

**BRIGHTON, UTAH**

**ORDINANCE NO. 2025-O-5-1**

AN ORDINANCE AMENDING SECTIONS 5.19.010, 5.19.063, 5.19.075, 19.04.020, 19.42.030, AND 19.42.290 TO CLARIFY DEFINITIONS OF: (19) DWELLING UNITS, (54) OWNER OCCUPANCY, (59) PRIMARY DWELLING. KITCHEN AND (66) SECOND KITCHEN AND TO REGULATE THE USE OF SHORT-TERM RENTALS IN INTERNAL ACCESSORY DWELLING UNITS

WHEREAS, Utah State Code 10-9a-530 requires internal accessory dwelling units (IADUs) to be permitted; and

WHEREAS, under Utah State Code 10-9a-530 the intent of allowing internal accessory dwelling units is to provide long term rental opportunities within a primary dwelling which is defined as occupied as the primary residence of the owner of record; and

WHEREAS, Utah State Code 10-9a-530 prohibits restrictions on the size of the internal accessory dwelling unit in relation to the primary dwelling;

WHEREAS, the Town of Brighton wishes to expand the use of IADUs to allow IADUs to be rented as short term rentals (less than 30 consecutive days); and

WHEREAS, the Town of Brighton wishes to expand the use of IADUs to allow non-primary property owners (property owners not occupying the residence as their primary home) to use the IADU as a short term rental and allow the property owner to use the “primary” dwelling even if it is not occupied as the owner’s primary residence;

WHEREAS, the Town of Brighton wishes to allow property owners to use the “primary” dwelling at the same time as using the IADU as a short term rental so that they can enjoy their dwelling while also receiving the financial benefit of a short term rental and so they can monitor the short term rental when they are using the “primary” dwelling;

WHEREAS, the Town of Brighton wishes to expand the use of IADUs and the Primary Dwelling to allow long term renters who will serve as property managers for the property to use the “Primary Dwelling” and the IADU as a short term rental;

WHEREAS, the Town of Brighton recognizes that the use of the “Primary Dwelling” as a long-term residence by a property manager and the rental of the IADU as a licensed short-term rental is more likely to result in better overall maintenance of the property; and

WHEREAS, the Town of Brighton wishes to allow property owners to use the “primary” dwelling at the same time as renting the IADU as a long term renter will provide long term rental opportunities;

WHEREAS, the Town of Brighton wishes to prohibit both portions of the home to be rented as short term rentals; and

WHEREAS, clarity is needed in defining a dwelling unit and the definition of kitchen; and

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

Section 1. Amended. Sections 5.19.010, 5.19.063, 5.19.075, 19.04.020, 19.04.030 and 19.42.090 of the Brighton Code of Ordinances are amended as shown in the attached Exhibit 1.

Section 2. Effective Date. This ordinance shall go into effect upon publication.

**PASSED AND APPROVED** THIS 13<sup>th</sup> Day of May, 2025.

TOWN OF BRIGHTON

By:   
Dan Knopp, Mayor

ATTEST

  
Kara John, Town Clerk



## Exhibit 1.

### 5.19.010 Short-Term Rental Defined

1. "Short-term rental" means any dwelling or condominium or portion thereof that is available for use or is actually used for accommodations or lodging of guests for a period of less than thirty consecutive days, wherein guests pay a fee or other compensation for said use.
2. No Short-term rental shall be offered, advertised, or rented in a non- residential building including, but not limited to, a vehicle parked on the property, a storage shed, trailer, Recreational Vehicle or any temporary structure, including, but not limited to, a tent or teepee.
3. ~~[Accessory Dwelling Units whether attached or detached are not permitted as a Short Term Rental in the Town of Brighton.]~~ **A dwelling with a permitted internal accessory dwelling unit (IADU) may contain only one short-term rental dwelling unit. A dwelling with a permitted internal accessory dwelling unit (IADU) may be rented in its entirety as one short-term rental unit or, if one unit is being rented as a short-term rental, the remaining unit shall be:**
  - A. vacant or,**
  - B. occupied by the property owner as their primary or secondary residence, or**
  - C. occupied as a long-term rental by a property manager authorized by the owner to care for the property.**
4. **If the unit established in subsection 5.19.010.3.B (above) shall be occupied by the property owner, the applicant shall prove ownership of the property as evidenced by a copy of a transfer deed listing the applicant as the fee title owner.**
  - A. Fee title owner may be an individual or trustor of a family trust that possesses 50 percent or more ownership of the proposed STR.**
  - B. The fee title owner may not be a corporation, partnership, limited liability company, or similar entity.**
5. **If a dwelling with an IADU is rented as a Short-Term Rental, the applicant must designate and license a single unit in the property or the entire property as the Short-Term Rental. The short-term rental license is exclusive to that specific unit.**

