



ORDINANCE NO. 22-010

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 4 (SUBMITTAL REQUIREMENTS) 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 September 20, 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 with additional conditions to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on September 27, 2022 giving at least fourteen (14) days' notice to receive public comment on the proposed amendments Brian Head Land Management Code; and

WHEREAS, the Town Council determined that for clarification purposes and in an effort to simplify the submittal process for the public, a revision of Chapter 4, Submittal Requirements should be made; 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 4 Submittal Requirements as follows:

TITLE 9 – LAND MANAGEMENT CODE CHAPTER 4 SUBMITTAL REQUIREMENTS

9-4-1: DEVELOPMENT PROCESS:

9-4-2 1: SUBMITTAL REQUIREMENTS TABLES:

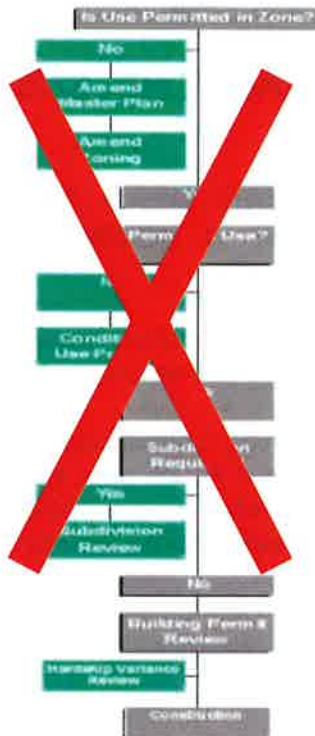
9-4-3 2: SUBMITTALS DESCRIPTIONS:

9-4-1: DEVELOPMENT PROCESS:

Adopted September 27, 2022

~~The following diagram has been prepared to give a visual representation of the development process and which correlates the submittal process.~~

Development Review Process



~~(Ord. 08-016, 8-12-2008)~~

9-4-2: SUBMITTAL REQUIREMENTS ~~TABLES~~:

~~A. The following tables have been prepared to simplify the determination of which permits and regulations apply to a given action, and the information that is required to be submitted to obtain such permits and their associated approvals. The tables are sequential and cumulative. Use them as follows:~~

- ~~1. Review the numbered list of activities in table 1 and determine which activity most closely resembles the action you propose to undertake. Note the permits that are required for that activity.~~
- ~~2. Refer to table 2 to determine the documents that must be submitted with the various types of permits.~~
- ~~3. Refer to table 3 to see the requirements/content of each drawing, plan or other document that must be submitted.~~

~~B. These tables are necessarily simplified and abbreviated and may be modified as needed. Additional information regarding key documents is presented in section 9-4-3 of this chapter and may be modified by ordinance as needed.~~

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

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

TABLE 1		Required Permits/Approvals/Actions																	
		General Plan Amendment (Chap. 5)	Re-Zoning (Chap. 6)	Subdivision (Chap. 9)	Planned Unit Development (Chap. 11)	Plat Amendment (Chap. 9)	Conceptual Design Review (Chap. 8)	Building Permit Final Review (Chap. 8)	Certificate of Occupancy (Chap. 8)	Certificate of Completion (Chap. 8)	Grading/Trenching Permit (Chap. 10)	Sign Permit (Chap. 14)	Variance (Chap. 11)	Conditional Use (Chap. 11)	Record with County Recorder (Chap. 9)	Tree Removal (Chap. 10)	Staff Review	Land Use Authority Review/Approval	Appeals Body
Potential Land Use Actions																			
1	Selling or Conveying An existing lot in its entirety (with or without an existing building)														✓				
2	Creating One new lot per LMC Chap. 9 Minor Subdivision			✓											✓		✓	W	✓
3	Creating more than one new lot to be created from a larger parcel			✓											✓		✓	X1	✓
4	Constructing or modifying a commercial or multi-family residential building on an existing lot						✓	✓	✓	E					K	✓	X	✓	✓
5	Constructing or remodeling a single family home on an existing lot						✓	✓							K	✓	W	✓	
6	Painting all or parts of an existing commercial building						✓	I		F						✓	W	✓	✓
7	Changing the use of a building (such as an office to a store, store to clinic, etc.)	A	B				✓	✓		F				D		✓	W	✓	✓
8	Prosing a use not allowed by current zoning	A	✓				I	I						D		✓	X	✓	✓
9	Grading or constructing a road or driveway									✓	✓				K	✓	W	✓	✓
10	Digging and/or installing utilities (water, sewer, septic, gas, electricity, cable tv)									✓	✓				K	✓	W	✓	✓
11	Removing trees on a private property															✓	✓	W	✓
12	Building a retaining wall						✓	H							K	✓	H	✓	✓
13	Installing an exterior yard light						✓	✓								✓	W	✓	✓
14	Installing a new sign or modifying and/or enlarging an existing sign						✓	H			✓					✓	W	✓	✓

