



ORDINANCE NO. 20-011

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 7-5 (ZONE DISTRICT REGULATIONS – GENERAL COMMERCIAL), AND CHAPTER 12-5 (BUILDING DESIGN STANDARDS FOR CONSTRUCTION – LANDSCAPING AND FENCING) AND PROVIDING FOR AN EFFECTIVE DATE.

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 December 2, 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, Chapter 10, Other Permits, and Chapter 10, 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 December 8, 2020, giving at least fourteen (14) days' 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 7-4-D-11 Zone District Regulations, General Commercial and Chapter 12-5 Design Standards for Construction, Landscaping, and Fencing (B) Figure 3 of the Brian Head Town Code regulating land use within the Town of Brian Head, Utah as follows:

Chapter 7 – Zone District Regulations:

9-7-4: GC GENERAL COMMERCIAL:

9-7-4(D) Physical Restrictions

- 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**

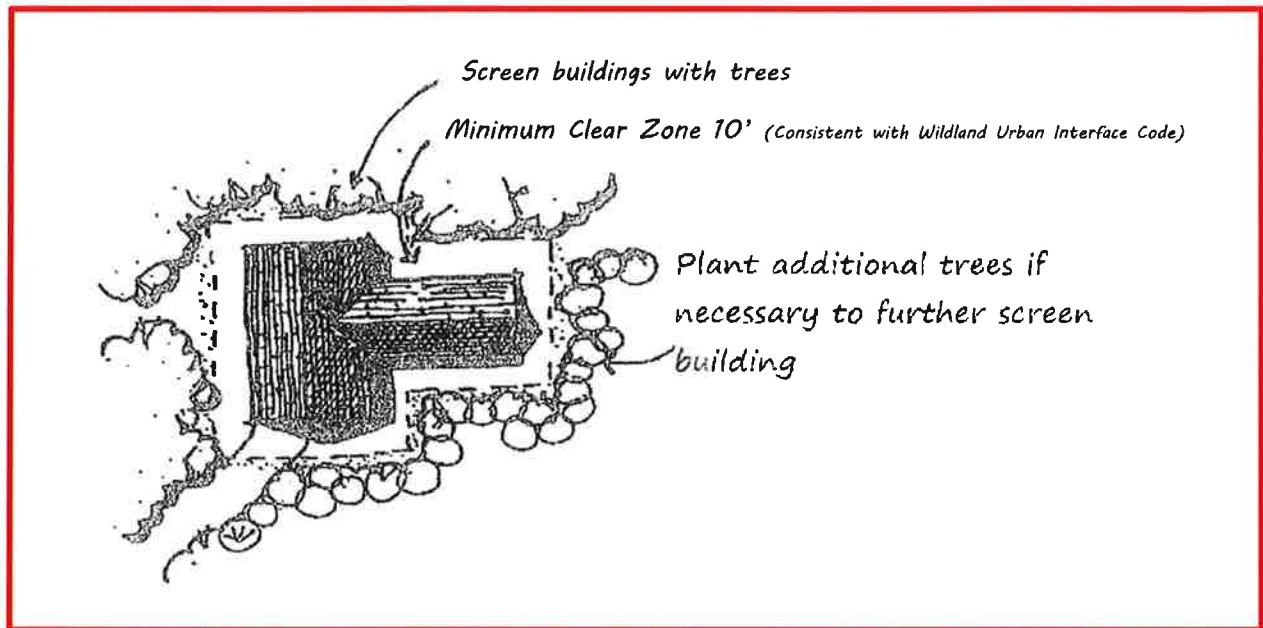
parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town.

Chapter 12 – Design Standards for Construction

9-12-5: LANDSCAPING AND FENCES:

9-12-5(B) Landscaped Areas Of Development:

Remove Diagram:



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 8th day of December 2020 with the following vote.**

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

BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH

By: 
Clayton Calloway, Mayor

ATTEST:


Nancy Leigh, Town Clerk

(SEAL)

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance, passed by the Town Council on the 8th day of December 2020 and have posted a summary of the 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 and has been published in a newspaper of general circulation.

Nancy Leigh, Town Clerk