. However, during their planning phase they followed the town council's endorsement at the time to help house local workforce. The grant program was to incentivize residents to make space available in their homes for employees through a subsidized housing program. With that direction, they designed

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their home with an additional 12-1,400 square foot area for a local employee. They intentionally added a third garage for this reason. Limiting building size is directly contrary. The goal is unclear. Various interpretations are either to conserve water, size and massing, and to preserve neighborhood character. She noted how different the character is of each neighborhood. Silver Lake Estates is very different from Silver Fork in the way that one is allowed unlimited STRs and the other is limited. In Silver Lake Estates, they have a one acre lot for the same building size limits. They made it through 16 departments and FCOZ as well as their HOA review board. She doesn't understand what the town is trying to solve, it just seems like more hurdles.

It was noted that Sheryl's comment was ahead of the discussion for building size limitations and additional comments should be held until after that discussion in case some concerns are addressed.

Keith Zuspan moved to adopt chapters 19.04, 19.06, 19.08, 19.10, 19.12, 19.14, 19.16, 19.20, 19.46, 19.48, 19.52 as presented. Carolyn Keigley seconded the motion.

Jeff proposed to continue these chapters to the next meeting to all for more review. Lise Brunhart seconded the motion. The motion to continue these chapters passed unanimously.

Morgan Julian presented the following recommendations from the Planning Commission.

19.24.050, 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.

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

19.04.030 (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.

It is the duty of the planning commission to make recommendations to the council based on the general plan. One of the goals in the general plan for future land use in Brighton is to regulate single family and multifamily uses to reduce the impact on land and adjacent properties. Under actions related to this goal, the plan calls for the adoption of a maximum size for single family residences. This stems from two main concerns noted by residents, public representatives, and other stakeholders. The two main concerns were that these large 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 the smaller cabins, which is concerning for the limited water supply in the town. Over the years, the building size of single-family homes has increased. Between 1990 and 2009, we saw the largest growth. The average building in 2000-2009 was nearly 3,500 total square feet, and the footprint was 2,500. The increase in building size has been a concern for Brighton's local water companies, and the planning commission because there's a limited supply of water in the canyon. There are also limited water shares allotted by these companies. In addition to servicing all existing residents in their systems, these companies must also anticipate servicing remaining water shareholders who have not yet built a single-family dwelling. The capacity to supply water has been stressed for the last couple of decades. The water companies believe

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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. The amended definition of building height standards is ubiquitous among other jurisdictions. It is common to measure building height from original grade to top of roof and it is more straightforward for both applicants and plans examiners. It also limits building mass. The existing definition allows a building with a pitched roof to exceed the height limitation of 30 feet. This has allowed property owners to build homes that include third floor loft areas which increase building mass as well as gross square footage. The Planning Commission believes restricting how the building height is measured, as well as incorporating accessory structures in the calculation of gross square footage, will reduce the potential for homeowners to convert these spaces into living spaces in the future, which subvert the intent of these limitations to mitigate future capacity stressors on the water supply. In addition to reining in a trending increase to building mass, planning staff finds that these recommendations are in line with the town of Brighton's general plan and is within the scope of the town's legislative authority to implement such standards. Staff finds that the proposed maximum gross square footage for single family homes still far exceeds the average gross square footage of single family homes in the town. In addition, it is similar to other jurisdictions that have implemented similar types of limitations. The planning commission recommends that the council consider adopting these recommendations next month.

Polly McLean noted that the council remanded the gross square footage calculation back to the planning commission. Unfortunately, there were only three members at that meeting. They decided to increase the limit to 5,000 square feet rather than excluding garages after discussion that homeowners can have flexibility to decide how to allocate space.

Jeff Bossard questioned whether garages are included in the total square footage for property tax assessments. It was clarified that garages and basements are included, but they are assessed at a different rate. His concern with the height maximum is for homes on a slope and the need for roofs to be steep enough to shed snow, especially after 887 inches of snow last year. The pitch must be 5-12 at least but 6-12 or more is ideal which increases the roof height. He noted Park City has a 28-foot restriction so that homes don’t block neighbors’ views, but we don’t have the same need in Brighton.

Morgan explained that FCOZ design standards allow for step backs for homes on slopes. This means that each story can step back/ up the slope rather than building a block house with each story upon itself. A step back changes the measurement starting point to change with the natural grade of the topography.

It was noted that the planning commission discussion for the height restriction was to prevent people from adding lofts later on to the part under the pitched roof, which could exceed square footage maximums.

Jeff expressed the public input pointing out that the various neighborhoods have different characteristics and expectations for size and style. Even the water companies have different capacities, so one size restriction does not fit the entire canyon. There are other ways to limit water use than by square footage.

Morgan explained all the neighborhoods have the same zone, so we would need to rezone the neighborhoods or apply overlay zones. She explained that the maximum size does not make it a standard size. In Silver Fork where lots are smaller, they will further be restricted by limits of disturbance

and set back standards, so homes may not meet the maximum. In Silver Lake Estates, lot sizes are bigger and can accommodate the maximum size. Their HOA also has a 5,000 square foot max.

Carolyn addressed the notion that people could pay more for additional water usage, but it's more important to know how much water there is available before we allow people to excessively drain the tank. The supply needs to be preserved for the lots that have not yet been built and connected to the system. Everyone with a water share pays fees whether they have a home built or not and water needs to be kept available for when they decide to build.

For reference, the were 4 planning commission meetings that discussed single family building requirements. They were in February 2023, March 2023, and building height was discussed in October 2023, and March 2024. This item was continued to May 14th, 2024 for action. Keith Zuspan opened the public hearing to allow public comment regarding chapters 19.04 and 19.24.

PUBLIC INPUT FOR HEARING: RECORDING 1:08.17.

1) Chad Smith also did not have time to read the proposed ordinance in entirety. He doesn't think the one size fits all building maximum will work for all properties in the town, especially in neighborhoods that are mostly built out with a bigger size and style already. In Silver Lake Estates, there are only 3 homes left to be built and it wouldn't be fair to them to be limited unlike their neighbors. By restricting these homes, it doesn't save water as intended. It goes against the goals and makes a disparate, unequal, non-cohesive character for the neighborhood. He agreed with Jeff Bossard on the trouble with the building height restriction of 30 feet and the need for roofs to be steep enough to allow snow to shed. This requirement has unintended consequences. If a home is restricted to 30 feet tall, then it requires changing a house from an economic rectangle to multiple blocks spreading down the hill which also adds multiple roof lines that can cause ice damns. It is not ideal for safety and maintenance. It requires additional staircases to reach each block.
2) Spencer Shaver, the Executive Director for Save Our Canyons, commented that Save Our Canyons advocates for a limits of disturbance approach rather than gross square footage when considering increasing residential dwelling size limits and gross square footage in FR zones. Because of the positive impact this model has on preserving riparian habitats, flora and fauna and protection of our watersheds. The limits of disturbance model allows for maximizing open space in areas zoned for residential dwelling, allowing wildlife to move freely while not using roads. In addition, scaling maximum limits of disturbance for a particular area based upon the total footprint of the property in question will reduce impacts to natural landscapes, vegetation, and wildlife habitats. The appeal of living in Big Cottonwood Canyon is due to its open space and undeveloped natural landscape. The more development that is allowed under zoning ordinances which don't maximize open space, the protection of flora and fauna or water resources, the more those characteristics which draw residents to the Town of Brighton will degrade over time.
3) Angela Bovo commented that she learned recently that our water laws in the canyon have not been revisited since the Treaty of Guadalupe. She asked everyone in this meeting to go home tonight and look in the mirror and remind ourselves we're all capable of change. We're all capable of working together. We're all capable of thinking things new. We're all capable of creativity and innovation. And it's time for us to stop looking down at the ground and start looking up. We can conserve water. We're going to have to conserve water when we think Mars like. We have to remind ourselves it hasn't been working. We're at a place right now with our Great Salt Lake, and it's going to take everybody doing everything we can and more. So,

whatever is already, let's all remind ourselves that if we keep thinking that's the only way, and that's the only solution, that's what we're limited to. We're not going to have the time to preserve our resources. So tonight, I'm asking everybody here, dig deep. Go home, look at yourselves in the mirror, remind ourselves, we worked hard together tonight. Thank you, everyone for the hard work you've put in and remind ourselves we've just started, we need to work hard and innovative on water laws.

4) Phillip Mervis commented that if we're worried about water then we must limit short-term rentals. If there are 10 people at a cabin every weekend or every day of the ski season, that's going to use more water than a single-family home. We'll need to limit these businesses if it's impacting water availability. Building size doesn't matter in terms of water usage, but the number of bathrooms and how many people are staying does matter. The only reason to limit building size is to reduce the limits of disturbance for the benefit of wildlife, as Save Our Canyons mentioned. He's experienced the FCOZ process twice over three years and the been through the building department over one year. It's already so difficult to build in the canyon that we don't need more limits.
5) Wendy Smith commented on the height limits and agreed with the points Jeff Bossard made. Regarding character, an unintended consequence of limiting height is that people may choose flat roofs. Although they may work better for contemporary designs, they don't seem to be encouraged in the code proposals. Being able to shed snow helps reduce damage from snow loads. Regarding square footage, although we think it's good to encourage garages, the definition of gross square footage shouldn't include the size of the garage. People use their homes in very different ways. The small cabins were for seasonal use only. Some people view their property as second homes while others live here full-time. It should be considered how water is used differently by different sized homes.
6) Bryan Reynolds commented that rather than having many relatively strict guidelines could we move toward giving the planning commission more discretion. Similarly to how we've allowed them to review stream setbacks and make a determination on what can be allowed. The ordinance should establish guidelines and then allowances can be made when warranted. Slopes, garages, and height could all be considered independently by the planning commission.
7) Tara Paras noted that we live in an era of instant gratification over long term sustainable solutions. She asked why we can't create overlay zones and encouraged considerations for that.

WRITTEN:

8) Todd and Tamara McIntyre
   We are writing regarding the proposed Title 19 Zoning Ordinance Amendment to be discussed publicly 4/9/24.
   We understand one of the issues regarding the Title 19 Zoning Ordinance Amendment addresses the standards that limit single-family building size as they relate to water usage. We agree water usage is a very important issue; but we don't believe total square footage is an accurate indicator of water usage. We may like to add a garage to our house in the future, but that would not mean our home consumes more water. Perhaps there should be an exemption for unlivable space? And what about people who want to add an ADU? Such an addition could help with employee housing and reduce automobile traffic, but the proposed ordinance could disincentive such options.
   Thank you for your time and consideration. We appreciate the work you do to keep our community thriving, safe, and enjoyable.

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9) Dan Knopp

I would like to put forth a public comment for tonight's meeting , I apologize we are in transit.
I have tried to completely stay out of all things planning commission not attending meetings or functions. I honestly can't decide if this is the right decision for the community, but I thought I should let them do their work without my hand on the scale.
That said I feel that I need to clear the air a bit.
I honestly believe we have an amazing group of very committed individuals, who understand the challenges of living where we do. They have worked hard to gather information and opinions of our community.
I have been contacted by many in our community expressing concern that we are moving a little quickly to put our imprint on how we live in these mountains, what I keep hearing is we are behaving a bit like an overreaching homeowner association. Let's be careful. My worry is the neighbors who show up at outreach events don't necessarily represent the community as a whole, we almost need to propose something to get a real reaction from the community. Let's be careful and take our time and get it right.
Please consider the input we see from the community tonight. Everyone has an opinion, let's try to thread the needle and get it right.
I feel this applies to planning & zoning and STR.

10) Chad Smith:

<u>Town Goals Require Differentiation</u>

I notice that a Key Finding by staff, leading to their recommendation, is that "The drafted ordinance furthers the goals of the General Plan." This is true, broadly speaking, especially for certain areas of our town. But Brighton is a multi-faceted town, with nuances that are contemplated in our General Plan. I believe, along with many others, that these complexities are not adequately addressed by the amendments being made at this time. Whether restricting square footage, building height, limits of disturbance, setbacks, etc, it seems that a "one size fits all" approach has been taken, with little consideration or accommodation for the differing neighborhoods and areas within our town. This doesn't seem appropriate.
I submit that if blanket limitations are to be applied to the entire town, without consideration of these areas of differing character, that they need to be the absolutely lowest-common-denominator restrictions. Not based on town averages, or even "generous averages" that might be desirable throughout the town. We need more precision, so that our restrictions don't end up being inappropriately tight for some areas and yet inappropriately loose for others.
Brighton's General Plan even mentions Character Areas (starting on p.61), saying that they "have potential to evolve into a unique area when provided specific guidance" and "require attention suitable to its uniqueness." The General Plan also says (p.62): "It is important to identify areas of growth or change in the General Plan for a couple of reasons. […] it can provide a variety of housing types that may be necessary to support diverse populations, it can reinforce community character based on historic town patterns, it creates predictable guidance for private property owners."
I don't believe the proposed code changes encourage areas of various character to maintain different housing types. I own property in a Character Area that has been identified as an "area of growth or change." Our neighborhood (Willow Loop Road) consists of 24 buildable lots. Only 3 of these lots would be subject to new restrictions now being put in place. The others were either built under the old FCOZ rules or have already started their process, such that they are

also subject to older, more lenient rules. Requiring the last 3 of 24 lots to build in a more restrictive way (with size, height and LOD) does the opposite of ensuring the stated goal of consistent neighborhood character and cohesion. It unfairly would impose hardships and loss of opportunity to those who can't do what the homes all around them were able to do. And to the extent that water may also be a driving concern here, our street has its own private water company and source, so it doesn't make sense to change the rules for that reason either. (Our water company plans to manage any unexpected supply shortages with price tiering based on actual usage, not via unfair restrictions on the last 3 lots to build, who will still be paying the same amount for their water share, regardless.)

Details on Our Specific Issues

Our family's specific concerns are not only the changes being proposed for action at this next town council meeting. There have also been amendments adopted over the last couple of months that have already caused unanticipated and unfortunate consequences for the building of our home. I understand that it is complex to approve large-scale changes to entire sections of code, and so some of these were included in omnibus approvals with the intention to revisit and revise certain provisions that may not be quite right as initially approved. I appreciate the council's pragmatic approach to fine tuning this code as more information comes in.

I do think it would be beneficial for you to know a couple of issues we have already had, wanting to make (what we thought were) minor tweaks to our FCOZ-approved plan. These are changes we want to make after last winter, in order to make our home more safe and durable during heavy snow years. (Goals we know the town wants to support!) Although not a big deal under the old FCOZ rules, Jim Nakamura has told us that these changes are now problematic or impossible.

Two examples:

- We wanted to change our roof to be steeper than the 2.5/12 pitch on our approved plan. Last winter made us realize that we should shed rather than retain snow. With the new way that the 30' height restriction is calculated we now can't do that, and because it's already been added to Brighton code we would need to appeal for a waiver. But we don't have time for that because our FCOZ approval is set to expire soon. As a result, Jim Nakamura told us that, ironically, we'd have been in a better place if we hadn't yet received our FCOZ approval.
- We want to expand a section of our foundation by 2', underneath what is currently designed to be a cantilevered section in the floor above. (After last winter, we now view cantilevering as an unnecessary point of potential failure under snow weight.) But this change would add 40 square feet to our home. Even though we'd still be within our HOA limits of 5000 sq' not including garage space, we would be over the limits currently proposed by Planning Commission. If this size restriction is approved, even temporarily, we will not have time to appeal for a waiver here either.

I hope these actual examples are helpful in illustrating why so many people view the new regulations as inappropriately restrictive in ways that are unfair and cause inequity within specific communities in our town. I believe they will also cause administrative difficulties for the town and applicants trying to gain appropriate waivers for their existing non-conforming homes.

I understand why many restrictions are appropriate for our town. Our town has great values; things like community character, cohesion, fairness, sustainability, property rights, etc. This is just not the way to achieve our goals.

Our Ask

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Please don't adopt Section 19 as written. These new restrictions, particularly for size, height, setbacks and LOD, are too onerous and inappropriate for our 90% built out neighborhood. It would be unfair for us, considering the character of our already-established area and the fact that we rely on our own water company.

11) Hello! This is Wendy Smith, lots 8 and 10, Willow Loop Road.
First I want to say thank you for your time and efforts to serve us. You've had a lot on your plate in working to make Brighton be the best Brighton we can be!
I've spent some time with the General Plan in an effort to better understand and inform my thoughts.
Regarding the proposed maximum size for single family homes: I understand Brighton General Plan indicates a goal to "limit the size of single family homes". And that there are a variety of reasons for this. Page 155 of the general plan addresses some of those reasons and includes links and references to a specific website "sustainable city code".
https://sustainablecitycode.org/brief/establish-maximum-size-of-single-family-residences-5/ .
It's important to note that after making the case for limiting the size of single family homes, the same site says this:
"*A municipality can further tailor the requirements based on individual neighborhoods, rather than residential zones as a whole. For example, if a neighborhood has always had larger homes, new large homes could continue to be permitted. However, neighborhoods with smaller homes could have a more restrictive size limit that would help retain the character of the neighborhood and provide many of the economic and environmental benefits discussed below. In this way, developers can still replace old homes, but only if the new home does not increase the impact on the community and environment."*
The Brighton plan identifies many different areas in Brighton--including Silver Fork, Forest Glen, Brighton Loop, etc. My neighborhood is in the Brighton loop (p. 64), specifically Willow Loop Road. On Willow Loop road, besides being limited by topography, slopes, wetlands, building height (i.e. all things FCOZ), we have an HOA restriction of 5000 sq ft WITHOUT garage included. That is appropriate for our neighborhood. Lots developed in the past and the very few remaining lots currently under development (or about to be developed) have been purchased, designed, and built under those rules. It's consistent with the character of our neighborhood to build up to 5000 WITHOUT garage included. Not to mention, we also have our own water company.
If the Council really wants the same size limit for all areas, it seems that we need to identify the area/neighbor with the largest homes appropriate for that area/neighborhood and then make that number the limit. (This would also help Brighton have fewer non conforming homes).
Ultimately, the better solution would be to set different maximums for different neighborhoods/areas, though I understand this would require more work.
You should know that these current proposals are causing a real time problem for us as we have made significant investments under prior rules and our plans don't quite fit the new proposal (garage not included in our sq ft, roof slope can't be adjusted slightly along the folcrum to give us a better pitch for shedding snow--both things things that were okay just weeks ago) and we don't have time to go through a waiver process.
I'm running out of room here to address the height/set back/LOD restrictions, but we are already dealing with very limited building pads in most cases in Brighton. And FOCZ already has significant restrictions.

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Specifically, for the height change, the proposal may lead to more flat roofs which tend to work with a more contemporary style. Not to mention flat roofs have to be specially engineered for our heavy loads. Finally, limiting height more than we already do does not encourage the Brighton chalet style.
Call to action: I know the Town Council is not voting tonight. Where our neighborhood is so close to build out and has its own water company, please carve us out of these new restrictions.

12) Tara Paras:
April 6 , 2024
RE: Proposed Title 19 Zoning Ordinance Amendment to be discussed publicly 4/9/24
From: Tara Paras Resident in Silver Lake Estates
Dear Mayor Dan Knopp and Esteemed City Council Members,
I hope this letter finds you well. I am writing to express my concerns and pose some questions regarding the proposed Title 19 Zoning Ordinance Amendment that is scheduled to be discussed publicly on April 9th, 2024.
Upon reviewing the details presented in the previous meeting, I find myself compelled to seek clarity and understanding on several aspects of this proposed ordinance. What is the real agenda here for this ordinance?
1. Water Usage: While I appreciate efforts to conserve water, I am concerned about the effectiveness of the proposed approach. It seems that limiting square footage in order to conserve water will not adequately or fairly address this issue. Especially since we have many properties in the canyon that are only used a handful of times every year versus homes that are occupied between 90 days to 365 days a year. Perhaps a more comprehensive strategy, involving data collection on actual water usage and
implementing measures such as metering and tiered pricing for excessive usage, could be more effective in promoting conservation without unfairly penalizing property owners.
2. Fair Housing Act: I was troubled to hear suggestions that the ordinance may be geared towards attracting specific demographics to our area such as familial status. Specifically trying to inspire families to move to the area. Such actions could potentially violate the Federal Fair Housing Act, and I urge caution in ensuring that our policies uphold principles of fairness and non-discrimination.
3. Neighborhood Conformity: I seek clarification on the intent behind promoting conformity of neighborhoods in terms of appearance. Are we targeting specific neighborhoods, and if so, are they part of historic districts or governed by HOAs? I believe that any efforts to enforce conformity should be approached with sensitivity to individual neighborhood characteristics and with respect for property rights. As we know our town is not an HOA or a Designated Historic District, so where do we cross the line of infringing on people's property rights?
4. Affordability: It is my understanding that the proposed ordinance may have unintended consequences on housing affordability. By restricting the size of new constructions, we risk exacerbating supply and demand imbalances and potentially driving up housing costs. I believe it is crucial to carefully consider the economic impacts of such measures on property values and affordability for both existing and prospective homeowners. This does the exact opposite of making things more affordable. You are causing a supply and demand issue by inflating the price of larger homes in the area, depleting the value of vacant lot owners that have not yet built to not conform to their area and possibly making them lose a ton of value, and you are also inflating the value of existing homes by doing this as well since there will be a scarcity factor.

5. Additional Considerations: I would appreciate any additional information or insights you could provide on the broader objectives and potential implications of the proposed ordinance. I would also recommend that if you are trying to put different zones within the canyon that we see how other cities are doing things. For example, Park City has multiple different Historic Zones, an Estate Zone, Single Family Zone, etc. Until we have our ducks in a row should we really be making blanket ordinances for all of Brighton? Could we look at the bigger picture here for all? Furthermore, I would like to bring your attention to discrepancies in some of the information provided at the recent Planning Commission meeting, when relevant precedent from similar municipalities was requested. Specifically, the town attorney indicated that zoning regulations in Park City Historic District restricted maximum square footage in a similar way and to a similar degree. Correcting such inaccuracies is essential for making well-informed decisions.

After hearing this, I pulled up the Zoning in Old Town Park City (and keep in mind this is a historic district with small lots). The building footprint, not total square footage, is limited in correspondence to the lot size. They demonstrate a formula for it, but it is based on lot size. They do have a maximum footprint if the lot is above 18,750 square feet, but that maximum is 4500 square feet. So, if someone in Park City Historic District wanted a 9000+ sq foot home, depending on how they configure it based on the Footprint they could. And again, this is a footprint restriction and not a maximum square footage restriction, and it's also in one of the most heavily regulated historic districts in Utah. They are way more reasonable than what is being proposed in this ordinance. I believe that the lack of this sort of information may have influenced the voting of the planning commissioners. Correcting such inaccuracies is essential for making well-informed decisions.

Lastly, I share concerns raised about the voting process during the planning commission meeting, particularly regarding the decision to proceed with voting despite the absence of a full commission. There were only 3 planning commissioners at the planning commission meeting, where the Attorney advised that it would be unusual for them to vote with so few of them attending. There are a total of 5 planning commissioners and two alternates but only three were in attendance. Ensuring transparency and adherence to proper procedures is vital for upholding the integrity of our decision-making process.

In conclusion, I believe it is imperative that we approach this proposed ordinance with careful consideration, considering its potential impacts on our community and the principles of fairness, affordability, and sustainability. I am committed to working collaboratively towards finding solutions that address our shared goals while safeguarding the interests of all stakeholders. Let's work towards a better solution and not a very rapid, irrational, and irresponsible decision.

Jeff Bossard moved to close Public Input and go back to the regularly scheduled meeting. Lise Brunhart seconded the motion. The motion passed unanimously.

Carolyn Keigley moved to continue sections 19.04 and 19.24 to the May Town Council meeting. Jeff Bossard seconded this motion, and it passed unanimously.

ANNOUNCEMENTS

a. STR Subcommittee meeting date: April 29th, 2024 at 6:00PM.
b. Planning Commission meeting date: 4/17/24 for Conditional use approval for a Verizon Wireless communication facility (60' tall monopole).

Draft

PUBLIC INPUT
Carolyn Keigley commented on behalf of a resident that emailed her asking for speed bumps on the guardsman pass road for uphill and downhill to prevent cars from racing in either direction as is common. There have been crashes at the hairpin turn where cars park to access the Forest Glenn neighborhood. Keith Zuspan thought this is something Mayor Knopp could bring up with the UDOT director since the road is their jurisdiction.

MINUTES
Jeff Bossard moved to approve the minutes for the Town Council Meeting on March 12th, 2024, and Lise Brunhart seconded the motion. The minutes were approved unanimously.

UPD
Cheryl Lenzer provided a verbal and written report:
For the month of March the Town of Brighton had 170 calls. That number is significantly less than the previous years. By comparison in March 2023, which was the big snow year, there were 285 calls. In March 2022 there were 272 calls. I would like to think the numbers are due to all of the changes to parking and our policing services that are the reason for that number. The types of calls were mostly traffic related. There were 4 Traffic Accidents, 1 Hit and Run, 3 Canyon Vehicle Assists, 3 Traffic Enforcement, 1 Canyon (non SAR) Rescue, 3 Citizen Assists, 3 Camping in the Watershed, 2 Disorderly, 3 Skier Collisions, and 10 Ski Thefts at the resorts. Officers issued 12 Citations – 11 were Traffic Related the other was for Morals. 18 Parking Notices were written.
Please mark your calendars for June 8th. The Drop 13 road race will be held on that date. It is a half marathon that has the race start just below Solitude. I do not have the ops plan yet but I don't believe it will be much different than in the past. I hopefully will have it prior to next months meeting where more details on how it will effect your travels that morning will be shared.
Detective Cheryl Lenzer C.O.P/Fraud/Property Crimes
Special Operations/Canyon Patrol and Rescue
Unified Police Department
Dispatch 801-840-4000

UFA
Dustin Dern shared the Quarter 1, 2024 report. Call volume was 227, with 138 of those emergent. That is 61%. Among those calls was the structure fire in Silver Fork. The highest EMS response was 101 trauma calls. There were some false alarms, and wiring problems, but the overall call volume was still up from previous quarters. Brighton's apparatus responded to most calls. They've continued to bring ambulances up from the valley from Midvalle, Cottonwood Heights, Holladay for all medical calls to keep a crew in the canyon. The plat map shows most calls are at the resorts, but as summer approaches, calls begin to come from the popular hiking trailheads such as Donut Falls.
Recruit camps are going well. They are eight weeks in and graduation will be May 15th. Friday will be Fire School 101, and Jeff Bossard is participating at the training center in Magna. They're receiving 13 new apparatuses coming after a long wait on supply chain delays. The community pancake breakfast will be September 21st, 2024 from 8am to 11am. Last month had 68 responses and 52 of those were emergent, and again, trauma was the leading response.

SKI RESORTS
Solitude
Amber Broadaway reported that the pond skimming event is this weekend. There will be a "spring mobile bump off" competition at the end of April. Spring hours are 9-5pm Friday-Sunday, and 9-4pm

Draft

Monday-Thursday. Closing weekend is projected for May 12th. They've hosted a lot of great music, and the Redbull Cascade free ride event, which was great. This is the last weekend of the UTA buses. This is also the last weekend of reservation parking, which largely improved the experience this winter.

Brighton
Mike Doyle reported that night skiing will close this Saturday night. Regular operations will end April 28th, and they will reopen May 3rd through the 19th for the melt down on the Crest lift. It will be on Crest lift this year. April 26th will be a crawfish bowl and jazz band at the Millie Challet from 2-6pm. There will be a concert at the Sidewinder on the 27th.

BUSINESS
Revised and Restated Interlocal Cooperation Agreement Between Public Entities Governing the Unified Police Department of Greater Salt Lake. Pages 235-277.
Polly McLean recommended authorization of the mayor to sign the interlocal based on the prior resolution to join the Unified Police Department.
Carolyn Keigley moved to authorize the mayor to sign the interlocal agreement with the Unified Police Department of Greater Salt Lake. Lise Brunhart seconded the motion. The motion passed unanimously.

Carolyn Keigley: Aye
Lise Brunhart: Aye
Jeff Bossard: Aye
Keith Zuspan: Aye

PUBLIC INPUT
Chief Jason Mazuran from UPD expressed gratitude for the support. They won't let us down, they'll do a great job and have a great plan. Chief Morse, Chief Doyle, and Detective Lenzer all do a great job. Carolyn Keigley is a wonderful board member and represents Brighton well. Polly and Nate have also given great support.

CHAT BOX COMMENTS
00:08:20 phillip mervis: Is she talking as there is no volume on the zoom
00:08:46 Kayla Mauldin: I can't hear either
00:08:48 amykelley: I cannot hear anything
00:08:51 amykelley: yes now
00:08:52 kevin: No audio since the beginning
00:20:21 amykelley: we cannot hear
00:58:54 phillip mervis: EVERONE NEEDS TO MUTE THERE TVS
01:03:38 amykelley: its very hard to hear the side comments and discussion online
01:04:49 Kathy Anderson: Carolyn-we can't hear you.
01:07:43 phillip mervis: Water use comes from short term rentals. Ban them and we can all drink forever.
01:17:55 A: 👏
01:22:07 A: We Share the mountains with everyone
01:56:28 Amber L. Broadaway / Solitude: we can't hear
01:56:50 Chad Smith: Can't hear…
01:57:03 Chad Smith: Thanks!

Draft

02:09:17 Laurie Hilyer: Can't hear her
02:10:16 Sheryl Facktor: Please speak into a microphone so we can hear

REPORTS

Mayor's Report

Mayor Knopp provided a written report:

Couple of big things: Rocky Mountain power will start in May with the underground project. With much pleading and cajoling we are also doing most of the secondary power. That means the lines that feed off the primary main, not the individual service lines will be buried. There will be a program to do individual service lines later. They will likely start at Pinetree, where they left the road. They will go through Pinetree, then come back out to the highway for a bit and go back into Silver Fork and up Silver Fork drive [which they promised they would not do. We just paved it. They will do a full mill and replace it when they are done]. There will be several branches that go off the main line, this will substantially harden our entire system and go a long way helping with power outages and fire susceptibility. Hopefully this will help with insurance issues. They also have a bit of work around Solitude and Brighton, with minimal disruption. This project has been four years in the making, with a cost of over $24M. They will be contacting individual property owners to obtain easements. If they cannot obtain easements, they will go overhead with hardened lines that will still be susceptible to downing by trees. Please talk to your neighbors and stress the importance to the community as a whole. The contractor is very good to work with and we have a very open line of communication, so if you have any questions or concerns please work through me.

Secondly, the LCC EIS. As many of you know, it is in four lawsuits at this point. UDOT's stand [I'm not speaking for them, but as I understand it] they will not commit any taxpayer dollars until they come to some agreement, so the entire process is stalled with a couple of exceptions. They will likely go ahead with the purchase of the property at the gravel pit, the owner is at the table. And funds have been allocated to do a project at the mouth of the canyon to do some traffic improvements, extra lanes, and other smoothing.

Also, we are working with WFRC and UDOT to reallocate funds from LCC to our BCC TAP. The funds are in limbo. This needs to go before the UDOT board of trustees. I feel confident that when we show a shovel ready project, we have a good chance of success.

We are also working with CWC to get UDOT and the plaintiffs in the lawsuit in the same room and start a dialogue to get phase one moving. The plaintiffs seem to be on board, we need to get UDOT to realize that something is better than nothing, at least we could start while we fight about next steps.

It was a good meeting with the neighborhood nodes people, I promise, I made them laugh with some stories from back in the day. I think this grant is a worthwhile process. Please, everyone, participate and give input.

We are home tomorrow.

Dan

Council Members' Reports

Carolyn Keigley reported she spent a lot of time on the trails project to connect our communities and she has done outreach to areas that have already done this.

She's glad we ratified the UPD agreement. All of the SLVLESA townships also chose to go with UPD, which speaks volumes for the trust we have for UPD and what they can offer. The UPD model in our town will be changing. In the past Canyon Patrol patrolled our town as well as the entire

canyon. Canyon Patrollers in the old model had the patrollers rotating throughout the different Salt Lake County Canyons on a daily basis. Canyon Patrol is state mandated to be under the County Sheriff. On July 1 of this year the Sheriff's office will be separating from UPD. Therefore, Canyon Patrol will not be working within the Town of Brighton's boundaries nor in the Emigration town in Emigration Canyon as both of these towns elected to stay with UPD. In the reorganized UPD model the Town of Brighton will be operating out of the Holiday Precinct and we will be sharing The Chief Precinct, Justin Hoyle, detectives, a Lieutenant, a Victims Advocate, and a Sergeant. Brighton will have 5 to 6 officers assigned to our town and these officers will always stay in the town boundaries. BCCA and BI recommended that our town have a meet and greet in the future so that our community will be able to get to know our officers. She thanked the UPD officers who have been providing data. There was a proposal for funding for Butterfield Canyon, and the southwest and southeast unincorporated Salt Lake County areas. Carolyn requested data showing the need for additional funding for this area. She shared a document summarizing the data. It breaks down the calls and cases according to area. It reflects the Town of Brighton, lower BCC, LCC, and Butterfield. It spans from 2021-2023. It also shows how many officers are assigned to each area. Brighton is getting 2,000 calls. If you add the lower canyon, it's almost 3,000 calls. LCC was 683 calls. Emigration is 673, and Butterfield is 27. The pattern is consistent across the years, although Butterfield increased to 224 last year. She explained there can be multiple calls for one case, and cases vary in size and difficulty. Regarding officers, the model has been to rotate them among the various areas throughout each day. The county sheriff is asking for as many officers in Butterfield as in BCC. Looking at the Forest Service document, it shows visitation for the various areas. LCC had 6,000 compared to 15,000 in BCC. This emphasizes that we are a busier canyon, and need support, both in officers to respond to incidents and in financing.

Jeff Bossard thanked Carolyn for her careful work on the law enforcement split. The Mosquito Abatement board met yesterday, and he acknowledged how well the organization is run. They discussed raising salaries and reviewed policy manuals. He looks forward to fire school on Friday, and he is the safety person at his school, so was able to get this training approved.

Lise Brunhart reported attendance at the UTA board of trustees meeting. They are very organized and wages and salaries going up. Ridership has increased but they didn't address transportation in BCC. Today she attended the meeting of municipal councils. It was noted that the number of opioid deaths have gone down, but benzodiazepine use has gone up. They also discussed the lawsuits on the Gondola.

Keith Zuspan reported we currently have $317,000 in Zion's account. The PTIF has $4.126M. The MSD is working through the process to convert the townships to cities and towns, effective next month. They are working to change each entities budget from a calendar year to a fiscal year.
WFWRD is looking forward to the snow melting so they can get our glass recycling pod installed at the compactor site. Keith spoke with the MSD concerning construction of our package shed at the Brighton Loop and want to ensure it can tolerate snow loads. Besides the basic layout and construction, we'll need to satisfy the permit requirements for electricity. Jim Nakamura will come up and inspect the location. The dumpsters at the mouth of the canyon have been returned in a slightly different spot. It is now on the portion of the parking lot that is UTA land vs. SLC Public Utilities land where it was previously located.

Emergency Management Report
Nothing to report this month.

BCCA Report

Draft

Nothing to report this month.

PROPOSALS FOR FUTURE AGENDA ITEMS

a. Resolution adopting the Tentative Budget for Fiscal Year 2024-2025. For discussion and possible action.
b. Continuation of title 19
c. Adopt revisions to the fee schedule.
d. STR subcommittee meeting recommendations

CLOSED SESSION

Jeff Bossard moved to go into closed 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 and the motion passed unanimously.

