



G R E A T E R   S A L T   L A K E  
**Municipal Services  
District**

## **TOWN OF BRIGHTON COMPREHENSIVE CODE UPDATE 2023**

### **SCOPE OF WORK**

**TO:** Town of Brighton Planning Commission and Council

**FROM:** Erin O'Kelley

**DATE:** January 5<sup>th</sup>, 2023

### **PURPOSE & SUMMARY**

MSD Planning & Development Services Staff ("PDS") have been tasked by the Town of Brighton Planning Commission to lead ordinance update efforts for the community. This Scope of Work outlines the anticipated workload and work schedule for 2023 and identifies the necessary steps in the planning process while leaving room for flexibility as community-specific challenges or conditions arise. Staff will work closely with the Planning Commission and Council to review drafted materials and lead ordinance revisions through the formal adoption process. This project has an anticipated end date of December 2023.

As the land use authority for the Town of Brighton regarding all matters of land use, zoning, and subdivision regulations, the Planning Commission has the authority to recommend changes to the Council on Title 18 Subdivisions and Title 19 Zoning of the Town of Brighton Municipal Code. These potential changes recommended by the Planning Commission will be sent to the Town of Brighton Council for review and adoption. Changes to the Town municipal code are legislative changes and require a specific process of review and approval defined in the Utah State Code.

If substantial changes to this Scope of Work are required, the party desiring the changes should request a formal amendment to the Scope, to be approved by the Council.

### **PARTIES INVOLVED**

Several parties are involved in the preparation and guidance of the Town of Brighton Land Use Ordinances:

**Greater Salt Lake Municipal Services District ('GSLMSD'):** the MSD provides planning and development services, as well as other municipal services, to the Town of Brighton. MSD staff will facilitate meetings between key stakeholders and residents, engage the community in planning and decision-making, and assist the Planning Commission in drafting proposed code changes. The MSD handles all notices for the Code Update process, except those notices for select council meetings. We are not required by State law to send out mailed notices to individual property owners for these changes but may, at times, at the request of the Community.

**Brighton Town Planning Commission ('Commission'):** the Commission serves as the advisory body to the Brighton Town Council. When the Commission is satisfied with any

proposed code changes, the Commission will call for a public hearing to present the proposed code changes to the public for feedback. The Commission may then recommend that the Council 'adopt', 'adopt with revisions', or 'does not adopt' the proposed code changes as drafted.

**Brighton Town Council ('Council'):** the Council will also consider the proposed code changes for adoption after the public hearing and receipt of a recommendation from the Commission. The Council may 'adopt', 'adopt with revisions', or 'not adopt' the changes as drafted. If the Council chooses not to adopt the code changes, they may send it back to the Planning Commission for additional content and consideration.

**Affected Entities and Key Stakeholders:** the Town of Brighton includes a complex mixture of authorities and interests. Throughout the process, staff and the Planning Commission will engage with affected entities and key stakeholders to ensure cross-jurisdictional collaboration and consensus on priority planning issues. These parties include but are not limited to: Salt Lake City, Utah Transit Authority, Utah Department of Transportation, Big Cottonwood Canyon Improvement District, Local Water Authorities, U.S. Forest Service, Solitude Resort, Brighton Resort, Unified Fire Authority, Unified Police Department, Local Utility Providers, and Brighton Residents and Property Owners.

## **COMMUNITY ENGAGEMENT**

Informal discussions with affected entities and key stakeholders will be the most common form of community engagement as the Planning Commission proposes code changes. However, where further workshops or open houses may be needed to coordinate with property owners or business owners, the Planning Commission may choose to create new opportunities for community engagement. If it is deemed necessary to create opportunities for community engagement, the Planning Commission will provide opportunities like those used for the General Plan adoption process in 2022.

**Public Planning Commission Meetings:** All regularly scheduled Planning Commission meetings where code changes are discussed are open to the public, and they are properly noticed online as required by the State. Community members may attend meetings at any time and learn more about the proposed changes to the code.

**In-Person or Virtual Open Houses or Workshops with Experts:** In the past, the Planning Commission has scheduled virtual or in-person open houses where residents could discuss important topics with stakeholders and experts. This helps clear misinformation and alleviate concerns. This also provides the opportunity to discuss real-life examples with property owners.