Key:

- ✓ Always Required
- A If the intended use is not consistent with the General Plan
- B If the proposed use is not consistent with existing Zoning
- C If greater flexibility is desired than permitted under standard subdivision regulations
- D If proposed use is permitted in the Zone District as a condition upon special review
- E If grading and/or trenching are proposed
- F If signage is proposed
- H As required in Building Code and/or LMC
- I When required by the currently adopted building code
- J An abbreviated review by Building Dept. staff for single family homes
- K If trees greater than 6" diameter at chest height (trunk) are to be removed
- L Only the Sketch Plan submittal is required
- V Appeal Authority
- W Staff
- X Planning Commission
- X1 Planning Commission and Town Council process
- Y Town Council
- Z District Court

(2010 Code, amd. Ord. 15-004, 4-28-2015)

TABLE 2		Submittal Documents Required												
Permits/Approvals		Application and fee	Title Report	Existing Conditions Map	Development Report	Schematic Subdivision Plat	Preliminary Subdivision Plat	Final subdivision Plat and Associated Drawings	Required Public Hearing	Development Agreement	Conceptual Construction Plans	Final Construction Plans	Conditional Use Site Plan	Referral Packets
1	General Plan Amendment	✓							✓					B
2	Rezoning	✓							✓					B
3	Annexation Petition	✓							✓					B
4	Subdivision Schematic Plat (Including Condominiums)	✓	✓	✓	✓	✓								
5	Subdivision Preliminary Plat (Including Condominiums)	✓					✓	✓	✓				B	✓
6	Subdivision Final Plat (Including Condominiums)	✓						✓	✓					✓
7	Lot Split	✓	✓	✓	✓									
8	Replat	✓	✓	✓	✓				✓					B
9	Building Permit – Conceptual Design Review	✓		✓	✓						✓			
10	Building Permit – Final	✓									✓		✓	
11	Grading and Trenching Permit	✓		✓							✓			
12	Variance	✓		✓										
13	Conditional Use	✓		✓	✓			✓				✓	B	
14	Certificate of Occupancy													
15	Vacation of Easement or Right-of-way	✓						✓	✓				B	
16	Trenching & Tree Removal Permit	✓												

- Key:**
 ✓ Always Required
 A If site improvements are not completed at the time of occupancy
 B Mailing list/labels of the owners of abutting properties located within three hundred feet (300') of the property lines of the land in question
 C Prior to footing pour
 D Due at completion of project

(2010 Code, amd. Ord. 15-004, 4-28-2015)

