

Title 9 – Land Management Code

Chapter 2

DEFINITIONS

Proposed Amendments

Identified in red font

May 2022

9-2-1: DEFINITIONS:

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular includes the plural; the word "build" used in its verb form shall include the words arrange, design, construct, alter, convert; the word "shall" is mandatory and not directory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual; the word "lot" includes the words plot or parcel. Words used in this title, but not defined herein, shall have the meaning first as defined in any other ordinance adopted by the town, and then its common, ordinary meaning.

ACCESSORY USE: A use on the same lot with, and customarily incidental and subordinate to, the principal use. (Ord. 15-004, 4-28-2015)

ACCESSORY STRUCTURE: A structure that is customarily incidental and subordinate to the principal building on the property and is physical detached to the principal building. (Ord. 15-004, 4-28-2015)

AFFORDABLE HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Iron County.

AGENT: Any person who can show written proof that he/she is acting for the property owner and with the property owner's knowledge and permission.

ALL WEATHER SURFACE: A durable vehicular driving surface, including compacted road base/gravel, concrete, asphalt or other similar material.

ALLEY: A public or private right of way primarily designed to serve as secondary access to the side or rear of properties.

ALTERATIONS: Any change, addition or modification in the supporting members of a building, such as bearing walls, columns, beams or girders, or electrical, plumbing or mechanical system alterations.

APPEAL AUTHORITY: The appointed person designated by ordinance to decide an appeal or

a decision of a land use application or a request for variance. The Appeal Authority shall hear and decide appeals from decisions applying the Land Management Code. (Ord. 15-004, 4-28-2015)

AREA OF INSTABILITY: An area where there is a foreseeable risk of soil or rock movement as established by a soils report.

AS BUILT DRAWINGS: See definition of Drawings, As Built.

ATTACHED BUILDING: Units connected on at least one side to an adjacent unit by a common party wall or other connecting structure with separate exterior entrances.

ATTRACTIVE NUISANCE: Physical conditions of a property that would entice or attract entrance to the property which could result in damage to the property or injury or death to the individual.

BALCONY: A floor projecting from and supported by a structure without additional independent supports. (Ord. 15-004, 4-28-2015)

BANNER: See [chapter 14](#) of this code.

BED AND BREAKFAST: A dwelling where a combination of breakfast and overnight lodging is furnished for pay.

BEGINNING OF CONSTRUCTION: Any alteration of a site (such as grading, boring holes, pouring concrete or removal of earth, foliage, trees or underbrush) or alteration of offsite conditions related to construction.

BUILDABLE AREA: The portion of any site, lot or parcel within setbacks and which does not contain designated floodplain, watershed, wetlands or avalanche areas, and conforms to all minimum criteria required for the placement of a structure in accordance with this code.

BUILDING: Any structure used or intended to be used for the shelter or enclosure of persons, animals or property.

BUILDING AREA: The area encompassed by the outside measurement of the building, also referred to as the "building footprint".

BUILDING COVERAGE:

A. The following categories shall be included in building coverage calculations:

1. The ground level (footprint) of any building.
2. The area covered by outdoor structures, such as carports, gazebos, etc.

B. "Building coverage" includes only those areas with a roofed structure.

BUILDING ELEVATION: The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

BUILDING HEIGHT: The vertical distance, above the reference point, measured to the highest point of the structure directly above the reference point. The reference point shall be the elevation of the natural grade directly below the high point of the structure. The natural grade elevation shall be determined by topographic elevations surveyed before construction and submitted with the building permit application. In the absence of preconstruction elevations, the natural grade shall be reconstructed by connecting the contour lines (on a drawing) through the building, from a distance of five feet (5') outside the building wall. The maximum building height in each zone shall be as an imaginary net that is suspended at the specified distance above and parallel to the natural grade. Chimneys, however, may extend five feet (5') above this imaginary net.

BUILDING OFFICIAL: The person designated as the Building Inspector of Brian Head Town by the Town Manager.

BUILDING, PUBLIC: A building owned and/or operated by a public agency of the United States of America or of the State of Utah or any of its subdivisions, including Brian Head Town.

CARPOR: A covered structure not completely enclosed by walls or doors that is intended for parking of vehicles. For the purposes of this title, a carport shall be subject to all regulations prescribed for a private garage.

CARWASH: A building containing equipment meant for facilitating the washing or detailing of motor vehicles either automatically or manually. This does not include temporary car wash events, traveling car detailing services, or other such activities that don't involve fixed specialized car washing bays or equipment. (Ord. 17-004, 7-11-2017)

CHILDCARE CENTER: An establishment for the care and/or the instruction of five (5) or more children for compensation, other than for members of the family residing on the premises, but not including a public school.

CHURCH: A building, together with its accessory buildings, maintained and controlled by a religious organization where persons regularly assemble for worship.

CONCEPT PLAN: An abbreviated building plan submitted to determine the basic feasibility of a design for which a building permit is needed or required.

CONDOMINIUM: A form of real property ownership in which the purchaser of each unit air space of an apartment building or in a complex of multi-unit dwellings acquires full title to the unit and an undivided interest in the common elements (the land, roof, elevator, hallways, etc.). (Ord. 15-004, 4-28-2015)

CONSOLIDATED FEE SCHEDULE: The schedule of fees, established by resolution by the Town Council, to cover administrative costs associated with various land use applications and other town services (Ord. 15-004, 4-28-2015)

CONTAINER: Any object used for holding other objects on property. The typical usage is as storage containers used for shipping cargo on trains or boats. It is usually metal but can be made of other materials.

COURTYARD: An outdoor yard enclosed on more than fifty percent (50%) of its perimeter by building walls.

COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs): A document of restrictive provisions for a particular plat, parcel or property recorded in the office of the Iron County Recorder. CC&Rs are sometimes required for planned unit developments or other subdivision and condominium plats. (Ord. 15-004, 4-28-2015)

DECK: An exterior floor supported by an adjacent structure and/or posts, piers or other independent supports. (Ord. 15-004, 4-28-2015)

DENSITY: The number of nonresidential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre. "Density" is a function of both number and type of dwelling units and/or nonresidential units and the land area. (Ord. 15-004, 4-28-2015)

DESIGN GUIDELINES: The document adopted by the Brian Head Town Council to direct and guide the aesthetics of development in Brian Head Town.

DRAINAGEWAY: Collect, flow or are channeled depression in the earth's surfaces such as swales, ravines, draws and hollows in which surface waters collect or are channeled as a result of rain or melting snow. (Ord. 15-004, 4-28-2015)

DRAWINGS, AS BUILT: Construction drawings of a building or other improvements modified or edited (showing changes) that is a true representation of building or project dimensions, materials and details as actually constructed. (Ord. 15-004, 4-28-2015)

DRIVEWAY: A private driving access from any public right of way or private street, to a parking space or entrance of a parking garage, the use of which is limited to no more than four (4) residences.

DWELLING, MULTI-FAMILY: A building arranged or designed to be occupied by two (2) or more families and having more than one dwelling unit.

DWELLING, SINGLE-FAMILY (RESIDENCE): A building arranged or designed to be occupied by one family.

DWELLING UNIT: Any building or portion thereof, designed and used for the sleeping place of one or more persons or a family, but not including a tent or recreational vehicle, that meet Utah State health and safety requirements. (Ord. 15-004, 4-28-2015)

EASEMENT: That portion of a property reserved for present or future use by a person or agency, other than the legal owners of the property. The easement may be for use under, on or above said property.

FAMILY: A single individual, doing their own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond, or no more than four (4) unrelated persons, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

FILL: Any rock, soil, gravel, sand or other similar approved materials. (Ord. 15-004, 4-28-2015)

FINAL PLAT: A subdivision map or condominium map prepared in accordance with the provisions of this title, other applicable ordinances and laws, which shall be placed on record in the office of the Iron County Recorder.

FIRE PROTECTION: Water supply, water lines, fire hydrants and other devices as may be required in accordance with this title and other applicable ordinances for the protection of structures, furnishings and inhabitants from fire.

FLOOD HAZARD: A hazard to land or improvements due to the potential inundation or overflow of water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses. (Ord. 15-004, 4-28-2015)

FLOODPLAIN: Areas adjoining a watercourse, lake or other body of water that have been or may be covered by floodwaters.

FLOOR AREA: Area included within surrounding interior walls of a building, or portion thereof, exclusive of vents, shafts and courtyards.