**Online Surveys:** Online surveys can be a valuable method for collecting feedback from residents who do not live in the Community all year long. Surveys can be used to collect specific feedback about potentially contentious changes to the code.

## **FINAL DELIVERABLES**

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

The 2023 Land Use Ordinance revisions are intended to accomplish several objectives, including:

- Ensuring compliance with State Legislation.
- Encouraging conformity with the adopted General Plan.
- Promoting ease of use for both staff and residents.
- Meeting unique needs and preserving the character of the community.

With these objectives in mind, the final deliverables will include the following:

**Final Recommendations for Code Changes with Staff Reports or Memos:** The Planning Commission will discuss the existing code within Title 18 and Title 19 of the Town of Brighton Municipal Code. Staff will present the final recommendation from these discussions, which will be sent to a public hearing and reviewed by the Council. The comprehensive code update project will be completed in phases. Each phase will be a collection of the final recommendations of code along with a staff report summarizing the proposed changes and necessary background information to help educate residents and business owners. See Figure 3 for anticipated Title 18 and Title 19 content.

**Technical Studies and Assessments:** At times, it may be necessary for Staff or the Planning Commission to collect data to better understand existing conditions. All data collected will be assembled into a technical assessment report or study based on the type of information requested by the Planning Commission. An example of this may be current measurements of setbacks in residential neighborhoods to understand the existing context and modify code to either match it or create change to the built-environment form.

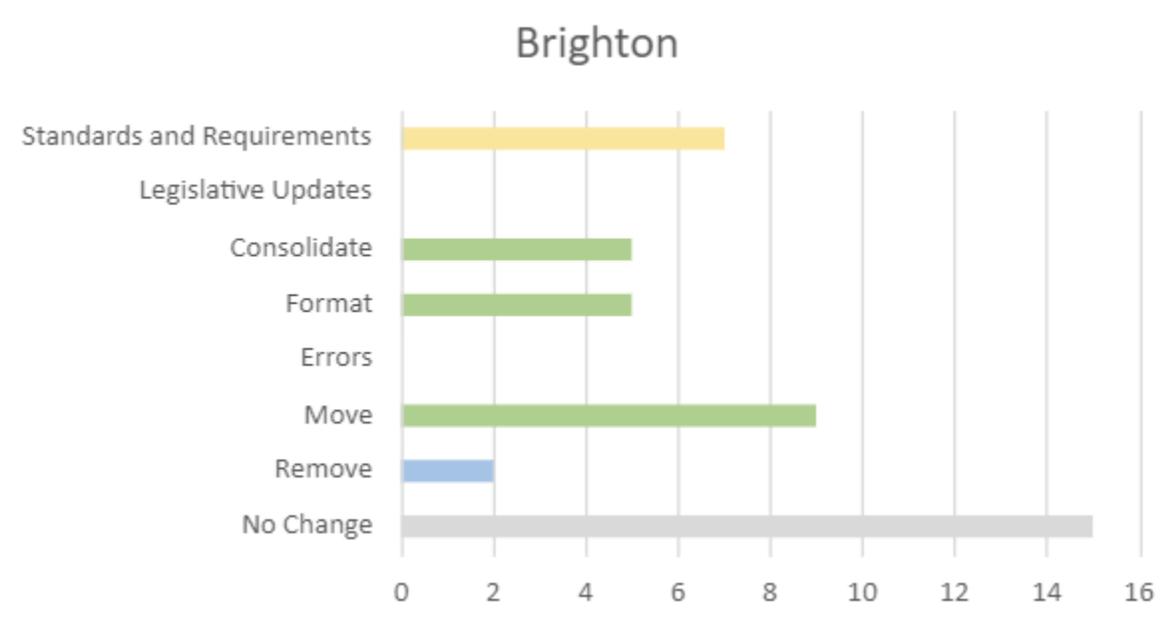
**Affected Entity and Stakeholder Recommendations:** Although the Planning Commission or community is not required to incorporate all recommendations from affected entities or stakeholders, the MSD staff will play a role in communicating these differences to the Planning Commission to promote transparency and ensure the Planning Commission has all information to make informed decisions.

## **BACKGROUND AND ANALYSIS**

Pre-Analysis: Staff has performed an in-depth analysis of existing Title 19 Ordinances to provide a basis from which the project team could begin their revisions. This analysis helped the team understand how much time to allot to various tasks, such as removing outdated sections or

obsolete zoning districts, consolidating materials for ease of use, and updating language to reflect recent legislative changes and the vision of the Town of Brighton General Plan. Figure 1 comprehensively portrays the work that staff estimates needs to be completed on the Town of Brighton Ordinances.

