

Title 9 – Land Management Code

Chapter 1

GENERAL PROVISIONS

9-1-1: OVERVIEW:

9-1-2: SHORT TITLE:

9-1-3: STATEMENT OF PURPOSE:

9-1-4: INTERPRETATION:

9-1-5: COORDINATION WITH OTHER LAND USE DOCUMENTS:

9-1-6: APPROVALS CONSISTENT WITH THIS TITLE:

9-1-7: AMENDMENTS:

9-1-8: NOTICES:

9-1-1: OVERVIEW:

- A. There are a number of activities related to the use, sale and development of land that have been determined by federal and state law to be in the public interest for local government to oversee and regulate in order to bring about the safe, orderly creation (and maintenance) of communities. These include such activities as subdividing land into lots for sale, building structures, constructing roads, installing utilities, etc.
- B. In order to effectively regulate these activities, communities are empowered to establish review and permitting processes. This title contains the review and permitting processes related to land development activities in the Town. (amd. ord. 21-005, 5-11-2021).
- C. Chapters 6 and 7 of this title constitute the zoning ordinance as contemplated in Utah Code Annotated § [10-9a-501](#)

9-1-2: SHORT TITLE:

This title shall be known as the *BRIAN HEAD TOWN LAND MANAGEMENT CODE*, also known as Title 9 of the Brian Head Town Code.

9-1-3: STATEMENT OF PURPOSE:

The purposes of this title, and any rules, regulations and specifications hereafter adopted are to promote the public health, safety and general welfare through provisions designed.

- A. To preserve the natural beauty and topography of the town and to preserve the outstanding natural, cultural, or historical features, to ensure appropriate development with regard to these features and to assure the proper use and management of the natural beauty and resources of the Town.
- B. To guide future growth, provide for the harmonious and coordinated development of the Town (in conjunction with the Town General Plan), and to protect and conserve the value of land throughout the Town and the value of buildings and improvements upon the land.
- C. To minimize the conflicts among the uses of land and buildings, and to prevent overcrowding of the land and undue congestion of population.
- D. To provide for efficient layout and use of building lots, roads and public services and utilities, recreational opportunities, and open space.
- E. To provide for adequate light, air, view corridors and privacy, to secure safety from fire, flood, landslides and other geologic hazards, and other dangers.
- F. To prevent the pollution or degradation of air, streams, and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table; to minimize site disturbance, removal of native vegetation and soil erosions; and to encourage and promote the conservation, wise use, and management of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and value of the land.
- G. To avoid scattered and premature subdivisions which would cause insufficient public services and facilities or necessitate an excessive expenditure of public funds for the supply of such services and facilities.
- H. To inform the public of the requirements and conditions necessary to obtain approvals and permits to
 - 1. Change or create property boundaries (subdivide land).
 - 2. Construct or modify buildings, signs, structures, or utilities.

3. Alter the land or landscape.
4. Create or modify zoning classifications for a property.
5. Modify the General Plan. (ord. 08-016, 8-12-2008)

9-1-4: INTERPRETATION:

- A. **Greater Restrictions Prevail:** In their interpretation and application, the provisions of this title shall be considered as minimum requirements. Where the provisions of this title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance, or covenant impose greater restrictions than the provisions of this title, the provisions of such statute, other regulation, ordinance, or covenant shall prevail.
- A. **Definitions:** Whenever any word or phrase used in this title is not defined herein but is defined in related sections of Utah Code Annotated or this code, such definition is incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory and the term "may" is permissive. (ord. 15-004, 4-28-2015)
- C. **Additional Conditions May Be Imposed:** Any development or construction activities shall require applications, fees, approvals, permits and compliance pursuant to this title. To this end, all requirements, where possible, are expressly delineated in this title or other applicable ordinances. However, since it is impossible to cover every possibility and there are some aspects which do not lend themselves to being easily articulated, this title allows the Appeal Authority to impose reasonable conditions upon a developer in addition to those expressly set forth herein, so long as such conditions do not conflict with any requirements set forth in this title or other applicable law. (2010 Code, amd. ord. 21-005, 05-11-2021)

9-1-5: COORDINATION WITH OTHER LAND USE DOCUMENTS:

This title, together with the Town General Plan, shall guide the use of all land within the corporate boundaries of the town. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities shall conform to the land uses shown in the Town General Plan and the standards established in this title. (2010 Code, amd. Ord. 15-004, 4-28-2015 amd ord. 15-003, 02-10-2015, amd. ord. 21-005, 05-11-2021)

9-1-6: APPROVALS CONSISTENT WITH THIS TITLE:

All departments, officials and public employees of the Town who are vested with the duty or authority to issue permits or licenses shall do so in conformance with the provisions of this title and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this title. Any such permit or license, if issued in conflict with the provisions of this title, is void. (ord. 08-016, 8-12-2008)

9-1-7: AMENDMENTS:

The Town Council may, from time to time, in a manner consistent with the Town General Plan, amend any provision of the Land Management Code. However, amendments to this title shall not be approved or final action taken until after the giving of public notice and the holding of public hearings, as may be required by state law and this title. (ord. 08-016, 8-12-2008)

9-1-8: NOTICES:

Whenever notice to adjoining property owners or the public is required by any section of this title, the notice shall be given in the following manner:

- A. **Public Notice:** Public notice of all public hearings and public meetings required to be noticed shall be given in accordance with Utah Code Annotated § [10-9a-201](#).
- B. **Notice to Adjoining Property Owners:**
 - 1. Where the provisions of Utah Code Annotated § [10-9a-201](#) et seq.
 - 2. The applicant will provide a referral packet as defined in Chapter 4 of this title. The Planning and Zoning Department will prepare and mail the notice to adjacent landowners, as well as appropriate agencies. The mailing will be paid for by the applicant. The notice shall be mailed at least fourteen (14) days prior to the public hearing. (ord. 15-004, 4-28-2015, amd. 21-005, 05-11-2021)
- C. **Notice to Condominiums:** In addition to the notice required under subsection B of this section, for condominium projects within the three hundred-foot (300') radius from the applicant's property, notice shall also be given to the registered agent of the condominium Homeowners Association on file with the State Homeowners Association Registry. (amd. ord. 21-005, 05-11-2021)

- D. **Defects in Notice:** The notices to affected property owners are given as a convenience to them. Minor defects in mailing, or incomplete mailing shall not be grounds for invalidating any permit or application, or for the delay of any public hearing, unless the Planning Commission or Town Council shall find the defects in notice are such that the ability of interested persons to make a meaningful presentation of their concerns at the public hearing has been significantly impaired. The approval authority for the land use action at hand shall hear any objections raised relating to notice and rule on whether notice was adequate before proceeding to hear the merits of the application. (ord. 15-004, 4-28-2015, amd. ord. 21-005, 05-11-2021)

Title 9 – Land Management Code

Chapter 2

DEFINITIONS

9-2-1: DEFINITIONS:

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular includes the plural; the word "build" used in its verb form shall include the words arrange, design, construct, alter, convert; the word "shall" is mandatory and not directory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual; the word "lot" includes the words plot or parcel. Words used in this title, but not defined herein, shall have the meaning first as defined in any other ordinance adopted by the Town, and then its common, ordinary meaning.

ACCESSORY USE: A use on the same lot with, and customarily incidental and subordinate to, the principal use. (ord. 15-004, 4-28-2015)

ACCESSORY STRUCTURE: A structure that is customarily incidental and subordinate to the principal building on the property and is physical detached to the principal building. (ord. 15-004, 4-28-2015)

AFFORDABLE HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Iron County.

AGENT: Any person who can show written proof that he/she is acting for the property owner and with the property owner's knowledge and permission.

ALL WEATHER SURFACE: A durable vehicular driving surface, including compacted road base/gravel, concrete, asphalt, or other similar material.

ALLEY: A public or private right of way primarily designed to serve as secondary access to the side or rear of properties.

ALTERATIONS: Any change, addition, or modification in the supporting members of a building, such as bearing walls, columns, beams, or girders, or electrical, plumbing, or mechanical system alterations.

APPEAL AUTHORITY: The appointed person designated by ordinance to decide an appeal or a decision of a land use application or a request for variance. The Appeal Authority shall hear and decide appeals from decisions applying the Land Management Code. (ord. 15-004, 4-28-2015)

AREA OF INSTABILITY: An area where there is a foreseeable risk of soil or rock movement as established by a soils report.

AS BUILT DRAWINGS: See definition of Drawings, As Built.

ATTACHED BUILDING: Units connected on at least one side to an adjacent unit by a common party wall or other connecting structure with separate exterior entrances.

ATTRACTIVE NUISANCE: Physical conditions of a property that would entice or attract entrance to the property which could result in damage to the property or injury or death to the individual.

BALCONY: A floor projecting from and supported by a structure without additional independent supports. (ord. 15-004, 4-28-2015)

BANNER: See [chapter 14](#) of this title.

BED AND BREAKFAST: A dwelling where a combination of breakfast and overnight lodging is furnished for pay.

BEGINNING OF CONSTRUCTION: Any alteration of a site (such as grading, boring holes, pouring concrete or removal of earth, foliage, trees, or underbrush) or alteration of offsite conditions related to construction.

BUILDABLE AREA: The portion of any site, lot or parcel within setbacks and which does not contain designated floodplain, watershed, wetlands or avalanche areas, and conforms to all minimum criteria required for the placement of a structure in accordance with this code.

BUILDING: Any structure used or intended to be used for the shelter or enclosure of persons, animals, or property.

BUILDING AREA: The area encompassed by the outside measurement of the building, also referred to as the "building footprint".

BUILDING COVERAGE:

A. The following categories shall be included in building coverage calculations:

1. The ground level (footprint) of any building.
2. The area covered by outdoor structures, such as carports, gazebos, etc.

B. "Building coverage" includes only those areas with a roofed structure.

BUILDING ELEVATION: The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

BUILDING HEIGHT: The vertical distance, above the reference point, measured to the highest point of the structure directly above the reference point. The reference point shall be the elevation of the natural grade directly below the high point of the structure. The natural grade elevation shall be determined by topographic elevations surveyed before construction and submitted with the building permit application. In the absence of preconstruction elevations, the natural grade shall be reconstructed by connecting the contour lines (on a drawing) through the building, from a distance of five feet (5') outside the building wall. The maximum building height

in each zone shall be as an imaginary net that is suspended at the specified distance above and parallel to the natural grade. Chimneys, however, may extend five feet (5') above this imaginary net.

BUILDING OFFICIAL: The person designated as the Building Inspector of Brian Head Town by the Town Manager.

BUILDING, PUBLIC: A building owned and/or operated by a public agency of the United States of America or of the State of Utah or any of its subdivisions, including Brian Head Town.

CARPORT: A covered structure not completely enclosed by walls or doors that is intended for parking of vehicles. For the purposes of this title, a carport shall be subject to all regulations prescribed for a private garage.

CARWASH: A building containing equipment meant for facilitating the washing or detailing of motor vehicles either automatically or manually. This does not include temporary car wash events, traveling car detailing services, or other such activities that don't involve fixed specialized car washing bays or equipment. (ord. 17-004, 7-11-2017)

CHILDCARE CENTER: An establishment for the care and/or the instruction of five (5) or more children for compensation, other than for members of the family residing on the premises, but not including a public school.

CHURCH: A building, together with its accessory buildings, maintained and controlled by a religious organization where persons regularly assemble for worship.

CONCEPT PLAN: An abbreviated building plan submitted to determine the basic feasibility of a design for which a building permit is needed or required.

CONDOMINIUM: A form of real property ownership in which the purchaser of each unit air space of an apartment building or in a complex of multi-unit dwellings acquires full title to the unit and an undivided interest in the common elements (the land, roof, elevator, hallways, etc.). (ord. 15-004, 4-28-2015)

CONSOLIDATED FEE SCHEDULE: The schedule of fees, established by resolution by the Town Council, to cover administrative costs associated with various land use applications and other town services (ord. 15-004, 4-28-2015)

CONTAINER: Any object used for holding other objects on property. The typical usage is as storage containers used for shipping cargo on trains or boats. It is usually metal but can be made of other materials. (ord. 22-002, 5-10-2022)

COURTYARD: An outdoor yard enclosed on more than fifty percent (50%) of its perimeter by building walls.

COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs): A document of restrictive provisions for a particular plat, parcel or property recorded in the office of the Iron County Recorder. CC&Rs are sometimes required for planned unit developments or other subdivision and condominium plats. (ord. 15-004, 4-28-2015)

DECK: An exterior floor supported by an adjacent structure and/or posts, piers, or other independent supports. (ord. 15-004, 4-28-2015)

DENSITY: The number of nonresidential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre. "Density" is a function of both number and type of dwelling units and/or nonresidential units and the land area. (ord. 15-004, 4-28-2015)

DESIGN GUIDELINES: The document adopted by the Brian Head Town Council to direct and guide the aesthetics of development in Brian Head Town.

DRAINAGEWAY: Collect, flow or are channeled depression in the earth's surfaces such as swales, ravines, draws and hollows in which surface waters collect or are channeled as a result of rain or melting snow. (ord. 15-004, 4-28-2015)

DRAWINGS, AS BUILT: Construction drawings of a building or other improvements modified or edited (showing changes) that is a true representation of building or project dimensions, materials and details as actually constructed. (ord. 15-004, 4-28-2015)

DRIVEWAY: A private driving access from any public right of way or private street to a parking space or entrance of a parking garage, the use of which is limited to no more than four (4) residences.

DWELLING, MULTI-FAMILY: A building arranged or designed to be occupied by two (2) or more families and having more than one dwelling unit.

DWELLING, SINGLE-FAMILY (RESIDENCE): A building arranged or designed to be occupied by one family.

DWELLING UNIT: Any building or portion thereof, designed and used for the sleeping place of one or more persons or a family, but not including a tent or recreational vehicle, that meet Utah State health and safety requirements. (ord. 15-004, 4-28-2015)

EASEMENT: That portion of a property reserved for present or future use by a person or agency, other than the legal owners of the property. The easement may be for use under, on or above said property.

FAMILY: A single individual, doing their own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond, or no more than four (4) unrelated persons, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

FILL: Any rock, soil, gravel, sand, or other similar approved materials. (ord. 15-004, 4-28-2015)

FINAL PLAT: A subdivision map or condominium map prepared in accordance with the provisions of this title, other applicable ordinances, and laws, which shall be placed on record in the office of the Iron County Recorder.

FIRE PROTECTION: Water supply, water lines, fire hydrants and other devices as may be required in accordance with this title and other applicable ordinances for the protection of structures, furnishings, and inhabitants from fire.

FLOOD HAZARD: A hazard to land or improvements due to the potential inundation or overflow of water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge, or damage buildings, or erode the banks of watercourses. (ord. 15-004, 4-28-2015)

FLOODPLAIN: Areas adjoining a watercourse, lake or other body of water that have been or may be covered by floodwaters.

FLOOR AREA: Area included within surrounding interior walls of a building, or portion thereof, exclusive of vents, shafts, and courtyards.

FRONTAGE, LOT, OR PROPERTY: The length of the property line bordering any public street (also see definition of Lot Line, Front).

GARAGE: An accessory building designed or used for the storage of private motor vehicles owned by the occupants of the building. A garage shall be considered part of the dwelling if the garage and dwelling have a roof or wall in common.

GAS STATION: A building, or portion thereof, designed or used for selling gasoline and/or diesel fuel for cars and trucks, and/or for servicing or repairing motor driven vehicles for pay. (ord. 15-004, 4-28-2015)

GENERAL PLAN: A document prepared and adopted by the Town Council pursuant to Utah Code Annotated section [10-9a-401](#) et seq., containing long range growth policies and general guidelines for proposed future growth and development of the land within Brian Head Town.

GEOLOGICAL HAZARD: A hazard due to the movement, failure or shifting of the earth which is dangerous or potentially dangerous to life, property, or improvements, as established by a soils report.

GRADE, DRIVEWAY/ROAD/STREET: Slope measured at any point along a driveway, road, or street over a distance of twenty feet (20') running parallel with the direction of travel (see definition of Slope).

GRADING: Cutting through or otherwise disturbing the layers of the soil mantle so as to permanently change the existing landform.

HABITABLE SPACE: A space in a building for living, sleeping, eating, cooking, and including bathrooms or toilet rooms. Closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. (ord. 15-004, 4-28-2015)

HARD SURFACE: A durable vehicular driving surface material such as concrete, asphalt pavement or brick pavers (not including road base or gravel).

HEAVY EQUIPMENT: Pieces of machinery or vehicles primarily employed for industrial uses such as construction, excavation, demolition, earthwork, snow removal, etc. Examples include excavators, loaders, dozers, graders, backhoes, cranes, forklifts, man lifts, dump trucks, water trucks, snowcats, concrete mixers, and the like. Vehicles and equipment intended primarily for recreational use such as recreational vehicles, camping trailers, boats, ATV's, horse trailers, etc. are not considered heavy equipment.

Heavy equipment attachments or implements are removable and complementary equipment to one piece of heavy equipment. Examples include a loader bucket, excavator shear, snowplow blade, loader forks, etc.

Heavy equipment trailers are non-self-propelled vehicles employed primarily to transport heavy equipment or otherwise facilitate the aforementioned industrial uses. Trailers intended primarily for transportation of recreational vehicles or other non-industrial uses are not considered heavy equipment trailers. (ord. 16-007, 11-08-2016)

HOME OCCUPATION: Any income producing activity conducted primarily within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the home for dwelling purposes. (ord. 15-004, 4-28-2015)

HOTEL: A building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis, and accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels, such as daily maid service. These terms do not include lockout units or bed and breakfast inns. (ord. 15-004, 4-28-2015)

IMPROVEMENTS: Objects, devices, facilities, or utilities required to be constructed or installed. Such improvements may include, but are not limited to, street construction.(ord. 15-004, 4-28-2015)

KENNEL: Any premises where animals are kept for compensation. (ord. 15-004, 4-28-2015)

LANDSCAPING: Improvements made to the appearance of an area of land, including trees, shrubs, flowers, and grass that is harmonious with surrounding area and structure. Landscaping may include natural vegetation which is undisturbed trails and unpaved walking areas. "Landscaping" may not be counted toward the minimum landscape requirements unless it is a minimum two feet (2') in the narrowest dimension. (ord. 15-004, 4-28-2015)

LIGHT MANUFACTURING: Fabrication operations in which all processing, curing, compounding, packaging, treatment, assembly, or disassembly of items takes place wholly within an enclosed building and generates little to no external noise, smoke, fumes, or odors. (ord. 17-004, 7-11-2017)

LOT: A unit of land described in a recorded subdivision plat. (ord. 15-004, 4-28-2015)

MASTER PLANNED DEVELOPMENT: Flexible planning approach as defined in [Chapter 11](#), Flexible Approaches, of this title. (ord. 15-004, 4-28-2015)

MODULAR BUILDING: A permanent building which consists of one or more units which has been wholly, substantially, or primarily prefabricated at an offsite or on-site location and transported to the site for final assembly and finishing on a permanent foundation provided specifically for it on the site. A "modular building" is other than a mobile home or a recreational vehicle.

MOTEL: A building or group of buildings containing individual sleeping or living units which is designed and used primarily for the accommodation of transient automobile travelers and having automobile parking immediately adjacent. (ord. 15-004, 4-28-2015)

NATURAL WATERWAYS: Those areas varying in width along streams, creeks, springs, gullies, or washes which are natural drainage channels.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure, or portion thereof, lawfully existing at the time the provisions of this title governing the structure became effective, and because of one or more subsequent changes in this title does not now conform to the setback, height restrictions, or other regulations of this title, excluding those regulations which govern the use of land.

NONCONFORMING STREET: A road or street, or portion thereof, lawfully existing at the time this title governing streets, or subsequent changes, became effective which does not now conform to the width, slope, surface, or other standards required by this title.

NONCONFORMING USE: A use of land that legally existed before its current land use designation, has been maintained continuously since the time the provisions of this title governing the land changed, and because of one or more subsequent changes to this title, does not now conform to the regulations that now govern the use of the land.

OFF SITE IMPROVEMENTS: Improvements to be constructed outside the property boundaries.

OFF STREET PARKING SPACE: The space required to park one passenger vehicle, which space shall meet the requirements of this title and other applicable ordinances.

ON SITE IMPROVEMENTS: Construction or placement of improvements within the property to which they pertain.

OUTDOOR DISPLAY: An outdoor arrangement of objects, items, products, or other materials, not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a service or product for sale.

OUTDOOR RETAIL SALES: An establishment or premises where business is conducted outdoors or within a temporary structure, from covered or open-air areas on a temporary or seasonal basis, for the purpose of retail sales of goods or services such as landscaping or nursery products, trees for decoration or ornamentation, food, and recreational products to the general public.

OWNER: The holder of the fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, and his or its assignees or successors in interest. (ord. 15-004, 4-28-2015)

PARCEL: An un-platted unit of land described by metes and bounds and designated by the County Recorder with a unique tax identification number. (ord. 15-004, 4-28-2015)

PARKING, COVERED: If required, all parking will be identified within in the footprint of the building structure. (ord. 15-004, 4-28-2015)

PARKING LOT: An area, other than a street, including ramps and driveways, used for the temporary parking of more than four (4) automobiles.

PARKING SPACE: Space within a building, lot or parking lot, for the parking or storage of one motor vehicle, measuring at least nine feet by eighteen feet (9' x 18') for indoor parking spaces and ten feet by twenty feet (10' x 20') for outdoor parking spaces.

PEDESTRIANWAY: A right of way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a pedestrian way may be located within a street right of way and/or separated from vehicular traffic. (ord. 15-004, 4-28-2015)

PERMANENT MONUMENT: Any structure of concrete, masonry and/or metal permanently placed on or in the ground for surveying reference.

PERMITS: A document issued by the appropriate agency, authorizing a particular activity.

PLANNING COMMISSION: The Brian Head Town Planning Commission, established pursuant to authority granted by Utah Code Annotated § [10-9a-301](#).

PRELIMINARY PLAT: The drawings prepared to indicate the proposed layout of a subdivision for the purpose of resolving most technical details in compliance with all regulations.

PRIVATE ROAD: See definition of Street, Private.

PROJECT: A building or improvements to buildings constructed on a lot or parcel that is “platted” and recorded on a separate plat with the Iron County Recorder's office and representing to the public a single identity for commercial and/or residential purposes. (ord. 15-004, 4-28-2015)

PROTECTION STRIP: A strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by the property abutting the subdivision.

PUBLIC UTILITIES: Includes every common carrier, pipeline corporation, gas corporation, electric corporation, telecommunication corporation, water corporation, etc., where the service is performed for the commodity delivered to the public, or any portion thereof.

RECORDER'S OFFICE: The office of the Iron County Recorder, Utah.

RESIDENCE: See definition of Dwelling.

RESIDENT: Any person who resides in Brian Head Town, considering it as his or her primary residence. Evidence of primary residence may be a voter registration card, driver's license or state issued identification card with a Brian Head Town address.

RESIDENTIAL PLANNED DEVELOPMENT (RPD): Flexible planning approach as defined under Chapter 11 of this title. (ord. 15-004, 4-28-2015)

RETAINING WALL: A wall designed to resist the lateral displacement of soil or other materials. (ord. 15-004, 4-28-2015)

ROOFLINE: The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

SCHEMATIC SUBDIVISION PLAT: An abbreviated subdivision plat submitted to determine the basic feasibility of a subdivision (see requirements in [table 3, chapter 4](#)) of this title.

SETBACK: Minimum distance between the property line and any buildings on the property.

SIGN: See [chapter 14](#) of this title.

SLOPE: An expression of the steepness of rise or fall in elevation measured along a line perpendicular to the contours of the land. A vertical rise of ten feet (10') between two (2) points one hundred feet (100') apart, measured on a horizontal plane, is a ten percent (10%) slope (5.7 degrees).

SPA: A commercial establishment providing services, typically including massage, body or facial treatments, makeup consultation and application, manicures, pedicures, and similar services, but excluding beauty and barber shops. (ord. 15-004, 4-28-2015)

STABLE, PRIVATE: A detached accessory building for the keeping of equine owned by the occupants of the premises and not kept for hire, compensation, or sale.

STABLE, PUBLIC: Any stable where equine is boarded and/or kept for hire.

STORAGE CONTAINER: Any object used for storage on a property. Typical storage containers are metal and rectangular but do not have to be. (ord. 22-002, 5-10-22)

STORY: The space within a building included between the surface of any floor and the surface of the next floor or the roof of the building.

STREET SYSTEMS:

- A. **Street, Collector:** A street, existing or proposed, which is the main means of access to the major street system.
- B. **Street, Cul-De-Sac:** A minor terminal street provided with a turnaround.
- C. **Street, Major:** A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.
- D. **Street, Minor:** A street, existing or proposed, which is supplementary to a collector street, and which serves or is intended to serve the local needs of a neighborhood.
- E. **Street, Private:** A thoroughfare within a subdivision, condominium project or MPD/RPD which has been reserved by dedication unto the sub divider or lot owners to be used as private access to serve the lots or condominiums platted within the subdivision and complying with the adopted street cross section standards of this town and maintained by the sub divider or other private agency.
- F. **Street, Public:** A thoroughfare which has been dedicated to Brian Head Town and accepted by the Brian Head Town Council, which the Town has acquired by prescriptive right or which the Town owns or offered for dedication on an approved final plat or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues, and boulevards.

STRUCTURE: Anything constructed, the use of which requires fixed location on the ground, or attachments to something having a fixed location upon the ground; includes "building".

SUBDIVISION: The result of the division of any tract, lot, parcel, or land into two (2) or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease or of building development, including:

- A. The dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision".
- B. Division or re-subdivision of land into lots, sites, or parcels.
- C. Division of land under RPD/MPD provisions where street and/or access to lots are owned and maintained by a private lot owners' association. (ord. 15-004, 4-28-2015)

TEMPORARY STRUCTURES: A structure built and maintained during construction of a development, activity or special event and then removed prior to release of the performance

guarantee; not including entertainment structures (i.e., bouncy houses, carnival rides, tent or canopy less than 200 sq. ft. in area, etc.) used for less than two (2) calendar days before and two (2) calendar days after the event in any calendar year, unless modified by a conditional use permit. Structures erected by public and private utilities for not more than ninety (90) calendar days in any calendar year, or emergency response structures erected during the duration of the event. (ord. 15-004, 4-28-2015)

TOWN MANAGER: The Chief Executive Officer of the Town of Brian Head, Utah. (ord. 15-004, 4-28-2015)

TOWN COUNCIL: The legislative body of Brian Head Town.

TOWN STAFF: The administrative employees of Brian Head Town.

TOWNHOUSE OR TOWNHOME: One of a group of several dwellings with common architectural treatment, having one or more common walls where the owner owns the land under, in front, in back, and perhaps on one side of the residential building.

UNDISTURBED LOT AREA: Land that is left in its native state and is not interrupted for clearing, grading, filling, used for storage of soil or construction materials, or otherwise affected for land use development. It specifically does not preclude removal of dead trees, thinning undergrowth or similar conservation practices, or the creation and maintenance of unpaved trails as part of the town trail system. (ord. 15-004, 4-28-2015)

WATERCOURSE: A running stream of water; a natural stream, including rivers, creeks, irrigation ditches, etc. It may sometimes be dry but must flow in a defined channel.

ZONE DISTRICT: A portion of the territory of the Town established under this title within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title. Also includes "zone" and "zoning district". (2010 Code amd. ord. 15-004, 4-28-2015)

ZONING ADMINISTRATOR: The person designated for the administration of zoning in Brian Head Town by the Town Manager. (ord. 08-016, 8-12-2008, amd. 2010 Code)

Title 9 – Land Management Code

Chapter 3

ADMINISTRATIVE AND DECISION-MAKING BODIES

9-3-1: PLANNING COMMISSION:

9-3-2: APPEAL AUTHORITY:

9-3-3: BUILDING DEPARTMENT

9-3-1: PLANNING COMMISSION:

- A. **Membership And Quorum:** The Planning Commission shall consist of five (5) members and one alternate member. An alternate member shall serve in the absence of a regular member. Members shall be appointed by the Town Manager with the advice and consent of the Town Council. Members shall be residents of the town, or annexation boundary area; own a business located in town or work full time in the town. Three (3) members of the five (5) shall be sufficient to constitute a quorum. A majority vote of its convened members is required to establish an action of the Commission. (amd. Ord. 21-005, 05-11-2021)
- B. **Length Of Term:** Each member shall be appointed for a term of five (5) years. The terms of the members of the Commission shall be staggered such that the term of only one member shall expire in any calendar year. Terms shall expire on December 31. Any vacancy occurring on the Commission, for whatever reason, shall be filled by appointment by the Town Manager, with the advice and consent of the Town Council, for the unexpired term of such member.
- C. **Absence And Removal:** Any Planning Commission member (including an alternate member) who is absent from two (2) consecutive regularly scheduled commission meetings, without good cause and without prior notice to the chairperson of the Planning Commission, Town Manager or Commission Secretary, shall be removed as provided for herein. The Town Manager, with the advice and consent of the Town Council, may remove a member of the Planning Commission for cause after filing written charges against the member. (2010 Code, amd. Ord. 15-004, 4-28-2015)

- D. **Powers And Duties:** The Planning Commission shall have all necessary powers and shall undertake all duties as set forth in Utah Code Annotated [§10-9a-301](#)
- E. **Chairperson And Vice Chairperson:** A Chairperson and Vice Chairperson shall be elected by the Planning Commission annually at the first meeting of each calendar year and shall be full voting members of the body.
- F. **Staff:** To assist the Planning Commission in carrying out its duties, the Planning Commission Chairperson may request the assistance of other employees or agents of the Town through an appropriate request made to the Town Manager. The Town Manager shall appoint a qualified staff member to serve as secretary to the Commission (Commission Secretary).
- G. **Meetings:** All meetings of the Commission shall be in conformance with the Utah Open Meetings law. The Commission shall keep an electronic recording of its proceedings showing the vote of each member upon each question, members absent, and members failing to vote. The Commission shall keep minutes of all meetings and proceedings. Minutes shall be filed with the Town Clerk by the Commission Secretary upon adoption by the Commission and shall then be made available to the public.
- H. **Policies And Procedures:** The Planning Commission may adopt rules of policy and procedure consistent with this chapter and state law. (ord. 08-016, 8-12-2008)

9-3-2: APPEAL AUTHORITY:

- A. **Organization:** The Town hereby establishes an Appeal Authority pursuant to Utah Code Annotated section [10-9a-701 et seq.](#)
- B. **Length Of Term:** The Appeal Authority shall be appointed for a term of five (5) years. An Appeal Authority's term expires on December 31. Upon the expiration of an Appeal Authority's term, a new Appeal Authority shall be filled by appointment by the Town Manager, with the advice and consent of the Council. (2010 Code, amd. ord. 15-004, 4-28-2015)
- C. **Absence And Removal:** The Appeal Authority may be removed by the Town Manager, with the advice and consent of the Town Council.

- A. **Meetings:** All meetings conducted by the Appeal Authority shall be in conformance with the Utah Open Meetings Act. The Appeal Authority shall keep an electronic recording of its appeals and its proceedings showing its decisions on each question, and a record of the Appeal Authority's examination of evidence and other official actions. The Appeal Authority shall keep minutes of all meetings and proceedings. Minutes shall be filed with the Town Clerk upon adoption by the Appeal Authority, and then shall be made available to the public. The Town Manager must be present for any action to be taken by the Appeal Authority. (2010 Code, amd. ord. 15-004, 4-28-2015, amd. ord. 21-005, 05-11-2021)
- E. **Policies And Procedures:** The Appeal Authority may adopt rules of policy and procedure consistent with this chapter and state law. The rules shall be submitted to the Town Council for approval and may be altered, amended, or changed in the same manner.
- F. **Powers And Duties:** The Appeal Authority shall call meetings as needed and may administer oaths and compel the attendance of witnesses. The Appeal Authority shall hear and decide appeals from final land use decisions applying this title. (2010 Code, amd. ord.15-004, 4-28-2015)
- G. **Appeals:** Any person aggrieved by a final decision of the Zoning Administrator, Town Manager, Planning Commission, or any decision applying this title, may make an appeal to the Appeal Authority. All appeals shall be made according to the following procedures:
1. The appeals shall be made within ten (10) days of the action or decision being appealed by filing written notice of appeal with the Town Clerk.
 2. The notice of appeal shall specify all grounds for the appeal and circumstances related thereto. Such notice shall set forth in detail the action and grounds upon which the applicant or other interested parties deem themselves aggrieved. A notice failing to specify grounds for appeal may be summarily dismissed by the Appeal Authority without prejudice.
 3. The Appeal Authority or Town Clerk shall set the date for the appeal hearing to be held within a reasonable time from the day the appeal is received. Written notice of the date set for hearing the appeal shall be mailed to the applicant at least ten (10) days before the appeal hearing date.
 4. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending decision of the Appeal Authority. The stay shall exist unless the appeal authority finds, after the notice of appeal has been filed, that the stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed, other than by an appropriate order issued by a court having jurisdiction.
- (amd. ord. 21-005, 05-11-2021)

H. **Scope Of Review:**

1. The Appeal Authority shall limit its review on appeal to the record upon which the original action was based, including, but not limited to, the original application, written recommendations from the Town staff, adopted minutes, letters, petitions, reports, or other technical data submitted by the applicant in furtherance of the application. The Appeal Authority's scope of review shall be limited to a determination as to whether the decision being appealed has a reasonable, factual basis apparent in the record. (amd. ord. 21-005, 05-11-2021)
2. The Appeal Authority shall allow the appealing party or designated representative and the decision maker or representative the opportunity to present appropriate oral argument with regard to the issue appealed. Such oral argument may be limited as appropriate by the Appeal Authority. The Appeal Authority shall not receive or consider any new evidence in the form of exhibits, affidavits, or testimony, other than the oral argument provided under this section.

- I. **Action Taken:** After hearing the appeal, the Appeal Authority may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer or body from which the appeal is made. The Appeal Authority shall issue its decision in writing.

- J. **Judicial Review Of Decision;** Time Limitation: Any person aggrieved by any decision by the Appeal Authority may file an action for relief therefrom in any court of competent jurisdiction within thirty (30) days after the filing of the decision of the Appeal Authority with the Town Clerk. (ord. 08-016, 8-12-2008)

9-3-3: PLANNING AND ZONING DEPARTMENT:

- A. **Authority And Responsibility:** The Planning and Zoning department shall have the authority to enforce, interpret and administer this title.
- B. **Organization:** The Town Manager shall act as the Planning and Zoning Administrator for the Town. The Town Manager may delegate some or all administrative responsibilities of the Planning and Zoning Administrator to other administrative staff. The Planning and Zoning Administrator may be assisted, when appropriate, by other staff as required. Only the Planning and Zoning Administrator shall have the authority to bind the Town in those areas where the Planning and Zoning Department has the responsibility to interpret this title (subject to the limitations set forth in [§9-1-6](#) of this title). (amd. ord. 21-005, 05-11-2021)

C. **Planning Commission Staff:** The Planning and Zoning Administrator shall support and assist the Planning Commission in carrying out their duties under this title. (ord. 08-016, 8-12-2008)

(amd. Ord. 21-005, 05-11-2021)

Title 9 – Land Management Code

Chapter 4

SUBMITTAL REQUIREMENTS

9-4-1: SUBMITTAL REQUIREMENTS:

9-4-2: SUBMITTAL DESCRIPTIONS:

9-4-1: SUBMITTAL REQUIREMENTS

- A. The following lists put forth the information required to be submitted for each of the various permits and approvals required in this title. The Planning and Zoning Department may modify the submittal requirements (requiring additional or fewer submittal requirements) for individual applications as necessary to properly evaluate whether the proposed land use action meets the Standards For Review. One physical and one electronic copy of all required submittals shall be provided to the Planning and Zoning Department by the applicant.