FRONTAGE, LOT OR PROPERTY: The length of the property line bordering any public street (also see definition of Lot Line, Front).

GARAGE: An accessory building designed or used for the storage of private motor vehicles owned by the occupants of the building. A garage shall be considered part of the dwelling if the garage and dwelling have a roof or wall in common.

GAS STATION: A building, or portion thereof, designed or used for selling gasoline and/or diesel fuel for cars and trucks, and/or for servicing or repairing motor driven vehicles for pay. (Ord. 15-004, 4-28-2015)

GENERAL PLAN: A document prepared and adopted by the Town Council pursuant to Utah Code Annotated section [10-9a-401](#) et seq., containing long range growth policies and general guidelines for proposed future growth and development of the land within Brian Head Town.

GEOLOGICAL HAZARD: A hazard due to the movement, failure or shifting of the earth which is dangerous or potentially dangerous to life, property or improvements, as established by a soils report.

GRADE, DRIVEWAY/ROAD/STREET: Slope measured at any point along a driveway, road, or street over a distance of twenty feet (20') running parallel with the direction of travel (see definition of Slope).

GRADING: Cutting through or otherwise disturbing the layers of the soil mantle so as to permanently change the existing landform.

HABITABLE SPACE: A space in a building for living, sleeping, eating, cooking, and including bathrooms or toilet rooms. Closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. (Ord. 15-004, 4-28-2015)

HARD SURFACE: A durable vehicular driving surface material such as concrete, asphalt pavement or brick pavers (not including road base or gravel).

HEAVY EQUIPMENT: Pieces of machinery or vehicles primarily employed for industrial uses such as construction, excavation, demolition, earthwork, snow removal, etc. Examples include excavators, loaders, dozers, graders, backhoes, cranes, forklifts, man lifts, dump trucks, water trucks, snowcats, concrete mixers and the like. Vehicles and equipment intended primarily for recreational use such as recreational vehicles, camping trailers, boats, ATV's, horse trailers, etc. are not considered heavy equipment.

Heavy equipment attachments or implements are removable and complementary equipment to one piece of heavy equipment. Examples include a loader bucket, excavator shear, snowplow blade, loader forks, etc.

Heavy equipment trailers are non-self-propelled vehicles employed primarily to transport heavy equipment or otherwise facilitate the aforementioned industrial uses. Trailers intended primarily for transportation of recreational vehicles or other non-industrial uses are not considered heavy equipment trailers. (Ord. 16-007, 11-08-2016)

HOME OCCUPATION: Any income producing activity conducted primarily within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the home for dwelling purposes. (Ord. 15-004, 4-28-2015)

HOTEL: A building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis, and accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels, such as daily maid service. These terms do not include lockout units or bed and breakfast inns. (Ord. 15-004, 4-28-2015)

IMPROVEMENTS: Objects, devices, facilities or utilities required to be constructed or installed. Such improvements may include, but are not limited to, street construction.(Ord. 15-004, 4-28-2015)

KENNEL: Any premises where animals are kept for compensation. (Ord. 15-004, 4-28-2015)

LANDSCAPING: Improvements made to the appearance of an area of land, including trees, shrubs, flowers and grass that is harmonious with surrounding area and structure. Landscaping may include natural vegetation which is undisturbed trails and unpaved walking areas. "Landscaping" may not be counted toward the minimum landscape requirements unless it is a minimum two feet (2') in the narrowest dimension. (Ord. 15-004, 4-28-2015)

LIGHT MANUFACTURING: Fabrication operations in which all processing, curing, compounding, packaging, treatment, assembly, or disassembly of items takes place wholly within an enclosed building and generates little to no external noise, smoke, fumes, or odors. (Ord. 17-004, 7-11-2017)

LOT: A unit of land described in a recorded subdivision plat. (Ord. 15-004, 4-28-2015)

MASTER PLANNED DEVELOPMENT: Flexible planning approach as defined in Chapter 11, Flexible Approaches, of this title. (Ord. 15-004, 4-28-2015)

MODULAR BUILDING: A permanent building which consists of one or more units which has been wholly, substantially or primarily prefabricated at an offsite or on-site location and transported to the site for final assembly and finishing on a permanent foundation provided specifically for it on the site. A "modular building" is other than a mobile home or a recreational vehicle.

MOTEL: A building or group of buildings containing individual sleeping or living units which is designed and used primarily for the accommodation of transient automobile travelers and having automobile parking immediately adjacent. (Ord. 15-004, 4-28-2015)

NATURAL WATERWAYS: Those areas varying in width along streams, creeks, springs, gullies, or washes which are natural drainage channels.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure, or portion thereof, lawfully existing at the time the provisions of this title governing the structure became effective, and because of one or more subsequent changes in this title does not now conform to the setback, height restrictions, or other regulations of this title, excluding those regulations which govern the use of land.

NONCONFORMING STREET: A road or street, or portion thereof, lawfully existing at the time this title governing streets, or subsequent changes, became effective which does not now conform to the width, slope, surface or other standards required by this title.

NONCONFORMING USE: A use of land that legally existed before its current land use designation, has been maintained continuously since the time the provisions of this title governing the land changed, and because of one or more subsequent changes to this title, does not now conform to the regulations that now govern the use of the land.

OFF SITE IMPROVEMENTS: Improvements to be constructed outside the property boundaries.

OFF STREET PARKING SPACE: The space required to park one passenger vehicle, which space shall meet the requirements of this title and other applicable ordinances.

ON SITE IMPROVEMENTS: Construction or placement of improvements within the property to which they pertain.

OUTDOOR DISPLAY: An outdoor arrangement of objects, items, products or other materials, not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a service or product for sale.

OUTDOOR RETAIL SALES: An establishment or premises where business is conducted outdoors or within a temporary structure, from covered or open-air areas on a temporary or seasonal basis, for the purpose of retail sales of goods or services such as landscaping or nursery products, trees for decoration or ornamentation, food and recreational products to the general public.

OWNER: The holder of the fee title to land or buildings or to property, whether a person, partnership, corporation or other entity recognized by law, and his or its assignees or successors in interest. (Ord. 15-004, 4-28-2015)

PARCEL: An un-platted unit of land described by metes and bounds and designated by the County Recorder with a unique tax identification number. (Ord. 15-004, 4-28-2015)

PARKING, COVERED: If required, all parking will be identified within in the footprint of the building structure. (Ord. 15-004, 4-28-2015)

PARKING LOT: An area, other than a street, including ramps and driveways, used for the temporary parking of more than four (4) automobiles.

PARKING SPACE: Space within a building, lot or parking lot, for the parking or storage of one motor vehicle, measuring at least nine feet by eighteen feet (9' x 18') for indoor parking spaces and ten feet by twenty feet (10' x 20') for outdoor parking spaces.

PEDESTRIANWAY: A right of way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a pedestrian way may be located within a street right of way and/or separated from vehicular traffic. (Ord. 15-004, 4-28-2015)

PERMANENT MONUMENT: Any structure of concrete, masonry and/or metal permanently placed on or in the ground for surveying reference.

PERMITS: A document issued by the appropriate agency, authorizing a particular activity.

PLANNING COMMISSION: The Brian Head Town Planning Commission, established pursuant to authority granted by Utah Code Annotated section [10-9a-301](#), as amended, or predecessor section.

PRELIMINARY PLAT: The drawings prepared to indicate the proposed layout of a subdivision for the purpose of resolving most technical details in compliance with all regulations.

PRIVATE ROAD: See definition of Street, Private.

PROJECT: A building or improvements to buildings constructed on a lot or parcel that is "platted" and recorded on a separate plat with the Iron County Recorder's office and representing to the public a single identity for commercial and/or residential purposes. (Ord. 15-004, 4-28-2015)

PROTECTION STRIP: A strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by the property abutting the subdivision.

PUBLIC UTILITIES: Includes every common carrier, pipeline corporation, gas corporation, electric corporation, telecommunication corporation, water corporation, etc., where the service is performed for the commodity delivered to the public, or any portion thereof.

RECORDER'S OFFICE: The office of the Iron County Recorder, Utah.

RESIDENCE: See definition of Dwelling.

RESIDENT: Any person who resides in Brian Head Town, considering it as his or her primary residence. Evidence of primary residence may be a voter registration card, driver's license or state issued identification card with a Brian Head Town address.

