



ORDINANCE NO. 17-001

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, 7-2-1 ZONE DISTRICT REGULATIONS, MEDIUM DENSITY RESIDENTIAL AND 7-3-1 ZONE DISTRICT REGULATIONS, MULTI-FAMILY RESIDENTIAL ALLOWING FOR ONE PIECE OF HEAVY EQUIPMENT ON PROPERTY.

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 April 4, 2017 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, 7-2-1 Medium Density Residential and 7-3-1 Multi-Family Residential allowing one piece of heavy equipment to be parked within the identified zones; onto 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 April 11, 2017 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 7-2-1 and 7-3-1 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 7-2-1 Medium Density Residential and 7-3-1 Multi-Family Residential of the Brian Head Town Code to regulating land use 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

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.

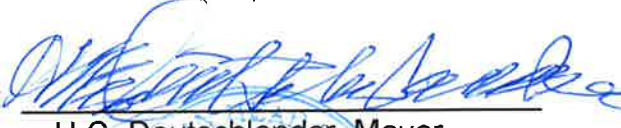
Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding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

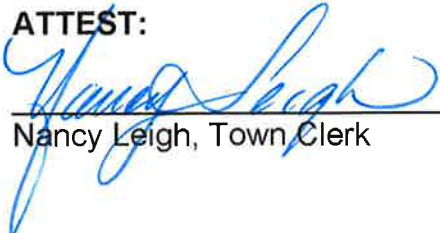
Section 5. Repealer. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance shall be repealed.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this 11th day of April 2017, with the following vote.

Mayor H.C. Deutschlander	Aye
Council Member Larry Freeberg	Aye
Council Member Clayton Calloway	Aye
Council Member Reece Wilson	Aye
Council Member David Bourne	Absent

**BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH**

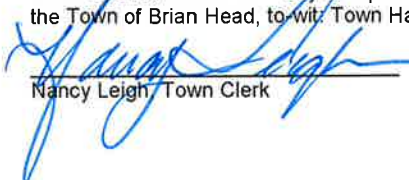
By: 
H.C. Deutschlander, Mayor

ATTEST:

Nancy Leigh, Town Clerk



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 11th day of April 2017, 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

Attachment “A”

Title 9 of the Brian Head Town Code Land Management Code Amendments April 11, 2017

CHAPTER 7: ZONE DISTRICT REGULATIONS:

9-7-2-D-12: R-2 MEDIUM DENSITY RESIDENTIAL:

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 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.*

9-7-3-D-11: R-3 MULTI-FAMILY RESIDENTIAL:

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.*