B. Land Use Designation:

1. General Plan Amendment
 - a. Approval Authority: Town Council
 - b. Submittal Requirements:
 - i. Application Form & Fees
2. Zone Amendment
 - a. Approval Authority: Town Council
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Referral Packet
3. Conditional Use Permit
 - a. Approval Authority: Planning Commission
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Existing Conditions Map
 - iii. Development Report
 - iv. Referral Packet
 - v. Site Plan

4. Horse Boarding Permit
 - a. Approval Authority: Planning and Zoning Department
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Animal Information for Public Safety

C. Altering Lots/Parcels/Plats

1. Lot Line Adjustment
 - a. Approval Authority: Planning and Zoning Department
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Title Report
 - iii. Surveyors Certificate & Legal Description
2. Minor Plat Amendment Approval and Subdivision by Metes and Bounds
 - a. Approval Authority: Planning Commission
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Title Report
 - iii. Amended Plat (for Plat Amendment)
 - iv. Survey & Legal Description (for Metes & Bounds Subdivision)
 - v. Existing Conditions Map
 - vi. Development Report
 - vii. Referral Packet (for Plat Amendment)
 - viii. Covenants, Conditions & Restrictions
3. Full Subdivision Approval and Major Plat Amendment
 - a. Approval Authority: Town Council
 - b. Submittal Requirements:
 - i. Schematic Plan Review
 - I. Application Form & Fees
 - II. Title Report
 - III. Existing Conditions Map
 - IV. Development Report
 - V. Schematic Subdivision Plat
 - ii. Preliminary Plat Review
 - I. Application Form & Fees
 - II. Preliminary Subdivision Plat
 - III. Referral Packet (Plat Amendments only)
 - IV. Development Agreement
 - V. Soils & Geology Report
 - iii. Final Plat Review
 - I. Application Form & Fees
 - II. Final Subdivision Plat
 - III. Development Agreement
 - IV. Covenants, Conditions & Restrictions
 - V. Security Agreement

4. Residential Planned Development
 - a. Approval Authority: Town Council
 - b. Submittal Requirements:
 - i. Application Form & Fees

D. Non-Structure Improvements

1. Grading & Excavating Permit
 - a. Approval Authority: Planning and Zoning Department
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Written Description of Grading & Excavating Activity
 - iii. Engineered Grading Plans
 - iv. Site Restoration & Landscape Plan
 - v. Soil/Geology Report.
 - vi. Security Agreement (if bond or security is required pursuant to Chapter 13 of this Title)
 - vii. Insurance Information (if work is to be undertaken in the public right of way)
2. Tree Removal Permit
 - a. Approval Authority: Planning and Zoning Department
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Tree Removal Site Plan
 - iii. Security Agreement
3. Retaining Wall Approval
 - a. Approval Authority: Planning and Zoning Department
 - b. Submittal Requirements:
 - i. See Grading & Excavating Permit requirements
4. Landscape Approval
 - a. Approval Authority: Planning and Zoning Department
 - b. Submittal Requirements:
 - i. Site Restoration & Landscaping Plan
5. Sign Permit
 - a. Approval Authority: Planning and Zoning Department
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Signage Conceptual Design
 - iii. Construction Documents (if required by International Building Code)

E. New Structure Construction

1. Single Family Residential Building Permit
 - a. Approval Authority: Planning and Zoning Department
 - b. Submittal Requirements:

- i. Application Form & Fees
 - ii. Site Plan
 - iii. Design Elevations
 - iv. Written Description of Grading & Excavating Activity
 - v. Engineered Grading Plans
 - vi. Site Restoration & Landscape Plan
 - vii. Soil/Geology Report
 - viii. Security Agreement (if bond or security is required pursuant to Chapter 13 of this Title)
 - ix. Insurance Information (if work is to be undertaken in the public right of way)
- 2. Building Permits in All Other Zones
 - a. Approval Authority: Planning Commission
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Site Plan
 - iii. Design Elevations
 - iv. Written Description of Grading & Excavating Activity
 - v. Engineered Grading Plans
 - vi. Site Restoration & Landscape Plan
 - vii. Soil/Geology Report
 - viii. Security Agreement (if bond or security is required pursuant to Chapter 13 of this Title)
 - ix. Insurance Information (if work is to be undertaken in the public right of way)
- 3. Accessory Structure Building Permit
 - a. Approval Authority: Planning & Zoning Department (single-family residential), Planning Commission (all other zones)
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Engineered Grading Plan (if structure is being placed on a permanent foundation or if the graded area extends beyond the footprint of the structure)
 - iii. Site Plan
 - iv. Design Elevations
 - v. Restoration & Landscape Plan (if graded area extends beyond the footprint of the structure)
- 4. Temporary Structure & Tent Permit
 - a. Approval Authority: Planning & Zoning Department
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Use & General Description
 - iii. Site Plan
 - iv. Structural Information and Calculations
 - v. Building Permit
 - vi. Special Event Permits (if applicable)
 - vii. Duration

F. Modifying Existing Structures

1. Minor Structure Alteration: Exterior alterations of buildings and premises which do not require a building permit (such as re-siding, painting, replacing roofing, and landscaping)
 - a. Approval Authority: Planning and Zoning Department
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Written Description of Proposed Activity
 - iii. Design Elevations
 - iv. Site Restoration & Landscape Plan
2. Major Structure Alteration
 - a. For additions which expand the footprint or structural, mechanical, electrical, and/or plumbing alterations to a single-family residential building see Single Family Residential Building Permit submittal requirements
 - b. For additions which expand the footprint or structural, mechanical, electrical, and/or plumbing alterations to a structure other than a single-family residential building see submittal requirements for Building Permits in All Other Zones

G. Appeals

1. Variance
 - a. Approval Authority: Appeal Authority
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Referral Packet
 - iii. Written description showing that the variance request meets all of the conditions justifying a variance stipulated in 9-11-1(C) of this Title and any applicable state statute.
2. Land Use Decision Appeal
 - a. Approval Authority: Appeal Authority
 - b. Submittal Requirements:
 - i. Written Notice of Appeal (must be submitted to Town Clerk within ten (10) days of the action or decision being appealed)

H. Other Permits & Approvals

1. Burn Permit
 - a. Approval Authority: Public Safety
 - b. Submittal Requirements:
 - i. Application form
2. Wireless Telecommunications Approval
 - a. Approval Authority: Planning Commission
 - b. Submittal Requirements:
 - i. Application & Fees

- ii. Master Plan
 - iii. Building Permit
- 3. Development Agreement (incl: Master Planned Development Agreement)
 - a. Approval Authority: Town Council
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Acknowledgement Letter of Authorization from Owners
 - iii. Narrative Describing Compliance with Applicable Criteria
 - iv. Description of Specific Commitments proposed by the Applicant.
 - v. Draft of Proposed Development Agreement
 - vi. Other Information as Requested by the Town Manager
- 4. Temporary Concrete Batching / Rock Crushing
 - a. Approval Authority: Town Manager or Designee
 - b. Submittal Requirements:
 - i. Application Form & Fees
 - ii. Site Plan
 - iii. Agent authorization
 - iv. List & Quantity of Materials to be Stored.
 - v. List of Equipment
 - vi. Written Explanation of Mitigation for Noise, Dust, Smell, Safety, and other Nuisances
 - vii. Source of Water Location
 - viii. Restroom Facilities
 - ix. Insurance & Bond Information
 - x. Town Indemnification Agreement
 - xi. Storm Drain & Erosion Control Plan
 - xii. Site Restoration Plan
 - xiii. Other Information as Requested by the Town Manager

Ord. 22-010, 9-27-22

9-4-2: SUBMITTAL DESCRIPTIONS:

A. Application Form And Fees:

1. The application form and associated instructions for each specific action may be obtained from the Planning and Zoning Department. (ord. 15-004, 4-28-2015, amd ord. 22-010 9-27-22)
2. Each application must be accompanied by the applicable fee payment. A fee schedule for each land use permit, license, or approval will be determined by Town Council resolution and may be obtained from the Planning and Zoning Department. (amd. ord. 15-004, 4-28-2015, amd. ord. 22-010, 9-27-22)

3. Each application must be submitted to the Planning and Zoning Department by one o'clock (1:00) P.M., two (2) weeks (14 days) prior to the meeting of the Appeal Authority, Planning Commission or Town Council at which action is requested. Whenever notice to adjoining property owners or the public is required (as set forth in 9-1-8 of this title) applications shall be submitted by one o'clock (1:00) P.M. three (3) weeks (21) days prior to the meeting at which the action will be reviewed. (ord. 08-016, 8-12-2008; amd. ord. 22-010, 9-27-22).
4. The Planning and Zoning Department will review the application packet prior to the meeting and determine if all information is complete and accurate. If the application is incomplete, the Planning and Zoning Department shall inform the applicant of the deficiencies and shall determine if the application shall be removed from the meeting agenda or forwarded to the approval body with an explanation of the deficiencies. Items removed from the meeting agenda shall remain tabled until all required information is submitted by the applicant.
5. The Planning and Zoning Department may modify the application form and associated instructions as needed to clarify the approval process as long as it does not violate the provisions of this title.

B. Covenants, Conditions And Restrictions: Covenants, conditions and restrictions (CC&Rs) shall be required for all subdivisions where common elements are shared by two (2) or more owners of the subdivision. CC&Rs shall include by reference the landscaping requirements outlined in this title and the minimum design guidelines and standards as adopted by the Town Council by ordinance in addition to other conditions or restrictions as determined by the Subdivider. (amd. ord. 22-010, 9-27-22).

C. Design Elevations: The applicant will provide clear and precise plans which display the applicant's name, property address, phone number as well as the preparer's company name, address, and phone number and a north arrow scale in addition to the following information-

1. Illustrations of exterior structure designs
2. Building height
3. Architectural style (including type and color of exterior material(s) to be used)
 - a. Please include samples or pictures exterior materials
4. Roof material, color, and pitch
 - a. Must provide manufacturer's Light Reflective Value (LRV) for metal roof
5. Height of any exposed foundations
6. Type of windows

7. Type and style of exterior lighting

(ord. 22-010, 9-27-22)

- D. Development Agreement:** A document signed by the applicant prior to approval of final plat or building permit that memorializes the obligations, commitments and representations made by the proponent in review meetings, as well as any conditions of approval. All minutes of public review sessions are incorporated into the development agreement by reference. (amd. ord. 22-010, 9-27-22)

E. Development Report; Statement Of Interest:

1. An explanation of the purpose of the proposed action and proposed land use, including building descriptions, variations in building setbacks, parking, height, or other requirements that are being sought.
2. A development schedule indicating the approximate date of the development or stages of the development with expected completion dates.
3. Assessment of the availability and capacity of public infrastructure (utilities, roads) to serve the proposed use.
4. Any special agreements, conveyances, restrictions, or covenants, (CC&R) which will govern the use, maintenance, and continued protection of the development and any of its common areas.

(amd. ord. 22-010, 9-27-22)

- F. Engineered Grading Plans:** The applicant will provide professionally designed and stamped plans illustrating the following –

1. Existing conditions, including:
 - a. Existing topography and vegetation
 - b. Previously disturbed areas
 - c. Areas showing signs of a history of landslide or erosion
2. Proposed areas of disturbance
3. Existing and proposed surface drainage flow patterns
4. Location of existing and proposed utilities
5. Proposed cuts with slope measurements and heights.

6. Proposed retaining walls with heights and lengths.
 - a. Clearly show any tiering of walls with heights of each tier
 - b. Notes describing materials used for retaining walls

7. Proposed storm drainage infrastructure.

(ord. 22-010, 9-27-22)

G. Existing Conditions Map: The applicant will provide a map which displays the applicant's name, property address, phone number as well as the preparer's company name, address, and phone number and a north arrow scale in addition to the following information:

1. Site boundaries with dimensions
2. Protection area boundaries (wetlands, spring/well protection, flood plains, etc.)
3. Existing topography, with slopes over 10%, 25% and 40% identified.
4. Existing vegetation, trees, or groupings of trees
5. Existing roads and rights-of-way, including names, grades, and travel lane widths.
6. Existing utilities by type, including location and dimension of easement.
7. Existing emergency access, fire lanes and fire hydrants
8. Footprint of existing structures with uses indicated.
9. Existing drainage system (natural or improved)

(ord. 22-010, 9-27-22)

H. Final Subdivision Plat or Final Amended Subdivision Plat: The applicant will provide a schematic plat map which displays the applicant's name, property address, phone number as well as the preparer's company name, address, and phone number and a north arrow scale in addition to the following information:

1. Site boundaries with dimensions
2. Protection area boundaries (wetlands, spring/well protection, flood plains, etc.)
3. Proposed topography, with slopes over 10%, 25% and 40% identified.

4. Proposed roads and rights-of-way, including names, grades, and travel lane widths.
5. Proposed utilities by type, including location and dimension of easement.
6. Proposed cut/fill
7. Proposed draining system including location and dimensions of easements.
8. Proposed emergency access, fire lanes, and hydrants.
9. Typical cross-sections of roads, curbs, gutters, and sidewalks
10. Layout of lots with lot sizes, setbacks, buildable areas, and lot numbers shown with phases identified.
11. Final construction plans and elevations with general dimensions
12. Designation of snow storage areas
13. Final plat data to include:
 - a. Calculation and traverse sheets giving bearings, distances, and coordinates of the boundary of the subdivision and blocks and lots as shown on the final plat
 - b. Design data, assumptions, and computation in accordance with sound engineering practice, along with a plan, section and profile sheets for all public improvements
 - c. Details of exterior masonry or concrete walls, to demonstrate compliance with design standards, including elevations, and material samples showing textures and color.
 - d. The words "Street", "Avenue", "Road", "Drive", "Court", or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the land use authority.

14. Waterway or floodplain setbacks
(ord. 22-010, 9-27-22)

- I. **Insurance Information:** For any work undertaken by a private contractor in a Town right-of-way or connection to the Town sewer or water system, a copy of the contractor's insurance policy showing the following will be provided.

1. \$1,000,000 minimum coverage
 2. Brian Head Town named as additional insured.
- (ord. 22-010, 9-27-22)

- J. **Preliminary Subdivision Plat:** The applicant will provide a schematic plat map which displays the applicant's name, property address, phone number as well as the

preparer's company name, address, and phone number and a north arrow scale in addition to the following information:

1. Site boundaries with dimensions
 2. Protection area boundaries (wetlands, spring/well protection, flood plains, etc.)
 3. Existing and proposed topography, with slopes over 10%, 25% and 40% identified.
 4. Existing and proposed roads and rights-of-way, including names, grades, and travel lane widths.
 5. Existing and proposed utilities by type, including location and dimension of easement.
 6. Proposed cut/fill.
 7. Proposed draining system including location and dimensions of easements
 8. Proposed emergency access, fire lanes, and hydrants.
 9. Typical cross-sections of roads, curbs, gutters, and sidewalks
 10. Layout of lots with lot sizes, setbacks, buildable areas, and lot numbers shown with phases identified.
 11. Preliminary construction plans and elevations with general dimensions
 12. Designation of snow storage areas.
 13. Waterway or floodplain setbacks.
- (ord. 22-010, 9-27-22)

K. **Referral Packet:** A packet containing mailing labels addressed to and a map identifying the owners, (including condominium owners), of abutting properties located partly or entirely within three hundred feet (300') of any boundary of the property subject to the application. Mailing labels will be prepared using current mailing addresses available at the County Recorder's office. (amd. ord. 22-010, 9-27-22).

L. **Schematic Subdivision Plat:** The applicant will provide a schematic plat map which displays the applicant's name, property address, phone number as well as the preparer's company name, address, and phone number and a north arrow scale in addition to the following information:

1. Site boundaries with dimensions

2. Protection area boundaries (wetlands, spring/well protection, flood plains, etc.)
3. Existing roads and rights-of-way, including names, grades, and travel lane widths
4. Simplified layout of proposed lots or units with approximate dimensions
5. Approximate location and dimensions of proposed utility easements (with type indicated) and proposed roads or rights-of-way
6. Indicate primary access and secondary emergency access and fire lanes

M. **Security Agreement:** As required under [Chapter 13](#) of this title, the applicant enter into a security agreement that memorializes the terms and type of security (such as a bond, letter of credit or escrow account) to guarantee the timely completion of site improvements that are the obligation of the applicant. (amd. ord. 22-010, 9-27-22)

N. **Signage Conceptual Design:** The applicant will provide a plan illustrating the following:

1. Location, type, and purpose of each proposed sign.
 2. Dimensions, materials, and colors of each proposed sign
 3. Proposed lighting for the sign
 4. Distance from property lines to signs.
 5. Indicate whether the sign is permanent or temporary, and if temporary indicate the dates the signage will be employed.
- (ord. 22-010, 9-27-22)

O. **Site Plan:** The applicant will provide clear and precise plans which display the applicant's name, property address, phone number as well as the preparer's company name, address, and phone number and a north arrow scale in addition to the following information:

1. Lot boundaries with dimensions and lot size.
2. Adjacent roads, including names and rights-of-way.
3. Existing vegetation, trees, or grouping of trees
4. Existing utilities and proposed utilities

5. Existing drainage and proposed drainage.
6. Footprint of existing structures, with uses indicated
7. Footprint and square footage of proposed structures, with uses indicated
8. Setbacks
9. Percentage of building footprint coverage
10. Percentage of lot which will be undisturbed
11. Designation of snow storage areas
12. Driveway width and slope
13. Number of parking spaces
(ord. 22-010, 9-27-22)

P. **Site Restoration and Landscaping Plan:** The applicant will provide a plan illustrating the following:

1. All disturbed, undisturbed, and landscaped areas.
2. Locations of walls, walkways, patios, fences, trees, and other vegetation
 - a. Descriptions of materials used.
3. Specification of species, variety, number and size of trees and shrubs
4. Description of restoration measures for remaining disturbed areas, including xeriscape and reseeding
(ord. 22-010, 9-27-22)

Q. **Soil/Geology Report**

1. A report of subsurface investigation based upon adequate test borings, excavations and geologic evaluations prepared by a geological/engineering firm specializing in soil mechanics and registered by the state. Excavations and/or borings shall be located on the proposed building pad. Reduced cost shall not be justification for more distant convenient locations. (amd ord. 22-010, 9-27-22)
2. Additional soil/geologic investigation may be required if the report indicates the presence of conditions that, if not corrected or adequately addressed through design, and could lead to structural damage or premature deterioration of the building or damage to surrounding improvements, whether public or private, or damage to surrounding

lots. Such conditions may include, but not be limited to: (amd. ord. 15-004, 4-28-2015)

- a. Expansive soils;
- b. High water table;
- c. Soluble mineral veins;
- d. Slope instability;
- e. Buried slides;
- f. Buried stream channels; or:
- g. Fault zones.
- h. Sand.

3. The investigation shall include visual appraisal of adjacent lots for surface geologic/topographic conditions which could threaten the proposed building site. Soil/geologic report shall also:

- a. Recommend corrective action or building design specifications intended to prevent potential dangers found in the investigation.
- b. State whether the site is buildable or unbuildable because of any potentially threatening conditions which are not economically or technically correctable or avoidable by currently known building practices and codes. (One such example would be the existence of an active or inactive deeply buried landslide).

R. **Surveyors Certificate & Legal Description:** A Surveyors Certificate is prepared by a surveyor depicting the locations of improvements, structures and Buildings on the Lands, registered charges, dimension of the improvements, structures and Buildings, encroachments on the Lands, and other property information typical of survey certificates. (ord. 22-010, 9-27-22)

S. **Title Report:** A title report must be prepared by a title company or other entity bonded to ensure the accuracy of the title information. Title reports must be dated no more than thirty (30) days prior to its submission to the Town. amd. ord. 15-004, 4-28-2015, amd. ord. 22-010, 9-27-22)

T. **Tree Removal Site Plan:** The application will provide a plan illustrating the following:

- 1. Specific location of all trees to be remove.

2. Plan for tree removal and disposal from property.
(ord. 22-010, 9-27-22)

U. **Written Description of the Proposed Grading Activity:** The applicant will provide a clear written description of the following:

1. The grading, excavating, trenching, and clearing being proposed.
 2. Timeframe in which the work will be completed.
 3. Equipment which will be used to conduct the operation.
 4. Quantities to be removed from or brought to the site.
 5. Plan for storage and disposal of materials.
 6. Measures the applicant will take to mitigate erosion, noise, dust, smell, safety concerns and other potential nuisances during construction.
- (ord. 22-010, 9-27-22)

V. **Written Notice of Appeal:** See 9-3-2(G) of this title for description.
(ord. 22-020, 9-27-22)

Title 9 – Land Management Code

Chapter 5 TOWN GENERAL PLAN

9-5-1: PURPOSE:

9-5-2: CONSISTENCY POLICY:

9-5-3: AMENDMENTS:

9-5-1: PURPOSE:

The Town General Plan is a plan for the community, a general guide for making land use decisions. It describes the community's physical development goals and where various land uses are desired. The General Plan is published as a separate document from the Land Management Code and may be obtained from the Town Clerk. (ord. 08-016, 8-12-2008)

9-5-2: CONSISTENCY POLICY:

In accordance with Utah Code Annotated [§10-9a-401](#)

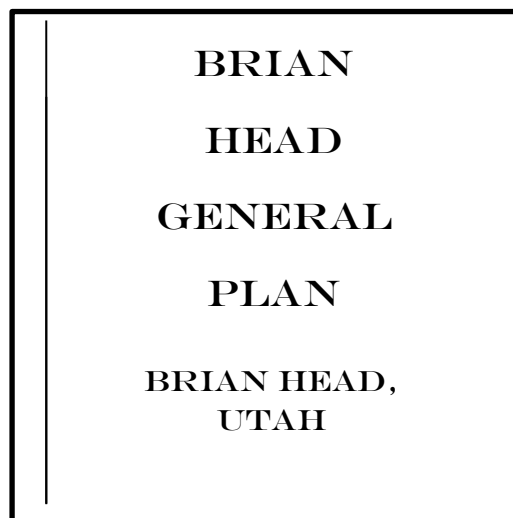
9-5-3: AMENDMENTS:

The General Plan may be amended. Amendments can be initiated by the Planning Commission, Town Council, or by any interested party by the following procedure:

A. Review Process:

1. Application And Fees: Amendments proposed by the interested party shall be submitted to the Planning Commission with appropriate fee as indicated on the Consolidated Fee Schedule.
2. Planning Commission Review: After appropriate public notice consistent with section [9-1-8](#) of this title, the Planning Commission shall hold a public hearing and shall make a recommendation on the proposed amendment to the Town Council.
3. Town Council Review: After public notice consistent with section [9-1-8](#).

- B. **Standards For Review:** The Planning Commission and Town Council shall consider whether the proposed amendment meets the following standards and conditions:
1. Meets a recognized and demonstrated need in the community;
 2. Will be compatible with the character of the neighborhood and surrounding structures in use, scale, mass and circulation;
 3. Will not result in an over intensive use of the land or excessive depletion of natural resources;
 4. Will not have a material adverse effect on community capital improvement programs;
 5. Will not require a level of community facilities and services greater than that which is available, or will become available;
 6. Will not result in undue traffic congestion and traffic hazards;
 7. Will not cause significant air, odor, water, light or noise pollution;
 8. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town.



(ord. 08-016, 8-12-2008)

Title 9 – Land Management Code

Chapter 6

ZONING

9-6-1: ZONE DISTRICTS AND ZONE DISTRICT MAP:

9-6-2: LAND USE MUST BE CONSISTENT WITH ZONING TITLE:

9-6-3: AMENDMENTS TO ZONE DISTRICT MAP:

9-6-4: NONCONFORMING BUILDINGS AND USES:

9-6-1: ZONE DISTRICTS AND ZONE DISTRICT MAP:

- A. In order to carry out the purposes of this title, zone districts have been established as described in [chapter 7](#) of this title.

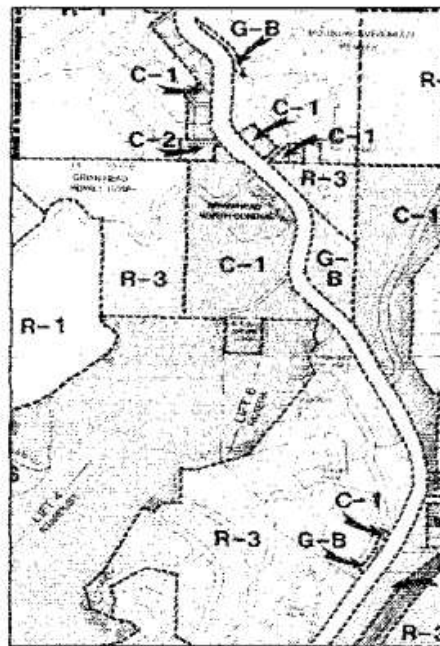


Figure 5.1: Example of a District Map Zone.

B. Each zone district description in [chapter 7](#)

1. Purpose;
2. Permitted uses;
3. Conditional uses;
4. Physical requirements. (Ord. 08-016, 8-12-2008)

9-6-2: LAND USE MUST BE CONSISTENT WITH ZONING TITLE:

- A. Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to provisions of this title; and any use of land, building or premise established, conducted or maintained contrary to provisions of this title shall be, and the same hereby is, declared to be unlawful and a public nuisance. The Town Attorney, upon request of the Town Manager or Town Council, shall take such steps as necessary to cause removal of such structures and/or uses.
- B. The remedies provided for herein shall be cumulative and not exclusive, meaning that, if it is not explicitly permitted, it is prohibited. (ord. 08-016, 8-12-2008)

9-6-3: AMENDMENTS TO ZONE DISTRICT MAP:

The Zone District Map may be amended as provided in this section. The required fee for zone change applications to cover the cost of processing and review is indicated in the Consolidated Fee Schedule that is available by request at Town hall or on the Town website.

A. Review Process:

1. Planning Commission: The proposed amendment shall be submitted to the Planning Commission with documentation as prescribed in [chapter 4](#) of this title, "Submittal Requirements". Within a reasonable time after receiving the proposed amendment, the Planning Commission shall hold a public hearing on the proposed amendment, and shall forward a recommendation to the Town Council for approval, modification and approval, or denial of the proposed zone amendment by following the procedures described by Utah Code Annotated § [10-9a-502](#) and [§10-9a-503](#).
2. Town Council: Following the Planning Commission public hearing, the Town Council shall also convene a public hearing to receive public comment regarding the proposed amendment. Once a recommendation is forwarded from the Planning Commission to the Town Council, the Council shall reject, or adopt the proposed amendment either as

proposed by the Planning Commission or after making any revision that the Town Council considers appropriate.

- B. **Standards For Review:** The Planning Commission and Town Council shall consider whether the proposed amendment meets the following standards and conditions:
1. Addresses a recognized and demonstrated need in the community;
 2. Will be compatible with the character of the neighborhood and surrounding structures in use, scale, mass and circulation;
 3. Will not result in an over intensive use of the land or excessive depletion of natural resources;
 4. Will not have a material adverse effect on community capital improvement programs;
 5. Will not require a level of community facilities and services greater than that which is available; or will be made available;
 6. Will not result in undue traffic congestion and traffic hazards;
 7. Will not cause significant air, odor, water, light or noise pollution;
 8. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town. (ord. 08-016, 8-12-2008)

9-6-4: NONCONFORMING BUILDINGS AND USES:

- A. **Maintenance Permitted:** A nonconforming building or structure may be maintained.
- B. **Continuance Of Nonconforming Use Of Buildings, Structures And Land:** Except as otherwise provided in this title, a nonconforming use of land or a structure may be continued:
1. **Determination Of Nonconforming Buildings And Uses:** Except as provided for in this subsection, all matters regarding the nonconforming use of structures and land shall be determined by the Appeal Authority. Upon application, after public hearing on the matter, the Appeal Authority shall determine if the use or structure is nonconforming with respect to the current provisions of this chapter. The Zoning Administrator may verify and determine routine and uncontested requests to verify nonconforming uses as provided in this section and the rules adopted by the Appeal Authority.
 2. **Alterations Or Modifications To Nonconforming Buildings And Structures:** Nonconforming buildings and structures with respect to setbacks or height may be continued. Additions, enlargements or structural alterations may be made to the extent that they comply with all requirements of this code.
 3. **Nonconforming Use Of Land:** Except as otherwise provided by law, including statutory and case law, nonconforming use of land lawfully existing on the effective date of the ordinance rendering it nonconforming may be continued and maintained, provided such

nonconforming use shall not be expanded or extended into any other open land, except as otherwise provided in this chapter. If the nonconforming use is discontinued for a continuous period of more than one year, it shall constitute an abandonment of the use, and any future use of such land shall conform to the provisions of the zone in which it is located.

4. **Nonconforming Use Of Buildings And Structures:** The nonconforming use of a building or structure lawfully existing on the effective date of the ordinance rendering it nonconforming may be continued and the building or structure maintained, and the use may be expanded or extended throughout such building or structure, provided no structural alterations, except those permitted by law, are proposed or made for the purpose of extension or expansion. (The addition of a solar energy device to a building shall not be considered a structural alteration.) If such nonconforming use is discontinued for a continuous period of more than one year, it shall constitute an abandonment of the use, and any future use of the building or structure shall conform to the provisions of the zone in which it is located.
5. **Change In Status Of Nonconforming Use:** If a nonconforming use is discontinued, it may be succeeded, upon approval of the Zoning Administrator, as provided in this section, by an equally intensive or less intensive nonconforming use, provided such change is effected within one year from the first day of discontinuance. After a change to a less intensive use occurs, the use may not change back to a more intensive use
6. **Alterations Or Modifications To Nonconforming Use:** A use which has been declared nonconforming shall not be enlarged or moved, except as provided in this section.
7. **Reconstruction Of Nonconforming Building Or Structure Partially Destroyed:** A nonconforming building or structure occupied by a nonconforming use which is damaged or is destroyed by fire, flood, wind, earthquake or other calamity or act of God, or the public enemy, or is removed due to dilapidation, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction, may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion as evidenced by an active building permit. If any such restoration is not commenced within one year, the structure shall be deemed to be abandoned, and every future building or structure occupying the portion of the land on which the building or structure was located shall conform to the current provisions of this title.
8. **Amortization Of Nonconforming Uses:** Except as otherwise provided by Utah Code Annotated, the Appeal Authority, under authorization of Utah Code Annotated, may provide for the timely modification or removal of a nonconforming structure or use of land. After appropriate financial studies to determine a valid amortization schedule, the Appeal Authority may establish a reasonable time period during which the owner may recover or amortize the amount of investment in the nonconforming use, and after which the nonconforming use shall be modified or removed in order to comply with the General Plan and this title. (ord. 08-016, 8-12-2008)

Title 9 – Land Management Code

Chapter 7

ZONE DISTRICT REGULATIONS

[9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:](#)

[9-7-2: R-2 MEDIUM DENSITY RESIDENTIAL:](#)

[9-7-3: R-3 MULTI-FAMILY RESIDENTIAL:](#)

[9-7-4: GC GENERAL COMMERCIAL:](#)

[9-7-5: VC VILLAGE COMMERCIAL:](#)

[9-7-6: L-1 LIGHT INDUSTRIAL:](#)

[9-7-7: ROS RECREATION OPEN SPACE:](#)

[9-7-8: COS CONSERVATION OPEN SPACE:](#)

[9-7-9: C CIVIC:](#)

[9-7-10: BUILDING BONUSES:](#)

[9-7-11: CCOD COMMERCIAL CORE OVERLAY DISTRICT](#)

9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:

A. **Purpose:** The R-1 district is intended to provide sites for low density single-family residential uses, together with such public facilities as may appropriately be located in the same district. The R-1 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with single-family occupancy, and, along with the Town Design Standards, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.

B. **Permitted Uses:** Only the following uses are permitted in the R-1 zone:

Boarding of horses for non-commercial use, subject to a horse boarding permit.

Commercial rentals of single-family residences, subject to a business license.

Home occupations identified in subsection [9-10-5](#) of this title.

Single-unit dwellings.

Other uses customarily incidental and accessory to single-family residential uses, and necessary for the operation thereof (garages or carports, play equipment, or other approved single-family use).

C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:

Bed and breakfast rentals.

Churches.

Home occupations identified in subsection [9-10-5C](#) of this title.

Mother-in-law / guest house is an accessory use 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. (ord. 18-006, 6-11-2018 amd. ord. 20-006, 7-14-2020)

Public or private schools.

Public parks.

Public utility uses.

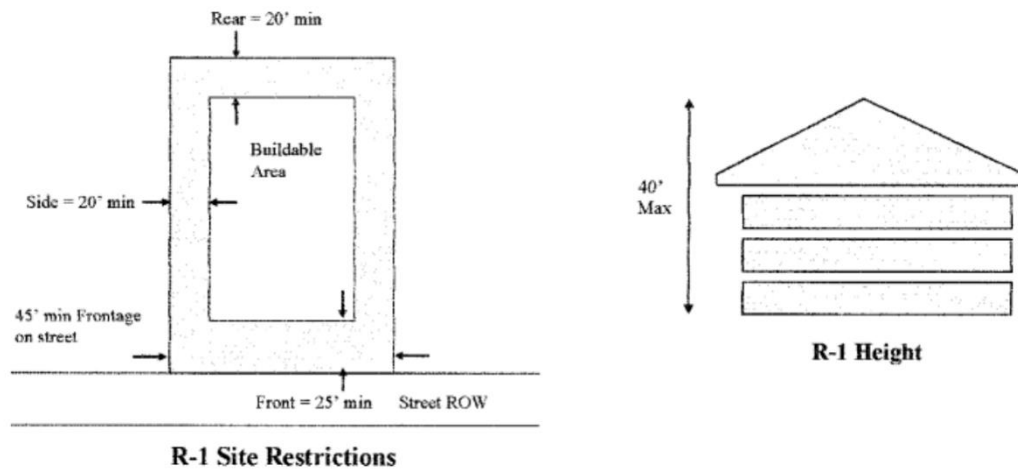
D. **Physical Restrictions:**

1. Minimum lot area: Fourteen thousand five hundred twenty (14,520) square feet ($\frac{1}{3}$ acre).
2. Minimum frontage width: Forty-five feet (45'). (amd. ord. 22-002, 5-10-22)
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:
 - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees).
 - ii. No habitable space within the setback area.
 - iii. Required off street parking is satisfied and maintained in the garage or on the lot.
 - iv. The roof sheds snow away from the public right of way.
 - v. Adequate snow storage on the lot.

Under no circumstances will the setback be less than five feet (5'). (ord. 17-004, 7-11-2017)
 - b. Side: Twenty feet (20').
 - c. Rear: Twenty feet (20').
4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:
 - a. Driveway and walkways.
 - b. Roof eaves provided they encroach no more than five feet (5') into the required setback.
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four (4') feet above grade, measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and

completely covered by a roof overhang or eaves, and the completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3 ½') into the required setback; and, (2010 Code, amd. ord. 15-004, 4-28-2015)

- d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Zoning Administrator, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015).
5. Maximum Building Height: Twenty-five feet (25'). (2010 Code, amd. ord. 22-002, 5-10-22)
6. Maximum building coverage:
 - a. One thousand square feet (1,000 sq. ft) footprint including garages, patios, and decks for a primary habitable structure. No more than 40% for all structures combined. (amd. ord. 15-004, 04-28-2015, amd. ord. 22-002, 5-10-22)
 - b. Minimum building coverage: 400 square feet for a primary habitable structure footprint (not including unenclosed decks and porches) and 160 square feet for a secondary habitable structure. (ord. 20-006, 7-14-20)
 - c. A property owner wishing to build larger than what is allowed in this code may refer to the Building Bonus section in 9-7-10. (ord. 22-002, 5-10-2022)
7. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve vegetation. (2010 Code, amd. ord. 15-004-2015).
8. Parking: In accordance with section [9-12-15](#) of this title.
9. Undisturbed lot area: Fifteen (15%) of the lot shall not be disturbed during development. (2010 Code, amd. ord. 15-004, 04-28-2015)
10. Remaining undeveloped lot: The remaining area shall be landscaped as per section [9-12-5](#) of this title. (2010 Code, amd. ord. 15-004, 04-28-2015)
11. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for non-commercial use, such as private 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. (ord. 16-007, 11-08-2016)
12. Storage Containers: Storage or cargo containers are not allowed be used as dwelling units in R-1 zones. (ord. 22-002, 5-10-22)



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

- A. **Purpose:** The R-2 district is intended to provide sites for medium density single- and multi- family residential use at a maximum density of eight (8) dwelling units per acre, together with such public facilities as may appropriately be located in the same district. The R-2 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with medium density multi-family occupancy, and along with the Town Design Guidelines, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.
- B. **Permitted Uses:** Only the following uses are permitted in the R-2 zone:
- Food and beverage services (restaurant, cafe, etc.).
 - Home occupations identified in subsection [9-10-5](#) of this title.
 - Multi-family dwellings (2 or more dwelling units per structure, including townhomes).
 - Nightly rental of dwelling units, subject to a business license.
 - Property management.
 - Public parks and open spaces.
 - Single-unit dwellings.
 - Spa.
 - Other uses customarily incidental and accessory to medium density family residential uses, and necessary for the operation thereof (garages or carports, play equipment, etc.)
- C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:
- Bed and breakfast rentals.
 - Churches.

Home occupations identified in subsection [9-10-5 C](#) of this title.

Public facilities.

Public or private schools. Public utility uses.

D. Physical Restrictions:

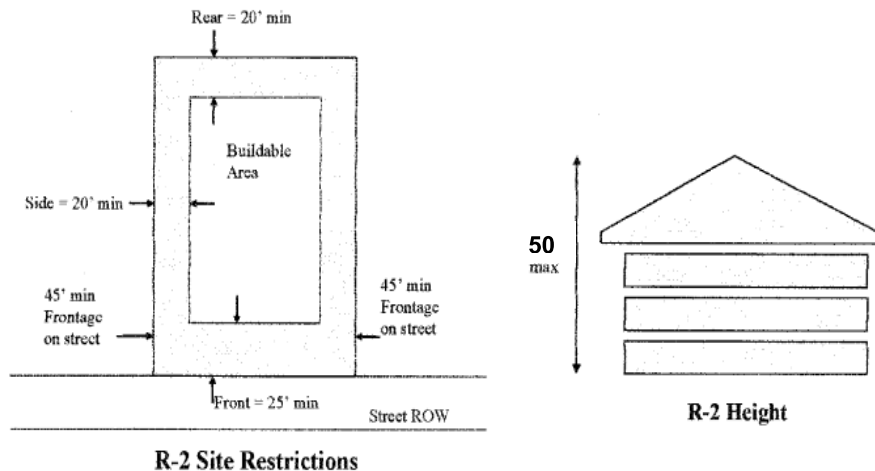
1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ($\frac{1}{2}$ acre).
2. Minimum frontage: Forty-five feet (45').
3. Minimum setbacks:
 - a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:
 - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);
 - ii. No habitable space within the setback area;
 - iii. Required off street parking is satisfied and maintained in the garage or on the lot;
 - iv. The roof sheds snow away from the public right of way; and
 - v. Adequate snow storage on the lot.

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

(ord. 17-004, 7-11-2017).

- b. Side: Twenty feet (20');
 - c. Rear: Twenty feet (20'). (amd. ord. 22-002, 5-10-22)
 4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:
 - a. Driveways and walkways;
 - b. Roof eaves, provided they encroach no more than five feet (5') into the required setback;
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet ($3\frac{1}{2}$ ') into the required setback; and
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Town Manager, or designee, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eave of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30" above grade may stand within the innermost one-third ($\frac{1}{3}$) of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015)

5. Maximum height: Twenty-five feet (25'). (amd. ord. 22-002, 5-10-2022)
6. Maximum building coverage: One thousand five hundred square feet (1,500 sq. ft.) footprint including garages, patios, and decks. (amd. ord. 22-002, 5-10-2022)
7. A property owner wishing to build larger than what is allowed in this code may refer to the Bonus Section in [9-7-10](#) of this title.
8. Maximum density: Eight (8) units per acre (or a fraction thereof) for multi-family dwellings, including constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
9. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per § [9-12-5](#) of this title, with every effort to preserve vegetation. (2010 Code, amd. ord. 15-004, 04-28-2015).
10. Parking: In accordance with section [9-12-15](#)
11. Undisturbed lot area: Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title (2010 Code, amd. ord. 15-004, 04-28-2015)
12. Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title (amd. 2015 ord. 15-004, 04-28-2015)
13. 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 the view of 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. (ord. 17-001, 4-11-2017)
14. Storage containers: Storage or cargo containers are not allowed to be used as a dwelling unit in R-2 zones. (ord. 22-002, 5-10-2022).



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

- A. **Purpose:** The R-3 district is intended to provide sites for multiple-family dwellings at densities restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc., together with such commercial and public facilities as may appropriately be located in the same district. The R-3 district regulations are intended to ensure adequate light, air, open space, and other amenities commensurate with multiple-family occupancy, and, with the Town Design Standards, to maintain the desirable residential qualities of the district by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses and, where approved, are intended to blend harmoniously with the residential character of the district.
- B. **Permitted Uses:** Only the following uses are permitted in the R-3 zone:
- Bed and breakfast establishments.
 - Home occupations identified in subsection [9-10-5](#) of this title.
 - Multi-family dwellings (2 or more dwelling units per structure, including townhomes).
 - Nightly rentals of dwelling units, subject to a business license.
 - Property management.
 - Public open spaces (parks and trails for hiking, non-motorized biking, and Nordic skiing etc.).
 - Single-unit dwellings.
 - Other uses customarily incidental and accessory to permitted uses and necessary for the operation and maintenance thereof, such as garages, carports, play equipment and accessory structure.
- C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:
- Churches.
 - Convention facilities.
 - Food and beverage services (restaurant, cafe, etc.).
 - Home occupations identified in subsection [9-10-5C](#) of this title.
 - Limited retail, food and beverage service and personal services in conjunction with lodging facilities (barber/beauty, travel, childcare, etc.) for the use of building residents (area of accessory uses may not exceed 40 square feet per residential unit).
 - Public institutions.
 - Public parking lots.
 - Real estate sales offices operated in conjunction with condominium rental offices when the office space is constructed as part of the project or when approved by the homeowners' association and in conformance with the projects CC&Rs.

Recreational trails and use of open space for motorized vehicles.

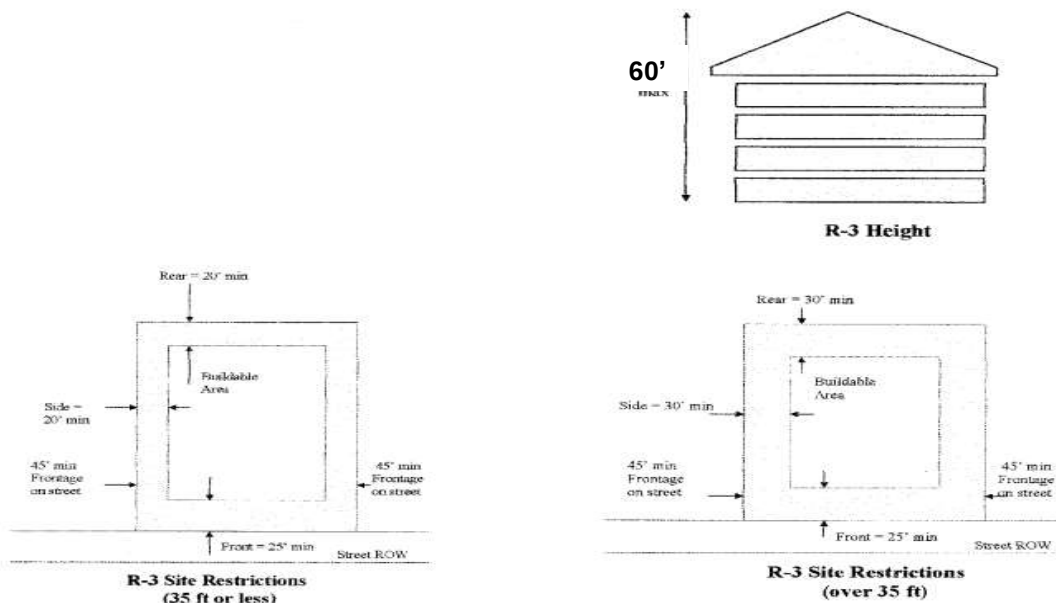
Schools.