RESIDENTIAL PLANNED DEVELOPMENT (RPD): Flexible planning approach as defined under Chapter 11 of this title. (Ord. 15-004, 4-28-2015)

RETAINING WALL: A wall designed to resist the lateral displacement of soil or other materials. (Ord. 15-004, 4-28-2015)

ROOFLINE: The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

SCHEMATIC SUBDIVISION PLAT: An abbreviated subdivision plat submitted to determine the basic feasibility of a subdivision (see requirements in table 3, [chapter 4](#) of this title).

SETBACK: Minimum distance between the property line and any buildings on the property.

SIGN: See [chapter 14](#) of this title, "Sign Regulations".

SLOPE: An expression of the steepness of rise or fall in elevation measured along a line perpendicular to the contours of the land. A vertical rise of ten feet (10') between two (2) points one hundred feet (100') apart, measured on a horizontal plane, is a ten percent (10%) slope (5.7 degrees).

SPA: A commercial establishment providing services, typically including massage, body or facial treatments, makeup consultation and application, manicures, pedicures, and similar services, but excluding beauty and barber shops. (Ord. 15-004, 4-28-2015)

STABLE, PRIVATE: A detached accessory building for the keeping of equine owned by the occupants of the premises and not kept for hire, compensation, or sale.

STABLE, PUBLIC: Any stable where equine is boarded and/or kept for hire.

STORAGE CONTAINER: Any object used for storage on a property. Typical storage containers are metal and rectangular but do not have to be.

STORY: The space within a building included between the surface of any floor and the surface of the next floor or the roof of the building.

STREET SYSTEMS:

- A. Street, Collector: A street, existing or proposed, which is the main means of access to the major street system.
- B. Street, Cul-De-Sac: A minor terminal street provided with a turnaround.
- C. Street, Major: A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
- D. Street, Minor: A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve the local needs of a neighborhood.
- E. Street, Private: A thoroughfare within a subdivision, condominium project or MPD/RPD which has been reserved by dedication unto the sub divider or lot owners to be used as private access to serve the lots or condominiums platted within the subdivision and complying with the adopted street cross section standards of this town and maintained by the sub divider or other private agency.
- F. Street, Public: A thoroughfare which has been dedicated to Brian Head Town and accepted by the Brian Head Town Council, which the town has acquired by prescriptive right or which the town owns, or offered for dedication on an approved final plat, or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

STRUCTURE: Anything constructed, the use of which requires fixed location on the ground, or attachments to something having a fixed location upon the ground; includes "building".

SUBDIVISION: The result of the division of any tract, lot, parcel, or land into two (2) or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease or of building development, including:

- A. The dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision".
- B. Division or re-subdivision of land into lots, sites, or parcels.
- C. Division of land under RPD/MPD provisions where street and/or access to lots are owned and maintained by a private lot owners' association. (Ord. 15-004, 4-28-2015)

TEMPORARY STRUCTURES: A structure built and maintained during construction of a development, activity or special event and then removed prior to release of the performance guarantee; not including entertainment structures (i.e. bouncy houses, carnival rides, tent or canopy less than 200 sq. ft. in area, etc.) used for less than two (2) calendar days before and two (2) calendar days after the event in any calendar year, unless modified by a conditional use permit. Structures erected by public and private utilities for not more than ninety (90) calendar days in any calendar year, or emergency response structures erected during the duration of the event. (Ord. 15-004, 4-28-2015)

TOWN MANAGER: The Chief Executive Officer of the Town of Brian Head, Utah. (Ord. 15-004, 4-28-2015)

TOWN COUNCIL: The legislative body of Brian Head Town.

TOWN STAFF: The administrative employees of Brian Head Town.

TOWNHOUSE OR TOWNHOME: One of a group of several dwellings with common architectural treatment, having one or more common walls where the owner owns the land under, in front, in back, and perhaps on one side of the residential building.

UNDISTURBED LOT AREA: Land that is left in its native state and is not interrupted for clearing, grading, filling, used for storage of soil or construction materials, or otherwise affected for land use development. It specifically does not preclude removal of dead trees, thinning undergrowth or similar conservation practices, or the creation and maintenance of unpaved trails as part of the town trail system. (Ord. 15-004, 4-28-2015)

WATERCOURSE: A running stream of water; a natural stream, including rivers, creeks, irrigation ditches, etc. It may sometimes be dry but must flow in a defined channel.

ZONE DISTRICT: A portion of the territory of the town established under this title within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title. Also includes "zone" and "zoning district". (2010 Code amd. Ord. 15-004, 4-28-2015)

ZONING ADMINISTRATOR: The person designated for the administration of zoning in Brian Head Town by the Town Manager. (Ord. 08-016, 8-12-2008, amd. 2010 Code)

Title 9 – Land Management Code

Chapter 7

ZONE DISTRICT REGULATIONS

Proposed Amendments

Identified in red font

May 2022

[9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:](#)

[9-7-2: R-2 MEDIUM DENSITY RESIDENTIAL:](#)

[9-7-3: R-3 MULTI-FAMILY RESIDENTIAL:](#)

[9-7-4: GC GENERAL COMMERCIAL:](#)

[9-7-5: VC VILLAGE COMMERCIAL:](#)

[9-7-6: L-1 LIGHT INDUSTRIAL:](#)

[9-7-7: ROS RECREATION OPEN SPACE:](#)

[9-7-8: COS CONSERVATION OPEN SPACE:](#)

[9-7-9: P PUBLIC USES:](#)

[9-7-10: ZONING DISTRICT TABLES:](#)

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

- A. Purpose: The R-1 district is intended to provide sites for low density single-family residential uses, together with such public facilities as may appropriately be located in the same district. The R-1 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with single-family occupancy, and, along with the town design standards, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.
- B. Permitted Uses: Only the following uses are permitted in the R-1 zone:
- Boarding of horses for non-commercial use, subject to a horse boarding permit.
 - Commercial rentals of single-family residences, subject to a business license.
 - Home occupations identified in subsection [9-10-5](#) of this title.
 - Single-unit dwellings.

Other uses customarily incidental and accessory to single-family residential uses, and necessary for the operation thereof (garages or carports, play equipment, or other approved single-family use).

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Bed and breakfast rentals.

Churches.

Home occupations identified in subsection [9-10-5C](#) of this title.

Mother-in-law / guest house is an accessory use on one lot that is equal to or greater than one acre and shall comply with accessory structure requirements in this title with a maximum of one mother-in-law/guest house per property. (Ord. 18-006, 6-11-2018 amd. Ord. 20-006, 7-14-2020)

Public or private schools.

Public parks.

Public utility uses.

D. Physical Restrictions:

1. Minimum lot area: Fourteen thousand five hundred twenty (14,520) square feet ($\frac{1}{3}$ acre).

2. Minimum frontage **width**: 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:

i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees).

ii. No habitable space within the setback area.

iii. Required off street parking is satisfied and maintained in the garage or on the lot.

iv. The roof sheds snow away from the public right of way; and 5) adequate snow storage on the lot.

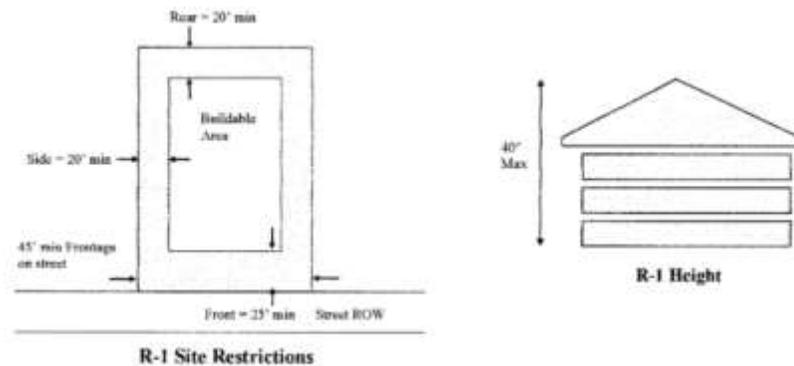
v. Adequate snow storage on the lot.