TABLE 3		Submittal Documents Required						
Required Plan/Drawing Contents		Existing Conditions Map	Subdivision Schematic Plat	Subdivision Preliminary Plat	Subdivision Final Plat and Associated Drawings	Conditional Use Site Plan	Conceptual Const. Plans for Design Review	Final Construction Plans
1	Project name and subdivision, if applicable	✓	✓	✓	✓	✓	✓	✓
2	Applicant's name, address, phone number	✓	✓	✓	✓	✓	✓	✓
3	Preparer's company name, address, phone number	✓	✓	✓	✓	✓	✓	✓
4	Agent authorization of owner (if not applicant)	✓	✓	✓	✓	✓	✓	✓
5	North arrow, scale	✓	✓	✓	✓	✓	✓	✓
6	Legend (for symbols used on drawings)	✓	✓	✓	✓	✓	✓	✓
7	Vicinity map showing project location relative to Brian Head Town	✓	✓	✓	✓	✓	✓	
8	Site boundaries with dimensions	✓	✓	✓	✓	✓	✓	
9	Protection area boundaries (wetlands, spring/well protection areas, flood plains)	✓	✓	✓	✓	✓	✓	
10	Existing topography	✓		✓			✓	
11	Slopes over 10%, 25% and 40% identified	✓		✓	✓		✓	
12	Existing vegetation, trees or grouping of trees	✓					✓	
13	Existing roads, including names, grades, pavement widths, Show ROW	✓	✓	✓			✓	✓
14	Existing utilities, by type, including location and dimension of easements	✓		✓			✓	✓
15	Existing emergency access, fire lanes, fire hydrants	✓				✓	✓	✓
16	Footprint of existing structures, with uses indicated	✓				✓	✓	
17	Existing drainage system	✓				✓	✓	
18	Proposed topography			✓			✓	✓
19	Proposed cut/fill			✓	✓		✓	✓
21	Proposed vegetation — detailed landscape plan: type, size, spacing (including undisturbed area)					✓	✓	✓
22	Proposed drainage system, including location and dimensions of easements			✓	✓	✓	✓	✓
23	Proposed utilities, by type, including location and dimensions of easements			✓	✓	✓	✓	✓
24	Proposed roads — names, grades, pavement widths and ROW			✓	✓			✓
25	Proposed emergency access, fire lanes, fire hydrants			✓	✓	✓	✓	✓
26	Typical cross sections of roads, curbs, gutters, sidewalks			✓	✓			✓
27	Layout of lots, with lot sizes, setbacks, buildable areas and lot numbers shown			✓	✓		✓	✓
28	Footprint of proposed structures, with uses indicated					✓	✓	✓
29	Calculations of site area, building coverage, units, bedrooms, parking spaces					✓	✓	
30	Preliminary construction plans and elevations with general dimensions			✓		✓	✓	
31	Final construction plans with dimensions, elevations, sections, etc.				✓			✓
32	Layout and dimensions of parking lots, with stalls shown					✓	✓	✓
33	Designation of snow storage areas			✓	✓	✓	✓	✓
34	Proposed locations for gas tanks, LP gas, dumpsters					✓	✓	✓
35	Proposed locations, and types, for signage					✓	✓	✓
36	Proposed locations for exterior lot and building lighting plan					✓	✓	✓
36	Final Plat data				✓			✓
37	Phasing plan			✓			✓	✓
38	Approval Signature of Owner, Town Engineer, Attorney, Manager, Mayor, Utilities and others as may be required				✓			
39	Waterways or Floodplain Setbacks (Section 12.12 Brian Head LMC)			✓	✓		✓	
40	Designation of "No Build Area" for slopes over 40%			✓	✓			

(2010 Code, amd. Ord. 15-004, 4-28-2015)

9-4-3: SUBMITTALS DESCRIPTIONS:

A. Application Form And Fees:

1. The application form and associated instructions for each specific action may be obtained from the ~~town hall~~ Planning and Zoning Department. ~~All applications must include an accurate legal description of the property.~~ (2010 Code, amd. Ord. 15-004, 4-28-2015)
2. Each application must be accompanied by the applicable fee payment. A fee schedule for each ~~type of action can be found either online or available at the town hall~~ land use permit, license, or approval will be determined by Town Council resolution and may be obtained from the Planning & Zoning Department. (2010 Code, amd. Ord. 15-004, 4-28-2015)
- ~~3. Each application must be submitted with required master (original) and electronic copies to be submitted to town staff and approval body for review and approval. (2010 Code, amd. Ord. 15-004, 4-28-2015)~~
4. Each application must be submitted to ~~town hall~~ 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. 2010 Code)~~
5. The ~~town staff~~ 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 ~~Town Manager, or authorized representative, 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 ~~town staff~~ 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, ~~and may also include in addition to~~ other conditions or restrictions as determined by the Subdivider. ~~Two (2) copies of the CC&Rs shall be submitted with the final plat.~~

- 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

- 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. ~~The development agreement may include or substitute for a security agreement insofar as it contains commitments to site improvements secured by a bond or other form of security.~~ All minutes of public review sessions ~~are~~ shall be incorporated into the development agreement by reference.