ADJOURN

Jeff Bossard moved to close the Closed Session and Lise Brunhart seconded the motion, which passed unanimously. Jeff Bossard moved to adjourn the regular meeting and Lise Brunhart seconded the motion. The meeting was adjourned at 9:37pm.

_____

Submitted by Kara John, Town Clerk

Draft

Areas	2021 calls	2022 calls	2023 calls	2021 cases	2022 cases	2021 cases
Brighton	2,087	2,362	2,151	608	528	520
lower BCC	851	806	756	311	292	264
total BCC	2,938	3,168	2,907	919	820	784
LCC	683	657	516	395	380	359
Emigration Canyon	683	657	516	190	174	170
Butterfield Canyon	27	82	124	24	36	58

officer allotment	CP rotated	USFS contacts trails
6	in other canyons	
	rotated 22	
	rotated 22	15,200
	rotated 22	6,007
1.5		
3		

Watershed Report
2023



Red Pine Lake from above

Salt Lake Ranger District
Uinta-Wasatch-Cache National Forest

Keep It Pure
SALT LAKE CITY DEPARTMENT OF PUBLIC UTILITIES

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Small waterfall along Twin Lakes Access Road

Introduction

The Uinta-Wasatch-Cache National Forest sees 13.5 million recreationist visits a year, with a large percentage occurring on the Wasatch Front. Over 1.6 million people live on the Wasatch Front, in or near Salt Lake City, nestled against the Salt Lake Ranger District (SLRD). Big and Little Cottonwood Canyons offer visitors diverse, quality recreation opportunities year-round in wilderness, on trails, in campgrounds and picnic areas, and at ski resorts. Dramatic peaks and ridges dominate the skyline, while picturesque lakes and waterfalls are sprinkled throughout the canyons. Visitors' recreational experiences range from hiking, sightseeing, rock climbing, trail running, family-friendly outings, wildlife viewing, mountain biking, sledding, skiing, etc. These canyons are a critical part of Salt Lake City's protected watershed, providing culinary water to the city.

To balance vital watershed protections and diverse recreational opportunities in Big and Little Cottonwood Canyons, the SLRD and Salt Lake City Public Utilities (SLCPU) work together. SLCPU provides funds for the SLRD to educate visitors and ensure recreational activities do not harm the watershed or forest. These visitor interactions range from education to enforcement, prioritizing opportunities to teach visitors about watershed protections. For the 2023 season, this partnership helped staff Park Rangers and Trail & Wilderness Backcountry Ranger patrols, several of who are certified as Forest Protection Officers (FPO). These teams rotated through Big and Little Cottonwood Canyons focusing on areas with high visitation, but also interacting with visitors at less busy locations.

This report provides an overview of the SLRD accomplishments for the 2023 season. Overall statistics are provided on visitor contacts from: Little Cottonwood Canyon, Big Cottonwood Canyon, and Trails & Wilderness Backcountry Rangers crew. Mill Creek patrol statistics are included for comparison as it is one of the "Tri-Canyons" and offers recreational opportunities prohibited in the watershed (i.e. dogs and swimming). Forest Service Park Rangers and Trails & Wilderness Backcountry Rangers members rotate through all 3 canyons to better understand the recreation opportunities and challenges. This experience enabled the Forest Service to provide helpful information (i.e. alternative recreation opportunities and locations). This report provides insight from the various canyons, season accomplishments, and recommendations for the partnership's continued success.

Statistics

Visitor Contacts & Incidents

The following chart provides overall numbers per patrol group, such as the number per crew, total contacts for the season, and the sum of incidents issued (warnings and violations) per regulation. Mill Creek numbers are included for comparison but are not in watershed totals.

	FPOs	Contacts	Dogs	Swimmers, Waders	Closed Area	Illegal Campfires	Bikes	Other
Little Cottonwood Park Rangers Friday - Monday July - October Partial SLCPU funds	1-2	6007	16	10	42	41	0	E-Bikes, Photography
Big Cottonwood Park Rangers Friday - Monday May - October Partial SLCPU funds	2-3	15,200	200	57	22	23	2	Domestic Pets, E-Bikes, Photography
Backcountry Rangers Saturday - Sunday ***ADD DATES*** Partial SLCPU funds	0-2	2878	10	13	0	3	1	Fireworks, wildfire, RC cars, drones, graffiti
Mill Creek Friday - Monday May - October No SLCPU funds	2	7580	(Off-leash) 163	0	0	77	18	E-Bikes
Watershed Totals *(not including Mill Creek)*	7	24,085	226	80	64	67	3	

Visitor Counts

Visitation statistics are obtained via trail counters placed along trails. These trail counters emit an infrared beam that is "broken" when a visitor passes the counter. These "breaks" register a count or "visit."

Trail counter data shows visitation numbers and trends, helping quantify how many people enjoy their public lands and how important watershed education is!

Methods

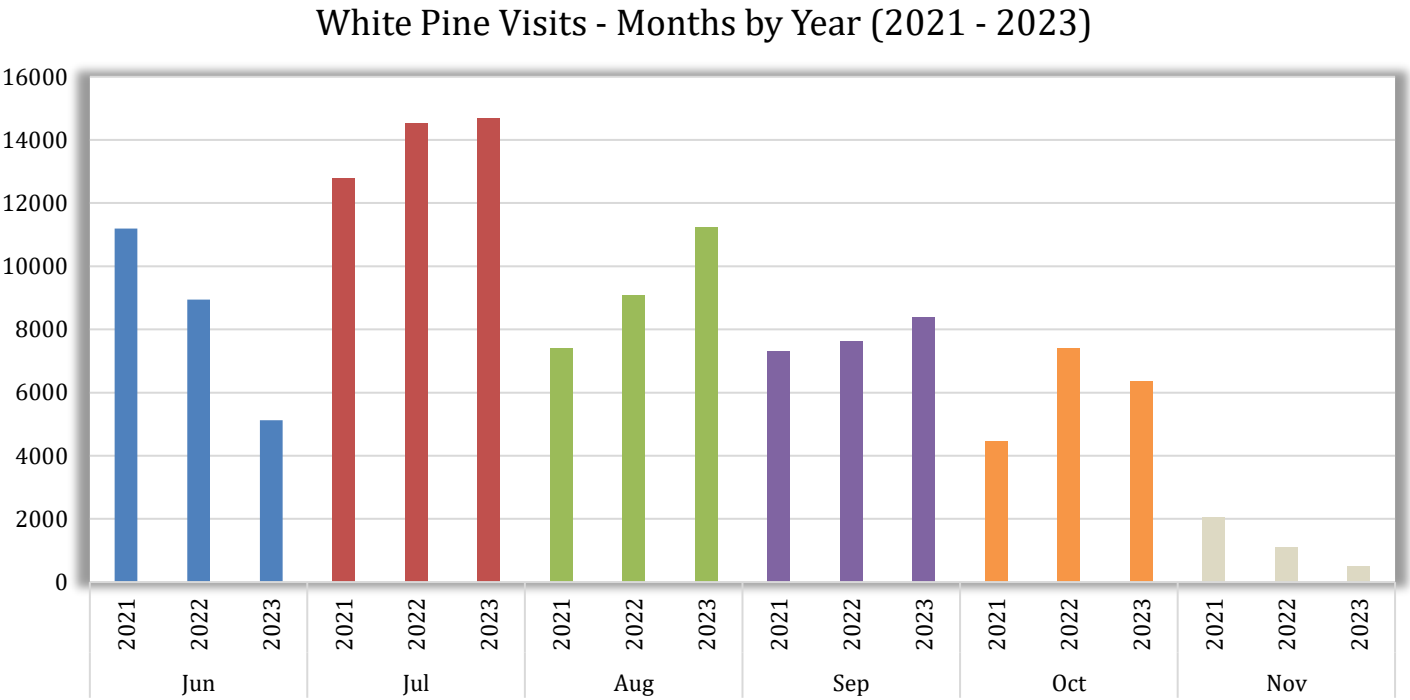
Trail counters count visitors coming *and* going when they walk by a counter on the trail. To more accurately measure visitation, these totals are divided by 2 to count total visitors on an out-and-back trail.

Low visitation in early spring (June) and late fall (October and November) are often related to winter conditions (cold, wet weather and/or icy, muddy trail conditions). For example, spring 2023 followed a record-breaking snowfall the winter before, delaying the normal access to trails (i.e., the opening of the Alta Summer Road was delayed a couple months, which is apparent in the visitation numbers to Cecret Lake). November totals are included for lower elevation trails to demonstrate visitation occurs year round, often regardless or because of weather!

The x and y axis lines (visitor counts and date rangers) may vary per graph.

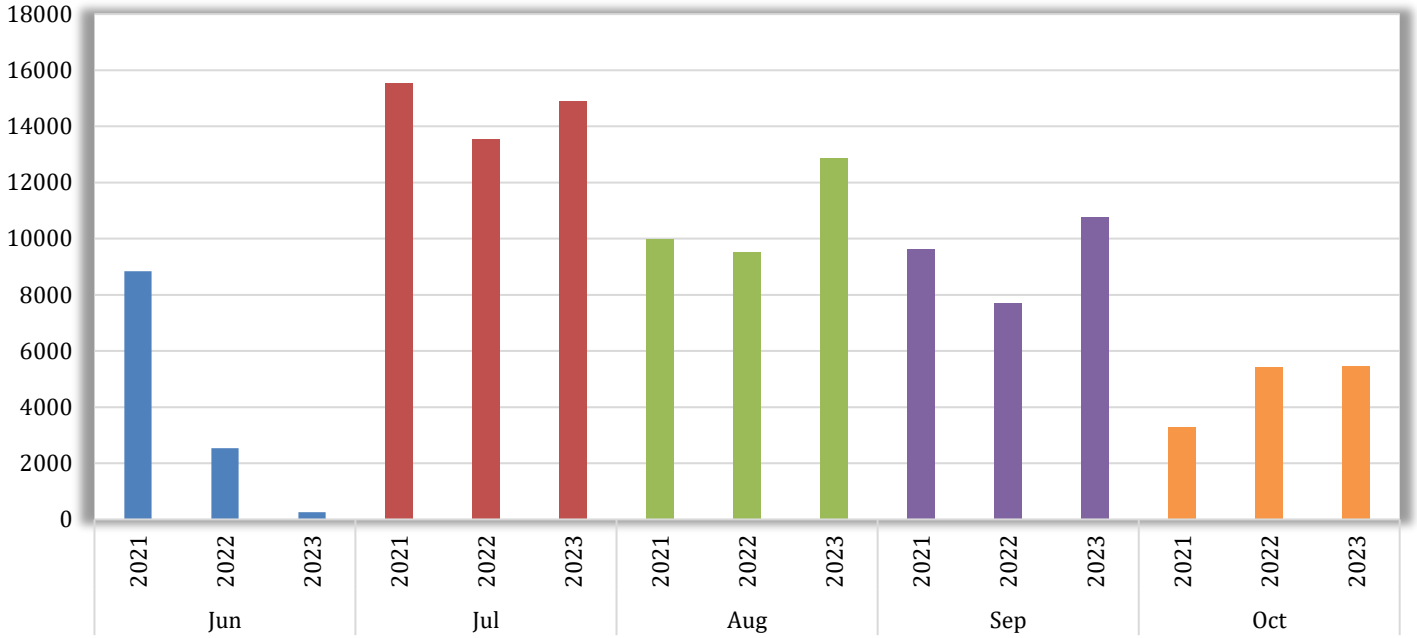
Little Cottonwood Canyon



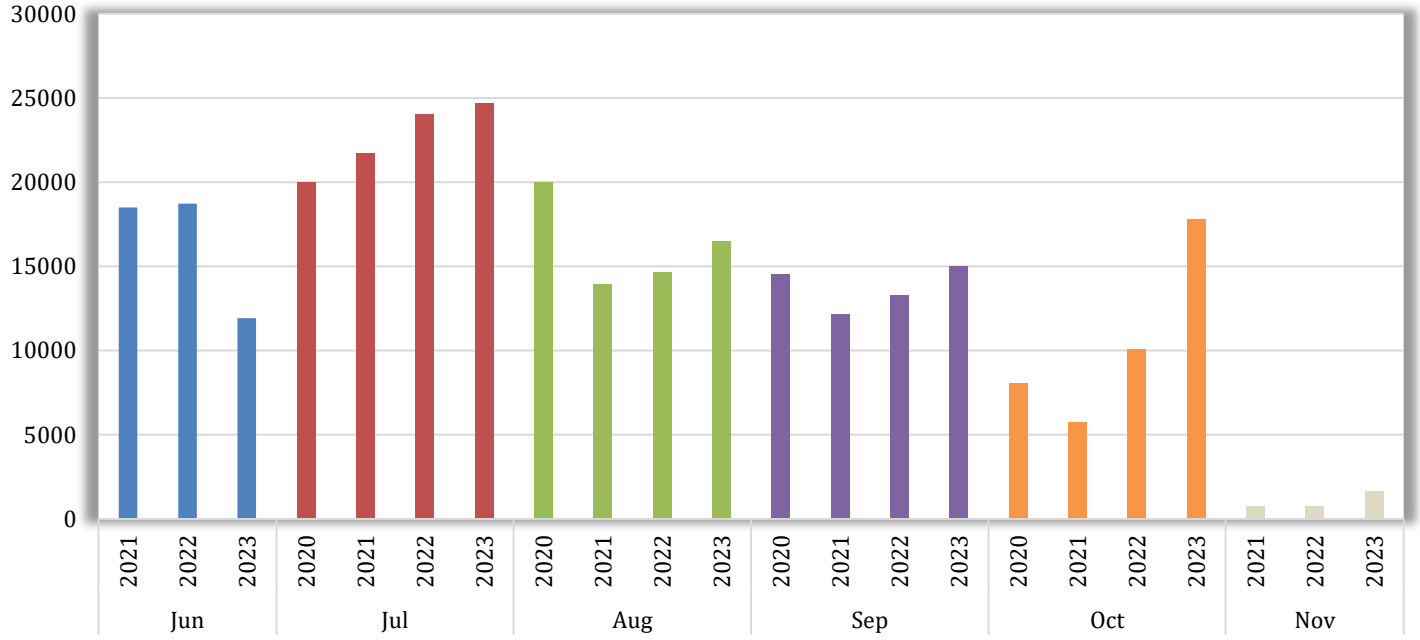


Big Cottonwood Canyon

Lake Mary Visits - Months by Year (2021 - 2023)



Donut Falls Visits - Months by Year (2020 - 2023)

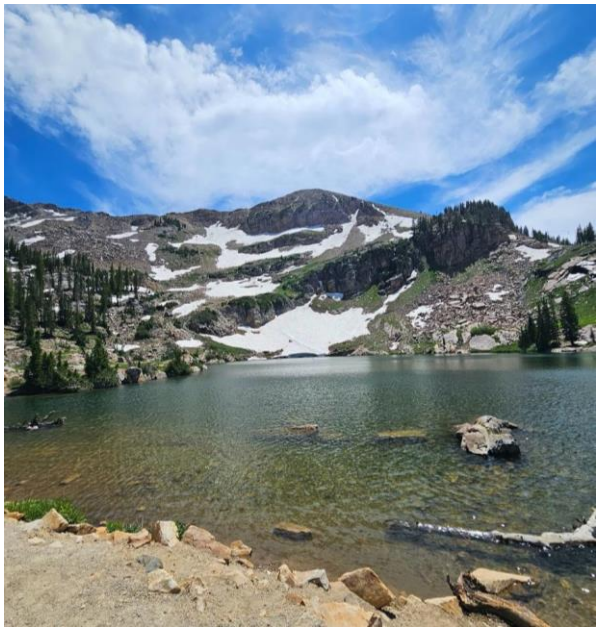


Park Rangers: Little Cottonwood Canyon

Typically, 1- 2 Park Rangers staffed Little Cottonwood Canyon each day. One ranger focused on the Albion Basin area, while the second ranger visited other popular locations throughout LCC. Scheduled work occurred Fridays - Mondays, generally 8am-6pm, though hours shifted to cover the "golden hours" (until 8pm) in July and August. Due to high snow levels, patrol dates in alpine areas began in July.

Accomplishments

- Two employees in the canyon increased visitor contacts on popular trails and in areas less frequented by Park Rangers!
- Albion Meadow closure efforts are effective
    - Ropes along trails discourage off trail travel
    - Photo pull-offs allow visitors to take photos with flowers while not trampling plants
    - Stationing an employee at the start of the Albion Meadows trail ensured each hiker heard important educational messaging
- Most dogs are turned away by the Fee Booth; most dogs encountered had an Alta permit. Owners were reminded to pick up all waste and were suggested to hike less-visual areas
- An overnight patrol to Red Pine Lake allowed employees to interact with backpackers and early morning hikers; 16 illegal fire rings were restored to a natural setting
- A large, elaborate structure along the Little Cottonwood Trail was deconstructed



A sunny day at Cecret Lake

Recommendations

- Increase watershed signage rules (especially no wading/touching water at Cecret Lake)
- White Pine experiences high visitation levels and could benefit from increased Forest Service presence to provide interpretive tabling and patrols to Gloria Falls
- Coordinate with Snowbird to host an educational table at Oktoberfest 2024, educating visitors about the National Forest that they are in

Park Rangers: Big Cottonwood Canyon – add new signs at Cardiff

Typically, 2-3 Park Rangers staffed Big Cottonwood Canyon, with 2 rangers in the Silver Lake area, and 1 ranger near Cardiff Meadow and Donut Falls areas. Patrols occurred Friday – Monday, from 8am through 6pm, with additional staffing during the "golden hours" (until 8pm). Staffing in Big Cottonwood occurred from May through October.

Accomplishments

- Park Rangers posted informational detour signs around Silver Lake while segmental boardwalk construction occurred throughout the season (altered access to Twin Lakes and Lake Solitude for several months)
- Park Rangers and Cottonwood Canyon Foundation Naturalists were stationed in and out of the Visitor Center providing naturalist education, explanation of rules, and enforcement. Park Rangers stationed themselves at points of interest and roved the boardwalk to engage with visitors.
- Successfully implemented Donut Falls detour around washouts and bridge damage (via signage and ropes) directing people to hike the road
- Cardiff boardwalk and new natural sections of trail were completed, connecting the highway parking to the upper Dontu Falls trailhead.
    - Coordination efforts to design/implement new signs in the Cardiff Meadow
- Pop-up interpretive tables at Cardiff and Donut Falls trailheads led to increased education regarding plants, animals, watershed rules
- Patrols to other lakes like Lake Mary, Twin Lakes, Lake Solitude, Lake Blanche and Dog Lake proved beneficial, especially to highlight watershed education
- New signs emphasizing watershed rules (no dogs in cars, no swimming, wading, water play) were put up around Cardiff and at Donut Falls
    - Metal "No Dogs Allowed" signs were placed at the entrance to Silver Lake Visitor Center parking and at the entrance to Donut Falls trailhead parking
    - No swimming/wading signs were installed hot spots along Big Cottonwood Road

Big Thanks to the Watershed Team for the new signs

Recommendations

- Continued signage emphasizing dogs are not allowed in the canyon (not even in cars)
- Signage explaining the new construction of Silver Lake boardwalk may be helpful
    - Completion dates
    - Types of wood, treatment used
    - product selection (wood vs Trex)
- Interpretive tables provide a friendly educational opportunity to explain rules by getting visitors engaged and excited about the area. Hosting these on weekends, especially at Cardiff or the Donut Falls trailhead, is vital.



New Boardwalk at Cardiff Meadows

Trails and Wilderness: Backcountry Rangers

The trails and wilderness's Backcountry Rangers crew had 1-3 FPO Backcountry Rangers on trails over 13 weekends, holidays (July 4, Labor Day, Columbus Day) and festivals (Wildflower Festival). Patrols in Big and Little Cottonwood Canyons occurred on all major trails and alpine lakes and a few less popular areas such as Maybird Gulch, Days Fork, Broads Fork, and a few more!

Accomplishments

- Trails logged out (>30 trees) with chainsaws and crosscut saws
- Ten incident reports written for watershed violations
- Managed 76 hours of volunteer watershed education patrols with Kristin Thomas (nearly $2500 in volunteer labor)
- Lead interpretive talk with Wasatch Mountain Club on the history of the watershed
- Installed 4 new trails maps (2 at Blanche Lake, 2 at Red/White Pine)
- Updates signs on all wooden trails kiosks in BCC and LCC
- Installed hiking signs along Donut Falls trail
- Scouted Donut Falls, White Pine, and Maybird bridges for replacements
- Scouted alignment for new Gloria Falls trail

Recommendations

- Better, fewer, simpler signs at each trailhead
    - Focus on: No dogs, No swimming – both with images
- New no dog and no swimming road signs at the bottom of Big and Little Cottonwood
    - Big and simple text
    - Replace electronic UDOT sign with permanent sign
- Reduce overall signage and concentrate on a few large focal point signs
    - Reduce temporary signs
    - Secure posts for larger, permanent signs
- Solution for the end of the Donut Falls trail



Simple message and image

Conclusion

The successful SLRD - SLCPU partnership provides critical watershed education to thousands of visitors a year. This effort protects the watershed while providing diverse recreation opportunities to millions of visitors. This report highlights the impressive accomplishments our teams achieved and acknowledges what more we can do, especially as these areas remain popular with new and longtime visitors.

Recommendations from all SLRD crews:

- Continue to streamline signage with consistent messaging throughout the canyons
    - Coordinate SLCPU, SLRD, UDOT messaging (i.e. “dogs not allowed in canyon”; try and incorporate “not even in cars” in messaging)
    - Signs in foreign languages, especially Spanish, to accommodate diverse visitation
- Continue adequate staffing to allow Forest Service education and presence throughout Big and Little Cottonwood Canyons
- Continue extended “golden hour” patrol during peak wildflower season in Little Cottonwood and fall colors season in Big Cottonwood
- Remain focused on educating photographers (photography pamphlet, educational conversations) as a great opportunity for photographers to share resource protection messages with their colleagues and clients.

THANK YOU!

Thanks to Salt Lake City Public Utilities for their continued commitment to this partnership and passion for watershed protection through visitor education.

And of course, much gratitude is owed to the enthusiastic, dedicated Forest Service and Watershed employees who provide positive and informative visitor contacts to protect our watershed, wilderness areas, and public lands.



Woodsy Owl hangs out in Little Cottonwood Canyon at Alta Kids Day

BRIGHTON SHORT TERM RENTAL SUB COMMITTEE
MEETING MINUTES

Monday, April 29th, 2023, at 6:00pm
**The audio recording was inadvertently not started at the beginning of the meeting. The recording begins at the vote on Business Item 2.*

ATTENDANCE
Subcommittee: Jeff Bossard (meeting chair), Carolyn Keigley, Barbara Cameron, Lise Brunhart, Mark Brinton, Carole McCalla

Staff: Kara John, Polly McLean, Curtis Woodward

Public: Wendy Smith, Chad Smith, Andrew Menlove, Zoe Perry, Kate Novak, Vita Kaplan, Tom Ward, Ulrich Brunhart, Angus Robertson, Jared Richards, Kerri's iPhone, Katie Balakir, Alex's iPhone, Mark, Jill, Suzie's iPhone, 801-910-9206, Emily Gretsky, Jared Richards, Rose Rogers, Thomas Menlove, Jack Gibson, Ava, JTc6r, Jeremy Meyers

PUBLIC INPUT

1) Ulrich Brunhart provided images to support his comment. The first is a map showing the concentration of STR's in his immediate neighborhood. The next three are examples of just a few of the parking issues/blockages caused by renters. The map indicates which homes are STRs and which are full/part time residents. It is split at 50% of each in a small area with steep hills and tight curves. The images show cars parked partly in the roadway to the point a driving vehicle could not get past. In some cases, cars were parked this way overnight. None of these issues were reported to the 24-hour hotline. They were dealt with by addressing the guest and asking them to move the vehicle, or the owner/manager was contacted, as is the recommendation on the flowchart. He's had issues with people parking in his own driveway as well. The access disruptions caused by renters, both on the roads and private driveways, are getting worse.

2) Jared Richards commented on the SLCPU water and sewer letter requirements. His license expires tomorrow, but he's been held up on renewing it because he's been waiting for Salt Lake City Public Utilities to review and sign off. He noted it's been a significant amount of time since he started the renewal, and he hasn't been able to get a hold of anyone. There is still time before his account reaches penalties, but he wondered if this was a common hold up and if it could be changed.

3) Chad Smith commented that IADUs should be allowed for STRs as well as for long-term rentals. I know we want to prioritize housing for local workers over STRs, but in the many cases (like ours) where long-term renting is simply not going to happen, it makes more sense for Brighton to encourage STRs where the owner remains onsite, rather than requiring the owner to vacate that property entirely anytime they rent it out as a STR. IADU STRs have fewer negative impacts than STRs. When the owner is onsite, problems are resolved quickly, and for the most part don't even occur in the first place. Renters who are likely to get noisy or to over-occupy a rental won't choose to rent a place where they share a wall with the owner. Jeff asked Polly about legal issues for ADU STRs. She answered that while Utah legislation requires long-term renting be allowed in ADUs, that STRs are legally allowed but not required. She remembered that when this

was discussed by Brighton Town Council it was decided not to allow ADU STRs because they wanted to encourage long-term rentals over short-term rentals.

4) Angus Robertson lives in Giles Flat. He has short-term rented his property short-term before, but he is not renting it currently. If he decides to rent his property again in the future, he noted the proximity of his home to the condos at Solitude. He wondered if he would be required to notify every condo owner and asked the best way to go about that. He also wondered about the need since many of the owners don't live there.

It was suggested that he contact the town if he decides to rent his property before the ordinance is changed. A clause can be added that if a condo building is within 300 feet, then only contacting the HOA is sufficient so they can disseminate the information to the owners.

WRITTEN COMMENT

1). As a long-time, year-round resident of the town of Brighton I feel that the 300' notification should not be changed unless it's to extend the distance to 500' or even a 1/4 mile. I regularly have noisy STR's in the Brighton neighborhood that are further than 300' from me and I do not have any of the contact info for them. The STR next to me has been much less of a nuisance since I was notified and given the contact information so that when issues arise, they can be dealt with promptly and directly.

As full time residents we should all be notified of all new or existing STR's and also be given the contact information for any STR within our neighborhood regardless of how many feet away it is.

Thank you,
Justin Pyper

2). My name is Danny Richards, and I am a resident on Church Road. I have owned a home on church road for 7 years and have owned property in silver fork for over 25 years. My self, my wife and family members have spent the last 4 winters living full time on Church Road.

I apologize I am not able to attend tonight's meeting but wanted to share my thoughts on Church Road short term rentals.

Accessing our home on church road in the winter is not for the faint of heart. The conditions on the road range from bad to terrible and only a proper 4x4 with snow tires and an experienced driver can manage the road in all conditions. Unfortunately, if someone has success navigating the road one day utilizing a car without 4x4 and snow tires they assume they will have the same success everyday they attempt to drive on Church Road. This false sense of security always ends up with a stuck car telling me they have never had this problem before. I personally help stranded vehicles every week of the winter get unstuck.

Please be aware that I believe the request being made to eliminate any short-term rental quotas is being made by Church Road property owners who have recently built significant homes on Church Road. None of these new property owners have lived in their homes during the winter and none have spent more than 10 days total in their new homes. I would hesitate to call my new neighbors Silver Fork residents. These new property owners are from Arizona, Florida, and Idaho and i am afraid lack the experience to understand that sending renters up to church road in the winter is not as straight forward as they believe. This winter we only had one home being used as a short term rental and the visitors

were constantly getting stuck on the road and in one case abandoned their car on the road overnight preventing my neighbors and myself from going anywhere until mid-morning.

Keep in mind that visitors flying into SLC and attempting to rent a car at the airport will never be able to acquire a 4x4 with snow tires. The airport simply doesn't have these vehicles and often the SUVs that are rented from the airport don't even have all wheel drive. The renters are typically oblivious to this and assume they have rented a car that can handle the snow.

I am very passionate about this issue and am disappointed I could not attend today to hear all sides of this issue.

Sincerely,

Daniel E. Richards

BUSINESS

1. **License numbers for STR's in Silver Fork and Pine Tree. No Audio Recording.**

This map was shared and can be found on the Town of Brighton website: Business Licenses in Brighton (arcgis.com) . A count of licenses was taken from this map.
Pine Tree has 2 licensed STRs and 1 pending. The cap is at 6 licenses. It was noted that Bear Trap was previously excluded from Pine Tree and Silver Fork because it has it's own water system and access.
Silver Fork has 23 licensed STRs and 10 pending. The cap is 15% of 219 homes, equaling 33 STRs. The cap was previously set as 30, but since new homes have been built, the number was recalculated.
People who have inquired recently were told there were 24 licensed STRs in Silver Fork, but one rescinded their license today to participate in the Lease to Locals Grant program.

2. **Discussion of properties on Church Road to be excluded from the Silver Fork cap. No Audio Recording.**

There are 14 homes on Church Road, one is a licensed STR and there is one application pending.
There are 205 homes in Silver Fork excluding Church Road, which would amount to 31 STRs. If Church Road is kept in the license cap, there are 219 homes total which would allow 33 STRs.
Carole McCalla figured this decision should be determined after discussion among all the residents on Church Road since it's a situation unique to them. She manages the licensed STR on that road and understands the challenges of that area. It was noted that Church Road is served by the Silver Fork water company and is a part of the neighborhood despite the separate access. It was mentioned that the road can be difficult to navigate in the winter and summer because it's so narrow and there are infrequent pull outs for people to pull over. Carole suggested more frequent plowing to stay up on road conditions and prevent as many stuck vehicles as possible.
Barbara Cameron moved to keep the Church Road as part of the Silver Fork cap and Jeff Bossard seconded the motion.

Jeff Bossard: Aye
Carolyn Keigley: Aye
Carole McCalla: Abstain
Barbara Cameron: Aye

Lise Brunhart: Aye
The motion carried 4:1 and this item will not be recommended to the Brighton Town Council.

3. Update on the functionality of the new MSD licensing portal. Recording- 0:26.

Carole McCalla echoed the sentiment that the bottleneck for renewals and new licenses is Salt Lake City Department of Public Utilities. She noted the MSD licensing staff are amazing help, but ultimately, more time is needed to get the required letter from SLCDPU. Generally, with the newest MSD portal, the transition back to the old software has gone well, thanks again to the MSD staff. It's the same portal for building permits, and business licenses.

4. Proposed changes to the 300' notification requirement. Recording: 16:12

This item was discussed after item 5.
Lise Brunhart suggested the 300 ft notification rule be omitted as not one of the 6 new STRs within her 300ft neighborhood radius bothered to notify her nor her neighbors of their impending STR.
Carole McCalla explained that the 300 ft neighbor notification is not required until STR license renewal if they are existing licenses, and it is likely those homes were licensed before this was put into effect.
Barbara Cameron mentioned the 300ft rule was a good way for neighbors to connect and have person to person contact for issues. There is a sample notification letter in the handbook. It was recommended for owners to keep a list of their neighbors to notify so that it becomes easier the next time around.

5. Follow up on the SLCPU water and sewer letter requirement. Recording- 1:53.

This was discussed under item 3.
Currently, approved drinking water supply letters are required annually. Jeff Bossard reported that Steve McIntosh, the watermaster for many of the water companies, has appreciated the annual water letter. It helps him ensure meters are installed in a timely manner. There may not be a use for annual letters beyond that, and the requirement can be revisited in 2025. Barbara Cameron cautioned putting too much additional work on these other agencies if it isn't needed. Tom Ward, planning commission member, also went through the renewal process recently and was frustrated by how long it took. He understands the initial need to have a record of the water letters, but afterward, only upon sale would the record need to be updated, in which case a new application would trigger the need for another water letter. Polly McLean recommended tabling the item until next year when SLCDPU can provide input on their need for a letter.
Jeff Bossard moved to table the discussion on any changes to the water requirement and Carolyn Keigley seconded the motion.
There was discussion on the possibility of giving more time for the SLCDPU letter to be acquired before licenses expire. Polly McLean explained that the process automatically allows a 30-day grace period, after the 30-day expiration window. There is already 60 days to complete the renewal, and when the MSD was approached about extending this further, they expressed technical difficulties to adapting a longer window. Curtis Woodward from the MSD said he'll review the business license code again and see how definite the timeframe is. Kara John added that in discussion with the business license team, they can allow people to start on their renewal in advance of the expiration notice. If owners can track their own expiration, then they can take multiple months to work through it. The town can follow up to see if the MSD can handle renewals on a case-by-case basis to determine if the holdup can excuse penalties.
The above motion passed unanimously.

6. Discussion of private property signage recommendations and information to renters of proper routes to the property

Jeff Bossard explained the need for directing visitors to stay on public land came after an incident where a resident threatened someone trespassing across his property. This was after he'd called the police several times for help in preventing skiers and snowboarders from riding through his property. It was realized, with short-term rentals in the area, that visitors should be properly guided back to the rental property without crossing private land. It was suggested to have the MSD send letters to the short-term rental properties adjacent to resort or back country territory. Brighton resort has not agreed to put up signage to educate skiers where private land is. Ideally, they could mark it on digital maps, as they do avalanche terrain, and on-site signage. Barbara Cameron suggested putting a section in the STR handbook, and the rental agreement that states visitors must stay on public roads and trails, and not pass through neighbors' properties.

7. Discussion about continued use of Granicus. Recording: 32:15.

Jeff Bossard explained that Granicus is the short-term rental monitor that tracks complaints, and bookings. He emphasized the importance of reporting complaints to the Granicus hotline even when issues are resolved so that they can be tracked in case a nuisance property needs their license rescinded. The current contract goes through November 2024. Carol McCalla noted that rental owners are given 20 minutes to respond to an issue, and two hours to resolve it. She encourages the neighbors and guests to contact her with issues. She keeps her phone by her bed at night to be able to handle anything that comes up. She manages several properties in the canyon and hasn't been contacted by Granicus, so she wonders if it's working and what we're paying for. Granicus serves other functions, and ultimately, the complaint flow chart encourages people to resolve issues directly with the owner or manager.

Jeff noted that Granicus also serves to scan rental platforms to search for rental activity. It saves staff time having this feature. Regarding complaints, the intention is for owners to better communicate with visitors to prevent the same issues. However, if issues are repeated, those should be tracked through Granicus to help determine if an STR is unfit for an area. It was noted that the most common complaint is cars stuck in the road.

The MSD provided data on complaints received from Granicus for this last year, 2023.

The total number of complaints received for 2023 was 19.

1-disturbance / trespassing
5 – just needed information
4- unlicensed STR (they were incompliance had a license)
1-someone shooting a toy gun
3- wedding (family wedding no STR)
4- parking issues
1- 300ft notification.

8. Discussion of nuisance STRs

This was covered in the previous item.

9. Discussion on plowing and steep roads

Carole McCalla expressed that stuck cars are the number one issue. She has concerns with Dan Knopp selling the plowing company because of the importance of roads being cleared timely. She figured that if roads could be cleared more often, salted, and sanded, then fewer vehicles would get stuck in the neighborhoods. There are new people moving into the neighborhoods with interest in more frequent plow service. She noted that longtime residents may not want to pay an increased rate for more service, but the additional costs could be passed on to the STR guests.