Under no circumstances will the setback be less than five feet (5'). (Ord. 17-004, 7-11-2017)

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 walkways.
 - 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 completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3 ½') into the required setback; and, (2010 Code, amd. Ord. 15-004, 4-28-2015)
 - 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 Building Height: ~~Twenty-five~~ ~~Forty-five~~ feet (25') (45'). One foot (1') may be added for each two and one-half percent (2 ½ %) slope (25 45 feet maximum). ~~or one foot (1') may be added for every ten feet (10') of all setback greater than required (50' foot maximum)~~
6. Maximum Building Coverage:
- a) One thousand square feet (1,000 sq ft.) footprint including garages and patios for a primary habitable structure. ~~No more than forty percent (40%) for all structures combined.~~
 - b) Minimum building coverage: 400 square feet for a primary habitable structure footprint (not including unenclosed decks and porches) and 160 square feet for a secondary habitable structure. (Ord. 20-006, 7-14-20)
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. (Ord. 16-007, 11-08-2016)
Storage Containers: Storage or Cargo Containers are not allowed to be used as a dwelling in R-1.
12. Storage Containers: Storage or cargo containers are not allowed to be used as a dwelling in R-1 zones.



9-7-2: R-2 MEDIUM DENSITY RESIDENTIAL:

- A. Purpose: The R-2 district is intended to provide sites for medium density single- and multi- family residential use at a maximum density of eight (8) dwelling units per acre, together with such public facilities as may appropriately be located in the same district. The R-2 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with medium density multi-family occupancy, and along with the town design guidelines, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.
- B. Permitted Uses: Only the following uses are permitted in the R-2 zone:
Food and beverage services (restaurant, cafe, etc.).

Home occupations identified in subsection [9-10-5](#) of this title.

Multi-family dwellings (2 or more dwelling units per structure, including townhomes).

Nightly rental of dwelling units, subject to a business license.

Property management.

Public parks and open spaces. Single-unit dwellings.

Spa.

Other uses customarily incidental and accessory to medium density family residential uses, and necessary for the operation thereof (garages or carports, play equipment, etc.)

C. Conditional Uses: The following uses are conditional and require a conditional use permit:
Bed and breakfast rentals.

Churches.

Home occupations identified in subsection 9-10-5C of this title.

Public facilities.

Public or private schools. Public utility uses.

D. Physical Restrictions:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ($\frac{1}{2}$ 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:

i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);

ii. (2) No habitable space within the setback area;

iii. (3) Required off street parking is satisfied and maintained in the garage or on the lot;

iv. (4) The roof sheds snow away from the public right of way; and

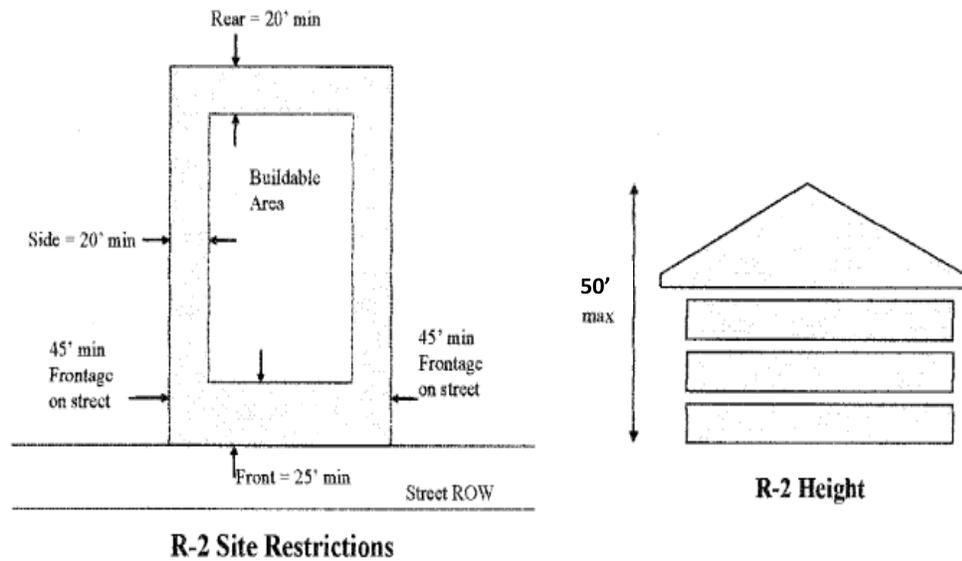
v. (5) Adequate snow storage on the lot.

Under no circumstances will the setback be less than five feet (5').

(Ord. 17-004, 7-11-2017).

- b. Side: Twenty feet (20');
 - c. Rear: Twenty feet (20'); ~~up to thirty-five (35') feet in height;~~
 - ~~d. For buildings over thirty-five (35') feet in height:
 - I. Side: Thirty feet (30')
 - II. Rear: Thirty feet (30')
 - III. Front: Twenty-five (25')~~
4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:
- a. Driveways and walkways;
 - 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 feet (4') 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 (3¹/₂') into the required setback; and
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Town Manager, or designee, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eave 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: Twenty-five feet (25'). ~~Fifty (50') feet for peaked roofs, thirty-five (35') feet for flat roofs.~~ (2010 Code, amd. Ord. 15-004, 04-28-2015)
6. Maximum building coverage: One thousand five hundred square feet (1,500 sq ft.) including garages and patios. ~~Forty percent (40%) of the lot area.~~
7. Maximum density: Eight (8) units per acre (or a fraction thereof) for multi-family dwellings, including constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
8. 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)

9. Parking: In accordance with section [9-12-15](#) of this title.
10. Undisturbed lot area: Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title (2010 Code, amd. Ord. 15-004, 04-28-2015)
11. Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title (amd. 2015 Ord. 15-004, 04-28-2015)
12. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from the view of 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. (Ord. 17-001, 4-11-2017)
13. Storage Containers: Homes made of storage or cargo containers are not allowed to be used as a dwelling in R-2 zones.



2010 Code, amd. Ord. 15-004, 4-28-2015

9-7-3: R-3 MULTI-FAMILY RESIDENTIAL:

A. Purpose: The R-3 district is intended to provide sites for multiple-family dwellings at densities restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc., together with such commercial and public facilities as may appropriately be located in the same district. The R-3 district regulations are intended to ensure adequate light, air, open space and other amenities commensurate with multiple-family occupancy, and, with the Town Design Standards, to maintain the desirable residential qualities of the district by establishing appropriate site development standards. Certain

nonresidential uses may be permitted as conditional uses and, where approved, are intended to blend harmoniously with the residential character of the district.

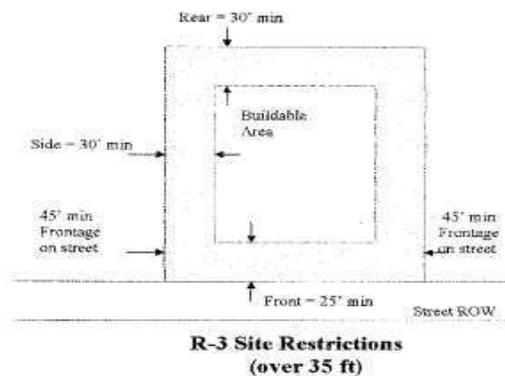
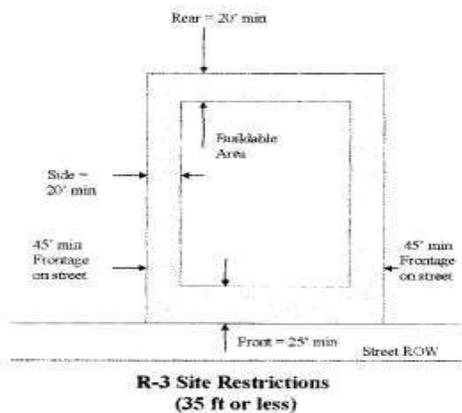
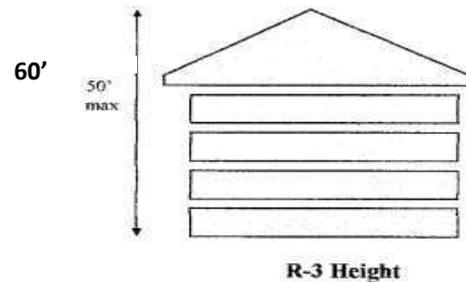
- B. Permitted Uses: Only the following uses are permitted in the R-3 zone:
- Bed and breakfast establishments.
 - Home occupations identified in subsection [9-10-5](#) of this title.
 - Multi-family dwellings (2 or more dwelling units per structure, including townhomes).
 - Nightly rentals of dwelling units, subject to a business license.
 - Property management.
 - Public open spaces (parks and trails for hiking, non-motorized biking and Nordic skiing etc.).
 - Single-unit dwellings.
 - Other uses customarily incidental and accessory to permitted uses and necessary for the operation and maintenance thereof, such as garages, carports, play equipment and accessory structure.
- C. Conditional Uses: The following uses are conditional and require a conditional use permit:
- Churches.
 - Convention facilities.
 - Food and beverage services (restaurant, cafe, etc.).
 - Home occupations identified in subsection [9-10-5C](#) of this title.
 - Limited retail, food and beverage service and personal services in conjunction with lodging facilities (barber/beauty, travel, childcare, etc.) for the use of building residents (area of accessory uses may not exceed 40 square feet per residential unit).
 - Public institutions. Public parking lots.
 - Real estate sales offices operated in conjunction with condominium rental offices when the office space is constructed as part of the project or when approved by the homeowners' association and in conformance with the projects CC&Rs.
 - Recreational trails and use of open space for motorized vehicles. Schools.
 - Spa.
- D. Physical Restrictions:
1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ($\frac{1}{2}$ 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:
 - I. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);
 - II. No habitable space within the setback area
 - III. Required off-street parking is satisfied and maintained in the garage or on the lot
 - IV. The roof sheds snow away from the public right of way
 - V. Adequate snow storage on the lot
 - VI. Development does not exceed R-2 density. (Ord. 20-006, 7-14-20)

Under no circumstances will the setback be less than five feet (5').

