



## ORDINANCE NO. 21-001

**AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 10 (OTHER REQUIRED PERMITS) 9-10-5-2-H(6) GRADING AND TRENCHING PERMITS AND 9-10-5 (A) (B) (E) HOME OCCUPATIONS) 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 10, Other Permits, 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 10 (Other Required Permits): Home Occupations: Chapter 9-10-5(A) (B-1) and (E) of the Brian Head Town Code regulating land use within the Town of Brian Head, Utah as follows:

### **9-10-5: HOME OCCUPATIONS:**

- A. Purpose: It is the purpose and intent of this section to allow persons residing (**either full-time or part-time**) in dwellings to use their mental or physical expertise and talent in providing a service, developing a product for sale to the public, operating certain kinds of small businesses or maintaining a professional or business office work space in the dwelling, or in an attached or detached garage or accessory building, or yard space, while at the same time maintaining the peace, quiet and domestic tranquility within all residential areas of the town. **The Town recognizes that many professional services (such as snow removal and bulk water hauling) are needed for the property functionality of a mountain resort town, and it is in the best interest of the Town and its residents to allow such services to operate from a residential zone in order to increase the likelihood that such services will be offered locally so long as they don't materially alter the character**

~~of the zone. It is further the purpose and intent of this chapter that~~ Notwithstanding the Town's willingness to consider allowing these services and businesses to be operated as home occupation in residential zones, all home occupations shall be clearly accessory and subordinate to the principal use of the property for dwelling purposes.

B. Permitted Standards For Home Occupations When Conducted Entirely Within Residence: The following standards shall be observed in the operation of all home occupations to be approved by town staff:

1. The home occupation shall be conducted primarily by residents (either full-time or part-time) of the premises. A home occupation may have employees; however, only one employee who does not live in the home may come to the home at any one time for purposes of employment. One additional off-street parking stall shall be provided for any employee coming to the home who is not a resident of the premises.

E. Conditional Uses: Home occupations which shall be considered under subsection C of this section include the following uses, or uses which are similar in character, origin or impact, as determined by the Building Official/Zoning Administrator:

- ~~Agricultural uses that involve the keeping of animals, unless in a zoning district where the keeping of such animals is allowed.~~
- Agricultural uses (not involving the keeping of animals) that use more than twenty five percent (25%) of the area of the lot when the lot is less than one acre in size.

**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 12<sup>th</sup> day of January 2021 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	Aye

**BRIAN HEAD TOWN COUNCIL**

**ATTEST:**

By:   
Clayton Calloway, Mayor

  
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 12<sup>th</sup> day of January 2021 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