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



**Credit:** MSD PDS, 2022.

The bar chart is color-coded to show changes that staff expect to require a low, medium, or high effort. Low-effort actions include the removal of certain sections of code that are no longer applicable (blue). Medium-effort actions involve moving, reformatting, or consolidating chapters or sections of the ordinance, as well as bringing those sections into compliance with State Code (green). Finally, high-effort actions are those that require an updating of chapters or sections in order to improve standards and requirements or facilitate General Plan implementation (yellow).

In addition to greater staff expertise being needed for the high-effort changes, it is anticipated that those actions will trigger a higher level of engagement from the community. As a general strategy, staff has elected to draft the 'High-Effort' ordinance updates first so that the Planning Commission and Council have the most time to look over those sections before adoption. The high-effort draft chapters mainly consist of the Town's zoning districts, including use and development standards. Phase Two includes several Medium-Effort Draft Chapters. These chapters still require thorough review and consideration from the community, but may not need as many community-specific revisions as the drafted zoning district chapters.

Figure 2 shows all existing chapters in Title 19 and notes on how these chapters are anticipated to change through the code update process. Chapters that are recommended for "No Change" might still be moved to another location, but the language in the Chapter will remain largely the

same. All of the chapters highlighted in yellow are anticipated to take up the most time and review by the Planning Commission and will require coordination with affected entities and stakeholders, so it is recommended by Staff that these chapters be worked on during the first phase of the project to allow a long time for review.

**Figure 2: Recommended Actions for Existing Title 19 by Chapter**

Existing Title 19 Chapters as of November 2022 (links to chapters are included)	Recommended Action(s)
<a href="#">19.01 GENERAL PROVISIONS</a>	No Change
<a href="#">19.02 GENERAL PROVISIONS AND ADMINISTRATION</a>	No Change
<a href="#">19.04 DEFINITIONS</a>	Update all definitions, add new definitions where needed (these will be updated throughout the process)
<a href="#">19.05 PLANNING COMMISSION</a>	No Change
<a href="#">19.06 ZONES, MAPS, AND ZONE BOUNDARIES</a>	No Change
<a href="#">19.08 F-1 FORESTRY ZONE</a>	Remove (not currently used)
<a href="#">19.10 FM-10 AND FM-20 FORESTRY MULTIFAMILY ZONES</a>	Consolidate with FR Zones, update setbacks and lot coverage requirements
<a href="#">19.12 FR-0.5, FR-1, FR-20, FORESTRY AND RECREATION ZONES</a>	Consolidate with FM Zones update setbacks and lot coverage requirements
<a href="#">19.13 MOUNTAIN RESORT ZONE</a>	Remove?
<a href="#">19.15 REGULATE INTERNAL ACCESSORY DWELLING UNITS</a>	No Change
<a href="#">19.60 C-V COMMERCIAL ZONE</a>	Consolidate with C Zones and update for compliance with the General Plan
<a href="#">19.72 FOOTHILLS AND CANYONS OVERLAY ZONE (FCOZ)</a>	Review existing regulations, collect reviews from stakeholders, and update as needed
<a href="#">19.74 FLOOD DAMAGE PREVENTION AND CONTROL</a>	Keep existing for now, until reviews are completed with Salt Lake County
<a href="#">19.75 GEOLOGICAL HAZARDS ORDINANCE (Formerly Natural Hazard Areas)</a>	Keep existing for now, until reviews are completed with Salt Lake County