Spa.

D. Physical Restrictions:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ($\frac{1}{2}$ acre).
2. Minimum frontage: Forty-five feet (45').
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:
 - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);
 - ii. No habitable space within the setback area
 - iii. Required off-street parking is satisfied and maintained in the garage or on the lot
 - iv. The roof sheds snow away from the public right of way
 - v. Adequate snow storage on the lot
 - vi. Development does not exceed R-2 density. (Ord. 20-006, 7-14-20)Under no circumstances will the setback be less than five feet (5').
 - b. Side: Twenty feet (20').
 - c. Rear: Twenty feet (20').
 - d. For buildings over thirty-five feet (35') in height
 - i. Side: Thirty feet (30');
 - ii. Rear: Thirty feet (30');
 - iii. Front: Twenty-five feet (25').
4. Setback exceptions: The following may be permitted to encroach within the required setback, subject to compliance with the provisions of this section, on a case-by-case basis after written approval of the Town Manager, or designee, following review:
 - a. Driveways and walkways running parallel to a property line shall not occupy more than seventy five percent (75%) of the required setback area while retaining at least twenty five percent (25%) of the required area as a landscape buffer.
 - b. Roof eaves, provided they encroach no more than five feet (5') into the required setback.
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet ($3\frac{1}{2}'$) into the required setback; and (2010 Code amd ord. 15-004, 04-28-2015)

- d. Decks and exterior staircases attached to the residential structure. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30' above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code amd ord. 15-004, 04-28-2015)
- 4. Maximum density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
- 5. Maximum height: Sixty feet (60') for peaked roof, forty feet (40') for flat roof; (2010 Code. amd ord. 15-004, 04-28-2015)
- 6. Maximum building coverage: Forty percent (40%) of the lot area. Fifty percent (50%) is permitted if all of the required parking is within the footprint of the building. (2010 Code. amd ord. 15-004, 04-28-2015)
- 7. Minimum landscaping: Forty percent (40%) or all disturbed portions of the property, whichever is greater, shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation. If the building footprint is at 50% and required covered parking is within the footprint of the building, then the landscaping minimum will be 30%. (2010 Code. amd ord. 15-004, 04-28-2015)
- 8. Parking: In accordance with section [9-12-15](#) of this title
- 9. Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title. (2010 Code. amd Ord. 15-004, 04-28-2015)
- 10. 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. (ord. 17-001, 4-11-2017)



(2010 Code, amd. ord. 15-004, 04-28-2015)

9-7-4: GC GENERAL COMMERCIAL:

- A. **Purpose:** The general commercial (GC) district is intended to provide sites outside of the village commercial zone, with a mixture of lodges and commercial establishments in an auto oriented setting. The GC district regulations are intended to ensure light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The GC district regulations, in conjunction with this title, prescribe site development standards that are intended to maintain the unique character and relationship of the town commercial areas and to ensure an attractive, functional commercial setting.
- B. **Permitted Uses:** Only the following uses are permitted in the GC zone:
- Banks.
 - Childcare centers.
 - Churches.
 - Food and beverage service establishments.
 - Home occupations identified in subsection [9-10-5 \(D\)](#) of this title. (amd. ord. 21-006, 5-25-21)
 - Indoor entertainment (Theater, arcade, bowling alley, etc). (ord. 15-004, 04-28-2015, amd. ord. 21-006, 5-25-21)
 - Other uses customarily incidental and necessary to permitted uses and necessary for the operation thereof.
 - Light hardware (no outside storage or sales of goods).

Lodging and nightly rentals (including hotels and motels).

Mortuary (ord. 17-004, 7-11-2017)

Personal services (barber/beauty, spa, self-service laundry, etc.).

Places for retailing of goods such as necessities, sundries, groceries, and convenience items), including outdoor display. (amd. ord. 21-006, 5-25-21)

Professional offices (real estate, finance, insurance, medical and dental, etc.).

Public and private educational institutions.

Public institutions and government buildings, e.g., town hall, library, senior center, etc.

Public open spaces (parks, etc.).

Public parking lots.

Public recreation areas.

Residential dwellings in conjunction with commercial space. It is required that at least seventy-five percent (75%) of the entire main floor, facing the public street or thoroughfares, be dedicated to commercial business residential units to be located in the rear or sides of the building to maximize the commercial business exposure. On multi-building projects, the commercial space may be cumulatively oriented toward the vehicle and pedestrian corridors rather than locations typically not accessible or visible to the general public. (amd. ord. 21-006, 5-25-21)

Retail, guest services, non-motorized equipment rental (e.g., skis, bicycles, etc.) oriented to tourists and mountain outdoor recreation (including outdoor display).

Schools.

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Building Material Sales (no outdoor storage or display) (ord. 17-004, 7-11-2017, amd. ord. 21-006, 5-25-21)

Car Wash (ord. 17-004, 7-11-2017)

Fuel service stations.

Home occupations identified in subsection [9-10-5\(E\)](#) of this title.

Public and private utility structures. (2010 Code, amd. ord. 15-004, 04-28-2015)

Recreational vehicle rental, sales, and service.

Rental of horses.

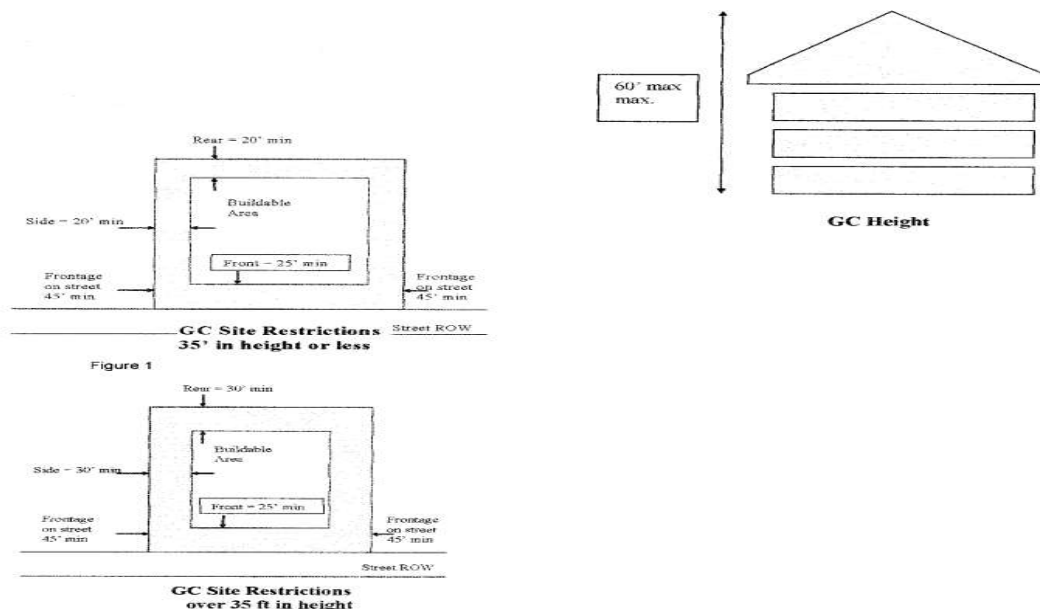
Outdoor entertainment. (amd. ord. 21-006, 5-25-21)

(amd. Ord. 21-006, 5-25-21)

D. Physical Restrictions:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).
2. Minimum frontage: Forty-five feet (45').
3. Minimum setbacks:
 - a. Front: Twenty-five feet (25');
 - b. Side and rear: Twenty feet (20') up to thirty-five feet (35') height.
 - c. For buildings over thirty-five feet (35') in height:
 - i. Front: Twenty-five feet (25');
 - ii. Side and rear: Thirty feet (30').
4. Setback exceptions: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section.
 - a. Driveways and walkways.
 - b. Roof eaves provided they encroach no more than five feet (5') into the required setback.
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3¹/₂') into the required setback; (2010 Code, amd. ord. 15-004, 04-28-2015)
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Town Manager, or designee, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or sidewalks less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015)
 - e. Portico or secondary egress stairways (when required on a second story above grade plan and higher by section 1006 in IBC) may extend into the innermost half of the setback when approved by the Planning Commission. (amd. ord. 22-004, 5-24-22)
5. Maximum height: Sixty feet (60') for peak roof, fifty feet (50') for flat roof.
6. Maximum density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
7. Maximum building coverage: Forty percent (40%) of the lot area.

8. Minimum landscaping: Forty percent (40%) of the lot shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation.
9. Parking and loading: In accordance with section [9-12-15](#) of this title. Onsite parking should be provided in the rear of the building or underground. Parking may be provided off site by participating in a parking district, or by providing parking lots jointly with other specific establishments with the approval of the Planning Commission. (2010 Code, amd. ord. 15-004, 04-28-2015)
10. Remaining undeveloped area shall be landscaped as per section [12-9-5](#) of this title. (2010 Code, amd. ord. 15-004, 04-28-2015)
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. (ord. 20-011, 12-08-2020)
12. Storage containers: Storage containers or cargo containers are now allowed to be used as a building in General Commercial zones unless the applicant follow the Building Bonus process listed in 9-7-10 of this title. (ord. 22-004, 5-10-2022)



(2010 Code, amd. ord. 15-004, 04-28-2015)

9 -7-5: VC VILLAGE COMMERCIAL:

- A. **Purpose:** The village commercial VC district is intended to provide for village core area with a mixture of lodges, business, and commercial establishments in a predominantly pedestrian setting. The VC district regulations are intended to ensure light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The district regulations, in conjunction with the town design guidelines, prescribe site development standards that are intended to maintain the unique character of the Town commercial areas and to ensure an attractive, functional village resort setting. It is encouraged that development in the village core would be by development agreement. (2010 Code, amd. ord. 15-004, 04-28-2015)
- B. **Permitted Uses:** Only the following uses are permitted in the VC zone:
- Banks.
 - Entertainment establishments (not including sexually oriented business establishments).
 - Food and beverage establishments.
 - Guest services
 - Non-motorized recreation equipment rental.
 - Home occupations identified in subsection [9-10-5](#) of this title.
 - Multi-family housing: Hotel type lodging in conjunction with commercial space. It is required that at least seventy five percent (75%) of the entire main floor, facing the public street or thoroughfares, be dedicated to commercial business with provisions for ADA compliant residential units to be located in the rear or sides of the building to maximize the commercial business exposure. On multi-building projects, the commercial space may be cumulatively oriented toward the vehicle and pedestrian corridors rather than locations typically not accessible or visible to the general public.
 - Pedestrian oriented retail stores (including outdoor display).
 - Professional and personal services (beauty shops, travel agencies, real estate, law, medicine),
 - Professional offices.
 - Spas.
 - Other uses customarily incidental and necessary to permitted uses and necessary for the operation thereof.
- 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 rental offices for which rental vehicles are stored and displayed outside of the village core zone. The conditional use permit will be no longer than a five-year period. (ord. 15-004, 4-28-2015, amd. ord. 20-002 4-28-2020)

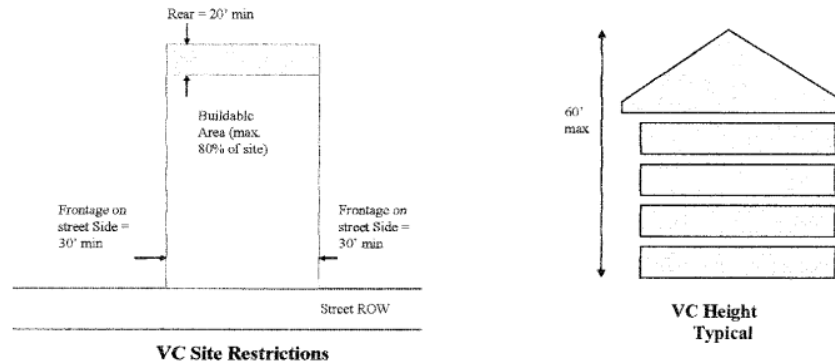
D. Physical Restrictions:

1. Minimum lot area: Three thousand (3,000) square feet.
2. Minimum frontage: Thirty feet (30').
3. Setbacks:
 - a. Minimum: Rear, twenty feet (20'), side and front, zero feet (0');
 - b. Maximum: Front, ten feet (10'), i.e., the front line of the building shall be located no further than ten feet (10') from the front lot line.
4. Rear setback exceptions: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section (amd. ord. 17-004, 7-11-2017):
 - a. Driveways and walkways.
 - b. Roof eaves provided they encroach no more than five feet (5') into the required setback.
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet ($3\frac{1}{2}'$) into the required setback; and (2010 Code, amd. ord. 15-004, 04-28-2015).
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Town Manager, or designee, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or sidewalks less than 30" above grade may stand within the innermost 1/3 of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015)
5. Maximum height: Sixty feet (60') for peaked roof, fifty feet (50') for flat roof.
6. Density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
7. Maximum building coverage: Eighty percent (80%) of the lot area.

8. Landscaping: No minimum requirement. Planters, decorative paving, and trees in tree grates are appropriate in conformance with section [9-12-5](#) of this title, with every effort to preserve existing vegetation.
9. Parking and loading:
 - a. Surface level parking areas are limited to 30% of the building footprint.
 - i. Location of surface parking must be approved by the Planning Commission to ensure the purpose of the Village Core is met.
 - ii. Surface level parking may not be located between pedestrian walkways and entrances to the commercial building.
 - b. Required residential parking must be placed onsite.
 - c. Required employee parking must be onsite or adjacent to property.
 - d. Patron parking may be located off-site, as agreed upon through a Development Agreement with the Town or in accordance with a shared parking agreement approved by the Planning Commission following review of a parking demand study of the uses in question.
 - i. Shared parking agreements must designate off-site parking facility that is within 500 feet of a Town transit stop.
 - ii. The primary uses of the designated shared off-site parking facility must have clearly distinct hours of peak parking demand from the proposed uses.
 - iii. Any development permitted with a shared parking agreement shall be required to develop additional parking, if and when the use changes in the future rendering the shared parking agreement deficient.
 - e. All parking must be in accordance section [9-12-15](#) with the following exceptions:
 - i. Required number of parking spaces:
 - 1) Patron Parking: 30% less than the requirements in section [9-12-15](#) of this title.
 - 2) Each underground parking space will satisfy 1.5 spaces against the requirement of section [9-12-15](#) of this title.

(Ord. 22-008, 7-26-2022)

10. Pedestrian Traffic: Provisions for pedestrian traffic, integrated with neighboring walkways, must be provided. (2010 Code)
11. Remaining undeveloped area shall be landscaped as per section [12-9-5](#) of this title. (ord. 17-004, 7-11-2017)
12. Storage containers: Storage or cargo containers are not allowed to be used as a building in Village Commercial unless the applicant abides by the Building Bonus process in [9-7-10](#) of this title. (ord. 22-004, 5-10-2022)



9-7-6: L-1 LIGHT INDUSTRIAL:

- A. **Purpose:** To provide sites for light industrial uses which are not appropriate in other commercial districts. Because of the varied nature and potential impacts of the uses, all permitted uses are subject to the restrictions below and the Town Design Guidelines as a condition of approval. The physical restrictions set out below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a permit for any use.
- B. **Permitted Uses:** Only the following uses are permitted in the L-1 zone:
- Firewood preparation, storage, and sales.
 - Fuel and oil storage, sales, or distribution.
 - Recreational vehicle rental, sales, and service (e.g., snowmobiles, ATVs, etc.).
 - Residential dwellings in conjunction with industrial space (owner/employee housing). (ord. 15-004, 04-28-2015)
 - Storage and/or sales of construction/building materials.
 - Utility substations.
 - Vehicle and equipment storage yards (including recreational vehicles).
 - Vehicle service yards and service garages (including recreational vehicles).
 - Warehouses or storage unit rental facilities.
 - Other similar uses.
- C. **Conditional Uses:** The following uses are conditional and require a conditional use permit: (2010 Code, amd. ord. 15-004, 4-28-2015)
- Light Manufacturing (amd. ord. 17-004, 7-11-2017)
 - Car Wash (ord. 17-004, 7-11-2017)
 - Rental of horses.
 - Sexually oriented businesses (SOB).

D. **Physical Restrictions:** The restrictions below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a conditional use permit for any use:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).
2. Minimum frontage: Forty-five feet (45').
3. Minimum setbacks:
 - a. Front: twenty-five feet (25');
 - b. Side and rear: twenty feet (20') (from residential property);
 - c. Side and rear: ten feet (10') (from adjoining L-1 property).
4. Maximum height: Fifty feet (50') maximum structure height.
5. Density: Not applicable.
6. Maximum building coverage: Fifty percent (50%) of lot area.
7. Minimum landscaping: Twenty five percent (25%) of the lot area shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation.
8. Parking and loading: In accordance with section [9-12-15](#) of this title.
9. Screening: All outdoor storage, including vehicles, machinery, and equipment, shall be screened from the public view as seen from any public roadway or from adjacent residential lots. Landscaping, fencing, and building orientation are acceptable methods to minimize the adverse visual impacts. (2010 Code amd. ord.16-007, 11-8-2016)
10. Noise: No use shall be permitted or conducted which creates noise, objectionable by reason of volume, pitch, intermittence, or frequency, which is audible at the boundaries of the site.
11. Other restrictions: Design should provide for all servicing of vehicles and equipment to be within structures, except for delivery of gas and other fluids. (2010 Code).
12. Storage containers: Storage or cargo containers are not allowed to be used as a building in Light Industrial zones unless the applicant abides by the Building Bonus process in [9-7-10](#) of this title. (ord. 22-002, 5-10-2022)

9-7-7: ROS RECREATION OPEN SPACE:

A. **Purpose:** To preserve areas for land uses requiring substantial areas of open land and substantially free from structures, roads, and parking lots, while permitting recreational pursuits such as ski runs, parks, golf courses and trails. Public or private recreational

facilities are suitable uses in this district; provided, that such uses maintain the open, undeveloped character of the land.

B. Permitted Uses: Only the following uses are permitted in the ROS zone:

Multi-use roads and trails for OHVs, biking, hiking, and equestrian use (motorized and non-motorized roads and trails).

Outdoor recreation, including golf courses, swimming facilities, riding or bridle paths, related facilities and uses, picnic areas, tennis courts.

Parks, playgrounds, and other open recreational facilities.

Ski runs and ski lifts, tubing parks, mountain bike parks and non-motorized trails.

Unpaved maintenance roads. (2010 Code, amd. ord. 15-004, 04-28-2015)

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Buildings and parking related to permitted uses, such as stalls, shelters, ticket booth, pavilion, clubhouse, or warming hut, with maximum building area of one thousand five hundred (1,500) square feet

Recreational vehicle parking and campground facilities (ord. 21-006, 05-25-21)

Rental of horses with horse boarding permit. (2010 Code, amd. ord. 15-004, 04-28-2015)

D. Physical Restrictions: The restrictions below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a conditional use permit for any use:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).
2. Minimum frontage: Fifty feet (50').
3. Minimum setbacks: Front, twenty-five feet (25'), side and rear, twenty feet (20').
4. Maximum height: Thirty-five feet (35') for peaked roof, twenty-five feet (25') for flat roof.
5. Density: Not applicable.
6. Maximum building coverage: Ten percent (10%) of lot area.
7. Minimum Undisturbed Area: Fifty percent (50%) of lot area, unless an alternate plan is approved by the Planning Commission which satisfies the intent of [9-12-3\(J\)](#). (ord. 21-006, 05-25-21)
8. Minimum landscaping: Seventy five percent (75%) of the lot area shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing

vegetation (undisturbed area counts toward landscaping requirement). (amd. ord. 21-006, 05-25-21).

9. Parking and loading: In accordance with section [9-12-15](#) of this title. (ord. 08-016, 8-12-2008)

9-7-8: COS CONSERVATION OPEN SPACE:

- A. **Purpose:** To identify and preserve land that is, by virtue of ownership or easement, precluded from development, and to preserve the historic and natural beauty of those areas. Qualifying land includes property owned by a governmental entity, or parcels for which a scenic or conservation easement has been granted to a governmental entity, land trust or conservation organization.
- B. **Permitted Uses:** Only the following uses are permitted in the COS zone:
- Conservation areas.
 - Recreational trails.
 - Ski lifts (limited to towers and terminals)
 - Waterways, streams, lakes, water features.
- C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:
- Bridges over natural vegetation and water features to preserve open space.
 - Public Restrooms.
- D. **Restrictions:** All lands are to remain free of structures other than those specifically mentioned above. (2010 Code)

9-7-9: C CIVIC:

- A. **Purpose:** The Civic zone C is intended to provide areas for the location and establishment of facilities which are maintained in public and quasi-public ownership. This zone is intended to provide immediate recognition of such areas on the official Zoning Map of the Town, and to reduce the affect which the location of these facilities may have upon neighborhoods in residential, commercial, or industrial areas. Typical uses permitted in the C zone are public schools, public parks, hospitals, airports, public utilities, public equipment storage areas, municipal offices and meeting halls, and public shop areas. Though some of these uses will be allowed in other zones to initially accommodate public facilities in appropriate areas without undue difficulty, it is intended

that the C zone would then be applied to all such facilities for ease of recognition and minimizing impacts. (amd. ord. 22-008, 7-26-22)

B. Permitted Uses: Only the following uses are permitted in the C zone:

Cultural activities and nature exhibits (public only).

Forest reserves (public only).

Governmental services.

Public school facilities.

Recreational activities (public only).

Public Parking lots. (ord. 22-008, 7-26-22)

C. Permitted Accessory Uses: Accessory uses, and structures are permitted in the C zone, provided they are incidental to, and do not substantially alter the character of the permitted use or structure, including, but not limited to, the following:

Accessory buildings such as garages, carports, bath houses, green houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.

Detached single-family residence used only for the use of a caretaker, watchman or similar employee of a permitted use, when located upon the same site as said permitted use, i.e., RV park camp host.

Fishing activities.

Swimming pool.

Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses. All such materials or equipment shall be screened from view from public or private streets.

D. Conditional Uses: The following businesses are conditional uses and require a conditional use permit:

Airports, Heliports, and general aircraft flying fields.

Ambulance services.

Cemetery.

Combination utilities company storage yards and equipment storage.

Communications.

Golf courses.

Group or organized camps.

Hospitals.

Parks.

Religious activities.

Public Utilities and Supporting Facilities

(2010 Code, amd. ord. 15-004, 04-28-2015)

E. Physical Restrictions:

1. Minimum lot area: Ten thousand eight hundred ninety (10,890) square feet ($\frac{1}{4}$ acre).
2. Minimum frontage: Fifty feet (50').
3. Minimum setbacks:
 - a. Front: twenty-five feet (25');
 - b. Side and rear: ten feet (10') (adjoining L-1 property); or twenty feet (20') when adjoining property in all other zones. (2010 Code)
4. Maximum height: forty feet (40') for peaked roof, thirty feet (30') for flat roof. (ord. 11-007, 6-28-2011)
5. Maximum building coverage: fifty percent (50%) of lot area.
6. Minimum landscaping: Twenty percent (20%) of lot area shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation. (amd. ord. 22-008, 7-26-22)
7. Screening: All outdoor storage, including vehicles, machinery, and equipment, shall be screened from the public view as seen from any public roadway. Landscaping, fencing, and building orientation are acceptable methods to minimize the adverse visual impacts.
8. Parking and loading: In accordance with section [9-12-15](#) of this title.
9. Noise: No use shall be permitted or conducted which creates noise objectionable by reason of volume, pitch, intermittence, or frequency which is audible at the boundaries of the site.
10. Other restrictions: No service facilities may be located within setbacks. Design should provide for all servicing of vehicles to be within structures, except for delivery of gas and other fluids. (2010 Code)

(amd. ord. 21-006, 05-25-21).

9-7-10: BUILDING BONUSES:

- A. Except as provided under paragraph B below, single family and two-family structures as permitted in sections [9-7-1](#) and [9-7-2](#) of this title are not required to follow section [9-12-5](#)

(as it relates to backyard landscaping plans so long as the landscaping remains “affordable”, remains water efficient, and attempts to keep as many trees on the property as possible to conform with the spirit of living in a rustic alpine resort town) [9-12-7-B](#), or [9-12-7-F](#) of this title.

1. An owner who wishes to build a dwelling unit larger than what is allowed in Section 9-7-1 and 9-7-2, or an owner who wishes to build a container dwelling unit, may submit a Bonus Request to do so, provided that the Owner requests the Town to apply Sections [9-12-5](#), [9-12-7B](#) (Exterior Walls) and [9-12-7F](#) (Windows) of this title to their property for larger residential homes. For container dwelling units, an owner must request Section [9-7-10C\(3\)](#) of this title.
 - a. In doing so, Brian Head Town will require a signed and notarized Bonus Request Statement between the Town and the legal property owner agreeing that the Town will grant a larger home so long as the property owner agrees to abide by the Design and Building Standards listed in this code. The Town has a notary onsite and will provide a standard request form for owners to help with the process.
 - b. The Town will require proof of ownership or title to the property.
 - c. Upon the Town’s receipt of the requested Bonus Statement listed in (a) above, all Design Standards listed in Section [9-12](#) of this title will apply to the selected property. If the Requested Bonus Statement is incomplete, altered, or has any other defect not listed here, it will be deemed invalid, and the request will not be granted.
 - d. After receipt of the signed and notarized Bonus Request Statement, the Town will record the statement with Iron County Recorder’s office. Failure to record a requested statement has no effect on the Town’s authority to enforce regulations against a property owner for which a Bond Request has been received.
 - e. If the property owner is found to have violated the signed Bonus Request Statement, the Certificate of Occupancy may be withheld until all provisions are in compliance with the Town’s standards and regulations.

B. The following bonuses shall be granted if Section A above is appropriately complied with:

1. For Single-Family Residential Zones (R-1) as referred to in [9-7-1](#) of this title:
 - a. Building Height: Increased up to forty-five feet (45’).
 - b. Building coverage including garages, patios: Increased up to 40% of the lot area.
2. For Medium-Family Residential Zones (R-2) as referred to in [9-7-2](#) of this title:
 - a. Building Height: Increased up to fifty feet (50’) for peaked roofs and thirty five feet (35’) for flat roofs.
 - b. Building coverage including garages and patios increased up to forty percent (40% of the lot area).
3. For container dwelling units in R-1 and R-2 zones only:
 - a. No more than 25% of the overall structure shows the metal walls of the storage container:

- i. The metal of the storage container that is visible must be painted with premium, exterior, rust-resistant paint, and color matched to soil or vegetation on the property which the container will sit on. The paint color shall strive to make the storage container blend into the surroundings and maintain the rustic feel of Brian Head.
 - b. A minimum of 75% of the dwelling unit (not including windows) must be made of cladding requirements in section [9-12-7F](#) (Exterior Walls) of this title.
 - c. Windows and Doors: Windows and doors should be trimmed or framed by wood, timber, wood shutters, stone or wood lintels and sills that are of a scale, color and mass that reflect styles of a mountain resort community. Windows shall comply with section [9-12-7B](#) (Windows) of this title. Doors: Container doors must be covered to camouflage the raw storage container door made of metal and roads. All door designs are subject to the Zoning Administrator's approval.
 - d. Roof Pitch: The roof pitch should be a 2-12 to 12-12. The Mountain Modern style may be allowed. An entirely flat roof with no pitch shall not be allowed.
 - e. Roof Colors: The roof color must have a LRV of less than 30 and must complement the rest of the dwelling unit.
 - f. Landscaping: Landscaping requirements remain the same as identified in [chapter 7](#) of this title.
- 4. Container Buildings in Village Commercial (VC), General Commercial (GC) and Light Industrial (IL) zones only.
 - a. No more than 25% of the overall structure shows metal walls of the storage container.
 - i. The metal of the dwelling unit that is visible must be painted with premium, exterior, rust-resistant paint and the color matched to soils or vegetation on the property which the dwelling unit will be located. The paint color shall strive to make the dwelling unit blend into the surroundings and maintain the rustic feel of Brian Head Town.
 - b. A minimum of 75% of the dwelling unit (not including windows) must be made of cladding requirements found in section [9-12-7B](#) (Exterior Walls) of this title.
 - c. Windows and Doors: Windows and doors should be trimmed or framed by wood, timber, wood shutters, stone or wood lintels and sills that are of a scale, color and mass that reflect styles of a mountain resort community. Windows shall comply with section [9-12-7B](#) (Windows) of this title. Doors: The storage container door is prohibited and must be changed or shielded to reflect the style of a mountain resort community.
 - d. Roof Pitch: The roof pitch should be 2:12 to 12-12. The Mountain Modern style may be allowed. An entirely flat roof with no pitch shall not be allowed.
 - e. Roof Colors: The roof color must have a LRV of less than 30 and must complement the rest of the dwelling.
 - f. Landscaping: Landscaping requirements remain the same as listed in [Chapter 7](#) of this title.

9-7-11: CCOD COMMERCIAL CORE OVERLAY DISTRICT

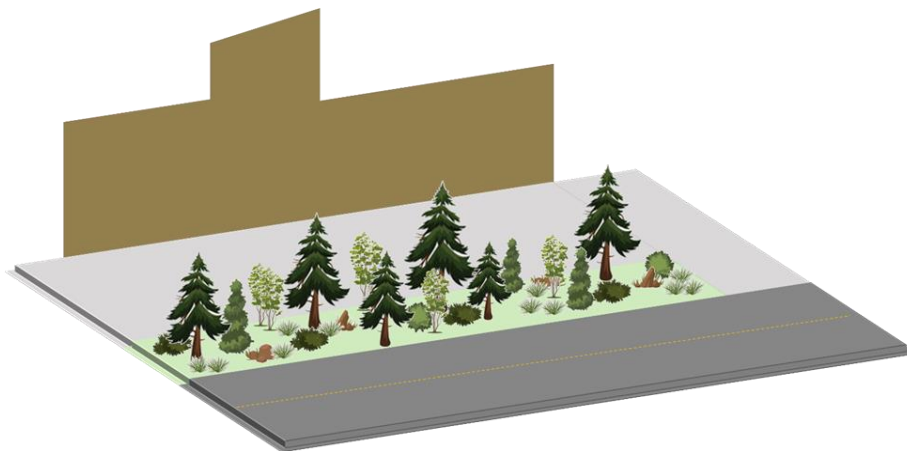
- A. Purpose Statement:** The purpose of the Commercial Core Overlay District is to guide development in the commercial core in a manner that achieves the aesthetics desired in a mountain resort community and improves the first impression of the town. This overlay district employs stricter design standards in order to achieve the Town's goals in return for relaxing other standards that may not be as critical to the Town's goals specifically in the commercial core.
- B. District Locational Criteria:** The Commercial Core Overlay District will be identified on the Zone District map as prescribed in Chapter 6 of this title. Areas covered by the district are characterized by the following:
1. Uses compatible with mountain resort-complimentary commercial and residential activity.
 2. Located adjacent to transportation corridors; and
 3. Frequented by guests and visitors to the town.
- C. Permitted Uses:** The uses specified as permitted uses set forth in this chapter for the underlying zone shall be permitted uses and no other.
- D. Eligibility for District:** Applicants proposing a project under the allowances and requirements of the Commercial Core Overlay District should make application according to the requirements outlined in Chapter 4 of this Title and state on their application that they intend to develop under the requirements of the overlay district rather than the underlying zone. The designated review authority shall determine eligibility of the application to be considered under the overlay district regulations according to the following standards:
1. The proposed use and development is consistent with the Town General Plan
 2. The proposed use and development enhances the character of the overlay district, as set forth in the purpose of the overlay district, in a manner which could not be reasonably achieved under the regulations and standards of the underlying zone
 3. The proposed use and development strictly adheres to or exceeds the enhanced design standards set forth in this section
- E. Conditional Uses:** The uses specified as conditional uses set forth in this chapter for the underlying zone shall be conditional uses and no other.

F. Physical Restrictions: The physical restrictions specified as set forth in this chapter for the underlying zone shall be applied unaltered in this overlay district with the following exceptions:

1. Minimum Landscaping: Minimum requirement may be reduced to 20% in L-1, R-1 and R-2 underlying zones and may be reduced to 25% in R-3 and GC underlying zones. Minimum requirement remains unaltered in all other zones.

G. Design Standards: The Design Standards specified as set forth in [chapter 12](#) of this title shall be applied unaltered in this overlay district with the following exceptions:

1. Landscaping: Landscaping shall be incorporated along frontages between any buildings, structures or parking area and the public right-of-way to achieve enhanced screening. Landscaping used for screening shall consist of mature trees and shrubs, varied in height but a minimum of six (6) feet in height and four (4) inches in trunk diameter for trees. While landscaping intended for screening does not need to completely block buildings and parking area from sight, it shall be of sufficient density to render any structures significantly less imposing on views from the right-of-way. Evergreen trees shall be used predominantly to ensure that screening is effective year-round. Spacing between the foliage of mature trees shall be no greater than four (4) feet with shrubs interspersed in the spaces between and beneath tree foliage, except where driveways and walkways intersect the frontage. Placement of trees and shrubs shall be staggered and varied to avoid unnaturally linear appearance of vegetation. Enhanced landscaped areas shall not be designated for snow storage. Landscape screening shall not impede visibility for drivers entering and exiting driveways.
2. Landscape Maintenance. The developer or applicant shall maintain the landscaping plan as originally approved and may be required to provide a financial guarantee for replacement of plant materials that have died, for a period of two (2) years from the issuance of a certificate of occupancy or certificate of completion.



Example of Enhanced Landscaping Requirement required by 9-7-11(G)(1)

Title 9 – Land Management Code

Chapter 8

BUILDING PERMITS

9-8-1: PURPOSE:

9-8-2: BUILDING PERMIT AND CONFORMANCE WITH TERMS REQUIRED:

9-8-3: DESIGN REVIEW:

9-8-4: FINAL REVIEW:

9-8-5: ACCEPTANCE OF IMPROVEMENTS AND OCCUPANCY:

9-8-1: PURPOSE:

The purpose and intent of the building permit review process is to secure the general purposes and objectives of this title to ensure that the general appearance and public safety of buildings, structures and development are harmonious with and complement the neighborhood. Projects are evaluated to ensure that they are consistent with this title, the Town General Plan, Zoning Map and General Design Standards ([chapter 12](#)) of this Title and meeting applicable health, safety and public welfare standards. (ord. 08-016, 8-12-2008)

9-8-2: BUILDING PERMIT AND CONFORMANCE WITH TERMS REQUIRED

- A. **Construction, alteration, or removal of any building or structure**, or any part thereof, as provided for or restricted in this title and the uniform codes, shall not be commenced without a valid building permit and other permits as required. (2010 Code, amd. ord. 15-004, 4-28-2015)
- B. **Land, buildings, or premises in any zoning district** shall be used only for the purposes permitted in such district and in accordance with an occupancy permit issued under section [9-8-5](#) of this title. The use, building, or premises must conform to the provisions of the occupancy permit and all related ordinances, regulations, resolutions, and requirements of this title. A new occupancy permit must be obtained prior to a change in use or character of any building. (amd. ord. 21-005, 05-11-2021)

- C. **A building permit shall only be issued after a design review process.** Single family dwellings, accessory structures, and commercial remodels that do not change the footprint that are permitted uses and that are in compliance with the LMC may be reviewed and approved by Planning and Zoning Department. All other types of building projects shall follow a two-step process: Project Design Review by the Planning Commission and building permit final review by the Planning and Zoning Department. (amd. ord. 15-004, 4-28-2015, amd. ord. 21-005, 05-11-2021)
- D. **Any construction, alteration of any building or structure,** or any part thereof, requiring a building permit, shall require the submission of engineered building plans if required by applicable law. (2010 Code, amd. Ord. 15-004, 4-28-2015)

9-8-3: DESIGN REVIEW:

- A. **Purpose:** The design review is intended to be an abbreviated submittal, to provide an opportunity to verify the project is consistent with applicable regulations and requirements, to obtain general feedback from the Planning and Zoning Department and the Planning Commission, to ascertain special requirements and make changes in design (if necessary) before incurring the time and expense of preparing a complete (final) building permit submittal. (amd. ord. 21-005, 05-11-2021)
- B. **Review And Process:**
 - 1. **Application:** An applicant shall submit a complete design review application, signed by an owner or legal representatives of the subject property, to the Planning and Zoning Department. If the subject property is a condominium project or is owned by a corporation, the signature of an officer of the entity with authority to bind the entity shall be sufficient. The Planning and Zoning Administrator may waive application requirements that are not applicable to the project. (ord. 15-004, 4-28-2015, amd. ord. 21-005, 05-11-2021)
 - 2. **Planning and Zoning Review**
 - a. After a complete design review application has been received by the Planning and Zoning Department, the Planning and Zoning Administrator, or designee, will determine if the project, as submitted, is consistent with the requirements of this title. The developer will be notified, in writing, of deficiencies and inconsistencies. (amd. ord. 21-005, 05-11-2021)
 - b. The applicant will then be given the opportunity to make the necessary corrections, revisions, or redesign of the project so as to conform to the requirements of this title. If, in the judgment of the Planning and Zoning Administrator, or designee, a variance is required, the Planning and Zoning Department shall so notify the applicant. The applicant may either apply for a

variance pursuant to section [9-11-1](#) of this title or redesign the project to avoid the variance requirement. After a complete, conforming application has been received, the Planning and Zoning Department shall make a final review of the Design Review application and shall forward a written recommendation to the Planning Commission.

- c. The Planning and Zoning Administrator, or designee, shall recommend to the Planning Commission, in writing, any conditions the Planning and Zoning Department deems reasonable and necessary under the circumstances to carry out the intent of this chapter and title. (amd. ord. 21-0005, 05-11-2021)
3. Planning Commission Review: Within a reasonable time after a complete submittal, the Planning and Zoning Administrator, or designee, shall present the design review application to the Planning Commission. The Planning Commission shall review the application and approve the project as presented, approve the project with conditions and/or modifications, or deny the application with the specified deficiencies of this code that when corrected may be brought before the Planning Commission for review. (amd. ord. 21-005, 05-11-2021)

C. Standards For Review:

1. The proposed uses, structure and site improvements shall conform to the following:
 - a. Town General Plan.
 - b. Zoning regulations and other relevant sections of this title.
 - c. Applicable building codes as adopted by the state.
 - d. General design standards of [chapter 12](#) of this title, and;
 - e. Other applicable laws.
2. The design shall be sensitive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts and preservation of views.
3. Utilities and services shall be available and adequate to meet the needs of the proposed structure and uses. (2010 Code, amd. ord. 15-004, 4-28-2015)

D. Modifications:

1. When a project contemplates a modification to the plan and it is deemed by the Planning and Zoning Administrator to be minor in scope (such as unseen structural modifications, interior floor layout not resulting in increased density, facade repairs, landscaping, etc.), the project may be approved by the Planning and Zoning Administrator or designee. Modifications deemed "significant" in nature by the

Planning and Zoning Administrator, or designee, shall be submitted to and reviewed by the Planning and Zoning Administrator, which shall then forward its recommendation to the Planning Commission for review. (amd. ord. 21-005, 05-11-2021)

2. If, following the Planning and Zoning Department review, and before being presented to the Planning Commission for consideration, the project is significantly modified, the Planning and Zoning Department must again review the modification before it is presented to the Planning Commission. Significant modifications may include, but are not limited to, a change of configuration of buildings on the lot, lot layout or configuration, a change in the number of units, or other change that raises significant new issues, questions, or problems as to the project's conformity to the General Plan or this title. (amd. ord. 21-005, 05-11-2021)

- E. **Plan Modification Fee:** A fee as indicated on the Consolidated Fee Schedule for modification of plans or permits shall be paid when a design modification is requested, prior to any review of modifications, to cover the cost of processing and review.
- F. **Expiration:** A design review approval expires after one year from the date of the Planning Commission approval if a building permit has not been issued. (ord. 08-016, 8-12-2008)

9 -8-4: FINAL REVIEW:

- A. **Review Process:**
 1. Application: Following design review by the Planning Commission, if required, application shall be made to the Planning and Zoning Department for final review. (amd. ord. 21-005, 05-11-2021)
 2. Planning and Zoning Review: The Planning and Zoning Department upon receipt of a completed application and all fees, shall review the application and shall approve, approve with conditions, or deny the final building permit application. (amd. ord. 21-005, 05-11-2021)
- B. **Standards For Review:**
 1. The proposed uses, structure and site improvements shall be consistent with the following: (amd. ord. 21-005, 05-11-2021)
 - a. Town General Plan.