- b. Side: Twenty feet (20').
 - c. Rear: Twenty feet (20') up to thirty-five feet (35') in height;
 - d. For buildings over thirty-five feet (35') in height
 - I. Side: Thirty feet (30');
 - II. Rear: Thirty feet (30');
 - III. Front: Twenty-five feet (25').
4. Setback exceptions: The following may be permitted to encroach within the required setback, subject to compliance with the provisions of this section, on a case-by-case basis after written approval of the Town Manager, or designee, following review:
- a. Driveways and walkways running parallel to a property line shall not occupy more than seventy five percent (75%) of the required setback area while retaining at least twenty five percent (25%) of the required area as a landscape buffer;
 - 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 feet (4') 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 (3¹/₂') into the required setback; and (2010 Code amd Ord. 15-004, 04-28-2015)
 - d. Decks and exterior staircases attached to the residential structure. 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 density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.

6. Maximum height: Sixty feet (60') for peaked roof, forty feet (40') for flat roof; (2010 Code. amd Ord. 15-004, 04-28-2015)
7. Maximum building coverage: Forty percent (40%) of the lot area. Fifty percent (50%) is permitted if all of the required parking is within the footprint of the building. (2010 Code. amd Ord. 15-004, 04-28-2015)
8. Minimum landscaping: Forty percent (40%) or all disturbed portions of the property, whichever is greater, shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation. If the building footprint is at 50% and required covered parking is within the footprint of the building, then the landscaping minimum will be 30%. (2010 Code. amd Ord. 15-004, 04-28-2015)
9. Parking: In accordance with section [9-12-15](#) of this title.
10. Remaining undeveloped area shall be landscaped as per section [9-12-5](#) 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 uses such as 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. (Ord. 17-001, 4-11-2017)
- 12. Storage Containers: Storage or Cargo Containers are not allowed to be used as a dwelling in R-3 zones.**



(2010 Code, amd. Ord. 15-004, 04-28-2015)

9-7-4: GC GENERAL COMMERCIAL:

- A. Purpose: The general commercial (GC) district is intended to provide sites outside of the village commercial zone, with a mixture of lodges and commercial establishments in an auto oriented setting. The GC district regulations are intended to ensure light, air, open space and other amenities appropriate to the permitted types of buildings and uses. The GC district regulations, in conjunction with this title, prescribe site development standards that are intended to maintain the unique character and relationship of the town commercial areas and to ensure an attractive, functional commercial setting.
- B. Permitted Uses: Only the following uses are permitted in the GC zone:
- Banks.
 - Childcare centers. Churches.
 - Food and beverage service establishments.
 - Home occupations identified in subsection [9-10-5 \(D\)](#) of this title. (amd. Ord. 21-006, 5-25-21)
 - Indoor entertainment (Theater, arcade, bowling alley, etc). (amd. Ord. 15-004, 04-28-2015, amd. Ord. 21-006, 5-25-21) Other uses customarily incidental and necessary to permitted uses and necessary for the operation thereof.
 - Light hardware (no outside storage or sales of goods).
 - Lodging and nightly rentals (including hotels and motels).
 - Mortuary (Ord. 17-004, 7-11-2017)
 - Personal services (barber/beauty, spa, self-service laundry, etc.).
 - Places for retailing of goods such as necessities, sundries, groceries and convenience items), including outdoor display. (amd. Ord. 21-006, 5-25-21)
 - Professional offices (real estate, finance, insurance, medical and dental, etc.). Public and private educational institutions.
 - Public institutions and government buildings, e.g., town hall, library, senior center, etc. Public open spaces (parks, etc.).
 - Public parking lots. Public recreation areas.
 - Residential dwellings in conjunction with commercial space. It is required that at least seventy- five percent (75%) of the entire main floor, facing the public street or thoroughfares, be dedicated to commercial business residential units to be located in the rear or sides of the building to maximize the commercial business exposure. On multi-building projects, the commercial space may be cumulatively oriented toward the vehicle and pedestrian corridors rather than locations typically not accessible or visible to the general public. (amd. Ord. 21-006, 5-25-21)

Retail, guest services, non-motorized equipment rental (e.g., skis, bicycles, etc.) oriented to tourists and mountain outdoor recreation (including outdoor display).

Schools.

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Building Material Sales (no outdoor storage or display) (Ord. 17-004, 7-11-2017, amd. Ord. 21-006, 5-25-21)

Car Wash (Ord. 17-004, 7-11-2017)

Fuel service stations.

Home occupations identified in subsection [9-10-5\(E\)](#) of this title.

Public and private utility structures. (2010 Code, amd. Ord. 15-004, 04-28-2015)

Recreational vehicle rental, sales and service.

Rental of horses.

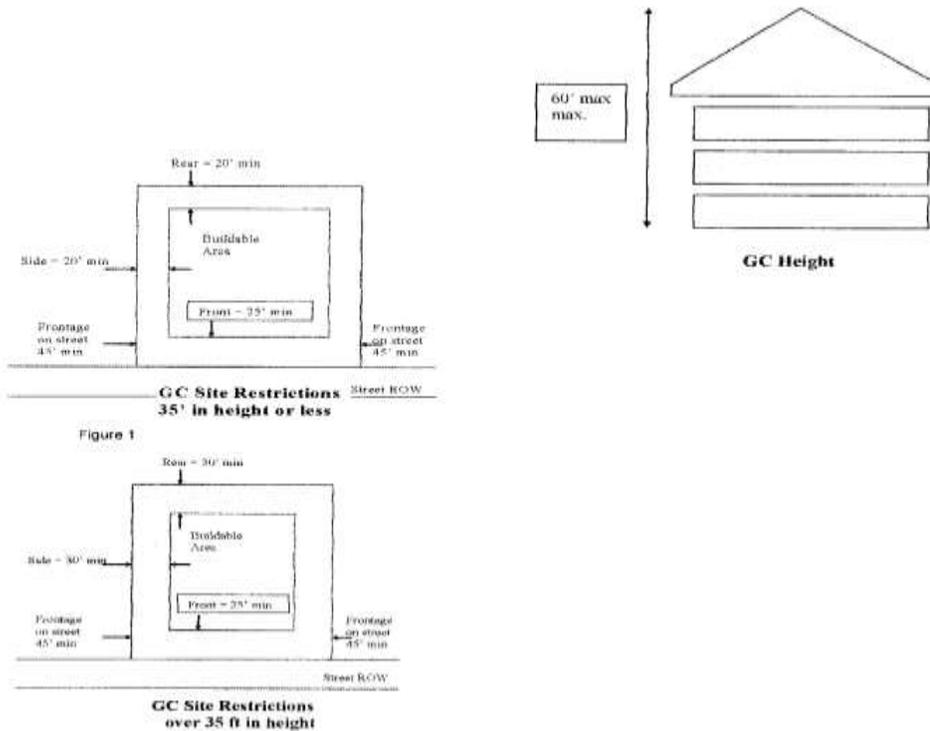
Outdoor entertainment. (Ord. 15-004, 04-28-2015, and. Ord. 21-006, 5-25-21)
(amd. Ord. 21-006, 5-25-21)