There is a cluster of new STRs on the north side of Silver Fork, particularly where the road is very steep and is subject to extreme melting and freezing where it is in the sun during the day. Cars have slid into

each other multiple times. Polly McLean explained that the possibility of restricting STRs from these areas was discussed with the MSD, but it was determined unfair to limit all the homes on a road if only a small section of the road is steeper than 12%. The safety consideration was discussed in a meeting with UFA. They can provide service to any place in the canyon and will do so on foot if the roads are too impassable. However, from a liability standpoint, it is something owners should consider and be sure to educate guests about if their property is in an area that is difficult to reach for emergency services. Polly also noted that the current roads are grandfathered in despite current fire code. Additionally, there are already STRs in a lot of the difficult areas and it would be unlikely to limit those now.

10. Update on the Lease to Locals program
Polly McLean explained that this program was put in place about a year ago as an alternative for people who have an STR license and are willing to rescind it to provide lodging to long term rentals in exchange for a town grant. It can provide up to $18,000 for the maximum number of town-based tenants. The first application came in recently, and improvements could be made. The recommended change is to adjust the pay structure to be quarterly rather than 50% upfront and 50% at the end of the lease due to the nature of seasonal work in the canyon. This way, rates could be prorated or altered if an employee doesn't work for a full 12-month stretch. This will be an administrative change at the next council meeting.

11. Are STRs allowed in Mill F with a sewer connection. Recording 1:03. 46.
Carole McCalla explained that this item was brought up from Mayor Knopp after hearing from owners in the Mill F area who would like to operate STRs. They don't currently have connection to the sewer. They do have year-round water, so as long as their properties are equipped to meet the other regulations, it was estimated that they would qualify to operate STRs as long as they obtain a sewer connection.

12. Other items as needed
N/A

Meeting summary by Barbara Cameron:

1. We decided to keep Church Road IN the Silver Fork Cap due to the steep road and the SFPC water source.
2. We decided that the SLCPU process is not working for the STR reapplication process. Several people spoke out about it, including Tom Ward who said SLCPU should not be interfering with the administration of private water company business. For the sake of getting water meters installed in all STRs, we decided that the TOB should require water letters from STRs until the end of the year. Starting in 2025, water letters should only be required at the initial application of an STR or a change of ownership, just like the sewer letter...only one time. Polly cautioned us that we would need a meeting with you, her, and SLCPU to get this changed. We are hoping you can support this change and strategize with Polly about how and when to get this done. The matter was tabled until we can get more information from you and Polly. (I included Polly on this thread.)
3. We decided to continue using Granicus for another year.
4. We decided to keep the 300 ft. neighbor notification requirement in place.
5. We just got our first application for the Lease-to-Locals program.
6. We decided that STRs would be allowed in Mill F if they put in a sewer connection.
7. We discussed plowing, possibly asking STR hosts/guests to pay more if they want frequent clearing and sanding. The Mountain Sun Lane properties are half STRs and are on a steep road

with many complaints and accidents this past winter. Carole McCalla said it was her worst winter ever for stuck cars. More research is needed on the possibility of increased plowing service.

PUBLIC INPUT
None

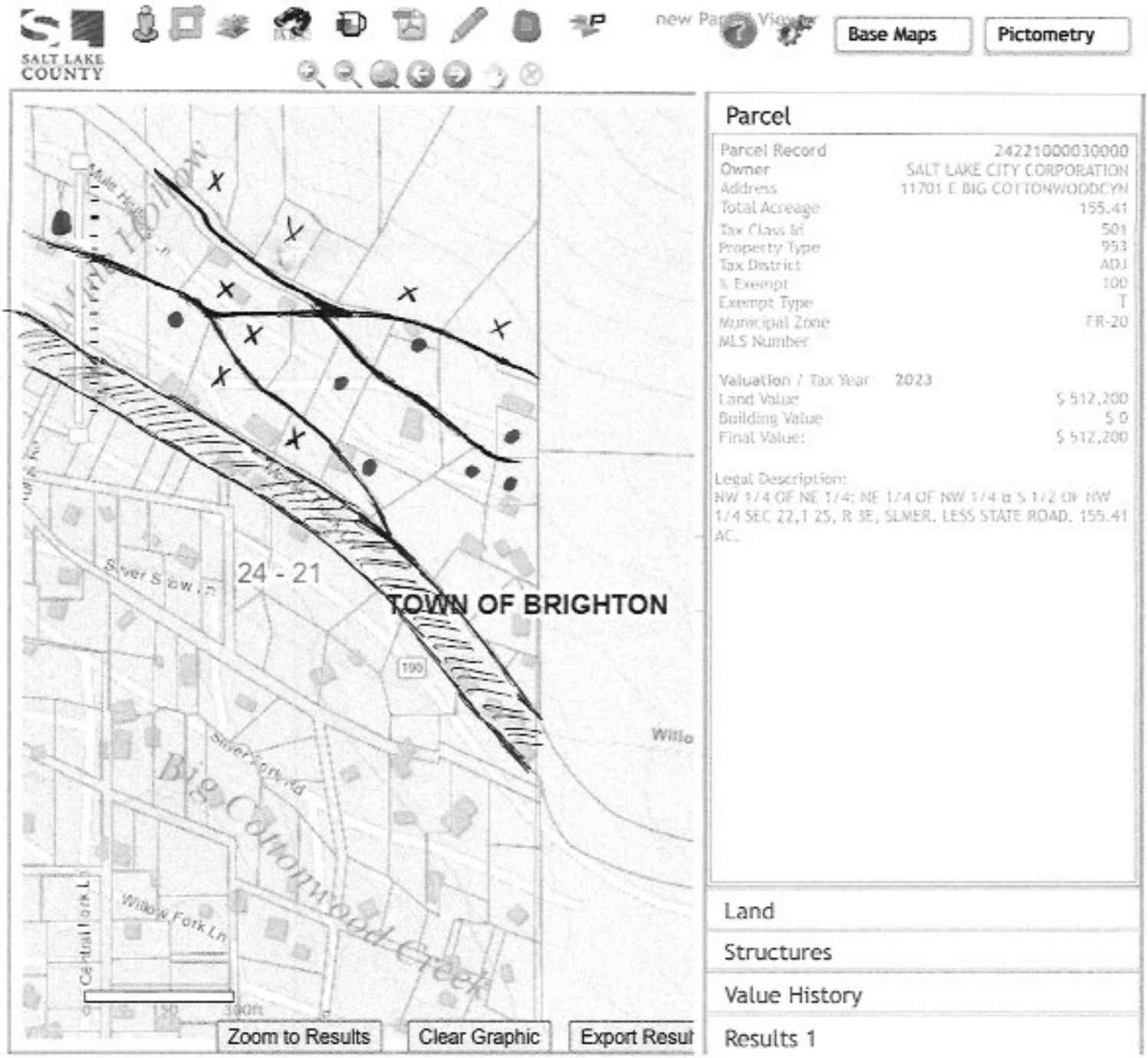
CHAT BOX COMMENTS
None

SET NEXT MEETING IF NEEDED
N/A

ADJOURN
Carolyn Keigley moved to adjourn the meeting. Carolyn Keigley seconded the motion. The motion passed unanimously, and the meeting was adjourned.

_____
Submitted by Kara John, Town Clerk

Draft



● = STR

X = Full time or Part time Resident

50% STR Saturation in our Neighborhood with steep hills + tight curves.

What happened to 15%?


UTAH
8AD214





BRIGHTON, UTAH

ORDINANCE 2024-O-5-1

AN ORDINANCE OF THE TOWN OF BRIGHTON REPEALING AND REPLACING THE ENTIRETY OF TITLE 19 PROVISIONS ON ZONING.

RECITALS

WHEREAS, the Greater Salt Lake Municipal Services District provides services to the Town of Brighton; and

WHEREAS, the Town of Brighton has authority to adopt Zoning ordinances in accordance with the Municipal Land Use, Development, and Management Act, ("MLUDMA"), Utah Code Title 10, Section 9a, Part 5,, to establish zones and regulate development; and

WHEREAS, Town of Brighton's Title 19 was originally adopted from Title 19 of the Salt Lake County Code in order to ensure continuity when the Town of Brighton obtained land use authority.

WHEREAS, the Council deems it necessary to amend its ordinances in order to help accomplish the vision of the adopted general plan; to customize its code to the conditions and values of the Brighton community and mountainous conditions; and for the protection and preservation of the public health, safety and general welfare; and

WHEREAS, the Planning Commission held almost monthly work sessions over 2023, and noticed and conducted a public hearing on January 31, 2024, and forwarded a positive recommendation to repeal and replace Title 19 to the Town Council; and

WHEREAS, legal notice was properly published; and

WHEREAS, the Brighton Town Council ("Council") met in a regular session on February 13, 2024, March 12, 2024 and April 9, 2024 and held public hearings on February 13 and April 9 to consider amendments and updates to Title 19.

WHEREAS, at the February 13, 2024 meeting the Council voted to adopt Chapters 19.24 (Forestry Zones), 19.32 (C-V Commercial Zone), 19.38 (Foothills and Canyons Overlay Zone), 19.42 (Specific Use Standards).

WHEREAS, at the March 12, 2024 meeting the Council voted to adopt Chapter 19.02 Title, Purpose, Applicability, Chapter 19.56 Floodplain Hazard Regulations, and Chapter 19.58 Geological Hazards.

WHEREAS, the Ordinances were not published in order to consolidate and repeal and replace the entire Title together;

WHEREAS, at the April 9, 2024 meeting the Council held a public hearing on the remaining chapters of Title 19 including 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 (General Site Development Standards), 19.48 (Off Street Parking and Mobility Standards), 19.52 (Signs), and 19.54 (Dark Skies)

as well as revisions to 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. The Public Hearing also included discussion the building height definition in 19.04 and Gross Square Footage in the FR zones.

WHEREAS, the Council held a public hearing and met in regular session on May 14, 2024 to consider the entire Title 19 and the repeal and replace of that Title as provided for in this Ordinance;

BE IT ORDAINED BY THE BRIGHTON TOWN COUNCIL as follows:

1. Title 19 is hereby repealed and replaced to read as follows:

Zoning Ordinance: Title 19 is hereby repealed and replaced in its entirely with the revised Title 19 attached hereto as Exhibit A.

2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. Non-substantive amendments. The Planning Manager and Town Attorney are authorized to make non-substantive revisions and typographical errors including grammar, formatting, or referencing revisions herein.

4. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

PASSED AND **ADOPTED** this 14th day of May, 2024.

BRIGHTON TOWN COUNCIL

By: Danial E. Knopp, Mayor

ATTEST

Kara John, Town Clerk

TOWN OF BRIGHTON 1870/2020 CORPORATION SEAL STATE OF UTAH

Voting:

Council Member Bossard Voting: Aye
Council Member Brunhart Voting: Aye
Council Member Keighley Voting: Aye
Council Member Knopp Voting: Aye
Council Member Zuspan Voting: Aye

SUMMARY OF TOWN OF BRIGHTON
ORDINANCE NO. 2024-O-5-1

On May 14th, 2024, the Brighton Town Council enacted Ordinance No. 2024-O-5-1, that adopts a new and updated version of Title 19 (Zoning) of the Town of Brighton Municipal Code and repeals and replaces in its entirety the prior version of Title 19 (Zoning).

BRIGHTON TOWN COUNCIL



By: Danial E. Knopp, Mayor

A complete copy of Ordinance No. 2024-O-5-1, is available in the office of the

Greater Salt Lake Municipal Services District, 2001 South State Street, N3-600, Salt Lake City, Utah.

GREATER SALT LAKE
Municipal Services
District

Amended Addendum to Exhibit A of Ordinance 2024-O-5-1

This is an amended addendum to Exhibit A of the adopted Ordinance 2024-O-5-1. The Exhibit A attached to the original adopted Ordinance did not include Chapters 19.06, Nonconforming Uses and Noncomplying Structures, and 19.10, Procedures for Analyzing Takings Claims but they were specifically named in the body of the formal ordinance. The omission of these Chapters from the exhibit was purely a clerical error, as the Town Council officially adopted Chapter 19.06, Nonconforming Uses and Noncomplying Structures, in November 2023, and voted to renumber this Chapter from 19.88 to 19.06 in May 2024. Council also adopted Chapter 19.10, Procedures for Analyzing Takings Claims, in May 2024. Because the clerical error was on the exhibit rather than the formal adoption ordinance, and because the intent of the Council was to adopt these chapters with the rest of the Chapters listed in the exhibit, formal re-adoption by the Council is not required.

PUBLIC HEARING DRAFT BRIGHTON TITLE 19 ZONING ORDINANCE

This is a public hearing draft.

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CHAPTER 19.14: ZONES, ZONING MAP, AND BOUNDARIES

CHAPTER 19.16: LAND USE PROCESSES AND PROCEDURES

CHAPTER 19.20: VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS

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CHAPTER 19.38: FOOTHILLS AND CANYONS OVERLAY ZONE (FCOZ)

Article IV. SPECIFIC USE STANDARDS

CHAPTER 19.42: SPECIFIC USE STANDARDS

Article V. DEVELOPMENT STANDARDS

CHAPTER 19.46: SITE DEVELOPMENT STANDARDS

CHAPTER 19.48: OFF-STREET PARKING AND MOBILITY STANDARDS

CHAPTER 19.52: SIGNS

CHAPTER 19.54: DARK SKIES

CHAPTER 19.56: FLOODPLAIN HAZARD REGULATIONS

CHAPTER 19.58: GEOLOGICAL HAZARDS ORDINANCE

DRAFT

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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~~38, 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 19.46 – 19.58, 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,

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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 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.

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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

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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.

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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 (d.u.)" 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.

~~21.~~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, ~~porches.~~

~~22.~~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").

~~23.~~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.

~~24.~~28. "Hardscape" means patios, decks and paths. Does not include driveways.

~~25.~~29. "Health Department" means the Health Department of Salt Lake County, Utah.

~~26.~~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.

~~27.~~31. "Land Trust" means a private non-stock, non-profit corporation that has as its purpose the preservation.

~~28.~~32. "Land Use Application" means an application required by the zoning or subdivision ordinances.

~~29.~~33. "Land Use Authority" means the person, board, commission, agency, or other body designated by the Council to act upon a land use application.

~~30.~~34. "Land Use Decision" means any final decision of the ~~Council,~~ 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.

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~~31.~~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.

~~32.~~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.

~~33.~~38. "Local Jurisdiction" means the Town of Brighton.

~~34.~~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.

~~35.~~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.

~~36.~~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.

~~37.~~42. "Municipal Engineering Division" means the division or personnel hired by or contracted with the municipality to provide engineering services.

~~38.~~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.

~~39.~~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. "Net developable acre " 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).

~~40.~~47. "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.

~~41.~~48. "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

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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.

~~42.~~49. "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.

50. "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.

51. "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.

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~~43.~~52. "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.

~~44.~~53. "Permitted Use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

~~45.~~54. "Planning and Development Services" means the Planning and Development Services Department of the Greater Salt Lake Municipal Services District.

~~46.~~55. "Planning Commission" means the municipal Planning Commission.

56. "Primary Dwelling" means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.

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57. "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.

58. "Residential Zone" means any forestry zone or any zone that permits single-family residential uses.

~~47.~~59. "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.

~~48.~~60. "Road" can be used interchangeably with the word street.

~~49.~~61. "Record of Survey Map" means a map of a survey of land prepared in accordance with Utah Code.

~~50.~~62. "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.

~~51.~~63. "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.

~~52.~~64. "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.

~~53.~~65. "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.

~~54.~~66. "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.

~~55.~~67. "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.

~~56.~~68. "Structure" means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.

~~57.~~69. "Structural Alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

~~58.~~70. "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~~, agricultural, and industrial~~ 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.

~~59.~~71. "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.

~~60.~~72. "Subject Property" means the land area for which an approval is required to comply with this Ordinance.

~~61.~~73. "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.

~~62.~~74. "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.

~~63.~~75. "Utility Company" means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.

~~64.~~76. "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 sidewalks, curbs, gutters, and streets.

~~65.~~77. "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.

~~66.~~78. "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 ~~which~~ that affords a secondary means of access to abutting property.

~~4.~~

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~~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 ~~the coping of a flat roof, or to the deck line of a mansard roof, or to a level midway between the level of the eaves and the highest point of pitched or hipped roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs~~any roof. ~~For purposes of measuring height, the "level of the eaves" means the highest level where the plane of the roof intersects the plane of the outside wall on any side containing an eave.~~
    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

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the best information available. The elevation shall be determined using a certified topography survey with a maximum contour interval of two feet (2').

~~14.~~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.

~~15.~~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.

~~16.~~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.

~~17.~~

~~18.~~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.

~~19.~~20. "Entrance" means the location of ingress to a room, building, or lot; a location of admittance.

~~20.~~21. "Exit" means the location of egress from a room, building, or lot.

~~21.~~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.

~~22.~~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.

~~23.~~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.

~~24.~~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".

~~25.~~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".

~~26.~~27. "Green Space" means open space maintained in a natural, undisturbed, or revegetated condition.

~~27.~~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.

~~28.~~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.

~~29.~~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.

~~30.~~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.

~~31.~~32. "Lot, Double Fronting" means a lot having frontage on two (2) streets that are parallel or nearly so or do not intersect.

~~32.~~33. "Lot, Interior" means a lot other than a corner lot.

~~33.~~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.

~~34.~~35. "Lot Line, Front" means the front boundary line of a lot bordering the street.

~~35.~~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').

~~36.~~37. "Lot Line, Side" means any lot boundary line not a front lot line or a rear lot line.

~~37.~~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.

~~38.~~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.

~~39.~~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.

~~40.~~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.

~~41.~~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.

~~42.~~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.

~~43.~~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.

~~44.~~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.

~~45.~~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.

~~46.~~

~~47.~~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.

~~48.~~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.

~~49.~~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.

~~50.~~51. "Setback" means a distance from a curb, property line, or structure within which building is prohibited.

~~51.~~52. "Side Yard, Corner Lot" means a side lot line that abuts a street.

~~52.~~53. "Side Yard, Interior Lot" means a side lot line that abuts a side or rear lot line of another lot.

~~53.~~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.

~~54.~~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.

~~55.~~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.

~~56.~~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.

~~57.~~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. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.
d. Cornices, eaves, belt courses, buttresses, and other similar architectural features may project into any yard not more than two feet (2').
e. 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.
f. 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').
g. Accessory structures subject to this Title.

~~58.~~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.

~~59.~~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.

~~60.~~61. "Yard, Required" means the open space around buildings which is required by the terms of this Title.

~~61.~~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.
~~37.~~38. “Soft Lighting” means low-lumen light sources (450 lumens maximum).
~~38.~~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.
~~39.~~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.
~~40.~~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.
~~41.~~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 Ski Resort, 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 ~~75~~ percent (75%) of the products sold are farm products or value-added farm products and (b) at least ~~75~~ 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 a building designed for or occupied by sixteen or more guests who are for compensation lodged, with or without meals.
40. “Household Pet” means animals ~~or fowl~~ 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 ~~(800)~~ 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 ~~(800)~~ 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 ~~(1,000)~~ 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. These are prohibited except where the natural slope is twenty percent (20%) or less.
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.
~~79.~~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.
~~80.~~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.

~~81.~~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.

~~82.~~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.

~~83.~~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.

~~84.~~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.

~~85.~~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.

~~86.~~87. "Shared Mobility Device" means bicycles and motor-assisted scooters operated by a shared mobility device system.

~~87.~~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.

~~88.~~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 ~~and landscaping~~ provided on the properties.

~~89.~~90. "Short-Term Rental" means any dwelling or portion thereof that accommodates less than sixteen (16) guests as defined in section 5.19.010 of this Code.

~~90.~~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.

~~91.~~93. "Ski Run" means a groomed path on a slope for the purpose of skiing; typically associated with a ski resort.

~~92.~~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.

~~93.~~95. "Swap Meets And Flea Markets" means a market operating for the sale or exchange of merchandise at retail by many sellers within a ~~drive-in theater~~parking lot or enclosed building. This does not include garage sales.

~~94.~~96. "Tavern" means the same as "Bar."

~~95.~~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.

~~96.~~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.

~~97.~~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").

~~98.~~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

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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)

~~99.~~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.

~~100.~~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.

~~101.~~103. "Twin Home" means the same as "Dwelling, Two Family."

~~102.~~104. "Value-added Farm Products" means any product processed by a producer from a farm product.

~~103.~~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.

~~104.~~106. "Water Pumping Plant and Reservoir" means a natural or artificial water storage basin with a pumping station to distribute potable or irrigation water.

~~105.~~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.

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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 19.192.0450 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.

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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.

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

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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:

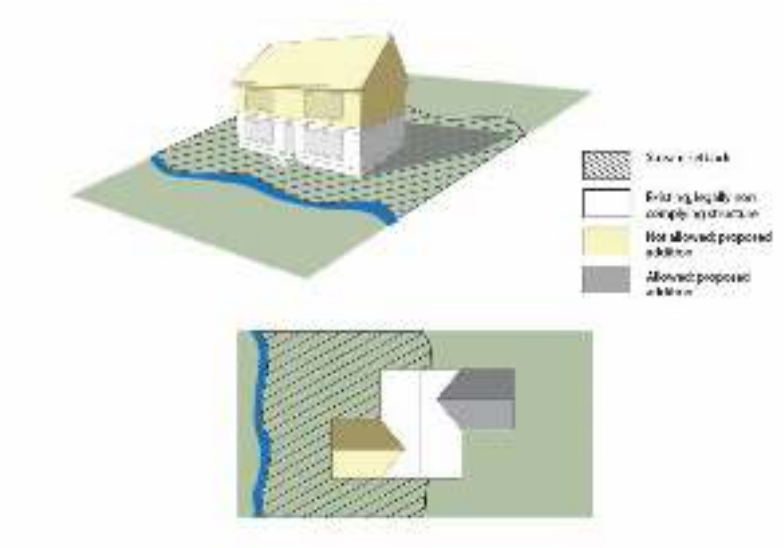
1. The proposed change will lessen the degree of the existing noncompliance and not create any new noncompliance of all or any part of the structure; or
2. The proposed change complies with all governing land use regulations at the time of the change.
3. For the purposes of this Chapter, "lessen the 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.

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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.

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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. ~~Prepare and recommend condominium ordinances and amendments to those ordinances to the council;~~
5. ~~4.~~ Review subdivision plats as set forth in Title 18 Subdivisions;
6. ~~Approve or deny condominium plans and plats;~~
7. ~~5.~~ Approve or deny conditional use permits;
8. ~~6.~~ Advise the council on matters that the council directs;
9. ~~7.~~ To make, at the request of the Director, an interpretation of the zone map regarding the location of zone boundary lines;
8. To decide, at the request of the Director, the meaning of disputed terms or phrases within the text of the zoning regulations;
9. To make a determination whether a change of a non-conforming use is more intensive pursuant to 19.06.050.;
10. To hear appeals of administrative determinations by the Director as to the classification of uses not specifically listed in this Ordinance;
11. Determine building height for conditional uses pursuant to 19.24.050.;
12. Review waivers for slope requirements pursuant to 19.24.140 , 19.38.060 (D)and 19.38.080 (C);
13. Review modifications of setbacks pursuant to 19.38.130 (G);
14. Determinations for Mandatory Design Standards pursuant to 19.38.170;
15. Make determinations as required in the Commercial (CV) zone pursuant Chapter 19.32;
16. Make determinations as required in Chapter 19.58 Geologic Hazards; and
17. ~~10.~~ Provide other functions as specified in this chapter or as directed by the council.

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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.
   ~~2.~~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~~was~~ 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.
   6. Hear and decide appeals of determinations made by the Director for Non Complying Structure or Nonconforming Use pursuant to 19.06.020.
   7. Provide other functions as specified in this Title or as directed by the council.

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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 a determination on granting an extension for an inactive application pursuant to 19.02.060.
C. 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;
D. To review conditional use amendments as set forth in 19.16.040.G.1
E. To review and make decisions on occupancy permits;
F. To review and make decisions on permitted uses
G. To review and make decisions ordinance interpretations and other duties outlined in Chapter 19.16 Land Use Processes and Procedures
H. To receive and forward applications for zoning amendments, variances, conditional uses, takings petitions, zoning appeals and other administrative reviews required by this Title to the appropriate board, commission or official;
I. 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;
J. 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;
K. To enfoce the requirements of this Title.
L. To administer application review procedures as set forth in chapter 19.16; and
M. To review and make determinations of a Noncomplying Structure or a Nonconforming use pursuant to 19.06.020 or Abandonment pursuant to 19.06.040. .
N. Make determinations as required in the Commercial (C-V) zone pursuant Chapter 19.32
O. Hold pre-application meetings and make determinations as required in Chapter 19.38 FCOZ
P. Make determinations as required in Chapter 19.42 Specific Use Standards
Q. Make determinations as required in Chapter 19.46 Site Development Standards
R. Make determinations as required in Chapter 19.48 Off Street Parking
S. Make determinations as required in Chapter 19.52 Signs
T. Make determinations as required in Chapter 19.54 Dark Skies
U. Act as the Floodplain Administrator for Floodplain Hazards pursuant to Chapter 19.56
V. Make determinations as required in Chapter 19.58 Geological Hazards
W. Provide other functions as specified in this Title or as directed by the Council.

Chapter 19.14 Zones, Zoning Map, and Boundaries

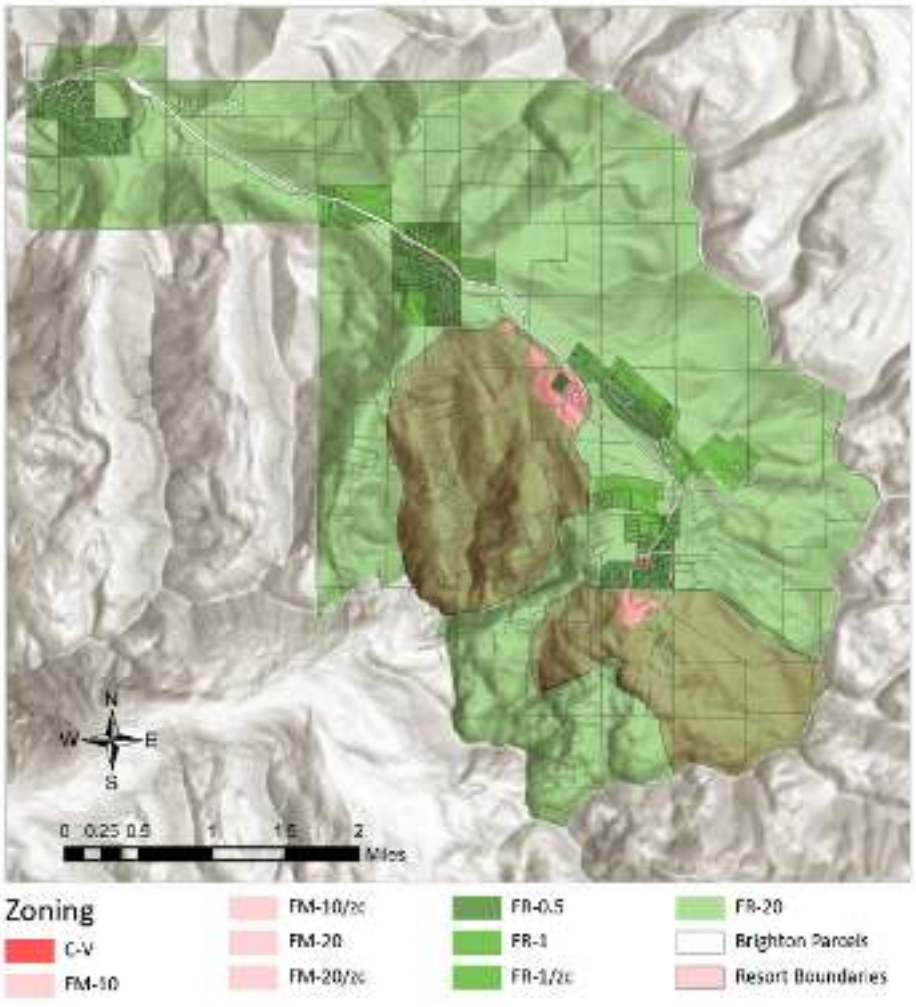
19.14.010 - Zones Established.

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

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.

~~Table 19.16-1~~

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	Property owner or a person authorized in writing by the property owner	Property owner or a person authorized in writing by the property owner	Property owner or a person authorized in writing by the property owner
NOTICE(1)	In accordance with Utah Code 10-9a	Not required	~~In accordance with Utah Code 10-9a~~Required (1)	~~In accordance with Utah Code 10-9a~~Required (1)	~~In accordance with Utah Code 10-9a(2)~~Required (1)
RECOMMENDATION	Planning Commission, public input	Public agency review	Public agency review	Public agency review~~NA~~	Public agency review~~NA~~

REFERENCE TABLE: APPLICATIONS & APPROVALS	ZONING TEXT AND MAP AMENDMENTS AND OTHER LEGISLATIVE ACTS	PERMITTED USE	CONDITIONAL USE	VARIANCES	SPECIAL EXCEPTIONS
FINAL DECISION	Council	Director or designee	Planning Commission	Land Use Hearing Officer	Land Use Hearing Officer, 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.

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~~A.~~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.
~~3.~~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.C~~B~~), building elevations, preliminary landscape and amenities plans, preliminary grading/drainage plan, and any other pertinent documents.
~~4.~~5. Applications are subject to the Completeness Review process outlined in 19.16.030.D~~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.

~~B.~~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.
~~g.~~h. Areas for snow storage.
~~h.~~i. Name, address and telephone number of builder and owner.
~~i.~~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. IIf 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.

~~C. Completeness Review. 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. 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 in writing within 14 days:~~
      ~~a. That the application is incomplete, and~~
      ~~b. The specific components of the application deemed insufficient.~~
   ~~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. If the application is determined to be complete, the Director or Designee shall authorize the payment of the applicable application fees.~~

~~5. At any time during the Completeness Review process outlined in this subsection, 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 meeting does not result in vesting. 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.~~

~~D.~~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 (D~~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.

~~6.~~

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19.16.040 - Conditional Uses.

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

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~~A.~~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.

~~B.~~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.
   ~~a.~~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.
   ~~b.~~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.

~~c. The Planning Commission shall take action on a complete conditional use permit application within a reasonable time frame, not to exceed 90 days from the date the application was first heard by the Planning Commission unless a further extension of time is requested by the applicant.~~

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.

~~C.~~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.

~~D.~~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.

~~E.~~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.

~~F. Amendments to Conditional Uses. Applications may be submitted for amendments to previously approved conditional uses or to sites for which conditional uses have been approved. Applications for amendment will be reviewed and approved in harmony with the provisions of subsection D above but shall be evaluated for the anticipated impacts that will result from the specific amendment being requested. Approval authority for conditional use amendments is as follows:~~

~~1. Planning Commission Approval.~~

~~a. The Planning Commission has the authority to approve the following conditional use amendments:~~

~~(1) Changes of use from one conditional use to another, where no site modifications are proposed or required, and where no significant additional impact will result.~~

~~(2) Amendments to the site plan that do not involve changing the land use and that also meet the following criteria:~~

~~(A) The building footprint is not increased by more than 20%.~~

~~(B) The site acreage is not increased.~~

~~(C) No dwelling units are being added.~~

~~(D) No significant additional impact will result.~~

~~(3) Amendments to the conditions of approval imposed upon a conditional use that the Director previously approved if the proposed change in conditions is the result of a clear change in the circumstances of the property, and the change is in harmony with subsection D above.~~

~~(4) Approval of a use that is listed as a conditional use in the zone, but which is clearly accessory to another land use on the property, and no significant additional impact will result.~~

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 ~~or Director, as applicable~~.

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 Section 18.24.170 ~~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 ~~the requirements of~~ this Chapter ~~19.14~~. The Director or Designee shall forward the application to the Planning Commission for further review and recommendation ~~no later than 90 days from~~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 ~~standards~~ considerations in subsection D below and shall make a recommendation to the Council for approval, modified approval, or denial.
4. Action by Council
   ~~a. The Council shall consider the application within 45 days of receiving a recommendation from the Planning Commission.~~
   ~~b.~~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 ~~Standards~~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

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

FACTORS	MAP AMENDMENTS	TEXT AMENDMENTS/ LAND USE REGULATIONS
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
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.

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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.
      ~~a.~~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 on the Variance.
      ~~b.~~c. 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.~~d. 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.
   ~~1.~~2. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the approval.
   ~~2.~~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.
   ~~3.~~4. Use variances are prohibited.
   ~~4.~~5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

D. Approval Standards.
   ~~5.~~1. The Land Use Hearing Officer may grant a variance only if all of the following standards are met.
      ~~6.~~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.

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~~7.~~b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.

~~8.~~c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

~~9.~~d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

~~a.~~e. The spirit of the zoning ordinance is observed, and substantial justice done.

~~10.~~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.

~~11.~~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.

~~12.~~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.

~~13.~~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.

~~D.~~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.

~~E.~~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.

~~1.~~2. 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 on the Variance.

~~2.~~3. Special Exceptions Approved by the Land Use Hearing Officer.

a. The Land Use Hearing Officer may consider approval of the following special exceptions:

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(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.~~4. 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 Director or~~ 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.

~~A.~~D. Procedure.

1. ~~Zoning~~ 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 ~~If there is a record, the~~ Land Use Hearing Officer's review is limited to the record ~~provided by the Director~~. 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 Council,~~ 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 Council,~~ 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.

~~B.~~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. ~~The filing of a zoning appeal does not automatically stay the decision. However, the Land Use Hearing Officer has the authority to stay the decision while the appeal is pending.~~

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 ~~may~~ 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 19.22 Parks and Open Space~~

~~19.22.010 – Purpose of Provisions.~~

~~A. The purposes of the Parks and Recreation Zone are to preserve and enhance public and private open space, natural areas, and habitats, and improved park and recreational areas.~~

~~1. These zones provide opportunities for active and passive outdoor recreation;~~

~~2. provide contrasts to and relief from the built environment;~~

~~3. preserve scenic qualities and viewsheds;~~

~~4. protect sensitive or fragile environmental areas such as wetlands, steep slopes, ridge lines, meadows, and stream corridors;~~

~~5. encourage sustainability and conservation; and~~

~~6. provide transportation connections for people walking, biking, scootering, or using other forms of active transportation.~~

~~19.22.020 – Establishment of Parks and Recreation Zone.~~

~~To anticipate and respond to the changing needs of the Town of Brighton and implement greenway, natural resource preservation, and health and recreation concepts included in the adopted General Plan, the Town of Brighton the following zones:~~

~~A. Parks and Recreation Zone (PR): The PR Zone is intended for improved parks, recreational areas, and other public and private open spaces which can accommodate human use and visitation. Encouraged~~

uses in this Zone include public parks, multi-use trails, special uses such as mobile food carts and festivals, and landscaping and equipment sheds.

B. Natural Open Space Zone (OS): The OS Zone is intended for preserving natural areas of the Town of Brighton, including sensitive lands, critical habitats, wildlife corridors, viewsheds, and stream corridors. Limited, unimproved recreational uses may be allowed in the OS Zone when negative impacts of recreation and visitation can be mitigated.

19.22.030 – Schedule of Permitted Uses.

A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title. Conditions for specific uses can be found in Chapter 19.42 Special Use Standards or Chapter 19.44 for temporary uses.

B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.22.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P") review, the entire development is reviewed and approved by the Conditional Use process.

C. Abbreviations. The abbreviations used in the schedule mean:

1. P = Permitted Use. This 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 use is conditional because of the unique characteristics or potential impacts on the Town of Brighton, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.22.030 is prohibited in this zone.

Table 19.22.030: Schedule of Uses for PR and OS Zones.

