

The Regular Meeting of the
Brian Head Town Council
Town Hall - 56 North Highway 143
Brian Head, UT 84719
TUESDAY, NOVEMBER 08, 2016 @ 1:00 PM

AGENDA

- A. CALL TO ORDER** **1:00**
B. PLEDGE OF ALLEGIANCE
C. DISCLOSURES
- D. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- E. APPROVAL OF THE MINUTES:** October 25, 2016 Town Council Meeting
- F. AGENDA ITEMS:**
- 1. LOCAL CONSENT FOR ALCOHOL PERMIT FOR SOOK JAI.** Nancy Leigh, Town Clerk. The Council will consider giving local consent for a full-service restaurant alcohol permit for a new restaurant, Sook Jai, located at The Mall.
 - 2. PUBLIC HEARING FOR LAND MANAGEMENT CODE AMENDMENTS.** The Council will hold a public hearing to receive public comment on proposed amendments to Title 9, Land Management Code. Comments are limited to three minutes and written comments may be submitted to the Town Clerk no later than noon on November 8, 2016.
 - 3. ORDINANCE AMENDING TITLE 9, LAND MANAGEMENT CODE.** Bret Howser, Town Manager. The Council will consider adopting an ordinance amending the Land Management Code as it pertains to Section 9-7-1 (Single-Family Residential zone), Section 9-7-6 (Light Industrial zone), Section 9-12-5 (Landscaping & Fences), Section 9-12-10 (Driveways), and Section 9-12-15 (Parking).
- G. ADJOURNMENT**

Date: November 4, 2016

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 4th day of November 2016 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk





Brian Head Town

Public Works Department Update

November 8, 2016

Great things are happening in the Public Works Department! Recently, the Public Works crew added two new faces, with Kasey Hatch joining the team as the new Public Works Tech I and Marty Stubbs joining as the new part-time Public Works Tech with the departure of Jace Tullis. Both Kasey and Marty bring substantial experience and ability to the group, especially with equipment operating skills and water line experience. Further, the team quickly realized and leveraged Kasey's operating skills in repairing a broken water line that facilitates the main infrastructure from Decker Springs to the 1-million gallon tank.

Earlier in October, Tom Gurr, Jesse English, and I had the opportunity to meet with the Director of Washington County Solid Waste (WCSW) to discuss their successful recycling program. Subsequently, the meeting concluded productive in that we gained a better knowledge of what makes their program so successful, which boils down to public education and commitment. Further, WCSW is willing to consider a partnership with Brian Head, Parowan, and Cedar Breaks to help us offer a better service, which would include public education, more frequent pick-up, and the ability to collect more recyclable material, like plastic and glass. Consequently, I am putting together an analysis to determine the cost-effectiveness of this partnership, and I will present it to the council when it is completed to make sure it aligns with our vision, budget, and strategies. Finally, with winter approaching, we are concluding winterization and planning to deploy a public reminder concerning the snow removal policy.

Brian Head Public Safety Council Update

11/01/2016

Brian Head Marshal's Office:

October has already come and gone. The hunting seasons are all but finished, and we are preparing for winter that will be here before any of us know it. This month we focused a lot on trainings. Deputies were able to get radar recertified along with vehicles inspected for our "Quick Response Unit" status. We also did some firearms training and inspections involving our issued firearms. Maintenance as we all know is key to success and even more important during intense public safety activities that can happen in an instance. Our deputies take pride in their work and do a great job at maintaining their equipment readiness as well as their personal readiness to respond to anything.

I was able to attend the International Chiefs of Police Convention in San Diego and must say it was very worthwhile. I attended training courses that definitely pertain to Brian Head and the issues we face. One of the biggest highlights for me was attending a session of about 30 Chiefs that were from "Mountain Resort Communities". I was so impressed that I could be at a conference with 17,000 people and was sitting in a room of about 30 and sharing common issues and ways in which we can resolve them. I was able to "Network" with these other Chiefs and intend to open up communications with them and share ideas. I greatly appreciate the Town allowing me to take the time away from Brian Head to attend this conference. Again, it was time well spent and I hope to make the most of it in my management strategies as well as use the things I was taught with our Deputies on patrol.

This time of year, we spend a lot of time doing security checks for homeowners. We try and really observe the homes in Brian Head and check for open doors and windows. This not only prevents burglaries, but we are really concerned about critters getting in and cold freezing the pipes. We have found a few and the homeowners are always very appreciative.

