



ORDINANCE NO. 22-004

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 6 (ZONE DISTRICT MAP) AND CHAPTER 7 (ZONE DISTRICT REGULATIONS) ESTABLISHING 9-7-11: CCOD: COMMERCIAL CORE OVERLAY DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Brian Head Town has identified a need to amend the Brian Head Land Management Code in order to regulate land use within the Town limits of Brian Head, Utah; and,

WHEREAS, the Brian Head Planning Commission held a public hearing on February 15, 2022, giving at least fourteen (14) days' notice prior to the public hearing to receive public comment. The Planning Commission hereby forward their recommendation to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on February 22, 2022 giving at least fourteen (14) days' notice to receive public comment on the proposed amendments Brian Head Land Management Code; and

WHEREAS, the Council determined that establishing an Commercial Core Overlay District would allow for enhanced landscaping between Highway 143 and future developments within the Commercial Core district; and

WHEREAS, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF BRIAN HEAD, UTAH, COUNTY OF IRON, STATE OF UTAH, AS FOLLOWS:

Section 1. The Brian Head Land Management Code is hereby amended and incorporated herein by reference as Title 9, Chapter 6 (Zoning) (Zone District Map) and Chapter 7 (Zone District Regulations) as follows:

CHAPTER 6: ZONING:

9-6-1: ZONE DISTRICT MAP: The Brian Head Zone District Map see (Attachment "A").

CHAPTER 7: ZONE DISTRICT REGULATIONS:

9-7-4: GC GENERAL COMMERCIAL:

D. Physical Restrictions:

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 (3½') 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 access egress stairways (when required on a second story above grade plan and higher by section 1006 in IBC) may extend into ~~front or side yard~~ the innermost half of the setback when approved by the Planning Commission.

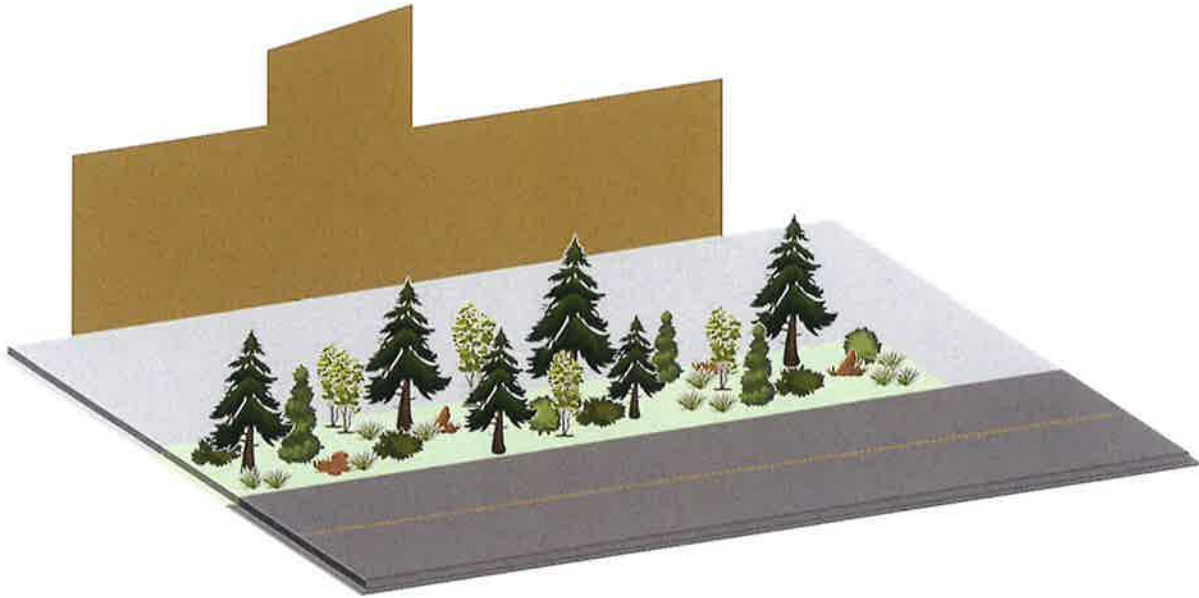
9-7-11: CCOD COMMERCIAL CORE OVERLAY DISTRICT

- 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)

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this Ordinance shall be codified into Title 9 of the Brian Head Town Code.

Section 3. Conflict. To the extent of any conflict between other Town, County, State, or Federal laws, ordinances or regulations and this Ordinance, the more restrictive is deemed to be controlling.

Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repealer. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance shall be repealed.