Use Categories	PR	OS
AGRICULTURAL:	-	-
Agricultural uses are not permitted in these zones.		
RESIDENTIAL USES:	-	-
Residential uses are not permitted in these zones.		
RETAIL AND SERVICES:	-	-
Child Care	P	X
FOOD AND DRINK:		
Food Truck / Mobile Restaurant / Food Cart	P	X
RECREATIONAL:		
Existing Campground	PC	X

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*Vehicle camping is expressly prohibited. Camping is only permitted within designated campgrounds and in accordance with U.S. Forest Service policies.		
Commercial Recreation	P	X
Multi-use Trail, Paved	P	X
Multi-use Trail, Unpaved	P	P
Open Space	P	P
Private, Non-Profit Recreational Grounds and Facilities	P	X
Recreation Facility – Private, Public, or Commercial	P	X
Trailhead Infrastructure, Large Scale: paved parking, restrooms, wayfinding and interpretive signage, trash receptacles, other improvements	P	X
Trailhead Infrastructure, Small Scale: unpaved parking (10 or less spaces), pit toilet, wooden trail signage.	P	PP
INDUSTRIAL:	-	-
No industrial uses are permitted in these zones.		
INSTITUTIONAL USES:	-	-
Church, Synagogue, Mosque, Temple, Cathedral, or Other Religious Buildings	P	X
Micromobility Support Infrastructure	P	X
Public Parks	P	X
Public Use	P	X
Solar Energy System, Accessory	P	X
Wind Energy System, Accessory	P	X
SPECIALTY:	-	-
Park and Ride	XP	X
ACCESSORY USES:	-	-
Sidewalk Displays and Cafes	P	X
Caretaker Living Quarters subject to 19.4224	P	X

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19.22.040 – Development Standards.

Development in the PR zone shall comply with the development standards of Table 19.22.040 and all other applicable standards in this Title.

Table 19.22.040: Development Standards for PR and OS Zones.

Standard	PR	OS
Minimum Lot Size (in square feet)	NA	NA
Minimum Frontage (in feet)	Any parcel in the Parks and Recreation Zone shall have a minimum frontage of 20' on a public street.	NA
Minimum Lot Width (in feet)	NA	NA
Maximum Building Height (in feet) ^	For lot areas of 5 acres or greater, the maximum is 45'. For lot areas smaller than 5 acres, the maximum is 35'.	15'
Minimum Floor Area Ratio	NA	NA
Maximum Building Lot Coverage	15%	NA

19.22.050 – Required Yards and Setbacks.

Development in the PR Zone shall comply with the yard and setback standards shown in Table 19.22.060 and all other applicable standards in this Title.

Table 19.22.050: Yards and Setbacks for PR and OS Zones (Minimum Standards in feet)

Standard	PR	OS
Front Yard Setback	10'	20'
Side Yard Setback – Interior Lots	10'	20'
Side Yard Setback – Corner Lots	10'	20'
Rear Yard Setback	10'	20'
Distance between Primary and Accessory structures	10'	10'

19.22.060 – Height Exceptions.

Exceptions to the building heights specified in Table 19.22.040 apply, in accordance with 19.46.

~~**19.22.070 – Parking Requirements.**~~

~~In addition to the requirements in 19.48, the following shall apply:~~

~~In the PR and OS Zones, parking may only be provided in association with a trailhead or other recreational facility. Standalone parking is prohibited.~~

~~A. In the PR Zone:~~

~~1. Pedestrian Access: Any parking lot with an area greater than twenty thousand square feet (20,000 sq. ft.) shall provide dedicated ADA compliant walkways, at least six feet (6') wide, for pedestrians navigating from their vehicles to a building or park entrance. At a minimum, walkways shall be placed through the center of the parking area and in front of the building(s) to serve as pedestrian access to the area. Walkways shall be easily accessed from designated ADA parking stalls.~~

~~B. In the OS Zone:~~

~~1. Size Limitation: A parking area may not exceed ten (10) spaces in the OS Zone or one tenth of an acre (1/10th acre).~~

~~2. Surfacing: Parking areas shall utilize low impact surfacing materials, such as dirt or crushed gravel. The applicant shall demonstrate proper grading and drainage to dispose of excess surface water accumulated within the area and shall provide for the long term maintenance of the parking area.~~

~~3. Seasonality: Parking areas shall be closed during winter months if snow removal and maintenance is unable to be provided within twenty four hours (24 hr) after a major snow event.~~

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, ~~and~~ recreation opportunities, and other specified uses for the foothills and canyon areas of the Town of Brighton ~~and other specified uses~~ to ~~the extent that such~~ensure development is compatible with ~~the protection of~~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. ~~Specific development standards under this chapter are imposed in an effort to conserve water in the canyon.~~

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 purpose of the forestry multifamily zones is to permit development of certain areas in Brighton for high-density residential, and other specified uses to the extent that such development is compatible with the protection of the natural and scenic resources of these areas for the continued benefit of future generations.~~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.~~

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19.24.030 – Schedule of 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 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 Section 19.16.040, "Conditional Uses".

D. All uses listed are subject to the procedures and provisions of Chapter 19.38 Foothills and Canyons Overlay Zone. If there is a conflict between these provisions and those in Chapter 19.38, the more restrictive provision shall apply.

~~B.~~

~~C.~~E. 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.

~~3.~~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 (shall be reviewed based on underlying use)	P	P	P	P	P
Accessory Dwelling Unit, Internal; subject to 19.42	P	P	P	P	P
~~Dwelling Group~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
Dwelling, Multi-Family	X	X	X	C	C
Dwelling, Single-Family	P	P	P	P	P
Commercial:					
~~Bed and Breakfast Inn~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~
Home Occupation; subject to 19.42	P	P	P	X	X
Child Care subject; to 19.42	P	P	P	~~P~~C	~~P~~C
Minor Ski Resort Improvements; subject to Section 19.42.300.G.)	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	C	C	C	P	P

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Ski Resorts and Ski Resort Facilities	C	C	C	C	C
Short-term Rentals	P	P	P	P	P
Industrial:					
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 , subject to Chapter 19.42	C~~P~~	C~~P~~	C~~P~~	C~~P~~	C~~P~~
Other:					
Public or Quasi-Public Use	~~P~~C	~~P~~C	~~P~~C	~~P~~C	~~P~~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' ~~Feet~~	2 d.u. per gross acre
FR-1	1 Acre	200' ~~Feet~~	1 d.u. per gross acre
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 developable~~ment~~ acre
FM-20	0.5 Acres	100' ~~Feet~~	20 dwelling units ~~or 40 guestrooms~~ per net developable~~pment~~ acre

Measurement of Lot Width. The minimum lot width of any lot shall be measured at a distance of fifty feet~~feet~~ from the front lot line.

~~A.~~ **19.24.050 - Development Standards for Single-family Residential Dwellings in the Forestry Zones:**

A. 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.).~~The maximum building footprint for the primary dwelling shall be four thousand five hundred square feet (4,500 Sq. Ft.) including an attached garage.~~

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B. ~~covered porches and covered decks.~~ 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.
   1. 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. ~~Building Height.~~ Except as otherwise specifically provided in this Title, no building or structure shall exceed thirty feet (30') ~~on property where the slope of the original ground surface exceed fifteen percent (15%), or the property is located in the Foothills and Canyons Overlay Zone. 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 foundation line of the building or structure.~~ 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.

~~19.24.60~~ 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 - Development Standards for Multi-family Structures in the Forestry Zone

1. Building Height for Conditional Uses—Case-by-Case Determination. Because of the unique nature of the topography, vegetation, soils, climatic and aesthetic characteristics of the foothills and canyons, the allowable height of conditional use structures in the FM-10 and FM- 20 zones shall be determined on a case-by-case basis by the planning commission, subject to consideration of the following criteria:

   a. Protection of the natural setting.

   b. Relationship to other structures and open spaces.

   c. Contour intervals and topographic features.

   d. To the maximum extent feasible, the building height should not exceed the height of surrounding trees and vegetation.

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e. Protection of scenic vistas, especially views from public rights-of-way and public lands; and

f. Other elements deemed appropriate to ensure that the provisions of Section 19.10.010 are met.

2. Multifamily Residential Conditional Uses—Maximum Height. Notwithstanding the case-by-case determination permitted by this section, the maximum height of a residential conditional use in the FM zones shall not exceed one hundred feet.

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19.24.080 - 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.

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19.24.090 – 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.

19.24.100 – 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 Feburary, 1998, when the ~~enactment of this Chapter~~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 ~~in 19.58~~ are satisfied.

19.24.150 – Related Provisions

All development in the Forestry Zones shall be subject to the standards, limitations and requirements listed in Chapter 19.38 Foothills and Canyons Overlay Zone, including but not limited to Grading, Slope Protection, Tree and Vegetation Protection, and Development Approval.

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- 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 19.32 C-V Commercial Zone

19.32.010 – Purpose of Provisions.

The purpose of the C-V Z~~z~~one 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 Z~~z~~one include:

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

19.32.030 Conditional Uses

Conditional uses in the C-V Z~~z~~one 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. ~~5.~~4. Class A beer outlet.

~~6.~~5. Class B beer outlet.

~~7.~~6. ~~Class C fireworks store~~. ~~—~~

~~8.~~7. Handicraft shop.

~~9.~~8. 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.~~9. Public or quasi-public use.

~~11.~~10. Recreation, commercial.

~~12.~~11. Restaurant; drive-in refreshment stand.

~~13.~~12. Restaurant liquor license.

~~14.~~13. Shared parking State-approved liquor and/or beer outlet on state-owned property.

~~15.~~14. ~~Tourist court; motel; motor h~~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 Z~~z~~one shall exceed three stories or thirty feet in height.

19.~~60~~32.060 Lot Area, Coverage And Yard Requirements

The following minimum requirements shall be observed in the C-V Z~~z~~one, 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~~32.070 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~~32.080 Natural Hazards

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

19.~~60~~32.090 Grading - Permit Required

In the C-V Z~~z~~one~~s~~, 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~~32.100 Natural Vegetation

Natural vegetation shall not be removed in the C-V Z~~z~~one 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~~32.110 Building Materials

In the C-V Z~~z~~one, 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~~32.120 Special Provisions Applicable

Developments in the C-V Z~~z~~one shall be subject to the provisions of Sections 19.24~~10~~.040 through 19.24~~10~~.11~~6~~0 of this title, and as set out in Sections 19.32~~60~~.130 through 19.32~~60~~.180 of this chapter.

19.~~60~~32.130 Lot Area, Width And Slope

In the C-V Z~~z~~one~~s~~, 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~~32.140 Yards

In the C-V Z~~z~~one, 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~~32.150 Building Height

1. In the C-V Z~~z~~one, 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~~ Chapter 19.~~10.010~~38 are met.

~~2. Except as otherwise specifically provided in this Title no single-family dwelling shall exceed the following height:~~

~~a) Thirty feet on property where the slope of the original ground surface exceeds fifteen percent, or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the single-family dwelling. Said box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the single-family dwelling. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.~~

~~b) Thirty-five feet on other properties.~~

~~c) No single-family dwelling structure shall contain less than one story.~~

~~**19.6032.160 Maximum Density**~~

~~In the C-V zone, the maximum density for residential dwelling units, except single- family dwellings, shall be as follows:~~

~~FM-10 Zone shall be 10 dwelling units or 20 guestrooms per net developable acre~~

~~FM-20 Zone shall be 20 dwelling units or 40 guestrooms per net developable acre~~

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19.~~60~~32.170 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.~~80~~ 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~~80~~.060 through 19.48~~80~~.70~~12~~0.

19.~~60~~32.180 Utilities

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

19.~~60~~32.200 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.

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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~~ recommended prior to submitting a site development plan application. The pre-application meeting does not result in vesting of the pre-application or the 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, a title report of the property from within 6 months of the application 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.

~~3.~~4. 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.

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, A~~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.

C. 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,

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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.

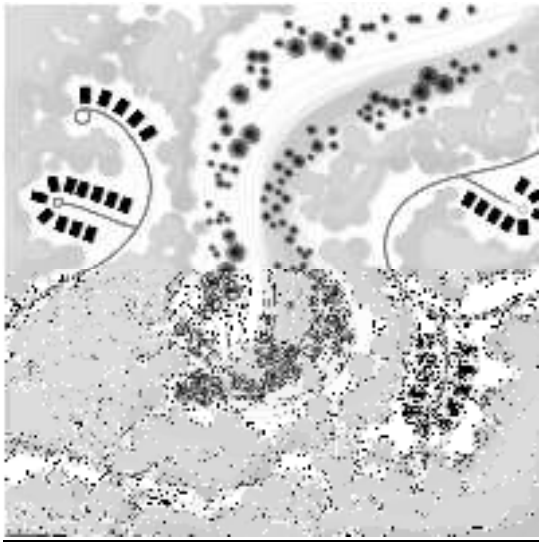
1. A cluster density bonus of up to twenty-five percent (25%) over the base density permitted in the underlying zone may be available for cluster developments that satisfy the above standards while taking into account the bonus density.
2. The allowable density bonus for a cluster development is equal 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



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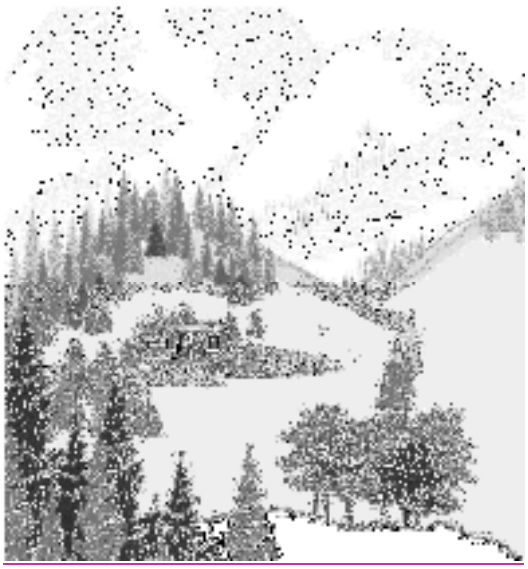
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19.38.060 – Slope Protection.

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.

~~F.~~FIGURE 19.38.2: RIDGELINE DEVELOPMENT



~~3.~~

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

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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



~~B.~~

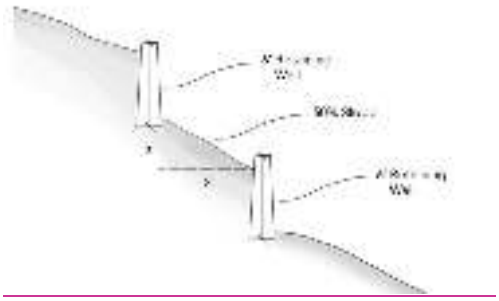
C. The original, natural grade of a lot may not be raised or lowered more than four feet (4') at any point for construction of any structure or improvement, except:
   1. The site's original grade may be raised or lowered eight feet (8') if a retaining wall is used to reduce the steepness of man-made 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.

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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





~~3.~~

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.

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FIGURE 19.38.5: RECOMMENDED DETENTION BASIN TREATMENT

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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



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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.

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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'~~-ft~~) of a stream corridor or wetlands must be approved by the Salt Lake City Department of Public Utilities prior to their removal.

~~1.~~2. Within the Limits of Disturbance. Significant trees removed from within the limits of disturbance shall be replaced as set forth in this section.

~~2.~~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.

~~3.~~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

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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 ~~30~~ thirty feet (30') of a dwelling or to the property line, whichever is less, and greater than ~~50~~ 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~~30~~ feet (30'), but no more than ~~100~~ 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 ~~10~~ 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 ~~50~~ 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 S~~s~~ection, 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 S~~s~~ubsection (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 ~~s~~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~~75~~,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.

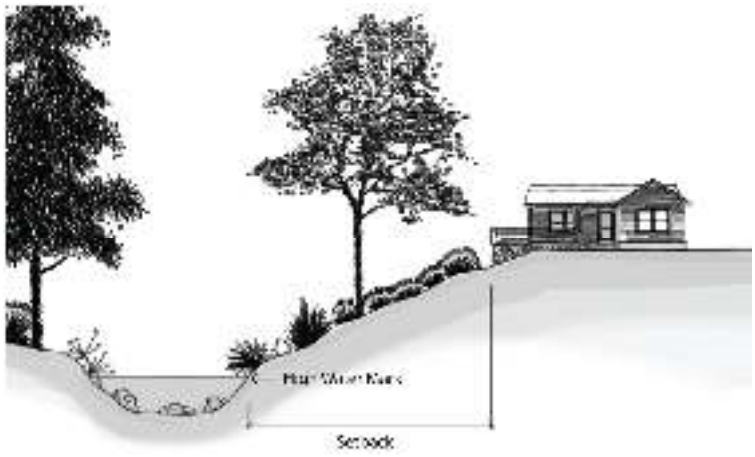
A. Purpose. The following requirements and standards are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions of stream corridors, associated riparian areas, and wetlands.

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



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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.

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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.

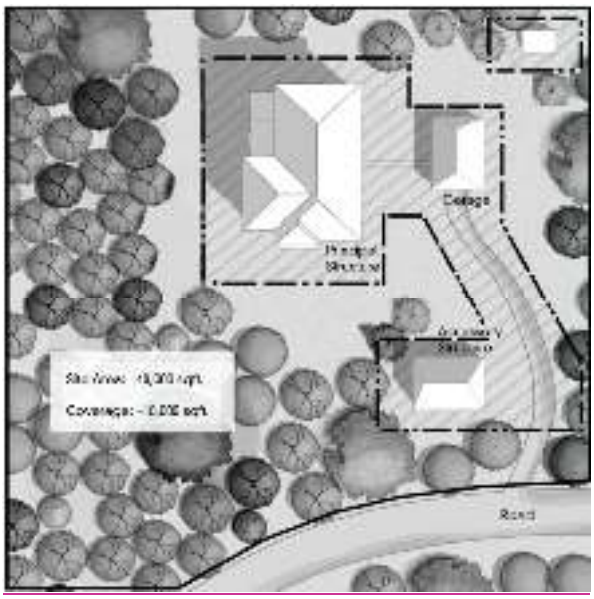
D. Circulation and Access Plan. All development required by this subsection to submit a traffic and parking impact study is also required to provide a circulation and access plan to ensure free-flowing access to the site and avoid congestion and unsafe conditions on adjacent public roads and streets. 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

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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 or single family residential uses, 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. However, where the lot size is less than seven thousand five hundred square feet (7,500 sq.ft) the total limits of disturbance may be up to three thousand square feet (3,000 sq.ft).
   1.2. 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.

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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.

~~B.~~ 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).)

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Mandatory	Advisory	B. Site buildings in a manner that preserves existing landforms See Figure 19.38.9 FIGURE 19.38.9: PRESERVE EXISTING LAND FORMS  ~~B.~~
	X	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.
X		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).)
	X	Where practical, buildings should be placed in the following locations on a site: Within tree masses to screen buildings At the edge of trees or land masses overlooking natural open space In open areas where they a~~-~~re not visible from roads, trails, or other public lands
Mandatory	Advisory	C. Site buildings so they do not protrude into significant viewscapes See Figure 19.38.10 FIGURE 19.38.10: PRESERVE SIGNIFICANT VIEWS

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		~~C.~~ 
	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.
Mandatory	Advisory	D. Site buildings so their form does not break prominent skylines. See Figure 19.38.11 FIGURE 19.38.11: RIDGELINE DEVELOPMENT

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X		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	E. Site buildings to preserve significant trees and vegetation. See Figure 19.38.12 FIGURE 19.38.12: PRESERVE SIGNIFICANT VEGETATION ~~E.~~ 
X		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.)

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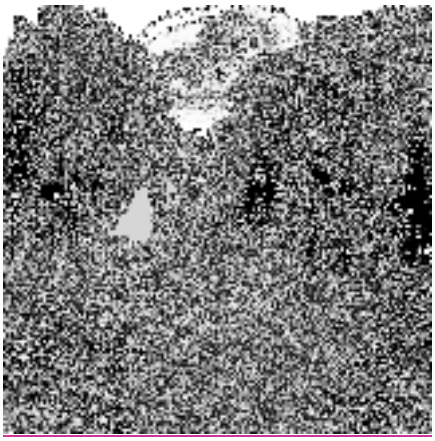
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Mandatory	Advisory	F. Cluster buildings and parking, and coordinate neighboring developments.
	X	Clustering is encouraged to reduce land disturbance and the cost of providing services, road and parking area maintenance, snow removal, etc. (See Section 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	G. Locate parking facilities to minimize their visual impact. See Figure 19.38.13 FIGURE 19.38.13  ~~G.~~
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.

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X		Tree cutting for utility corridors shall be minimized to reduce visual impacts. All disturbed areas shall be re-vegetated. (See Section 19.3872.110 (Tree and Vegetation Protection).)
Mandatory	Advisory	I. Design buildings to solidly meet the ground plane. See Figure 19.38.14 FIGURE 19.38.14: STRUCTURE MEET THE GROUND PLANE  ~~I.~~
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	J. Design buildings on hillsides to follow the natural terrain. See Figure 19.38.15 FIGURE 19.38.15: FOLLOW HILLSIDE TERRAIN

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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))
Mandatory	Advisory	K. Design buildings to minimize mass and scale See Figure 19.38.16 FIGURE 19.38.16: MASS AND SCALE  ~~K.~~
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.

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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.
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.
Mandatory	Advisory	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

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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.
Mandatory	Advisory	Q. Preserve natural drainage patterns in site design. See Figure 19.38.18. FIGURE 19.38.18: PRESERVE NATURAL DRAINAGE PATTERNS

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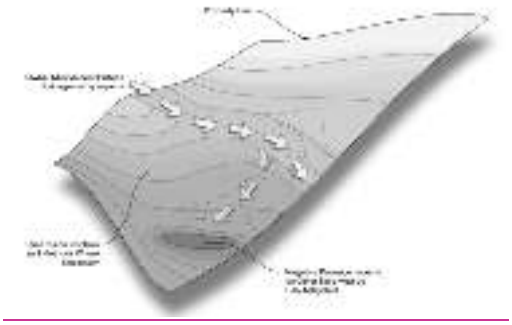
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X		All final excavation, grading, and drainage plans shall conform to applicable Brighton excavation, grading, and erosion control standards.
X		Development shall preserve the natural surface drainage pattern unique to each site. Grading plans shall 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.
Mandatory	Advisory	R. Locate buildings outside stream corridor buffer zones
X		Permanent structures shall be located a minimum of ~~one hundred feet~~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 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	S. Construct bridges for stream crossings. See Figure 19.38.19 FIGURE 19.38.19: CULVERTS

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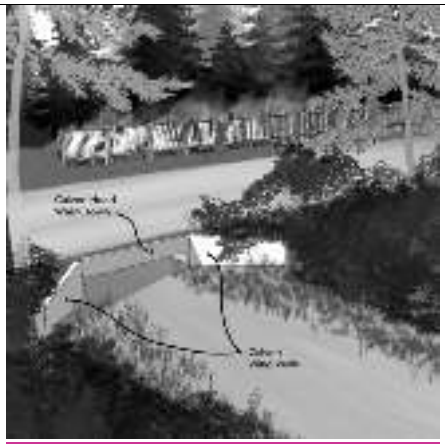
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X		Culverts may only be installed on small side drainages, across swales, and on ephemeral or intermittent streams. (See Section 19.38.130, (Stream Corridor and Wetlands Protection)). Culverts are prohibited to cross perennial streams; bridges to cross 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	T. Design traffic circulation to respect existing topography, achieve acceptable slopes, and adhere to minimum width and turning standards. See Figure 19.38.20 FIGURE 19.38.20: DRIVEWAY DESIGN

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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.

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Mandatory	Advisory	W. Respect existing land forms, contours, and natural settings in the placement of fences. See Figures 19.38.21 FIGURE 19.38.21: QPAQUE FENCE  ~~W.~~
X		Fences may be erected to screen service and outdoor areas or provide a safety barrier. (See Section 19.38.070 (Grading Standards—Retaining Walls))
X		Fencing used to screen patios, other outdoor areas, and service areas may be composed of the following fencing materials: • 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		The following fencing materials are prohibited: • 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

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X		Rail fences and low rock walls are permitted along arterial roads and highways, and at other locations to delineate property lines.
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.
~~Mandatory~~	~~Advisory~~	~~X. Select and locate lighting fixtures only where needed to provide for the safe movement of people on the site. See Figure 19.38.23~~
		~~Light poles for public outdoor recreational facilities are limited to sixty feet in height. Light poles for outdoor recreational facilities on private residential property are limited to eighteen feet in height. Both require site plan review which may require restrictions on locations and hours of illumination based upon impacts on adjoining properties.~~
		~~With the exception of light poles for outdoor recreational facilities, lights poles, and building mounted fixtures shall be designed with fully shielded luminaires directed downward.~~

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~~**19.38.180 – Exceptions for Minor Ski Resort Improvements.**~~

~~Minor Ski Resorts. Minor ski resort improvements are permitted with the following exceptions, subject to approval of the site plan application for FCOZ:~~

~~A. Development on slopes greater than thirty percent (30%).~~

~~B. Development on designated ridge lines or ridgeline protection area.~~

~~C. No Limitations on terracing.~~

~~D. Permissions for streets, roads, private access roads, and other vehicular routes to cross slopes over fifty percent (50%), including limitations on driveway length.~~

~~Removal of trees and vegetation, therefore no requirements for tree replacement.~~

~~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:~~

~~The specific provisions from which the applicant seeks exceptions and the requested relief;~~

~~Detailed information and explanation establishing that:~~

~~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.~~

~~The proposed residence will be compatible with existing residential development within reasonable distance in terms of height, mass, and lot coverage.~~

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- The proposed residence will not be detrimental to the health, safety, and general welfare of persons within a reasonable distance.
- 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.

Additional factors that the Planning Commission may consider in deciding whether to grant an exception under this part include:

- Unusual lot shape;
- Unusual or difficult terrain;
- Drainage problems;
- Situations that appear not to be clearly addressed in the Title.

E. 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') ft).

19.38.190 – Waiver for Mountain Ski 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.

A. 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

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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.

B. 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.

C. 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.

D. 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

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~~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~~	~~• No slope waiver required~~
~~Greater than thirty percent (30%) up to forty percent (40%)~~	~~• All development activities associated with allowed uses~~
~~Greater than forty percent (40%) up to fifty percent (50%)~~	~~• Pedestrian trails~~ ~~• Non-motorized vehicle trails~~ ~~• Motorized vehicle roads and trails for emergency or maintenance purposes~~ ~~• Ski runs, ski lifts and supporting appurtenances and other mountain resort accessory activities~~
~~Greater than fifty percent (50%)~~	~~• Pedestrian trails~~ ~~• Non-motorized vehicle trails~~ ~~• Ski runs, ski lifts and supporting appurtenances and other mountain resort accessory activities~~

~~A.~~

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.

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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 ~~need not be~~ 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).

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.

T. "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.
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.~~

~~AA.~~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.

~~BB.~~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.")

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~~CC.~~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.")

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

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

~~FF.~~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.

~~GG.~~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.

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

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

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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 in-co-me 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 ~~FR-0.5 and FR-1~~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 be occupied as the owner's primary residence. An application for an IADU shall include evidence of occupancy as the owner's primary residence.~~The primary dwelling or the IADU must have owner occupancy. An application for an IADU shall include evidence of owner occupancy.~~

G. Number of IADUs per Lot. Only one IADU is allowed per lot.

H. IADU ~~Design~~ Standards.
   1. An approved building permit is required for all IADUs before an IADU is constructed.
   ~~1.~~2. Before an IADU can be rented, all other applicable provisions of this chapter and the Town of Brighton Code must be met ~~before an IADU can be rented~~. Existing non-compliant IADUs may come into compliance by receiving a permit and verifying existing work was done according to code.

~~2.~~3. The ~~design and size of an~~ IADU shall conform to all applicable building, fire. and health codes, including applicable water service requirements and sewer, black-water tank, or septic requirements.

~~3.~~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.

~~4.~~5. IADUs will not require a separate HVAC or firewall.

~~5.~~6. Owner shall provide a separate address marking for emergency services and mailing services.

~~6.~~7. Single-family residences with an IADU shall retain the same appearance as a single- family residence.

~~7.~~8. IADUs shall not be located in a detached accessory structure connected by a B~~b~~reezeway.

~~8.~~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,

a. ~~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.

~~1.~~3.

~~2.~~

~~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”.

~~3.~~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.

~~4.~~5. A copy of the recorded notice will be provided to the applicant ~~when completed~~.

J. Business Licensing. Prior to renting ~~out~~ 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 housing that does not include the payment of rent or other monetary compensation 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 for compensation, 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

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~~K.~~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.

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

~~M.~~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.

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19.42.080 – Bars and Clubs.

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

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~~C.~~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.

~~D.~~B. Site and floor plans proposed for the premises shall be reviewed and approved by the law enforcement agency for the Town of Brighton. 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.

~~E.~~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.

~~F.~~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.

~~G.~~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. Rear Yard Playground Equipment: All outside playground equipment shall be located only in the rear yard.
    3. 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.

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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~~forestry zones;

~~1.~~2. Snow blower repair;

~~2.~~3. 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;

~~d.~~4. 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~~occupations:

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.

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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. 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.
9. 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.
10. 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.
11. 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.
12. 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. One tow-truck may be used and stored on a residential lot so long as it has been approved by the Town Council.
    ~~a.~~b. Occasional deliveries and pick-ups by commercial small package delivery organizations such as the USPS, FedEx, UPS of DHL are exempt from this requirement.
    ~~b.~~c. 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.~~d. 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.
13. 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.
14. 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.
15. The condition of the dwelling and landscaped areas shall be well maintained.
16. 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 occupations shall obtain a municipality business license.
2. An application for a home occupation, 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~~occupations 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~~occupation 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 guests shall be sixteen (16).
   2. All external materials shall follow standards listed in Section 19.38.170.
   3. The minimum area per guest room shall be two-hundred and eighty square feet (280 sq.ft.).
   4. Hotels, or other lodging facilities are encouraged to co-locate with complementary uses such as dining, shopping and entertainment are within close proximity.
   5. In addition to meeting these standards, existing buildings or structures being converted to be or include a hotel, or other lodging facilities shall be brought into conformance with all applicable building codes.

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.

19.42.240 – 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, except that an outdoor area not to exceed 20 square feet may be used to display products, provided the display area does not interfere with or block pedestrian walkways or required parking.

19.42.250—Residential Facility for Person 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 by the Utah State Department of Health and Services pursuant to Utah Code 10-9a-520.

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 Director 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 Forestry Zones.

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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.

19.42.300—Ski Resorts and Minor Ski Resort Improvements

A. Conditional Use Permits. The development services director may review and approve conditional use permits for ski resort facilities and improvements which satisfy the criteria set forth in Subparts (G)(1) through (G)(5) of Section 19.42.300 of this chapter. In granting such approval the Director may waive and/or modify the regulations of Chapters 19.38 of this title in accordance with the procedures and criteria set forth in this Title. Ski resort facilities and improvements which do not satisfy the criteria of Section 19.42.300, subparts (G)(1) through (G)(5) of this Chapter, as well as those which are referred to the Planning Commission by the Director in accordance with Section 19.16.040 provisions of this Title, shall be subject to review and approval by the Planning Commission. In its consideration of ski resort and public use development proposals, the Planning Commission may waive and/or modify the regulations of Chapters 19.38 of this title in accordance with the procedures and criteria set forth in this Title.

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

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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.

C. 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.

D. 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 Brighton's General Plan.
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.

E. 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.

F. 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	• No slope waiver required
Greater than thirty percent (30%) up to forty percent (40%)	• All development activities associated with allowed uses
Greater than forty percent (40%) up to fifty percent (50%)	• Pedestrian trails • Non-motorized vehicle trails • Motorized vehicle roads and trails for emergency or maintenance purposes

	• Ski runs, ski lifts and supporting appurtenances and other mountain resort accessory activities
Greater than fifty percent (50%)	• Pedestrian trails • Non-motorized vehicle trails • Ski runs, ski lifts and supporting appurtenances and other mountain resort accessory activities

G. Minor Ski Resorts. Minor ski resort improvements are permitted, provided:
   1. That the privately-owned land areas on which such improvements are permitted constitute less than ten percent of the total land area utilized for the ski resort that the improvements support, and
   2. That at least ninety percent of the land area on which the improvements are developed, operated, and maintained is on public lands, and
   3. That the public agency responsible for the management and administration of such lands has approved a special use permit or similar regulatory authorization, and has assumed long- term administrative and enforcement responsibilities for such approvals, and
   4. That opportunities for public notice, review, and comment on the proposed improvements have been provided through a finalized National Environmental Policy Act (NEPA) or other comprehensive public review and comment process, and
   5. That such improvements are either.
      a. Essential to public safety, or
      b. Required in association with the reasonable repair or maintenance of existing legally established facilities and improvements, or
      c. Essential to the continuation or extension of improvements expressly approved under the terms of a governmental land lease or use permit or by final action of the federal or state governmental agency with jurisdiction over the lands on which the improvements are located.

H. Exception to Minor Ski Resort Improvements. 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.

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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;
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 COMMUNIICATIONS 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

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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.
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. Any grading for telecommunication facilities, including access roads and trenching for utilities, shall comply with the Uniform Building Code. Telecommunication facilities shall comply with the requirements for grading (Section 19.38.070), natural vegetation (Section 19.38.120) and utilities (Section 19.42.340). Everything possible should be done to minimize disturbance to the natural environment.
      f. A computer-generated visual simulation of the proposed structures is required for all sites. The simulation shall show all structures including but not limited to monopoles, antennas, and equipment buildings.
      g. Everything possible should be done to minimize disturbance of the visual environment. Site placement and color should be carefully considered to blend in with the surroundings.
      h. Continuous outside lighting is prohibited unless required by the FAA for the monopole.
      i.

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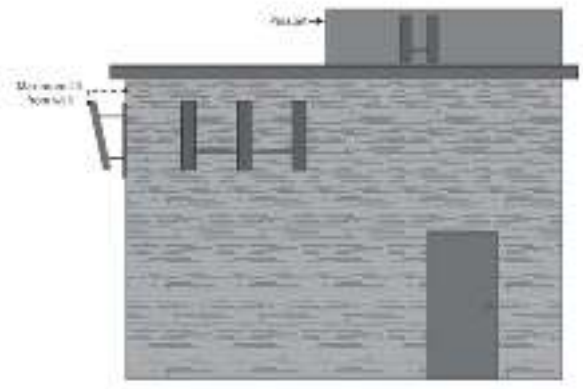
H. Accessory structures. Accessory structures to antenna structures shall comply with the required setback, height, and landscaping requirements of the zone in which they are located. All utility lines on the lot leading to the accessory structure and antenna structure shall be underground.

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.
   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.

