



BRIAN HEAD TOWN

ORDINANCE NO. 22-008

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 7-9 & 7-12 (ZONE DISTRICT REGULATIONS; VILLAGE COMMERCIAL CORE & CHANGING THE PUBLIC USES TO CIVIC) AND CHAPTER 12-15 (BUILDING DESIGN STANDARDS FOR CONSTRUCTION) AS IT RELATES TO THE VILLAGE CORE COMMERCIAL PARKING 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 Town Council determined a need to review and amend the parking requirements for the Village Core Commercial zone due to the Town's vision of a pedestrian oriented zone and current parking requirements; and,

WHEREAS, the Brian Head Planning Commission held a public hearing on July 3 2022, giving at least fourteen (14) days' notice prior to the public hearing to receive public comment. The Planning Commission hereby forward their recommendation of approval to the Brian Head Land Management Code, Chapter 7, Zone District Regulations, and Chapter 12, Building Design Standards for Construction as it relates to the Village Commercial Core Parking to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on July 12, 2022, giving at least fourteen (14) days' notice to receive public comment on the proposed amendments Brian Head Land Management Code, and officially receiving the Planning Commission's recommendation; and

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

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

Section 1. The Brian Head Land Management Code is hereby amended and incorporated herein by reference as Title 9, Chapter 7 (Zone District Regulations) Section 7-5-D-9 and Chapter 12 (Design Standards for Construction) Section 12-15 Parking of the Brian Head Town Code regulating land use within the Town of Brian Head, Utah as Attachment A

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 incorporated into Title 9, Land Management Code, 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.

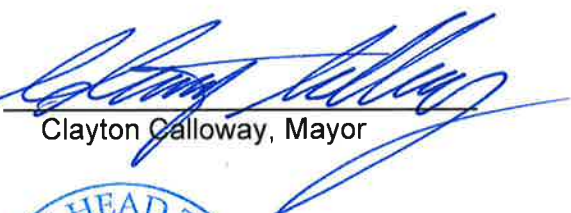
Section 5. Repealer. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance shall be repealed.

**PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH
this 26th day of July 2022 with the following vote.**

Town Council Vote:

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

BRIAN HEAD TOWN COUNCIL

By: 
Clayton Calloway, Mayor

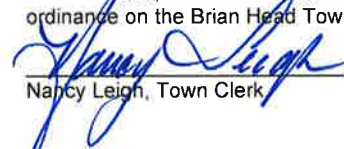
ATTEST:


Nancy Leigh, Town Clerk



CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance, passed by the Town Council on the 26th day of July 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 and posted to the Public Meeting Notice Website, and a complete copy of the adopted ordinance on the Brian Head Town Website and has been published in a newspaper of general circulation.


Nancy Leigh, Town Clerk

Attachment "A"

(Amendments Identified in Red Font)

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: ~~P PUBLIC USES:~~ C CIVIC

9-7-10: ZONING DISTRICT TABLES:

9-7-11: CCOD COMMERCIAL CORE OVERLAY DISTRICT

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)

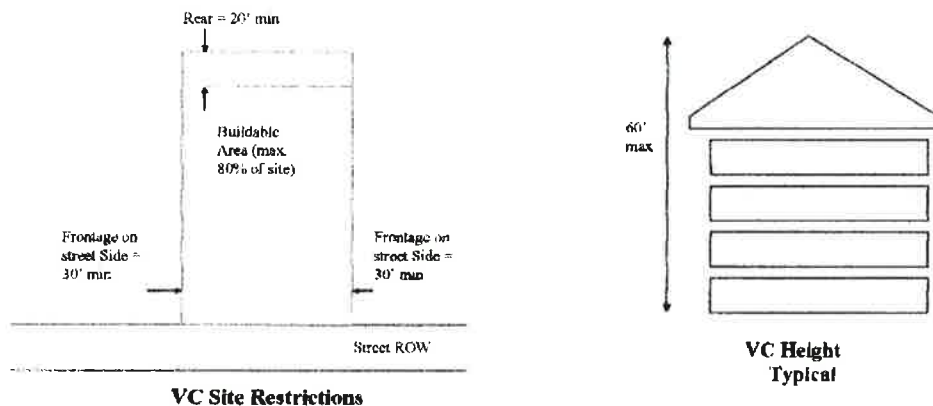
OHV rental offices for which rental vehicles are stored and displayed outside of the village core zone. The conditional use permit will be no longer than a five-year period. (ord. 15-004, 4-28-2015 amd. ord. 20-002 4-28-2020)

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 (3¹/₂') 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: ~~In accordance with section 9-12-15~~
 - 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 on site.
 - 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 with section 9-12-15 with the following exceptions
- i. Required number of parking spaces
 - 1) Patron Parking: 30% less than the requires 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.
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 [12-9-15](#) 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. 22-002, 5-10-2022)



9-7-9: **P PUBLIC USES C CIVIC:**

- A. **Purpose:** The ~~public-uses-P~~ **civic zone C** zone 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 effect which the location of these facilities may have upon neighborhoods in residential, commercial, or industrial areas. Typical uses permitted in the **P 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 **P C** zone would then be applied to all such facilities for ease of recognition and minimizing impacts.

B. Permitted Uses: Only the following uses are permitted in the **P 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.

C. Permitted Accessory Uses: Accessory uses, and structures are permitted in the **P 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-five~~ percent (~~25~~ 20%) of lot area shall be landscaped per section 9-12-5 of this title, with every effort to preserve existing vegetation.
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).

TITLE 9 - LAND MANAGEMENT CODE

CHAPTER 12: DESIGN GUIDELINES FOR CONSTRUCTION

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.

TABLE 1

OFF STREET PARKING SCHEDULE

Land Use	Required Number of Parking Spaces for Patrons	Required Parking Spaces for Employees (Measured in Gross Sq. ft. of Entire Building).
Bed and Breakfast Inn	1 per bedroom	2
Civic Buildings / 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 4 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 max per unit)	1 per guest room plus 1 per 500 square feet of interior common area	2 for first 40 guest rooms and 1 per each additional 20 quest 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 ft and 1 per each additional 1,000 sq ft
Industry	1.5 per 500 sq. ft. By review of the Planning Commission	By review of the Planning Commission
Multi-family dwelling unit not greater than 650 sq. ft.	1 per dwelling unit	N/A
Multi-family dwelling unit greater than 650 sq ft but less than 1,000 sq ft	1.5 per dwelling unit	N/A
Multi-Family dwelling unit greater than 1,000 sq. ft but less than 2,500 sq ft	2.5 2 per dwelling unit	N/A
Multi-family dwelling unit greater than 2,500 sq ft	3.5 per dwelling unit up to 3,500 sq. ft and 1 additional stall for each 2,000 sq. ft., or fraction thereof	N/A
Office	1 per 300 gross 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 400 gross 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 200 gross 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	2 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 sq ft, or fraction thereof, when a single dwelling exceeds 2,500 sq ft	N/A

End.