### 5.19.063 Water Supply And Public Sewer Required

The short-term rental dwelling unit shall be served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year; and

#### A. Prior to the issuance of the initial license, provide:

1. a letter, **which includes an approved floor plan as an attachment,** from the water provider that serves as the public water system serving the property or from the certified water master for water providers who do not meet the definition of a public water system approving the use and ~~[confirming that there is water available]~~ **certifying that adequate water is available** year-round. **If the dwelling has a short-term rental and an Internal Accessory Dwelling Unit, the water provider must certify that adequate water is available for both uses,** and
2. a letter from Salt Lake City Public Utilities confirming the use is allowed pursuant to its water supply contract and ordinances, and
3. approval by the Salt Lake County Health Department, and,
4. a letter from 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. Black water holding tanks do not qualify as a public sewer system.

#### B. Prior to issuance of a renewal, provide:

1. a letter from the water provider that serves as the public water system serving the property or from the certified water master for water providers who do not meet the definition of a public water system ~~[approving]~~ **recertifying that adequate water is available for** the use ~~[and confirming that there is water available]~~ year

round, and

2. approval by the Salt Lake County Health Department.

#### 5.19.075 Parking And Parking Areas

1. Number of spaces required is two spaces per dwelling unit plus one additional space for each bedroom exceeding two bedrooms. The third and fourth spaces, when required, can be in tandem with the first two spaces required.
2. All parking must be on the property of the short-term rental. Required on-site parking areas and access to parking areas shall be maintained and available for use at all times, including snow removal, throughout the entire year. Parking is prohibited on grass or other flammable material.
3. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way or anyone else's property including resorts (unless written permission has been obtained); and
4. A map of parking areas and available number of spots shall be posted in a visible and conspicuous place within the dwelling indicating approved on-site parking spaces, and a copy of the map shall be given to all renters.
5. **If a property is being used as a Short-Term Rental and contains an internal accessory dwelling unit (IADU), the property shall have parking on site for the short term rental as required above, as well as at least one additional parking space per bedroom for the other dwelling unit, which space(s) shall function independently from (not in tandem with) the short-term rental parking spaces.**

#### 19.04.020 General Definitions

S. "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:~~

- ~~1. A building design which allows all occupants ready access to all portions of the building including cooking facilities;~~
- ~~2. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;~~
- ~~3. There is only one electric and/or gas meter for the building.]~~

**"Kitchen" means a room or area designed to be used for food preparation and cooking which contains at a least: one (1) sink, one (1) hard surface for food preparation, and one (1) oven/cooktop stove and/or electrical or gas hookups to accommodate such.**

...

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

....

BN. "Second Kitchen" means an additional kitchen with typical appliances and surfaces including a range and/or the 220v or gas hookups for a range. **Second kitchens are only permitted as a part of an Interior Accessory Dwelling Unit. A wet bar without the range or hookups is not considered a kitchen so long as it is clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities that are not considered a "second kitchen" as defined above are accessory to a dwelling unit and may include but are not limited to:**

1. **A building design which allows all occupants ready access to all portions of the building including cooking facilities;**
2. **No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;** [~~Second kitchens are only permitted as a part of an Interior Accessory Dwelling Unit.~~]

#### 19.42.030 - Accessory Dwelling Units, Internal.

- A. Purpose. The Town of Brighton recognizes that Internal Accessory Dwelling Units in single-family residential zones can be an important tool in the overall housing plan for the Town of Brighton. The purposes of the Internal Accessory Dwelling Unit standards of this code are to:
1. Comply with State of Utah legislation which allows for Internal Accessory Dwelling Units generally and requires municipalities to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
  2. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
  3. Provide for affordable housing opportunities;
  4. Make housing units available to moderate income people who might otherwise have difficulty finding housing in the Town of Brighton;
  5. Provide opportunities for additional income to offset rising housing costs;
  6. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
  7. **Allow non-primary property owners (property owners not occupying the residence as their primary home) to use the IADU as a short-term rental and allow the property owner to use the "primary" dwelling even if it is not occupied as the owner's primary residence.**
  8. Preserve the character of single-family neighborhoods by providing standards governing development of Internal Accessory Dwelling Units; and
  9. Ensure that Internal Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an IADU prior to renting the IADU.
- B. Allowed Areas and Zones.
1. IADUs incorporated within the single-family residence shall be a permitted use on single family home lots in the Forestry zones where the minimum area of the lot is 6,000 square foot or greater.
  2. In no case shall an IADU be permitted in a townhome, a multi-family PUD, or other attached unit type or on any lot that cannot satisfy parking or other conditions of the code.
- C. Number of Residents Allowed in Accessory Units. IADUs shall not be occupied by more than **one "Family" as defined in subsection 19.04.020.V**[four persons].
- D. Parking Requirements.
1. 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.