- E. Development Report; Statement Of Interest:

- ~~1. The name and location of the property and applicant;~~
- ~~2. If the applicant is represented by an agent, a statement from the applicant authorizing the agent to act;~~
- ~~3. The name and address of the person, firm or organization preparing the application and a statement indicating the record owner's permission to submit the application;~~
- 1 4. 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. 5. A development schedule indicating the approximate date of the development or stages of the development with expected completion dates;
3. 6. Assessment of the availability and capacity of public infrastructure (utilities, roads, trails, etc.) to serve the proposed use;
4. 7. Any special agreements, conveyances, restrictions or covenants, which will govern the use, maintenance and continued protection of the development and any of its common areas.

- 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

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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

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)

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

- 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

- 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

- K. Referral Packet: ~~The applicant will provide~~ A packet containing mailing labels addressed to and a map identifying mailing list/labels of 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. ~~and as required in table 2, and~~ Mailing labels will be prepared using their current mailing addresses available at the county recorder's office. ~~The referral packet shall include a~~

~~statement of intent for the project, the name of the project, location (address) and name of applicant, a development schedule, notification of the meeting schedule with defined format and time for comments and a "vicinity map", as defined in subsection C of this section. The staff will prepare and mail referral packet to adjacent landowners, as well as appropriate agencies. The mailing will be paid for by the applicant.~~

- 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: ~~Prior to approval of final plat or occupancy permit,~~ As required under [chapter 13](#) of this title, the applicant shall 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.

- 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

- 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

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 reseeded

Q. Soil/Geology Report:

1. ~~A detailed soil/geology report is required during the preliminary consideration of all building permits and subdivision plats. It shall be~~ 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.
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, 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: (2010 Code, 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.

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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.~~
- 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. ~~One submittal of a title report with the initial application and the~~ Title reports must be dated no more than thirty (30) days prior to its submission to the town. (2010 Code, amd. Ord. 15-004, 4-28-2015)
- T. ~~Tree Removal Site Plan – The application will provide a plan illustrating the following:~~
 1. Specific Location of All Trees to be Removed
 2. Plan for Tree Removal and Disposal from Property.
- ~~C. Vicinity Map: A map showing the project location relative to the town. The map may be at any legible scale, and may be an inset on another plan or drawing (e.g., existing conditions plan). It shall show the town boundaries, major roads (e.g., Highway 143) and minor roads that serve the property. It shall clearly identify where it is located in the town and identify businesses or condominium projects adjacent to the property to indicate the location.~~
- 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 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

V. Written Notice of Appeal - See 9-3-2 (G) of this Title for description

~~J. Descriptions Of Key Plan/Drawing Contents (Table 3):~~

- ~~1. Site boundaries with dimensions: Show on all plans the property boundaries, accurately depicted with bearings and distances based on a recorded plat. Include a copy of the recorded plat with other submittals.~~
- ~~2. Boundaries of protection areas: Show official boundaries of wetlands (as per U.S. army corps of engineers), floodplains (100 year, as per U.S. FEMA maps, or engineering calculations), and spring and well protection areas (as determined by the public works department or town engineer).~~
- ~~3. Existing and proposed topography: Show contours at not more than two foot (2') intervals for areas of less than ten percent (10%) slope and not more than five foot (5') intervals for areas over ten percent (10%) slope. Such contour maps shall be based on county data. The closest established survey monument shall be used and its location/elevation noted. Clearly designate the following slope categories:~~

0—10 percent slopes	0—5.7 degrees
11—25 percent slopes	6.3—14 degrees
26—39 percent slopes	14.6—21.3 degrees
40 percent and greater slopes	21.8 degrees

- ~~4. Existing conditions (vegetation, roads, utilities, buildings, etc.): In addition to showing existing conditions on the property, also show conditions immediately adjacent to the property as well as the location of any improvements that may be required to be constructed beyond the boundaries of the subdivision or project where applicable.~~
- ~~5. Calculations of site data table: Include the following data, in table form, on the proposed site plan:~~
 - ~~a. Ground disturbance (calculate area);~~
 - ~~b. Number of units;~~
 - ~~c. Number of bedrooms;~~
 - ~~d. Parking spaces required;~~

