



File # OAM2022-000527

Ordinance Amendment Related to Inactive Land Use Applications

Public Body	Brighton Town Planning Commission
Meeting Dates	March 16, 2022
Proposal	An Ordinance amending the Brighton Land Use Code, Section 19.02.150. The proposed amendment will adopt Section 19.02-150 to address Inactive Applications.
Planner	Melissa Anderson
Recommendation	Recommend approval of the ordinance to the Brighton Town Council

DESCRIPTION OF THE PROPOSAL AND BACKGROUND

The proposed ordinance amends the Brighton Land Use Code by adopting new Section 19.02.150, “*Inactive Applications.*” The existing code does not provide clear guidance on when an application may be closed due to inactivity by the applicant. This creates a problem because inactive applications use staff resources and create confusion regarding vesting and process. The proposed ordinance establishes when inactive applications can be closed and thus will resolve this situation.

REVISED ORDINANCE

On February 16, 2022, the Brighton Town Planning Commission held a public hearing to consider the proposed code amendment. At that meeting, the Commission directed staff to provide more clarity on when an application would be considered as “*inactive.*” Staff has updated the proposed ordinance as directed by the Planning Commission and the proposed language is revised as follows:

“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 from the submittal date, the application will be deemed as inactive, and the file closed.”

The ordinance has been revised to reflect this new language and it is included as Attachment B to this report.

PUBLIC NOTICE AND COMMENT

Public notice was provided in accordance with Utah Code 17-27a-205. Public notice was mailed to affected entities, notice was posted in three public locations, and notice was posted on the Utah Public Notice Website at least 10 days prior to the first public hearing on February 16, 2022.

At the time of writing this report, no written comments have been received by the MSD Department of Planning and Development Services.

OPTION FOR THE PLANNING COMMISSION

The Planning Commission has three options with respect to the proposed ordinance amendment:

- Option 1: Recommend approval of the ordinance as proposed to Council; or
- Option 2: Recommend approval of the ordinance with amendments to Council; or
- Option 3: Recommend denial of the ordinance to Council.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the ordinance as proposed to the Brighton Town Council.

ATTACHMENT

- A. Public Notice
- B. Proposed Ordinance as Revised



NOTICE OF PUBLIC HEARINGS TOWN OF BRIGHTON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN Pursuant to Utah Code Title 10, Chapter 9a, Section 205, that the Town of Brighton Planning Commission (the "Commission") will hold a public hearing on Wednesday, February 16, 2022 at 7:00 PM. The purpose of the hearing is to receive public comment regarding the below proposed changes to land use ordinances as follows:

- **OAM2022-000526** – An Ordinance amending the Brighton Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.110, "Tree and Vegetation Protection." The proposed amendments will amend the tree replacement standards and clarify that maintenance of defensible space around existing buildings for fire safety is an allowed use. **Presenter:** Melissa Anderson.
- **OAM2022-000527** - An Ordinance amending the Brighton Land Use Code, Sections 19.01.010, 19.02.060 and 19.02.150. The proposed amendments will remove Section 19.01.010 and adopt Section 19.02.060 to address scrivener errors. The proposed amendments will also adopt Section 19.02-150 to address Inactive Applications. **Presenter:** Melissa Anderson.

The Planning Commission will act on the proposed ordinances after taking comments from the public during the public hearing. The public and affected entities are also invited to review and inspect the proposed ordinances at <https://www.utah.gov/pmn/index.html> and <https://www.brighton.utah.gov/>

Pursuant to Utah Code Ann. § 52-4-207(5), Don Despain has determined in his capacity as Chair of the Town of Brighton Planning Commission that this meeting and/or public hearing will be held electronically without an anchor location given the ongoing Coronavirus disease 2019 (COVID-19) pandemic, which the Chair has determined to present a substantial risk to the health and safety of those who may be present at an anchor location. To participate in the meeting and to make public comments where indicated in the agenda, please use the below webinar instructions.

Join meeting in WebEx

Meeting number (access code): 961 841 420

<https://slco.webex.com/join/wgurr>

Join meeting in WebEx (download available at <https://www.webex.com/downloads.html> for Windows, Android, and Apple devices)

Join by phone

Tap to call in from a mobile device (attendees only)

+1-213-306-3065 United States Toll (Los Angeles)

+1-602-666-0783 United States Toll (Phoenix)

Access code: 961 841 420

Global call-in numbers

Join from a video conferencing system or application

Dial wgurr@slco.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Need help? Go to <http://help.webex.com>

You may also obtain copies of the ordinances and submit written comments prior to the public hearing by contacting Wendy Gurr at wgurr@msd.utah.gov or (385) 468-6707. Individuals needing special accommodations (including ancillary communicative aids and services) during this public hearing should contact Ms. Gurr three days before the public hearing.

ORDINANCE NO. 2022-___ -

ORDINANCE ADOPTING 19.02.150 INACTIVE APPLICATIONS

WHEREAS, the Town of Brighton (“Brighton”) Town Council ("Council) is authorized to enact ordinances for the health, safety, and well-being of its residents and visitors; and

WHEREAS, inactive applications use staff resources and create confusion regarding vesting and process;

WHEREAS, the Council wishes to enact an ordinance establishing when inactive applications shall be closed.

NOW, THEREFORE, BE IT ORDAINED by the Brighton Town Council as follows:

SECTION 1. ADOPTED. 19.02.150 INACTIVE APPLICATIONS is adopted as written below:

19.02.150 INACTIVE APPLICATIONS:

All 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 from the submittal date, the application will be deemed as inactive, and the file closed. The applicant may submit a written request to maintain the application as active, wherein upon finding that there is good cause and reasonable belief that the application will be pursued to completion, the **planning director, or their designee zoning administrator** 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.

SECTION 2. Effective Date. This Ordinance shall go into effect upon publication.

PASSED AND APPROVED this ___ Day of _____, 2022.

TOWN OF BRIGHTON

By: _____
Dan Knopp, Mayor

ATTEST:

Kara John, Town Clerk