Our full time Deputies are also taking time off during the month of October for the annual Deer and Elk hunts. You probably saw some of our part time Deputies more this month. We are so lucky to have these professionals that can fill in and the response is virtually seamless from full time staff to part time staff.

- Shifts and Numbers of Incidents
 - Day Shift =17
 - Swing Shift =15
 - Grave Shift = 6
- **Total Incidents for October = 38**

Types of Incidents

- Citizen Assists: 5
- Fire Calls: 8
- 911/Alarms:16
- Vehicle Accidents: 2
- Animal Problem: 1
- Theft: 1
- Fish and Game: 1
- Fraud: 1
- Burglary: 1
- Unsecure Premises: 1
- Criminal Mischief: 1

Brian Head Fire Department:

We have the best volunteer fire department I can think of. I can't say enough about our members of the department and the dedication and time they each put in to training and responding. We have restarted our Public Works Department training and they are also a huge asset to our community and we can see their dedication and desire to serve in whatever capacity is asked of them. They are all doing great and picking up the training very quickly. We meet with them for an hour and a half each Thursday and go over Firefighter I skills and lessons. Thank you to Shane and his crew for doing this for the Town.

We received reimbursement for a \$12,000 grant that Deputy Brad Benson wrote. This is a great boost to our department. In this grant Brad was able to get funding for new turnouts, pagers, radios and other wildland PPE. Brad is doing a great job at not only writing these grants, but also in managing them and getting awarded the funding. This grant is especially good because we can show our matching portion in the form of "In-Kind" dollars. Thank you Deputy Benson.

Wildland fire season is all but wrapped up and we are now going through the trucks and making repairs and inventorying everything. We will have all winter to rehab some of these apparatus, but are getting right on it and will be ready for next spring's events.



Town Council Staff Report

Subject: LOCAL CONSENT FOR ALCOHOL LICENSE – SOOK JAI
Author: Nancy Leigh, Town Clerk
Department: Administration
Date: November 8 2016
Type of Item: Legislative

SUMMARY:

The Council will consider giving local consent for an alcohol license for a new restaurant Sook Jai.

PREVIOUS COUNCIL ACTION:

None taken

BACKGROUND:

Staff has received a new business license for a restaurant “Sook Jai” which will be located in the Mall where they will be taking over the Korner Café’ location. They are requesting local consent for a full-service restaurant alcohol permit.

Local consent is a part of the Department of Alcoholic Beverage and Control’s (DABC) application and must be submitted at the time of application. Devin Watts will be at the Council meeting to answer any questions about his business.

ANALYSIS:

As part of the application process, any business seeking a new alcohol permit with DABC must receive local consent before application can be made. The town will also issue an alcohol license once the state has approved the permit.

In speaking with Devin, he indicated he is looking for a full-service restaurant permit, but if for any reason he is unable to obtain a full-service restaurant permit (beer & alcohol) he would then apply for a limited service restaurant permit (heavy beer & wine).

DEPARTMENT REVIEW:

The Administration Department has reviewed this item.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the Council give local consent to Sook Jai for an alcohol permit.

PROPOSED MOTION:

I move to approve local consent for restaurant Sook Jai located at 259 South Village Way and authorize the Mayor to sign the local consent form.

FULL-SERVICE RESTAURANT LIQUOR LICENSE

Local Consent

PURPOSE: Local business licensing authority provides written consent to the Alcoholic Beverage Control Commission (1) to issue an on-premise alcohol license for a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the premises of the applicant; and (2) to authorize a variance reducing the proximity requirements

AUTHORITY: Utah Code 32B-1-202; 32B-5-201 through 203; 32B-5-205 and -206

BRIAN HEAD TOWN

Local business license authority

, [] City Town [] County

hereby grants its consent to the issuance of a full-service restaurant liquor license to:

Business Name (DBA): Sook Jai

Applicant Entity/Business Owner: Devine Watts

Location Address: 259 South Village Way - The Mall

Authorized Signature

Name/Title

Date

LOCAL CONSENT FOR PROXIMITY VARIANCE

In accordance with Utah Code 32B-1-202, the local authority also grants consent to a variance regarding the proximity of this establishment relative to a public or private school, church, public library, public playground, or park.