<a href="#">19.76 SUPPLEMENTARY AND QUALIFYING REGULATIONS</a>	Move language somewhere and remove the chapter or keep the chapter reserved
<a href="#">19.77 WATER EFFICIENT LANDSCAPE DESIGN AND DEVELOPMENT STANDARDS</a>	Remove or consolidate with FCOZ
<a href="#">19.78 PLANNED UNIT DEVELOPMENTS</a>	Remove
<a href="#">19.79 UTILITY AND FACILITY SYSTEM PLACEMENT REGULATIONS</a>	Consolidate with new site development standards chapters or FCOZ Chapter
<a href="#">19.80 OFF-STREET PARKING REQUIREMENTS</a>	Update requirements
<a href="#">19.81 HIGHWAY NOISE ABATEMENT MEASURES</a>	Remove
<a href="#">19.82 SIGNS</a>	Update requirements
<a href="#">19.83 WIRELESS TELECOMMUNICATIONS FACILITIES</a>	Consolidate with new site development standards chapters
<a href="#">19.84 CONDITIONAL USES</a>	Update requirements and standards.
<a href="#">19.85 HOME BUSINESS</a>	No Change
<a href="#">19.86 HISTORIC PRESERVATION</a>	Replace with a new ordinance.
<a href="#">19.87 RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY</a>	Move to new special use chapter
<a href="#">19.88 NONCONFORMING USES AND NONCOMPLYING STRUCTURES</a>	Update requirements and standards.
<a href="#">19.90 AMENDMENTS AND REZONING</a>	Move to new location.
<a href="#">19.91 SEXUALLY ORIENTED BUSINESSES</a>	No Change
<a href="#">19.92 LAND USE HEARING OFFICER</a>	Move to new location, update appeal processes.
<a href="#">19.93 PROCEDURES FOR ANALYZING TAKINGS CLAIMS</a>	Move to new location.
<a href="#">19.94 ENFORCEMENT</a>	Move to new location.

**Figure 3: Recommended Table of Contents for New Title 19**

**TABLE OF CONTENTS**

**Article I. GENERAL PROVISIONS**  
 CHAPTER 19.02: TITLE, PURPOSE AND APPLICABILITY  
 CHAPTER 19.04: DEFINITIONS  
 CHAPTER 19.06: NONCONFORMITIES  
 CHAPTER 19.08: ENFORCEMENT  
 CHAPTER 19.10: PROCEDURES FOR ANALYZING TAKINGS

**Article II. ADMINISTRATION**  
 CHAPTER 19.12: ADMINISTRATIVE BODIES, POWERS & DUTIES

CHAPTER 19.14: ESTABLISHMENT OF ZONES, ZONING MAP, AMENDMENTS  
CHAPTER 19.16: LAND USE PROCESSES AND PROCEDURES  
CHAPTER 19.18: PLANNED UNIT DEVELOPMENTS  
CHAPTER 19.20: APPEALS, VARIANCES AND EXCEPTIONS

**Article III. ZONE REGULATIONS**

CHAPTER 19.22: PARKS AND OPEN SPACE  
CHAPTER 19.24: FORESTRY ZONES  
CHAPTER 19.28: SINGLE-FAMILY RESIDENTIAL ZONES  
CHAPTER 19.30: MEDIUM AND HIGH-DENSITY RESIDENTIAL ZONES  
CHAPTER 19.32: COMMERCIAL ZONES

**Article IV. SPECIFIC AND TEMPORARY USE STANDARDS**

CHAPTER 19.42: SPECIFIC USE STANDARDS  
CHAPTER 19.44: TEMPORARY USE STANDARDS

**Article V. DEVELOPMENT STANDARDS**

CHAPTER 19.46: SITE DEVELOPMENT STANDARDS  
CHAPTER 19.48: OFF-STREET PARKING AND LOADING  
CHAPTER 19.50: LANDSCAPING & SCREENING  
CHAPTER 19.52: SIGNS  
CHAPTER 19.54: RESERVED (FORMERLY SUPPLEMENTAL REGULATIONS)  
CHAPTER 19.56: FLOOD PLAIN REGULATIONS  
CHAPTER 19.58: GEOLOGICAL HAZARDS  
CHAPTER 19.60: DARK-SKY ORDINANCE

**SPECIAL TOPICS TO ADDRESS**

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

High-Priority Topics Identified in the General Plan:

- Adopt a maximum size and potentially minimum setbacks for single-family residences.
- Consider ordinances that improve water administration and water efficiency incentives.
- Update commercial zoning to allow for flex space and possible mixed uses that can provide economic opportunities or social gathering.
- Modify existing code to promote the construction of new multi-use and walking paths.
- Establish reasonable property maintenance standards for the community.

Other Topics Identified in the General Plan:

- Review single-family short-term rentals regulations and update as needed to mitigate problems. These may be accomplished through the existing short-term rental committee

and may not be reviewed by the Planning Commission unless changes to Title 19 are required.

