



ORDINANCE NO. 20-002

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 7 (ZONE DISTRICT REGULATIONS), CHAPTER 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 Town Council determined OHV rental businesses were not an appropriate use within the Village Commercial zone. The Council determined that in order to reduce the impact of traffic on single-family residential roads, any multi-family complex located adjacent to single-family residential and a main collector road will identify the access from a main collector road. The Council determined that in order to make Brian Head a unique place and avoid the “cookie cutter” effect, building placement will be non-linear and staggered; and

WHEREAS, the Brian Head Planning Commission held a public hearing on January 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 January 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 7.5 Zone District Regulations, Village Commercial Zone, Chapter 12.3 Building Design Standards for Construction, Design and Layout: 12.3 and 12.10, Driveways of the Brian Head Town Code regulating land use within the Town of Brian Head, Utah as follows:

9-7-5: VC VILLAGE COMMERCIAL:

- 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 ~~rentals rental offices for which the rental vehicles are stored and displayed outside of the Village Core zone. will not be allowed to use the public parking area for rental parking.~~ The conditional use permit will be no longer than a five-year period. (Ord. 15-004, 4-28-2015)

9-12-3: DEVELOPMENT DESIGN AND LAYOUT:

- M. Building Placement: Building placement ~~should~~ shall be considerate of the following:

1. Preserving views of nature, creating a comfortable pedestrian environment with outdoor spaces that do not feel "boxed in" from tall buildings surrounding the space that create a "canyon effect";
2. Sun and shade areas to enhance the seasonal experience, and make best use of environmental conditions for snow melting, outdoor seating areas and building efficiency;
3. Service and delivery areas should be screened from public areas and provide sufficient room for vehicular movement;
4. Pockets and enclosures are encouraged to create "outdoor rooms" adjacent to buildings, pedestrian traffic and recreation areas. These spaces should blend with the topography, have varied floor heights to add interest, incorporate vegetation and plantings, and incorporate both open and covered space for multi-seasonal use.
5. Incorporate non-linear and staggered placement of buildings to avoid straight rows of similar-styled buildings (the "cookie-cutter" effect)

9-12-10: DRIVEWAYS:

- E. ~~Where multi-family or commercial developments are situated with frontage on both a collector road and residential road, driveway access point shall be from the collector road.~~

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 28th day of April 2020 with the following vote.

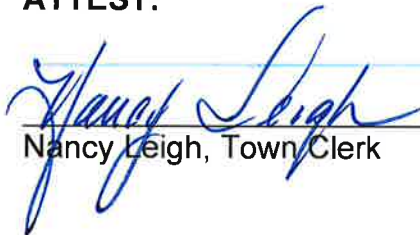
Mayor Clayton Calloway	Aye
Council Member Lynn Mulder	Aye
Council Member Larry Freeberg	Aye
Council Member Kelly Marshall	Aye
Council Member Shaun Kelly	Aye

BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH

By:


Clayton Calloway, Mayor

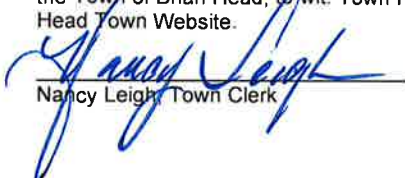
ATTEST:


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 28th day of April 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