



ORDINANCE NO. 20-006

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 7 (ZONE DISTRICT REGULATIONS), CHAPTERS 9.12.3 AND 9.12.10 (BUILDING DESIGN STANDARDS FOR CONSTRUCTION)

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 July 7, 2020, 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, Chapter 7, Zone District Regulations and Chapter 12, Building Design Standards for Construction to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on July 14, 2020, giving at least fourteen (14) day notice to receive public comment on the proposed amendments Brian Head Land Management 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, Chapter 7.1.C Zone District Regulations, Conditional Uses, Chapter 7.1.D.6 Building Coverage, Chapter 7.3.(a)(6) Multi-Family Residential Minimum Setbacks, Chapter 12. Building Design Standards for Construction 12.15.3 Parking of the Brian Head Town Code regulating land use within the Town of Brian Head, Utah as follows:

9-7-1 ZONE DISTRICT REGULATIONS

C. Conditional Uses:

Mother-in-law/guest house as 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.**

D. 6. Building Coverage:

a) Maximum building coverage: Forty percent (40%) of the lot area.

b) Minimum building coverage: 400 square feet for a primary habitable structure footprint (not including unenclosed decks and porches) & 160 square feet for a secondary habitable structure.

In an effort to mitigate the impact of RV / Camp Sites:

9.12.20 – Campgrounds

D. Building setbacks for the zone shall apply to campsites

1. Additional setbacks may be required for visual and noise mitigation.

E. Natural Screening (such as trees, shrubs, slopes, etc.) will be utilized to minimize visual impacts from public rights of way and adjacent single-family residential zoned property.

Due to the fact that there is not an R2 zone within the Town, the following garage exception will be added to the Multi-Family zone regulations with the additional requirement that the R2 density cannot be exceeded (maximum 8 units).

9-7-3 – Multi-Family Residential

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.

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

(6) Development does not exceed R2 density.

This change is being implemented to allow for flexibility when backing onto the street does not pose a safety concern and would lessen the disturbed area on a property.

9-12-15 – Parking

3. Stall Accessibility: Each required parking stall shall be individually and easily accessible. No parking shall be constructed in a manner that requires an automobile 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.

An exception may be granted in multi-family residential zones where deemed safe by the Public Safety Director.

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.

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 Towns, County, State, or Federal laws, ordinances, or regulations, and this Ordinance, the more restrictive is deemed to be controlling.

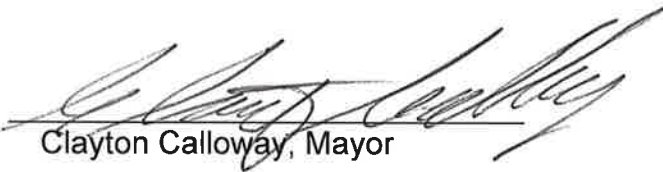
Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding 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 14th day of July 2020 with the following vote.

Mayor Clayton Calloway	Aye
Council Member Lynn Mulder	Aye
Council Member Larry Freeberg	Aye
Council Member Kelly Marshall	Aye
Council Member Shaun Kelly	Nay

BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH

By: 
Clayton Calloway, Mayor

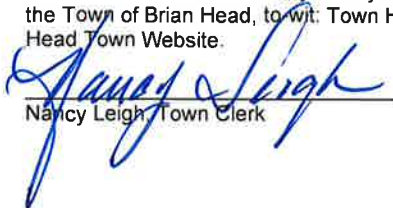
ATTEST:


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 14th day of July 2020 and have posted a summary of adopted ordinance in three conspicuous places within the Town of Brian Head, to wit: Town Hall, Post Office and the Mall and a complete copy of the adopted ordinance on the Brian Head Town Website.


Nancy Leigh, Town Clerk