D. Physical Restrictions:

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:
 - a. Front: Twenty-five feet (25');
 - b. Side and rear: Twenty feet (20') up to thirty-five feet (35') height.
 - c. For buildings over thirty-five feet (35') in height:
 - I. Front: Twenty-five feet (25');
 - II. Side and rear: Thirty feet (30').
4. Setback exceptions: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section.
 - a. Driveways and walkways.
 - 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 feet (4') 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 ($3\frac{1}{2}'$) into the required setback; (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 Town Manager, or designee, 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 sidewalks less than 30" above grade may stand within the innermost one-third ($\frac{1}{3}$) of the setback. (2010 Code, amd. Ord. 15-004, 04-28-2015)
 - e. Portico may extend into front or side yard setback when approved by the Planning Commission.
5. Maximum height: Sixty feet (60') for peak roof, fifty feet (50') for flat roof.
 6. Maximum density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
 7. Maximum building coverage: Forty percent (40%) of the lot area.
 8. Minimum landscaping: Forty percent (40%) of the lot shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation.
 9. Parking and loading: In accordance with section [9-12-15](#) of this title. Onsite parking should be provided in the rear of the building or underground. Parking may be provided off site by participating in a parking district, or by providing parking lots jointly with other specific establishments with the approval of the Planning Commission. (2010 Code, amd. Ord. 15-004, 04-28-2015)
 10. Remaining undeveloped area shall be landscaped as per section [12-9-5](#) 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 uses such as 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. (Ord. 20-011, 12-08-20)



(2010 Code, amd. Ord. 15-004, 04-28-2015)

9 -7-5: VC VILLAGE COMMERCIAL:

A. Purpose: The village commercial VC district is intended to provide for village core area with a mixture of lodges, business and commercial establishments in a predominantly pedestrian setting. The VC district regulations are intended to ensure light, air, open space and other amenities appropriate to the permitted types of buildings and uses. The district regulations, in conjunction with the town design guidelines, prescribe site development standards that are intended to maintain the unique character of the town commercial areas and to ensure an attractive, functional village resort setting. It is encouraged that development in the village core would be by development agreement. (2010 Code, amd. Ord. 15-004, 04-28-2015)

B. Permitted Uses: Only the following uses are permitted in the VC zone:
 Banks.

Entertainment establishments (not including sexually oriented business establishments).

Food and beverage establishments.

Guest services, non-motorized recreation equipment rental.

Home occupations identified in subsection [9-10-5](#) of this title.

Multi-family housing: Hotel type lodging in conjunction with commercial space. It is required that at least seventy five percent (75%) of the entire main floor, facing the public street or thoroughfares, be dedicated to commercial business with provisions for ADA compliant residential units to be located in the rear or sides of the building to maximize the commercial business exposure. On multi-building projects, the commercial space may be cumulatively oriented toward the vehicle and pedestrian corridors rather than locations typically not accessible or visible to the general public.

Pedestrian oriented retail stores (including outdoor display).

Professional and personal services (beauty shops, travel agencies, real estate, law, medicine),

Professional offices. Spas.

Other uses customarily incidental and necessary to permitted uses and necessary for the operation thereof.

- C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Home occupations as identified in subsection [9-10-5C](#) of this title.

Recreational activities and supporting appurtenances. (Ord. 15-004, 4-28-2015)

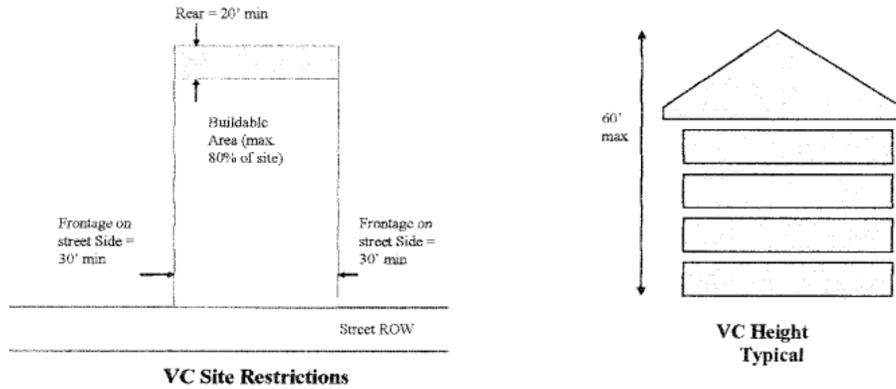
OHV rental offices for which rental vehicles are stored and displayed outside of the Village Core zone. The conditional use permit will be no longer than a five-year period. (Ord. 15-004, 4-28-2015 amd. Ord. 20-002 4-28-2020)

- D. Physical Restrictions:

1. Minimum lot area: Three thousand (3,000) square feet.
2. Minimum frontage: Thirty feet (30').
3. Setbacks:
 - a. Minimum: Rear, twenty feet (20'), side and front, zero feet (0');
 - b. Maximum: Front, ten feet (10'), i.e., the front line of the building shall be located no further than ten feet (10') from the front lot line.
4. Rear setback exceptions: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section (amd. Ord. 17-004, 7-11-2017):
 - a. Driveways and walkways.
 - 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 feet (4') 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 ($3\frac{1}{2}$ ') 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 Town Tanager, or designee, 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 sidewalks less than 30" above grade may stand within the innermost 1/3 of the setback. (2010 Code, amd. Ord. 15-004, 04-28-2015)
5. Maximum height: Sixty feet (60') for peaked roof, fifty feet (50') for flat roof.
6. Density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
7. Maximum building coverage: Eighty percent (80%) of the lot area.
8. Landscaping: No minimum requirement. Planters, decorative paving, and trees in tree grates are appropriate in conformance with section [9-12-5](#) of this title, with every effort to preserve existing vegetation.
9. Parking and loading: In accordance with section [9-12-15](#) of this title. Onsite parking shall be provided in the rear of, or below the building or underground. Parking may be provided off site by participating in a parking district, or by providing parking lots jointly with other specific establishments. In the core area, loading zones shall be located only by specific review.
10. Pedestrian Traffic: Provisions for pedestrian traffic, integrated with neighboring walkways, must be provided. (2010 Code)
11. Remaining undeveloped area shall be landscaped as per section 12-9-15 of this title. (Ord. 17-004, 7-11-2017)



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

- A. Purpose: To provide sites for light industrial uses which are not appropriate in other commercial districts. Because of the varied nature and potential impacts of the uses, all permitted uses are subject to the restrictions below and the town design guidelines as a condition of approval. The physical restrictions set out below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a permit for any use.

- B. Permitted Uses: Only the following uses are permitted in the L-1 zone:
 - Firewood preparation, storage and sales.
 - Fuel and oil storage and sales or distribution.
 - Recreational vehicle rental, sales and service (e.g., snowmobiles, ATVs, etc.).
 - Residential dwellings in conjunction with industrial space (owner/employee housing). (Ord. 15-004, 04-28-2015)
 - Storage and/or sales of construction/building materials.
 - Utility substations.
 - Vehicle and equipment storage yards (including recreational vehicles).
 - Vehicle service yards and service garages (including recreational vehicles).
 - Warehouses or storage unit rental facilities.
 - Other similar uses.

- C. Conditional Uses: The following uses are conditional and require a conditional use permit: (2010 Code, amd. Ord. 15-004, 4-28-2015)

Light Manufacturing (amd. Ord. 17-004, 7-11-2017)

Car Wash (Ord. 17-004, 7-11-2017)

Rental of horses.

Sexually oriented business (SOB).

- 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. (2010 Code amd. Ord.16-007, 11-8-2016)
 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

9-7-7: ROS RECREATION OPEN SPACE:

A. Purpose: To preserve areas for land uses requiring substantial areas of open land and substantially free from structures, roads and parking lots, while permitting recreational pursuits such as ski runs, parks, golf courses and trails. Public or private recreational facilities are suitable uses in this district; provided, that such uses maintain the open, undeveloped character of the land.

B. Permitted Uses: Only the following uses are permitted in the ROS zone:

Multi-use roads and trails for OHVs, biking, hiking and equestrian use (motorized and non-motorized roads and trails).

Outdoor recreation, including golf courses, swimming facilities, riding or bridle paths, related facilities and uses, picnic areas, tennis courts.

Parks, playgrounds and other open recreational facilities.

Ski runs and ski lifts, tubing parks, mountain bike parks and non-motorized trails.

Unpaved maintenance roads. (2010 Code, amd. Ord. 15-004, 04-28-2015)

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Buildings and parking related to permitted uses, such as stalls, shelters, ticket booth, pavilion, clubhouse or warming hut, with maximum building area of one thousand five hundred (1,500) square feet.