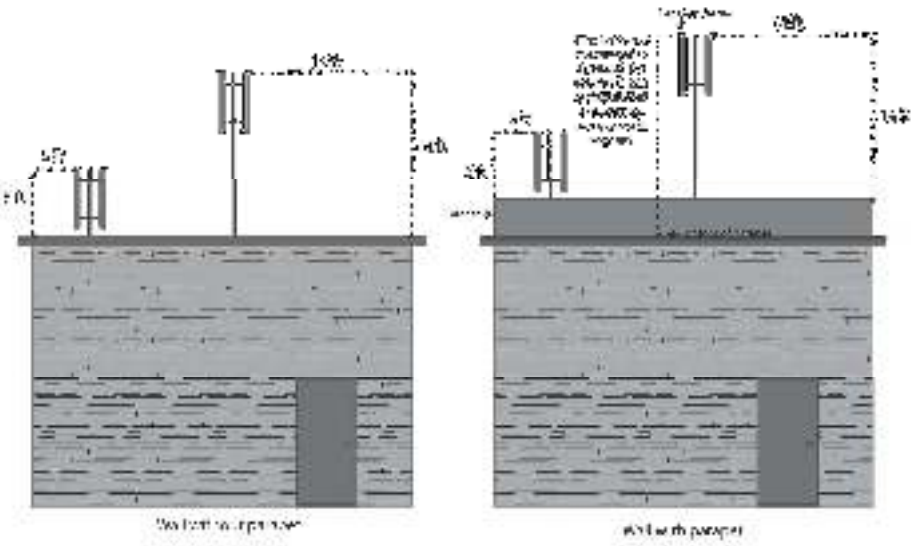
The illustrations, Figures 19.40-1, 19.40-2, and 19.40-3, are intended to demonstrate graphically the intent of this Chapter.



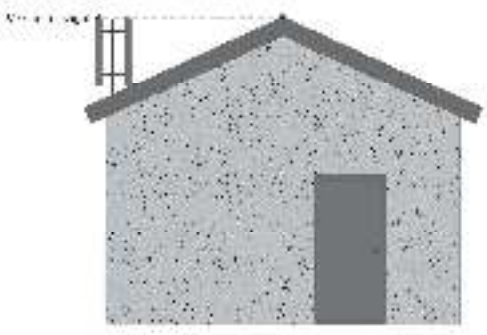
(*Figure 19.40-1*)

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(*Figure 19.40-2*)



(*Figure 19.40-3*)

Chapter 19.46 General Site Development Standards

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. Where the provisions of this Ordinance conflict with the Foothills and Canyons Overlay zone, the most restrictive provision shall prevail.

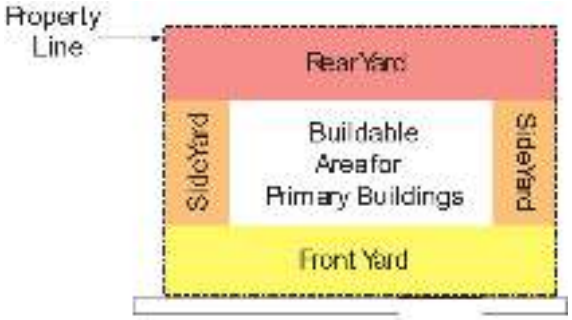
19.46.060 - Application Required.

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.



~~E.~~

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.

Buildable Area, Required by the Underlying Zone

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;

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(2) Scrap material;
(3) Security wire; or
(4) Electrified fencing.

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 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.

H. 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 new 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.

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.

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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.

19.46.150 - 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 within walking distance of 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. Where possible, ~~A~~access to parking spaces shall be from private roadways or aisles and not from public streets.
   4. Coverage. No paved 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.

~~6.~~ 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'	

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~~7.~~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.

~~8.~~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.

~~9.~~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.

~~10.~~9. Driveways, General. Adequate ingress and egress to the parking area shall be provided by clearly defined driveways.

~~11.~~10. 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.~~11. 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.

~~13.~~12. 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.

~~14.~~13. Stormwater. All parking areas are subject to the stormwater management provisions of Title 17 and any other municipal ordinances.

19.48.040 – Standards for Residential Parking.

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. 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.~~

E. 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.

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2. 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 an all weather ~~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.~~ 1. 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).

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~~C.~~ 2. Uses.

~~D.~~ a. 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.~~ b. Accessory uses shall be calculated separately.

~~F.~~ c. 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.~~ 3. Bicycle Parking. Bicycle parking may not occupy any vehicle parking space required by this Chapter.

~~H.~~B. 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.~~ 3. 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.~~D. In reviewing a parking reduction, the Director or Designee may consider the following as applicable:

~~F.~~1. 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.~~2. 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.~~3. The timing of parking use relative to other uses in the area, including information on hours of operation;

~~I.~~4. Applicable guidelines from the American Planning Association, Envision Utah, and/or the Urban Land Institute;

~~J.~~5. 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.~~6. 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~~600')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.

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~~4.~~ B. 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.

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~~B.~~ C. 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.~~ 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).

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~~2.~~ 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.~~ 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.~~ 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.~~ 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%
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, or recreational, 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 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

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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 according to provisions set in 19.38.170 (W) 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~~walkway 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

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Use	Minimum Required Spaces	Maximum Required Spaces	Additional Requirements
Single Family	2 spaces per dwelling unit	NA - but no more than 30% of yard space may be used for parking.	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	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	1 space per 250 sq.ft. of gross floor area used for the display of goods or services, plus 1 space per	

	on the highest employment shift	employee on the highest employment shift	
Swap Meets and Flea Markets	NA - but all parked vehicles must be accommodated on-site, off-street		
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	
Ski Resort	Parking and Stacking Spaces as determined by Director or Designee		

Chapter 19.52 Signs

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;
   ~~4.~~5. To minimize any adverse effects of signs and associated lighting on adjacent properties;
   ~~5.~~
   6. To ensure compliance with constitutional protected First Amendment Rights.

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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 Section19.52.030.

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.

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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' ~~ft~~).
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' ~~ft.~~) ~~ft~~.
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.

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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.

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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				

Monument [A B E]	All Zones 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.	In single-family residential zones: Shall be set back at least six feet (6' ~~ft.~~) from property lines. In all other zones: Shall be set back at least two feet (2' ~~ft.~~) from property lines.	*In residential zones:* Max Height: 6' ~~ft~~. Max Area: 3~~62~~ sq.ft.~~, plus 1 additional sq.ft. for every 10 ft. of public street frontage over 30 ft. up to a maximum of 64 sq.ft.~~ *In all other zones:* Max Height: 12' ~~ft~~. Max Area: 100 sq.ft.	In ~~residential~~FR zones: One sign per street frontage. In ~~non-residential~~all other zones: One sign per three-hundred feet (300') ~~ft~~. of street frontage.
Wall or Flat	All Zones	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.~~Shall be attached to the wall of a building which faces on a public street.~~	In commercial zones: In total, wall signs ~~mMay~~may not exceed fifteen percent (15%) of the wall area. ~~In manufacturing zones: In total, wall signs mMaymay not exceed 20% of the wall area.~~ In all other zones: In total, wall signs ~~mMay~~may not exceed five percent (5%) of the wall area. No portion of a wall sign shall be mounted or painted on less than eight ~~(8)~~ feet (8') above the finished grade or extend out more than twelve ~~(12)~~ inches (12") from the building wall on which it is affixed.	~~Maximum of 3 flat signs per use, with no more than 1 flat sign per building face.~~NA

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Projecting / Blade	C-V, FM	Shall be located on the façade, at least two feet (2′) ~~ft~~. away from a shared wall with an adjoining use or building.	No portion of a projecting sign shall project more than four feet (4′) ~~ft~~. from the face of the building; and The outermost portion of the projecting sign shall project no closer than five feet (5′) ~~ft~~. from a curbline of a public street. The lowest edge of a projecting sign shall be at least 8′ ~~ft~~. above the finished grade.	Maximum of three (3) projecting / blade signs per use, with no more than one (1) sign per building face.
Awning [C]	All Zones	Shall be centered within or over architectural elements such as windows or doors. 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.	The lowest edge of the canopy or awning shall be at least eight feet (8′ ~~ft.~~) above the finished grade; The awning or canopy may no project more than six feet (6′ ~~ft.~~) from the building; A maximum of twenty-five percent (25%) of the wall area may be covered with an awning; and A maximum of fifty percent (50%) of the awning may be covered with graphics.	Maximum of three (3) awning signs per use, with no more than one (1) awning sign per building face.
Window [E]	All Zones	NA	*In residential zones:* The maximum sign area per use is eight square feet (8 sq.ft.) *In all other zones:* The maximum sign area per use is sixteen square feet (16 sq.ft.)	Maximum of three (3) window signs per use, with no more than one (1) window sign per building face.

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Temporary Non-Permanent				
Limited Duration	All Zones	If two (2) limited duration signs are allowed, the signs shall have a minimum of two hundred (200') spacing between them.	*In non-residential zones:* Max Area: 32 sq.ft. Max Height: 8'. *In residential zones:* Max Area: 16 sq.ft. Max Height: 6'.	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		May not be placed in any manner that blocks the flow of pedestrian traffic or otherwise threatens the public health, safety, or welfare.	Max Area: 9 sq.ft. Max Height: 3' ~~ft~~.	One (1) per business
Temporary			*In non-residential zones:* Max Area: 32 sq.ft. for banners, 16 sq.ft. for all other temporary signs Max Height: 24' ~~ft.~~ for hanging banner, 6' ~~ft.~~ for freestanding banner, 8' ~~ft.~~ for all other types *In residential zones:* Max Area: 32 sq.ft. for banners, 16 sq.ft. for all other temporary signs Max Height: 24' ~~ft~~ for hanging banner, 6' ~~ft.~~ for freestanding banner, 6' ~~ft.~~ for all other types	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.

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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 ~~(3)~~ 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.

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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.

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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 19.54 Dark Skies

19.54.010 – Purpose.

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

19.54.020 – Definitions.

A. For the purpose of this Chapter, certain words, phrases, and terms used herein shall have the meanings assigned to them by this section:
   1. "Accent Lighting" means a light source illuminating building surfaces, landscape features, statues, and similar items for the purpose of decoration or ornamentation, or lighting that does not contribute to the safety or security of residents, guests, employees, or customers on a property.
   2. "Adaptive Controls" means devices such as motion sensors, timers, and dimmers used in concert with outdoor lighting equipment to vary the intensity or duration of the operation of lighting.
   3. "Ambient light" means the general overall level of lighting in an area.
   4. "Backlight" means all the light emanating behind a light fixture.
   5. "Ballast" means a device used with a discharge lamp to obtain the necessary voltage, current, and/or waveform for starting and operating the lamp.

6. “Basement” means the area of a building having its floor below ground level on all sides.
7. “Brightness” means the strength of the sensation that results from viewing surfaces from which the light comes to the eye.
8. “Backlight, Uplight, and Glare (BUG) Rating” means A BUG Rating stands for backlight, uplight, and glare. Backlight (B) is the light directed behind the light fixture, uplight (U) is any light directed upward above the horizontal plane of the light fixture, and glare (G) is the amount of light emitted from the light fixture “at high angles” (greater than 60-degrees from nadir).

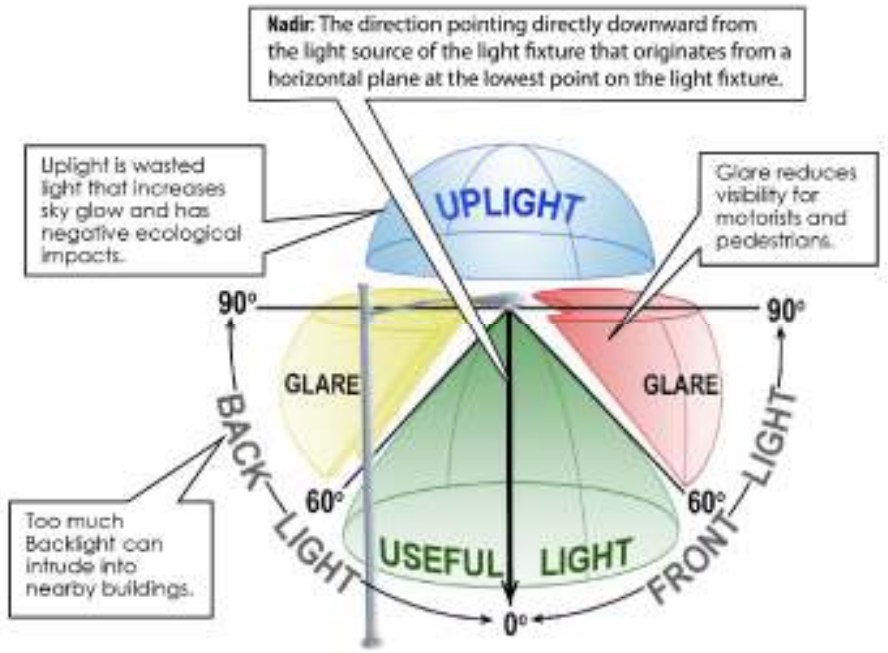


Figure 01: BUG Ratings (Adapted from City of Denver Department of Public Works 2023: https://www.denvergov.org/files/assets/public/doti/documents/standards/pwes-012.2-street_lighting_design_guidelines.pdf)

9. “Bulb or lamp” means the source of electric light. To be distinguished from the whole assembly (see light fixture).
10. “Candela (cd)” means the intensity of light emitted from a fixture in a certain direction.



Figure 02: Candela (Adapted from Barco 2023 https://www.barco.com/en/support/knowledge-base/3736-what-is-the-difference-between-cdm2-lux-and-lumens)

11. "Commercial Property" means any parcel zoned C-1 Commercial, C-V Commercial, or C-2 Commercial Zone.
12. "Constant Lighting" means Lighting that does not flash, blink, strobe, or otherwise emit bright bursts of light.
13. "Correlated Color Temperature (CCT) or Color Temperature" means a specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).

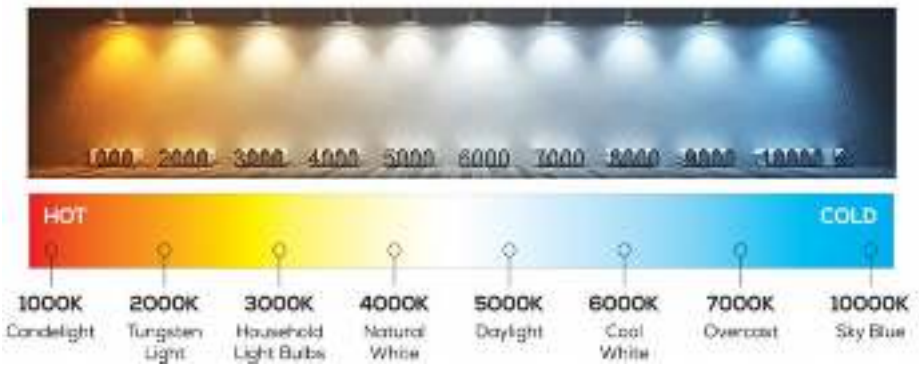


Figure 03: Correlated Color Temperature (adapted from Tachyon Light 2023 https://tachyonlight.com/what-is-correlated-color-temperature/)

14. "Cut-off angle of a light fixture" means the angle measured up from the nadir (i.e. straight down) between the vertical axis and the first line of sight at which the bulb or lamp is not visible.
15. "Diffuser" means a device used to distribute light from a source.
16. "Dimmer" means a device for varying the brightness of electric light.
17. "Direct Illumination" means illumination resulting from light emitted directly from a lamp or reflector. This does not include light reflected from other surfaces, such as the ground or building faces.
18. "Director" means the Greater Salt Lake Municipal Services District Director of Planning and Development Services or planning Staff as so designated.

19. “Dusk” means the darker part of twilight. Timetables identifying specific hours for dusk on any given day are located at: https://www.gaisma.com/en/location/salt-lake-city-utah.html.
20. “Efficiency” means a measure of the effective or useful output of a system compared to the input to the system.
21. “Energy” means (radiant energy) Unit is erg, or joule, or kWh.
22. “Facade lighting” means the illumination of the exterior of a building. (See also Accent Lighting.)
23. “Fixture Lumens” means a light fixture’s total light output after passing through the optics in that fixture.
24. “Fixture Watts” means the total power consumed by a fixture. This includes the power consumed by the lamp(s) and ballast(s).



Figure 04: Watts to Lumens Relationship (adapted from Standard Products Inc 2023 https://www.standardpro.com/how-to-measure-light/)

25. “Floodlight” means a fixture designed to “flood” a well-defined area with light.
26. “Footcandle” means a footcandle is a measurement of light intensity. One footcandle is defined as enough light to illuminate a one-foot square located one foot from the light source with one lumen of light.

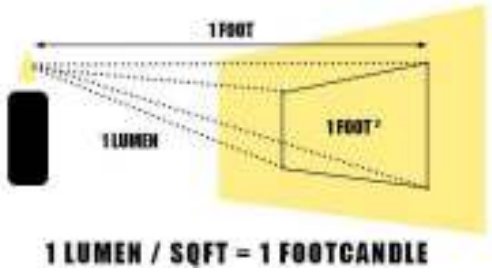


Figure 05: Footcandle (adapted from Standard Products Inc 2023 https://www.standardpro.com/how-to-measure-light/)

27. “Full Cut-off fixture” (Fully-shielded fixture): An outdoor light fixture constructed and mounted so that the installed fixture emits no light (zero intensity) at or above horizontal (90° above nadir).


Examples of Acceptable / Unacceptable Lighting Fixtures
Unacceptable
Fixtures that produce glare and light trespass
Unshielded Floodlights or Poorly-shielded Floodlights
Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures
Drop-Lens & Bag-Lens Fixtures w/ exposed bulb / refractor lens
Unshielded Bollards
Unshielded Streetlight
Unshielded Barn Light
Louvered Marine style Fixtures
Unshielded Period Style Fixtures
Unshielded PAR Floodlights
Drop-Lens Canopy Fixtures
Acceptable
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night
Full Cutoff Fixtures
Fully Shielded Wallpack & Wall Mount Fixtures
Fully Shielded Fixtures
Full Cutoff Streetlight
Fully Shielded Barn Light
Fully Shielded Walkway Bollards
Fully Shielded Decorative Fixtures
Fully Shielded Period Style Fixtures
Flush Mounted or Side Shielded Under Canopy Fixtures
Shielded / Properly-aimed PAR Floodlights

Figure 06: Examples of Unacceptable and Acceptable Light Fixtures (Adapted from International Dark-Sky Association 2023 https://www.darksky.org/)

28. "Glare" means the visual sensation caused by excessive brightness, and which causes annoyance, discomfort, or a loss in visibility.

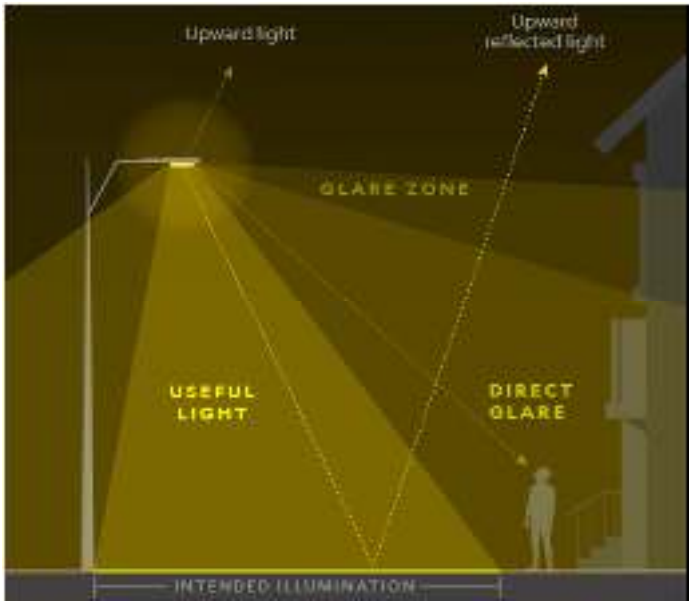


Figure 07: Glare (adapted from National Geographic 2023 https://www.nationalgeographic.com/science/article/nights-are-getting-brighter-earth-paying-the-price-light-pollution-dark-skies?)

29. "Hardscape" means any non-living horizontal site element, including but not limited to patios, decks, walkways, sidewalks, driveways, and steps.
30. "House-side Shield" means opaque material applied to a fixture to block the light from illuminating a residence or other structure being protected from light trespass.
31. "Illuminance" means light level measured in footcandles, lux, or lumens.
32. "Incandescent lamp" means a lamp in which light is produced by a filament heated to a high temperature by an electric current.
33. "Indoor Lighting" means any lamp, pendant, or fixture used to illuminate the interior of any structure.
34. "Intensity" means the degree or amount of energy or light.
35. "Internally Illuminated" means as it relates to signs, any sign which has a light source entirely enclosed within the sign and not directly visible.
36. "International Dark-Sky Association (IDA, Inc.)" means a non-profit organization whose goals are to build awareness of the value of dark skies, and of the need for quality outdoor lighting.

37. "kWh or Kilowatt-hour)" means a measure of electrical energy equivalent to a power consumption of 1,000 watts for one hour.
38. "Lamp" means a generic term for a manufactured source created to produce optical radiation, meaning ultraviolet radiation (UV), visible light (VIS), and infrared radiation (IR).
39. "Lamp Life" means the average lifespan for a specific type of lamp.
40. "LED or Light Emitting Diode" means LED lighting products produce light up to ninety percent (90%) more efficiently than incandescent light bulbs.
41. "Light Pollution" means the brightening of the night sky caused by man-made sources which has a disruptive effect on natural cycles and inhibits the observation of stars and planets.
42. "Light Fixture (Luminaire)" means a complete lighting unit that typically includes components such as a fixture housing, ballast, reflector, shield or diffuser, and a lamp or lamps.

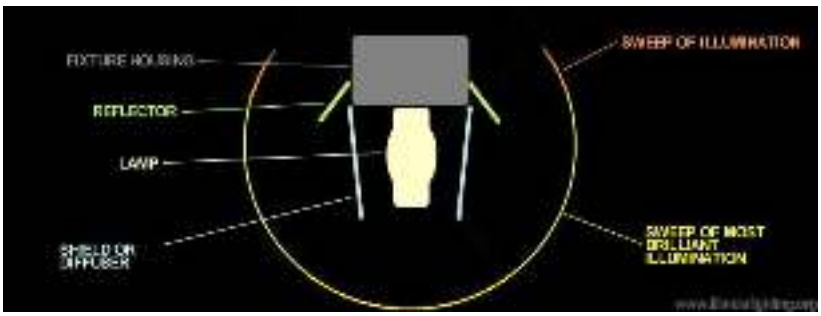


Figure 08: Components of a light fixture (adapted from Illinois Coalition for Responsible Outdoor Lighting 2023 http://www.illinoislighting.org/fixture2.html)

43. "Light Source" means the part of a light fixture that produces light, e.g., the bulb, lamp, or diode.
44. "Light Spill" means unwanted spillage of light onto adjacent areas including residential properties and ecological sites. (See also: Light Trespass.)
45. "Light Trespass" means light falling where it is not wanted or needed. (See also: Light Spill.)

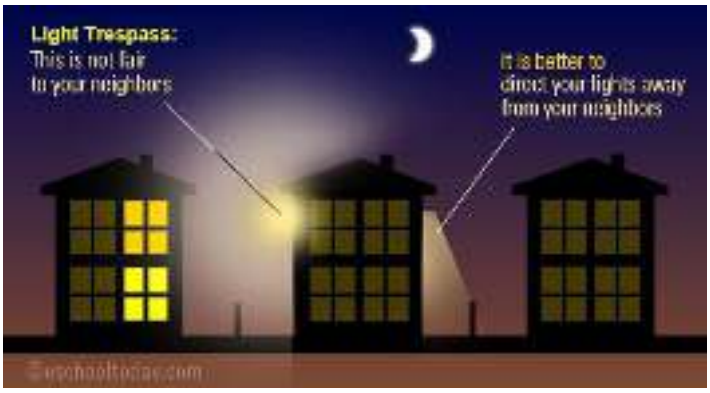


Figure 09: Light Trespass Compared to Adequate Shielding (adapted from E School Today 2023 https://eschooltoday.com/learn/types-of-light-pollution/)

46. "Lighting Controls" means devices used for either turning lights on and off or for dimming. Photocell Sensors automatically turn lights on and off in response to natural light levels. Some advanced modes can slowly dim or increase the lighting level. See also: Adaptive Controls.
47. "Lumen" means a measurement of light intensity. One lumen is approximately equal to the amount of light emitted by one candle at a one-foot distance. A light source with higher lumens emits brighter light.



Figure 10: Comparison of bulb types, lumens, and watts (adapted from Efficiency Maine 2023 https://www.efficiencymaine.com/at-home/lighting-solutions/)

48. "Lux (lx)" means the unit of illuminance equal to one lumen per square meter.



Figure 11: Lux (Adapted from Barco 2023 https://www.barco.com/en/support/knowledge-base/3736-what-is-the-difference-between-cdm2-lux-and-lumens)

49. “Manufacturer’s Catalog Cut” means a publication or other printed material of a lamp or lighting manufacturer offering visual and technical information about a lighting fixture or lamp.
50. “Mounting height” means the height of the light fixture as measured from the point at which light is emitted above the ground plane (pole-mounted) or lowest finished floor elevation (structure-mounted).
51. “Multi-Family Residential Property” means any parcel having a building containing five or more dwelling units, or any parcel zoned R-M Residential.
52. “Nadir” means the direction pointing directly downward from the light source of the light fixture that originates from a horizontal plane at the lowest point on the light fixture.
53. “Optic” means the components of a light fixture such as reflectors, refractors, and protectors which make up its light emitting section.
54. “Outdoor Light Fixture or Outdoor Lighting or Exterior Lighting)” means an outdoor, electric, or solar-powered illuminating lamp, or similar device used for lighting structures, parking lots, pathways, service canopies, recreational areas, signs, or other similar outdoor uses.
55. “Partially Shielded Light Fixture” means an outdoor light fixture constructed and mounted so that the installed fixture emits most, but not all, of its light below the horizontal plane.
56. “Pathway Lights” means a light fixture, or collection of light fixtures, less than eighteen inches (18") in height, lining one or both sides of an outdoor path or walkway that provides illumination to guide persons along the outdoor path or walkway.
57. “Photometry” means the quantitative measurement of light level and distribution.
58. “Photocell” means an electronic device that changes the light output of a light fixture dynamically in response to the ambient light level around the light fixture.
59. “Pool Lighting” means light fixtures located below the surface of the water in a swimming pool, hot tub, reflecting pool, fountain, or other water features.
60. “Recreational Lighting” means lighting used to illuminate playing fields, courts, playgrounds, ice rinks, or similar outdoor recreational facilities.
61. “Reflector” means an optic that achieves control of light by means of reflection (using mirrors).
62. “Refractor” means an optic that achieves control of light by means of refraction (using lenses).
63. “Religious Institutions Property” means property containing a religious or spiritually-oriented structure(s) or accessory structure(s), where persons regularly assemble for religious or spiritual purposes and related social events.
64. “Security Lights” means lighting designed to illuminate a property or grounds for the purpose of security.
65. “Shielding” means an opaque material that blocks the transmission of light.
66. “Single-Family Residential Property” means any parcel zoned FR-0.5, FR-1, and FR-20.
67. “Skyglow” means the brightening of the nighttime sky resulting from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways, reducing one’s ability to view the nighttime sky.



Figure 12: Skyglow Bortle Scale measuring degradation of the night sky (adapted from Skyglow Project 2023 https://skyglowproject.com/#new-page)

68. "Spotlight" means a fixture or lamp designed to light a small area very brightly. See the definition of Floodlight.
69. "Stationary Lighting" means lights that are fixed in a non-moving position.
70. "Task Lighting" means task lighting is used to provide direct light for specific activities without illuminating the entire area.
71. "Tower" means any monopole, antenna or the like that exceeds eighteen feet (18') in height.
72. "Unshielded Light Fixture" means a fixture that allows light to be emitted above the horizontal plane, either directly from the lamp or indirectly from the fixture or reflector.
73. "Visibility" means the distance one can see horizontally as determined by light and weather conditions.
74. "Wall Pack" means a light fixture, typically affixed to the side of a structure, used for area lighting.

19.54.030 - Scope and Applicability.

A. Compliant Lighting.
   1. Lighting installed and/or replaced after the effective date hereof in all zones in the Town of Brighton shall comply with the requirements established by this Chapter.
   2. Given the steep and variable topography of the Town of Brighton, it is possible that lighting that is compliant with this Ordinance could cause unwanted effects of light pollution, glare, light

trespass, sky glow, and degradation of the night sky environment. In these instances, the Town of Brighton encourages property owners to consider taking steps to mitigate such conditions.

B. Non-compliant Lighting.
   1. Lighting that does not meet the requirements of this Chapter shall be considered non-compliant lighting.

C. Amortization: All non-compliant exterior lighting fixtures shall be brought into compliance no later than five (5)-years from the effective date of this Chapter. The Town of Brighton encourages property owners to voluntarily bring non-compliant lighting into compliance with this Chapter as soon as possible.

D. Lighting Modifications.
   1. When a Building Permit is required:
      a. If the proposed structural modifications necessitate the removal of a non-compliant light fixture, the light fixture shall be replaced or modified to bring it into compliance with the requirements of this Chapter.
      b. If the proposed structural modifications represent a value of fifty percent (50%) or more of the building value at the time of submittal, a lighting plan for the property shall be submitted subject to the requirements in Section 19.54.090.
   2. When a building permit is not required and a non-compliant light fixture is replaced, destroyed, damaged, or modified, the replacement fixture shall comply with the requirements of this Chapter.

E. Conflicts.
   1. In the event any federal, state, or county statute or regulation conflicts with any requirement of this Chapter, the most restrictive statute, regulation, or requirement shall govern unless otherwise required by law. In the event any requirement of the Town of Brighton's other ordinances conflicts with the requirements of this Chapter, the most restrictive requirement shall govern.

19.54.040 - Standards.

A. Minimum Necessary.
   1. The intensity of outdoor (exterior) lighting shall be the minimum necessary to provide for safety and functionality. The lowest-lumen light source necessary for a lighting application shall be used.
      a. All lighting shall be purpose-driven:
         (i) Useful: All light used shall have a specific purpose.
         (ii) Targeted: Light shall be directed only to where needed.
         (iii) Low Light Levels: Light shall be no brighter than necessary.
         (iv) Controlled: Light shall be used only when it is useful.
         (v) Color: Where possible, warmer color lights shall be used.

B. Allowable Applications.
   1. Outdoor lighting in compliance with this Chapter shall only be allowed in the following applications:
      a. To illuminate the entrances to buildings (including garage entrances).
      b. To illuminate pathways and walkways.
      c. To illuminate parking areas and parking area access lanes.

d. To illuminate gathering areas, such as patios, pool and hot tub areas, dining areas, and recreation areas.
e. For security purposes, provided all the following conditions are met:
   (i) The lighting is activated by motion sensors and shuts off, within or before, fifteen (15) minutes after each activation or when the activity involved is completed.
   (ii) The lighting is placed and directed such that no direct illumination falls outside the property boundaries where the security lighting is placed.
   (iii) Sensors are adjusted to meet site conditions to avoid repetitive activation by wildlife, wind, and/or other disturbances.
f. To illuminate signage.
g. For Accent Lighting, provided all the following conditions are met:
   (i) All accent lighting is mounted on and illuminates only building facades visible from an adjacent public right of way.
   (ii) The accent lighting is sufficiently shielded such that the light source is not visible beyond the property boundaries.
   (iii) The accent lighting is directed such that all light shines on the building facade, not on the adjacent property or the night sky.
   (iv) The accent lighting is not used to illuminate the landscape, landscape elements, statues, or other similar features.
h. To illuminate outdoor water features, provided all the following conditions are met:
   (i) The lighting is angled below the horizontal plane.
   (ii) The lighting is placed underneath or behind the water such that the water diffuses the light from all points where the light is visible.
i. Temporary exterior or decorative lighting utilized for holidays or special events shall be extinguished by 10:00 pm. When in use, the lighting shall not exceed the allowed footcandle limit for the property. This can be accomplished by reducing light usage in other areas of the property. Temporary lighting shall be limited to the following:
   (i) The period of time between Thanksgiving Day and January 8th each calendar year; and,
   (ii) Periods of time outside the month of December shall not exceed seven (7) days per calendar month for other holidays and special events.

C. Total Light Output.
1. Commercial, Government, and Religious Institutions Properties: The total amount of outdoor lighting, whether shielded or unshielded, shall not exceed two (2.0) footcandles per square foot of hardscape.
2. Multi-Family Residential Properties: The total amount of outdoor lighting, whether shielded or unshielded, shall not exceed one and one-half (1.5) footcandles per square foot of hardscape.
3. Single-Family Residential Properties: The total amount of outdoor lighting, whether shielded or unshielded, shall not exceed one (1.0) footcandle per square foot of hardscape.
   a. Single-Family Residential Properties used for overnight accommodations or commercial uses shall comply with Single-Family Residential Property standards for total light output.
4. For all Properties – Light output from outdoor sources shall not exceed point one (0.1) footcandle at the property line.

D. Maximum Color Temperature of All Outdoor Lighting Fixtures.

1. The correlated color temperature of any outdoor lighting fixture shall not exceed three thousand degrees Kelvin (3000°K).

E. Fully-Shielded Fixture Requirements.
   1. Unless specifically exempted by this Chapter, all outdoor lighting shall use fully-shielded fixtures that are designed and constructed so that:
      a. No light is emitted and/or reflected above the horizontal plane of the fixture.
      b. Light emitted is limited to a value not exceeding ten percent (10%) of lamp lumens at or above eighty degrees (80°) nadir and zero lumens above the horizontal plane (90° nadir).
      c. Lighting is placed and/or directed at a location, angle, and/or height to prevent direct illumination outside the property boundaries where the light fixtures are located.
      d. When a light manufacturer provides a BUG rating, the uplight rating (U) shall equal zero (0).
   2. Characteristics:
      a. To qualify as a fully-shielded fixture, the top and sides of a light fixture shall be made of completely opaque material, such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully-shielded. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses) and must not reflect light that breaks the horizontal plane established at the bottom of the shield. Merely placing a light fixture under an eave, canopy, patio cover or other similar cover does not qualify the fixture as being fully-shielded.

F. Exemptions To Fully-shielded Fixture Requirements. All lighting described in this Section shall be included in calculating the total footcandle output allowed unless otherwise noted and as set forth in Section 19.54.040. C.
   1. Spotlights:
      a. Spotlights controlled by motion sensors having a light output of less than one thousand (1000) lumens per lamp are exempt from the fully-shielded requirement, provided:
         (i) The fixture is a spotlight or other type of directed light that shall be directed at a forty-five-degree (45°) angle or less, where the zero (0) angle is pointing straight down, and
            (a) The fixture must not be placed in such a manner that results in light trespass, and
            (b) The lighting elements controlled by motion sensors shall not be triggered by movement or activity located off the property on which it is located.
         (ii) The fixture is hooded or shielded to the extent necessary to prevent glare on adjacent properties or roadways.
         (iii) The lighting is activated by motion sensors and shuts off, within or before, fifteen (15) minutes after each activation or when the activity involved is completed.
   2. Pathway Lights:
      a. Pathway lights less than eighteen inches (18") in height are exempt from the fully-shielded fixture requirement if:
         (i) The total light emitted by all pathway light fixtures as measured along the centerline of the pathway lighted does not exceed one (1.0) footcandle; and
         (ii) The lights have opaque caps that direct light below the horizontal plane.
   3. Temporary Exterior or Decorative Lighting:
      a. Temporary exterior or decorative lighting, provided that individual lamps do not exceed seventy (70) lumens, the total output of temporary lighting does not cause the property to

exceed total footcandle levels allowed in this Chapter, and the lighting does not cause light trespass or interfere with the reasonable use and enjoyment of surrounding properties.

4. Law Enforcement Lighting, Traffic Control Signals, and Traffic Safety Devices:
   a. Traffic control signals, traffic safety devices, and law enforcement lighting used by a government agency, is exempt from and not governed by the requirements of this Chapter.
5. Temporary Emergency Lighting:
   a. Temporary emergency lighting in use by law enforcement or government agencies, or at their direction, is exempt from and not governed by the requirements of this Chapter.
6. Pool Lighting
   a. Underwater lighting fixtures providing illumination to all underwater areas of a swimming pool, hot tub, reflecting pool, fountain, or other such water feature provided they are shielded to the greatest extent feasible to prevent light trespass beyond the surface of the water.