- b. Zoning regulations, Town Design Standards, and other relevant sections of this title.
 - c. International Building Code (IBC) and all current applicable codes as currently adopted by the state.
 - d. The plans approved during the Design Review process. (ord. 21-005, 05-11-2021)
 - 2. The design shall be sensitive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts, and preservation of views.
 - 3. Utilities and services shall be available and adequate to meet the needs of the proposed structure and uses, including, but not limited to, roads, gas, electric, storm drainage, telecommunications, public safety, schools and recreation, or bonding provided for subject to sections [9-13-5](#) and [9-13-7](#) of this title.
- C. **Plan Revisions:** After a building permit is granted, a project may not be altered without the approval of the Planning and Zoning Administrator or designee. In order to ensure that the proposed modification is consistent with this title, and that the redesign is still in conformity with design and final review, the Planning and Zoning Administrator, or designee, may then require any documents deemed reasonably necessary to evaluate the modification. For violations of this requirement, the Planning and Zoning Administrator, or designee, may suspend the building permit and construction on the project. (amd. ord. 21-005, 05-11-2021)
- D. **Expiration:**
- 1. Every permit issued shall expire if the building or work authorized by such permit is not commenced within one hundred eighty (180) calendar days from the date of issuance of such permit.
 - 2. Once a building permit is granted and construction commenced, the approval shall continue for a period of twenty-four (24) months, unless otherwise revoked or extended. The building permit shall expire upon a permanent occupancy permit being issued. (ord.08-016, 8-12-2008)

9-8-5: ACCEPTANCE OF IMPROVEMENTS AND OCCUPANCY:

- A. **Occupancy Permit:** An occupancy permit shall be issued only for a single building (a single permit may not be issued for multiple buildings) upon compliance with the following conditions:
 - 1. A notice of completion has been issued by the Planning and Zoning Department verifying that the building project is completed and in compliance with all applicable

- codes for occupancy, including all on-site and off-site improvement work, landscaping, site restoration and cleanup. (amd. ord. 21-005, 05-11-2021).
2. A set of "as built drawings", as defined in section [9-2](#) of this title and has been filed with the Planning and Zoning Department. (amd. ord. 21-005, 05-11-2021).
- B. **Inspection:** The Planning and Zoning Administrator or other designated official shall, upon presentation of evidence of authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings, structures, and other construction projects during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this title. (amd. ord. 21-005, 05-11-2021)
- C. **Acceptance Of Improvements:** On or off site improvements shall be deemed accepted by the Town only after complete inspection by the Planning and Zoning Administrator for buildings and structures, the issuance of an occupancy permit; and for on or off site public improvements, upon the issuance of a certificate of acceptance by the Planning and Zoning Administrator, or designee. (2010 Code, amd. ord. 21-005, 05-11-2021)

Title 9 – Land Management Code

Chapter 9 SUBDIVISIONS

9-9-1: PURPOSE:

9-9-2: SUBDIVISION PROCESS:

9-9-3: PLAT AMENDMENTS:

9-9-4: SUBDIVISION BY METES AND BOUNDS:

9-9-5: CONVERTIBLE OR EXPANDABLE AREA FOR CONDOMINIUMS:

9-9-6: WATER ACQUISITION:

9-9-1: PURPOSE:

It is the Town's intent to promote the orderly growth and development of subdivisions to ensure that subdivisions meet local and state codes, and to ensure that growth conforms to the Town General Plan, this title and design standards. (2010 Code, amd. ord. 21-005, 05-11-2021)

9-9-2: SUBDIVISION PROCESS:

Subdivision of land must comply with the provisions of this chapter and Utah Code Annotated [§10-9a-601](#) et seq. Until a final plat is recorded according to these provisions, the following may not occur, lots transferred, sold or offered for sale, contracted for sale, deeded or conveyed, building permit issued on said lots; terrain altered; any vegetation removed from the proposed subdivision site; or engaging in any site development. The steps of the subdivision process are as follows: (amd. ord. 21-005, 05-11-2021)

A. **Pre-application Conference:** Prior to submission of formal materials for a proposed subdivision, a subdivider shall participate in a pre-application conference with the Planning and Zoning Department. This will provide the subdivider an opportunity to consult with and receive assistance from the Town regarding the regulations and design requirements applicable to the subdivision of the property prior to a significant investment in technical/engineering and legal work. (amd. ord. 21-005, 05-11-2021)

B. **Schematic Plan Review:**

1. Purpose: The schematic plan is intended to be an informal and abbreviated submittal, to allow the applicant and the review boards to determine the basic feasibility of the proposal before incurring the time and expense of a formal application for the preliminary and final plats. Town staff and Planning Commission recommendations, suggestions and interpretations during the schematic plan review are advisory and shall not be considered binding on the Town.
2. Review Process:
 - a. Submittal: See [chapter 4](#) of this title for the information to be included in on or with the schematic plan.
 - b. The Planning and Zoning Department and other necessary Town staff shall review the documents submitted for schematic plan review to determine if they are complete as required in [chapter 4](#) of this title and meet the standards for review for Schematic Plan Renew. The application and staff comments are then forwarded to the Planning Commission.
 - c. Planning Commission Review: Within a reasonable time after the Planning and Zoning Department review, the schematic plan shall be presented to the Planning Commission at a regular meeting. During this review, the Planning Commission shall provide additional comments and input as they pertain to this title to assist the applicant in preparing the preliminary plat application.
3. Standards For Review: The applicant shall demonstrate that:
 - a. The proposed subdivision conforms to the Town General Plan, zoning regulations, Public Works Standards, Design Standards [chapter 12](#) and other relevant sections of this title.
 - b. Water: The proposed water source is connected to the Town's water distribution system and has adequate supply, capacity, and method of distribution within the subdivision. (2010 Code, amd. ord. 15-004, 4-28-2015)
 - c. Sewer: The proposed sewage system is connected to the Town's sewer system and meets State and Town standards and regulations. (2010 Code, amd. ord. 15-004, 4-8-2015)
 - d. Fire Protection: The proposed method for fire protection complies with this title and other regulations as applicable.
 - e. Appropriate Use: The proposed uses for the property are appropriate to the zone district and the layout/design is responsive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts, and preservation of views.
 - f. Public Services: Adequate public services are available to meet the needs of the proposed subdivision, including roads, water, sewer, storm water, gas, electric, telecommunications, trails, transit, snow storage areas, police and fire protection, and recreation. If adequate services do not exist at the time of application,

provision must be made for expansion of services concurrent to the subdivision development at the expense of the subdivider.

4. Vested Rights: Submission of a schematic plan does not constitute the beginning of any vested rights for the applicant. Vested rights shall accrue only upon the filing of a complete preliminary plat application with all required information and fees. However, if there is a compelling, countervailing public interest or the Town has initiated proceedings to amend this title or other applicable ordinances at the time of the preliminary plat application, then there shall be no vesting as it pertains to the compelling, countervailing public interest or pending ordinance change. (amd. Ord. 21-005, 05-11,2021)
5. If the applicant does not proceed with the preliminary plat review application within six (6) months of completing the schematic plan review, the applicant shall resubmit the proposed schematic plan and the Planning and Zoning Administrator shall determine whether the schematic plan review process shall be repeated. (ord. 21-005, 05-11-2021)

C. Preliminary Plat:

1. Purpose: The purpose of the preliminary plat is to review and resolve most of the technical details of the subdivision design in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat, and all information and procedures relating thereto, shall in all respects be in compliance with the provisions of this title and any other applicable ordinances.
2. Standards For Review: The applicant shall demonstrate that:
 - a. Compliance with Schematic Plan: The proposal does not significantly deviate from the schematic plan insofar that the schematic plan was consistent with local ordinances and state statute.
 - b. Water: The proposed water distribution system is connected to the Town's water system and meets the requirements of the Town; (2010 Code, amd. ord. 15-004, 4-28-2015)
 - c. Sewer: Provision has been made for a public sewer collection system and is connected to the Town's sewer system and meets Town requirements. (2010 Code, amd. ord.15-004, 4-28-2015)
 - d. Public Services: Preliminary engineering plans provide evidence that public services (roads, trails, transit, storm water, snow storage, fire, police, gas, electricity, telecommunications, and recreation) meet the requirements of this title and applicable codes.
3. Review Process:

- a. Application: After completing the schematic plan review required in this title, the subdivider shall file an application for preliminary plat approval. See [Chapter 4](#) of this title for the information required to be included on or with the preliminary plat.

The applicant shall provide the Town with sufficient information so that it can provide notice by transmittal letter to such public agencies and utilities as deemed appropriate by the Planning and Zoning Administrator or designee. In the transmittal letter, the Town shall request that each of the affected entities, as set forth in Utah Code Annotated [§10-9a-103\(3\)](#), as amended, forward a report of its findings and recommendations to the Planning and Zoning Department and Planning Commission by the date of the public hearing set for the preliminary plat approval. The developer shall pay for all costs incurred.

- b. Town staff Review:
 - i. Within a reasonable amount of time, the Planning and Zoning Administrator and/or staff shall review the preliminary plat application for general compliance with these regulations: Public Works Standards, Design Standards and other applicable ordinances. If the preliminary plat is not complete or not in general compliance, the Planning and Zoning Administrator shall notify the subdivider in writing and specify the respects in which it is deficient. When the submission is complete the Planning and Zoning Administrator, or designee, shall forward the preliminary plat to the Planning Commission.
 - ii. The Public Works Department and Town Engineer shall review submittals, plans and plats as to engineering requirements for street widths, grades, alignments, snow removal and storage, surface water flow and flood control, and for consistency of the proposed public improvements with this title and other applicable ordinances. (2010 Code, amd. ord. 15-004, 4-28-2015)
- c. Planning Commission Review: When the filing of a preliminary plat of a subdivision and any other information required is deemed complete and accurate by the Planning and Zoning Department, the Planning Commission shall hold a public hearing consistent with [UCA §10-9a-602](#) as amended, to review and recommend thereon. If the Planning Commission finds that the proposed plat complies with the Standards for Review, as well as, all other requirements of this title, it shall forward to the Town Council a recommendation to approve, or approve with conditions, the plat. If the Planning Commission finds that the proposed plat does not meet the requirements of this title or other applicable ordinances, it shall recommend to deny such plat.
- d. Town Council Review: Upon receipt of a recommendation from the Planning Commission, the Town Council shall meet to approve as recommended, approve as modified by the Town Council, or deny the proposed preliminary plat.

4. Effect Of Approval Of Preliminary Plat: Approval of the preliminary plat shall in no way relieve the applicant of responsibility to comply with all ordinances, all issues identified during the schematic plan review (unless formally waived by the Town Council), and to provide all improvements and easements necessary to meet Town standards and specifications.
5. Expiration Of Preliminary Plat Approval: Application for final plat approval shall be made within twelve (12) months after approval or conditional approval of the preliminary plat by the Town Council. This time period may be extended for no more than an additional six (6) months by the Town Manager for good cause shown if the subdivider petitions for an extension prior to the end of the original six (6) month period. Only one extension may be granted. Failure to submit the application for final plat within the allotted time period shall cause the previous approvals to be null and void. Fees previously paid by the applicant shall not be refunded. (ord. 08-016, 8-12-2008, amd. ord. 21-005, 05-11-2021)

D. Final Plat:

1. Purpose: The purpose of the final plat review is to obtain formal land use authority approval of the detailed engineering and legal requirements of the final plat prior to recording the subdivision plat pursuant to [UCA §10-9a-604\(b\)\(i\)](#) as amended. The final plat and all information and procedures relating thereto shall be in compliance with the provisions of this title. The final plat and improvement plans submitted shall conform in all respects to those regulations and requirements specified during the schematic plan and preliminary plat procedures. (2010 Code, amd. ord. 21-005, 05-11-2021)
2. Standards For Review: The applicant shall:
 - a. Comply with all conditions of schematic and preliminary plat approval.
 - b. Include acceptable final engineering plans for the water distribution system, final agreements from the water provider, and provisions for perpetual maintenance for the water system.
 - c. Meet all planning, engineering, and surveying requirements of the Town for maps, data, surveys, analyses, studies, reports, plans, designs, documents, wetlands designations, and other supporting materials.
 - d. Provide evidence to show that there is no encumbrance, lien or conveyance restricting the intended use of the lot.
 - e. Provide evidence from the County Treasurer that all ad valorem taxes applicable to the property have been paid.

- f. Include all dedications for streets, roadways, easements, trails and/or rights of way, as necessary.
- g. Provide signature blocks on the plat signed by a representative of public utilities which identify their approval.

3. Review Process:

- a. Application: The subdivider shall file an application for final plat approval with the Planning and Zoning Department in such form and quantities as prescribed by [chapter 4](#) of this title. (amd. ord. 21-005, 05-11-2021)
 - b. Planning and Zoning Department Review: The Planning and Zoning Administrator shall ensure that the final plat and associated documents have been checked by the applicable Town departments (Public Works, Public Safety), Town Engineer and Town Attorney for completeness and general compliance with this title and for incorporation of any changes required during the preliminary plat procedure, and that other applicable approval agencies have granted approval. If the submission is not complete, not in general compliance with, or does not incorporate conditions of previous approvals, the Planning and Zoning Administrator shall notify the applicant in writing and specify the respects in which it is deficient. When the submission is complete, in general compliance with applicable ordinances, and incorporates all prior conditions of approval the Planning and Zoning Administrator shall forward the final plat to the Planning Commission for review. (amd. ord. 21-005, 05-2021)
 - c. Planning Commission Review: Upon receipt of the final plat, the Planning Commission shall examine the plat to determine whether the plat conforms to the Standards for Review and shall forward its recommendation onto the Town Council for final approval or denial. (2010 Code, amd. ord. 15-004, 4-28-2015)
 - d. Town Council Review: Upon receipt of the final plat and the Planning Commission's recommendation, the Town Council shall examine the plat to determine whether the plat conforms to the preliminary plat, all applicable Town ordinances and codes and the standards of the Town, and with all requirements imposed as conditions of previous acceptances. The Town Council may:
 - i. Approve the final plat as presented.
 - ii. Disapprove the final plat and advise the subdivider in writing of the changes or additions that must be made for approval; or
 - iii. Table or continue the application to allow the subdivider to make revisions. The subdivider shall be responsible for notifying the Town that the final plat has been revised and is ready for recommendation. (2010 Code, amd. ord. 21-005, 05-11-2021)
4. Expiration Of Final Plat Approval: If the final plat is not recorded or the requirements set forth as a condition of final approval are not met by the subdivider within twelve

(12) months from the date of final plat approval, such approval shall be null and void. This time period may be extended for good cause shown, for additional six (6) month period by the Town Manager. The subdivider must petition for an extension prior to the expiration of the original twelve (12) months, or an extension previously granted. Up to two (2) extensions may be granted if the Town Manager finds that each extension will not be detrimental to the Town. If any of the fees charged as a condition of subdivision approval, including, but not limited to, inspection fees, park fees, flood control fees, as well as the amounts the Town uses to estimate bonds to ensure completion of improvements, have increased, the Town Manager may require the subdivider pay such increases as a condition of granting the extension. (amd. ord. 21-005, 05-11-2021)

- E. **Security Agreement:** Prior to recording a final plat, the subdivider shall provide sufficient financial guarantee consistent with [chapter 13](#) of this title. The accompanying agreement may contain such provisions as approved by the Town Attorney and Town Engineer. (amd. ord. 21-005, 05-11-2021)
- F. **Plat Recorded:** After final approval, filing of security agreements and signing of the plat by the Town Manager, Mayor, Town Engineer, Town Attorney, utility companies and other required entities, the plat and covenants, conditions, and restrictions (CC&Rs) shall be recorded in the office of the County Recorder by the Town Clerk, with all recording costs paid by the subdivider. (2010 Code, amd. ord. 15-004, 4-28-2015)
- G. **Acceptance of Subdivision Improvements:**
1. Subdivision improvement or such conditions imposed under this title shall be deemed accepted by the Town only upon complete final inspection by the appropriate Town officials and the issuance of a certificate of acceptance by the Town Manager or designee.
 2. Conditions for Acceptance: In order for the subdivision public improvements such as streets, sewer, and water to be accepted, the following shall occur:
 - a. Upon substantial completion of the subdivision improvements, the subdivider shall submit a written request for the Town to conduct a substantial completion inspection.
 - b. Within a reasonable time of the request, and weather permitting, the Town shall conduct an inspection of the improvements to ensure that they have been installed per the letter to the subdivider identifying required corrections to be completed prior to the one-year warranty period beginning. At the beginning of the warranty period, the Town shall release all funds, except for a retention bond as allowed per Utah Code Annotated. During the one-year warranty period, the Town may provide services to the subdivision such as water, sewer, snow removal and garbage collection.

- c. At the end of the one-year warranty period, the subdivider may submit a written request to the Town for a final acceptance inspection of the subdivision improvements. Upon completion of any required corrections or repairs, the Town shall issue a letter of final acceptance and release any retention due to the subdivider. (2010 Code)

9-9-3: SUBDIVISION PLAT AMENDMENTS:

- A. Any landowner whose land has been platted as provided in this title may, upon application to the Town, have such plat, or portion therefor, or any street or alley therein contained, altered, amended, or vacated in compliance with the provisions of this section and UCA [§10-9a-608](#) et seq. (2010 Code, amd. ord. 21-005, 05-11-2021)

- B. **Lot Line Adjustment:** Any relocation of a lot line boundary between adjoining lots or parcels, whether or not the lots are located in the same subdivision, with the consent of the owners of record which does not result in a change in the number of lots in the subdivision is exempt from the full subdivision process or plat amendment process. The Planning and Zoning Department may approve a lot line adjustment upon determination that the resultant lots are consistent with all other provisions of this title. (ord. 21-005, 05-11-2021)

- C. **Minor Plat Amendments:**
 - 1. As provided for in UCA [§10-9a-608\(2\)](#), any plat amendment which meets the following criteria qualifies for the streamlined plat amendment process described in this section:
 - a. Does not increase the number of lots in the subdivision by more than ten (10) lots;
 - b. Does not reduce the number of lots in the subdivision by more than ten (10) lots;
 - c. Does not alter the plat in a manner that changes existing boundaries of other attributes of lots within the subdivision that are not owned by the petitioner or designated as common area;
 - d. Does not require additional public utilities or infrastructure to provide adequate public service to the newly divided lots; and
 - e. Does not create a lot that is smaller than the smallest lot within the existing subdivision plat.

(ord. 21-005, 05-11-2021)

2. Standards for Review:

- a. The proposed subdivision and use conform to the Town General Plan, Zoning Regulations, Public Works Standards, Design Standards [chapter 12](#) of this title, and other relevant sections of this title.
- b. The proposed method for fire protection complies with this title, and other regulations as applicable.
- c. The layout/design is responsive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts, and preservation of views.
- d. Adequate public services are available to meet the needs of the proposed subdivision, including roads, water, sewer, storm water, gas, electric, telecommunications, trails, transit, snow storage areas, police and fire protection, and recreation.
- e. Provide evidence to show that there is no encumbrance, lien or conveyance restricting the intended use of the lot.
- f. Provide evidence from the County Treasurer that all ad valorem taxes applicable to the property have been paid.
- g. Provide signature blocks on the plat signed by a representative of public utilities which identify their approval.

(ord. 21-005, 05-11-2021)

3. Review Process:

- a. Planning and Zoning Review: The Planning and Zoning Department and other necessary Town staff shall review the documents submitted for schematic plan review to determine if they are complete as required in [chapter 4](#) of this title and meets the Standards For Review.
- b. Public Notice: Notice for at least one public meeting at which the Planning Commission will consider the amended plat shall be given to adjoining property consistent with UCA [§10-9a-207](#).
- c. Planning Commission Review: Upon receipt of the amended plat, the Planning Commission shall examine the plat to determine whether the plat conforms to all applicable Town ordinances and codes and the Standards For Review, and with all requirements imposed as conditions of previous acceptances. The Planning Commission may:
 - i. Approve the amended plat as presented.
 - ii. Disapprove the amended plat and advise the applicant in writing of the changes or additions that must be made for approval; or

- iii. Table or continue the application to allow the applicant to make revisions. The applicant is responsible for notifying the Town that the amended plat has been revised and is ready for reconsideration.
 - d. Plat Recorded: After final approval and signing of the amended plat by the Town Manager, Mayor, Town Engineer, Town Attorney, utility companies and other required entities, the approved amended plat shall be recorded in the office of the County Recorder by the Town Clerk, with all recording costs paid by the subdivider.
4. Expiration of Amended Plat Approval: If the amended plat is not recorded or the requirements set forth as a condition of final approval are not met by the subdivider within six (6) months from the date of amended plat approval, such approval shall be null and void.

D. Major Plat Amendments: All plat amendments which do not qualify under subsection (B) or (C) shall be considered major plat amendments and will be considered under the process described in [9-9-2](#) of this title and consistent with UCA [§10-9a-608](#) and [§10-9a-609](#).

- 1. At the applicant's request, the Planning and Zoning Administrator may choose to waive the Schematic Plan Review process required by section [9-9-2](#) of this title if it is determined following the pre-application conference that the proposed plat amendments substantially meet the standards for review and that additional conditions are not likely to result from the Schematic Plan Review. The applicant will still be responsible for any costs associated with adjustments to the preliminary plat which result from the Preliminary Plat Review.
- 2. Public Notice Requirements: In addition to the requirements of [9-9-2](#), notice for the public hearing during the Preliminary Plat Review shall be given to adjoining property owners consistent with [9-1-8](#) of this title and UCA [§10-9a-207](#).

(ord. 21-005, 05-11-2021)

9-9-4: SUBDIVISION BY METES AND BOUNDS:

A. Purpose: The intent of subdivision by metes and bounds is to streamline the subdivision review and approval process for previously unsubdivided parcels in coordination with the existing utilities and public infrastructure where no more than ten (10) residential parcels or no more than two (2) commercial parcels will result from the subdivision. (2010 Code, amd. ord. 21-005, 05-11-2021).

- B. **Standards for Review:** When the subdivider is prepared to record sell specific parcels of property not previously subdivided, he or she must demonstrate to the satisfaction of the Town the following:
1. The proposed parcels conform to the previously approved General Plan and this title;
 2. No additional public utilities or infrastructure are required to provide adequate public service to the newly divided lots; (ord. 21-005, 05-11-2021)
 3. The utility and/or vehicular access to remaining undeveloped property will not be impaired;
 4. The proposed parcels will have access to existing necessary utilities;
 5. That remnant parcels which did not previously exist are not created which, due to size, configuration, or location, do not meet current zoning requirements and/or are not able to be developed; and
 6. The proposed subdivision meets the criteria for exemption from the plat requirement set forth by the UCA [§10-9a-605](#), as amended.
- C. **Review Process:** Subdivisions which qualify under this section shall be considered under the Minor Plat Amendment process described in [§ 9-9-3 \(C\)](#) of this title.

9-9-5: CONVERTIBLE OR EXPANDABLE AREA FOR CONDOMINIUMS:

Land use approvals depicted with convertible or expandable space shall comply with the requirements of Utah Code Annotated, [§57-8](#) and the declaration associated with the project. Conversions and expansions of units shall go through a plat amendment process unless the original plat approval specifically identifies the proposed conversions and expansions of the project, and the amended plat and declaration are in harmony and conformance with the original project approval. In such cases, the amendment documents may be recorded when they have been reviewed, signed, and approved for recordation by appropriate Town staff. (2010 Code, amd. ord. 15-004, 4-28-2015)

9-9-6: WATER ACQUISITION

A. Purpose and Findings:

1. Brian Head's primary purpose for establishing this ordinance is to acquire the water rights necessary to serve its expanding population.
2. Based off studies done by Brian Head, the Town likely has enough rights to provide water to all existing parcels (as of August 11, 2022). The Town does not have many extra water rights to provide water for potentially hundreds of new parcels that can be created when Brian Head expands.

B. Time to acquire water rights:

1. 100 acre feet of water rights (the "Pool") will be reserved for certain subdivisions on a first come, first served basis.
 - a. Sixty (60) acre feet of the Pool will be reserved for commercial subdivisions.
 - b. Thirty-seven (37) acre feet of water will be reserved for R1, R2, and R3 subdivisions of more than two (2) lots. For R3 subdivisions, the acre feet may only be accessed through a development agreement with the Town.
 - c. Three (3) acre feet of water will be reserved for single-family lot splits (an individual who wishes to divide their parcel into two (2) lots only).
 - d. Once the Pool has been allocated, any property owner wishing to subdivide must follow all the regulations below in this section.
2. All property that has not previously dedicated water rights shall be required to dedicate water rights at the time of annexation, or if already in Town limits, at the time the property subdivides.

C. Amount of Water Rights:

1. Prior to final approval or recordation of the final plat of any subdivision or other development activity requiring culinary water service from the Town, the developer shall transfer and dedicate to the Town, the unencumbered, clear title to a sufficient quantity of water rights and/or sources necessary to provide and deliver culinary water to each lot, dwelling unit and/or other use within the new development.
2. Sufficient Quantity of Water Defined: A "sufficient quantity of water" shall be decided as a result of the developer's produced water study. The water study shall include open space and all other real property included in the proposed subdivision and/or development. The Planning Commission and Town Council must review and approve the proposed amount of water based on the buildout study provided by Staff. The Council may reasonably adjust this amount depending on the type of subdivision and development requested and the water requirements thereof. The Town Council may

elect to waive the water study requirement and require 0.3 acre feet per residential unit and 1.5 acre feet per commercial unit.

- D. Acquisition of Excess Water Rights:** If at any time an owner is required to deed water rights to the Town, and if that owner owns more water rights which have been used on the property relating to the land use application than the owner is required to deed to the Town, then the Town shall request that the owner either sell the excess rights to the Town or enter into an agreement with the Town, giving the Town the first right of refusal should the owner decide to sell said water rights in the future.
- E. Type of Water Rights:** Water rights shall be sub-surface water rights that have a priority date prior to January 1, 1934 and be available for use in water right area 75.
- F. Transferring Water Rights:**
1. The developer shall submit a title report showing the type of water right, ownership of the right, and any liens or encumbrances. The developer shall also provide a title insurance policy in such a sum that is adequate to cover the appraised value of the water rights the policy is covering.
 2. A change application with the State of Utah shall be completed at the expense of the party developing the land. Information to be included in the change application will be provided by Brian Head Town, including the points of diversion. The change application must be approved by the State Engineer prior to transferring water rights to the Town on the books of the State of Utah Division of Water Rights. This transfer may also be conditioned on approval of the land use application pending before the Town that caused the developer to transfer the water rights.
 3. A deed transferring the water rights to Brian Head Town shall be completed and held prior to the land use application approval. The deed transferring ownership may be held either by the Town or in an escrow account paid for by the developer. Once the land use application and change application receive approval, the deed will be recorded.
 4. If the Division of Water Rights has not made a final decision on the change application prior to the land use approval, then the land use application will be tabled until a final decision is made.
 5. If at any point in this process, the change application is denied by the Division of Water Rights then the request will be denied and the land use application will die.

G. Exceptions:

1. Public Lands Exception: If at the time of annexation, the annexed property is owned by the Bureau of Land Management or the US Forest Service then that acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights. This exception only applies to annexation and not when the property is platted as a residential subdivision or receives a building permit.
2. Brian Head Town Exception: Nothing in this ordinance shall require the Town to deed water or pay a fee if the Town develops land.
3. Lot Line Vacation Exception: For purposes of this chapter, lot line vacations shall be considered as "putting water back into the Pool". For example, if two lots vacate one line and become one property, then the equal amount of water rights for one lot shall be added into the three (3) acre feet of water reserved for single-family residential lots.

(ord. 22-010, 9-27-22)

Title 9 – Land Management Code

Chapter 10

OTHER REQUIRED PERMITS

[9-10-1: LOGGING AND TREE REMOVAL:](#)

[9-10-2: GRADING & TRENCHING PERMIT:](#)

[9-10-3: HORSE BOARDING:](#)

[9-10-4: TEMPORARY CONCRETE BATCHING FACILITIES:](#)

[9-10-5: HOME OCCUPATIONS:](#)

[9-10-6: BURN PERMITS:](#)

[9-10-7: TEMPORARY STRUCTURES & TENTS:](#)

9-10-1: LOGGING AND TREE REMOVAL

A. Purpose:

1. It is the intent of the Town to preserve the natural environment and rural mountain town atmosphere, consistent with the General Plan, by preserving as many trees as is possible and reasonable. (2010 Code, amd. Ord. 15-004, 4-28-2015)
2. It is unlawful for any entity or person to log, harvest, cut down, remove, relocate, or cause any such to be done, or knowingly damage so as to require the cutting down or removal of any live tree with a diameter of six inches (6") or greater at a level of five feet (5') above the ground without a permit. Permits may be issued for the cutting down, relocation or removal of live trees in accordance with the Standards for Review delineated in [9-10-1\(C\)](#). Relocation of trees off-premise will not count towards re-vegetation requirements. (Ord. 15-005, 4-28-2015, amd. Ord. 21-006, 05-25-21)

B. Permits:

1. Permits to cut down, relocate, or remove a tree as provided under this title shall be issued by the Planning and Zoning Administrator, or designee. An applicant shall provide such information as the town deems necessary to adequately evaluate the permit application. (amd. Ord. 15-005, 4-28-2015, amd. Ord. 21-006, 05-25-21)
2. The permit application shall be accompanied by the appropriate fee as indicated on the consolidated fee schedule and reviewed by the Planning and Zoning Administrator, or designee, and any other staff deemed necessary to assist in application review. (amd. Ord. 21-006, 05-25-21).

C. **Standards For Review:** Permit applications shall be reviewed pursuant to the following standards:

1. The intended removal or relocation of a tree will have an acceptable impact on flooding, snow slide and landslide hazards, watershed areas, spring protection zones, water runoff and erosion areas, public rights of way, wind breaks, and other trees and vegetation.
2. The tree removal is necessary to eliminate or minimize disease, a danger of tree fall, danger to utility lines or structures, dangers to public rights of way, dangers to buildings or other structures, including fences or other trees, and will generally contribute to desired decrease in fire hazard in the forest.
3. The removal of the subject tree will not significantly diminish the aesthetics or historical character of the site, adjoining properties or neighborhood.
4. The removal or relocation of a tree is reasonably necessary for the development, installation or construction on the subject property or site, or is otherwise necessary or important to the reasonable use or enjoyment of the site property. This standard is not met unless and until a building permit, when applicable, has been issued and development of the property has been approved to proceed. (2010 Code, amd. Ord. 15-005, 4-28-2015)
5. The removal or relocation of the subject tree is warranted by good forestry practice, including the consideration of the number, spacing and species of trees on the site or adjoining properties. Town staff may request the opinion of a qualified forester regarding the appropriateness of the selection of trees to be removed. (2010 Code, amd. Ord. 15-005, 4-28-2015)
6. The privacy or architectural relationships between existing or planned structures on the site with other structures, trees or tree groupings shall be considered. (2010 Code, amd. Ord. 15-005, 4-28-2015)
7. Full consideration has been given to the relocation, rather than removal, of healthy trees.
8. Slash shall be removed, burned (with permit required), or chipped and utilized on site. (2010 Code, amd. Ord. 15-005, 4-28-2015)
9. Re-vegetation and/or reforestation are considered and implemented where it is not in conflict with other Standards for Review. (2010 Code, amd. Ord. 15-005, 4-28-2015)

D. **Inspections:** All tree removals shall be pre-inspected and shall be subject to inspection at all reasonable times by the Planning and Zoning Administrator, or designee. The permittee shall notify the Planning and Zoning Administrator, or designee, within three (3) business days of completion of the tree removal allowed under the permit. (amd. Ord. 21-006, 05-25-2021)

- E. **Security For Completion:** The permittee shall furnish and file with the Town Clerk appropriate security pursuant to section [9-13-7](#) of this title. The security shall cover costs of cleanup, restoration and/or re-vegetation of the area where trees are to be removed.
- F. **Expiration:** Unless a shorter time is stated in the tree removal permit when it is issued, all tree removal permits shall expire six (6) months after they are issued. All activities required or allowed by the permit, including cleanup, must be completed while the permit is in effect. Except with regard to required re-vegetation, upon expiration of the permit, all tree removal activities shall cease, and a new tree removal permit must be obtained by the applicant, before engaging in further tree removal activities. (2010 Code, amd. Ord. 15-005, 4-28-2015)

9 -10-2: GRADING & EXCAVATING PERMIT:

- A. **Purpose:** The purpose of a grading and trenching permit is to eliminate unsafe slopes and soil instability, to avoid detrimental alteration of drainage patterns, to provide for safe and standardized utility location and installation practices, and to preserve the natural aesthetics of a mountain town consistent with the Town's General Plan.
- B. **Permit Required:** No person shall commence or perform any excavation, grading, filling, trenching, or clearing of land and/or vegetation (grubbing) without first obtaining a grading and trenching permit. If the preceding activities are being proposed in preparation for development other than single-family residential use, a building permit must be approved prior to granting a grading and excavating permit.
 - 1. No permit is required for a soils test or perc test which disturbs 200 square feet or small and is filled in upon completion of the test. Any person undertaking utility location shall comply with the applicable Blue Stakes regulations and standards.
 - 2. If trees are being removed concurrent with grading and excavating operations, a separate tree removal permit must be obtained.
- C. **Application & Review Process:**
 - 1. Application Packet: The applicant shall submit a permit packet, which includes:
 - a. Town-approved application form (available from Planning and Zoning Department) (amd. Ord. 21-006, 05-25-21)
 - b. Appropriate fee (as outlined in the consolidated fee schedule)
 - c. Professionally engineered site plans showing the following:
 - i. Existing conditions, including:

- a) Existing topography and vegetation
 - b) Previously disturbed areas
 - c) Areas showing signs of a history of landslide or erosion.
 - ii. Proposed areas of disturbance
 - iii. Existing and proposed surface drainage flow patterns
 - iv. Location of existing and proposed utilities
 - v. Proposed cuts with slopes measurements and heights
 - vi. Proposed retaining walls.
 - vii. Proposed storm drainage infrastructure
 - d. Written description of the work being proposed, including:
 - i. Timeframe in which work will be completed.
 - ii. Equipment which will be used to conduct the operation.
 - iii. Quantities to be removed from or brought to the site.
 - iv. Plan for storage and disposal of materials
 - v. Measures the applicant will take to mitigate erosion, noise, dust, smell, safety concerns and other potential nuisances during construction.
 - e. Site restoration and landscaping plan.
 - f. A report of subsurface investigation if it appears that there is a history of landslide or erosion that may be exacerbated by the proposed grading or filling.
 - g. Insurance and bond information (if work is to be undertaken in the public right of way)
2. Planning and Zoning Department Review:
- a. The Planning and Zoning Department shall determine the adequacy of the application and may require the submission of further information where necessary to determine if all the Standards for Review have been met. (amd. Ord. 21-006, 05-25-21)
 - b. The Planning and Zoning Department may waive application requirements which are deemed unnecessary to determine if all the Standards for Review have been met. (amd. Ord. 21-006, 05-25-21)
 - c. The Town Engineer will review applications against the Standards for Review and furnish a report detailing findings and determinations.
 - d. The Applicant may revise and resubmit their application, if necessary, to meet the Standards for Review.
3. Security for Completion:
- a. The Town may require a security for completion (in a form consistent with section [9-13-7](#) of this title) to assure the work will be corrected to eliminate hazardous conditions and to ensure the cleanup and restoration of the permitted area.

- b. If grading or clearing is being done in preparation for development prior to obtaining a building permit, a performance bond shall be required sufficient to ensure that any scars on the land may be remedied.

D. **Standards for Review:** All grading, excavating, filling, and clearing operations which are performed under this chapter shall be consistent with section [9-12](#) of this title (Design Standards), and shall be designed to:

1. Prevent significant erosion and soil stability issues by:
 - a. Minimizing cuts and fills on steep or hazardous terrain.
 - b. Limit clearing of vegetation or disturbances of the soil to areas of proven stability, taking into consideration geologic hazards and soil conditions.
 - c. Ensuring landscaping and restoration within one year of completing the grading work.
 - d. Properly retaining any potentially unsafe slopes.
2. Ensure that the natural runoff capacity of streams, natural or historic runoff drainages, and improved storm drainage ditches or infrastructure shall not be exceeded causing flooding, erosion, or silting.
3. Comply with Standards & Specifications for Public Works Construction for utility construction and trench backfilling as well as the construction requirements and standards set forth in [9-10-2\(E\)](#) of this title.
4. Preserve the natural aesthetics of a mountain town consistent with the General Plan by:
 - a. Avoiding unnecessary clearing or burying of vegetation
 - b. Ensuring that all excavation work, including spoil piles, do not create an attractive nuisance or hazard to the general public.
 - c. Eliminating scars from cuts and fills, and preserve the natural scenic beauty of the area, such as rounding off sharp angles at the top, toe and sides of cut and fill slopes and matching or blending the natural contours and undulation of the land.
 - d. Preserving trees and other native vegetation where possible and in accordance with fire-safe principles.
 - e. Carefully removing, storing, and replacing a layer of fertile topsoil in disturbed areas for re-vegetation where feasible.

E. **Construction Requirements and Standards:**

1. Discharge Prohibitions: No solid or liquid materials shall be discharged into any creeks or streams, onto lands below the high-water level of the same, or onto adjoining

property. In order to prevent such discharges from occurring, own-approved erosion and silt control devices may be required.