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- e. ~~Parking spaces provided;~~
- f. ~~Ground coverage (calculate area);~~
- g. ~~Landscape coverage (calculate area);~~ h.
- ~~Undisturbed land area (calculate area);~~ i.
- ~~Snow storage (calculate area).~~

6. ~~Detailed landscape plan: Show all landscaped areas; include plans for walls, patios, fences, trees and other vegetation. Vegetation plan shall include species, variety, number to be planted and size of plant on a legend page. Show areas of lot that will remain undisturbed. The plan shall provide adequate detail to determine planting locations and shall take into account impact of snow storage, and roof snow shed. (2010 Code, amd. Ord. 15-004, 4-28-2015)~~

7. ~~Preliminary construction plans:~~

- a. ~~Site plans showing footprints of all structures and paved surfaces;~~
- b. ~~Sections through the structures and the site, with maximum heights noted;~~
- c. ~~Preliminary elevations (exterior views of the building);~~
- d. ~~Exhibits to demonstrate compliance with town design standards, chapter 12 of this title, including elevations, and material samples showing textures and color.~~

8. ~~Final construction plans:~~

- a. ~~Site plans;~~
- b. ~~Floor plans, including fire protection;~~
- c. ~~Sections through all structures;~~
- d. ~~Exterior elevations showing vertical dimensions, exterior finishing materials, roof slope and covering materials, exits, stair enclosures and exterior grades;~~
- e. ~~Architectural renderings (except for single family dwelling, accessory structures, and commercial remodels that do not change the footprint of the structure). (Ord. 17-004, 7-11-2017)~~
- f. ~~Exhibits to demonstrate compliance with town design standards, including elevations, and material samples showing textures and color;~~
- g. ~~Other information required by the building codes currently adopted federal, state and local laws. (2010 Code, amd. Ord. 15-004, 4-28-2015)~~

9. Final plat data:

- ~~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 plan, section and profile sheets for all public improvements;~~
- ~~c. Current title report that has been prepared within thirty (30) days of application; (2010 Code, amd. Ord. 15-004, 4-28-2015)~~
- ~~d. Covenants, conditions and restrictions (if required);~~
- ~~e. Details of all exterior masonry or concrete walls, to demonstrate compliance with design standards, including elevations, and material samples showing textures and color;~~
- ~~f. The words "Street", "Avenue", "Road", "Place", "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. (Ord. 08-016, 8-12-2008)~~

End.

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 27th day of September 2022 with the following vote.

Mayor Clayton Calloway	Aye
Council Member Martin Tidwell	Aye
Council Member Kelly Marshall	Aye

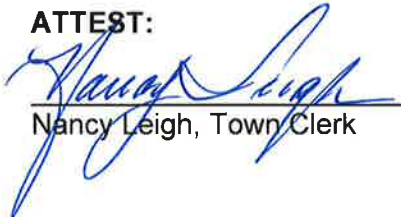
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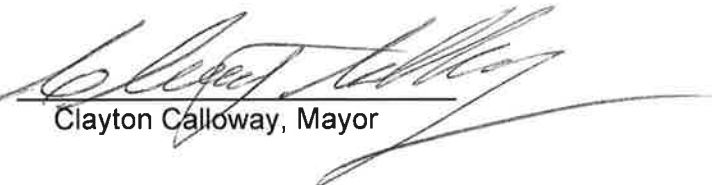
Council Member Larry Freeberg
Council Member Shaun Kelly

Absent
Aye

BRIAN HEAD TOWN COUNCIL

ATTEST:


Nancy Leigh, Town Clerk

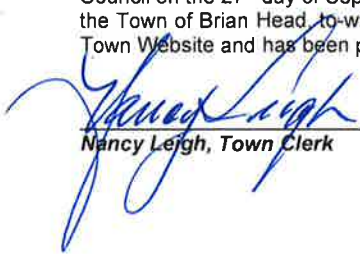
By: 

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 27th day of September 2022 and have posted a summary of the adopted ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall. 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