Authorized Signature

Name/Title

Date

This is a suggested format. A locally produced city, town, or county form is acceptable. Local consent may be faxed to the DABC at 801-977-6889 or mailed to: Department of Alcoholic Beverage Control, PO Box 30408, Salt Lake City, UT 84130-0408
DABC Local Consent 1/2012



Town Council Staff Report

Subject: Land Management Code Public Hearing & Ordinance
Author: Wendy Dowland
Department: Administration
Date: 11/08/16
Type of Item: Legislative

SUMMARY:

The Council will hold a public hearing to receive comment on the proposed changes to the Land Management Code and then consider adopting Ordinance No. 16-007, amending the Land Management Code (LMC).

PREVIOUS COUNCIL ACTION:

The Council reviewed several proposed changes during the October 11th Council meeting and requested the Planning Commission review the proposed changes and forward a recommendation.

BACKGROUND:

The Planning Commission held a public hearing on November 1, 2016 and is now forwarding their formal recommendation onto the Council for the proposed changes to the LMC.

ANALYSIS:

The Planning Commission & Town Council have recently proposed minor changes to the Land Management Code. The Planning Commission found the Council's changes satisfactory, but asked that the Council review Land Management Code section 9-12-16 G. 2. b. (Driveway & Parking Slopes). The Commission felt that a 16% grade was excessive. Staff contacted Park City for a comparison. Park City allows up to a 14% grade, if a drive or ramp is covered or heated.

There are five sections in the LMC that are being proposed for amendments they are:

1) 9-7-1 (R-1 Single-Family Residential, 2) 9-7-6 (Light Industrial); 3) 9-12-5 (Landscaping & Fences); 4) 9-12-10 (Driveways), and 5) 9-12-15 (Parking). See below for the proposed amendments:

9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:

D. Physical Restrictions:

1. Minimum lot area: Fourteen thousand five hundred twenty (14,520) square feet (1/3 acre).
2. Minimum frontage: Forty five feet (45').
3. Minimum setbacks:
 - a. Front: Twenty five feet (25'). An administrative exception may be granted for the garage only when all of the following apply: 1) front yard setback exceeds twenty percent (20%) slope (11.3 degrees); 2) no habitable space within the setback area; 3) required off street parking is satisfied and maintained in the garage or on the lot; 4) the roof sheds snow away from the public right of way; and 5) adequate snow storage on the lot.
 - b. Side: Twenty feet (20').
 - c. Rear: Twenty feet (20').
4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:
 - a. Driveway and walkway;
 - b. Roof eaves, provided they encroach no more than five feet (5') into the required setback;
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four (4') feet above grade, measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3 1/2') into the required setback; and, (2010 Code, amd. Ord. 15-004, 04-28-2015)
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case by case basis after written approval of the zoning administrator, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code, amd. Ord. 15-004, 04-28-2015)
5. Maximum height: Forty-five feet (45'). One foot (1') may be added for each two and one-half percent (2 1/2%) slope (45 feet maximum), or one foot (1') may be

added for every ten feet (10') of all setbacks greater than required (50 foot maximum). (2010 Code, amd. Ord. 15-004, 04-28-2015)

6. Maximum building coverage: Forty percent (40%) of the lot area. (2010 Code, amd. Ord. 15-004, 04-28-2015)

7. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per section 9-12-5 of this title, with every effort to preserve existing vegetation. (2010 Code, amd. Ord. 15-004, 04-28-2015)

8. Parking: In accordance with section 9-12-15 of this title.

9. Undisturbed lot area: Fifteen (15%) of the lot shall not be disturbed during development. (2010 Code, amd. Ord. 15-004, 04-28-2015)

10. Remaining undeveloped lot: The remaining area shall be landscaped as per section 9-12-15 of this title. (2010 Code, amd. Ord. 15-004, 04-28-2015)

11. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for non-commercial use, such as private snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town.

9-7-6: L-1 LIGHT INDUSTRIAL:

D. Physical Restrictions: The restrictions below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a conditional use permit for any use:

1. Minimum lot area: Twenty one thousand seven hundred eighty (21,780) square feet (1 /2 acre).

2. Minimum frontage: Forty five feet (45').

3. Minimum setbacks: Front, twenty five feet (25'); side and rear, twenty feet (20') (from residential property); side and rear, ten feet (10') (from adjoining L-1 property).

