



BRIAN HEAD

ORDINANCE NO. 23-001

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 7 ZONE DISTRICT REGULATIONS, VILLAGE COMMERCIAL 9-7-5-D (7), AND ESTABLISHING 9-7-5-D(9)(F) 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, it has been determined by the Town Council that buildings built prior to 2000 in the Village Commercial zone could be allowed to expand the footprint without additional parking required; and;

WHEREAS, the Brian Head Planning Commission held a public hearing on January 3, 2023, 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 7-5 to the Brian Head Town Council for their consideration and adoption; and;

WHEREAS, the Brian Head Town Council held a public hearing on January 10, 2023, giving at least fourteen (14) days' notice to receive public comment on the proposed amendments Brian Head Land Management Cod; and;

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

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

Section 1. The Brian Head Land Management Code is hereby amended and incorporated herein by reference as Title 9, Chapter 7-5 of the Brian Head Town Code as follows (Changes Identified in Red Font):

A. Physical Restrictions:

7. Maximum building coverage: Eighty percent (80%) of the lot area. **Commercial structures which existed prior to the year 2000 in the Village Commercial zone district may expand the building coverage to up to 90% of the lot area.**

9. Parking and loading:

- f. Commercial structures which existed prior to the year 2000 in the Village Commercial zone district may expand the footprint of the building by up to 25% without additional parking requirements.

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council. 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.

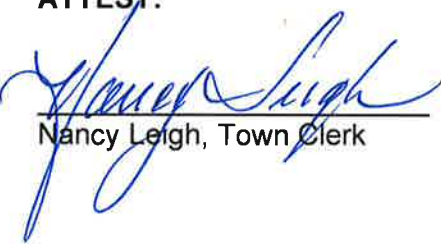
PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this 10th day of January 2023 with the following vote.

Town Council Vote:

Mayor Clayton Calloway	Aye
Council Member Kelly Marshall	Aye
Council Member Martin Tidwell	Aye
Council Member Larry Freeberg	Aye
Council Member Shaun Kelly	Aye

BRIAN HEAD TOWN COUNCIL

ATTEST:


Nancy Leigh, Town Clerk

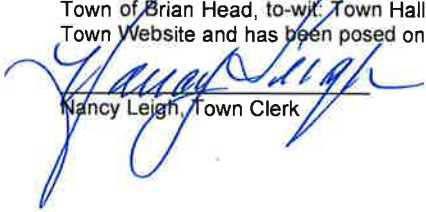
By: 

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 10th day of January 2023 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 and a complete copy of the adopted ordinance on the Brian Head Town Website and has been posted on the Utah Public Meeting Notice Website.


Nancy Leigh, Town Clerk