G. Restrictions On Total Amount of Unshielded Lighting.
   1. Outdoor lighting that is exempt from the shielding requirement in this Chapter shall not contribute more than the equivalent of:
      a. Zero point two (0.2) footcandle per square foot of hardscape for Commercial, Government, or Religious Institutions Properties.
      b. Zero point fifteen (0.15) footcandle per total square foot of hardscape for Multi-Family Residential Properties.
      c. Zero point one (0.1) footcandle per square foot of hardscape for Single-Family Residential Properties.
   2. All lighting fixtures shall be fully-shielded when installed within twenty-five ~~(25)~~ feet (25') of adjacent residential property lines.

19.54.050 – Night Lighting Limitations.

A. Commercial, Government, and Religious Institutions Properties.
   1. Shall turn off all outdoor lighting within one (1) hour after closing until 6:00 a.m. the following morning, except those listed below:
      a. Lighting to illuminate the entrance(s).
      b. Parking lot and pathway lighting required for the safety of customers, employees, and guests.

B. Multi-Family and Single-Family Residential Properties.
   1. Shall be turned off one (1) hour after dusk until 6:00 am the following morning, except those listed below:
      a. Lighting to illuminate entrances.
      b. Parking lot and pathway lighting required for the safety of residents or guests.
      c. Outdoor gathering spaces when in use.

C. Recreational Lighting.
   1. Shall be turned off when not in use, and from (1) hour after dusk until 6:00 am the following morning, except to conclude a community-approved event that is underway.

D. Ski Runs within Ski Resort Boundaries.
   Lighting for the purpose of illuminating ski runs within the boundaries of a ski resort may be exempt from the standards of this chapter with the exception that all lighting illuminating ski runs shall be turned off within one (1) hour of closing or at 10:00 pm, whichever is later.

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19.54.060 - Specialized Outdoor Lighting.

A. Roadway/Streetlights.
   1. Roadways and streetlights are prohibited unless recommended by the County Engineer or required by the Utah Department of Transportation (UDOT). When deemed necessary, streetlights shall utilize lamp types that are fully-shielded light fixtures that minimize sky glow, light trespass, and other unintended impacts of artificial lighting. All street lights shall utilize the lowest light levels accepted by the County Engineer and/or UDOT.

B. Parking Lots.
   1. Spot or flood lighting of parking lots from a building or other structure is prohibited.
   2. The mounting height of any pole-mounted light fixture used to illuminate parking lots in commercial, government, or religious institution properties shall not exceed fourteen feet (14').
   3. The mounting height of any pole-mounted light fixture used to illuminate parking lots in all residential properties shall not exceed six feet (6').
   4. All pole-mounted parking lot lights shall be set back from property lines at a distance equal to two and one-half (2.5) times the height of the pole unless an internal or external shield prevents the fixture from being visible from outside the property boundaries.
   5. All parking lot lighting shall use fully-shielded fixtures.
   6. Internal or external shields shall prevent the light source from being visible from outside the relevant parking lot.

C. Recreational Lighting.
   1. All proposals for recreational lighting for playing fields or court areas shall be submitted to the Director or designee, who may approve such requests only after finding:
      a. The recreational lighting has met the requirements for minimizing glare, light spill, light trespass, and uplight using louvers, hoods, or shielding.
      b. The recreational lighting only illuminates the playing field or court area and is shielded to prevent illumination from falling outside of those areas.
      c. Lighting on the playing field or court area shall not exceed twenty (20) footcandles per square foot.
      d. The light source for recreational lighting is not visible from adjacent properties.
      e. Pole-mounted recreational lighting is limited to eighteen feet (18') in mounting height. Pole-mounted recreational lighting must be set at a distance equal to two and one-half (2.5) times the height of the pole installed from any adjacent property line unless an internal or external shield prevents the fixture from being visible from outside the property boundaries.

D. Amphitheater Lighting.
   1. Outdoor amphitheaters may use illumination to light the performance area of the amphitheater and provide public safety. The following requirements apply to all amphitheater lighting:
      a. Lighting used to illuminate the performance area must be either directed spotlighting or fully-shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
      b. Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.

c. Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all the requirements of this Chapter.

E. Memorial or Commemorative Lighting.

1. Memorial or Commemorative lights that are erected or authorized by the Town of Brighton shall be subject to conditions established by the Town Council.

F. Signs.

1. Where other municipal ordinances are in conflict with the requirements of this Chapter, the more restrictive requirements shall apply.
2. Signs may be unlighted, lighted externally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign's copy area is illuminated.
3. Lighting for signs must be stationary and constant.
4. All signage elements must be stationary.
5. Standards for Externally Illuminated Signs:
   a. Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not intrude onto adjacent streets, roads, or properties or into the night sky.
   b. Lighting for externally illuminated signs must be mounted at the top of the sign (or within two feet (2') of the top of a building-mounted sign).
6. Standards for Internally Illuminated Signs
   a. Lighting Is Visible on Both Sides of the Sign:
      i. Only sign copy areas and logos may be illuminated on an internally illuminated sign.
      ii. Internally illuminated signs shall use semi-opaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Non-copy portions of the sign (e.g., background and graphics) shall be made of completely opaque material.
7. Standards for Backlit Signs
   a. Only One Side of Sign Is Lit:
      i. Backlit signs shall be designed such that the light source is not visible.
      ii. Backlit signs shall be designed such that direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.
      iii. Backlit signs shall use low-lumen light sources (450 lumens maximum).
8. Illuminated Window Signage:
   a. Illuminated window signs positioned to be primarily visible outside all structures are allowed only if there are no more than two (2) signs. Each sign shall measure less than three and one-half square feet (3.5 sq.ft.) in area.

19.54.070 - Prohibited Lighting.

A. Accent Lighting that is directed upward above the horizontal plane to illuminate building structures, landscape, landscape features, statues or similar features, vegetation, or for any other use.
B. Flashing, blinking, intermittent, or other lights that move or give the impression of movement.

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C. Unshielded Floodlights or Spotlights affixed to buildings for the purpose of lighting parking lots.
D. Searchlights and laser source lights.
E. Building-mounted light fixtures in residential properties at a mounting height of more than fourteen feet (14') above the finished grade at the primary entrance to the corresponding side of the building (i.e., front, sides, rear.)
    1. For buildings having sides without an entrance, the mounting height limitation established by the finished grade at the lowest primary entrance elevation on any side of the structure shall control.
    2. Wall-mounted lighting may be utilized for patios and decks located above the primary entrance elevation, provided that the lighting is directed so that all light falls only on the deck or patio surface intended to be lit and the light source is shielded and/or diffused such that the light source is not visible outside the property boundary.

Figure 13: Light Fixture mounting height limitations on buildings

19.54.080 – Towers.

A. All monopole, antenna, tower, or support facility lighting not required by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), or Municipal Fire and Police is prohibited.
B. When lighting is required by the FAA, FCC, or Municipal Fire and Police, such lighting shall not exceed the minimum requirements of those agencies.
C. All other lighting used on the property not regulated by the FAA, FCC, or Municipal Fire and Police shall conform to the requirements of this Chapter.

19.54.090 - Application and Review Procedures.

A. Lighting Plan Required.
    1. In any application for a sign permit, building permit for new development, and building permit for renovation subject to 19.54.030.D of this Chapter, conditional use permit, subdivision, design/development review, and any other development application within any zoning district, including all municipal projects, the applicant shall, as part of the application process, submit a Lighting Plan including sufficient information to enable the Director or designee to determine whether the proposed lighting complies with the requirements of this Chapter.
    2. Lighting Plans shall include the following:
        a. Site plans or drawings indicating the proposed location of all outdoor lighting fixtures, both proposed and any already existing on-site, including:
            i. mounting height of all light fixtures on the premises, and
            ii. type of light fixture, lamps, supports, shielding, and reflectors used and,
            iii. installation and electrical details.
        b. A description of each light fixture, lamp, support, and shield, both proposed and existing. The description shall include but is not limited to, the Manufacturer's Catalog Cuts and illustrations (including sections where required); lamp types, wattages, initial lumen outputs, diffusers, shielding mechanisms, and other accessories. A BUG rating must be included if supplied for each light fixture.
        c. A table showing the total number of proposed exterior lights, by fixture type, lumens, and lamp type, including a Manufacturer's Catalog Cuts whenever possible.

d. The Lighting Plan must demonstrate that no more than the allotted footcandle of light shall be utilized on the property or properties, as specified in section 19.54.040.C.
e. Such other information that the Director or designee may determine is necessary to ensure compliance with the requirements of this Chapter.

3. If the Director or designee determines that any proposed lighting described in a lighting plan does not comply with the requirements of this Chapter, the lighting plan shall not be approved, and the specific permit applied for shall not be issued.
4. In the event lighting installed pursuant to an approved lighting plan is nonetheless not compliant with the requirements of this Chapter, the property owner shall bring the lighting into compliance.

19.54.100 - Appeals, Violations, Enforcement, and Penalties.

A. Appeal.
1. In the event the Director or designee denies the Lighting Plan, the applicant may appeal the decision with the Director or designee.
a. The Director or designee may approve a lighting plan that does not comply with this Chapter if the applicant demonstrates that compliance with the Chapter constitutes an undue hardship.
i. In the event the Director or designee approves the lighting plan, they may attach other conditions to such approval that will make the proposed lighting comply with the spirit of this Chapter.
b. In the event the Director or designee does not approve the proposed lighting plan, the applicant may appeal that decision pursuant to the requirements of Chapter 19.20.030 Appeals of the Town of Brighton Municipal Code.

B. Violations.
1. The following constitute violations of this Chapter:
a. Failing to comply with the night lighting limitations set forth in Section 19.54.050.
b. The installation, maintenance, or operation of any outdoor lighting fixture not in compliance with the requirements of this Chapter if such fixture is installed after the effective date of this Chapter.
c. The alteration of any outdoor lighting fixtures after the approval of a lighting plan by the Director or designee, when such alteration does not conform to the requirements of this Chapter.
d. Failure to shield, correct or remove lighting that is installed, operated, maintained, or altered in violation of the requirements of this Chapter.

C. Enforcement.
1. If, after investigation, the Director or designee finds that any requirement of this Chapter is being violated, the Director or designee shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or occupant of such premises, demanding that the violation be abated within sixty (60) days of the date of hand-delivery or of the date of mailing of the notice. Planning and Development Services Staff shall be available to assist in working with the violator to correct the violation. If the violation is not abated within the sixty (60)-day period, the Director or designee may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any such violations and to collect penalties for such violations.

D. Penalties.
   1. Penalties: A violation of the requirements of this Chapter shall be punishable by a civil penalty of $50.00 per day after the expiration of the 60-day abatement period set forth in Section 19.54.100.C.1.

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.

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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 ~~municipal Township~~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

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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.

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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 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.

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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.
   10. The Town of Brighton shall become the owner of all Floodplain Development Permits and shall maintain a record of all such information in accordance with this chapter and the NFIP Regulations.

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.

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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, ~~industrial~~ 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 FHBM 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 (FHBM). 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 (FHBM). 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 of 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 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. “FHBM” 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 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.

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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.

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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.

Town of Brighton Town Council Meeting
ITEM: FY 2025 Tentative Budget
DATE: May 14, 2024
SUBMITTED BY: Nate Rockwood
ITEM TYPE: Legislative

SUBJECT:

Approval of the Tentative Budget Resolution, a Resolution Adopting the Fiscal Year 2025 Tentative Budget and setting a date and time for the Budget Hearing.

SUMMARY:

The process of adopting the fiscal year 2025 budget requires several steps that the Town Council is required to take to be compliant with state statute.

As a reminder, the purpose of a tentative budget is to have a working draft budget from which the Council can start the formal adoption process. The tentative budget can be adjusted with Council's direction prior to final adoption. At the time of final adoption, the budget must be balanced with expenditures equaling revenues (including fund balance). The General Fund can have a fund balance of up to 100% of the current year end revenues.

The following timeline shows the budget process and dates:

May 14th

- Adopt Tentative Budget and make available to public.
- Set proposed property tax rate to no increase (There is no property tax levy by the Town of Brighton).
- Set time and place for public hearing (June 11th at 6:30).
- Discuss budget and funds available for Town Goals and Priorities.
- Make adjustments to FY 2025 Final Budget and FY 2024 adjusted budget.

June 4th

- Provide notice of the place, purpose, and time of the public hearing by publishing notice at least seven days before the hearing.

June 11th (final budget needs to be adopted before June 30)

- Hold a public hearing on the Budget
- By resolution or ordinance adopt FY 2025 Final Budget and FY 2024 adjusted budget.
- Set Property Tax Rate and adopt by resolution or ordinance.

Before July 11th

- File a copy of the final budget for each fund with the state auditor within 30 days after adoption.
- Certify property tax rate in CTS system (USTC).

Budget Information and Analysis:

The Budget consists of all anticipated revenues to be received by the Town and all anticipated expenditures. State code requires that all Cities and Towns follow a July – June fiscal year (FY) budget and that MSD has traditionally been required to follow a calendar year budget. Due to recent legislative changes, the MSD will now be following a FY budget.

Sales Tax Revenue Analysis

The town currently applies the following sales tax rates. The 1% Local Option and the .25% County Option Highway and Transportation tax are allocated to cover services and transfers provided by the MSD:

- 1% Local Option (Brighton receives .5% Point of Sale; .5% population is distributed statewide)
- .25% SB 136 Sales Tax Hwy/Transit (Brighton receives .1% of the .25% County Tax)
- 1.1% Resort Communities Sales Tax
- 1% Municipal TRT

The following table details the projected revenue from each sales tax type by quarter. The projection was created using 24 months of historic sales tax collection data from actuals from January 2020 to March 2024. The table places the revenue forecast into the correct period that revenues were collected as opposed to 2 months later when they were distributed by the State to the Town. These forecasts and actuals have been used in the recommended budget. Revenues for FY2025 are based on an anticipated 2% growth from forecasted sales tax revenue received in FY 2024.

Town of Brighton - Sales Tax Actuals and Forecast (Based on Collection Month)							
Sales Tax Type	FY 2023	FY 2024				FY 2024	FY 2025
	Total	July-Sept	Oct-Dec	Jan-March	April-June	Total	Total
1% local Option (.5% Point of Sale)	$ 682,050	$ 57,937	$ 220,187	$ 359,102	$ 49,349	$ 686,575	$ 700,307
Transit Tax	$ 68,560	$ 5,620	$ 21,773	$ 35,678	$ 5,708	$ 68,779	$ 70,155
1.1% Resort Communities Sales Tax	$ 1,370,435	$ 90,720	$ 446,426	$ 749,959	$ 94,262	$ 1,381,367	$ 1,408,994
1% Municipal TRT	$ 142,940	$ 16,612	$ 38,723	$ 79,677	$ 16,433	$ 151,444	$ 154,473
Total Sale Tax	$ 2,263,984	$ 170,890	$ 727,108	$ 1,224,416	$ 165,752	$ 2,288,166	$ 2,333,929

Sales Tax is shown by collection month, not by distribution month
March-June 2024 estimated
FY 2025 is estimated at 2% growth from FY 2024 Original Budget

Additional .5% Resort Communities Sales Tax

On November 21, 2023, the voters of the Town of Brighton approved Proposition 12, authorizing the Town Council to impose an additional .5% resort sales tax. The Town Council has not elected to instate the additional .5% sales tax. If enacted by the Town Council, the sales tax would go into effect on the first day of the first full quarter after the resolution has been passed and notification has been sent to the State Tax Commission. The authorization by the vote does not have a termination date, therefore the Town Council may impose the .5% additional sales tax by resolution of the Council.

Just as the 1.1% Resort Communities Sales Tax, which has been in place since January 2020, the additional .5% resort tax would be collected on all taxable sales in the Town. The total 1.6% (1.1% & .5%) Resort Sales tax can only be collected by cities or towns that have a transient room capacity equal to or greater than 66% of the municipality's permanent census population. The 1.1% resort tax and .5%

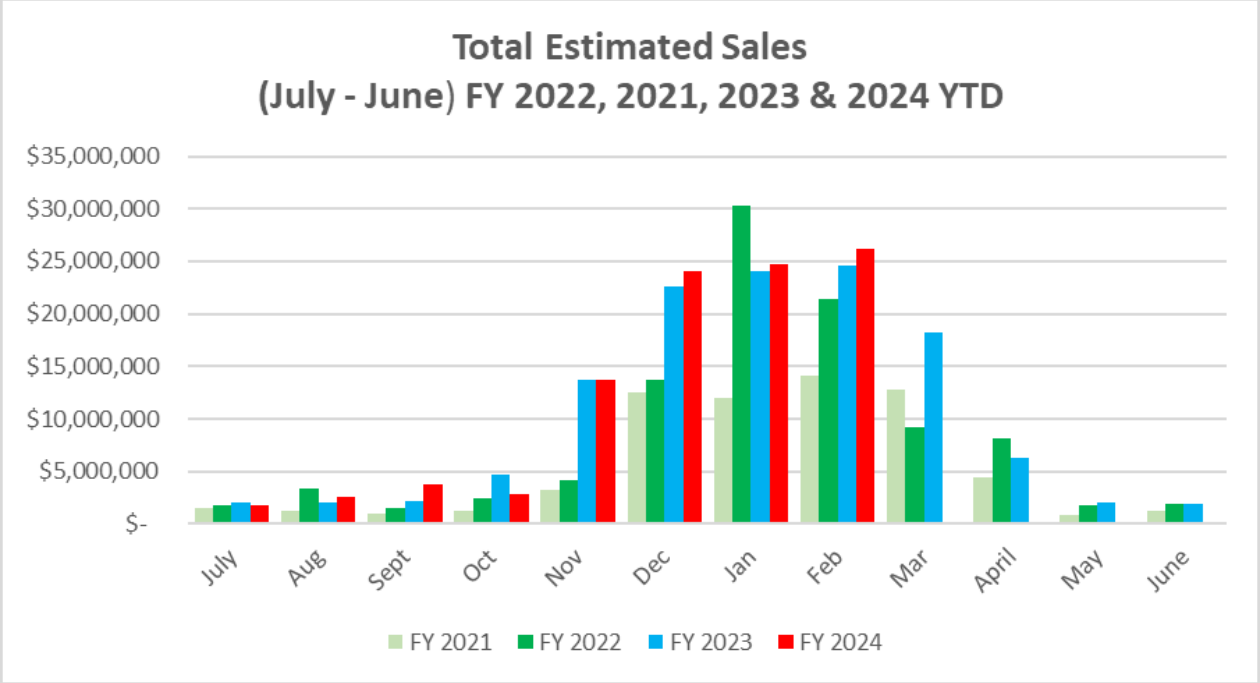
additional resort tax may not be collected by a county or other taxing authority, such as a service district.

The use of the additional .5% resort sales tax, if enacted by the Town Council, may be used at the discretion of the Town Council for any allowed use of Town funds. The Town Council may allocate these funds as part of the annual budget process for operating or capital use approved by the Council.

It is anticipated that the Additional .5% Resort Communities Sales Tax will generate an estimated $550,000 to $650,000 per year, depending on the resort season sales.

Sales Tax History and Seasonality

The Town's sales revenues are very seasonal, as would be expected. The following graph shows the total estimated sales by month. This chart shows FY 2021 & FY 2023 estimated sales compared to Year-to-Date sales for FY 2024 through February which is the latest months revenue received to date. The Town of Brighton businesses did approximately $66 million in sales in FY 2021, $103 million in FY 2022 and $124.5 million in FY 2023. It is anticipated that the FY 2024 what might be a typically amount at $101 million.



The following chart shows a 5-year sales revenue forecast. This forecast is important to understanding potential revenues available in preparing a 5-year Capital Improvement Plan.

5 Year Revenue Forecast						
Fiscal Year	**FY 2024 (Original Budget)**	**FY 2024**	**FY 2025**	**FY 2026**	**FY 2027**	**FY 2028**
1% local Option (.5% Point of Sale)	$ 686,575	$ 700,307	$ 721,316	$ 750,169	$ 780,175	$ 811,382
Transit Tax	$ 68,779	$ 70,155	$ 72,259	$ 75,150	$ 78,156	$ 81,282
1.1% Resort Communities Sales Tax	$ 1,381,367	$ 1,408,994	$ 1,451,264	$ 1,509,315	$ 1,569,687	$ 1,632,475
1% Municipal TRT	$ 151,444	$ 154,473	$ 159,108	$ 165,472	$ 172,091	$ 178,974
Total Sale Tax	$ 2,288,166	$ 2,333,929	$ 2,403,947	$ 2,500,105	$ 2,600,109	$ 2,704,113
Total Town Sales Tax	$ 1,532,811	$ 1,563,468	$ 1,610,372	$ 1,674,786	$ 1,741,778	$ 1,811,449

The following tables details the breakdown of sales tax collection rates for Town of Brighton sales:

Sales Tax Rate Table - Town of Brighton			
	General Sales*	**Lodging Sales**	**Restaurant Sales**
State Sale Tax			
State Sales & Use Tax	4.85%	4.85%	4.85%
State Transient Room Tax	-	0.32%	-
County Sale Tax			
County Option Sales Tax	0.25%	0.25%	0.25%
Mass Transit Tax	0.30%	0.30%	0.30%
Add'l Mass Transit Tax	0.25%	0.25%	0.25%
County Option Transportation**	0.25%	0.25%	0.25%
Transportation Infrastructure	0.25%	0.25%	0.25%
Botanical, Cultural, Zoo Tax	0.10%	0.10%	0.10%
Transient Room Tax (TRT) county-wide		4.25%	
Tourism Transient Room Tax		0.50%	
Tourism - Restaurant Tax	-	-	1.00%
Town Sales Tax			
Local Option Sales & Use Tax	1.00%	1.00%	1.00%
Resort Communites Tax	1.10%	1.10%	1.10%
Municipal Transient Room Tax	-	1.00%	-
Total Combined Sales Tax Rate	**8.35%**	**14.42%**	**9.35%**

* Rate for Unprepared Food (Grocey) is 3% statewide

** Brighton receives .10% of the .25% County Wide Transportation Tax

Budget

The following is the proposed Town of Brighton FY 2025 Tentative Budget and FY 2024 Adjusted Budget including the Brighton Capital Improvement Fund – CIP.

Town of Brighton
FY 2024 Amended Budget & FY 2025 Tentative Budget
For Period Ending June 30, 2024 & June 30, 2025

Account Description	2023 Actual July 1 - June 30	2024 Original Budget July 1 - June 30	2024 Estimated Rev/Exp July 1 - June 30	2024 Budget Variance July 1 - June 30	2024 Adjusted Budget July 1 - June 30	2025 Tentative Budget July 1 - June 30
General Fund						
REVENUES						
Business Licenses	41,010	$ 45,000	$ 45,000	$ -	$ 45,000	$ 45,000
Building Permit	77,078	50,000	55,000	5,000	55,000	55,000
Sales Tax 1% Local Option	682,050	637,137	686,575	52,863	690,000	700,300
SB 136 Sales Tax	68,560	63,220	68,779	5,780	69,000	70,030
Engineering Services	1,870	-		-		-
Planning Services	28,915	28,000	28,000	10,000	38,000	30,000
Justice Court Fines/Forfeitures	1,059	800	800	2,200	3,000	3,000
B&C Road Fund Allotment	19,134	16,000	16,000	-	16,000	16,000
Alcohol Tax	4,720	5,000	5,000	-	5,000	5,000
America Rescue Act	32,191	-	-	-	-	-
Interest Enrings	7,844	5,000	5,000	10,000	15,000	5,000
Interlocal Revenue	477,150	470,850	470,000	8,800	479,650	473,650
Parking Violations	87,625	65,000	50,000		50,000	50,000
Other Revenue	1,825	-		-		-
Non-Allocatable Resort Communities Sales	1,370,435	1,270,404	1,381,367	119,596	1,390,000	1,410,000
Non-Allocatable TRT	142,940	166,537	151,444	(21,537)	145,000	150,000
Beginning Balance (MSD)	171,142	450,000	433,375	(45,090)	404,910	600,000
Beginning Balance RCST & TRT	1,795,999	2,547,858	1,309,374	-	1,309,374	1,744,374
Total Revenues	$ 3,044,406	$ 2,822,948	$ 2,962,965	$ 147,612	$ 3,000,650	$ 3,012,980
EXPENDITURES						
Wages	$ 128,912	$ 142,000	$ 142,000	$ -	$ 142,000	$ 142,000
Employee Benefits	19,217	28,000	19,478	-	28,000	28,000
Social Security Tax	7,993		7,595	8,000	8,000	8,000
Medicare	1,869	-	1,776	2,000	2,000	2,000
Awards, Promotional & Meals	103	-		500	500	500
Subscriptions/Memberships	9,131	28,000	26,000	10,000	38,000	38,000
Printing/Publications/Advertising	2,964	3,000	2,750	-	3,000	3,000
Travel/Mileage	1,053	1,200	750	-	1,200	1,200
Office Expense and Supplies	186	2,000	500	-	2,000	2,000
Cell phone and Telephone	691	700	1,300	600	1,300	1,300
Attorney-Land Use	-	15,000	15,000		15,000	15,000
Attorney-Civil	52,450	48,000	48,000	4,000	52,000	52,000
Training and Seminars	395	2,000	210	-	2,000	2,000
Budget and Auditing	-			3,000	3,000	3,000
Web Page Development/Maintenance	3,126	5,800	-	-	5,800	5,800
Payroll Processing ex.	479	2,000		-	2,000	2,000
Contributions/Special Events	39,000	32,000	30,000	-	32,000	32,000
Insurance	8,353	5,500	3,613	-	5,500	5,500
Workers Comp Insurance	762	3,500	3,300	-	3,500	3,500
Postage	-			-		
Professional and Technical	38,390	50,000	45,000	-	50,000	50,000
Contracted Services	24,674	50,000	25,000	(30,000)	20,000	20,000
SLCo Recorder Services	-	3,850	3,500	-	3,850	3,850
Equipment/Computer Purchases	-	1,000	8,000	7,000	8,000	2,000
Rent	11,736	11,500	11,394	-	11,500	11,500
UFA Emergency Management	11,449	30,000	9,838	(18,000)	12,000	12,000
UFA Fuel Reduction - Urban Interface Fire Prevention	-				20,000	20,000
Computer Equip/software	114	1,500		1,500	3,000	3,000
Software/Streaming	2,410	2,300	2,450	200	2,500	2,500
Internet Connections	1,898	2,000	2,000	-	2,000	2,000
Alcohol Tax Transfer to UPD	-	5,000	4,803	(280)	4,720	5,000
America Rescue Act	32,191	-	16,096	16,096	16,096	-
Lease to Locals Grant Program	-	54,000	-	-	54,000	54,000
USFS Ranger - (Brighton Funds)	-	60,000	60,000		60,000	60,000
Interlocal to MSD	930,735	910,156	735,300	70,844	981,000	974,330
Trans to Capital Fund (Brighton CIP)	2,000,000	2,100,000	1,100,000	(1,000,000)	1,100,000	1,750,000
Contribution to Fund Balance MSD (Ending)	404,910	450,000	450,000	150,000	600,000	820,000
Contribution to Fund Balance Brighton (Ending)	1,513,375	(363,059)	432,811	798,059	435,000	(190,000)
Total Fund Balance (Ending - No MSD)	1,309,374	2,634,800	2,175,560	1,098,059	1,744,374	1,554,374
Total Fund Balance (Ending)	**$ 1,714,284**	**$ 3,386,948**	**$ 2,625,560**	**$ 23,518**	**$ 2,344,374**	**$ 2,374,374**
Total Expenditures	**$ 1,330,281**	**$ 1,500,006**	**$ 1,225,652**	**$ 75,460**	**$ 1,595,466**	**$ 1,566,980**
Total Expenditures with End Balance + CIP	**$ 3,248,566**	**$ 2,936,948**	**$ 3,208,463**	**$ 23,518**	**$ 3,130,466**	**$ 3,126,980**

Town of Brighton
FY 2024 Amended Budget & FY 2025 Tentative Budget
For Period Ending June 30, 2024 & June 30, 2025

Account Description	2023 Actual July 1 - June 30	2024 Original Budget July 1 - June 30	2024 Estimated Rev/Exp July 1 - June 30	2024 Budget Variance July 1 - June 30	2024 Adjusted Budget July 1 - June 30	2025 Tentative Budget July 1 - June 30
Brighton Capital Improvement Fund - CIP						
REVENUES						
Transfer from General Fund	2,000,000	2,100,000		(1,000,000)	1,100,000	1,750,000
Carry Forward Unallocated						
Other Rev.						
Grant Rev.						
CIP Balance	430,000				2,430,000	
Interest Enrings						
Total Revenues	$ 2,430,000	$ 2,100,000	$ -	$ (1,000,000)	$ 3,530,000	$ 1,750,000
EXPENDITURES						
Trails Master Plan				-	10,000	
Trail Improvements						500,000
Property Acquisition						
Facility Improvements					200,000	250,000
Infrastructure Improvement Projects		2,100,000			3,300,000	1,000,000
Wayfinding and Signage					20,000	
Asset Management						
Total Expenditures	$ -	$ 2,100,000	$ -	$ -	$ 3,530,000	$ 1,750,000
Unallocated or Capital Carry Forward	$ 2,430,000	$ -	$ -	$ (1,000,000)	$ -	$ -

Anticipated Available CIP projects fund for FY 2025 (remaining capital project funds are carried forward each year from the previous year. Therefore, remaining funds in FY 2023 will be moved to FY 2024 for the final budget. Funds stay within the allocated project unless adjustments are made between projects by the Town Council):

Trails Master Plan:	$10,000
Facility Improvements:	$200,000
Infrastructure Improvement Projects:	$3,300,000
Wayfinding and Signage:	$20,000

It is anticipated that FY 2025 will have a transfer of $1,750,000. These funds have been tentatively allocated to the following projects:

Trail Improvements:	$500,000
Facility Improvements:	$250,000
Infrastructure Improvement Projects:	$1,000,000

The Town Council should discuss potential capital improvement projects as part of the budget process and allocate funds as needed between projects or recommend new capital projects for FY 2025.

Budget Adjustments for FY 2024:

New Adjustments:

- Beginning Fund balance set to $1,309,374
- Recognize Brighton MSD fund balance of $404,910

Expenditures:

- Wages set to include budget for SST, Medicare, and Benefits, total $10,800.
- Interlocal to MSD based on calculated revenues anticipated to be $981,000.
- CIP project have been rolled forward from FY 2023 to FY 2024.
- Cell Phone budget has been increased to cover costs, $600.
- Attorney line item has been increased $4,000 to cover expenditures.
- Contracted Services has been reduced by $30,000 based on anticipated use.
- Equipment Computers has been adjusted $7,000 one-time to cover expenditures.
- UFA Emergency Management has been reduced $18,000 to match annual expenditures. Funds moved to UFA Fuel Reduction line item.
- Line item added to cover UFA Fuel Reduction program. $20,000 annually.
- American Rescue Act budget adjusted to match actuals. One-time $16,096.

Revenues:

- Building Permit increased by $5,000.
- Sales Tax 1% Local Option increased by $52,863.
- SB 136 Sales Tax increased by $5,780.
- Planning Services increased $10,000.
- Justic Court increased by $2,200.
- Interest Enrings increased by $10,000.
- Interlocal Revenue increased by MSD $8,800 to correlate with increased expenditures request.
- Non-Allocatable Resort Communities Sales increased by $119,596.
- Non-Allocatable TRT decreased by $(21,537).
- Parking Violations revenue decreased by $(15,000). Set to correlate with parking management contract.

Budget Requests or incremental adjustments for FY 2025:

Revenues:

- Sales Tax 1% Local Option adjusted 2% from 2024 original budget set to $700,300.
- SB 136 Sales Tax adjusted 2% from 2024 original budget set to $70,300.
- Interlocal Revenue from MSD calculated based of requested expenditure budget. Set to $473,650.
- Non-Allocatable Resort Communities Sales adjusted 2% from 2024 original budget. Increased to $1,410,000.

- Non-Allocatable TRT adjusted 2% from 2024 original budget. Increased to $150,000
- Parking Violations revenue set to $50,000.

Expenditures:

- Wages: Total amount set to include budget for benefits and payroll taxes.
- Interlocal to MSD based on calculated revenues anticipated to be $974,330.
- Transfer to Brighton Capital Improvement Fund (CIP) $1,750,000 (see CIP and Fund Balance section of report).
- Total non-profit request is $25,500 which is included in the Contributions/Special Events budget.
    - Big Cottonwood Community Council has requested $5,000 for FY 2025 (See attached request).
    - The Cottonwood Canyons Foundation is requesting $15,000 for Weed Mitigation as outlined in the attached proposal.
    - The Brighton Institute is requesting $5,500 (See attached request).

General Fund - Fund Balance

The General Fund can have a fund balance of up to 100% of year-end revenues. Based on the adjusted budgeted revenues in FY 2024, this amount would be $2,521,000. The actual year-end balance limit must be determined at FY 2024 year-end. By the end of the current fiscal year, the fund balance will surpass the fund balance limit by the end of FY 2024. The original budget recommended a transfer of $2,100,000 to the CIP fund. However, as staff works with the MSD to verify current fund balances it is recommended in the tentative adjusted budget for a transfer of $1,100,000. This is shown in the budget document and the CIP budget. This amount will be verified and adjusted, if necessary, by the adoption of the final budget in June 2024. The FY 2025 budget recommends a transfer of $1.75 million to the CIP.

The fund balance calculation includes actual and anticipated fund balance of funds reserved as part of the MSD budget. Staff will continue to work with the MSD staff to determine the recommended transfers and fund balance numbers before the adoption of the final budget in June. It is anticipated that the amounts shown in the budget will be adjusted.

Attachment:

Attachment:

A. Town of Brighton FY 2025 Tentative Budget Resolution
B. Big Cottonwood Community Council FY 2025 Funding Request
C. Cottonwood Canyons Foundation FY 2025 Funding Request
D. Brighton Institute FY 2025 Funding Request

Recommended Motion:

I move that we recommend approving resolution 2024-R-05-01, adopting the Tentative Budget for the Town of Brighton, UT for Fiscal Year 2024 and set a time and place for a public hearing on June 11, 2024 at 6:30 PM.

BRIGHTON, UTAH
RESOLUTION NO. 2024-R-5-1

A RESOLUTION ADOPTING THE TENTATIVE BUDGET FOR THE TOWN OF BRIGHTON, UTAH, FOR THE FISCAL YEAR 2025 BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025 AND TO SET A TIME AND PLACE FOR A PUBLIC HEARING ON JUNE 11, 2024 AT 6:30 PM AT FIRE STATION 108, 6788 S BIG COTTONWOOD CANYON ROAD, AND ELECTRONICALLY VIA ZOOM.

WHEREAS, State law requires the filing of a tentative budget for each municipality located within the State of Utah; and

WHEREAS, the Brighton Council ("Council") met in a regular session on May 14, 2024, to consider, among other things, adopting a fiscal year 2025 tentative budget; and,

WHEREAS, the tentative budget complies with the requirements set out in U.A.C. § 105-107;

and

WHEREAS, the budget shall be reviewed, considered, and tentatively adopted by the governing body and may be amended or revised in such manner as is considered advisable prior to final adoption.