Recreational vehicle parking and campground facilities (Ord. 21-006, 05-25-21)

Rental of horses with horse boarding permit. (2010 Code, amd. Ord. 15-004, 04-28-2015)

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: Fifty feet (50').
3. Minimum setbacks: Front, twenty-five feet (25'), side and rear, twenty feet (20').
4. Maximum height: Thirty-five feet (35') for peaked roof, twenty-five feet (25') for flat roof.
5. Density: Not applicable.
6. Maximum building coverage: Ten percent (10%) of lot area.
7. Minimum Undisturbed Area: Fifty percent (50%) of lot area, unless an alternate plan is approved by the Planning Commission which satisfies the intent of [9-12-3\(J\)](#). (Ord. 21-006, 05-25-21)

8. Minimum landscaping: Seventy five percent (75%) of the lot area shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation (undisturbed area counts toward landscaping requirement). (amd. Ord. 21-006, 05-25-21).
9. Parking and loading: In accordance with section [9-12-15](#) of this title. (Ord. 08-016, 8-12-2008)

9-7-8: COS CONSERVATION OPEN SPACE:

- A. Purpose: To identify and preserve land that is, by virtue of ownership or easement, precluded from development, and to preserve the historic and natural beauty of those areas. Qualifying land includes property owned by a governmental entity, or parcels for which a scenic or conservation easement has been granted to a governmental entity, land trust or conservation organization.
- B. Permitted Uses: Only the following uses are permitted in the COS zone:
 - Conservation areas.
 - Recreational trails.
 - Ski lifts (limited to towers and terminals), waterways, streams, lakes, water features.
- C. Conditional Uses: The following uses are conditional and require a conditional use permit:
 - Bridges over natural vegetation and water features to preserve open space.
 - Public Restrooms.
- D. Restrictions: All lands are to remain free of structures other than those specifically mentioned above. (2010 Code)

9-7-9: P PUBLIC USES:

- A. Purpose: The public uses P zone is intended to provide areas for the location and establishment of facilities which are maintained in public and quasi-public ownership. This zone is intended to provide immediate recognition of such areas on the official zoning map of the town, and to reduce the affect which the location of these facilities may have upon neighborhoods in residential, commercial or industrial areas. Typical uses permitted in the P zone are public schools, public parks, hospitals, airports, public utilities, public equipment storage areas, municipal offices and meeting halls, and public shop areas. Though some of these uses will be allowed in other zones to initially accommodate public facilities in appropriate areas without undue difficulty, it is intended that the P zone would then be applied to all such facilities for ease of recognition and minimizing impacts.

B. Permitted Uses: Only the following uses are permitted in the P zone:

Cultural activities and nature exhibits (public only).

Forest reserves (public only).

Governmental services.

Public school facilities.

Recreational activities (public only).

C. Permitted Accessory Uses: Accessory uses, and structures are permitted in the P zone, provided they are incidental to, and do not substantially alter the character of the permitted use or structure, including, but not limited to, the following:

Accessory buildings such as garages, carports, bath houses, green houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.

Detached single-family residence used only for the use of a caretaker, watchman or similar employee of a permitted use, when located upon the same site as said permitted use, i.e., RV park camp host.

Fishing activities.

Swimming pool.

Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses. All such materials or equipment shall be screened from view from public or private streets.

D. Conditional Uses: The following businesses are conditional uses and require a conditional use permit:

Airports, Heliports and general aircraft flying fields.

Ambulance services.

Cemetery.

Combination utilities company storage yards and equipment storage.

Communications.

Golf courses.

Group or organized camps. Hospitals.

Parks.

Religious activities.

Public Utilities and Supporting Facilities
(2010 Code, amd. Ord. 15-004, 04-28-2015)

E. Physical Restrictions:

1. Minimum lot area: Ten thousand eight hundred ninety (10,890) square feet (¼ acre).
2. Minimum frontage: Fifty feet (50').
3. Minimum setbacks: Front, twenty-five feet (25'); side and rear, ten feet (10') (adjoining L-1 property); or twenty feet (20') when adjoining property in all other zones. (2010 Code)
4. Maximum height: Forty feet (40') for peaked roof, thirty feet (30') for flat roof. (Ord. 11-007, 6-28-2011)
5. Maximum building coverage: Fifty percent (50%) of lot area.
6. Minimum landscaping: Twenty-five percent (25%) of lot area shall be landscaped per section 9-12-5 of this title, with every effort to preserve existing vegetation.
7. Screening: All outdoor storage, including vehicles, machinery and equipment, shall be screened from the public view as seen from any public roadway. Landscaping, fencing and building orientation are acceptable methods to minimize the adverse visual impacts.
8. Parking and loading: In accordance with section [9-12-15](#) of this title.
9. 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.
10. Other restrictions: No service facilities may be located within setbacks. Design should provide for all servicing of vehicles to be within structures, except for delivery of gas and other fluids. (2010 Code)

(amd. Ord. 21-006, 05-25-21).

9-7-10: BUILDING BONUSES:

- A. Except as provided under paragraph B below, single family and two-family structures as permitted in Section 9-7-1 and 9-7-2 are not required to follow 9-12-5 (as it relates to backyard landscaping plans so long as the landscaping remains "affordable," remains water

efficient, and attempts to keep as many trees on the property as possible to conform with the spirit of living in a rustic resort town), 9-12-7B, or 9-12-7F.

1. An owner who wishes to build a home larger than what is allowed in Section 9-7-1 and 9-7-2, or an owner who wishes to build a container home, may submit a Bonus Request to do so -- provided that the Owner requests the Town to apply 9-12-5, 9-12-7B, and 9-12-7F of the Land Management Code to their property for larger residential homes. For Container Homes, an Owner must request Section 9-12-7J for design standards.

B.

1. In doing so, Brian Head Town will require a signed and notarized Bonus Request Statement between the Town and the legal Property Owner agreeing that the Town will grant a larger house so long as the property owner agrees to abide by the Design and Building Standards listed in the Land Management Code. The Town has a notary on site and will provide a standard Request Form for Owners to help with the process.
2. The Town will require proof of ownership or Title to the property.
3. Upon the Town's receipt of the Requested Bonus Statement listed in (i) above, all Design Standards listed in 9-12 of this title will apply to the selected property. If the Requested Bonus Statement is incomplete, altered, or has any other defect not listed here, it will be deemed invalid, and the request will not be granted.
4. After receipt of the signed and notarized Bonus Request Statement, the Town will record the statement with the Iron County Recorder's Office. Failure to record a requested statement has no effect on the Town's authority to enforce regulations against a property owner for which a Bonus Request has been received.
5. If the Property Owner is found to have violated the signed Bonus Request Statement, they will be fined according to Brian Head Town's current Code Enforcement practices at the time the violation is perpetrated.

C. The following bonuses shall be granted if Paragraphs A and B of this section are appropriately complied with:

1. For Single Family Residential Zone (R-1, in LMC 9-7-1):
 - a. Building Height: Increased up to 45 feet (45'). One foot (1') may be added for each two and one-half percent (2 ½%) 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).
 - b. Building Coverage including garages and patios: Increased up to 40% of the lot area.
2. For Medium Family Residential Zone (R-2, in LMC 9-7-2):
 - a. Building Height: Increased up to fifty feet (50') for peaked roofs and thirty-five (35') for flat roofs.
 - b. Building Coverage including garages and patios: Increased up to forty percent (40%) of the lot area.

3. For Container Homes (R-1 and R-2 only):
 - a. No more than 25% of the overall structure shows the metal walls of the storage container.
 - b. The metal of the storage container that is visible must be painted with premium, exterior, rust-resistant paint and color matched to soil or vegetation on the property which the container will sit on. The paint color shall strive to make the storage container blend into the surroundings and maintain the rustic feel of Brian Head.
 - c. A minimum of 75% of the home structure (not including windows) must be made of the cladding requirements in Section F (Exterior Walls).
 - d. Windows: The Windows must follow the regulations put forth in Section H (Windows).
 - e. Roof Pitch: The roof pitch should be 4:12 – 12:12. Mountain Modern style may be allowed. An entirely flat roof with no pitch shall not be allowed.
 - f. Roof Color: The roof color must have a RVFLRV of less than 30 and the roof must complement the rest of the home.
 - g. Landscaping: Landscaping requirements remain the same as listed in this Chapter.