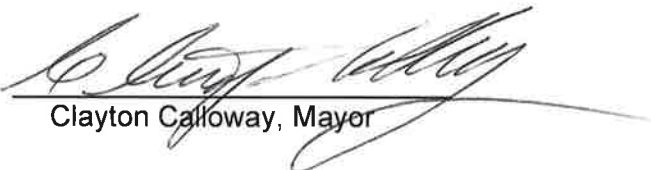
**PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY,
UTAH this 24th day of May 2022 with the following vote.**

Mayor Clayton Calloway	Aye
Council Member Martin Tidwell	Aye
Council Member Kelly Marshall	Aye
Council Member Dennis VanNostran	Aye
Council Member Larry Freeberg	Absent

BRIAN HEAD TOWN COUNCIL

ATTEST:


Nancy Leigh, Town Clerk

By: 

Clayton Calloway, Mayor

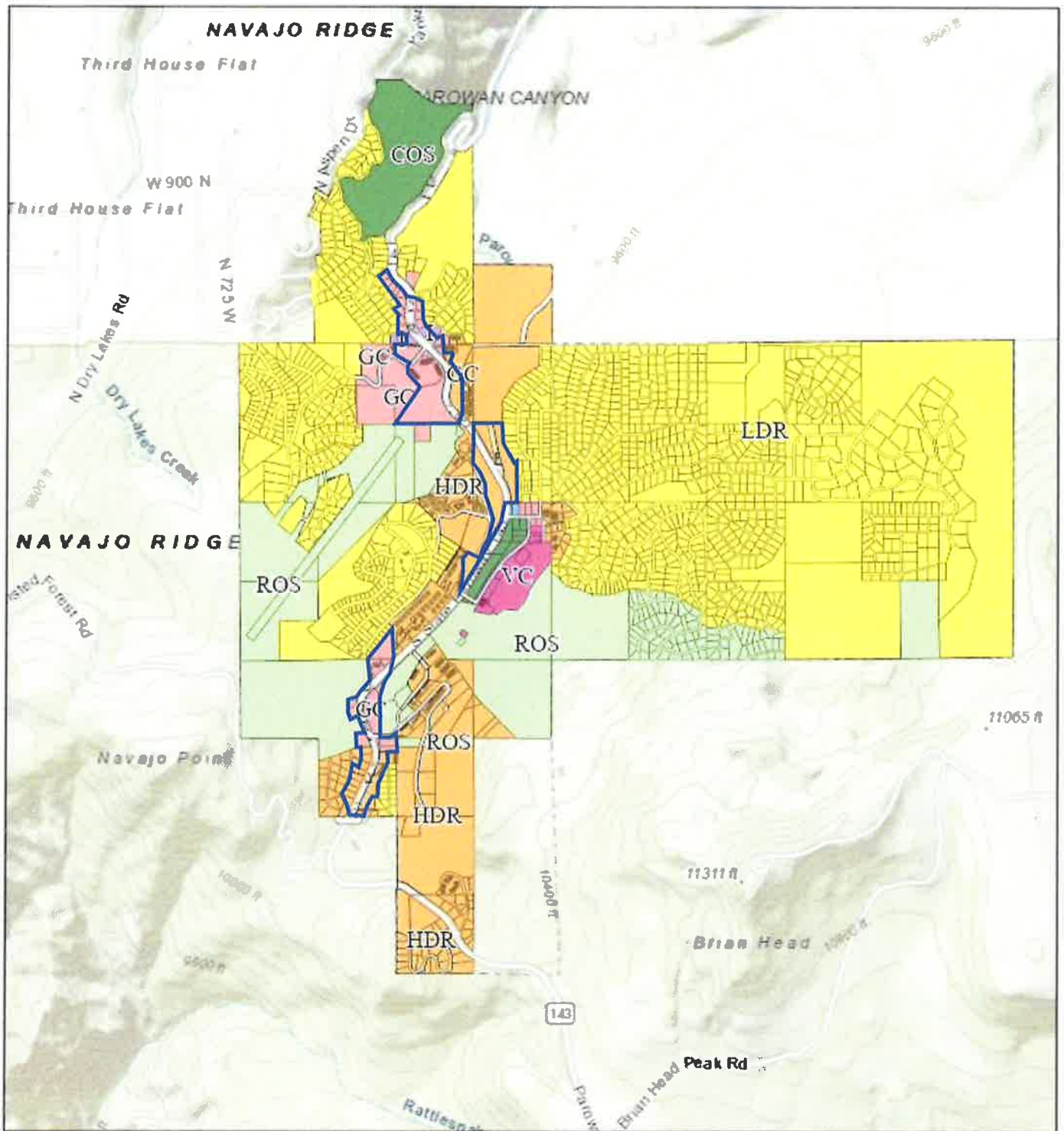


CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance, passed by the Town Council on the 24th day of May 2022 and have posted a summary of the adopted ordinance in two conspicuous places within the Town of Brian Head, to-wit: Town Hall and Post Office. A complete copy of the adopted ordinance on the Brian Head Town Website and has been posed on the Utah Public Meeting Notice Website.

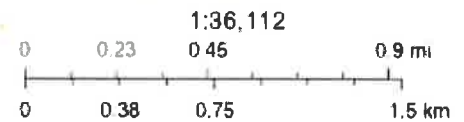
Nancy Leigh, Town Clerk

Zoning Map



December 30, 2021

- Commercial Core Overlay District



Bureau of Land Management, Utah AGRC Esri HERE Garmin
INCREMENTAL USGS METNUSA EPA USDA