2. **Dust Control:** Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to eliminate dust arising from the exposed material. The Planning and Zoning Department must approve dust control methods. (amd. ord. 21-006, 05-25-21)
3. **Disposal of Cleared Vegetation:** Vegetation removed during grading or clearing operations shall be disposed of in a manner approved by the Planning and Zoning Department. (amd. ord. 21-006, 05-25-21)
4. **Water Flow Diverters:** The Planning and Zoning Department may require diverters, as necessary, at the top of all cut and filled slopes where there is a potential surface runoff. (amd. ord. 21-006, 05-25-21)
5. **Protection of Non-disturbed Areas:** Construction equipment shall be limited to the disturbance areas identified in the approved plans. No vehicle of any kind shall pass over areas to be left in their natural state according to the approved plans. Fill dirt from cuts and excavation shall not be spread over non-disturbed areas as a disposal method. Failure to comply with this provision may result in the forfeiture of security and fines.
6. **Protection of Any Existing Underground Public Utilities:** The contractor shall ascertain and verify the location of any public underground utilities that may be on the property by contacting Blue Stakes, or other applicable agency, before doing any grading excavation. Once such are located, the permittee shall take reasonable care to protect and avoid damage to any such underground utilities. Any and all damage caused to public utilities by any act or negligence of the contractor's employees shall be repaired at the contractor's expense to the satisfaction of the utility company and the Town.
7. **No Grading Near Historic Or Prehistoric Ruins:**
 - a. No grading, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall take place in areas where any historic, prehistoric ruins, monuments or objects of antiquity are present.
 - b. The grading plan shall indicate all such historic or prehistoric areas on the site and shall indicate the measures that will be taken to protect such areas. Should excavation uncover or discover any historic or prehistoric ruins or monuments or object of antiquity which were not known at the time of the submittal of the grading plan, all work in the immediate area shall cease until the Planning and Zoning Administrator, or designee, shall determine what precautions should be taken to preserve the historic artifacts. (amd. ord. 21-006, 05-25-21)

F. **Inspections:** All construction or work for which a permit is required shall be subject to inspection at all reasonable times deemed necessary by the Planning and Zoning Department or the Town Engineer to ascertain compliance with the provisions of this

chapter and other ordinances which are applicable. The permittee shall notify the Planning and Zoning Department at least twenty-four (24) hours in advance of both commencing and completing grading/excavating work as well as prior to infrastructure being covered or concealed by additional work. Whenever any work on which inspections are required is covered or concealed by additional work without first having been inspected, the Planning and Zoning Department may require, through written notice, that such work be exposed for examination. The work of exposing and recovering shall be an expense of the permittee requiring the inspection. (amd. ord. 21-006, 05-25-21)

- G. As built drawings: Drawings showing the final location of utilities installed shall be furnished to the Planning and Zoning Department for record purposes within thirty (30) days after the work is completed or forfeit any outstanding bonds. An extension period may be granted for a sufficient reason.
- H. Expiration: Unless a shorter time is stated in the permit when it is issued, all grading and excavating permits shall expire six (6) months after they are issued. All activities required or allowed by the permit, including cleanup, must be completed while the permit is in effect. Except with regard to required restoration and revegetation, upon expiration of the permit, all grading and excavating activities shall cease, and a new permit must be obtained by the applicant before engaging in further grading and excavating activities. (ord. 21-006, 05-25-21).

(Chapter 10-2 was repealed and amended ord. 21-002, 3-9-21)

9-10-3: HORSE BOARDING:

A. Requirements:

1. Residential Horse Boarding:

- a. Purpose: Residential horse boarding is intended to provide for short term, boarding of horses in an approved residential zone with adequate property size and in such a way as to limit any negative impact on adjoining properties and maintain the harmony and residential character of the neighborhood. Short term shall mean no longer than ninety (90) days in a calendar year. (2010 Code, amd. ord. 15-005, 4-28-2015)
- b. Horse boarding in a residential zone shall be allowed for a period of seven (7) continuous days with a maximum of fourteen days in a calendar year without the requirement of a conditional use permit. Any term longer than fourteen days shall require a horse boarding permit. (ord. 15-005, 4-28-2015)

- c. Permitted Zones; Limitations: Horse boarding is permitted in an R-1 zone only, outside of any zone 1 and 2 water source protection zone and shall be subject to the following limitations: (2010 Code, amd. Ord. 15-005, 4-28-2015)
 - i. A horse enclosure area shall have a fence structure of at least forty-two inches (42") in height and shall enclose at least one hundred forty-four (144) square feet per horse. Such enclosure area shall be located at least fifty feet (50') from any property line or residential structure.
 - ii. The horses shall be used for the riding/packing pleasure of the property owner and his guests and shall not be available to the public for hire.
 - iii. The site shall be maintained in a sanitary condition and shall conform to all public regulations. Appropriate fly control methods must be demonstrated.
 - iv. Drainage from the boarding area shall be maintained on the property and shall not be directed toward public street rights of way, adjoining property or any creek or stream.
 - v. Each animal's physical description, together with its owner's name and phone number, shall be filed with the public safety department so that the owner may be contacted in the event of escape or other emergency.

2. Commercial Horse Boarding Permit:

- a. Purpose: A commercial horse boarding permit is intended to allow for the boarding, riding, and enjoyment of horses on a for hire, commercial basis in such a way as to not create a negative or detrimental impact on associated properties, and to maintain the harmony and character of the zone.
- b. Permitted Zones; Limitations: A horse boarding permit issued in ROS, GC and LI zones shall be subject to the following limitations:
 - i. The property owner shall send a request by certified mail to each adjoining property owner within three hundred feet (300') of the boarding corral/structure. If the adjoining property is owned by multiple owners (i.e., a condominium development, etc.), the notice shall be mailed to each individual property owner.
 - ii. A horse enclosure area shall have a fence structure of at least forty-two inches (42") in height and shall enclose at least one hundred forty-four (144) square feet per horse. Such enclosure area shall be located at least fifty feet (50') from any property line or occupied structure.
 - iii. The site shall be maintained in a sanitary condition and comply with all town, county, state and federal applicable rules and regulations.
 - iv. Drainage from the boarding area shall be maintained on the property and shall not be directed toward public street rights of way, adjoining property or any creek or stream.
 - v. A commercial horse boarding operation must have a current valid business license.

- B. **Revocation Or Discontinuance:** A boarding permit may be revoked by the Town after an opportunity for a hearing if the provisions of this section or the limitations prescribed as a condition of the permit are being violated, or if the horses are not being properly cared for as determined by the state Humane Society guidelines or in violation of the Town Nuisance Ordinance. A permit shall become void if not used within one month from the date of issuance.

- C. **Appeal:** Any resident or property owner may file with the Appeal Authority an appeal of any action of the Town staff in connection with issuance or denial of a boarding permit, or the conditions attached thereto, within ten (10) days following such action. In the event of appeal, the Appeal Authority, after receiving a report from the Town staff, may confirm, reverse or modify the action of the Town staff. A public hearing shall not be required. (Ord. 08-016, 8-12-2008)

9-10-4: TEMPORARY CONCRETE BATCHING FACILITIES:

- A. **Purpose:** The purpose of this section is to allow temporary concrete batch plants to be erected and used during a limited time of the year, on any property that conforms to these requirements, to provide concrete batching facilities in the town where industrial zoned land is unavailable for such use. The batch plant shall be associated with an assigned building permit of a chosen project to limit the time it can be in use and shall be located on-site. This license does not exclude the batch plant from delivering concrete to other projects on a commercial basis. This permit does not grant any vested rights for this use to the property it is located on.

- B. **Permits**
 - 1. A permit shall be required for any concrete batch plant that is erected or conducted within the town limits if it:
 - a. Loads any type of truck or equipment with concrete materials for the purpose of delivering them on site or to another location for final use;
 - b. Stores concrete materials or equipment, such as sand, gravel, cement powder, water, delivery trucks or equipment, batching equipment or anything related to the process.
 - 2. A permit is not required when concrete batching is conducted in quantities of less than one cubic yard at a time (delivered in bags, or small bulk quantities), to be used only in the location of the batching, and not delivered to any off-site location.
 - 3. The Town Manager, or designee, shall review all applications submitted under this section and ensure that the application and the operation represented thereby strictly complies with each requirement of this section and will not create a nuisance, negative effect or safety hazard on the proposed site, surrounding property or to the citizens of

the town. The Town Manager, or designee, shall have the authority to approve, deny or revoke any application or permit obtained under this section.

C. **Permit Application:** The applicant shall submit a permit packet, which includes:

1. Permit application.
2. Site plan
3. Agent authorization to use the land if it is not owned by the applicant.
4. List of materials to be stored on the property, along with quantities.
5. List of equipment to be used on the site for delivery of raw materials, loading and processing of concrete, and delivery and placement of concrete materials.
6. Written explanation as to how the applicant will comply with this section regarding noise, dust, smell, safety, and other nuisances.
7. The source of water to be used for concrete batching.
8. Restroom facilities.
9. Insurance and bond information.
10. Town indemnification agreement.
11. Storm drain and erosion control plan.
12. Site restoration plan.
13. Other information that will show how the operation will be conducted, and site restored after use.

D. **Inspections:** All approved permit locations shall be subject to inspection at all reasonable times by the Town Manager, or designee. The permittee shall notify the Town Manager, or designee, within three (3) business days of completion of the project and removal of the equipment under the permit.

E. **Permit Standards:**

1. The operation may be located on town owned or leased property deemed fit by the Town Council for such facilities. The license shall be tied to one single building permit only, but may be transferred to another permit, one time only.
2. The facility shall only be operational from May 1 until November 1 of any given year, weather permitting. The Town staff may grant a one-month extension, weather permitting.

3. Operation of equipment, trucks and motors shall only be conducted between the hours of seven o'clock (7:00) A.M. to eight o'clock (8:00) P.M.
4. The facilities shall be maintained in a clean and orderly condition and the operator of the facility shall ensure that all dust, dirt, mud and excess water from any material, trucks, land, roads, and facilities leading to, from and on the facility, site are controlled.
5. No structure or portion of the facilities or any equipment used in connection with the facilities, or their operation shall exceed fifty feet (50') in height above natural grade. The facilities shall be completely fenced and locked during nonbusiness hours. All hazardous materials stored on site must be properly contained and legally disposed of.
6. At the time of filing its application for approval of a facilities site and operation, the operator shall file with the Town a security bond or deposit in the amount of twenty-five thousand dollars (\$25,000). This is to ensure the operation of all facilities in compliance with this section, ensuring cleanup and restoration of the property upon which the facilities are to be located, and ensuring that the operator pay for any damages to private or public property or improvements which result in any way from the operation of or related to the facilities. Interest earned from the cash deposit will accrue to the benefit of the applicant. (2010 Code, amd. ord.15-005, 4-28-2015)
7. At the time of filing its application for approval of a facilities site and operation, the operator shall provide the Town with proof of general liability insurance in the sum of one million dollars (\$1,000,000.00) per occurrence, naming the Town as an additional insured. Such insurance shall not be subject to cancellation except upon thirty (30) days' prior written notice to the town.
8. The lot, property, or parcel of land on which the facilities are to be located or operated shall be large enough to accommodate all facilities, equipment, concrete trucks, vehicles, and employee vehicles. No public roads may be used for any part of or for any use associated with the facilities or their operation. No tree removal permit shall be issued to accommodate facility. (2010 Code, amd. ord. 15-005, 4-28-2015)
9. The operator shall be required to meter all water used with regard to the facilities or their operation and shall pay to the town, as required by the Town, the rate established by the Town for bulk water sales.
10. Facilities shall be allowed and permitted by the Town on a first come, first served basis. No more than three (3) concrete batching plants shall be allowed or permitted within the town boundaries at any one time.
11. Any facilities or operations proposed to be located within any well protection zone shall submit with their application a plan specifically identifying the measures which will be taken to protect against contamination of the well protection zone or the associated water or water source. The operator of any facility or operation approved for location within any well protection zone shall agree in writing, prior to the application being approved, to pay any and all costs and damages incurred as a result of any contamination of such well protection zone or the associated water and water source.

12. A facility shall identify and follow a plan to protect adjoining properties and the general citizenry from unreasonable nuisances and hazards relating to the operation of the batch plant in comparison to typical construction processes or similar process that may become an attractive nuisance.
13. An adequate number of temporary restroom and construction material container facilities shall be located on the facility site and shall be properly and regularly serviced and maintained. (ord. 08-016, 8-12-2008)

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. 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. (amd. ord. 21-001, 1-12-21)
- 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. (amd. ord. 21-001, 1-12-21)
 2. The home occupation shall not physically change the dwelling or yard space to the extent that it would alter the residential or aesthetic character of the dwelling, yard, or neighborhood.

3. The home occupation shall be allowed one nameplate sign, which shall be consistent with [chapter14](#) of this title. Temporary signs shall not be permitted for home occupations.
4. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located, as determined by the Zoning Administrator and appropriate regulatory authorities. "Occupancy load", as defined by the currently adopted building code, shall not be exceeded.
5. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential use, as determined by the Zoning Administrator and appropriate regulatory authorities.
6. Sale of commodities produced on the premises shall be permitted. The sale of all commodities shall be by prior individual invitation only.
7. Home occupations shall conform to business license requirements of [title 3](#) of the Town Code.
8. There shall be complete conformity with all applicable Town, County, State and Federal laws and ordinances

C. **Conditional Use Standards For Home Occupations Using Attached Or Detached Garages, Accessory Structures Or Yard Space:** The following standards shall be observed in the operation of all home occupations using garages, other accessory structures or yard space, which shall be approved by conditional use, in addition to the standards specified in subsection B of this section:

1. An occupation may be considered as a conditional use only under the following conditions:
 - a. The Planning Commission finds that the proposed home occupation will be clearly accessory and subordinate to the principal use of the property for dwelling purposes; and
 - b. The Planning Commission finds that the proposed home occupation will not adversely affect the residential nature and aesthetic quality of the neighborhood; and;
 - c. Any off-street parking displaced by the home occupation is relocated elsewhere on the lot or parcel; and
 - d. The Planning Commission may impose any conditions it deems necessary to mitigate impacts of the home occupation on the neighborhood.
2. In determining whether to grant a conditional use approval for the use of an attached or detached garage, accessory structure or yard space for a home

occupation, the Planning Commission shall consider the effect of such use on the residential character of the property upon which the home occupation is proposed to be located. In making a determination, the Planning Commission may consider factors including, but not limited to:

- a. Displacement of normally residential functions of yard space and building or structure usage.
 - b. The potential for generation of noise, dust, vapors, fumes, odors and light.
 - c. The potential for generation of excess traffic.
 - d. The potential impact of the proposed home occupation on the aesthetic quality of the neighborhood and the property upon which the home occupation is proposed to be located.
3. Due to the special nature of home occupations, their potential to create adverse impacts to the neighborhood, and the potential for significant unforeseen impacts to occur, the Planning Commission reserves the right to review any home occupation granted conditional use approval pursuant to this subsection. The conditional use permit for the home occupation may be reviewed and modified or revoked by the Planning Commission due to failure of the owner or operator of the home occupation to observe all conditions specified in issuing the permit; failure to observe the purpose and intent of this section or other requirements of this title in regard to the maintenance of improvements and conduct of the home occupation as approved; or significant unforeseen impacts resulting from the operation of the home occupation in conflict with the purpose and intent of this section and as explained in the application.

- D. **Permitted Uses:** Home occupations which may be considered under [section B](#) of this section may include the following uses, or uses which are similar in character, origin or impact, as determined by the Building Official/Zoning Administrator:

Animal grooming services conducted entirely within the home.

Architectural service.

Artist, author.

Barber shop, beauty service.

Childcare services in compliance with state and federal standards.

Consulting service.

Craft sale.

Dance studio; aerobic exercise, music lessons, tutoring and general educational instruction.

Data processing, computer programming.

Direct sales distribution.

Food preparation in compliance with state and federal standards.

Garden plants and produce.

Home crafts.

Insurance sales or broker.

Interior design.

Janitorial service.

Mail order (not including retail sales from site).

Real estate sales or broker.

Sales representative.

- E. **Conditional Uses:** Home occupations which shall not 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: (2010 Code, amd ord. 21-001, 1-21-21)

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. (2010 Code, amd ord. 21-001, 1-12-21)

Kennel, animal hospital.

Machine shop.

Light Manufacturing.

Secondhand shops and pawnshops.

Storage and warehousing.

Uses which involve the storage, display or repair of motor vehicles, or body and fender work on such vehicles. (ord. 08-016, 8-12-2008)

Snow Removal Services (ord. 15-018, 12-8-2015)

Water Transport Services (ord. 15-018, 12-8-2015)

(amd. ord. 17-004, 7-11-2017).

9-10-6: BURN PERMITS:

- A. **Purpose:** Burn permits are intended to act as a notification process to public safety personnel and dispatchers of scheduled burn operations to avoid unnecessary

dispatching of fire crews, and to review the proposed burn in order to establish controls and safe practices for the preservation of life and property.

- B. **Opening Burning And Recreational Fires:** Open burning and recreational fires shall be done in compliance with the international fire code as currently adopted by the state, Utah Code Annotated [§11-7](#), and any current Town Public Safety burn policy as enacted for general public safety.
- C. **Issuing Burn Permits:** A burn permit or Town public safety approval is required prior to any open burning or recreational fire by contacting the Town Public Safety office or County Dispatch. (ord. 08-016, 8-12-2008)

9-10-7: TEMPORARY STRUCTURES AND TENTS:

- A. Prior to the issuance of an Administrative Permit for any temporary structure, tent or vendor, the following requirements shall be met.
 - 1. Application: An Application must be submitted to the town including the following information:
 - a. Use: A temporary structure used in accordance with these provisions may be erected in any zone if the use is consistent with the permitted uses of that zone or conditional uses as approved under Section [9-11-2](#) of this title.
 - b. General Description. An overview of the proposed activity. Include hours of operation, anticipated attendance. Use of speakers, beer or liquor licenses, any sign or lighting plan, and any other applicable information.
 - c. Site Plan: The site plan shall be scale indicating in detail how the proposal will comply with the International Building Code (IBC). It should indicate the location of the tent or temporary structure on the property and distances from property lines and other structures. A separate plan for the interior of the tent or temporary structure is required. This plan will indicate any chairs, tables, exits, sanitation, heating, food services/handling etc. A snow removal plan must be included.
 - d. Structural Information and Calculations: For all temporary structure greater than 200 sq. ft. in floor area, structural calculations, wind and snow load information, fire rating, etc. must be submitted.
 - e. Fees: All applicable fees.
 - f. Building Permit: A permit issued by the Town is required for temporary structures greater than 200 sq. ft. in area, or as determined by the Chief Building Official upon review of size, materials, location, weather and proposed use.

- g. Special Event Permits: See Title [3.3](#) of the Town Code for regulations related to special events.
- h. Duration: In no case shall a tent be installed for a duration longer than twenty-one (21) days and for more than five (5) times per year on the same property or site, unless a longer duration or greater frequency is approved by the Planning Commission consistent with condition use criteria in Section [9-11-2](#) and Design Standards in Section [9-12](#) of this title.

2. Review Criteria:

- a. Lease agreement with Brian Head Town.
- b. The use shall not violate the health or fire code regulations or any state regulations on mass gatherings.
- c. The use must meet all applicable International Building Code (IBC) requirements.
- d. The application shall adhere to all applicable town and state licensing ordinances.
- e. If the proposed use is on private property, the applicant shall provide written notice of the property owner's permission.
- f. Any net loss of parking shall be reviewed and if necessary, mitigated.
- g. The proposed use shall not impede pedestrian circulation, emergency access, or any other public safety measure.
- h. The use shall not violate the Town Noise Ordinance.
- i. The use and all signing shall comply with the municipal sign and lighting codes. (ord. 15-005, 4-28-2015)
- j. Temporary structures must be consistent with the Design Standards contained in [Chapter 12](#) of this title. Tents are exempt from roof and external wall material design standards. (ord. 17-004, 7-11, 2017)

Title 9 – Land Management Code

Chapter 11

FLEXIBLE APPROACHES

9-11-1: VARIANCES:

9-11-2: CONDITIONAL USE PERMIT:

9-11-3: RESIDENTIAL PLANNED DEVELOPMENT (RPD)

9-11-4: MASTER PLANNED DEVELOPMENT (MPD)

9-11-5: DEVELOPMENT AGREEMENTS

9-11-1: VARIANCES:

- A. **Purpose:** A variance is intended to grant a property owner relief from the terms of this title where conditions are such (particular physical surroundings, shape or topographical conditions) that literal enforcement of this title would cause an unreasonable hardship upon the owner, as distinguished from a mere inconvenience or increased costs. A variance is not intended to disregard the spirit of the town general plan, this title, or design standards [chapter 12](#) of this title. A variance may be requested for physical constraints to the lot that deprive the applicant of the reasonable use of his property when others similarly situated are entitled to make such use of their property.
- B. **Review Procedures:**
1. **Application:** An application for variance review must be filed with the Town, and the required fee paid in advance. If, in the course of subdivision or building permit review, it is determined that a variance is required or desired, all further action shall be stayed until the applicant shall have obtained the variance.
 2. **Appeal Authority Review:** The Appeal Authority shall review the application in a hearing to be held within a reasonable time after the application is submitted. Notice to adjoining property owners is required pursuant to section [9-1-8](#) of this title. The Appeal Authority shall grant or deny the variance pursuant to the standards and conditions set forth by state law, Utah Code Annotated § [10-9a-702](#), as amended, and those set forth below:

C. **Standards For Review:**

1. The Appeal Authority may grant a variance only if:
 - a. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title.
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
 - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - e. The spirit of this title is observed, and substantial justice is done.
2. In determining whether or not enforcement of this title would cause unreasonable hardship under subsection [11-1C\(1\)](#) of this section, the Appeal Authority may not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on or associated with the property for which the variance is sought; and
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
3. In determining whether or not enforcement of this title would cause unreasonable hardship under subsection [C\(1\)](#) of this section, the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
4. In determining whether or not there are special circumstances attached to the property under subsection [C\(1\)](#) of this section, the Appeal Authority may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties in the same zone.
5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

- D. **Appeal:** The Town or any person aggrieved by a final decision of the Appeal Authority may appeal to a court of competent jurisdiction, provided the appeal is filed with the court within thirty (30) days after the decision of the Appeal Authority. (ord. 08-016, 8-12-2008)

9-11-2: CONDITIONAL USE PERMIT:

- A. **Purpose:** Although each zoning district is primarily intended for a predominant type of use (i.e., dwelling units in residential districts), there are a number of uses which the Town Council has identified that may be appropriate in a particular district if conditions are met

that mitigate potential adverse impacts of the proposed use. For example, as a condition of approval, a bed and breakfast may be required to furnish adequate parking to accommodate all potential occupants of the home. The conditional use review is intended to provide additional information necessary to assure compatibility and harmonious relationships between proposed uses, surrounding properties and the town in general.

- B. **Approval Required:** Conditional use approval is required for the conditional uses in each zoning district. Conditional use approval may be revoked upon failure to comply with all conditions attached to the original approval of the conditional use as set forth in a conditional use permit.

C. **Review Process:**

1. Application:

- a. An application for approval of a conditional use shall be filed with the Building Department on a form provided by the Town. The application shall make clear whether the applicant is a business or individual leasing the property or whether the applicant is the owner of the property. In the event the applicant is a lessee or tenant of the property, the application must include written consent by the owners of all property on which the conditional use activity shall be conducted. (amd ord. 15-018, 12-8-2015)
- b. The appropriate fee from the consolidated fee schedule shall be submitted with the application.
- c. Other information required to be submitted on or with the conditional use application can be found in [chapter 4](#) of this title, [table 2](#).

2. Planning and Zoning Department: Upon receipt of a completed conditional use application, the Planning and Zoning Department shall conduct a review of the application. The Planning and Zoning Administrator, or designee, shall prepare and deliver to the Planning Commission a written advisory report identifying any reasonably anticipated detrimental effects and recommend conditions of approval for the application. (amd. ord. 21-006, 05-25-21)

3. Planning Commission Review And Action:

- a. Within a reasonable time of receipt of a complete application, the Planning Commission shall give public notice consistent with section 9-1-8 of this title and hold a public hearing on the proposed conditional use. Members of the public may submit written comments to be part of the public hearing record or may present oral comments at the hearing.

- b. Upon receipt of the Town staff and other applicable agency recommendations, and input from the public hearing, the Planning Commission shall review the project and may impose reasonable conditions of approval which are designed to mitigate the reasonably anticipated detrimental effects of the proposed use. If the applicant accepts the conditions imposed, the Planning Commission may grant the conditional use permit. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the Planning Commission may deny the conditional use.

D. Standards For Review:

- 1. No conditional use permit may be issued unless the Planning Commission finds that the application meets the following standards and conditions:
 - a. Protects the safety of persons and property:
 - i. Will not result in unreasonable traffic congestion or traffic hazards.
 - ii. Has adequate and necessary access for municipal services.
 - b. Will not exceed the obligations and/or financial capability of the Town and will not require a level of community facilities and services greater than that which is available, or which may be provided.
 - c. Will protect environmental values:
 - i. Will not cause unreasonable air, water, groundwater, light or noise pollution.
 - ii. Does not have critically expansive soils, high water table, slope instability, or other soil problems which cannot be mitigated.
 - d. Consistent with the Town General Plan:
 - i. Will comply with the requirements of the zoning district in which the use is to be established and with all other requirements of this title.
 - ii. Will be compatible with the character of the neighborhood and surrounding structures in scale, mass and traffic circulation.
 - a. The applicant has assured performance of obligations by posting bond or other adequate security as determined necessary by the Planning and Zoning Administrator per [chapter13](#) of this title. (amd. ord. 21-006, o05-25-21)
- 2. With its approval, the Planning Commission may impose such conditions and safeguards to ensure compliance with the requirements, standards, or conditions of this section. The violation of any condition, safeguard, or commitment of record by the applicant shall be sufficient grounds for revocation of conditional use approval.

- E. **Transferability:** If the conditional use permit was requested by and granted to the owner of the underlying property, the conditional use permit is transferable with the title to the underlying property. If the permit was requested by and granted to a lessee or tenant of the underlying property, the permit is only transferrable to a new lessee following a review by the Planning Commission. Upon this transfer review, the Planning Commission may alter the conditions of the permit based up on the specific circumstances of the new lessee or tenant. The permit cannot be transferred off the site on which approval was granted. (amd. ord. 15-018, 12-8-2015)
- F. **Time Limit:** The approval for the use shall expire unless the conditional use begins within a period of twelve (12) months from the date of conditional use approval or a building permit for the use has been issued. Any cessation in conditional use granted for a period of more than twelve (12) months shall result in the expiration of the permit (amd. ord. 15-018, 12-8-2015, amd. ord. 21-006, 05-25-21)
- G. **Modification:** No approved conditional use may be modified, structurally enlarged, or expanded unless the permit has been reviewed, amended as necessary, and approved in accordance with the procedures and standards of this section. (amd. Ord. 21-006, 05-25-21)
- H. **Related Permits And Requirements:** A conditional use shall also be subject to all other procedures, permits and requirements of other applicable ordinances and regulations of the Town. In the event of any conflict between the provisions of a conditional use permit and any other permit or requirement, the more restrictive provisions shall prevail. (ord. 08-016, 8-12-2008)

9-11-3: RESIDENTIAL PLANNED DEVELOPMENT (RPD):

- A. **Purpose:** The purpose of the residential planned development (RPD) is to encourage development patterns within residential zones which preserve treed open space, parks and trails through clustering concepts. Additionally, the RPD encourages underground parking and optimal placement of development on the parcel. In order to encourage such development, the RPD allows for flexibility from zoning standards and other than use and density. (amd. ord. 15-018, 12-8-2015)
- B. **Review Process:** Residential Planned Developments (RPD) shall be reviewed and approved under the same land use authority provisions as the subdivision process. (amd. ord. 15-018, 12-8-2015)

C. Standards For Review:

1. The applicant shall demonstrate the following:
 - a. The planned development is consistent with the Brian Head General Plan. (amd. ord. 15-018, 12-8-2015)
 - b. The proposed development is in a residential zone and the proposed uses are consistent with the underlying zoning. (amd. Ord. 15-018, 12-8-2015)
 - c. The arrangements of structures and open spaces will not adversely affect adjacent properties. (For example, where deemed necessary by the Planning Commission, the lowest height and least intensity of buildings and uses shall be arranged around the boundaries of the development).
 - d. The development shall be in a single ownership at the time of application or filed jointly by all owners of the property. (amd. ord. 15-018, 12-8-2015)
 - e. The proponents of the planned unit development have demonstrated to the satisfaction of the Planning and Town Council that an organizational structure and financial plan is established for construction, phasing and maintenance (including HOA responsibilities and budget projection for 10 years) to ensure sustainability of the project.
 - f. Minimum landscape requirements identified in [Chapter 7](#) of this title shall be increased by additional 10% of the area of the parcel, and application shall include a detailed landscape plan. No departure from the approved landscape plan will be allowed during construction without prior consent of the Planning Commission. (amd. ord. 15-018, 12-8-2015)
 - g. The landscape plan shall preserve a minimum of 50% of existing trees within the required landscape area. (amd. ord. 15-018, 12-8-2015)
 - h. Easements are created to establish and maintain the continuity of existing and planned trails and ski ways with ownership and maintenance being the responsibility of the approved organizational structure, unless specifically accepted by the Town.
 - i. The development is planned as a single project (with possible phasing) with continuity of building design, theme and uses (including HOA responsibilities and budget projection pursuant to State Code) to ensure sustainability of the project. (amd. ord. 15-018, 12-8-2015)
 - j. Recreational or park elements such as a picnic area are encouraged and will count towards the landscaped area requirement. (amd. ord. 15-018, 12-8-2015)
 - k. The majority of required parking shall be underground or garaged and shall be considered part of the buildable area. (amd. ord. 15-018, 12-8-2015)
2. In cases where the applicant requests a waiver or flexibility from the zoning standards (excluding use and density, which may not be waived) they shall demonstrate the following:

- a. Any request to modify physical restrictions identified in [chapter 7](#) of this title shall be submitted for approval by the Planning Commission.
 - b. Special consideration has been given to preserving natural vegetation, land formations and topography. (amd. ord. 15-018, 12-8-2015)
- D. **Appeals:** A final decision of the land use authority may be appealed to the Appeal Authority following the procedures of subsection [9-3-2-H](#) of this title but must be filed within ten (10) regular business days of the decision. (Ord. 08-016, 8-12-2008)

9-11-4. MASTER PLANNED DEVELOPMENT AGREEMENT

- A. **Purpose:** The purpose of the Master Planned Development Agreement is to allow flexibility in commercial development which is consistent with the General Plan and which exceeds minimum standards set forth in the zoning ordinance with regard to open space, public recreational features, site and/or building design, etc.
- B. **Criteria:** The Town may enter into a Development Agreement which:
 - 1. Is consistent with the General Plan.
 - 2. Pertains to a parcel zoned as General Commercial or Village Commercial, or which will be re-zoned to General Commercial or Village Commercial concurrent with the Master Planned Development Agreement process.
 - 3. Enables the Town to obtain supplemental facilities or benefits which would not otherwise be obtained through existing regulations, standards or policies.
 - 4. Assures quality development within the town as well as promotes the general health, safety, and welfare of current and future town residents.

A development agreement may be approved by the Town Council without regard to the size of the development or the amount of density associated with such development. Such an agreement may allow for development which exceeds limits contemplated in the zoning requirements contingent upon satisfaction all of the foregoing criteria.

(ord. 15-018, 12-8-2015)

- C. **Commitments:** Applicants for development agreements are encouraged to make comments to the which enables the Town to obtain supplemental facilities or benefits which would not otherwise be obtained through existing regulations, standards, or policies.

The Town Council may consider commitments which may include, but shall not be limited to, the following:

1. The provision of open space, trails or other public recreational features and environmentally sensitive lands through dedication or other means.
2. The establishment and implementation of site design, building design, landscaping plans or other standards above and beyond established town requirements or existing development entitlements.
3. The reduction of density.

(ord. 15-018, 12-8-2015)

9-11-5 DEVELOPMENT AGREEMENTS:

A development agreement may be approved by the Town Council either in connection with the approval of a development permit or as a separate approval at the election of the applicant. The decision by the Town Council to enter into a development agreement with an applicant is always discretionary; nothing in this code shall be interpreted or construed as requiring the Town Council to approve a development agreement under any circumstances. There is never an entitlement on the part of the applicant to the approval of a development agreement.

Prior approvals of separate development agreements, regardless of who the applicant was, shall have no bearing on new applications or imply any obligations on the part of the Town with respect to future development.

A. **Submittal Requirements:** A completed application for approval of a development agreement, whether included as part of a development permit application or submitted as a separate application, shall include the following information and documentation:

1. A properly acknowledge letter of authorization from the owner(s) of the land stating consent to proceed with the proposed development agreement and permitting a designated representative to process the application and negotiate terms of the agreement.
 2. A narrative description of compliance with the applicable criteria under which the proposed agreement merits consideration.
 3. A description of the specific commitments proposed by the applicant as described in section [11-4-3](#) of this chapter.
 4. A draft of the proposed development agreement.
 5. Such other reasonable information as the Town Manager or designee may require.
- (ord. 15-018, 12-8-2015)

- B. **Procedure:** Following a receipt of a completed application for a development agreement, the following process will be pursued:
1. Staff Review: The Town shall review the application and determine whether it satisfies the criteria set forth in this chapter. Staff may suggest alterations to the proposed agreement with the applicant prior to forwarding a recommendation to the Planning Commission.
 2. Planning Commission Recommendation: The Planning Commission will review the application and forward a recommendation to the Town Council. The Planning Commission may suggest alterations to the proposed agreement with the applicant prior to forwarding their recommendations.
 3. Town Council Adoption: The Town Council will review the proposal and the Planning Commission's recommendation and may adopt the development agreement by ordinance. The Town Council may negotiate any alterations to the agreement with the applicant pursuant to the purposes and intents of this chapter prior to adoption.
 4. Notice: All other noticing and adoption requirements will be consistent with the requirement for adoption for changes to the Land Management Code. (ord. 15-018, 12-8-2015)
- C. **Recording of Development Agreement:** Within thirty (30) days of final adoption of the approving and authorizing ordinance, the applicant shall submit a copy of the approved Development Agreement to the Town for execution by the Town and subsequent recording, together with the required recording fees. The Development Agreement shall become effective upon recordation. (ord. 15-018, 12-8-2015)

Title 9 – Land Management Code

Chapter 12

DESIGN STANDARDS FOR CONSTRUCTION AND DEVELOPMENT

9-12-1: PURPOSE:

9-12-2: LOT STANDARDS:

9-12-3: DEVELOPMENT DESIGN AND LAYOUT:

9-12-4: CONSTRUCTION ON SLOPES EXCEEDING TWENTY FIVE PERCENT:

9-12-5: LANDSCAPING AND FENCES:

9-12-6: LIGHTING:

9-12-7: BUILDINGS:

9-12-8: CONSTRUCTION DEBRIS REMOVAL:

9-12-9: ROADS:

9-12-10: DRIVEWAYS:

9-12-11: CUTS, FILLS AND RETAINING WALLS:

9-12-12: BRIDGE AND TUNNEL REGULATIONS:

9-12-13: WATERWAYS, DRAINAGES AND FLOOD HAZARD AREAS:

9-12-14: UTILITY IMPROVEMENTS:

9-12-15: PARKING:

9-12-16: PUBLIC IMPROVEMENTS:

9-12-17: TRASH ENCLOSURES:

9-12-18: COMPLIANCE:

9-12-19: PUBLIC UTILITIES:

9-12-20: CAMPGROUNDS:

9-12-1: PURPOSE:

To enhance our mountain community, the regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this title. (ord. 08-016, 8-12-2008)

9-12-2: LOT STANDARDS:

- A. **Minimum Area, Dimensions:** The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. **Frontage:** Except as otherwise provided herein, all lots or parcels created by subdivision shall have frontage upon a dedicated street improved to standards hereinafter required. Land designated as public right of way shall be separate and distinct from lots adjoining such right of way and shall not be included in the area of such lots.
- C. **Developable Lots:** All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots and no building permit shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions, except where such lots are suitable and dedicated for a common open space, private utility, or public purpose.
- D. **Side Lines:** The side lines of all lots, so far as possible, shall be at right angles to each street on which the lot faces, or approximately radial to the center of curvatures. Exceptions may be made to this requirement for considerations such as solar orientation, grades, line of site or other traffic safety issues.
- E. **Corner Lots:** Corner lots for residential use shall be platted wider than interior lots in order to permit conformance with the required front setback requirements along all streets bordering such lots.
- F. **Lot Lines:** A town or zoning boundary line shall not divide a lot. Lot lines shall be made along such boundary lines. Zoning boundaries shall generally follow the lot lines and centerline of the public right of way.
- G. **Lot Numbers:** Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used. Phased subdivisions shall maintain continuous numbering throughout all phases.
- H. **Number Of Dwelling Units Permitted:** The number of dwelling units shall be in compliance with [chapter 7](#) of this title.

- I. **Area Of Lot:** The area within a lot shall not be considered as providing a yard or open space for any other building or lot.
- J. **Minimum Area Maintained:** No area needed to meet the minimum width, yard area, coverage, parking, or other requirements of this title for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
- K. **Contiguous Lots:** Except as otherwise provided in this title, all lots must be contiguous.
- L. **Frontage On Private Streets:** Lots with frontage on private streets shall only be allowed by conditional use within a planned unit development with an approved master development plan and subject to all applicable requirements of this title and other applicable ordinances. (ord. 08-016, 8-12-2008)

9-12-3: DEVELOPMENT DESIGN AND LAYOUT:

- A. **Hazardous Site Conditions Avoided:** The design of the development shall avoid or fully mitigate hazardous site conditions (unstable slopes, geologic faults, seismic zones, wildland fire, avalanche, or flood potential, etc.).
- B. **Drainage:** Drainage from individual lots shall be coordinated with the general storm drainage pattern for the area and shall avoid conveying to adjacent lots of runoff flows higher than historic patterns.
- C. **Centrally Located Recreation Facilities:** Recreation facilities should be located central to all residents of the development whenever possible.
- D. **Access:** All lots should have reasonable access to open space, trails, park land or recreation facilities that are set aside for either development use or use by the general public.
- E. **Trails And Open Space Access:** Access to public trails and open space abutting the property shall be provided.
- F. **Extension Of Infrastructure:** Public utilities, streets and other public infrastructure shall extend to the farthest border of the development to allow for future development to continue.

- G. **Maintenance Of Common Facilities:** Maintenance of common facilities must be accomplished through CC&Rs, a homeowners' association, a separate maintenance agreement, or some other perpetual agreement to ensure that sufficient funds are collected for this purpose.
- H. **Layout:** The layout of lots should provide desirable settings for structures by making use of natural contours, maintaining views, affording privacy, and providing protection from wind, noise and vehicular traffic.
- I. **Development Design:** Development design should provide for efficiency in the installation and provision of all public and private utilities and services.
- J. **Preservation Of Features:** Where trees, groves, waterways, scenic points, historic spots or other town assets and landmarks exist, as determined by the town, every possible means shall be provided to preserve these features. The development is encouraged to maintain a minimum of twenty percent (20%) of the lot area in natural vegetation in order to preserve the natural environment and topography or demonstrate to the Planning Commission satisfaction that an alternate plan will satisfy this intent. Undisturbed natural vegetation areas that are shown on the approved plan shall be properly marked and protected against damage.
- K. **Placement Of Buildings:** The placement of buildings shall be designed to preserve the natural terrain, drainage, existing topsoil, tree groupings, large trees and large rocks as much as possible so as to screen the building and parking areas from public view.
- L. **Removal Of Hazardous Materials:** Trees, brush, deadfall, natural vegetation or combustible materials shall be removed and maintained at least fifteen feet (15') from structures as a defensible space for firefighting purposes. Additional area may be required by the public safety department. Fire resistant plant materials may be planted in the defensible space as approved by the public safety department.
- M. **Building Placement:** Building placement 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".