WHEREAS, the Council shall set a time and date of June 11, 2024 at 6:30 PM to hold a public hearing concerning the fiscal year 2025 budget and FY 2024 amended budget and will publish public notice of the hearing as the requirements set out in U.A.C. § 105-108; and

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRIGHTON, STATE OF UTAH, as follows:

Section 1. That the Town of Brighton, hereby adopts the following tentative budget for the fiscal year beginning July 1, 2024 and ending June 30, 2025 attached here to as Exhibit 1.

Section 2. The Town of Brighton shall hold a public hearing on June 11, 2024 at 6:30 PM concerning the fiscal year 2025 budget and FY 2024 amended budget and will publish public notice of the hearing at least seven days before the hearing as the requirements set out in U.A.C. § 105-108.

Section 3. That this Resolution shall become effective immediately upon the passage thereof.

PASSED AND APPROVED this 14th day of May 2024.

TOWN OF BRIGHTON

By: _____
Dan Knopp, Mayor

ATTEST:

_____
Kara John, Town Clerk

Exhibit 1: Tentative Budget FY ending June 30, 2025 & Adjusted Budget FY ending June 30, 2024

Town of Brighton
FY 2024 Amended Budget & FY 2025 Tentative Budget
For Period Ending June 30, 2024 & June 30, 2025

Account Description	2023 Actual July 1 - June 30	2024 Original Budget July 1 - June 30	2024 Estimated Rev/Exp July 1 - June 30	2024 Budget Variance July 1 - June 30	2024 Adjusted Budget July 1 - June 30	2025 Tentative Budget July 1 - June 30
General Fund						
REVENUES						
Business Licenses	41,010	$ 45,000	$ 45,000	$ -	$ 45,000	$ 45,000
Building Permit	77,078	50,000	55,000	5,000	55,000	55,000
Sales Tax 1% Local Option	682,050	637,137	686,575	52,863	690,000	700,300
SB 136 Sales Tax	68,560	63,220	68,779	5,780	69,000	70,030
Engineering Services	1,870	-		-		-
Planning Services	28,915	28,000	28,000	10,000	38,000	30,000
Justice Court Fines/Forfeitures	1,059	800	800	2,200	3,000	3,000
B&C Road Fund Allotment	19,134	16,000	16,000	-	16,000	16,000
Alcohol Tax	4,720	5,000	5,000	-	5,000	5,000
America Rescue Act	32,191	-	-	-	-	-
Interest Enrings	7,844	5,000	5,000	10,000	15,000	5,000
Interlocal Revenue	477,150	470,850	470,000	8,800	479,650	473,650
Parking Violations	87,625	65,000	50,000		50,000	50,000
Other Revenue	1,825	-		-		-
Non-Allocatable Resort Communities Sales	1,370,435	1,270,404	1,381,367	119,596	1,390,000	1,410,000
Non-Allocatable TRT	142,940	166,537	151,444	(21,537)	145,000	150,000
Beginning Balance (MSD)	171,142	450,000	433,375	(45,090)	404,910	600,000
Beginning Balance RCST & TRT	1,795,999	2,547,858	1,309,374	-	1,309,374	1,744,374
Total Revenues	$ 3,044,406	$ 2,822,948	$ 2,962,965	$ 147,612	$ 3,000,650	$ 3,012,980
EXPENDITURES						
Wages	$ 128,912	$ 142,000	$ 142,000	$ -	$ 142,000	$ 142,000
Employee Benefits	19,217	28,000	19,478	-	28,000	28,000
Social Security Tax	7,993		7,595	8,000	8,000	8,000
Medicare	1,869	-	1,776	2,000	2,000	2,000
Awards, Promotional & Meals	103	-		500	500	500
Subscriptions/Memberships	9,131	28,000	26,000	10,000	38,000	38,000
Printing/Publications/Advertising	2,964	3,000	2,750	-	3,000	3,000
Travel/Mileage	1,053	1,200	750	-	1,200	1,200
Office Expense and Supplies	186	2,000	500	-	2,000	2,000
Cell phone and Telephone	691	700	1,300	600	1,300	1,300
Attorney-Land Use	-	15,000	15,000		15,000	15,000
Attorney-Civil	52,450	48,000	48,000	4,000	52,000	52,000
Training and Seminars	395	2,000	210	-	2,000	2,000
Budget and Auditing	-			3,000	3,000	3,000
Web Page Development/Maintenance	3,126	5,800	-	-	5,800	5,800
Payroll Processing ex.	479	2,000		-	2,000	2,000
Contributions/Special Events	39,000	32,000	30,000	-	32,000	32,000
Insurance	8,353	5,500	3,613	-	5,500	5,500
Workers Comp Insurance	762	3,500	3,300	-	3,500	3,500
Postage	-			-		
Professional and Technical	38,390	50,000	45,000	-	50,000	50,000
Contracted Services	24,674	50,000	25,000	(30,000)	20,000	20,000
SLCo Recorder Services	-	3,850	3,500	-	3,850	3,850
Equipment/Computer Purchases	-	1,000	8,000	7,000	8,000	2,000
Rent	11,736	11,500	11,394	-	11,500	11,500
UFA Emergency Management	11,449	30,000	9,838	(18,000)	12,000	12,000
UFA Fuel Reduction - Urban Interface Fire Prevention	-				20,000	20,000
Computer Equip/software	114	1,500		1,500	3,000	3,000
Software/Streaming	2,410	2,300	2,450	200	2,500	2,500
Internet Connections	1,898	2,000	2,000	-	2,000	2,000
Alcohol Tax Transfer to UPD	-	5,000	4,803	(280)	4,720	5,000
America Rescue Act	32,191	-	16,096	16,096	16,096	-
Lease to Locals Grant Program	-	54,000	-	-	54,000	54,000
USFS Ranger - (Brighton Funds)	-	60,000	60,000		60,000	60,000
Interlocal to MSD	930,735	910,156	735,300	70,844	981,000	974,330
Trans to Capital Fund (Brighton CIP)	2,000,000	2,100,000	1,100,000	(1,000,000)	1,100,000	1,750,000
Contribution to Fund Balance MSD (Ending)	404,910	450,000	450,000	150,000	600,000	820,000
Contribution to Fund Balance Brighton (Ending)	1,513,375	(363,059)	432,811	798,059	435,000	(190,000)
Total Fund Balance (Ending - No MSD)	1,309,374	2,634,800	2,175,560	1,098,059	1,744,374	1,554,374
Total Fund Balance (Ending)	**$ 1,714,284**	**$ 3,386,948**	**$ 2,625,560**	**$ 23,518**	**$ 2,344,374**	**$ 2,374,374**
Total Expenditures	**$ 1,330,281**	**$ 1,500,006**	**$ 1,225,652**	**$ 75,460**	**$ 1,595,466**	**$ 1,566,980**
Total Expenditures with End Balance + CIP	**$ 3,248,566**	**$ 2,936,948**	**$ 3,208,463**	**$ 23,518**	**$ 3,130,466**	**$ 3,126,980**
Brighton Capital Improvement Fund - CIP						
REVENUES						
Transfer from General Fund	2,000,000	2,100,000		(1,000,000)	1,100,000	1,750,000
Carry Forward Unallocated						
Other Rev.						
Grant Rev.						
CIP Balance	430,000				2,430,000	
Interest Enrings						
Total Revenues	$ 2,430,000	$ 2,100,000	$ -	$ (1,000,000)	$ 3,530,000	$ 1,750,000
EXPENDITURES						
Trails Master Plan				-	10,000	
Trail Improvements						500,000
Property Acquisition						
Facility Improvements					200,000	250,000
Infrastructure Improvement Projects		2,100,000			3,300,000	1,000,000
Wayfinding and Signage					20,000	
Asset Management						
Total Expenditures	$ -	$ 2,100,000	$ -	$ -	$ 3,530,000	$ 1,750,000
Unallocated or Capital Carry Forward	$ 2,430,000	$ -	$ -	$ (1,000,000)	$ -	$ -

2024 Budget Request to Town of Brighton
from
Big Cottonwood Community Council

	Amount Requested for 2024	Amount Spent in 2023
Adopt-A-Trail Cottonwood Canyons Foundation sponsors an annual Adopt-A-Trail Program which maintains popular local trails. BCCA would like to support the Butler Fork Trail again in 2024.	**$2500.00**	**$2500.00**
4th of July Event Big Cottonwood Community Council sponsors the July 4th celebration in Brighton, which includes a breakfast for approximately 700 people and a parade. Hundreds more come to the parade. BCCA offers a free breakfast to breakfast volunteers, UFA, UPD. Also we would like to offer $300 to the SkiMo team to help with table and chair set-up.	**$2300.00**	**$2288.56**
Administrative Costs Costs include ACCT and Utah Neighborhood dues ($40), business license ($10), Zoom ($130), Website ($159)	**$ 400.00**	**$ 339.00**
TOTAL REQUEST	**$5,000.00**	**$5,127.56**

Thank you for your support of Big Cottonwood Canyon Community Council
See the BCCA Annual Report below:

Big Cottonwood Community Council

Annual Report 2023



INCOME

- $8,300 from the Town of Brighton for administrative and project purposes.

FUNDED PROJECTS

- $2,500 to the Cottonwood Canyons Foundation to Adopt the Butler Fork Trail.
- $2,288.56 for 4th of July Expenses
- $339.00 Administrative Expenses
- TOTAL EXPENDITURES $5,127.56

SERVICE PROJECTS

- **4th of July Breakfast and Parade.** Cost $2,288.56. 450 people were served breakfast, with many more in the parade (Thanks Kim Doyle, Carolyn Keigley, Bryan Luftglass, Kathy Anderson, Doug Fry, Todd Nerney, Sarah Cookler, Mike Doyle, Dan Knopp, Kara John, Lisa Sommer, UFA and UPD!)

- **Chipper Days.** 107 families signed up for Chipper Days, representing 1,438 hours contributed by local homeowners for a value of $39,545. Those hours will be used as in-kind match for next year's grant (1,438 hrs. x $27.50 volunteer hour value). Thanks to Jane Martain for wrangling this project.

- **Adopt-A-Highway** The 36th year of this project was coordinated by Tom Loken.

- **Fuels Reduction Project.** 105 families are enlisted for the Fuels Reduction Project being run by UFA. Crew members visit with homeowners to decide which trees and brush need attention, and then they perform the work on-site. 37 properties were completed in 2022, 11 properties were completed in 2023, 57 properties remain. All families commented about the outstanding work done by UFA.

- **Weed Mitigation Projects.** BCCA members participated in noxious weed pulling and wildflower planting projects under the leadership of Taylor Litwin from Cottonwood Canyons Foundation.

2024 GOALS & SUGGESTIONS

- Continue Fuel Mitigation projects (Chipper Days and Fuel Reduction Project).
- Advocate for buried electric lines in canyon communities.
- Promote improved fiber and internet connections.
- Encourage the installation of a new Restroom at Willow Heights Trailhead.
- Continue to support USFS Trails Master Plan for Natural Surface Trails in the canyon.

OTHER

- Current BCCA Finances. Checking $3,410.41 Savings $30,092.69
- Meetings are the 2nd Monday of the month at 7 pm, on Zoom.
- Website: http://www.bigcottonwood.org/

Proposal for Funding: Town of Brighton

The following proposal outlines a plan to mitigate invasive species populations in the Town of Brighton and upper Big Cottonwood Canyon, and a request for funding of $15,000 to support these efforts. The Cottonwood Canyons Foundation Plant Stewardship Program is equipped with the expertise and skills necessary to manage invasive weeds and promote biodiversity – in turn facilitating a resilient and healthy ecosystem at Brighton and upper Big Cottonwood Canyon.

Organizational Background and Personnel

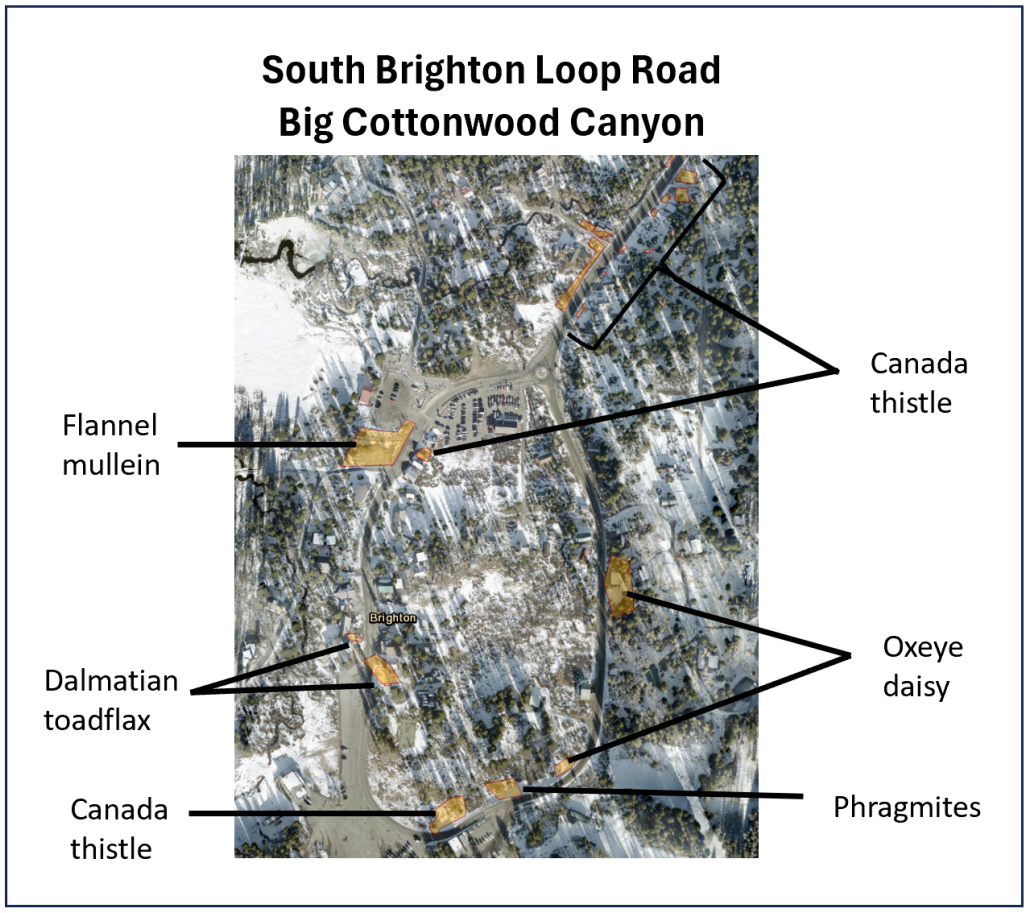
Founded in 1999, Cottonwood Canyons Foundation ("CCF") works to support the environment of the Cottonwood Canyons through stewardship and education. The stewardship efforts of the Foundation are structured around a Trails Program and a Plant Stewardship program. The Plant Stewardship program focuses on Early Detection Rapid Response techniques in the tri-canyons to mitigate noxious weed populations on public lands for the benefit of all visitors, but especially Town of Brighton residents who access the tri-canyon areas on a regular basis.

The CCF field season spans from May to October, during which the CCF Plants Crew is hard at work tracking and removing invasive weeds, hosting volunteer days, and establishing restoration sites throughout the tri canyons. The Plants Crew consists of the Plants Stewardship Director, Ella Abelli-Amen, Plants Crew Lead, Jacob Donaldson, and two-three (dependent on funding) crew members. The team's expertise includes formal training and experience in field botany, ecology, GIS, horticulture, and teaching, as well as proven ability to manage invasives, implement restoration, lead volunteer groups, and utilize GIS software for real-world applications. With the help of volunteers and collaborative efforts with our partners, this team is able to make a substantial impact in the tri-canyons. Throughout the 2023 field season, the Invasive Weeds Crew removed over 13,200 pounds of invasive weeds from the tri-canyons area and planted over 1,100 native wildflowers to supplement the removal of invasive vegetation and promote biodiversity.

Invasive weeds pose an urgent and ongoing threat to the environmental health of Big Cottonwood Canyon and the greater critical watershed for the Salt Lake valley. A plant is classified as an invasive weed if it has been newly introduced to a given ecosystem and is causing environmental, economic, or human harm. Invasive weed seeds are often unintentionally transported via clothing, tires, shoes, machinery, etc. Once an invasive species is established in a new area, seeds are also dispersed naturally by wind, wildlife, or run-off. Invasive weeds can cause increased soil erosion, disruption of habitat, changes to soil composition, degradation of water quality, increased risk of catastrophic wildfire, and loss of biodiversity. All of these changes can dramatically impact the critical watershed of Big and Little Cottonwood Canyons, which supplies up to 60% of drinking water for Salt Lake City. Invasive weeds spread aggressively and rapidly by nature. If unchecked, they can quickly become the

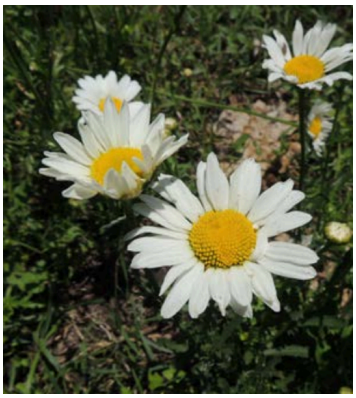
dominant species of an ecosystem, out-competing native species like many of our world-renowned native wildflowers. With less biodiversity (or fewer species), an ecosystem is at a higher risk of collapse when faced with threats such as disease, wildfire, or climate change. Invasive weeds thrive in areas of disturbed soil and infrastructural development such as roadsides, parking lots, trailheads, and ski areas. As noted in the ArcGIS data collected and diligently monitored by CCF each year, there are several areas (or “hot spots”) of particular concern in upper BCC and the Town of Brighton that must be addressed in order to keep invasive populations contained. The following areas will be a major focus in 2024:

1. The area around **South Brighton Loop Road** hosts a high density of invasive weeds – particularly Canada thistle, common mullein, yellow sweet clover, dalmatian/yellow toadflax, Phragmites, and oxeye daisy. Invasive populations are established along infrastructure including residential homes, maintenance buildings, ski lifts, and the Silver Lake Visitors Center.



- Oxeye Daisy, *Leucanthemum vulgare,* is one of the only State listed Class 1B noxious weeds in the Tri-canyons and there is a population inside the Brighton Loop Road. Originally introduced in the horticulture trade, it was planted as a backdrop for wedding photography at some of the ski resorts. If not controlled properly, it can grow so densely that it excludes native vegetation and is of extremely high priority for management. Unfortunately, oxeye daisy is very

difficult to eradicate: a combination of digging up roots, mowing, and herbicide is required which is time and labor intensive.




- Phragmites, *Phragmites australis,* a state listed Class 3 noxious weed, which occurs across from the bus station at Brighton Center, in the low-lying wetland area. This species is of particular threat to the upper Big Cottonwood area because it creates dense patches that spread by rhizomes and seed. They can be 15 ft tall and exclude all other vegetation. In lowland areas where phragmites has spread without management, it has completely taken over entire areas. Given its proximity to water, it cannot be sprayed with herbicides and will need to be managed by either hand-pulling, weed whacking, or both.



Volunteers and the 2023 Invasive Weeds Crew pulling Canada thistle inside the Brighton Loop Road area.

2. **Spruces, Redman, and Jordan Pines campgrounds** will be a major focus in the 2024 season to address dense and sprawling infestations of Canada thistle and several large populations of houndstongue. In these high visitation areas, management of invasives is key to avoid spreading to other more remote areas.
    - These campgrounds and open spaces provide ample parking and facilities for volunteers, which allows for the public to partake in eradication efforts.

3. **Cardiff boardwalk and Silver Lake Boardwalk** have been under construction and experienced a lot of human disturbance in the last few years, which makes them vulnerable to invasive species. The CCF Plants Crew has been hard at work managing invasives and planting native wildflowers in these areas but much more consistent effort is needed in the years to come.



4. **Guardsman Pass** is another area of high concern, not only because of the density of existing roadside invasive weeds, but also because of the threat of species spreading over the pass from Park City.
    - Invasive species such as garlic mustard and yellow starthistle have established in Summit County, but have not yet established (beyond scarcely) in Big Cottonwood Canyon. Therefore, this area should be diligently treated and monitored following EDRR (Early Detection Rapid Response) protocol.

- CCF was able to conduct outreach in the Forest Glen neighborhood of Guardsman in 2022 and 2023 to teach residents how to mitigate weeds on their own properties with the goal of preventing spread to public lands. They were informed of CCF efforts and are eager to help within their neighborhood and through volunteer weed-pulls in upper BCC. This education and community engagement will continue in 2024 at Forest Glen with the hopes of getting other neighborhoods on board as well.

Previous and Ongoing Efforts in Upper Big Cottonwood Canyon:

Along with the ongoing season-long mitigation of invasive weeds in hotspots such as Brighton Resort, Solitude Resort, Spruces, Redman and Jordan Pines campgrounds, and Cardiff and Silver Lake boardwalk areas, the CCF Plants Crew established the following native species restoration sites in BCC during the 2023 season: Cardiff Boardwalk, Solitude Village, Silver Lake Visitor Center, inside Brighton Loop Road, and under the Millie Lift at Brighton.



Program Scope of Work:

The CCF Plant Stewardship Program surveys and mitigates the following invasive species: garlic mustard, oxeye daisy, scotch thistle, Canada thistle, musk thistle, spotted knapweed, myrtle and leafy spurge, dalmatian and yellow toadflax, houndstongue, dyer's woad, common mullein, phragmites, yellow sweet clover, and others. The CCF Plants Crew will scout every official trail, campground, picnic area, and ski area in BCC, LCC, and Millcreek Canyon and prioritize mitigation measures based on species, location, and impact. Using a combination of mechanical control (hand pulling, weed wacking, and mowing) and chemical control (using watershed approved herbicides that have proven effective on each species), invasive species will be systematically eradicated or managed. All weed populations will be carefully mapped using the ArcGIS Collector App, so that mitigation effectiveness can be tracked over time. In 2024, the CCF Plants Crew will implement a new ArcGIS mapping program in partnership with the Salt Lake City Public Utilities, allowing for more rigorous tracking, planning, and analysis of disturbances, invasive populations, and restoration throughout the canyons.

In addition, CCF will plant approximately 1,000 native seedlings within restoration sites across Big Cottonwood Canyon, Little Cottonwood Canyon, and Millcreek Canyon. CCF is also implementing a new restoration survival study in 2024 to assess how different restoration strategies impact plant survival and overall restoration effectiveness. This scientific study will allow CCF and other partners in the canyons who participate in restoration via planting wildflower seedlings to maximize the positive impact and effectiveness of restoration efforts.

Support from the Town of Brighton will significantly impact the ability of CCF to accomplish the objectives described above. CCF is extremely grateful to the Town of Brighton for its past support and looks forward to collaborating for years to come.

BRIGHTON INSTITUTE

2024 Budget Request to Town of Brighton From The Brighton Institute

▪ Brighton Days

The Third Annual Brighton Days Event will host 20 non-profit booths, and be conducted in cooperation with Cottonwood Canyons Foundation's Wildflower Festival. Food Service will be provided by Brighton Resort. In 2023 there were over 1000 people who wandered through the tables and tents.

▪ History Committee

In addition, the Historical Society needs $3,000 in supplies for a driving tour guide, historical signs, digitizing the collection, and oral history project expenses.

Brighton Institute Projected Expenses	
Rental of Tables and Chairs	$ 900.00
Music	$ 400.00
Volunteer Lunches	$ 800.00
BI Supplies	$ 400.00
History Committee Supplies	$3000.00*
Total	**$5,500.00**

Thank you for your support of The Brighton Institute.

BRIGHTON INSTITUTE

Annual Report 2023

BRIGHTON INSTITUTE

Trustees: Don Despain, Carolyn Keigley, Laura Bossard, Bryan Luftglass, Donna Conway, Deena Hull, Barbara Cameron

Mission Statement: The purpose of this 501(c)3 corporation is to promote learning opportunities in the sciences, arts and humanities for Big Cottonwood Canyon and the surrounding community, and to enhance understanding of the uniqueness of this area and improve the quality of life for the locals.

2023 Income

- $4,000 from the Town of Brighton for administrative and program purposes.
- $3,700 from the Revel Marathon to the Brighton Institute.

2023 Expenses

- $1,200 to the BI Lecture Series
- $2,103 for Brighton Day expenses

2023 Accomplishments

- **4th of July Breakfast and Parade.** Brighton Institute volunteers staffed the parade, BI tent, and helped with set-up.
- **Brighton Days** Cost $2,103.70 - Sponsored by Brighton Institute on July 8 and 9 in conjunction with the Wasatch Wildflower Festival. About 1,300 people attended each day. There were natural and cultural history booths, UFA and UPD tents.
- **Arts and Science Lecture Series.** The Brighton Institute Lecture Series included Intro to Fungi, Self Defense, BCC Avalanche Awareness, 5 Open Mic Nights, Climate Change, Beavers in Brighton, Weeds & Seeds, Butterflies of the Wasatch, History of Avalanche Safety in BCC, Block Printing Class, Field Trip to the Big Cottonwood Canyon Water Treatment Plant.
- **Website.** Maintained a website with historical info and details about year-round activities.

HISTORY COMMITTEE

Committee Members: Jolene Despain (president), Brooke Derr, Steve Jorgensen, Keith Stebbings, Kara John, Barbara Cameron

Mission Statement: The Big Cottonwood Canyon Historical Society strives to honor, collect, preserve, and share the natural and cultural history of Big Cottonwood Canyon in order to provide a sense of place and public involvement that will promote stewardship and appreciation of this canyon.

2023 Accomplishments

- Created and annotated 4 Major Collections, including Finding Aids
- Interviewed Representatives from Cottonwood Heights History Society
- Interviewed Representatives from the Utah Historical Society
- Conducted an Oral History demonstration project
- Provided four articles for the Town of Brighton Newsletters: Ski Touring, 1984 Flood, Pioneer Recipes, Silver Fork Backstory.

Alternative Candidate Analysis

Verizon Wireless
SAL Silver Fork
11332 East Big Cottonwood Canyon Road
Town of Brighton, Utah 84121



April 29, 2024

Summary of Site Evaluations
Conducted by: TAEC

I. Summary

In April 2022, primarily at the request of the Town and its residents, Verizon Wireless determined it needed to construct a new wireless facility in the Town of Brighton. Due to heavy demand for wireless voice and data, along with increased usage, the community and Verizon Wireless subscribers require a greater coverage area and capacity to accommodate their needs.

II. Methodology

Once it determines that it needs to provide, improve, or densify its wireless service capabilities, Verizon Wireless seeks to identify a site that will provide a solution through the "least intrusive means" based upon Verizon Wireless's experience with designing similar facilities and working within local regulations. In addition to seeking the "least intrusive" alternative, sites proposed by Verizon Wireless must be feasible. In this regard, Verizon Wireless reviews the topography, radio frequency propagation, elevation, height, available electrical and telephone utilities, access, visual impact, proximity to other properties and residences, and other critical factors such as a willing landlord and zoning requirements in completing its site analysis. Wherever feasible, Verizon Wireless seeks to identify collocation opportunities that allow placement of wireless facilities with minimal impacts.

The Town of Brighton municipal code establishes the guidelines for wireless facility design and location, encouraging wireless providers to locate facilities where the adverse impact on the community is minimal. It also addresses minimizing visual and negative impacts by encouraging innovative design to minimize adverse visual impact. The Town's Code standards for stealth facilities favor designs that blend into the surrounding environment to the greatest extent possible. Based upon these site location and design preferences established in the Town of Brighton's Code, Verizon Wireless identified the Silver Fork property for this proposed facility. A Conditional Use review and approval process are required for a wireless facility at this location.

II. Analysis

Verizon Wireless sought to identify and lease a suitable location for its new wireless facility to serve the Town of Brighton. As the joint use of existing communication sites is encouraged, Verizon Wireless sought collocation sites which could provide radio frequency propagation to address the gap in wireless services and provide, improve, and densify the wireless services. There were no viable candidates available within the search area already existing or feasible for collocation. No other non-residential buildings with substantial height exist within the search ring. As such, the Verizon Wireless search moved to candidates within the ring where a freestanding design might be feasible. The Silver Fork property was identified as the least intrusive candidate. Three other locations were identified as potential locations for the communication facility. The Silver Fork property was deemed the most feasible and least intrusive candidate.

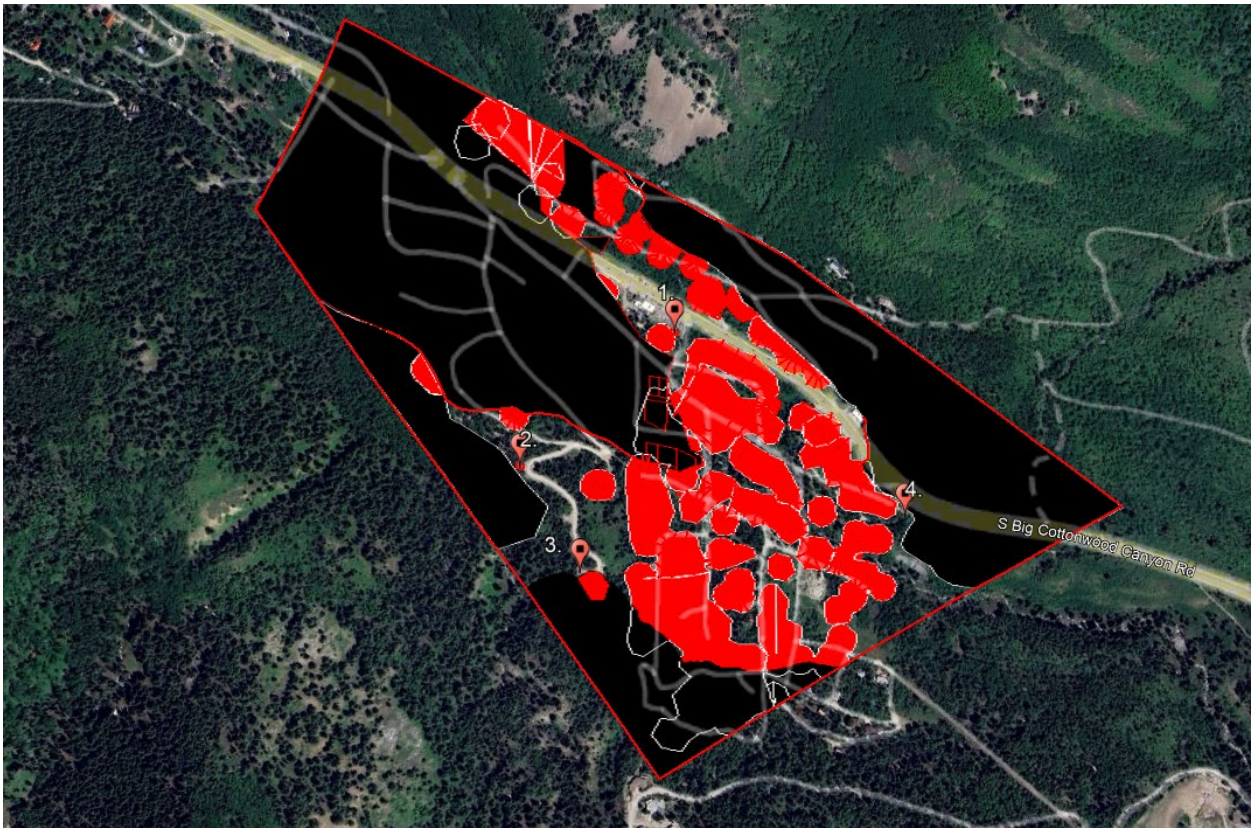
Aerial View
Locations of Possible Candidates
within the Search Area



Aerial View
Locations not suitable for the site due to
elevation, topography, or proximity to a residence

: Elevation is over 100’ higher than the preferred site elevation, elevation is 20’ below the preferred site elevation, or the topography is too steep for construction.

: Areas are within 60’ of a residential structure.



The red line indicates the search ring created by Verizon Wireless radio frequency engineers. Given the Town of Brighton’s size and that it is in a canyon, the search ring is limited in size.

The following is a summary of sites reviewed within the search area:

Site Name / Property Owner	Property Address	Phone Number	Landlord Interest	RF Acceptance	Additional Zoning Notes
Silver Fork Lodge and Restaurant / Silver Fox Inn Inc	11332 East Big Cottonwood Road	[redacted]	Yes	Yes	Current Landlord. C-V commercial zone. The Lodge and Restaurant was constructed in 1997. 1 out of 2 commercial properties in the search area. The other commercial property does not have available space for a wireless communications facility.
Ski Home Place (A)/ [redacted]	6618 S SKI HOME Pl	[redacted]			Zoned: FR-0.5 Forestry and Recreation Zone. Forestry and recreation land uses are not as compatible with a wireless communication facility as commercial uses. Undeveloped property on the west side of Ski Home Place Road. No power or fiber on property to service the wireless facility. This type of property likely will be used for a single-family home is compatible with a wireless communications facility. A property with a commercial use is a higher priority.
Ski Home Place (B)/ [redacted]	6674 Ski Home Pl	[redacted]			Zoned: FR-0.5 Forestry and Recreation Zone. Forestry and recreation land uses are not as compatible with a wireless communication facility as commercial uses. This type of property likely will be used for a single-family home is compatible with a wireless communications facility. A property with a commercial use is a higher priority. Undeveloped property at the end of Ski Home Place Road. There is a new home being constructed southeast of the proposed site location. No power or fiber on property to service the wireless facility.
SLC/Salt Lake City Corporation	11701 E Big Cottonwood Canyon	[redacted]			Zoned: FR-0.5 Forestry and Recreation Zone. Forestry and recreation land uses are not as compatible with a wireless communication facility as commercial uses. Undeveloped property east of Silver Fork Road. Property likely inaccessible during winter. Several significant trees likely would need to be moved for the site and for access.

A more detailed analysis of the specific candidates is below.

Summary of Candidates Reviewed

Primary Candidate

Silver Fork Lodge and Restaurant
11332 Big Cottonwood Canyon Rd, Brighton, UT 84121
Required Height: 60’
Zoned: C-V Commercial Zone
Design: Monopine

SAL Silver Fork



Verizon Wireless selected the Silver Fork Lodge and Restaurant property as the primary candidate to place its wireless facility. This location is within the search ring issued by a Verizon Wireless radio frequency engineer and was deemed a feasible location by the engineer. This location is one of two commercial properties in the search area. The proposed location is easily accessible, close to power and fiber sources, and there is existing vegetation that the monopine can blend in with. This location is close to Big Cottonwood Canyon Road and is more compatible with the surrounding land uses than the other potential site options in the search area. The height needed to address the gap in coverage/capacity is the lowest possible at 60 feet.

Ski Home Place (A)
6618 South Ski Home Place, Brighton, UT 84121
Required Height: Approximately 60’
Zoned: FR-0.5 Forestry and Recreation Zone
Design: Monopine

Ski Home Place (A)



The Ski Home Place (A) location is an undeveloped property. Currently, there is no power or fiber located on the property. Thus, it would be much more difficult to get power and fiber to than the Siver Fork Lodge and Restaurant. As the property is undeveloped, the site may not tie in well with the property owner’s plans for the property. A monopine would be proposed at this location and it would blend in well with the surrounding evergreen trees. The proposed location would need to be close to Ski Home Place Road and the build up from plowed snow would make accessing the site during winter difficult.