4. Maximum height: Fifty feet (50') maximum structure height.

5. Density: Not applicable.

6. Maximum building coverage: Fifty percent (50%) of lot area.

7. Minimum landscaping: Twenty five percent (25%) of the lot area shall be landscaped per section 9-12-5 of this title, with every effort to preserve existing vegetation.

8. Parking and loading: In accordance with section 9-12-15 of this title.

9. Screening: All outdoor storage, including vehicles, machinery and equipment, shall be screened from the public view as seen from any public roadway or from adjacent residential lots. Landscaping, fencing and building orientation are acceptable methods to minimize the adverse visual impacts.

10. Noise: No use shall be permitted or conducted which creates noise, objectionable by reason of volume, pitch, intermittence or frequency, which is audible at the boundaries of the site. 11. Other restrictions: Design should provide for all servicing of vehicles and equipment to be within structures, except for delivery of gas and other fluids. (2010 Code)

9-12-5: LANDSCAPING & FENCES

- C. Fences: Fences and gates should be avoided to preserve a sense of openness and continuity. When fences are implemented for landscaping, safety, animal containment, or privacy they shall comply with the following:
1. Fences and gates shall be set back at least ten feet (10') behind the building front facade.
 2. Perimeter fencing of a property is prohibited without specific planning commission approval.
 3. Fences shall not exceed four feet (4') in height, except where required for safety reasons (swimming pool and attractive nuisances), or where necessary to meet screening requirements, and or where not visible from off site.
 4. Fence materials shall be wood, timbers, rock or materials indigenous to the area. Wrought iron fencing should be used primarily at swimming pools and painted or treated to blend in with the surrounding environment or building facade.
 5. Vegetation should be planted in and around fencing to soften the appearance except where not visible from off site.
 6. Inappropriate wall and fence materials are railroad ties, stucco, chain-link, concrete blocks and vinyl. Use of these or similar materials must be consistent with the general plan and approved by Planning Commission (Ord. 08-016, 8-12-2008)

9-12-10: DRIVEWAYS:

The following shall apply to all driveways connecting the public right of way to a private or public parking lot or structure:

- A. When Approval Required: Driveways exceeding one hundred fifty feet (150') in length and/or twelve percent (12%) (6.8 degrees) grade must be approved by the director of public safety and/or designee.

B. Driveway Standards:

Standards	Residential Single-Family Dwelling (SFD)	Commercial (All Others)
Minimum width	16 12 feet (4 or fewer units)	20 20 feet (one-way); 24 feet (two-way)
Maximum width at street line	24 feet	36 feet
Maximum number of driveway accesses per lot	1 per each 100 feet of frontage (or fraction thereof), maximum 2 interior, 3 corner	1 per each 200 feet of frontage (or fraction thereof)
Driveway angle to street	45 degree - 90 degree	70 degree - 90 degree
Surface material	All-weather surface	Hard surface
Snow storage	Maintain clear view at intersection	Maintain clear view at intersection
Drainage	May not drain to road surface	To approved storm drain collection system
Retaining walls	May extend into public right of way with town staff approval	May extend into public right of way with town staff approval

C. Surface Material: Hard surface is required in commercial and multi-family residential zones. Other materials that make the surface effectively hard but aren't asphalt or concrete may be used with the approval of the Planning Commission. All weather surface may be used for overflow parking (parking in excess of the requirement) as well as in all other zones.

(Ord. 08-016, 8-12-2008)

9-12-15: PARKING:

G. Design Of Parking Facilities: The design of parking facilities shall be in accordance with this subsection, subsection H of this section, and section [9-12-10](#) of this chapter for driveways connecting to the public rights of way:

1. Driveway Widths: Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:
 - a. Private parking lot access at least ten feet (~~4~~12').
 - b. Commercial driveways:
 - (1) Twelve feet (~~4~~220') for one-way enter/exit.
 - (2) Twenty four feet (24') for two-way enter/exit.

2. Driveway And Parking Slopes:

- a. Maximum Slope: The maximum slope of any driveway or ramp shall not exceed twelve percent (12%) (6.8 degrees). Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the building official and the jurisdiction's engineer.
- b. Exception: Where a ramp is covered or heated and will not be susceptible to snow or ice buildup, the ramp slope may not exceed sixteen percent (16%) (9.1 degrees) and shall provide sufficient landings at top and bottom of ramp to provide for safe starting and stopping.

