



**Meeting Body:** Town of Brighton Planning Commission

**Meeting Date:** March 20<sup>th</sup>, 2024

**Planner:** Morgan Julian, Long Range Planner

**Project Name and File Number:** OAM2023-001056

**Project Type:**

- Repeal and Replace of Text Ordinance

**Areas Affected:** Town of Brighton

**Staff Recommendation:** Staff is recommending that the Planning Commission discuss and makes a recommendation of adoption for amendments to Brighton Municipal Code Chapter 19.24 and associated definitions, consistent with feedback received from the Council in February 2024.



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

## EXECUTIVE SUMMARY

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

Following public hearings held in January, 2024, the Planning Commission recommended adoption with revisions to Council for all Title 19 Chapters. On February 13<sup>th</sup>, the Council adopted Title 19 Chapters 19.24 Forestry Zones, 19.32 C-V Commercial Zone, 19.38 Foothills and Canyons Overlay Zone, and 19.42 Specific Use Standards. However, the Council voted to remand Sections 19.24.050 A: *Gross Square Footage of the Combined Primary and Accessory Structures*, 19.24.060 A: *Development Standards for Accessory Structures in the Forestry Zones*, and 19.04.020 (27): *Definition of Gross Square Feet*, back to the Commission for review.

The Council would like the Commission to re-discuss and revise the above sections. The Council has specifically asked that the Commission consider revising the definition of “gross square footage” to exclude porches, covered balconies, and detached and attached garages. The change would provide greater consistency between Brighton Code and generally accepted real estate definitions. Additionally, the Council suggested adjusting the maximum gross square footage and the maximum building footprint for accessory structures to account for the omission of the detached and attached garages in the definition of “gross square footage”.

Staff has drafted language which addresses the Council’s suggestions and is recommending that the Commission reviews and provides a favorable recommendation on the ordinance amendments.

## ATTACHMENTS

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

1. Staff-Recommended Amendments to Chapter 19.24 and Associated Definitions: red-lined revisions, as recommended by staff, to Sections 19.04.020 (27): *Definition of Gross Square Feet*; 19.24.050: *Development Standards for Single-Family Dwellings in the Forestry Zones*; and 19.24.060: *Development Standards for Accessory Structures in the Forestry Zones*.

## PROPOSED SOLUTION AND ANALYSIS

When staff amendments to Title 19 first came before the Commission for consideration, the Commission expressed interest in limiting the size of residential buildings within the Town of Brighton. This interest stemmed from growing concern about the environmental impact of development in the Canyon and the changing character of the Town's built environment. It was also directly related to the adopted Brighton General Plan, which included a workplan item to "Adopt a maximum size for single-family residences". The Commission ultimately recommended adoption of an ordinance that set the maximum gross square footage for combined primary and accessory structures in Forestry Zones as 4,500 square feet.

The Council adopted this ordinance in February 2024. However, they asked for specific language related to the maximum building square footage to return to the Commission for consideration. Staff has proposed amendments to Sections 19.24.050, 19.24.060, and associated definitions to address the Council's concerns about consistency with industry standards. Some Council members also asked that the Commission reconsider the maximum gross square footage allotted for primary and accessory structures, as some homes in the Canyon are already larger than this ordinance would allow.

Staff's recommendations include:

- Removing covered balconies, porches, and detached garages from the Code's definition of gross square footage.
- Exempting up to 800 square feet of *attached* garage space from the calculation of primary dwelling square footage.
- Reducing the maximum gross square footage for primary dwellings by 700 square feet, to account for garages, balconies, and porches being removed from the square footage calculation.
- Establishing a 1,200 square feet as the maximum square footage for all accessory buildings combined.

The proposed redline amendments are shown in Attachment 1 at the end of this report.

These changes closely align with the Council's suggestion of removing covered balconies, porches, and attached and detached garages from the gross square footage calculation (ensuring that the definition of gross square footage is consistent with generally recognized industry definitions).

Because accessory buildings and attached garages were removed from the calculation of square footage, staff reduced the maximum square footage allowed for a primary dwelling to 3,800 gross square feet. However, 3,800 gross square feet for a primary residential structure is generous as the average total square footage of a primary dwelling in Brighton has roughly 1,900 total square feet. Although this demonstrates a large departure from the historic cabins built in Brighton, the 3,800 gross square feet maximum still reduces the environmental impact when compared to the previous ordinance which did not set a maximum for dwelling square footage and resulted in the construction of some homes that were 6,000 square feet in size and greater.

In exempting up to 800 square feet of attached garage space from the calculation of gross square footage, the Council's concern of limiting living space by requiring attached garages to be a part of the gross square footage calculation will be assuaged. However, because only 800 square feet are exempted (not the entire size of the attached garage if an owner chooses to build larger) the Planning Commission's concerns with allowing large, attached structures that could be later converted into living spaces, are also addressed.

Finally, the recommended limitation on accessory structures for both the building footprint and the gross square footage will restrict large detached accessory structures from being constructed, consistent with the Planning Commission's stated goal of reducing the environmental impacts of development.

### **STAFF RECOMMENDATION**

Staff recommends that the Commission make a favorable recommendation to the Council regarding the amendments outlined in Attachment 1. In favor of this recommendation, staff finds that:

1. The proposed amendments address the concerns raised by the Council at their February 2024 meeting;
2. The proposed amendments preserve the intent of the original language, which was to reduce environmental impact and preserve the unique character of the Brighton community;
3. The proposed amendments still provide flexibility for property owners and allow a range of primary dwelling and accessory structure sizes; and
4. The proposed amendments further the implementation of the adopted General Plan which calls for the establishment of a maximum size for single-family residences.

## **NEXT STEPS**

Following the public hearing, the Planning Commission may recommend that the Council adopt, adopt with revisions, or not adopt the amendments as drafted. Following the Commission's recommendation, the Council may make a final decision regarding the ordinance amendment. Adoption would result in an amendment to Chapter 19.24. Any revisions to the associated definitions will be incorporated at a later date, when the Council adopts comprehensive updates to Chapter 19.04: *Definitions*.

This amendment is part of the larger effort to complete a major overhaul of Brighton's Subdivision and Zoning Ordinances, Titles 18 and 19 of Municipal Code. Questions can be directed to Morgan Julian: [MoJulian@msd.utah.gov](mailto:MoJulian@msd.utah.gov).

# Attachment 2

## 19.04 — Definitions

### 19.04.020—General Definitions

27. “Gross Square ~~Foot-Footage~~” means the sum of all areas on all floors of any building(s)- ~~Gross square footage shall including any detached and attached garages,~~ finished and unfinished basements ~~porches, and covered balconies.~~ For single-family residences, up to 800 square feet of attached garage space shall be exempt from this calculation.

## 19.24— Forestry Zones

### 19.24.050- Development Standards for Single-Family 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~~ structure on a property shall be ~~four thousand and five hundred square feet (4,500 sq. ft.)~~ Three thousand eight hundred square feet (3,800 sq. ft.).
- B. 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. Except as otherwise specifically provided in this Title, no building or structure shall exceed thirty feet (30’). The elevation shall be determined using a certified topography survey with a maximum contour interval of two feet (2’).
- D. Snow Release. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

### 19.24.060– Development Standards for Accessory Structures in the Forestry Zones.

- A. Building Footprint ~~and Gross Square Footage of Accessory Structures~~. The maximum ~~size building footprint~~ allowed for an accessory structure shall be eight hundred square feet (800 sq ft), ~~and the maximum gross square footage of all combined accessory structures shall be one thousand two-hundred square feet (1,200 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.