- Review internal accessory dwelling unit standards and update as needed to mitigate problems.
- Establish a new zone for public facilities, utilities, and infrastructure to create compatible regulations for utility uses.
- Update zoning to reflect appropriate uses in commercial areas and only new commercial in appropriate areas.
- Update land use regulations to promote compact design and sustainable development as new commercial uses are developed.
- Update land use regulations to have appropriate parking requirements and enforcement.
- Adopt new regulations for off-street parking design standards like pervious cover minimums.
- Update land use regulations to allow for transit stops and flex space for biking and walking.
- Update land use regulations to provide well designed walking facilities for new commercial uses, especially around the Brighton Loop.
- Update land use regulations to require bike parking or storage for new uses.
- Update land use regulations with best practices for native trees and removal of invasive trees or other plant species
- Adopt a dark sky ordinance to mitigate impacts to wildlife.
- Update land use regulations to include specific use standards for delivery trucks, small package centers, and recycling centers. Provide flexibility in design to accommodate other neighborhood services if necessary.
- Adopt use-specific standards for uses that may pose a greater threat to the environment.
- Review existing land use regulations for compatibility with Wildland Urban Interface (WUI) requirements.
- Adopt standards for new commercial buildings to be zero net energy buildings. This can also help with energy and consumption once the building is constructed. Preliminary data collection may need to occur to determine feasibility.
- Update land use regulations to include specific use standards for recycling and waste centers in neighborhoods.
- Implement a safe routes program in the Town of Brighton and create new walking and biking opportunities separate from roads.
- Update land use codes with specific use standards for farmers markets and sale of fruits and vegetables.

### **TIMELINE FOR PHASES**

Staff have broken the entire ordinance-update project down into a series of three phases, as shown in Exhibit A. At the end of each phase, draft versions of the specified chapters will be

delivered to the Planning Commission and Council for their review and feedback. When all the drafted chapters have been reviewed, a final draft version of Titles 18 & 19, with revisions as applicable, will be presented for adoption.

The timelines presented in Exhibit A are internal target deadlines. Staff will work hard to meet those deadlines, but some chapters may require more time and revision than anticipated. The Planning Commission will review the proposed code changes at their regularly scheduled public meetings which occur on the third Wednesday of each month.

## EXHIBIT A DETAILED GANTT FOR BRIGHTON COMPREHENSIVE CODE UPDATE 2023

		January	February	March	April	May	June	July	August	September	October	November	December
ected Entities, Stakeholders, & Community Engagement				Stakeholder Meetings		Stakeholder Meetings		Stakeholder Meetings		Stakeholder Meetings			
	Scope of Work	Reviewed and Approved	Presented to Council										
<b>Phase 1 (Zones and Environmental Considerations)</b>	Definitions (Update)		★ First Draft Completed	Planning Commission Review									
	Forestry and Multi-Family Zone												
	Forestry and Recreation Zones												
	Commercial Zones (Update)												
	(NEW) Parks and Open Space Zone												
	FCOZ (Review and Update)			★ First Draft Completed	Planning Commission Review								
	Floodplains (Keep Existing)												
Geologic Hazards (Keep Existing)													
<b>Phase 2 (Development and Use Standards)</b>	IADUs (Keeping Existing)			★ First Draft Completed									
	(NEW) Specific Use Standards												
	(NEW) Temporary Use Standards												
	Off-Street Parking (Update)					Planning Commission Review							
	Signs (Update)												
	(NEW) Site Development Standards												
	(NEW) Dark-Sky Ordinance												
(NEW) Historic Preservation Ordinance													
<b>Phase 3 (Administration)</b>	Title, Purpose, and Applicability			★ First Draft Completed									
	Nonconformities												
	Enforcement												
	Procedures for Analyzing Takings												
	Administrative Bodies, Powers, and Duties								Planning Commission Review	Planning Commission Review	Planning Commission Review	Planning Commission Review	
	Establishment of Zones, Zoning Map, Amendments												
	Land Use Processes and Procedures												
	Appeals, Variance, and Exceptions												
Title 18 Subdivisions													
<b>Phase 4</b>	Final Title 19 and Title 18 Assembled											★ Planning Commission Public Hearing	Council Meeting for Adoption

★ = Recommendations of Code Changes with Staff Report or Memo, Field Studies or Data, and Reviews from Stakeholders or Affected Planning Commission review will happen at their regularly scheduled monthly meetings. These meetings are open to the public.