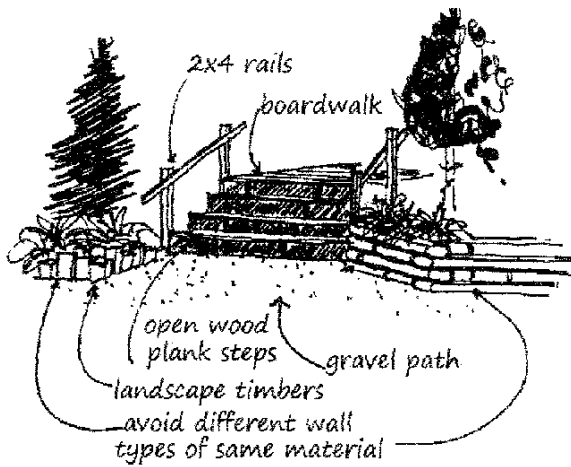
2. Sun and shade areas to enhance the seasonal experience and make best use of environmental conditions for snow melting, outdoor seating areas and building efficiency.
3. Service and delivery areas should be screened from public areas and provide sufficient room for vehicular movement.
4. Pockets and 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. (ord. 08-016, 8-12-2008)
5. Incorporate non-linear and staggered placement of buildings to avoid straight rows of similar-styled buildings (the "cookie-cutter" effect). (ord. 20-002, 4-28-20)

9-12-4: CONSTRUCTION ON SLOPES EXCEEDING TWENTY FIVE PERCENT:

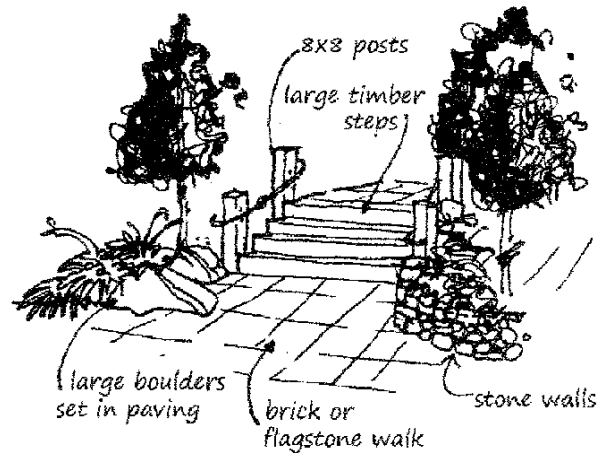
Lots with the building or disturbance area identified on slopes of twenty five percent (25%) (14 degrees) to forty percent (40%) (21.8 degrees) warrant especially close review to assure that all grading, retaining wall, cut/fill and road/driveway grade standards will meet the requirements of this title and currently adopted building codes. Construction or lot disturbance shall not take place on slopes exceeding forty percent (40%) (21.8 degrees), except for lots legally subdivided prior to the adoption date hereof. The design shall minimize lot disturbance and removal of existing vegetation and provide erosion protection. (ord. 08-016, 8-12-2008)

9-12-5: LANDSCAPING AND FENCES:

- A. **Purpose:** Development shall attempt to blend with the natural terrain and to preserve drainage/waterways, existing topsoil, tree groupings, large trees, and rocks. Landscaping design shall provide for new trees, shrubs and vegetation to screen buildings, parking lots and service areas from public view.



UNDESIRABLE LANDSCAPE MATERIALS



DESIRABLE LANDSCAPE MATERIALS

B. Landscaped Areas Of Development:

1. Shall incorporate natural, informal landscape design, rather than formal, geometric patterns.
2. Create buffer zones between adjacent uses and screen parking, service, and equipment areas from view within and between developments through the use of extensive tree, shrub, and natural grass planting.
3. Preserve natural vegetation, rock outcroppings and other natural features to blend the new development to the natural environment.
4. Incorporate paths, trails and gathering areas into the natural environment and use materials that blend with the area, such as timbers, pavers, colored concrete, boulders, etc.

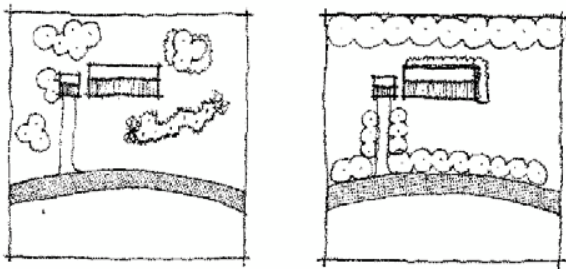
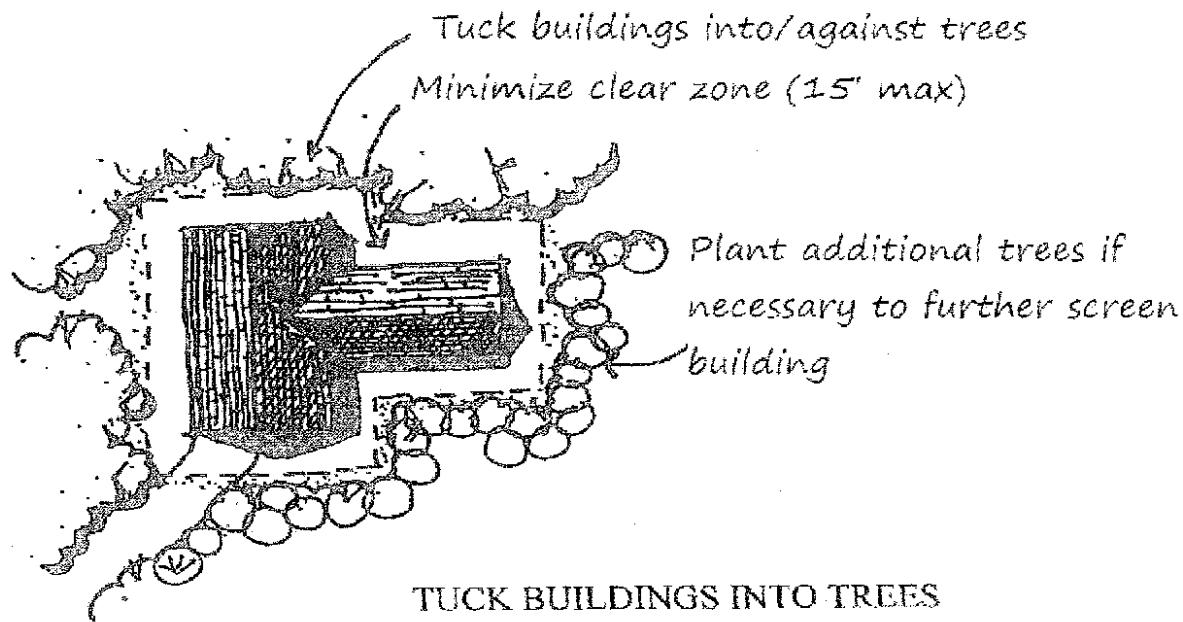


Figure 11.1: Informal planting (left) is preferred. Formal planting (right) is discouraged in Brian Head.



- C. **Fences:** Fences and gates should be avoided to preserve a sense of openness and continuity. When fences are implemented for landscaping, safety, animal containment, or privacy they shall comply with the following:
1. Fences and gates shall be set back at least ten feet (10') behind the building front facade.
 2. Perimeter fencing of a property is prohibited without specific Planning Commission approval.
 3. Fences shall not exceed four feet (4') in height, except where required for safety reasons (swimming pool and attractive nuisances) or where necessary to meet screening requirements or where not visible from off site. (ord. 08-016, 8-12-2008 amd ord. 15-018, 12-8-2015)
 4. Fence materials shall be wood, timbers, rock or materials indigenous to the area. Wrought iron fencing should be used primarily at swimming pools and painted or treated to blend in with the surrounding environment or building facade.
 5. Vegetation should be planted in and around fencing to soften the appearance except where no visible from off site. (ord. 08-016, 8-12-2008 amd ord. 15-018, 12-8-2015)
 6. Inappropriate wall and fence materials are railroad ties, stucco, chain-link, concrete blocks and vinyl. Use of these or similar materials must be consistent with the General Plan and approved by the Planning Commission. (ord. 08-016, 12-2008, amd ord. 16-007, 12-8-2016).

9-12-6: LIGHTING:

Purpose: It is the intent of this section to encourage lighting practices and systems which preserve Brian Head's special resource of dark skies and support the Dark Sky Certification of neighboring Cedar Breaks National Monument by minimizing light pollution, glare, and light trespass, and by eliminating unnecessarily bright light color spectrums. The Town intends to accomplish these objectives without sacrificing nighttime safety, mobility, or the ability of businesses to operate reasonably. This section does not apply to indoor lighting. (ord. 18-006, 6-11-2018 amd. ord. 19-014, 11-12-2019)

- A. **All light fixtures**, including security lighting and sign lighting, except streetlamps, shall be placed at a location, angle and height and shielded so that upward light pollution is minimized: (ord. 19-014, 11-12-2019)
 - 1. Light fixtures shall be mounted to the building or of a pole that directs light towards the ground and focuses on the object to be lit. Where signs and similar objects can be lit from above with lighting directed downward, this option should be employed. Where it is not possible, sufficient shielding should be employed to focus the light on the object rather than allowing it to escape upward and pollute the night sky. (2010 Code. amd. ord. 19-014, 11-12-2019)
 - 2. Light fixtures shall be fully shielded on top with opaque material that disallows light from the sources to travel upward into the sky. The sides of the fixture shall be at least partially shielded with either transparent or translucent material. Fixtures which are not fully shielded with opaque material shall be limited to 800 lumens per fixture in residential zones and 2,000 lumens per fixture in commercial zones. (amd. ord. 19-014, 11-12-2019)
- B. **The correlated color temperature** of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3,000°k). (ord. 19-014, 11-12-2019)
- C. **Light fixtures shall not emit more light than is necessary to accomplish its purpose:**
 - 1. Fixtures shall be spaced sufficiently to provide adequate light as required by the building code. (ord. 19-014, 11-12-2019)
 - 2. Parking lot lights, yard lights, or both, may be required for multi-family, commercial and industrial projects. The Planning Commission shall review the proposed lighting plan of a project to determine that it meets the minimum lighting requirement for safety while maintaining sensitivity to night sky preservation.
 - 3. Total outdoor lighting shall not produce more than 25,000 lumens per acre or more than five (5) lux at any property boundary for commercial properties or more than 4,000 per

acre or more than one (1) lux at any property boundary for residential properties. (ord. 19-014, 11-12-2019)

4. Architectural and aesthetic lighting shall use low lumen light sources. (ord. 19-014, 11-12-2019)

D. **Outdoor lighting** shall only be used when necessary to accomplish its purpose:

1. Security lights shall be operated on a motion sensor. Any light on a functioning motion sensor will not count toward the light maximum in subsection [C\(3\)](#) of this title. (ord. 19-014, 11-12-2019)

E. **Subdivision and Street Lighting:**

1. Street lighting will be used to ensure safety and mobility. (amd. ord. 19-014, 11-12-2019).
 - a. Streetlights will be placed at all intersections with a state highway and all intersections with a Town collector road (as defined in the Brian Head Transportation Master Plan).
 - b. The Public Safety Director may order the placement of additional streetlights where necessary to preserve public safety.
 - c. The specifications of street lighting fixtures will be in accordance with the Town's Public Works Standards and shall utilize lamp types that are energy efficient, are dark sky compliant, and mitigate the other negative impacts of artificial lighting.
 - d. Pedestrian trails, sidewalks and walkways may be lit with minimum light necessary to ensure pedestrian safety and in accordance with Public Works Standards.
 - e. Additional streetlights may be used to establish a sense of place in accordance with a Street Lighting Master Plan approved by the Town Council.(ord. 19-014, 11-12-2019).
2. Subdivision plans (either residential or non-residential) shall provide for lighting of all streets in accordance with subsection [9-12-\(E\)\(1\)](#) and the Town's Public Works Standards. (amd. ord. 19-014, 11-12-2019)
 - a. Additional streetlights along the public right of way may be required by the Planning Commission in order to better establish a sense of place. Said streetlights, when required, shall conform to the Town's Public Works Standards. (amd. rd. 19-014, 11-12-2019)

b. Subdivision plans shall include:

- i. The location, height and overhand of each light.
- ii. The size of lights in lumens and type of laminator, and the color of the lights (expressed in Kelvin). Where practicable, the most energy efficient laminators shall be used.
- iii. A drawing or photograph of the typical streetlight and standard proposed and location of energy meter, switches, cutoffs, etc., if any.

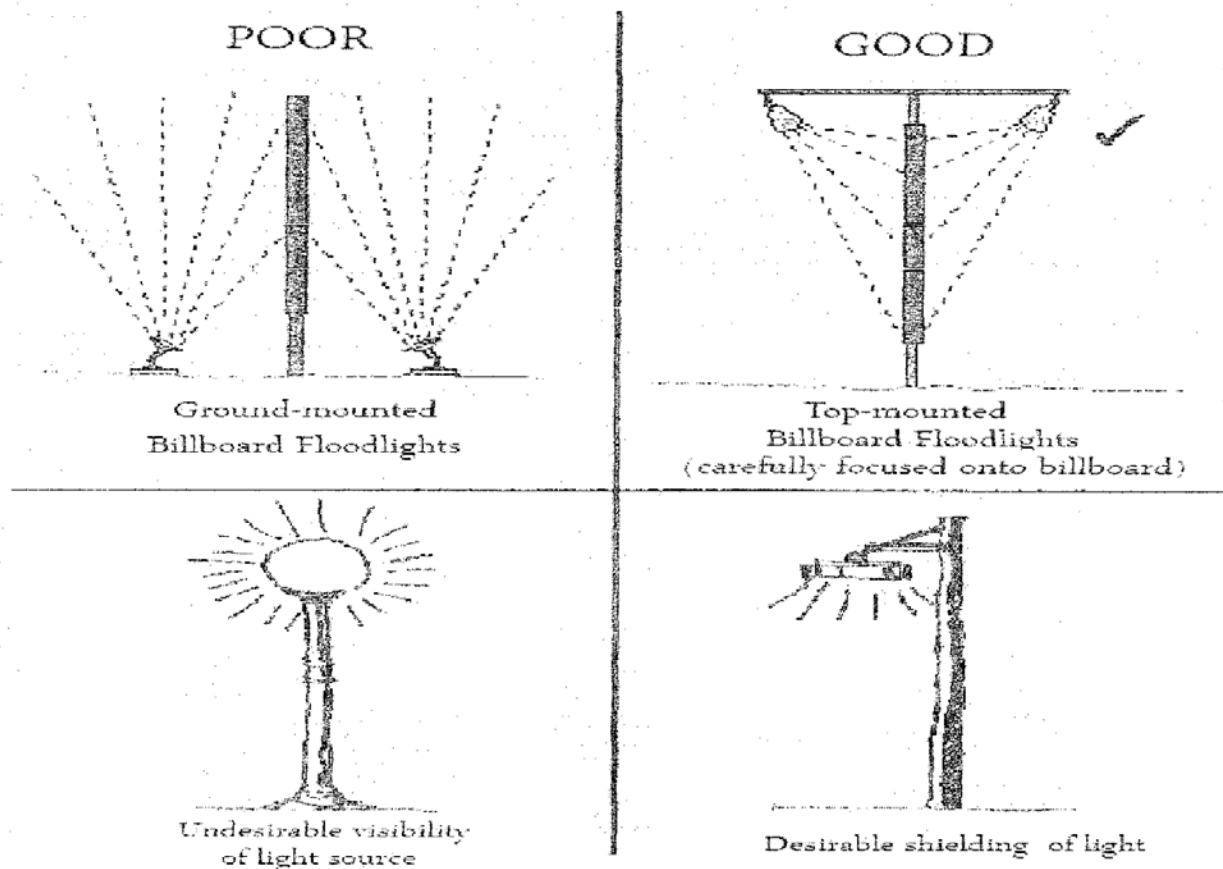
(amd. ord. 19-014, 11-12-2019)

F. **Exceptions:** The following shall be exempt from the requirements of this chapter:

1. Holiday lighting from November 15 to January 15 as long as it does not create a safety hazard or nuisance to surrounding businesses or residences.
2. Traffic control signals and devices or temporary emergency lighting in use by law enforcement or government agencies or at their direction.
3. The lighting of federal or state flags, provided that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to the light the flag, while at the same time fulfilling the purpose of this chapter. Upward lighting of flags is permitted with a limit of three (3) fixture per flagpole with a maximum of two thousand (2,000) lumens each. The fixtures must be shielded such that the point source is not visible outside of a fifteen (15') foot radius.
4. Lights on snow removal or grooming equipment engaged in water snow operations.
5. Lighting for recreational uses (such as ballfields, parks, or night skiing) which do not strictly adhere to the requirements of this section may be approved by the Planning Commission following a determine that the lighting meets the intent of the requirements of this section and up on the condition that lighting will be subject to a reasonable curfew.

(ord. 19-014, 11-12-2019)

EXAMPLES OF SOME COMMON LIGHTING FIXTURES



(ord. 08-016, 8-12-2008)

9-12-7: BUILDINGS:

- A. **Purpose:** All buildings and structures are to blend into and be in harmony with surrounding natural vegetation patterns and landforms of the mountain setting. Buildings are to be located to minimize tree removal and site disturbance, while being oriented to the outdoor lifestyle and weather and climate conditions. Existing structures are encouraged to remodel or modify their appearance following requirements of this chapter. (amd. ord. 17-004, 7-11-2017)

- B. **Architectural Design And Style:** Buildings should implement a rustic composition such as the craftsman, historic mountain lodge, log cabin, national park, or mountain modern style architecture that will blend with the mountain setting, as well as topography, landscape and natural environment found in and around that site. These styles include

gabled roofs, exposed rafters and beams, and multi-paned windows, varied exterior materials, stone and brick wainscots, dormers, large picture windows, decks and railings, and other features intended to break up the mass and scale of the buildings and help them blend in better to the natural surroundings. Building materials shall include large wooden beams and timbers, stone covered columns, chimneys, and foundation and exterior wall materials reflecting simple, rustic design. Other materials may be considered at the approval authority's written discretion. (ord. 17-004, 7-11-2017 amd. ord. 22-004, 5-10-2022)

ARCHITECTURAL TYPE	STRUCTURE TYPE		
	Commercial	Condo	Residential
			
			
			
			
Mountain Modern	  		

(ord. 17-004, 7-11-2017, amd ord. 19-014, 11-12-2019)

C. Height:

1. Building heights are specified in each zone district.

2. Public and quasi-public utility buildings, when authorized in a district, may be erected to a height greater than the zone district height limit by obtaining a conditional use permit.
3. No dwellings shall be erected to a height less than one story above grade, unless specifically designed and approved as an earth sheltered structure.

D. Mass, Scale And Composition:

1. Building mass and scale should be sensitive to the site and surrounding structures in the neighborhood so as not to stand out or draw attention away from the natural environment.
2. Rooflines, foundations, and walls shall have steps, offsets and architectural features to follow existing slopes and reduce mass. Multi-unit structures should appear to be a cluster or collection of individual masses so as not to create the appearance of stacks or rows of identical "products".

E. Roofs:

1. Single and double gabled roofs are permitted with hips and sheds used on smaller sections, secondary roofs, or dormers. Monoslope roofs are allowable consistent with the mountain modern architectural style. Flat roofs are discouraged. (amd. ord. 19-014, 11-12-2019)
2. Wood shake shingles are prohibited.
3. Roof pitches should range between four to twelve (4:12) and twelve to twelve (12:12).
4. Valleys, dormers, rain gutter and associated roof features should be designed with consideration to retention of snow on the roof. Care should be taken to avoid ice dams and snow sliding that may damage roofing materials or landscaping and building elements below. Special consideration should be given to protecting public entries, patios, and balconies, where the weight of falling snow may damage such structures and endanger human life.

F. Exterior Walls:

1. Exposed foundations under four feet (4') in height may be rubbed or finished in natural earth tone color. Walls over four feet (4') must be covered in stone, wood, or similar materials to blend with the rest of the structure and must be resistant to snow piling and water damage. (amd. ord. 17-004, 7-11-2017)
2. Building wall finish shall include full log or log faced siding, stone (cultured or natural), wood shingles, horizontal wood board and batten siding, or other synthetic material

textured to simulate natural materials. Consistent with the rustic composition architectural style as identified in [subsection B](#) of this title. Stucco, milled wallboard, brick, non-reflective metal similar material may be used in limited quantities provided they are broken up with contrasting materials, colors, and textures consistent with the architectural styles identified in [subsection B](#) of this title. Reflective metal is not permitted. (amd. ord. 16-007, 12-8-2016. amd ord. 17-004, 7-11, 2017).

G. Colors:

1. Exterior building colors should be subdued, complementary colors found in the natural landscaping. Browns, greys, and greens are encouraged for large mass areas. Bright colors, including bright white, are not allowed for large mass areas. Trim colors of golds, reds, blues and greens in darker shades found in or around the site are permissible as long as they blend with the overall building design and do not create a strong contrast. Buildings or building materials that stand out against the landscape because of color or light reflection are prohibited. (amd. Ord. 17-004, 7-11-2017)
2. Roof colors should resemble natural earth tone hues that blend with the surrounding landscape. Reflective materials reflective light value (LRV) exceeding 30 shall not be used. Bright red, bright blue, bright green, bright white, bright cream, or similar colors that stand out from the surrounding landscape, or draw attention to the structure, shall not be used. (2010 Code amd. ord. 18-009, 9-10-2018)

H. Windows And Doors:

1. Large glass surfaces should have features (structural or grid) that break the window up into multi-pane units.
2. Large windows and doors should be recessed and/or shaded by eaves, overhangs, decks or similar architectural features that reduce glare and reflection.
3. Window and door frame colors shall comply with [subsection G](#) of this section.
4. Glass shall not create a mirrored finish but may be treated or coated to control solar heat gain.
5. Windows and doors should be trimmed or framed by wood, timber, wood shutters, stone or wood lintels and sills that are of a scale, color and mass that reflect styles such as the craftsman, historic mountain lodge, log cabin or national park style architecture.

- I. **Design Factors:** Snow loads, fire standpipes, provisions for handicapped, elevator emergency requirements, footing specifications, and house address: Requirements for these design factors are defined in the building codes currently adopted by the state, with specific design criteria available from the Town Building Department. Building addresses shall be assigned by the Town. (ord. 08-016, 8-12-2008)

- J. **Accessory Structures:** A non-habitable structure, subordinate to and located on the same lot with a primary structure, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main structure. In addition to meeting requirements A through I of this Section, accessory structures must meet the following requirements:
1. Must be detached from the primary structure and have a minimum of ten feet (10') of clearance from other structures.
 2. Cannot be used as a habitable space.
 3. Structure cannot be located within the setback (notwithstanding, setback exceptions that apply to the primary structure as outlined in [chapter 7](#) of this title, in the applicable zone, also apply to accessory structures).
 4. Must meet snow load requirements.
 5. Required to have footings or foundation for accessory structures over 450 square feet.
 6. Structures being used as a garage for vehicle storage must meet all applicable International Building Code requirements.
 7. Shipping containers, intermodal containers, or railroad boxes may not be used as accessory structures (Ord. 21-006, 05-25-21).
 8. No more than three (3) accessory structures are allowed on a single lot of up to one (1) acre. Additional accessory structures may be allowed on lots larger than one acre, not to exceed two (2) accessory structures per additional acre.
 9. Except for a building accessory to an agricultural use, the footprint of an accessory structure must not exceed fifty percent (50%) of the footprint of the primary structure. In no case shall an accessory structure exceed 3,000 square feet in footprint.
 10. Maximum height of accessory structures is limited by the area of the structure as follows:
 - a. 0 – 200 square feet, 15 feet maximum height. (amd. ord. 17-004, 7-22-1017)
 - b. 201 – 400 square feet, 19 feet maximum height. (amd. ord. 17-004, 7-22-1017)
 - c. 401 – 1,000 square feet, 24 feet maximum height. (amd. ord. 17-004, 7-22-1017)
 - d. 1,001 – 1,500 square feet, 27 feet maximum height. (amd. ord. 17-004, 7-22-1017)
 - e. 1,501 square feet and above, maximum height determined by Planning Commission review, but shall in no case exceed thirty-two feet (32'). (ord. 15-018, 12-8-2015 amd. ord. 17-004, 7-11-2017)

- f. If the proposed accessory structure sits at a lower elevation than the primary structure, an addition of one foot (1') of height may be allowed for each one foot (1') of elevation difference up to five feet (5') of additional height following a determination of the Planning Commission that the height of the accessory structure does not conflict with the general plan or detract from the intended character of the zone. (ord. 17-006, 8-8-2017).
- g. Under no circumstances shall an accessory structure exceed 80% of the height of the primary structure. (ord. 17-006, 8-8-2017).

9-12-8: CONSTRUCTION DEBRIS REMOVAL:

All building/construction sites shall provide debris removal sufficient to facilitate the regular cleanup and removal of construction debris from the site. The debris container or containment area must prevent debris from being blown off the property and screen the debris/garbage from public view or maintain the material in a neat orderly manner. It may not become a fire hazard or nuisance to the public or attract vermin. Failure to comply with this section may result in the suspension of building permits, fines or other such appropriate penalties. (ord. 08-016, 8-12-2008)

9-12-9: ROADS:

A. Road Layout And Geometry:

1. The design and arrangement and construction of all roads, public and private (unless otherwise provided), shall be in conformance with the town public works standards, the provisions of this title, and the Town Design Standards.
2. Road systems shall provide efficient internal circulation and reasonable access to public highways, minimize congestion and unsafe conditions, and be in conformance with the town General Plan.
3. The arrangement of roads shall provide for the continuation of roads between adjacent properties when the continuation is necessary for the convenient movement of traffic, pedestrians, emergency or maintenance vehicles, or the efficient provision of utilities. Proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect.
4. Roads shall be designed in compliance with applicable codes to provide emergency access and egress for residents and occupants, which should encourage two (2) or more points of access to a development or neighborhood wherever possible.
5. Where the potential traffic impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning topography or street layout, the subdivider may be required to prepare a detailed engineering study of the road system.

6. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. No intersection may be closer than one hundred fifty feet (150') to any other intersection as measured from the centerlines of the intersections.
7. Where a road does not extend to the boundary of the development and its continuation is not required, its terminus shall provide for a cul-de-sac or turnaround as required by the town public works standards or applicable building codes.
8. Protection strips reserved to control or restrict access to a property shall be utilized only where the reserve strip is deeded to and accepted by the Town.
9. Public or private roads must provide legal access to each building lot within the subdivision.
10. Curbs, gutters and sidewalks shall be of a type approved by the town public works standards on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. All materials and workmanship shall be sensitive to appearance and durability, due to a harsh weather climate. Such curbs, gutters and sidewalks may be required as a condition of building or use permit approval.
11. Excessively long and straight streets which are conducive to high speed traffic shall be prohibited.
12. Every cul-de-sac and permanent dead-end street shall comply with the following requirements:
 - a. End at a turnaround area having a radius no less than fifty feet (50') and be of hard surface material.
 - b. Not exceed eight hundred feet (800') in total length unless additional turnaround areas (each having at least a 50-foot radius) are also provided at intervals of no less than eight hundred feet (800') throughout the length of such cul-de-sac or permanent dead-end street.
 - c. Hammerhead turnaround areas may be allowed in special circumstances when recommended by the public safety department and approved by the land use authority.
13. Temporary dead-end streets, intended as access to future development parcels, shall be a minimum of one lot depth in length and shall meet all of the other requirements for permanent dead-end streets set forth in subsection A-12 of this section.
14. Driveways, mailboxes, fire hydrants and all other obstructions at such turnaround areas shall be designed in such a way as to provide an area for snow storage.
15. Road edges shall be:
 - a. Finished and landscaped to eliminate raw cuts in the land.
 - b. Cuts shall be graded to provide for vegetation, without damaging existing vegetation and trees.
 - c. Re-vegetated on road edges and cuts.
 - d. Constructed to support a vehicle.

- e. Ripped and graded to reduce erosion in drainage ways.
- f. Constructed to provide driveway and road swales or culverts to protect intersections.

16. Retaining soils on roadways shall comply with section [9-12-11](#) of this chapter.

B. Road Grades:

1. Road grades shall be in compliance with the Town Public Works Standards, the Building Codes currently adopted by the state and this code.
2. All road grades greater than twelve percent (12%) (6.8 degrees) shall be submitted for approval to the land use authority with the recommendation of the Town staff.
3. Intersections, switchbacks, hammerheads and cul-de-sacs shall not exceed a four percent (4%) grade. Roadway sections extending from these areas shall not exceed ten percent (10%) for a distance of at least two hundred feet (200').
4. Roadway sections exceeding ten percent (10%) (5.7 degrees) shall be no longer than four hundred feet (400') in length and at the bottom of such section shall be provided a straight "braking section" less than ten percent (10%). The length of the braking section must be at least one-half ($\frac{1}{2}$) of the length of the roadway that exceeds the ten percent (10%) (5.7 degrees) grade.

- C. Private Road Maintenance:** A maintenance plan must be established to the satisfaction of the Town Manager, or designee, before a private road may be approved. The plan shall define private road construction, surface material and schedule of maintenance, and ensure that sufficient funds will be available to maintain the road.

D. Street Names:

1. Street names shall be proposed by the developer and/or citizen and approved by the Land Use Authority, with the recommendation of Town staff. (ord. 08-016, 8-12-2008, and ord. 15-018, 12-8-2015)
2. Developers or citizens are encouraged to do an investigation of local history regarding the names and references to geological and historical features located in the subdivision and, wherever possible, to incorporate the historical names and references into the names and designations of streets. (ord. 08-016, 8-12-2008)
3. The Town may change the name of a street without petition or after petition by a property owner under the following conditions:
 - a. A notice of the hearing is:
 - i. Published;
 - a) In a newspaper of general circulation in the county once per week for four consecutive weeks before the hearing; and

- b) On the Utah Public Notice Website created in [UCA §63A-12-114](#), for four consecutive weeks prior to the hearing; and
 - ii. Posted in three places for four consecutive weeks prior to the hearing; and
 - iii. Mailed to all owners of property abutting the town road.
- 4. All street names must be coordinated with the appropriate county official. (amd. ord. 15-018, 12-8-2015)

9-12-10: DRIVEWAYS:

The following shall apply to all driveways connecting the public right of way to a private or public parking lot or structure:

- A. **When Approval Required:** Driveways exceeding one hundred fifty feet (150') in length and/or twelve percent (12%) (6.8 degrees) grade must be approved by the Director of Public Sand/or designee.

B. Driveway Standards:

Standards	Residential Single-Family Dwelling (SFD)	Commercial (All Others)
Minimum width	16 feet (4 or fewer units)	20 feet (one-way); 24 feet (two-way)
Maximum width at street line	24 feet	36 feet
Maximum number of driveway accesses per lot	1 per each 100 feet of frontage (or fraction thereof), maximum 2 interior, 3 corners	1 per each 200 feet of frontage (or fraction thereof)
Driveway angle to street	45 degree - 90 degree	70 degree - 90 degree
Snow storage	Maintain clear view at intersection	Maintain clear view at intersection

Drainage	May not drain to road surface	To approved storm drain collection system
Retaining walls	May extend into public right of way with town staff approval	May extend into public right of way with town staff approval

(ord. 08-016, 8-12-2008, amd ord. 16-007, 11-8-2016)

- C. **Surface Material:** Hard surface is required in commercial and multi-family residential zones. Other materials that make the surface effectively hard but aren't asphalt or concrete may be used with the approval of the Planning Commission. All weather surface may be used for overflow parking (parking in excess of the requirement) as well as in all other zones. (ord. 16-007, 11-8-2016)

- D. **Design of access point** (where driveway meets pavement) must be approved by the Public Works Director to minimize snow removal and drainage issues. (ord. 17-004, 7-11-2017)

- 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. (ord. 20-002, 4-28-2020)

9-12-11: CUTS, FILLS AND RETAINING WALLS:

- A. **Purpose:** Because of the dramatic visual impact of cuts, fills and retaining walls in the town, and the public safety factors that may arise with significant cuts and fills in unsuitable soils, cuts, fills and retaining walls shall be designed to mitigate visual impact and ensure safe soil retention.

- B. **Cuts And Retaining Walls:** Cuts, fills and retaining walls shall conform to the following criteria:
 1. Un-retained cuts shall not exceed one (1) slope unit vertical for each two (2) units horizontal (50 percent slope) (unless a steeper slope is designed by a state licensed engineer) and must be re-vegetated to prevent erosion.
 2. Any single retaining wall or retaining mechanism, within the same plane, exceeding twelve feet (12') in height or one hundred feet (100') in length of exposed wall shall be reviewed by the Planning Commission.

3. Up to three (3) terraced cuts may be created under a terraced cut retaining system, so long as each wall is separated by a minimum four-foot (4') setback (measured from face to face) for visual relief and re-vegetation. Total maximum height of a terraced retaining system exceeding eighteen feet (18') in height shall be reviewed by the Planning Commission as part of the approval process. In cases where re-vegetation will be detrimental to the structural integrity of the wall, the applicant shall propose and implement design strategies to create visual relief or contrast to enhance the appearance and mitigate the mass of the wall. (amd. ord. 15-018, 12-8-2015)
4. Retaining wall height shall be measured as the exposed face of a single wall or combined faces of a terraced retaining system.

C. **Measuring Cut/Fill Heights:** Cuts and/or fills shall be measured vertically at natural grade from the lowest to the highest point of disturbance.

D. **Retaining Wall Appearance:** Retaining walls and/or retaining systems shall be constructed of decorative, natural, or rustic materials, such as stone or heavy timbers. Concrete or masonry materials (including split face block) may be used when structural design requirements exceed natural material capabilities. Walls shall be colored or tinted and have a surface texture to blend with the surrounding soil or rock colors, and must be approved by the Town Manager, or designee, before excavation permits shall be granted.

E. **Retaining Wall Design:** All retaining walls greater than four feet (4') in height shall be designed by a professional engineer or architect licensed in the state for the loads imposed on it. Plans shall be submitted at the preliminary plan stage to demonstrate that the hillside above any proposed cut will remain stable after the proposed cut/fill and retaining system, if any, has been completed.

F. **Re-vegetation/Erosion Control:**

1. All cut and fill slopes must be naturalized and re-vegetated within one growing season after the cut or fill is made.
2. Cuts and fills should be naturalized by rounding edges, placing boulders in natural fashion and planting native plants, including trees, brush, and ground cover, to match surrounding areas. A landscape/re-vegetation plan in compliance with the town design standards shall be submitted to the town staff for review with the cut/fill design plans.
3. All re-vegetated areas must be maintained and replanted as necessary to control erosion and maintain the aesthetic value of the site.
4. Foot bridges and private vehicle bridges shall be reviewed and approved by the building department in conjunction with the single-family dwelling approval per [chapter 8](#) of this title. (Ord. 08-016, 8-12-2008)

G. **Standards for Review:** All retaining walls approved under this section either by the Planning Commission, or the Town Manager or designee shall comply with the following standards:

1. Retaining wall complies with all of the design standards of this section.
2. The height and length of the retaining wall is the minimum necessary for the needed functionality. The mass of the wall has been broken up using terracing, vegetation, and/or other visual relief strategies.
3. The wall does not create an attractive nuisance or hazard to the general public.
4. The wall shall preserve the natural scenic beauty of the area by rounding off sharp angles and otherwise blending with the natural contours of the land, and by preserving trees and other native vegetation.
5. If retaining wall is being done in preparation for development, a building permit has been obtained and work has been approved to proceed. If applicant is in the process of obtaining a building permit, approval may be made contingent on the finalization of the building permit, but work may not begin on grading or the retaining wall until the building permit is issued.

(Ord. 17-004, 7-11-2017)

9-12-12: BRIDGE AND TUNNEL REGULATIONS:

The design of bridges and/or tunnels shall conform to the following regulations:

- A. **Design Plans:** All bridges and tunnels must be detailed in design plans submitted to the Planning Commission for its review and comply with [chapter 8](#) of this title, as applicable.
- B. **State Code Compliance:** Highway bridge abutments shall comply with state code.
- C. **Retaining Wall Applicability:** All wing walls and bridge abutments shall be constructed in conformity with the retaining wall section of this code (section [9-12-11](#) of this chapter). (ord.08-016, 8-12-2008)
- D. **Exception:** Foot bridges and private vehicles bridges shall be reviewed and approved by the building department in conjunction with the single-family dwelling approval per Chapter 8 of this title and shall be review and approved by the building department. (ord. 15-018, 12-82-15)

9-12-13: WATERWAYS, DRAINAGES AND FLOOD HAZARD AREAS:

Special attention shall be given to ensure that development is setback sufficiently from waterways, drainages and flood hazard areas to prevent erosion, flooding and damage to development and the waterways per state and federal standards. Such features should be constructed to give a natural "streambed" appearance to the waterway or drainage area by making small meanders, placing rocks of various sizes (pebbles, cobble, rocks and boulders) in the streambed and banks, and planting clumps of trees and shrubs along the outside edge.

A. Design Storm:

1. As each site is unique for elevation and time of concentration, the following website can be used for determining the precipitation intensity, currently found at:

http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.htm

2. The user will input the latitude and longitude for the particular site and choose "precipitation intensity" from the drop-down menu on screen (the user will verify the elevation is within acceptable limits for the project area).
3. If a storm distribution is being utilized for the stormwater design, a standard SCS type II distribution should be used. This distribution shows approximately fifty (50) to seventy five percent (75%) of total rainfall to occur in a brief period (approximately 2 hours), which is typical of the intense short duration storms experienced in the town area.

B. Detention Ponds: On site detention ponds are to be sized for the 100-year 24-hour storm.

C. Stormwater Conveyance: Stormwater conveyance pipes are to be sized based on a 10-year 24-hour storm.

1. Pipes will be sized using a rainfall intensity determined by the time of concentration for the applicable drainage basin with a minimum pipe size of fifteen inches (15").
2. The time of concentration will be estimated using the soil conservation service technical release 55 (SCS TR-55) method. SCS TR-55 method uses three (3) distinct runoff patterns in a watershed: a) sheet flow; b) shallow concentrated flow; and c) channel flow. Sheet flow occurs in the upper reaches of a watershed and persists for a maximum of three hundred feet (300'). Minimum time of concentration to be used for design shall be five (5) minutes.

After flowing in sheets, water then typically becomes less sheet like and more concentrated. Following shallow concentrated flow, water typically collects in natural or manmade channels (U.S. soil conservation service, 1986).

D. **Other Permits:** Below is a list of other permits that may be required for construction projects in the town. This list is for informational purposes only and may not include all necessary permits, depending on the project location:

1. Utah pollutant discharge elimination system (UPDES) general permit for storm water discharges associated with construction activities. This permit is required for any land disturbance of one acre or greater. The permit requires submittal of a notice of intent (NOI) to the Utah division of water quality (DWQ) with appropriate fee, preparation of a stormwater pollution prevention plan (SWPPP) and erosion control plan. Additional information regarding this permit can be found at:

<http://www.waterquality.utah.gov/UPDES/stormwaterco>

2. Utah stream alteration permit: This permit is required for any construction activity occurring along a creek or stream. The permit requires submittal of a stream alteration permit to the Division of Water Rights with applicable design drawings and calculations. Additional information regarding this permit can be found at:

<https://waterrights.utah.gov/strmalt/default.asp>

3. U.S. army corps of engineers (USACE) wetland permits. Potential wetlands need to be assessed and jurisdiction needs to be determined and approved by the USACE. Possible requirements are a wetland boundary delineation, drawings, meetings with the USACE and permits. (Ord. 08-016, 8-12-2008)

9-12-14: UTILITY IMPROVEMENTS:

A. **Purpose:** The provisions of this section are intended to regulate utility installations within subdivisions and private improvements and not major utility installations relating to distribution lines, etc.

B. **Construction:** All utility connections and lines shall be installed underground. Before any installations are covered, material and service must be inspected and approved by the town or applicable utility. During the construction period, temporary power poles and lines shall be allowed within the boundaries of the construction project; however, such poles and lines must be removed before final certificate of occupancy for the project is granted.

C. **Easements:**

1. All utilities shall be placed within public road rights of way or specific rights of way or easements. Multiple use of a given easement is encouraged. The final plat shall note all easements, and associated construction drawings define the location of each utility.