3. Stall Accessibility: Each required parking stall shall be individually and easily accessible. No automobile shall be required to back onto any public street or sidewalk to leave any parking stall **except in single family residential uses and where the parking stalls themselves are in the public right of way.** ~~when such stall serves more than two (2) dwelling units or other than residential uses.~~ All portions of a public lot or garage, **where the lot itself is not in the public right of way,** shall be accessible to other portions thereof without requiring the use of any public street.

4. Screening: A buffer shall be created whenever a parking area with associated ramps and driveways abuts a public way. The buffer shall consist of a landscaped earthen berm, rock wall, vegetation or similar natural materials to complement the environment for a height of at least three feet (3'), or a width of at least ten feet (10').

H. Surfacing: **Hard surface is required in commercial and multi-family residential zones. Other materials that make the surface effectively hard but aren't asphalt or concrete may be used with the approval of the Planning Commission. All weather surface may be used for overflow parking (parking in excess of the requirement) as well as in all other zones.** Each parking lot and associated ramps and driveways shall ~~have a hard surface and~~ be maintained in good condition and kept clear and in unobstructed and usable condition at all times. Responsibility for maintenance of the parking lot shall rest with the property owner. The parking lot shall provide adequate access to a street or alley. Parking spaces in excess of the minimum spaces required may be used for snow storage in winter.

DEPARTMENT REVIEW: Administration department has reviewed this item.

FINANCIAL IMPLICATIONS: None

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission recommends amending the Land Management Code with the above changes.

RECOMMENDATION:

Staff recommends the Council adopt Ordinance No. 16-008 amending the LMC as proposed.

PROPOSED MOTION:

I move to adopt Ordinance No. 16-007, an ordinance amending Title 9, Land Management Code Sections: 9-7-1, 9-7-6, 9-12-5, 9-12-10 and 9-12-15 as proposed.



ORDINANCE NO. _____

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 7-1 R-1 SINGLE FAMILY RESIDENTIAL; CHAPTER 7-6 LIGHT INDUSTRIAL, CHAPTER 12-5 LANDSCAPING & FENCES, CHAPTER 12-10 DRIVEWAYS; AND CHAPTER 12-15 PARKING.

WHEREAS, Brian Head Town has identified a need to amend the Brian Head Land Management Code in order to regulate land use within the Town limits of Brian Head, Utah; and,

WHEREAS, the Brian Head Planning Commission held a public hearing on November 01, 2016 giving at least fourteen (14) days' notice prior to the public hearing to receive public comment. The Planning Commission hereby forward their recommendation of approval with modifications of the Brian Head Land Management Code, Chapters 7-1 R-1 Single Family Residential; Chapter 7-6 Light Industrial; Chapter 12-5 Landscaping and Fences; Chapter 12-10 Driveways and Chapter 12-15 Parking to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing giving at least fourteen (14) day notice, the public hearing was held on November 8, 2016 to receive public comment on the proposed amendments Brian Head Land Management Code; and

WHEREAS, Brian Head Town desires to adopt an amendment to Chapters 7-1, 7-6, 12-5, 12-10 and 12-15 of the Brian Head Land Management Code, Attachment "A" regulating land use in Brian Head, Utah as Title 9 of the Brian Head Town Code; and,

WHEREAS, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF BRIAN HEAD, UTAH, COUNTY OF IRON, STATE OF UTAH, AS FOLLOWS:

Section 1. The Brian Head Land Management Code is hereby amended and incorporated herein by reference as Title 9, Chapters 7-1, 7-6, 12-5, 12-10, and 12-16 Title 9 of the Brian Head Town Code to regulating land use signage within the Town of Brian Head, Utah. All land uses within the Town of Brian Head shall comply with the Brian Head Land Management Code; and

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Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council and following notice and publication as required by law. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this Ordinance shall be incorporated into Title 9 of the Brian Head Town Code.

Section 3. Conflict. To the extent of any conflict between other Town, County, State, or Federal laws, ordinances or regulations and this Ordinance, the more restrictive is deemed to be controlling.

Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repealer. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance shall be repealed.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this _____ day of November 2016, with the following vote.