End.

Title 9 – Land Management Code

Chapter 12

DESIGN STANDARDS FOR CONSTRUCTION AND DEVELOPMENT

Proposed Amendments

Identified in **red font**

May 2022

9-12-7: BUILDINGS:

- A. Purpose: All buildings and structures are to blend into and be in harmony with surrounding natural vegetation patterns and landforms of the mountain setting. Buildings are to be located to minimize tree removal and site disturbance, while being oriented to the outdoor lifestyle and weather and climate conditions. Existing structures are encouraged to remodel or modify their appearance following requirements of this chapter. (amd. Ord. 17-004, 7-11-2017)

- B. Architectural Design And Style: Buildings **shall ~~should~~** implement a rustic composition such as the craftsman, historic mountain lodge, log cabin, national park, or mountain modern style architecture that will blend with the mountain setting, as well as topography, landscape and natural environment found in and around that site. These styles include gabled roofs, exposed rafters and beams, and multi-paned windows, varied exterior materials, stone and brick wainscots, dormers, large picture windows, decks and railings, and other features intended to break up the mass and scale of the buildings and help them blend in better to the natural surroundings. Building materials shall include large wooden beams and timbers, stone covered columns, chimneys, and foundation and exterior wall materials reflecting simple, rustic design. (Ord. 17-004, 7-11-2017)

ARCHITECTURAL TYPE	STRUCTURE TYPE		
	Commercial	Condo	Residential
Craftsman			
Historic Mountain Lodge			
Log Cabin			
National Parks			

ARCHITECTURAL TYPE	STRUCTURE TYPE		
	Commercial	Condo	Residential
Craftsman			
Historic Mountain Lodge			
Log Cabin			
National Parks			

ARCHITECTURAL TYPE	STRUCTURE TYPE		
	Commercial	Condo	Residential
Mountain Modern			

(Ord. 17-004, 7-11-2017, and Ord. 19-014, 11-12-2019)

C. Height:

1. Building heights are specified in each zone district.
2. Public and quasi-public utility buildings, when authorized in a district, may be erected to a height greater than the zone district height limit by obtaining a conditional use permit.
3. No dwellings shall be erected to a height less than one story above grade, unless specifically designed and approved as an earth sheltered structure.

D. Mass, Scale And Composition:

1. Building mass and scale should be sensitive to the site and surrounding structures in the neighborhood so as not to stand out or draw attention away from the natural environment.
2. Rooflines, foundations and walls shall have steps, offsets and architectural features to follow existing slopes and reduce mass. Multi-unit structures should appear to be a cluster or collection of individual masses so as not to create the appearance of stacks or rows of identical "products".

E. Roofs:

1. Single and double gabled roofs are permitted with hips and sheds used on smaller sections, secondary roofs or dormers. Monoslope roofs are allowable consistent with the mountain modern architectural style. Flat roofs are discouraged. (amd. Ord. 19-014, 11-12-2019)
2. Wood shake shingles are prohibited.
3. Roof pitches should range between four to twelve (4:12) and twelve to twelve (12:12).
4. Valleys, dormers, rain gutter and associated roof features should be designed with consideration to retention of snow on the roof. Care should be taken to avoid ice dams and snow sliding that may damage roofing materials or landscaping and building elements below. Special consideration should be given to protecting public entries, patios and balconies, where the weight of falling snow may damage such structures and endanger human life.

F. Exterior Walls:

1. Exposed foundations under four feet (4') in height may be rubbed or finished in natural earth tone color. Walls over four feet (4') must be covered in stone, wood or similar materials to blend with the rest of the structure and must be resistant to snow piling and water damage. (amd. Ord. 17-004, 7-11-2017)
2. Building wall finish shall include full log or log faced siding, stone (cultured or natural), wood shingles, horizontal wood board and batten siding, or other synthetic material textured to simulate natural materials. Consistent with the rustic composition architectural style as identified in subsection B. Stucco, milled wallboard, brick, non-reflective metal similar material may be used in limited quantities provided they are broken up with contrasting materials, colors, and textures consistent with the architectural styles identified in subsection B. Reflective metal is not permitted. (amd. Ord. 16-007, 12-8-2016. amd Ord. 17-004, 7-11, 2017).

G. Colors:

1. Exterior building colors should be subdued, complementary colors found in the natural landscaping. Browns, greys and greens are encouraged for large mass areas. Bright colors, including bright white, are not allowed for large mass areas. Trim colors of golds,

reds, blues and greens in darker shades found in or around the site are permissible as long as they blend with the overall building design and do not create a strong contrast. Buildings or building materials that stand out against the landscape because of color or light reflection are prohibited. (amd. Ord. 17-004, 7-11-2017)

2. Roof colors should resemble natural earth tone hues that blend with the surrounding landscape. Reflective materials reflective light value (LRV) exceeding 30 shall not be used. Bright red, bright blue, bright green, bright white, bright cream or similar colors that stand out from the surrounding landscape, or draw attention to the structure, shall not be used. (2010 Code amd. Ord. 18-009, 9-10-2018)

H. Windows And Doors:

1. Large glass surfaces should have features (structural or grid) that break the window up into multi-pane units.
2. Large windows and doors should be recessed and/or shaded by eaves, overhangs, decks or similar architectural features that reduce glare and reflection.
3. Window and door frame colors shall comply with subsection G of this section.
4. Glass shall not create a mirrored finish but may be treated or coated to control solar heat gain.
5. Windows and doors should be trimmed or framed by wood, timber, wood shutters, stone or wood lintels and sills that are of a scale, color and mass that reflect styles such as the craftsman, historic mountain lodge, log cabin or national park style architecture.

- I. Design Factors: Snow loads, fire standpipes, provisions for handicapped, elevator emergency requirements, footing specifications and house address: Requirements for these design factors are defined in the building codes currently adopted by the state, with specific design criteria available from the town building department. Building addresses shall be assigned by the town. (Ord. 08-016, 8-12-2008)

- J. Accessory Structures: A non-habitable structure, subordinate to and located on the same lot with a primary structure, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main structure. In addition to meeting requirements A through I of this Section, accessory structures must meet the following requirements:

1. Must be detached from the primary structure and have a minimum of ten feet (10') of clearance from other structures.
2. Cannot be used as a habitable space.
3. Structure cannot be located within the setback (notwithstanding, setback exceptions that apply to the primary structure as outlined in [chapter 7](#) of this title, in the applicable zone, also apply to accessory structures).
4. Must meet snow load requirements.
5. Required to have footings or foundation for accessory structures over 450 square feet.
6. Structures being used as a garage for vehicle storage must meet all applicable International Building Code requirements.
7. Shipping containers, intermodal containers, or railroad boxes ~~may not be~~ ing used as accessory structures must comply with the design standards in 9-12-7(J) (Ord. 21-006, 05-25-21).

8. No more than three (3) accessory structures are allowed on a single lot of up to one (1) acre. Additional accessory structures may be allowed on lots larger than one acre, not to exceed two (2) accessory structures per additional acre.
9. Except for a building accessory to an agricultural use, the footprint of an accessory structure must not exceed fifty percent (50%) of the footprint of the primary structure. In no case shall an accessory structure exceed 3,000 square feet in footprint.
10. Maximum height of accessory structures is limited by the area of the structure as follows:
 - a. 0 – 200 square feet, 15 feet maximum height. (amd. Ord. 17-004, 7-22-1017)
 - b. 201 – 400 square feet, 19 feet maximum height. (amd. Ord. 17-004, 7-22-1017)
 - c. 401 – 1,000 square feet, 24 feet maximum height. (amd. Ord. 17-004, 7-22-1017)
 - d. 1,001 – 1,500 square feet, 27 feet maximum height. (amd. Ord. 17-004, 7-22-1017)
 - e. 1,501 square feet and above, maximum height determined by Planning Commission review, but shall in no case exceed thirty-two feet (32'). (Ord. 15-018, 12-8-2015 amd. Ord. 17-004, 7-11-2017)
 - f. If the proposed accessory structure sits at a lower elevation than the primary structure, an addition of one foot (1') of height may be allowed for each one foot (1') of elevation difference up to five feet (5') of additional height following a determination of the Planning Commission that the height of the accessory structure does not conflict with the general plan or detract from the intended character of the zone. (Ord. 17-006, 8-8-2017).
 - g. Under no circumstances shall an accessory structure exceed 80% of the height of the primary structure. (Ord. 17-006, 8-8-2017).

End.