2. Easements shall be provided at the rear and at least one side of each lot (so that they adjoin each other on common lot lines) or be provided in such a way as to demonstrate that utilities can be provided to each lot.
3. Recreational easements are required for all proposed motorized and non-motorized trails, ski runs or open space to promote recreational opportunities in the community, unless otherwise approved by the Planning Commission. Easements shall be required during land use approval (i.e., zone change, subdivision, building permit) for existing trails, ski runs, and open space established by historic use (see subsection 9-12-16B1 of this chapter).
4. Easement locations should be established to ensure the best use of the land and to provide corridors for utility services through raw land for the future development or subdividing of land according to the town general plan. (Ord. 08-016, 8-12-2008)

9-12-15: PARKING:

- A. **Purpose:** There shall be provided at the time of erection of any main building, or creation of a land use, or at the time such buildings or uses are altered, enlarged, converted or increased in capacity, minimum off street parking space with adequate provision for ingress and egress by standard sized vehicles in accordance with the requirements of this section. Whenever feasible, parking shall be placed underground.
- B. **Parking Space Requirements:** Parking spaces shall be determined in accordance with this section. Variations may be made to these provisions when justified by a parking study prepared by a licensed engineer and approval of the land use authority.
- C. **Required Number; Table:** The off-street parking spaces required for each use permitted by this code shall not be less than that found in table 1 of this subsection. When a computation of spaces results in a fractional number, the fractional part shall be computed as a whole space.

D. TABLE 1

OFF STREET PARKING SCHEDULE

Land Use	Required Spaces for Patrons	Required Spaces for Employees (Measured in Gross sq. ft. of Entire Building)
Bed and breakfast inn	1 per bedroom	2
Civic buildings and conference center	Determined by specific review of Planning Commission	Determined by specific review of Planning Commission
Commercial outdoor recreation, including skiing, biking, stables/riding academy	1 per 3 persons maximum rated capacity	Determined by specific review of Planning Commission
Financial institution	3 per 1,000 sq. ft. of leasable floor area	2 for first 2,000 sq. ft. and 1 per each additional 1,000 sq. ft.
Hospital or clinic	3 per bed or patient room	2 for first 2,000 sq. ft. and 1 per each additional 1,000 sq. ft.
Hotel/motel (2 bed maximum per unit)	1 per guest room, plus 1 per 500 sq. ft. of interior common area	2 for first 40 guest rooms and 1 per each additional 20 guest rooms
Indoor entertainment, recreation/theater	The greater of 1 per 4 seats, or 5 per 1,000 sq. ft. of floor area	2 for first 2,000 sq.
Industry	By review of the Planning Commission	By review of the Planning Commission
Multi-family dwelling unit greater than 650 square feet, but less than 1,000 sq. ft.	2 per dwelling unit	N/A

Multi-family dwelling unit greater than 1,000 square feet, but less than 2,500 sq. ft.	2.5 per dwelling unit	N/A
Multi-family dwelling unit greater than 2,500 sq. ft.	3.5 per dwelling unit	N/A
Multi-family dwelling unit not greater than 650 sq. ft.	1 per dwelling unit	N/A
Office	1 per 2,000 sq. ft. of leasable space	2 for first 2,000 sq. ft. and 1 per each additional 1,000 sq. ft
Restaurant /food beverage establishment	1 per 150 sq. ft. of dining area.	2 for first 2,000 sq. ft. and 1 per each additional 1,000 sq. ft.
Retail	1 per 300 sq. ft. of retail space.	2 for first 2,000 sq. ft. and 1 per each additional 1,000 sq. ft
Shopping center or complex of multi- tenant retail spaces	4 per 1,000 sq. ft. of leasable floor area, plus 1 per 500 sq. ft. of interior common area	1.5 per each 1,000 sq. ft.
Grocery / convenience store	1 per 200 sq. ft. of retail space	1 for first 2,000 sq. ft. and 1 per each additional 1,000 sq. ft
Single-family dwelling unit and multi- dwelling unit up to 3 units	2 per dwelling unit, plus 1 additional stall per each 2,500 square feet, or fraction thereof, when a single dwelling exceeds 2,500 square feet	N/A

(ord. 22-008, 7-26-22)

- E. **Combination Of Uses:** Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that required for each use. In cases where multiple uses

are not in competition for the same parking space, relief may be granted by the land use authority.

- E. **Location Of Lot:** The parking spaces required by this section shall be provided on the same lot or parcel as the use, or where the exclusive use of such is provided on another lot or parcel, not more than five hundred feet (500') radially from the subject lot and within the same or less restrictive zoning district.
- F. **Parking Stall Dimensions:** Parking stall dimensions shall be in accordance with this subsection:
1. Width:
 - a. A minimum width of ten feet (10') shall be provided for each interior (protected from weather) parking stall and ten feet (10') for exterior parking stalls. (amd. Ord. 18-006, 6-11-2018)
 - b. Exceptions:
 - i. Parallel parking stalls shall be permitted to be eight feet (8') wide.
 - ii. The width of a parking stall shall be increased ten inches (10") for obstructions (columns, walls, etc.) located on either side of the stall within fourteen feet (14') of the access aisle.
 2. Length: A minimum length of twenty feet (20') shall be provided for each stall. Parallel parking stalls shall be a minimum twenty-two feet (22') in length.
- G. **Design Of Parking Facilities:** The design of parking facilities shall be in accordance with this subsection, subsection H of this section, and section [9-12-10](#) of this chapter for driveways connecting to the public rights of way:
1. Driveway Widths: Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:
 - a. Private parking lot access at least sixteen-feet (16'). (Ord. 08-016, 8-12-2008, amd Ord. 16-007, 11-8-2016)
 - b. Commercial driveways:
 - i. Twenty-feet (20') for one-way enter/exit. (Ord. 08-016, 8-12-2008, amd Ord. 16-007, 11-8-2016)
 - ii. Twenty-four feet (24') for two-way enter/exit.
 2. Driveway And Parking Slopes:
 - a. Maximum Slope: The maximum slope of any driveway or ramp shall not exceed twelve percent (12%) (6.8 degrees). Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the building official and the jurisdiction's engineer.

b. Exception: Where a ramp is covered or heated and will not be susceptible to snow or ice buildup, the ramp slope may not exceed sixteen percent (16%) (9.1 degrees) and shall provide sufficient landings at top and bottom of ramp to provide for safe starting and stopping.

3. Stall Accessibility: Each required parking stall shall be individually and easily accessible. No automobile shall be required 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. 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. (Ord. 08-016, 8-12-2008, amd Ord. 16-007, 11-8-2016)

An exception may be granted in multi-family residential zones where deemed safe by the Public Safety Director (Ord. 20-006, 7-14-20)

4. Screening: A buffer shall be created whenever a parking area with associated ramps and driveways abuts a public way. The buffer shall consist of a landscaped earthen berm, rock wall, vegetation, or similar natural materials to complement the environment for a height of at least three feet (3'), or a width of at least ten feet (10').

- H. **Surfacing:** Hard surface is required in commercial and multi-family residential zones. Other materials that make the surface effectively hard but aren't asphalt or concrete may be used with the approval of the Planning Commission. All weather surfaces may be used for overflow parking (parking in excess of the requirement) as well as in all other zones. Each parking lot and associated ramps and driveways shall be maintained in good condition and kept clear and in unobstructed and usable condition at all times. Responsibility for maintenance of the parking lot shall rest with the property owner. The parking lot shall provide adequate access to a street or alley. Parking spaces in excess of the minimum spaces required may be used for snow storage in winter (Ord. 08-016, 8-12-2008, amd Ord. 16-007, 11-8-2016)

- I. **Grading, Erosion Control And Existing Waterway Provisions:** Parking lots shall be graded for proper drainage, with surface water diverted in such a way as to keep the parking area free of accumulated water or ice and to prevent erosion, and comply with requirements of section [9-12-13](#) of this chapter.

- J. **Snow Storage:** All parking lots, sidewalks and other hard surface areas requiring snow removal shall provide twenty percent (20%) additional area to accommodate snow storage (15 percent for parking with snow melting equipment). Snow storage shall be provided on the subject property within the parking lot, adjacent landscaping or other area that allows for safe snow storage without damage to the structures or landscaping. (Ord. 08-016, 8-12-2008, amd Ord. 15-018, 12-8-2015)

K. Loading Spaces:

1. General: Loading spaces shall be provided on the same lot for every building in the commercial zones. No loading space is required if prevented by an existing lawful building. The building official/zoning administrator shall be authorized to waive this requirement on unusual lots.
2. Size: Each loading space shall have a clear height of fourteen feet six inches (14'6") and shall be directly accessible through a usable door not less than three feet (3') in width and six feet eight inches (6'8") high. The minimum area of a loading space shall be four hundred (400) square feet and minimum dimensions shall be twenty feet (20') long and ten feet (10') wide. (Ord. 08-016, 8-12-2008)

9-12-16: PUBLIC IMPROVEMENTS:

A. Design Standards:

1. Design and construction specifications for public improvements such as curbs, gutters, sidewalks, storm drainage, flood control facilities, water, sewer distribution systems and fire protection shall be in accordance with the town public works standards as currently adopted, or other applicable codes.
2. The design for all such facilities which are or will be under the control of the town shall be submitted to the Town Manager, or designee, for review and approval. The design of streets, blocks, lots, open spaces and other design functions shall be consistent with the general plan and this title.

B. Required Improvements:

1. The subdivider shall improve all streets, trails, pedestrian ways or easements and water and sewer facilities in the subdivision necessary to service the subdivision, and enhance the recreational opportunities in the town, along with streets which abut, or serve access to, the subdivision. No improvement work shall be commenced until improvement plans and profiles have been approved by the Town Manager, or designee, and the Town has approved the final plat of the subdivision. The final plat shall not be recorded in the office of the County Recorder prior to obtaining sufficient guarantee for improvements as provided in [chapter 13](#) of this title.
2. Improvements shall be installed to permanent line and grade and to the satisfaction of the Town Manager, or designee, and in accordance with the standard specifications adopted by the Town Council. Cost of inspection shall be paid by the subdivider as outlined in the consolidated fee schedule.

3. Notwithstanding the fact that the land on which the improvements are or will be located is dedicated at the time of the recording of a plat, the subdivider shall be required to maintain all improvements until accepted by the Town provided for in section [9-9-6](#) of this title. (Ord. 08-016, 8-12-2008)

9-12-17: TRASH ENCLOSURES:

Trash dumpsters shall be as approved by the Town. Dumpsters are encouraged to be screened from public view with vegetation or walls and located in an area accessible by the refuse vehicle and sensitive to limiting backing of the vehicle. If an enclosure is proposed, it shall comply with the building material requirements and be sensitive to the snow and ice accumulations common to the town. Trash dumpsters shall be purchased by the town with the cost being borne by the developer. The town shall require one dumpster for every twenty (20) single-family building lots or condo units, and one dumpster for every four thousand (4,000) square feet of commercial/office space, unless other rationale is justified on a case by case basis. (Ord. 08-016, 8-12-2008)

9-12-18: COMPLIANCE:

Any time a permit under [chapter 8](#) or [chapter10](#) of this title is applied for, the applicant shall demonstrate compliance with the provisions of this chapter as they relate to the work applied for. (Ord. 08-016, 8-12-2008)

9-12-19: PUBLIC UTILITIES

- A. Structures associated with public utility uses will comply with the design standards put forth in this chapter, including color, exterior materials, roof design, etc.
- B. Above-ground utility equipment and other visible utility infrastructure will be housed in a structure designed to reduce any potential visual and noise impact on neighbors in residential and commercial zones. In industrial zones, the equipment and infrastructure may be screened in a manner compliant with the requirements for that zone.

(Ord. 17-004, 7-11-2017)

9-12-20: CAMPGROUNDS

In an effort to mitigate the potential impacts of overnight outdoor uses such as RV / Campgrounds, tent campgrounds, and non-permanent structure (such as KOA-style cabin or yurt) campgrounds, the following design standards shall be applied: (amd. Ord. 20-006, 7-14-20, amd. Ord. 21-006, 05-25-21)

- A. **Campgrounds will be designed** in a manner that is sensitive to the natural environment and consistent with the Town General Plan. Vegetation will only be cleared as necessary for installation of camping and recreational appurtenances (tent sites, campfire rings, RV pads, etc.) or fire mitigation in accordance with Wildland Urban Interface requirements. (amd. Ord. 21-006, 05-25-21)
- B. **Development of the campground area** shall be restricted to the portion of the property not required to be landscaped or undisturbed.
 - 1. All buildings and structures, camping sites, driveways, private roads, parking, restrooms, pavilions, picnic pads, day use areas, snow storage areas, etc. shall fit within the remainder of the property not reserved for minimum landscaping and minimum undisturbed area.
(Ord. 21-006, 05-25-21)
- C. **Lighting** will strictly meet Tow Code for night sky standards. (Ord. 21-006, 05-25-21)
- D. **Fire pits** will be limited to two (2) per acre and will meet the requirements for improved campfire rings under Stage 1 Fire Restrictions. (Ord. 21-006, 05-25-21)
- E. **Design of campground access** will minimize the impact of vehicular traffic and parking on surrounding recreational uses. (amd. Ord. 21-006, 05-25-21)
- F. **Water, wastewater, plumbing, and operations** and maintenance plans will comply with Utah State R392-300. Camping cabins which are intended to be inhabited overnight year-round shall be equipped with indoor plumbing and sanitation facilities. (Ord. 17-004, 7-11-2017, amd. Ord. 21-006, 05-25-21)
- G. **Campsites** shall be appropriately spaced to allow for the open feeling anticipated in the General Plan:
 - 1. Building setbacks for the zone shall apply to campsites.
 - 2. Additional setbacks may be required for visual and noise mitigation.

3. A minimum ten-foot (10') buffer shall be applied on all sides of a RV campsite or cabin, and a twenty-foot (20') buffer applied on all sides of a tent campsite. (Ord. 21-006, 05-25-21)
4. The minimum size for a tent or RV campsite shall be eight hundred (800) square feet. (Ord. 21-006, 50-25-21)
5. Snow storage area will be provided for year-round campsite usage. (Ord. 21-006, 05-25-21)

H. **Natural screening** (such as mature trees, and shrubs, slopes, etc.) will be utilized to minimize visual impacts from public rights of way and adjacent uses. Vegetative screening shall be in natural groupings/clusters and shall be fashioned to create a mostly opaque visual barrier to campsites, RV sites, restrooms, etc. from the public right of way and neighboring uses. Vegetative screening shall be kept clear of snow storage areas and shall be maintained in perpetuity. (Ord. 20-006, 7-14-20, amd. Ord. 21-006, 05-25-21)

Title 9 – Land Management Code

Chapter 13

ENFORCEMENT

9-13-1: PURPOSE:

9-13-2: ENFORCEMENT:

9-13-3: ATTORNEY FEES:

9-13-4: PENALTIES:

9-13-5: ISSUANCE OF BUILDING PERMIT AND CERTIFICATES OF OCCUPANCY:

9-13-6: COMPLIANCE WITH SUBDIVISION AND OTHER PERMIT APPROVAL:

9-13-7: SECURITY FOR COMPLETION:

9-13-1: PURPOSE:

The purpose of this chapter is to provide enforcement provisions and to ensure compliance with this title. (ord. 08-016, 8-12-2008)

9-13-2: ENFORCEMENT:

The Town Manager shall be designated as the person to administer and enforce the provisions of this title and all other land use regulations adopted by the Town. The Town Manager shall take legal action when deemed necessary to enforce the provisions of this title or other land use regulations. The failure of any person to properly interpret, apply or enforce any provision of this title, or other ordinance of the town, shall not operate to waive or stop the Town from enforcing compliance with the Town ordinances. (ord. 08-016, 8-12-2008)

9-13-3: ATTORNEY FEES:

All action necessary to enforce any provision of this title and other applicable ordinances, including, but not limited to, the costs of commencement of legal proceedings in a court of proper jurisdiction seeking judgments for violation of such ordinances, and for all court costs and attorney fees, shall be paid by the violator. (ord. 08-016, 8-12-2008)

9-13-4: PENALTIES:

Any person, firm, or corporation (as principal, agent, employee or otherwise) violating, causing, or permitting violation of the provisions of this title shall be guilty of a class C misdemeanor and subject to penalty as provided in section [14-1](#) of this code. In addition, the Town may bring an action to enjoin the continuation of the violation or seek other equitable relief. Each day a violation continues shall be considered a separate violation and offense. (Ord. 08-016, 8-12-2008; amd. 2010 Code)

9-13-5: ISSUANCE OF BUILDING PERMIT AND CERTIFICATES OF OCCUPANCY

- A. **Policy:** In order to protect buyers of condominiums, master planned development (MPD) projects, single family residential, and other property in the town against purchasing property on which the on and off site improvement work is incomplete and may not be completed, and to protect the public at large from dangerous and undesirable conditions that result from unfinished on and off site improvements, such as, but not limited to, erosion, flooding and blowing dust, it is the policy of the town that no building permit may be issued on any building project within the town limits unless and until the final plat has been recorded. Construction may not begin until the development has provided necessary access to the building lot for delivery of goods and access for laborers. No wood framing shall proceed without an all-weather surface road or driveway and working water system to serve fire hydrants and firefighting apparatus. In no event shall a certificate of occupancy be issued on any building until all required on and off-site improvements are completed sufficient for safe, orderly occupancy of the building as determined by the Town Manager, or designee. (ord. 08-016, 8-12-2008, amd ord. 15-018, 12-8-2015)
- B. **Site Plan Conformance:** The Building Department, prior to issuance of a permanent occupancy permit, shall review the completed improvements to ensure compliance with the approved site plan, showing the location and nature of drainage work, grade changes, retaining walls and landscaping, together with any trails, paths or walkways. A temporary occupancy certificate may be issued with adequate bonding for incomplete work when determined by the Town Manager, or designee.
- C. **Construction According To Approved Plans:** No site plan will be altered or modified without prior approval of the appropriate land use authority.

- D. **Completion And Cleanup Deposit:** Upon issuance of a permit, the building inspection department shall charge a completion and cleanup deposit as established in the Town's Consolidated Fee Schedule. Upon satisfactory completion of the building and site cleanup, the deposit will be refunded to the contractor of record. In such cases where the site cleanup (including fire risk mitigation) is not corrected in a timely manner, the Town may use the deposit and hire the work to be done. (ord. 08-016, 8-12-2008)

9-13-6: COMPLIANCE WITH SUBDIVISION AND OTHER PERMIT APPROVAL:

- A. **Policy:** Due to the fragile nature of the ecosystem and land scarring that has occurred when projects are not completed, the provision of this section are intended to provide protections and securities to minimize detrimental interference to property. In order to ensure compliance with certain provisions of this title for subdivisions, commercial projects, Residential Planned Developments (RPD) and Master Planned Development (MPD) the Town Manager or designee is authorized to ensure compliance with the provisions and requirements of previously authorized permits or subdivision approval. (Ord. 08-016, 8-12-2008, amd. ord. 15-018, 12-8-2015)
- B. **As Built Drawings For Subdivisions:** A detailed as built site plan showing the location of public utilities, nature of drainage work, grade changes, retaining walls and landscaping, together with any trails, paths or walkways, shall be submitted to the town prior to acceptance of improvements and releasing of financial security. Site improvements shall be completed pursuant to this title and as shown in the detailed site plans in both a paper and approved electronic format.
- C. **Construction According To Approved Plans:** No subdivision improvements may be modified from the approved plat and construction drawings without prior approval of the appropriate land use authority. (ord. 08-016, 8-12-2008)

9-13-7: SECURITY FOR COMPLETION:

- A. **Policy:** In order to ensure compliance with certain provisions of this title for subdivisions, building projects and other permits, the Town Manager, or designee, shall be hereby authorized to ensure completion of the approved design through a form of security as deemed necessary by this section, or as determined by the provisions of the required permit.
- B. **Subdivisions And Other Projects:** In the event that approval is sought for the completion of a subdivision, commercial project or Master Planned Development (MPD) the Town shall

ensure that all of the following conditions are met: (Ord. 08-016, 8-12-2008, amd. ord. 15-018, 12-8-2015)

1. The developer shall submit to and obtain approval from the appropriate town official for all final construction plans, improvements, and development agreements. The developer shall guarantee the installation and construction of the required improvements free from defects in material or workmanship and in compliance with Town standards. In subdivisions this shall include the public and private utilities, trails, drainage systems, streets, curbs, retaining structures, and land reclamation. In commercial projects and Master Planned Development (MPD) this shall include all of the above and any additional work that if the building components are not completed, the land will be free from erosion, flooding, barren landscape, or other situations that would create a negative visual or ecological impact. (Ord. 08-016, 8-12-2008, amd. Ord. 15-018, 12-8-2015)
2. The guarantee shall be in the form of a corporate surety bond, escrow agreement, cashier's check or money market certificate made payable only to the town, or irrevocable letter of credit in forms acceptable to the Town and for an amount equal to one hundred twenty five percent (125%) of the estimated cost of the improvements. The form of any guarantee of improvements shall be reviewed and approved by the town attorney before acceptance of the guarantee or security by the Town. The cost estimates shall be reviewed by the Town Engineer to ensure completion of all public improvements as shown on the approved plans. In the event that the Town Engineer disputes the amounts stated in the bid bond, the developer shall provide contracts supported by a full performance and payment bond by the contractor, or the Town Engineer's price shall be used. All improvements must be completed within one year of posting of the required security. Such one-year period may be extended once in the discretion of the Town Manager, or designee, where weather or other circumstances justify the extension. In the event of any extension, the bond amounts shall be reviewed and adjusted as necessary. (ord. 08-016, 8-12-2008, amd. ord. 15-018, 12-8-2015)

- C. **Other Permits:** In order to ensure compliance with certain provisions of this title for projects requiring other permits, the Town Manager, or designee, is authorized to ensure completion of the approved design through a form of security as deemed necessary by this section or as determined by the provisions of the required permit.
- D. **Logging And Tree Removal, Grading, Trenching And Horse Boarding Permits:** In the event that approval is sought for the completion of project requiring logging and tree removal, grading, trenching or horse boarding, the applicant may be required to submit a guarantee similar to that required for subdivisions (see subsection B of this section).
- E. **Term Of Security:** The terms of any security arrangement offered to the town shall include, but not be limited to:

1. An approved final plat, permit application and all associated data required for the completion of the subdivision or permitted project, including approved construction plans which are used to compute the cost of the improvements by the Town Engineer or Town Manager.
2. The improvements shall be completed to the satisfaction of the Town Manager, or designee, and according to town specifications as established in this title.
3. The Town shall have exclusive control over the security proceeds, and they may be released only upon written approval of the Town Manager, or designee.
4. The security proceeds may be reduced upon request of the developer or permittee, with approval of the Town, as the improvements are installed. The amount of the reduction shall be determined by the Town Manager, on advice from the Public Works Department or Town Engineer. Such requests may be made only once every thirty (30) days, and no reductions may be authorized until such time as the public works department or Town Engineer has inspected the improvements and found them to be in compliance with Town specifications. Any reductions may only be granted by written authorization of the Town Manager.
5. If the security proceeds are inadequate to pay the cost of the completion of the public improvements according to Town specifications for whatever reason, including previous reductions, then the owner, developer or permittee shall be responsible for the deficiency; in the context of subdivision improvements, no further building permits shall be issued in the subdivision until the improvements are completed or a new security agreement has been approved and executed to ensure completion of the remaining improvements.
6. If, upon written demand of the Town after expiration of the security time period, the security proceeds are not transferred to the town within thirty (30) days of the demand, then the town costs of obtaining the proceeds, including the town attorney's office fees and costs of outside attorney fees and court costs, shall be deducted from the security proceeds.
7. Upon receipt of the security proceeds after the expiration of the time period, the costs of completion shall include reimbursement to the Public Works Department or Town Engineer and all other Town departments for the costs of administration of the completion of the improvements, including inspection costs.
8. The owner, developer or permittee agrees to hold the Town harmless from any and all liability that may arise as a result of the improvements which are installed until such time as the town accepts the improvements.
9. All improvements required under this title shall be installed by a contractor or subcontractor licensed by the state, as required by law.

F. **Payment Of Interest:** The Town shall not be required to deposit any funds provided as security in an interest-bearing account. However, any interest accruing on deposited funds

shall accrue to the benefit of the owner, developer, or permittee and not to the town, unless expended for completion of required improvements.

- G. **Release Of Funds:** The Town shall relinquish funds held or security posted for the purpose of paying for required improvement work performed according to the plans as that work is completed. In such event, the Town shall release funds equal to the actual cost of performing the work as the work progresses, minus five percent (5%). Upon satisfactory completion of all required improvement work, all funds, up to the final five percent (5%), shall be immediately released to the owner, developer, or permittee. The final five percent (5%) shall be reserved by the Town for a one-year warranty period. (See subsection K of this section.)
- H. **Modification Of Plans:** An owner, subdivider or permittee may request modifications to plans covering required improvements by submitting revised plans to the Town Manager, or designee, for review and approval by the appropriate land use authority. If the modification of the plans increases the cost of required improvements, additional security must be provided by the owner, subdivider, or permittee to cover the increased costs.
- I. **Phased Projects:** Security for improvements applicable to each phase of a phased project or development shall be provided as each phase is platted or permitted.
- J. **Final Inspection:** After completion of all required improvements, the owner, developer, or permittee shall make a written request to the Town Manager, or designee, for a final inspection to be made by all affected town departments as required by this title. Upon receipt of inspection reports from all affected departments, a summary of the final inspections shall be provided by the Town Manager, or designee, specifying the acceptability and/or completion of all required improvements.
- K. **Warranty Period:** Once all required subdivision improvements are inspected and approved by the town, a one year warranty period shall begin and any guarantee or security filed with the town with regard to such improvements shall be released, provided at least five percent (5%) of the guarantee or security amount is held to guarantee the quality of workmanship and materials during the one year warranty period. At the end of the one-year guarantee period, any remaining guarantee or security shall be released only in accordance with subsection G of this section. (Ord. 08-016, 8-12-2008)

Title 9 – Land Management Code

Chapter 14 SIGNAGE

[9-14-1: PURPOSE:](#)

[9-14-2: DEFINITIONS:](#)

[9-14-3: SIGN TYPES:](#)

[9-14-4: GENERAL PROVISIONS:](#)

[9-14-5: EXEMPT SIGNS:](#)

[9-14-6: PROHIBITED SIGNS:](#)

[9-14-7: PERMITS:](#)

[9-14-8: SPECIFIC SIGN REQUIREMENTS:](#)

[9-14-9: SIGNS FOR NONRESIDENTIAL COMPLEXES:](#)

9-14-1: PURPOSE:

The purpose of this chapter is to protect the safety and general welfare, to ensure community development and aesthetics are consistent with the General Plan through the regulation of signs and sign structures. (ord. 08-016, 8-12-2008 and ord. 16-003, 2-9-2016)

9-14-2: DEFINITIONS:

The following words and terms shall, for the purposes of this chapter and as used elsewhere in this title, have the meanings shown herein:

ABANDONED SIGN: A sign structure that has ceased to be used and the owner no longer intends to have used, for the display of sign copy, or as otherwise defined by state law.

ANIMATED SIGN: A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from "changeable signs" as defined and regulated by this chapter, include the following types:

- A. **Electronically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - 1. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle. (ord. 08-016, 8-12-2008 and ord. 16-003, 2-9-2016)
 - 2. Patterned Illusionary Movement: Animated signs or animation portions of signs whose illumination is characterized by simulated movements through alternate or sequential

activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

- B. **Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings and/or other devices or displays that respond to naturally occurring external motivation.
- C. **Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

ARCHITECTURAL PROJECTION: Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include "signs", as defined in this section. See also definitions of Awning Sign, Backlit Awning, Canopy (Attached) and Canopy (Freestanding).

AWNING: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN: A sign displayed on or attached flat against the surface or surfaces of an awning. See also definition of Wall Or Fascia Sign.

BACKLIT AWNING: An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER: A flexible substrate on which copy, or graphics may be displayed.

BANNER SIGN: A sign utilizing a banner as its display surface.

BILLBOARD: See definitions of Off Premises Sign. (ord. 08-016, 8-12-2008 amd ord. 16-003, 2-9-2016)

BUILDING ELEVATION: The entire side of a building, from ground level to the roofline, as viewed perpendicular to the wall on that side of the building.

CANOPY (ATTACHED): A multisided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also definition of Marquee.

CANOPY (FREESTANDING): A multisided overhead structure supported by columns, but not enclosed by walls. The surface and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN: A sign affixed to the visible surface of an attached or freestanding canopy.

CHANGEABLE SIGN: A sign with the capability of content change by means of manual or remote input, including signs which are:

- A. **Electrically Activated:** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on display surface. Illumination may be integral to the

components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also definition of Electronic Message Sign Or Center.

- B. **Manually Activated:** Changeable sign whose message copy or content can be changed manually.

COMBINATION SIGN: A sign that is supported partly by a pole and partly by a building structure.

COPY: Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DEVELOPMENT COMPLEX SIGN: A freestanding sign identifying a multiple occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with subsection [9-14-9B](#) of this chapter.

DIRECTIONAL SIGN: Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE FACED SIGN: A sign with two (2) faces, back to back.

ELECTRIC SIGN: Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER: An electrically activated changeable sign whose variable message capability can be electrically programmed.

EXTERIOR SIGN: Any sign placed outside a building.

FASCIA SIGN: See definition of Wall Or Fascia Sign.

FINE ART: Creative art whose products are to be appreciated primarily for their imaginative, ascetic, or intellectual content. (ord. 16-003, 2-9-2016)

FLASHING SIGN: See definition of Animated Sign, Electrically Activated.

FLAG: Any fabric banner containing distinctive colors, patterns, or symbols.

FREESTANDING SIGN: A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. See Section 9-14-9 of this title (ord. 08-016, 8-12-2008 and ord. 16-003, 2-9-2016).

FRONTAGE (BUILDING): The length of an exterior building wall or structure of a single premises oriented to the public way or other properties that it faces.

FRONTAGE (PROPERTY): The length of the property lines of any single premises along either a public way or other properties on which it borders.

GROUND SIGN: See definition of Freestanding Sign.

ILLUMINATED SIGN: A sign characterized by the use of artificial light, either projecting through its surface (internally illuminated); or reflecting off its surface (externally illuminated).

INTERIOR SIGN: Any sign placed within a building, but not including "window signs", as defined in this section. "Interior signs", with the exception of "window signs", as defined in this section, are not regulated by this chapter.

MANSARD: An inclined decorative roof-like projection that is attached to an exterior building facade.

MARQUEE: See definition of Canopy.

MARQUEE SIGN: See definition of Canopy Sign.

MENU BOARD: A freestanding sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive through window, and which has no more than twenty percent (20%) of the total area for such a sign utilized for business identification.

MULTIPLE FACED SIGN: A sign containing three (3) or more faces.

OFF PREMISES SIGN: Sign identifying a business, commodity, service, or industry which is not conducted upon the premises on which the sign is placed. (ord. 08-016, 8-12-2008 amd ord. 16-003, 2-9-2016)

PARAPET: The extension of a building facade above the line of the structural roof.

POLE SIGN: See definition of Freestanding Sign.

PORTABLE SIGN: Any sign not permanently attached to the ground or to a building or building surface.

PROJECTING SIGN: A sign, other than a wall sign, that is attached to or projects from a building face or wall or from a structure whose primary purpose is other than the support of a sign. See Section [9-14-9](#) of this title. (ord. 08-016, 8-12-2008 amd. ord. 16-003, 2-9-2016)

REAL ESTATE SIGN: A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

REVOLVING SIGN: A sign that revolves three hundred sixty degrees (360°) (6.28 radius) about an axis. See also definition of Animated Sign, Mechanically Activated.

ROOF SIGN: A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves, and architectural projections, such as canopies or marquees, shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see section [9-14-9](#) of this title. (ord. 08-016, 8-12-2008 amd. ord. 16-003, 2-9-2016)

ROOFLINE: The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

SIGN: Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered signs.

SIGN AREA: The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double sided or V shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple sided signs shall be computed as fifty percent (50%) of the sum of the area of all faces of the sign.

SIGN COPY: Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE: The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. See section 9-14-9 of this title. (ord. 08-016, 8-12-2008 amd. ord. 16-003, 2-9-2016)

- A. In the case of panel or cabinet type signs, the "sign face" shall include the entire area of the sign panel, cabinet, or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
- B. In the case of signs with routed areas of sign copy, the "sign face" shall include the entire area of the surface that is routed, except where interrupted by a reveal, border or a contrasting surface or color.
- C. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the "sign face" shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
- D. In the case of sign copy enclosed within the painted or illuminated border or displayed on a background contrasting in color with the color of the building structure, the "sign face" shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE: Any structure supporting a sign.

TEMPORARY SIGN: A sign intended to be transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground. (Such as banners, real estate, sandwich boards, or cardboard signs on wooden stakes hammered into the ground) are considered "temporary signs". (ord. 08-016, 8-12-2008 amd. ord. 16-003, 2-9-2016)

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN: A sign attached to the underside of a canopy or marquee.

V SIGN: Signs containing two (2) faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than ninety degrees (90°) (1.57 rad) with the distance between the sign faces not exceeding five feet (5') (1,524 mm) at their closest point.

WALL OR FASCIA SIGN: A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen inches (18") (457 mm) from the building or structure wall, including signs affixed to the architectural projections from a building, provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see section 9-14-9 of this title. (ord. 08-016, 8-12-2008 amd. ord. 16-003, 2-9-2016)

WINDOW SIGN: A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property. (ord. 08-016, 8-12-2008)

9-14-3: SIGN TYPES:

Sign types and the computation of sign area shall be as depicted in figures [9-14-9](#) of this title. (ord. 08-016, 8-12-2008, amd. ord. 16-003, 2-9-2016)

9-14-4: GENERAL PROVISIONS:

- A. **Under unusual circumstances and with notice to the Town Council**, the Town Manager may grant temporary, not to exceed one hundred twenty (12) days, exemptions to the provision of this title with notice to the Town Council. (ord. 16-003, 2-9-2016)
- B. **Conformance to Code:** Any sign hereafter erected shall conform to the provisions of this title, the provisions of the International Building Code, provision established within the design standards and any other ordinance and regulation within this jurisdiction.
- C. **Signs In Rights Of Way:** No sign, other than an official traffic sign or similar sign, shall be erected within the lines of any street, or within any town right of way, unless specifically authorized by other ordinances or regulations of this jurisdiction, or by specific authorization of the code official. Signs advertising a special community event shall not be prohibited in or over public right of way, subject to approval by the code official as to the size, location, and method of erection. The code official may not approve any special event signage that would impair the safety and convenience or use of public rights of way or obstruct traffic visibility. (ord. 08-016, 8-12-2008 amd. ord. 16-003, 2-9-2016)
- D. **Projections Over Public Ways:** Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of eight feet (8') (2,438 mm) from grade level to the bottom of the sign. Signs, architectural projections, or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations as proposed by the property owner and approved by the staff.
- E. **Traffic Visibility:** No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location whereby its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
- F. **Computation Of Frontage:** If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area thus

calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.

- G. **Animation And Changeable Messages:** Animated signs, except as prohibited in section [9-14-6](#) of this chapter, are permitted in commercial and industrial zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones, and R-2, R-3 businesses.
- H. **Maintenance, Repair And Removal:** Every sign permitted by this title shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling, or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this title, the owner thereof or the person or firm using the same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than ten (10) days, make such sign conform to the provisions of this title, or shall remove it. If, within ten (10) days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
- I. **Obsolete Sign Copy:** Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy removed within thirty (30) days after written notification from the code official; upon failure to comply with such notice, the code official is hereby authorized to cause a removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located. (ord. 08-016, 8-12-2008 amd. ord. 16-003, 2-9-2016)
- J. **Nonconforming Signs:** Any sign legally existing at the time of passage date hereof that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure. (ord. 08-016, 8-12-2008 amd. ord. 16-003, 2-9-2016)
 - 1. The following modifications may be made to nonconforming signs without losing nonconforming status:
 - a. Sign copy and face changes, non-structural modification, and non-structural maintenance (e.g., painting and rust removal) are allowed so long as there is no alternation to the physical structure or support elements which extend the useful life of the sign.
 - b. A nonconforming sign may be restored if 50 percent or less of the sign is destroyed, provided that restoration is started within 90 days of the damage occurring and is diligently pursued to completion.
 - 2. The Town may terminate a nonconforming billboard by complying with the provisions of Utah Code Annotated section [10-9a-512](#) and [10-9a-513](#), as amended.

(ord. 08-016, 8-12-2008 amd. ord. 16-003, 2-9-2016)

- K. **Color Restrictions:** In no case will "day glow" or neon, fluorescent, reflective colored material that gives the appearance of changing color, or brilliant luminescent colors be permitted. (ord. 08-016, 8-12-2008)
- L. **Lighting Restrictions:** All externally illuminated signs, including backlit signs, shall conform to the lighting requirements contained in Chapter 12 of this Title. (ord. 18-006, 6-11-2018)

9-14-5: EXEMPT SIGNS:

The following signs shall be exempt from the provisions of this chapter. No sign shall be exempt from subsection [9-14-4D](#) of this chapter:

- A. **Official notices** authorized by a court, public body or public safety official.
- B. **Directional, warning or information signs** authorized by federal, state, or municipal governments.
- C. **Memorial plaques, building identification signs and building cornerstones** when cut or carved into a masonry surface, or when made of noncombustible material and made an integral part of the building or structure.
- D. **The flag of a government or noncommercial institution**, such as a school.
- E. **Religious symbols and seasonal decorations** within the appropriate public holiday season.
- F. **Works of fine art displayed in conjunction with a commercial enterprise** where the enterprise does not receive direct commercial gain.
- G. **Street address signs and combination nameplate** and street address signs that contain no advertising copy and which do not exceed six (6) square feet (0.56m²) in area.
- H. **No more than three (3) recreational and informational signs** per acre, with the total combined square footage not to exceed thirty-two (32) square feet.
- I. **Flag/banners** that do not display a promotion, sale, special event, or advertising print, other than business name and logo, and affixed to a permanent flag or light pole. Limited to one

flag/banner of not more than thirty-two (32) square feet in area each and not more than one flag/banner per one hundred feet (100') of linear street frontage and not to exceed four (4) flag/banners per business or property.

- J. **Residential nameplate** affixed to the structure and not exceeding two (2) square feet in area.
- K. **Business hours signs, warning/instructional signs** (i.e., beware of dog, no soliciting) at the entrance/exit of a building that do not exceed one square foot in area. (Ord. 08-016, 8-12-2008)
- L. **Signs interior to a property** which are not visible from adjacent properties or the public right of way. (Ord. 16-003, 2-9-2016)

9-14-6: PROHIBITED SIGNS:

The following devices and locations shall be specifically prohibited:

- A. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal, or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- B. Except as provided for elsewhere in this title, signs encroaching upon or overhanging Town right of way. No sign shall be attached to any utility pole, light standard or any other public facility located within the public right of way. (ord. 08-016, 8-12-2008 amd ord. 16-003, 2-9-2016)
- C. **Signs which blink, flash or are animated by lighting** in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
- D. **Any sign attached to, or placed on, a vehicle** or trailer parked on public or private property except for signs meeting the following conditions: (ord. 08-016, 8-12-2008 amd ord. 16-003, 2-9-2016)
 - 1. The primary purpose of such a vehicle or trailer is not the display of signs.
 - 2. The signs are magnetic decals or painted upon an integral part of the vehicle as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - 3. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in a daily function of the business to which such signs relate.