Mayor H.C. Deutschlander	Aye_____	Nay_____
Council Member David Bourne	Aye_____	Nay_____
Council Member Larry Freeberg	Aye_____	Nay_____
Council Member Clayton Calloway	Aye_____	Nay_____
Council Member Reece Wilson	Aye_____	Nay_____

BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH

By: _____
H.C. Deutschlander, Mayor

ATTEST:

Nancy Leigh, Town Clerk (SEAL)

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the _____ day of November, 2016, and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

Nancy Leigh, Town Clerk

Ordinance No. _____

Attachment "A"

**Title 9 of the Brian Head Town Code
Land Management Code Amendments
November 8, 2016**

9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:

D. Physical Restrictions:

1. Minimum lot area: Fourteen thousand five hundred twenty (14,520) square feet (1/3 acre).
2. Minimum frontage: Forty five feet (45').
3. Minimum setbacks:
 - a. Front: Twenty five feet (25'). An administrative exception may be granted for the garage only when all of the following apply: 1) front yard setback exceeds twenty percent (20%) slope (11.3 degrees); 2) no habitable space within the setback area; 3) required off street parking is satisfied and maintained in the garage or on the lot; 4) the roof sheds snow away from the public right of way; and 5) adequate snow storage on the lot.
 - b. Side: Twenty feet (20').
 - c. Rear: Twenty feet (20').
4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:
 - a. Driveway and walkway;
 - b. Roof eaves, provided they encroach no more than five feet (5') into the required setback;
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four (4') feet above grade, measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3 1/2') into the required setback; and, (2010 Code, amd. Ord. 15-004, 04-28-2015)
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case by case basis after written approval of the zoning administrator, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code, amd. Ord. 15-004, 04-28-2015)
5. Maximum height: Forty-five feet (45'). One foot (1') may be added for each two and one-half percent (2 1/2%) slope (45 feet maximum), or one foot (1') may be added for every ten feet (10') of all setbacks greater than required (50 foot maximum). (2010 Code, amd. Ord. 15-004, 04-28-2015)

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6. Maximum building coverage: Forty percent (40%) of the lot area. (2010 Code, amd. Ord. 15-004, 04-28-2015)
7. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per section 9-12-5 of this title, with every effort to preserve existing vegetation. (2010 Code, amd. Ord. 15-004, 04-28-2015)
8. Parking: In accordance with section 9-12-15 of this title.
9. Undisturbed lot area: Fifteen (15%) of the lot shall not be disturbed during development. (2010 Code, amd. Ord. 15-004, 04-28-2015)
10. Remaining undeveloped lot: The remaining area shall be landscaped as per section 9-12-15 of this title. (2010 Code, amd. Ord. 15-004, 04-28-2015)
11. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for non-commercial use, such as private snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town.

9-7-6: L-1 LIGHT INDUSTRIAL:

- D. Physical Restrictions: The restrictions below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a conditional use permit for any use:
1. Minimum lot area: Twenty one thousand seven hundred eighty (21,780) square feet (1 /2 acre).
 2. Minimum frontage: Forty five feet (45').
 3. Minimum setbacks: Front, twenty five feet (25'); side and rear, twenty feet (20') (from residential property); side and rear, ten feet (10') (from adjoining L-1 property).
 4. Maximum height: Fifty feet (50') maximum structure height.
 5. Density: Not applicable.
 6. Maximum building coverage: Fifty percent (50%) of lot area.
 7. Minimum landscaping: Twenty five percent (25%) of the lot area shall be landscaped per section 9-12-5 of this title, with every effort to preserve existing vegetation.
 8. Parking and loading: In accordance with section 9-12-15 of this title.
 9. Screening: All outdoor storage, including vehicles, machinery and equipment, shall be screened from the public view as seen from any public roadway or from adjacent residential lots. Landscaping, fencing and building orientation are acceptable methods to minimize the adverse visual impacts.
 10. Noise: No use shall be permitted or conducted which creates noise, objectionable by reason of volume, pitch, intermittence or frequency, which is audible at the boundaries of the site.
 11. Other restrictions: Design should provide for all servicing of vehicles and equipment to be within structures, except for delivery of gas and other fluids. (2010 Code)