2. **If one unit of the property is being used as a short-term rental, the parking requirements for a short-term rental shall apply, and there shall be at least one additional space for each bedroom in the remaining unit, which space(s) shall function independently from (not in tandem with) the short-term rental parking spaces.**
- E. **Water Availability.** Applications for an IADU must include submittal of a written approval from the water company servicing the property ~~[stating]~~ **which includes an approved floor plan as an attachment and certifies** that sufficient water is available for the IADU, and that the IADU complies with all applicable water service requirements. **If the property is being used as a short-term rental in one of the dwelling units, the water company must certify that sufficient water is available for both uses.**
- F. **Owner Occupancy.** ~~Either the~~ ~~[The]~~ primary dwelling or the IADU must be:
1. ~~[e]~~ Occupied as the owner's primary residence, **or;**
  2. **Occupied by the property owner as a secondary residence, or;**
  3. **Occupied as a long-term rental by a property manager authorized by the owner to care for the property.**
  4. **Under no circumstances may the primary dwelling and the IADU be used as two separate short-term rentals.** ~~[An application for an IADU shall include evidence of occupancy as the owner's primary residence.]~~
- G. **Number of IADUs per Lot.** Only one IADU is allowed per lot.
- H. **IADU Standards.**
1. An approved building permit is required for all IADUs before an IADU is constructed.
  2. Before an IADU can be rented, all other applicable provisions of this chapter and the Town of Brighton Code must be met.
  3. Existing non-compliant IADUs may come into compliance by receiving a permit, meeting all the requirements in this section, and verifying existing work was done according to building, fire and health codes.
  4. The IADU shall conform to all applicable building, fire, and health codes, including applicable water service requirements and sewer, black-water tank, or septic requirements.
  5. 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.
  6. IADUs will not require a separate HVAC or firewall.
  7. Owner shall provide a separate address marking for emergency services and mailing services.
  8. Single-family residences with an IADU shall retain the same appearance as a single-family residence.
  9. IADUs shall not be located in a detached accessory structure connected by a Breezeway.
  10. 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 **has read and agrees to abide by the regulations of this chapter.** ~~[will live in either the primary dwelling or IADU as their primary residence;]~~
  2. Upon approval of the IADU by the building official, 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. The Notice shall include:
    - a. A description of the primary dwelling, including number of bedrooms, bathrooms, and kitchens;
    - b. A statement that the primary dwelling contains an internal accessory dwelling unit; and
    - c. 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. 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. A copy of the recorded notice will be provided to the applicant.
- J. **Business Licensing.** Prior to renting any IADU, a business license must be obtained. That license must be maintained and renewed annually as long as the unit is rented out.

- K. Non-Rental Use of IADUs. IADUs used for 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
- L. Retention of Single-Family Residence Status.
1. IADUs are part of a single-family residence and shall not be treated as a multi-family residence.
  2. IADUs may not be separately metered apart from the single-family residence.
  3. IADUs may not be sold or subdivided separately from the single-family residence.
- M. Short-Term Rental Use~~[Prohibited].~~ [Units] Dwellings with an approved [as] IADU~~[s shall not]~~ may be used as short-term rentals subject to compliance with the provisions of chapter 5.19 of the Brighton Code, including only containing one short-term rental unit per dwelling or Property. ~~[Any rentals shall be for 30 consecutive days or more.]~~ If a unit of a property with an IADU is rented as a Short-Term Rental, the applicant must designate and license a single unit in the property or the entire property as the Short-Term Rental. The short-term rental license is exclusive to that specific unit.
- N. Remedies for Violations. In addition to any other legal or equitable remedies available to the Town of Brighton, the Town of Brighton may hold a lien against a property that contains an internal accessory dwelling unit in accordance with the provisions and procedures of Utah Code Annotated § 10-9a-530. If the owner of the property violates any of the provisions of that Section or any of the provisions of this Ordinance.

#### **19.42.290 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, including an approved floor plan as an attachment 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.