- E. **Vehicles and trailers** shall not be used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
- F. **Streamers or brightly colored decorations on signs.** (ord. 08-016, 8-12-2008 amd ord. 16-003, 2-9-2016)
- G. **Any sign that blinks, flashes or is animated,** Blinking or flashing “open” signs no larger than four square feet are permitted in commercial zones. (ord. 08-016, 8-12-2008 amd ord. 16-003, 2-9-2016)
- H. **Exterior signs that are internally illuminated,** including neon signs. J. Roof signs. (ord. 08-016, 8-12-2008)
- I. **Roof signs.**
- J. **Off Premises Signs.** (ord. 16-003, 2-9-2016)

9-14-7: PERMITS:

- A. **Permit Required:** Unless specifically exempted, a permit must be obtained from the code official for the erection and alteration of all signs within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this title. (ord. 08-016, 8-12-2008 amd ord. 16-003, 2-9-2016)
- B. **Construction Documents:** Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage, and any other pertinent data. The permit application shall be accompanied by the written consent of the owner of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered structural engineer where required by the international building code. (ord. 08-016, 8-12-2008 amd ord. 16-003, 2-9-2016)
- C. **Changes To Signs:** No sign shall be structurally altered, enlarged, or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is

designed for such changes, or the changing of copy, business name, lettering, sign faces, display and/or graphic matter, or the content of any sign, shall not be deemed a structural alteration. (Ord. 08-016, 8-12-2008 amd Ord. 16-003, 2-9-2016)

- D. **Permit Fees:** Permit fees to erect, alter or relocate a sign shall be in accordance with the Consolidated Fee Schedule adopted by the Town. (Ord. 08-016, 8-12-2008)

9-14-8: SPECIFIC SIGN REQUIREMENTS:

- A. **Identification Signs:** Identification signs shall be in accordance with this subsection.
1. **Wall Signs:** Every single-family residential subdivision, multiple-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone, may display wall signs per street frontage subject to the limiting standards set forth in table 1-1 of this subsection. For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be less than twenty (20) square feet.
 2. **Freestanding Signs:** In addition to any allowable wall signs, every single-family residential subdivision, multiple-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone, shall be permitted to display freestanding or combination signs per street frontage, subject to the limiting standards set forth in table 2 of this subsection.
 3. **Directional Signs, On Premises:** This subsection regulates the directional/ informational signs for an individual business or development, such as a hotel complex, ski resort or similar type property. No more than two (2) directional sign structures shall be permitted per street entrance to any property. There shall be no limit to the number of directional signs providing directional information interior to a lot. The maximum area for any directional sign visible from adjacent property or rights of way shall be thirty-two (32) square feet, except where it can be shown that the mass and scale of the sign justifies larger area in order to make the directional information visible and legible. Not more than twenty five percent (25%) of the area of any directional sign shall be permitted to be devoted to business identification, advertising or logos, which area shall not be assessed as identification sign area.

TABLE 1-1

IDENTIFICATION SIGN STANDARDS - WALL SIGNS

Land Use	Aggregate Area (Square Feet)
Single-family residential	6
Nonresidential in a residential zone	9
Commercial and industrial & Multi-Family Residential	See table 1-2

For SI: 1 square foot = 0.0929 m²

(ord. 08-016, 8-12-2008 amd ord. 16-003, 2-9-2016)

TABLE 1-2

SIGN AREA

Distance Of Sign From Road Or Adjacent Commercial Or Industrial Zone	Percentage Of Face* Permitted For Sign
0 to 100 feet	10 percent, not to exceed 100 square feet
101 to 300 feet	15 percent, not to exceed 150 square feet
Over 301 feet	20 percent, not to exceed 200 square feet

For SI: 1 linear foot = 304.8 mm

*Face = Building Elevation x Frontage (see definitions)

(ord. 08-016, 8-12-2008 amd ord. 16-003, 2-9-2016)

TABLE 2

IDENTIFICATION SIGN STANDARDS - FREESTANDING SIGNS

Land Use	Number Of Signs	Height To Top Of Sign	Area	Spacing
Single-family residential	1	9 feet	6	1 per subdivision entrance
Multi-family residential	1	12 feet	32 square feet	1 per driveway
Nonresidential in residential	1	9 feet	6 square feet	300 ¹
Commercial and industrial	1	See figures 1008.1.2(1), (2), (3) of 2000 international zoning code	See figures 1008.1.2(1), (2), (3) of 2000 international zoning code	150 ²

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4,047 m²
(ord. 08-016, 8-12-2008 amd ord. 16-003, 2-9-2016)

Notes:

1. For subdivision or apartment signs placed on a decorative entry wall approved by the code official, two (2) identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the driveway or entry drive.
2. For shopping centers or planned industrial parks, two (2) monument style freestanding signs not exceeding fifty percent (50%) each of the permitted height and area and spaced not closer than one hundred feet (100') to any other freestanding identification sign, shall be permitted to be allowed in lieu of any freestanding sign otherwise permitted in table 2.
3. For any commercial or industrial development complex exceeding one million (1,000,000) square feet of gross leasable area, or forty (40) acres in size, such as regional shopping centers, auto malls or planned industrial parks, one freestanding sign per street front shall be permitted to be increased in sign area by up to fifty percent (50%).

B. **Temporary Signs:** It is the purpose of the Town to restrict the use of temporary signs as such signs are often poorly constructed, poorly maintained, located in a manner that creates traffic

safety concerns, and ten to depreciate the scenic beauty and quality of life of the community by creating visual clutter. Temporary signs shall be in accordance with this subsection. (ord. 08-016, 8-12-2008, amd ord. 16-003, 2-9-2016)

1. Commercial and Industrial zones:

- a. Maximum Number of Signs: One (1) sign per twenty (20) linear feet of frontage.
- b. Maximum Height: The bottom of the sign copy area can't be higher than six feet (6') above the ground, and the top of the sign copy area can't be higher than sixteen feet (16') above the ground.
- c. Maximum Area: Total square footage of all temporary signs permitted shall not exceed the total allotment permitted to free-standing signs (see figure 1008.1.2(1) of the 2000 International Zoning Code, appended to this chapter). Notwithstanding the total allotment, no single temporary sign in commercial/industrial zones shall exceed thirty-two (32) square feet in area.
- d. Maximum Duration: No commercial or industrial zoned property may display temporary signs for more than one hundred fifty (150) days in a calendar year.

(ord. 08-016, 8-12-2008, amd ord. 16-003, 2-9-2016)

2. Residential Zones:

- a. Maximum Number of Signs: One (1) sign per full acre, with a minimum of one (1) sign per lot.
- b. Maximum Height: Six (6) square feet.
- c. Maximum Area: Six (6) square feet per sign.
- d. Maximum Duration: No residential property may display temporary signs for more than ninety (90) days in a calendar year.

3. No temporary sign is permitted within ten feet (10') of the public right of way.

4. Temporary signs which are damaged, dangling, fallen over, or in a similar state of disrepair must be removed, replaced, or repaired.

(ord. 08-016, 8-12-2008, amd ord. 16-003, 2-9-2016)

5. Real Estate Signs: Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

- a. Real estate signs located on a single residential lot shall be limited one sign, not greater than six feet (6') in height and six (6) square feet in area.
- b. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be neither greater than thirty-two (32) square feet in area, nor greater than six feet (6') in height. All signs permitted under this section shall be removed within ten (10) days after sale of the last original lot. (ord. 08-016, 8-12-2008, amd. ord. 16-003, 2-9-2016)
- c. Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be no greater than six (6) square feet in area, nor six feet (6') in height, and shall be limited to one sign per street front.

- d. Real estate signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one sign per street front, and each sign shall be no greater than six feet (6') in height, and thirty two (32) square feet for property of ten (10) acres (40,470 m²) or less, or one hundred (100) square feet (9.3 m²) for property exceeding ten (10) acres (40,470 m²).
 - e. Real estate signs shall be removed not later than sixty (60) days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase. (ord. 08-016, 8-12-2008, amd ord. 16-003, 2-9-2016)
 - 4. Development And Construction Signs: Signs temporarily erected during construction to inform the public of the developer, contractor, architect, engineer, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:
 - a. Such signs on a single residential lot shall be limited to one sign, not greater than six feet (6') in height and six (6) square feet in area.
 - b. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon and shall be no greater than six feet (6') in height and thirty-two (32) square feet in area.
 - c. Such signs for nonresidential uses in residential districts shall be limited to one sign and shall be no greater than six feet (6') in height and six (6) square feet in area.
 - d. Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed six feet (6') in height and sixteen (16) square feet for projects on parcels five (5) acres (20,235 m²) or less in size, and not to exceed six feet (6') in height and thirty-two (32) square feet for projects on parcels larger than five (5) acres (20,235 m²).
 - e. Development and construction signs may not be displayed until after the issuance of construction permits by the building official and must be removed not later than sixty (60) days following the issuance of an occupancy permit for any or all portions or the project. (ord. 08-016, 8-12-2008, amd ord. 16-003, 2-9-2016)
 - 3. Special Events: See definition of Special Event in Title 3-1 of the Town Code. (ord. 08-016, 8-12-2008, amd ord. 16-003, 2-9-2016)

C. **Requirements For Specific Sign Types:** Signs of specific type shall be in accordance with this subsection.

- 1. Canopy And Marquee Signs:
 - a. The permanently affixed copy area of canopy or marquee signs shall not exceed an area equal to one hundred percent (100%) of the face of the canopy, marquee, or architectural projection upon which the sign is affixed or applied. (ord. 08-016, 8-12-2008, amd. ord. 16-003, 2-9-2016).

- b. Graphic striping, patterns, or color bands on the face of the building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

2. Awning Signs:

- a. The copy area of awning signs shall not exceed an area equal to one hundred percent (100%) of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less. (ord. 08-016, 8-12-2008, amd ord. 16-003, 2-9-2016)
- b. Neither the background color of an awning, nor any graphic treatment or embellishment thereto, such as striping, patterns or valances, shall be included in the computation of sign copy area.

3. Projecting Signs:

- a. Projecting signs shall be permitted in lieu of freestanding signage on any street frontage, limited to one sign per occupancy along any street frontage with public entrance to such an occupancy. No such sign shall exceed an area of three (3) square feet, and not to exceed twenty-four inches (24") from the wall. (ord. 08-016, 8-12-2008, amd. ord. 16-003, 2-9-2016)
- b. No such sign shall extend vertically above the highest point of the building facade upon which it is mounted.
- c. Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of seven feet six inches (7'6").

4. Under Canopy Signs:

- a. Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy and shall be limited to an area not to exceed six (6) square feet.
- b. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of seven feet six inches (7'6").

5. Window Signs: Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and industrial districts, subject to the following limitations:

- a. The aggregate area of all such signs shall not exceed the parameters of tables 1-1 and 1-2 of subsection A of this section, or up to fifty percent (50%) of the window area, whichever is less. Window panels separated by muntins or mullions shall be considered as one continuous window area.
- b. Window signs shall not be assessed against the sign area permitted for other sign types.

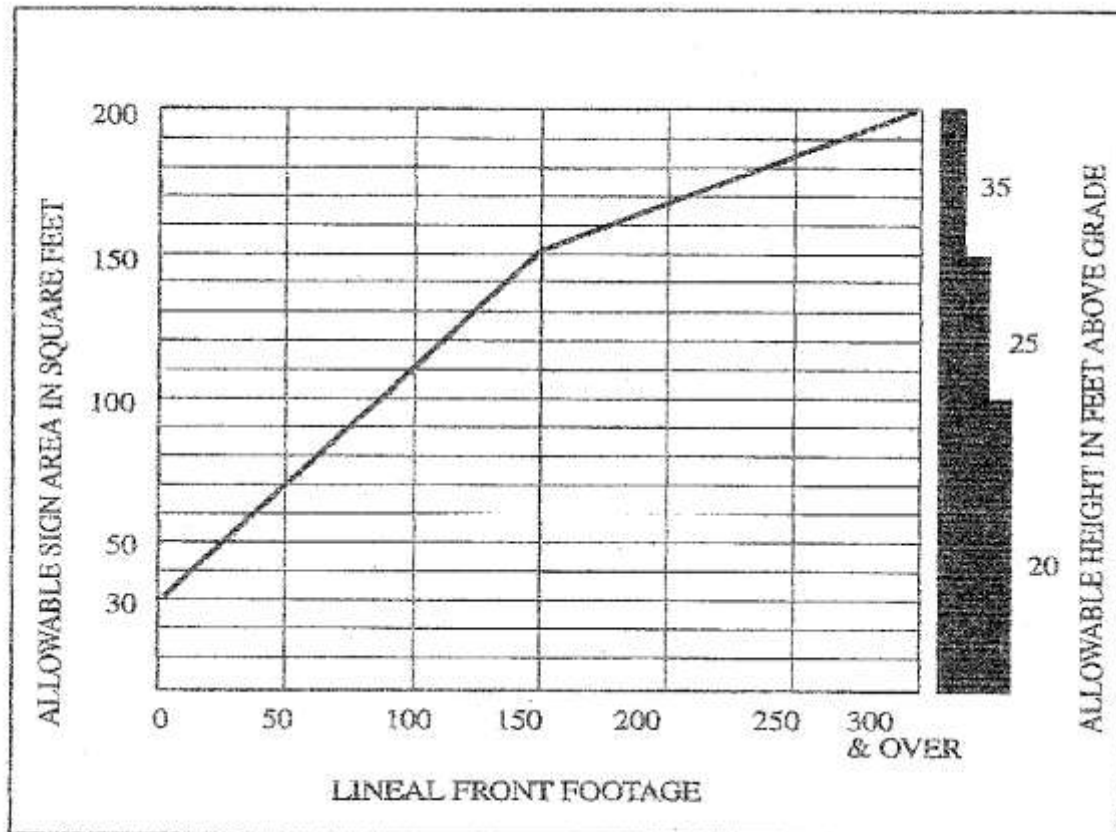
(Ord. 08-016, 8-12-2008, amd Ord. 16-003, 2-9-2016)

6. Menu Boards: Menu board signs shall not be permitted to exceed sixteen (16) square feet.

7. Neon And LED: Interior neon and LED illuminated window signs shall be limited to three (3) signs, not to exceed six (6) square feet each on each street frontage. Signs shall only be illuminated during business hours. (ord. 08-016, 8-12-2008, amd ord. 16-003, 2-9-2016)

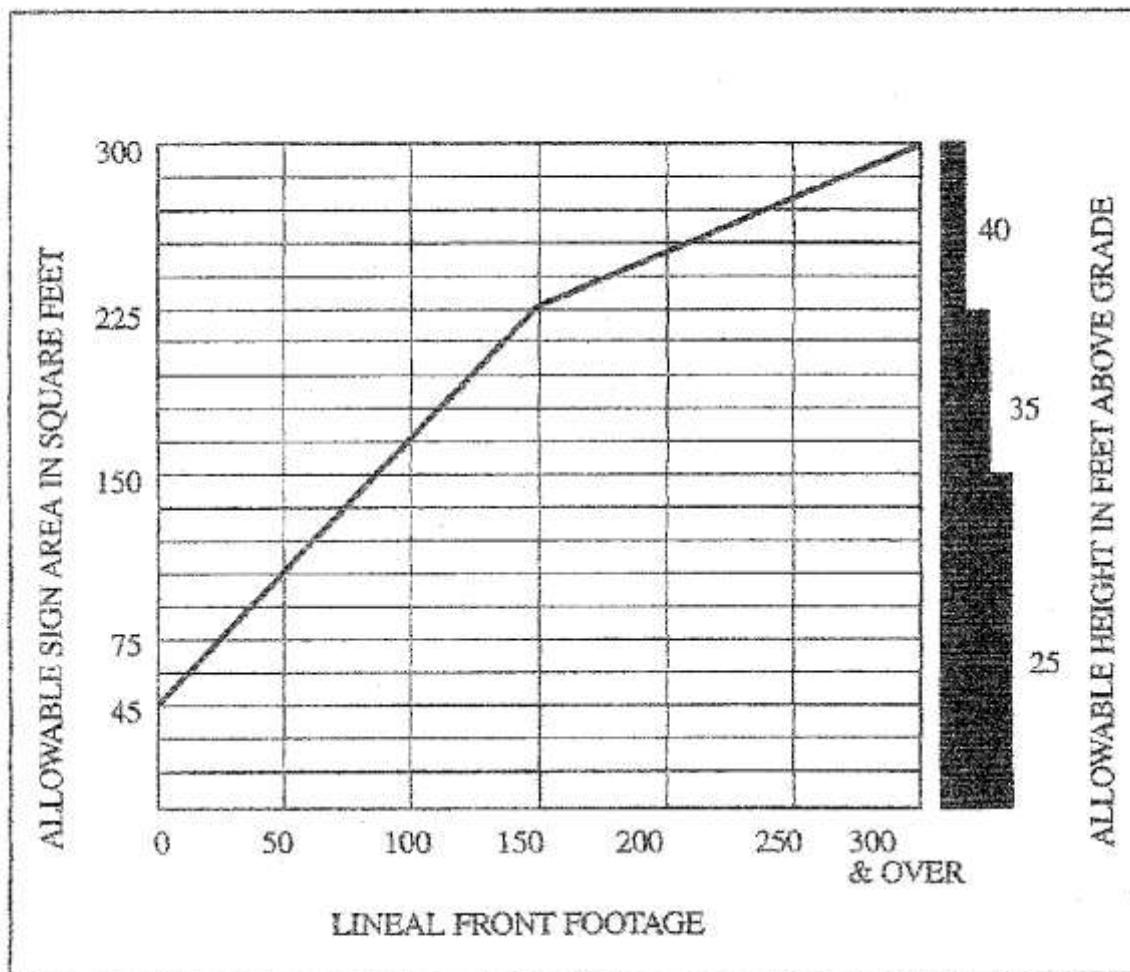
9-14-9: SIGNS FOR NONRESIDENTIAL COMPLEXES:

- A. **Master Sign Plan Required:** All landlord or single owner controlled multiple occupancy development complexes on parcels exceeding eight (8) acres (32,376 m²) in size, such as shopping centers or planned industrial parks, resorts, and privately-owned parks, shall submit to the Code Official a master sign plan prior to the issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:
1. Proposed sign locations.
 2. Materials.
 3. Type of illumination.
 4. Design of freestanding sign structures.
 5. Size.
 6. Quantity.
 7. Uniform standards for nonbusiness signage, including directional and informational signs.
- B. **Development Complex Sign:** In addition to the freestanding business identification signs otherwise allowed by this chapter, every multiple occupancy development complex shall be entitled to one freestanding sign per street front, at the maximum size permitted for business identification freestanding signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any freestanding sign otherwise permitted under this chapter may identify the name of the development complex.
- C. **Compliance With Master Sign Plan:** All applications for sign permits for signage within a multiple occupancy development complex shall comply with the master sign plan.
- D. **Amendments:** Any amendments to a master sign plan must be signed and approved by the owners within the development complex before such amendment will become effective. When multiple ownership applies, a signed affidavit is required showing notice has been given to all owners.
- E. **Approval:** All master sign plans under this section must be approved by the Planning Commission.



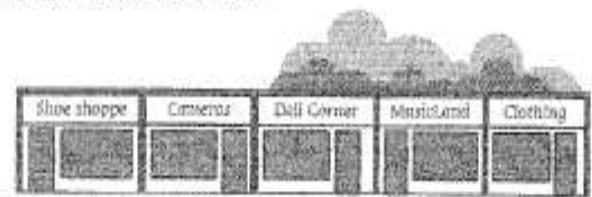
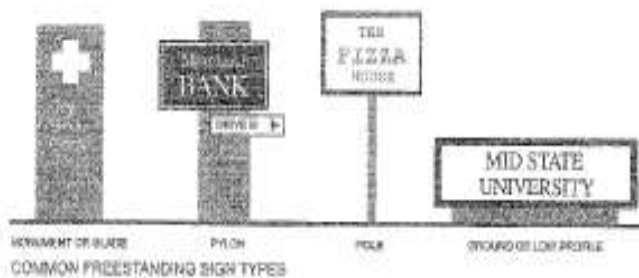
For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 mile per hour = 1.609 km/h.

FIGURE 1008.1.2(1)
ON-PREMISE FREE-STANDING SIGNS/COMMERCIAL AND INDUSTRIAL ZONES
VEHICULAR SPEED SUBJECT TO POSTED LIMITS UNDER 35 MILES PER HOUR



For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 mile per hour = 1.609 km/h.

FIGURE 1008.1.2(2)
ON-PREMISE FREE-STANDING SIGNS/COMMERCIAL AND INDUSTRIAL ZONES
VEHICULAR SPEED SUBJECT TO POSTED LIMITS BETWEEN 35 AND 55 MILES PER HOUR



WALL OR FASCIA SIGNS ON STOREFRONTS



ROOF SIGN



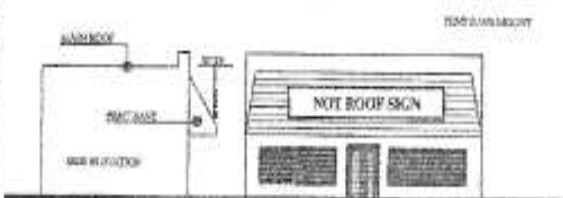
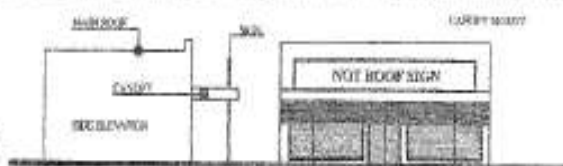
CANOPY SIGN
ON FREESTANDING CANOPY



PROJECTING SIGN

FIGURE 100.1(1)
GENERAL SIGN TYPES

ROOF SIGNS



FASCIA SIGNS ON ROOF-LIKE PROJECTIONS

FIGURE 100.1(2)
COMPARISON—ROOF AND WALL OR FASCIA SIGNS

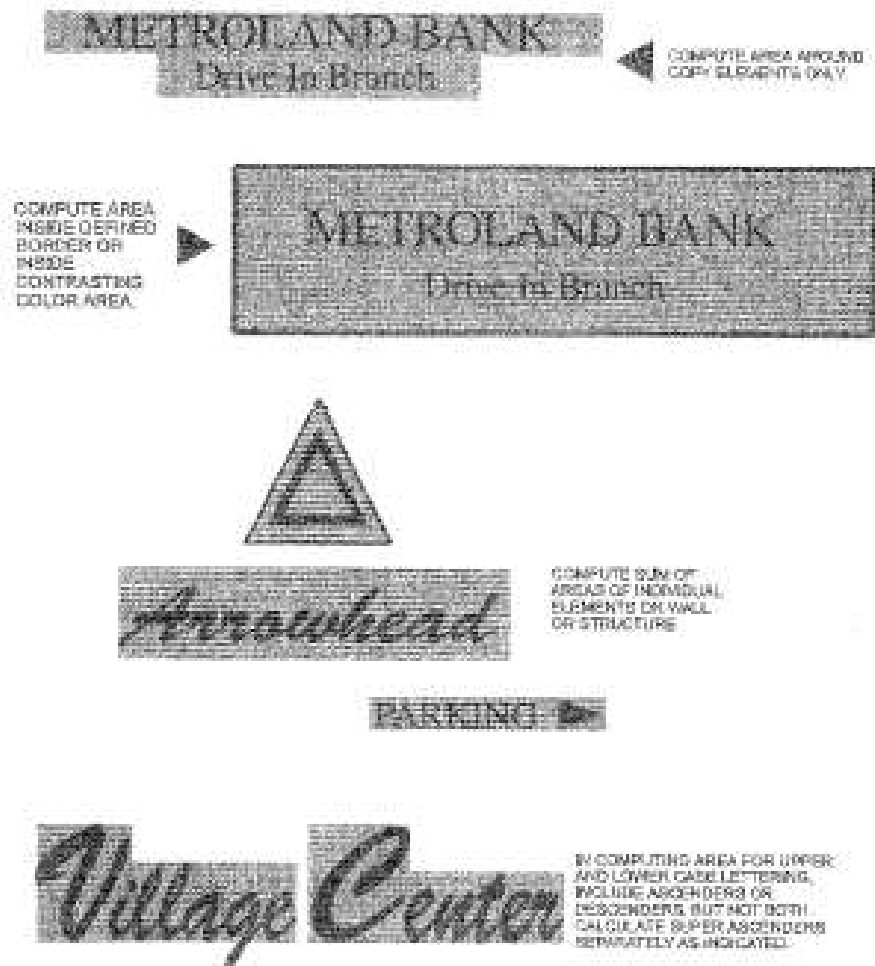


Figure 5: m-ell shaded areas only represent sign and its back construction purposes. Sign area does not include letters, descenders or signs placed on building walls or structures.

FIGURE 1900.104
SIGN AREA—COMPUTATION METHODOLOGY

(ord. 08-016, 8-12-2008)

Title 9 – Land Management Code

Chapter 15

WIRELESS TELECOMMUNICATION FACILITIES

9-15-1: PURPOSE:

9-15-2: DEFINITIONS:

9-15-3: APPLICABILITY:

9-15-4: MASTER PLAN REQUIRED:

9-15-5: ALLOWABLE USES:

9-15-6: FACILITY TYPES AND STANDARDS:

9-15-7: COLOR:

9-15-8: SITE REQUIREMENTS:

9-15-9: ADDITIONAL REQUIREMENTS:

9-15-10: ACCESSORY BUILDINGS:

9-15-11: NON-MAINTAINED OR ABANDONED FACILITIES:

9-15-12: BUILDING PERMIT REQUIRED:

9-15-13: ILLUSTRATIONS:

9-15-1: PURPOSE:

The purpose of this chapter is to establish general requirements for the siting of wireless telecommunication facilities which deal with issues of visual mitigation, noise, residential impacts, health, safety, and facility siting. The provisions of this chapter apply to both commercial and private wireless telecommunication facilities, except for residential communication equipment for single-family units that are not used for commercial profit. The intent of this chapter is to:

- A. **Encourage the location** of wireless telecommunication facilities in nonresidential areas.
- B. **Minimize the total number** of monopole wireless telecommunication facilities throughout the community.
- C. **Encourage the collocation use** of new and existing wireless telecommunication facility sites.

- D. **Encourage providers and users** of wireless telecommunication facilities to locate such facilities where the adverse impact on the community is minimal.
- E. **Encourage providers** and users of wireless telecommunication facilities to use innovative designs to minimize adverse visual impact; and
- F. **Enhance the ability** of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently. (ord. 08-016, 8-12-2008)

9-15-2: DEFINITIONS:

As used in this chapter:

ANTENNA: A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

COLLOCATION: The siting of two (2) or more communication antennas on a single communication tower, or siting of one or more antennas on an existing building or structure.

LATTICE TOWER: A self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

MONOPOLE FACILITY: An antenna or series of individual antennas mounted on a single cylindrical pole, together with its associated equipment. For the purposes of this chapter, if a facility does not fit the definition of a roof or wall mounted facility, it shall be considered a "monopole facility".

ROOF MOUNTED FACILITY: An antenna or series of individual antennas mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure, together with its associated equipment.

SATELLITE DISH: A dish-shaped type of parabolic antenna designed to receive microwaves from communications satellites, which transmit data transmissions or broadcasts, such as satellite television. (ord. 15-018, 12-8-2015).

STEALTH FACILITY: A wall, roof or monopole facility which is disguised as another object or otherwise concealed from view. Examples of stealth facilities include, but are not limited to, trees, synthetic rocks, or architectural elements, such as dormers, steeples, and chimneys.

WALL MOUNTED FACILITY: An antenna or series of individual antennas mounted against the vertical wall of a building or structure, together with its associated equipment.

WIRELESS TELECOMMUNICATION FACILITY OR FACILITIES: An unmanned structure or structures which consist of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached. (ord.08-016, 8-12-2008)

9-15-3: APPLICABILITY:

The requirements of this chapter apply to both commercial and private wireless telecommunication services, such as "cellular" or "PCS" (personal communications services) communications, wireless internet, and paging systems. All wireless telecommunication facilities shall comply with the following regulations and all other ordinances of the town, as well as with any pertinent regulations of the federal communications commission and the federal aviation administration. (ord. 08-016, 8-12-2008)

9-15-4: MASTER PLAN REQUIRED:

A site location master plan shall be submitted by each company desiring placement of wireless telecommunication facilities. The master plan shall be submitted to the Planning Commission and town staff prior to processing any permits for permitted or conditional use locations. The master plan shall include an inventory of existing and anticipated sites for the location of wireless telecommunication facilities within the Town, within the town annexation boundary, and within one-half ($\frac{1}{2}$) mile outside of the town annexation boundary. The plan shall indicate area coverage, if known, location, antenna height above existing grade, ability to collocate or justification for not collocating, and antenna type for each site. The plan shall be updated by the company upon request from the Planning Commission. Every master plan shall be considered proprietary information and not be part of the public record. (ord. 08-016, 8-12-2008)

9-15-5: ALLOWABLE USES:

The uses specified in table A are allowed; provided, that they comply with all requirements of this chapter:

TABLE A

P Permitted Use		C Conditional Use		N Not Allowed
Zones	Wall Mount	Roof Mount	Monopole	Lattice Tower
R-1	C	C	N	N

R-2 ¹	C	C	C	N
R-3 ¹	C	C	C	N
GC ¹	C	C	C	N
VC ¹	C	C	C	N
L-1 ¹	C	C	C	N
ROS (recreation open space)	C	C	C	N
COS (conservation open space)	C	C	N	N
CV (civic uses) ¹	C	C	C	N

(Ord. 08-016, 8-12-2008, amd. Ord. 15-018, 12-8-2015)

Note:

1. Stealth facilities are conditional uses and not required to be located with public or quasi-public uses.

(ord. 08-016, 8-12-2008)

9-15-6: FACILITY TYPES AND STANDARDS:

Wireless telecommunication facilities are characterized by the type and location of the antenna structure. There are four (4) general types of antenna structures: wall mounted; roof mounted; monopoles; and lattice towers. Standards for the installation of each type of antenna are as follows:

- Wall Mounted Antenna:** The following provisions apply to wall mounted antennas (see figure 1 at section [9-15-13](#) of this chapter). Satellite dishes which meet this requirement are not required to get a building permit or approval. Satellite dishes cannot stick out more than four feet (4') and less than 36" in diameter. (ord. 08-016, 8-12-2008, amd. ord. 15-018, 12-8-2015)

1. Wall mounted antennas shall not extend above the wall line of the building or structure or extend more than four feet (4') horizontally from the face of the building or structure.
2. Antennas, equipment, and the supporting structure shall be painted to match the color of the building or structure, or the background against which they are most commonly seen. Antennas and the supporting structures on buildings shall be architecturally compatible with the building.
3. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures, shall be considered a wall mounted antenna.
4. Stealth wall mounted antennas are encouraged and shall be allowed to vary from the provisions of this section as determined by the Town Manager, or his designee, for permitted uses, and the Planning Commission for conditional uses. Stealth wall mounted antennas are not required to be located with public or quasi-public uses in R-1, R-2 and R-3 zones (see table A at section [9-15-5](#) of this chapter).

B. **Roof Mounted Antenna:** The following provisions apply to roof mounted antennas (see figures 2 and 3 at section [9-15-13](#) of this chapter):

1. Roof mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms, provided the antennas and antenna mounting structures shall not extend more than eight feet (8') above the existing roofline of the penthouse or mechanical equipment room.
2. For antennas not mounted on a penthouse or mechanical equipment room and on a flat roof:
 - a. The antennas shall be mounted at least five feet (5') from the exterior wall or parapet wall of a building or structure.
 - b. The height shall be measured from the top of the antenna to the roofline of the building or structure, or to the top of the parapet wall if a parapet wall exists. For antennas mounted between five feet (5') and fourteen feet (14') from the exterior wall or parapet wall, the maximum height of the antenna is equal to the distance the antenna is set back from the exterior wall or parapet wall. For antennas set back more than fourteen feet (14'), the maximum height shall be fourteen feet (14').
 - c. Roof mounted antennas on a pitched roof shall be allowed, provided the antennas and antenna support structures do not extend higher than the peak of the roof measured by a horizontal line from the peak extending over the roof (see figure 3 at section [9-15-13](#) of this chapter).
 - d. Roof mounted antennas shall be constructed and/or colored to match the surroundings in which they are located.
 - e. Stealth roof mounted antennas are encouraged and shall be allowed to vary from the provisions of this section as determined by the Planning Commission. Stealth roof mounted antennas are not required to be located with public or quasi-public uses in R-1, R-2 and R-3 zones (see table A at section [9-15-5](#) of this chapter).

C. **Monopole:** The following provisions apply to monopoles:

1. The height limit for monopoles is sixty feet (60'). The height shall be measured from the top of the structure, including antennas, to the original grade directly adjacent to the monopole. The Planning Commission may allow a monopole up to eighty feet (80') in the GC, VC, L, ROS, COS and CV zones, if it finds that:
 - a. The monopole will blend in with surrounding structures, poles or trees and is compatible with surrounding uses;
 - b. The monopole will be available for collocation with other companies; and
2. In R-2 and R-3 zones, monopoles will only be allowed in conjunction with an existing public or quasi-public use. Public and quasi-public uses include, but are not limited to, churches, schools, utility infrastructure areas (substation, service yards) and parks.
3. No monopoles shall be allowed in the front yard setback of any lot.
4. Monopoles shall be set back from any residential structure a distance equal to its height.
5. Stealth monopole facilities are encouraged and shall be allowed to vary from the provisions of this section as determined by the Town Manager, or designee, for permitted uses and the Planning Commission for conditional uses. Stealth monopoles are not required to be located with public or quasi-public uses in R-2 and R-3 zones (see table A at section [9-15-5](#) of this chapter).

D. **Lattice Towers:** Lattice towers are not allowed. (ord. 08-016, 8-12-2008)

9-15-7: COLOR

Monopoles, antennas and any associated buildings or equipment shall be covered with natural material (exposed aggregate, wood, stone veneer) or painted to blend with the surroundings with which they are most commonly seen. The color and appearance shall be determined on a case by case basis by the Planning Commission for conditional uses, and by the Town Manager, or his designee, for permitted uses. Within six (6) months after the facility has been constructed, the Planning Commission or the Town Manager may require the color be changed if it is determined that the original color does not blend with the surroundings. (ord. 08-016, 8-12-2008)

9-15-8: SITE REQUIREMENTS:

- A. **Any grading for telecommunication facilities**, including access roads and trenching for utilities, shall comply with this title and currently adopted state building codes. All reasonably available measures shall be taken to minimize disturbance of the natural environment.

- B. **A computer generated visual simulation** of the proposed structures is required for all sites. The simulation shall show all structures, including, but not limited to, monopoles, antennas, equipment buildings and any related facilities or structures.
- C. **All reasonably available measures** shall be taken to minimize disturbance of the visual environment. Site placement and color shall be carefully considered so that the facilities will blend in with the surroundings.
- A. **Continuous outside lighting is prohibited** unless required by the FAA for the monopole or antenna. (ord. 08-016, 8-12-2008)

9-15-9: ADDITIONAL REQUIREMENTS:

The following shall be considered by the Planning Commission for conditional uses:

- A. **Compatibility of the proposed structure** with the height and mass of existing buildings and utility structures.
- B. **Location of the antenna** on other existing structures in the same vicinity, such as other monopoles, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc., where possible, without significantly impacting antenna transmission or reception.
- C. **Location of the antenna** in relation to existing vegetation, topography, including ridgelines, and buildings to obtain the best visual screening.
- D. **Spacing between monopoles** which creates detrimental impacts to adjoining properties.
- E. **Installation of, but not limited to**, driveways, landscaping and fencing as required by this title. (ord. 08-016, 8-12-2008)

9-15-10: ACCESSORY BUILDINGS:

Accessory buildings constructed or used in connection with antennas, monopoles or other facilities must comply with the required setback, height, and landscaping requirements of the

zoning district in which they are located. All utility lines on the lot leading to the accessory building, antenna, monopole or other facility or structure shall be installed underground, with exceptions granted as necessary where lines enter the building. (ord.08-016, 8-12-2008 amd ord. 15-018, 12-8-2015)

9-15-11: NONMAINTAINED OR ABANDONED FACILITIES:

The Building Official may require each non-maintained or abandoned telecommunication facility to be removed from the building or premises when such a facility has not been repaired or put into use by the owner or agent within ninety (90) calendar days after notice of non-maintenance or abandonment is given to the owner or agent. (ord. 08-016, 8-12-2008)

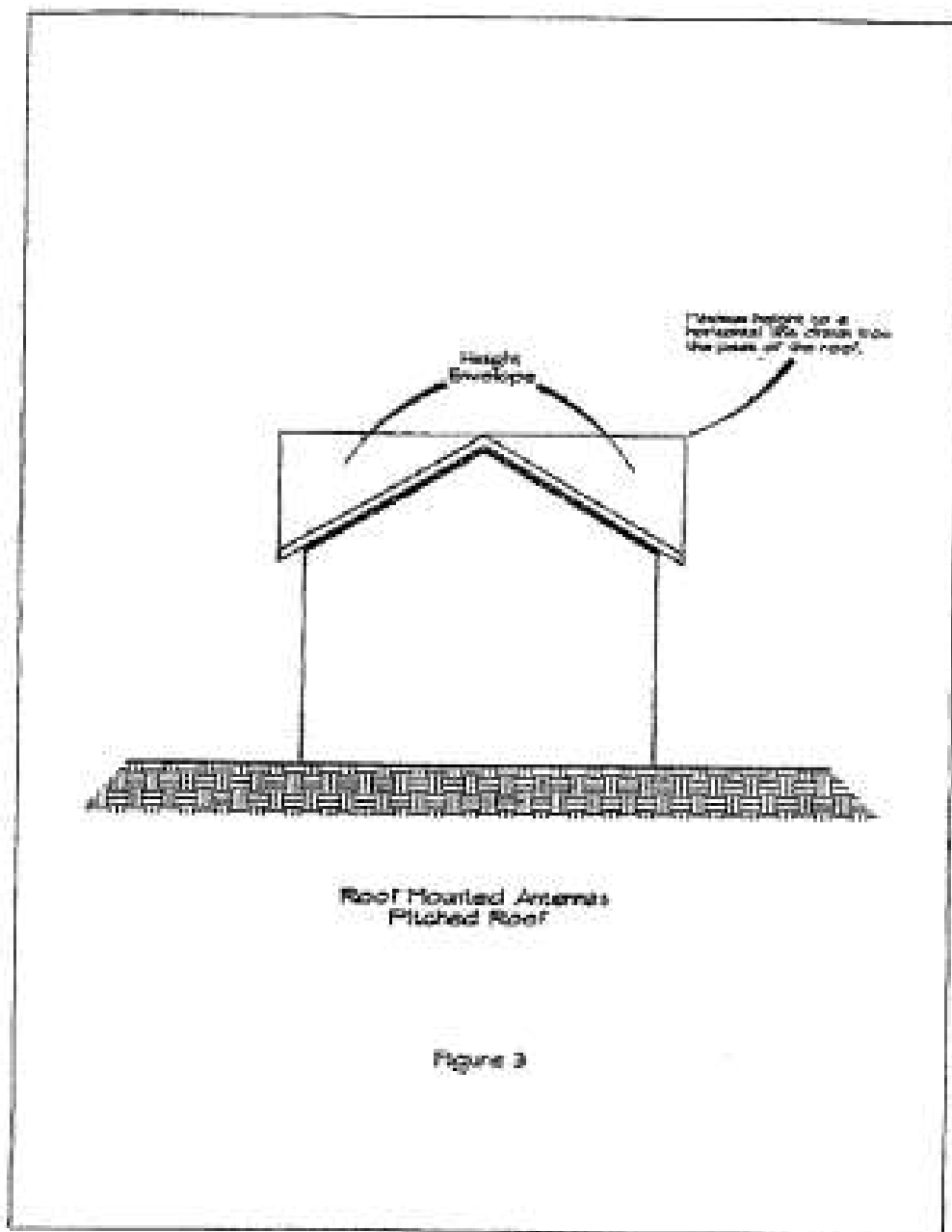
9-15-12: BUILDING PERMIT REQUIRED:

A building permit is required for all wireless telecommunication facilities, including, but not limited to, monopoles, and roof and wall mounted antennas. (ord. 08-016, 8-12-2008)

Exemptions: Satellite dishes less than 36" in diameter and connect stick out from the building more than four feet (4') for private use (ord. 15-018, 12-8-2015)

9-15-13: ILLUSTRATIONS:

The following illustrations, figures 1, 2, and 3, are intended to demonstrate graphically the intent of this chapter. Such illustrations shall in no way be interpreted to modify, amend, or vary the terms of this chapter:



(ord. 08-016, 8-12-2008)