9-12-5: LANDSCAPING & FENCES

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- C. Fences: Fences and gates should be avoided to preserve a sense of openness and continuity. When fences are implemented for landscaping, safety, animal containment, or privacy they shall comply with the following:
1. Fences and gates shall be set back at least ten feet (10') behind the building front facade.
 2. Perimeter fencing of a property is prohibited without specific planning commission approval.
 3. Fences shall not exceed four feet (4') in height, except where required for safety reasons (swimming pool and attractive nuisances), **or where necessary to meet screening requirements, and or where** not visible from off site.
 4. Fence materials shall be wood, timbers, rock or materials indigenous to the area. Wrought iron fencing should be used primarily at swimming pools and painted or treated to blend in with the surrounding environment or building facade.
 5. Vegetation should be planted in and around fencing to soften the appearance **except where not visible from off site.**
 6. Inappropriate wall and fence materials are railroad ties, stucco, chain-link, concrete blocks and vinyl. **Use of these or similar materials must be consistent with the general plan and approved by Planning Commission** (Ord. 08-016, 8-12-2008)

9-12-10: DRIVEWAYS:

The following shall apply to all driveways connecting the public right of way to a private or public parking lot or structure:

- A. When Approval Required: Driveways exceeding one hundred fifty feet (150') in length and/or twelve percent (12%) (6.8 degrees) grade must be approved by the director of public safety and/or designee.
- B. Driveway Standards:

Standards	Residential Single-Family Dwelling (SFD)	Commercial (All Others)
Minimum width	46 12 feet (4 or fewer units)	20 20 feet (one-way); 24 feet (two-way)
Maximum width at street line	24 feet	36 feet
Maximum number of driveway accesses per lot	1 per each 100 feet of frontage (or fraction thereof), maximum 2 interior, 3 corner	1 per each 200 feet of frontage (or fraction thereof)
Driveway angle to street	45 degree - 90 degree	70 degree - 90 degree
Surface material	All-weather surface	Hard surface

Snow storage	Maintain clear view at intersection	Maintain clear view at intersection
Drainage	May not drain to road surface	To approved storm drain collection system
Retaining walls	May extend into public right of way with town staff approval	May extend into public right of way with town staff approval

- C. **Surface Material:** Hard surface is required in commercial and multi-family residential zones. Other materials that make the surface effectively hard but aren't asphalt or concrete may be used with the approval of the Planning Commission. All weather surface may be used for overflow parking (parking in excess of the requirement) as well as in all other zones.

(Ord. 08-016, 8-12-2008)

9-12-15: PARKING:

G. **Design Of Parking Facilities:** The design of parking facilities shall be in accordance with this subsection, subsection H of this section, and section [9-12-10](#) of this chapter for driveways connecting to the public rights of way:

1. **Driveway Widths:** Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:
 - a. Private parking lot access at least ten feet (~~40~~12').
 - b. Commercial driveways:
 - (1) Twelve feet (~~4~~220') for one-way enter/exit.
 - (2) Twenty four feet (24') for two-way enter/exit.
2. **Driveway And Parking Slopes:**
 - a. **Maximum Slope:** The maximum slope of any driveway or ramp shall not exceed twelve percent (12%) (6.8 degrees). Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the building official and the jurisdiction's engineer.
 - b. **Exception:** Where a ramp is covered or heated and will not be susceptible to snow or ice buildup, the ramp slope may not exceed sixteen percent (16%) (9.1 degrees) and shall provide sufficient landings at top and bottom of ramp to provide for safe starting and stopping.
3. **Stall Accessibility:** Each required parking stall shall be individually and easily accessible. No automobile shall be required to back onto any public street or sidewalk to leave any parking stall **except in single family residential uses and where the parking stalls themselves are in the public right of way.** ~~when such stall serves more than two (2) dwelling units or other than residential uses.~~ All portions of a public lot or garage, **where the lot itself is not in the public right of way,** shall be accessible to other portions thereof without requiring the use of any public street.
4. **Screening:** A buffer shall be created whenever a parking area with associated ramps and driveways abuts a public way. The buffer shall consist of a landscaped earthen berm, rock wall, vegetation or similar natural materials to complement the

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environment for a height of at least three feet (3'), or a width of at least ten feet (10').

- H. Surfacing: ~~Hard surface is required in commercial and multi-family residential zones. Other materials that make the surface effectively hard but aren't asphalt or concrete may be used with the approval of the Planning Commission. All weather surface may be used for overflow parking (parking in excess of the requirement) as well as in all other zones.~~ Each parking lot and associated ramps and driveways shall ~~have a hard surface and~~ be maintained in good condition and kept clear and in unobstructed and usable condition at all times. Responsibility for maintenance of the parking lot shall rest with the property owner. The parking lot shall provide adequate access to a street or alley. Parking spaces in excess of the minimum spaces required may be used for snow storage in winter.