Ski Home Place (B)
6674 South Ski Home Place, Brighton, UT 84121
Required Height: Approximately 60’
Zoned: Zoned: FR-0.5 Forestry and Recreation Zone
Design: Monopine

Ski Home Place (B)



The Ski Home Place (B) location is an undeveloped property that is northwest of a home that is currently being constructed. The proposed site location is currently being used for storage. Currently, there is no power or fiber on the property to service a wireless facility. With the new residential construction nearby, there may be a close power source in the near term. However, the nearest fiber source would likely be a long distance away. A communication facility may not tie in well with the property owner’s plans for the property. A monopine would be proposed at this location and it would blend in well with the surrounding evergreen trees.

SLC
11701 E Big Cottonwood Canyon, Brighton, UT 84121
Required Height: Approximately 60’
Design: Monopine
Zoned: FR-0.5 Forestry and Recreation Zone



The SLC property is an undeveloped property owned by the Salt Lake City Corporation. There is potential for a power source to be located near the residential property to the west. Fiber could likely come from Big Cottonwood Canyon Road. There is a dirt path that leads to the proposed site area, it does not appear to be maintained during winter, and the area is likely inaccessible during winter months. There are existing trees in the proposed site area that would need to be removed for the site and for site access. As the property is undeveloped, the proposed site location may not work well with the Salt Lake City Corporation’s plans for the property.

Conclusion

Verizon Wireless evaluated four site alternatives within the identified area that needs improved wireless services. Based on the analysis and evaluation, Verizon Wireless concludes that the proposed concealed wireless facility monopine site, with a tower height of 60' and a tip branch height of 67', is the only technically feasible alternative to improve wireless services, and to address the community's wireless needs. This conclusion arises primarily from the fact that the proposed facility at the Silver Fork Lodge and Restaurant property is the only location that is easily accessible, is close to a power and fiber source, is in a commercial zone, has a willing property owner, can blend in with existing vegetation and is at an elevation that can effectively provide, improve, and densify the wireless service in the Town.

Brighton, Utah
Town Council Meeting

May 14, 2024

Town Council Meeting

Verizon Wireless's Presentation regarding Wireless Facility at 11332 East Big Cottonwood Canyon Road, Brighton, Utah

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Background on Proposed Wireless Facility

Background: Why This Facility Was Requested

February 2022

Mayor / Town Council are contacted by residents regarding wireless service.

Town Survey

Town issues survey to residents with three questions.

91 responses were received indicating issues with Verizon Wireless coverage.

Town's Request to Verizon Wireless

After the survey, Mayor and Verizon Wireles meet.

Town asks Verizon Wireless if it could improve service based on the responses of the survey

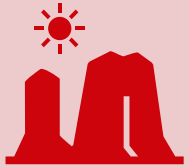
Verizon committed to improving wireless services in Town of Brighton and Canyon

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Town Survey Questions



Are you currently a Verizon customer?



Have you had difficulties with service only during peak times of the day and when the canyon is busy with visitors?



Do you have difficulties with calls, text messages, and/or attachments all times of the day and night?

verizon

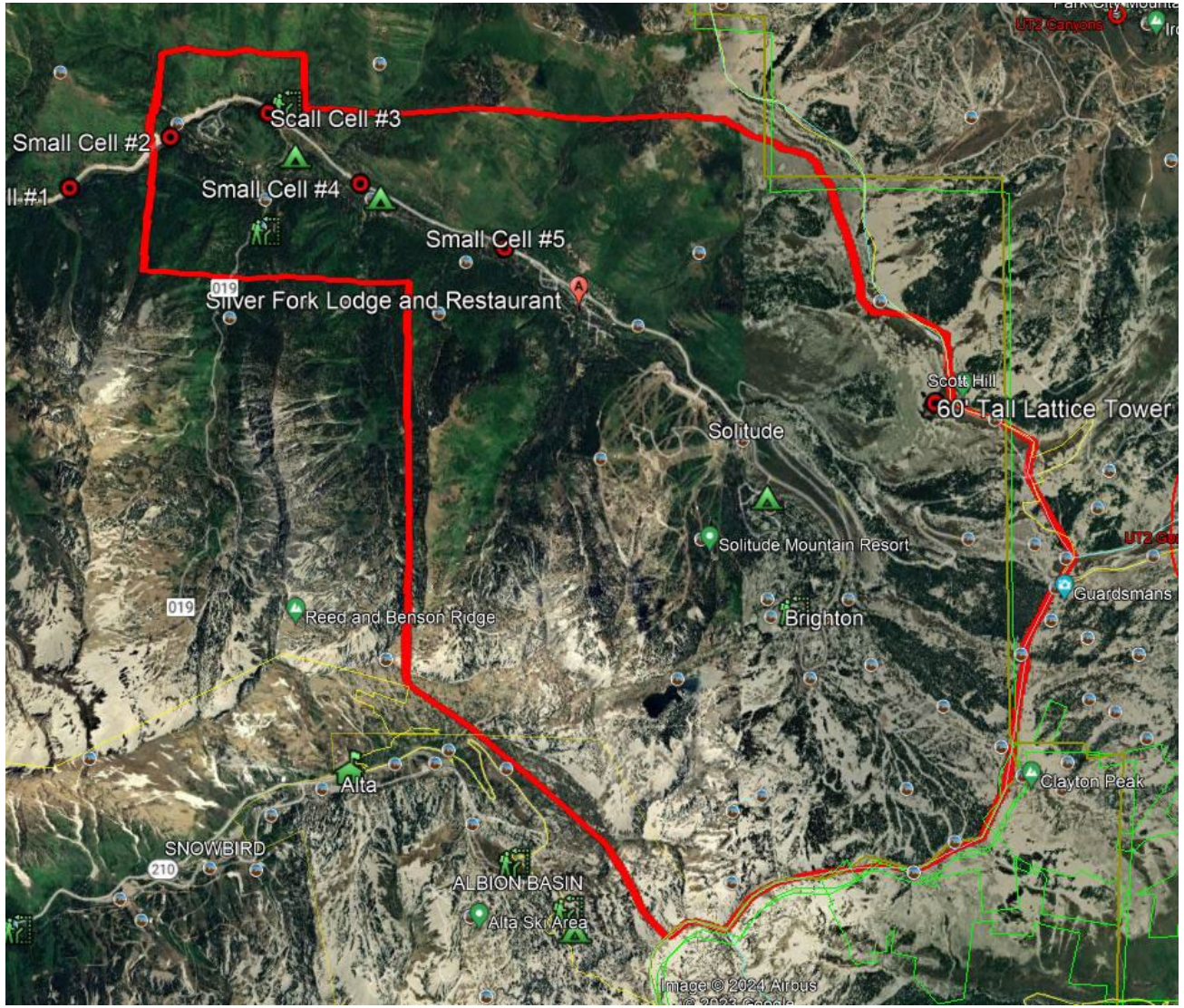
Sample of Responses to Town Survey

- I am a Verizon customer... I have no reception (telephone and data service) approximately 50% of the time. I have one to two bars the remainder of the time. It is definitely even less reliable during heavy traffic in the canyon.
- Verizon coverage is abysmal in our community. We typically get one or zero bars, which is not just inconvenient, but a real safety concern. Your attention to this matter is greatly appreciated.
- We are Verizon customers and we have difficulties at all different times.
- Yes. My wife and I are physicians and have had numerous issues with lost connectivity, missed pages to our phones, and voices going straight to voicemail when we are on call. We have considered changing cell-phone providers due to this problem

Existing Wireless Facilities in Brighton

Existing Sites in Brighton: Five Small Wireless Facilities + One Macro Wireless Facility

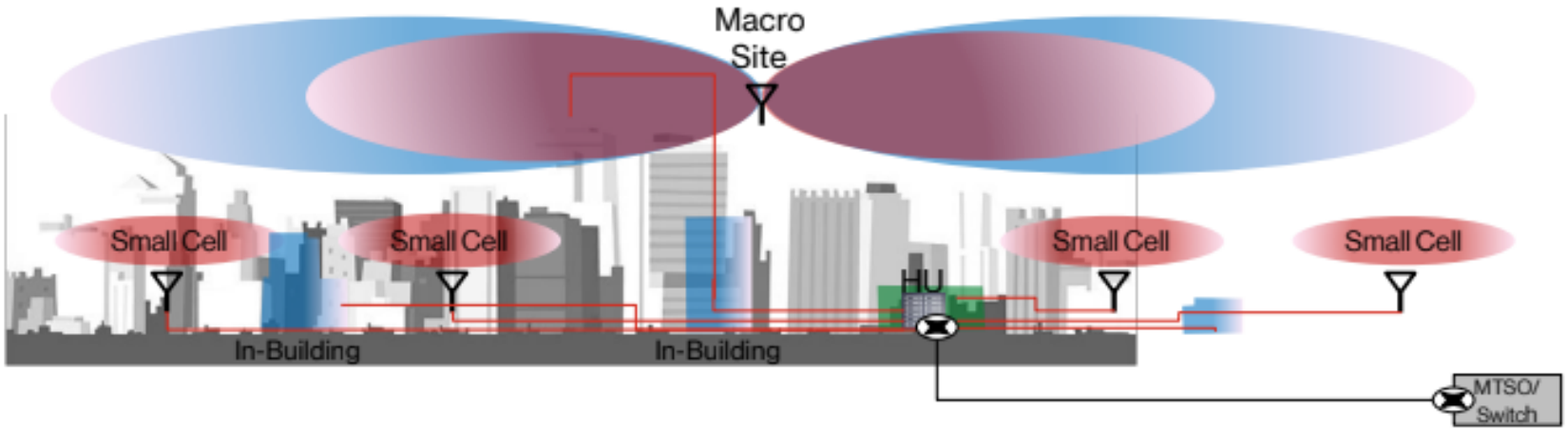
- **Five of the six existing sites in the Town of Brighton are small wireless facilities.**
- **These facilities were deployed in 2018 primarily to address coverage along Big Cottonwood Canyon Road.**



Macro Facilities and Small Cell Facilities

Wireless Ecosystem

Explain and reiterate - the audience may not know exactly what is proposed and why.



- Macros, small cells, in-building.
- Explain the difference
- Limitations and opportunities of each

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Macro Facilities and Small Cell Facilities

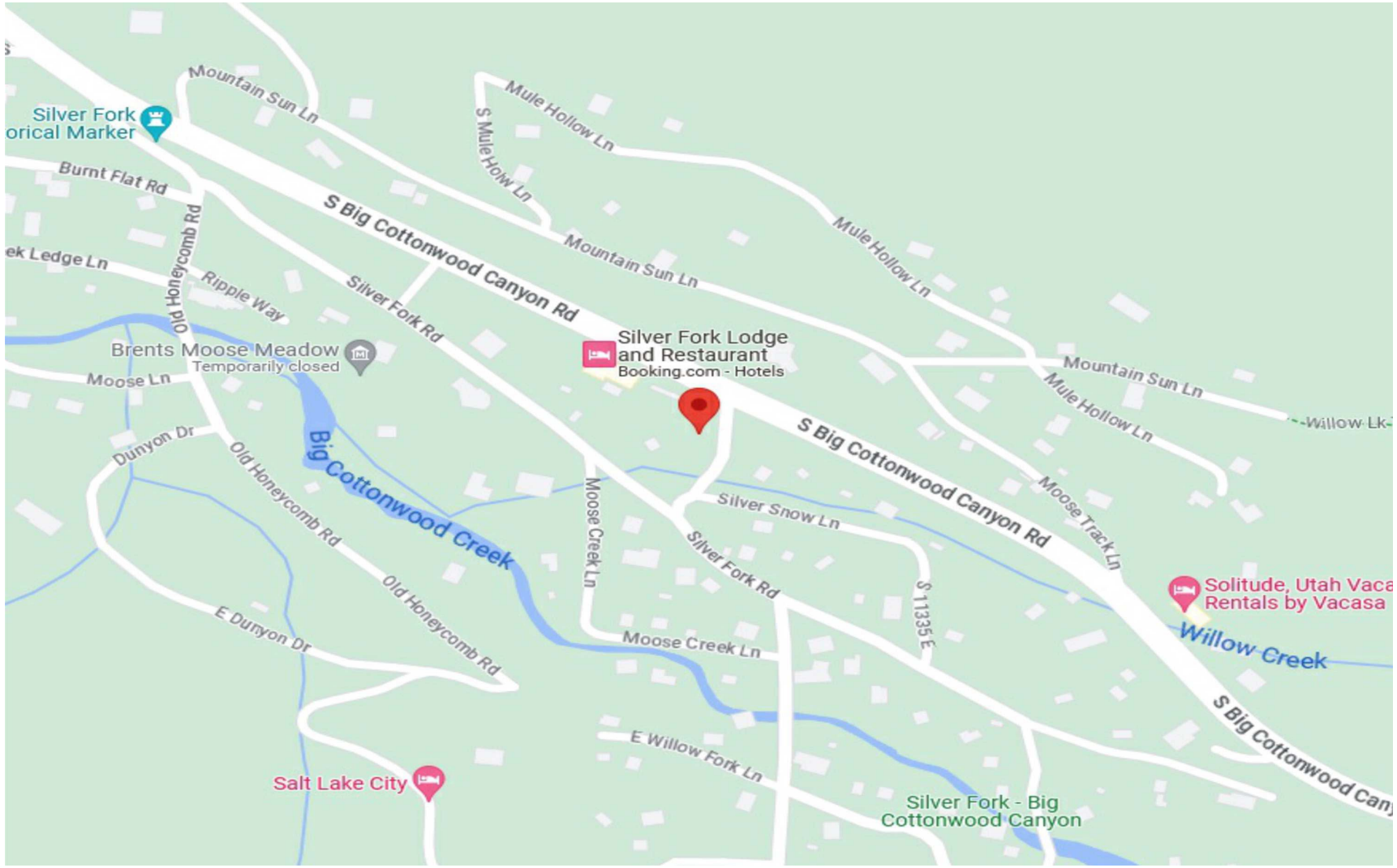
Macro Wireless Facilities: Traditional wireless sites or towers that provide coverage to a broad area, up to several miles

Small Wireless Facilities: Short range wireless sites used to complement macro wireless facilities in a smaller geographic area ranging from a few hundred feet to upwards of 1,000 ft.

- Typically used to enhance capacity in high traffic areas, dense urban areas, suburban neighborhoods, and more

Proposed Wireless Facility

Location of Stealth Monopole: 11332 East Big Cottonwood Canyon Road



Why this Proposed Wireless Facility is Needed

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Why is this site necessary and important?

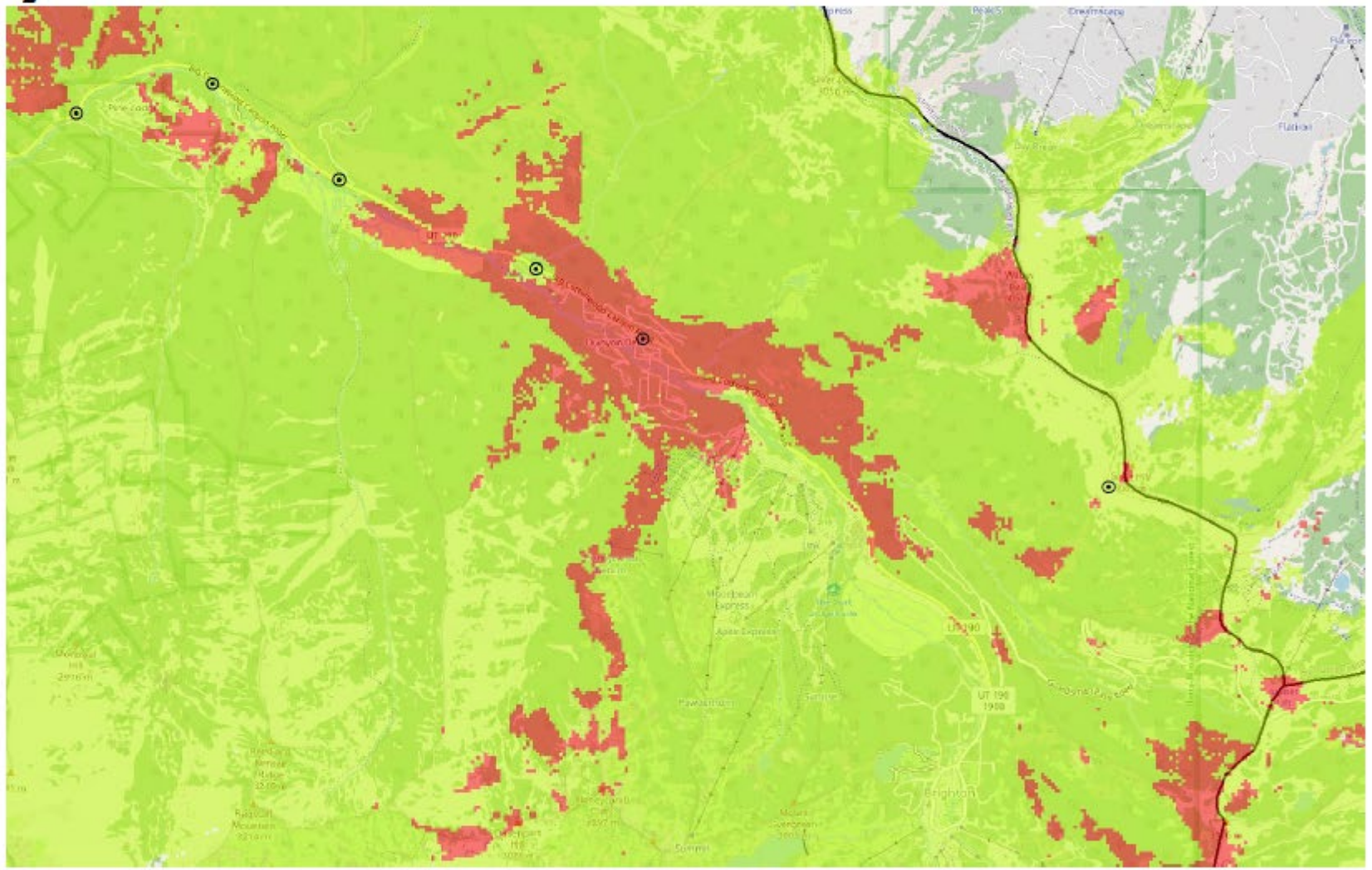
- Verizon Wireless customers in Brighton include residents, businesses, and first responders
- 90% of American households use wireless services for calls, texts, emails, internet/broadband access, and data/video
- 61% of American adults, and 70% of children, rely exclusively on smartphones and do not have access to a landline
- 80% of 9-1-1 emergency calls are made from wireless devices—it's important that first responders can receive and act on those calls

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RF Analysis

Proposed facility at 60'.

Red shows the area that would be improved by the proposed facility. The site will cover about a 3 mile stretch east to west.



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Overview of Facility Design

VZW's Facility Design: Stealth Monopine

- 60' Height
- Concealment Elements of Stealth Monopine
- Noise Attenuation
- Visual Screening

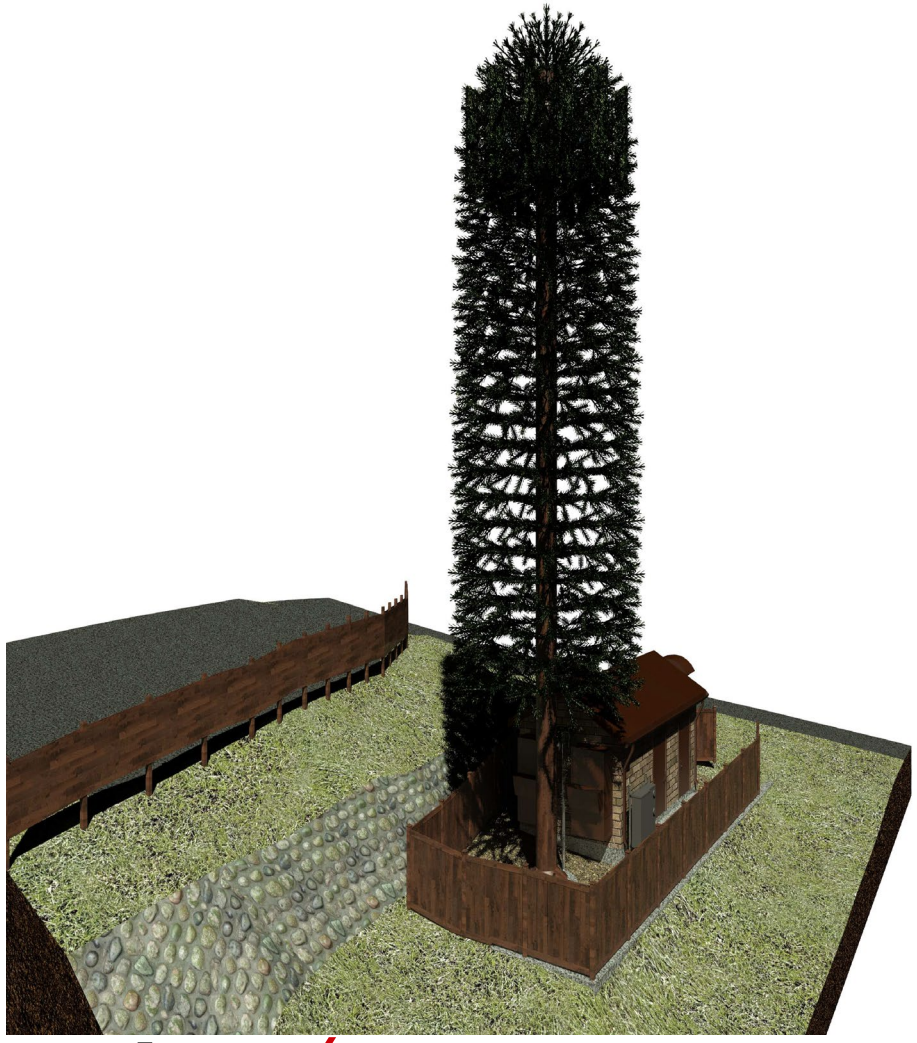
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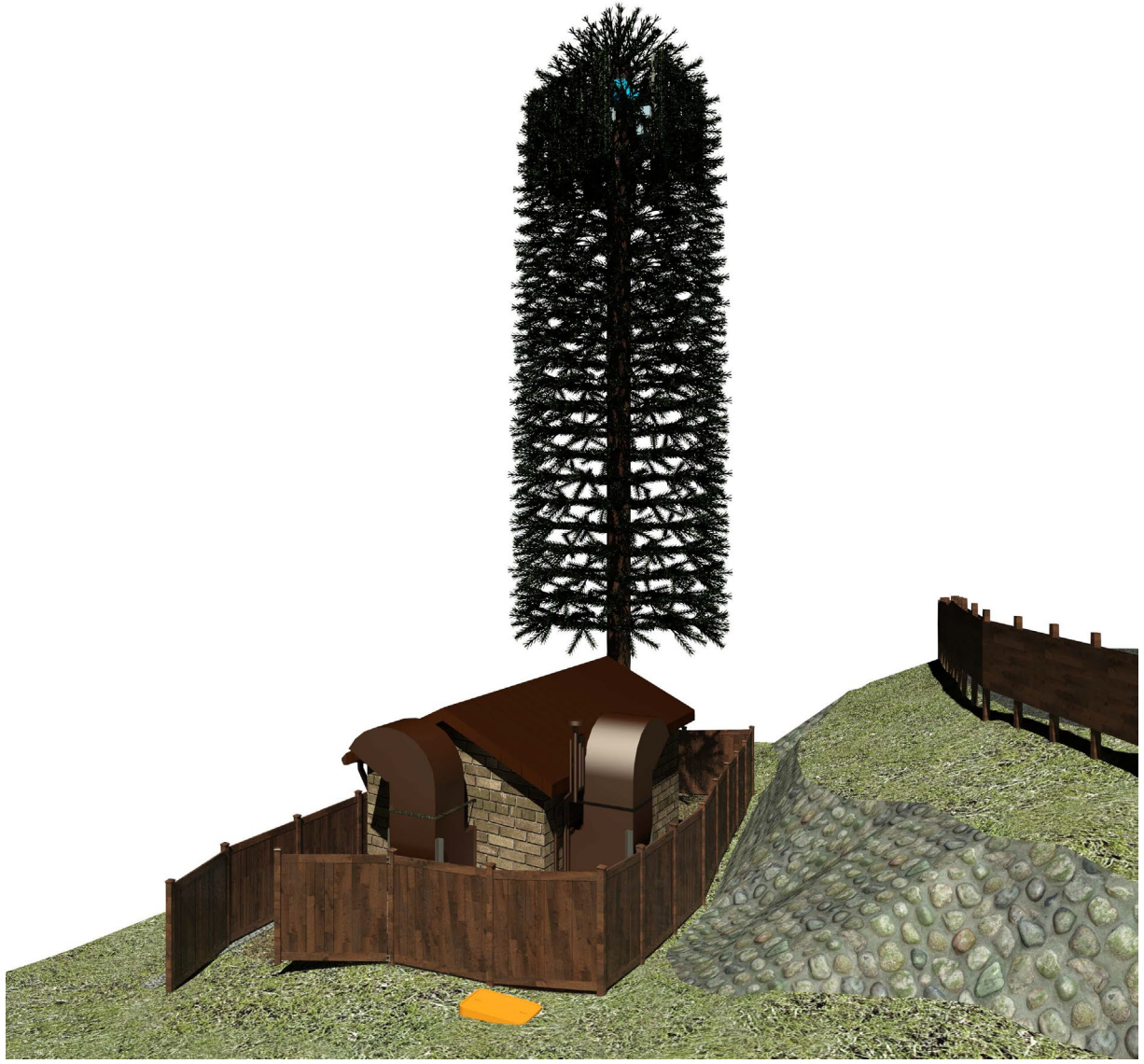
Visual Screening

- **Modified Design**: Concealed design with height of 60’ to the top of the antennas and an overall height of 67’ to provide for tapered branches

- **Visual screening in relation to existing vegetation and topography**:
  - Branches are designed to extend the same distance from the Facility’s pole to the Facility’s antennas.
  - Revegetation of “significant” trees around the site
  - Antennas will be painted an evergreen color to match the branches and monopine design

VZW's Facility Design: Stealth Monopole





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Photo of Existing Facility: 11332 East Big Cottonwood Canyon Road



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Photo of Existing Facility: 11332 East Big Cottonwood Canyon Road



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Photo of Proposed Facility: 11332 East Big Cottonwood Canyon Road



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VZW's Fence Proposal: Trex Solutions





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Compatibility with Existing Buildings and Structures

- **Height of the Facility:** Town Code 19.83.090 permits the height of wireless facilities up to 60’ in C-V zones and the height of this Facility is 60’ to the top of the antennas
  - The proposed design features an additional 7’ of branches above the antennas to provide a tapered design and allow for the Facility to blend in with the existing vegetation and topography

- **Setback Requirements:** the Facility is set back 60’-8” from the nearest residential structure and complies with the Town Code requirements
  - S. 19.83.060 of the Town Code: “Monopoles shall be setback from any residential structure a distance equal to its height.”

- **Fence:** 6’ Trex Seclusions composite fencing around leased area
  - This differs from the original proposal of a chain-link fence
  - The fence will be a woodland brown color

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Alternative Site Analysis

Criteria for Available Sites for Proposed Wireless Facility

- Sites that could provide radio frequency propagation to address the gap in wireless services and provide, improve, and densify the wireless services
- Meet Code requirements
- Willing landlord
- Available utilities (e.g. power, fiber)

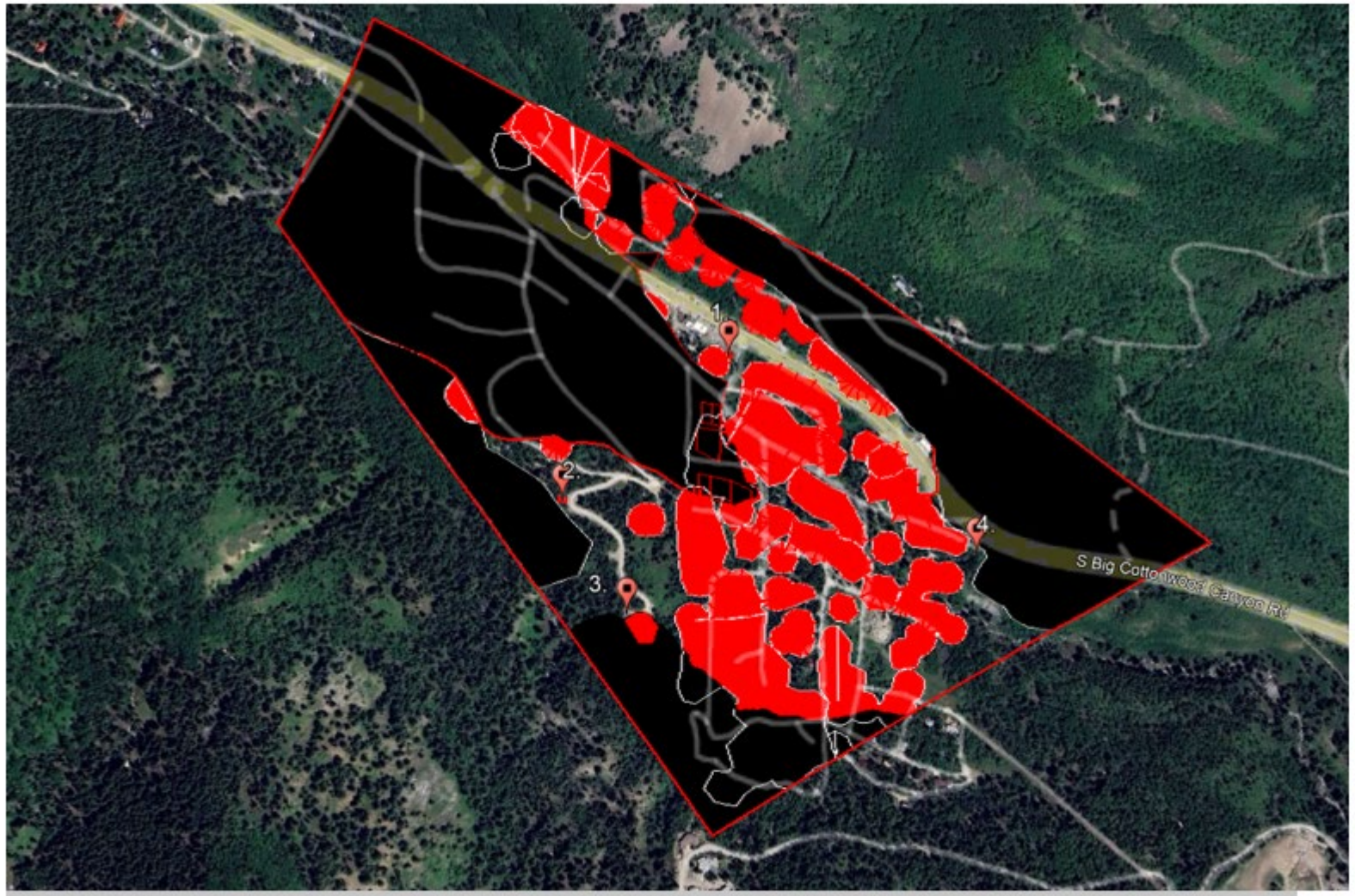
Locations of Possible Candidates within Search Area



Locations Not Suitable Due to Elevation, Topography or Proximity to Residence

: Elevation is over 100' higher than the preferred site elevation, elevation is 20' below the preferred site elevation, or the topography is too steep for construction.

: Areas are within 60' of a residential structure.



The red line indicates the search ring created by Verizon Wireless radio frequency engineers. Given the Town of Brighton's size and that it is in a canyon, the search ring is limited in size.

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4 Possible Locations Identified

- Option 1: Silver Fork Lodge and Restaurant
- Option 2: Ski Home Place (A)
- Option 3: Ski Home Place (B)
- Option 4: SLC / Salt Lake City Corporation

Decision to Select Silver Fork Property

- Zoned C-V Commercial Zone. Wireless facilities permitted as use.
- Least intrusive candidate
- Available freestanding design
- Close to power and fiber sources
- Existing vegetation so that monopine can blend in
- Close to Big Cottonwood Canyon Road
- More compatible with the surrounding land than the other potential site options in the search area
- The height needed to address the gap in coverage/capacity is the lowest possible at 60 feet

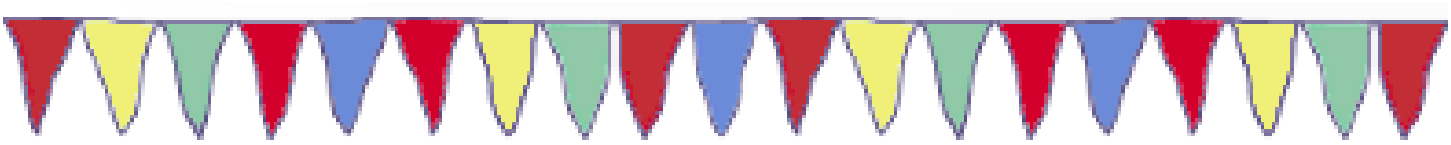
Why Other Site Candidates Were Not Chosen

Three Alternative Sites: Ski Home (A), (B), and SLC

- Zoned FR-0.5 Forestry and Recreation Zone. Not compatible with a wireless communication facility as commercial uses.
- Undeveloped property
- No power or fiber located on the property
- Nearest fiber source would be a long distance
- May not tie well with the property owner's plans for the property
- Access in the winter may be difficult
- Tree removal required in proposed sites (SLC)

Thank you.

Celebrations and Festivals in Brighton



Music Concerts

- Sundays at Solitude Resort - 5:00 to 7:00 p.m. Solitude Village Green - Free-Starts June 30
- Saturdays & Sundays at Brighton Resort – Free – BBQ available

Sunset Cinema ▪ Thursday nights – July – September ▪ Moonbeam Center at Solitude Resort

Outdoor Yoga ▪ Solitude Resort 10:00-11:00 a.m. Village Green - Free – Starts June 29

Brighton Flea Market ▪ Sundays-June through September – 10 am-5 pm – Brighton Loop

May 12 ▪ Mothers' Day

- Brighton Resort's Mothers' Day Brunch at the Milly. Reservations required.
- Solitude's Mothers' Day Flowers and Chocolate Celebration with free chocolate and flowers all across the resort.
- Silver Fork Lodge Mothers' Day Brunch. No reservations required.

May 25 & 26 ▪ Beaver Dam Analog Volunteer Workday ▪ Meet at Willow Heights Trailhead at 10 am.

June 16 ▪ Big Cottonwood Brewfest ▪ noon-5pm – Solitude Village Green

June 27 ▪ History Presentation & Potluck Supper ▪ 5:30 pm - Wasatch Mountain Lodge - Darren Parry, 5th generation son of Shoshone Chief Sagwitch who survived the Bear River Massacre of 1862 will tell the stories passed down from generations before about his tribe and their relationship to the Wasatch. Bring a dish to share if you would like to attend the Potluck. Cost: Free

4th of July Breakfast & Parade ▪ Breakfast at Milly Chalet 8-10 am. Parade begins at 10:30.

Brighton Days & Wasatch Wildflower Festival

- July 13 ▪ 9 am-2 pm ▪ Brighton Center
- July 14 ▪ 9 am – 2pm ▪ Village Plaza at Solitude

July 29 ▪ Chipper Days ▪ Chipper Days begin July 29

Kids' Day at Solitude ▪ August 3 - Noon to 4 pm – Crafts, music, games – Village Green

September 14 ▪ Revel Marathon ▪ 6-11 am – Rolling lane closures, slow traffic

September 21 ▪ UFA Pancake Supper ▪ Fire Station #108