BRIAN HEAD

The Regular Meeting of the
Brian Head Town Council Acting
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
www.Zoom.us (Click Here)
Via Zoom Meeting ID# 843 3365 7438
TUESDAY, OCTOBER 8, 2024 @ 1:00 PM

AGENDA

A. CALL TO ORDER
B. PLEDGE ALLEGIANCE
C. DISCLOSURES
D. APPROVAL OF THE MINUTES: September 24, 2024, Town Council/RDA Meeting

E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS. Public input is limited to three (3) minutes on non-agenda items.

F. AGENDA ITEMS:

1. **PUBLIC HEARING FOR 275 EAST SPECIAL ASSESSMENT AREA.** The Council will hold a public hearing as per state code for property owners within the 275 East Special Assessment Area. Comments are limited to three minutes and written comments may be submitted to the Town Clerk at nleigh@bhtown.utah.gov no later than October 7, 2024, by 5 p .m.

2. **CONSTRUCTION MITIGATION DISCUSSION/DIRECTION.** Greg Sant, Planning Administrator. The Council will continue discussion on construction mitigation and possible staff direction.

3. **SPECIAL ASSESSMENT AREA POLICY AMENDMENT**. Bret Howser, Town Manager. The Council will consider a resolution for an amendment to the Special Assessment Area Policy

4. **ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTERS 2, 4, 9, 11, 12, & 13 (Definitions, Submittals, Subdivisions, Flexible Approaches, Design Guidelines, & Enforcement).** Bret Howser, Town Manager. The Council will consider an ordinance amending the LMC for the above-referenced chapters for compliance with the 2024 State Legislature requirements on land use.

5. **PUBLIC HEARING FOR AN AMENDMENT TO THE LAND MANAGEMENT CODE, CHAPTER 7 ZONE DISTRICT REGULATIONS AND CHAPTER 12 DESIGN GUIDELINES.** The Council will hold a public hearing to receive comments on proposed amendments to Chap. 7 & 12 of the LMC. Comments are limited to three minutes and written comments may be submitted to the Town Clerk no later than October 7, 2024, by 5 pm.

6. **ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTER 7 ZONE DISTRICT REGULATIONS AND CHAPTER 12 DESIGN STANDARDS.** The Council will consider an ordinance amending the LMC for Chapters 7 & 12.

7. **FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas.

G. ADJOURNMENT

Date: October 4, 2024

BRIAN HEAD

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public board may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda at the following conspicuous locations; the Post Office, The Mall, and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk

STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

ITEM: BUILDING AND PLANNING DEPARTMENT REPORT

AUTHOR: Greg Sant, Building & Planning Official
DEPARTMENT: Administration
DATE: October 8, 2024
TYPE OF ITEM: Informational

BUILDING REPORT:

Building Permits Summary

3RD Quarter - Issued Building Permits

Additions/Remodels:	1
Single Family Dwellings:	10
Townhomes	2
Utilities:	2
Commercial	0
Total	15

Year To Date Building Permits Summary

YTD Residential	34
YTD Commercial	2
YTD Total	36

Fees Collected for 2024

Residential Permit:	$ 560,982
Commercial Permit:	$ 29,443
Total	$ 590,425

3RD Quarter total inspections completed: 285

Year to Date total inspections completed: 444

LAND USE REPORT:

Land Use Permits Summary

3rd Quarter issued Permits

Tree Removal:	13
Grading/Excavation:	3
Trenching/Encroachment:	15
Minor Alterations:	11
Totals:	42

Year To Date Issued Permits Totals:

Minor Alterations	19
Tree Removal:	16
Grading/Excavation	5
Trenching/Encroachment	17
Total	57

3rd Quarter Land Use Submitted applications:

Conditional Use	0
Lot Line Adjustment	2
Minor Plat Amendment	1
Preliminary Plat	0
Final Plat	0
Vacating ROW or Easement	0
Zone Amendment	0
Total	3

Year to Date Land Use Submitted applications:

Conditional Use	1
Lot Line Adjustment	2
Minor Plat Amendment	7
Preliminary Plat	1
Final Plat	1
Vacating ROW or Easement	1
Zone Amendment	0
Total	13

STAFF REPORT:

There were 13 new building permits for residential construction this quarter. Additionally, there were 42 new permits issued for Tree Removal, Grading and Excavation, Minor Alterations and Encroachment. Furthermore, we worked on the Land management Code and Subdivision updates so we can meet new state law.

During the quarter we have processed 3 Lot Line Adjustment/Minor Plat Amendments and we are working on a Conditional Use Permit revision as well as 2 block wall approval submittals to the Planning Commission.

ATTACHMENTS:

Brian Head Town Council Update

October 1, 2024

Hunting seasons have started and are now in full swing. This makes patrolling on town boundaries a heightened priority. Our goal is to keep our citizens and visitors safe. The fact that our community sits in the middle of some prime public hunting grounds is awesome. We just want to be able to make sure that our hunters are aware that there may be homes or people recreating nearby within our town limits. It happens every year. Hunters start hunting and pursuing wildlife only to fine themselves unaware that they are on private land and no longer pursuing in our great public forest land. We will continue to monitor and assist both the hunters as well as other recreationalists with enjoying our great area.

Call numbers are down a bit over last month. This is helping us to realize our new normal of "shoulder seasons" and getting caught up during these times. Some of the things we've been doing is focusing on our training. Some of the marshal's went to an EMS Conference, others focused on finishing up their structure fire certifications, and Sergeant Guymon is setting up the schedule for the mandatory training hours needed annually for law enforcement certification. We also turned over a case to federal prosecutors for federal charges. We had an incident involving a traffic accident that turned into a "Drug DUI" involving and ex-convict that had a handgun on him. But even with all this extra training and patrolling, we have handled a wide range of incidents this month.

Total Incidents= 65

Fire Inspections- 14

Citizen/ Motorist Assist- 12

Medicals- 2

911/Alarms- 8

Traffic Hazard/Control- 4

Fires- 2

Threats- 1

Unsecure Premise- 1

Trespassing- 1

Suspicious- 1

Animal Problem- 9

Shots Fired- 1

Lost/Found Property- 1

Agency Assist- 2

Reckless/Impaired Driver- 1

Abandoned Vehicle- 1

Vehicle Accident- 3

Civil- 2

Fire Department:

We had to respond to Cedar City to assist with a brush fire in an industrial area with highly explosive materials. The fire was quickly controlled with a lot of fire resources from around the county. One structure was burned, but none of the hazardous materials reacted to the fire incident.

We had some great combined training with Parowan and Paragonah Fire Departments. Deputy Abbott facilitated the training, and we worked together to train on SCBA's (Self Contained Breathing Apparatus). This training was well received and appreciated by all that attended.

We also attended the 9/11 program in Parowan. This is a yearly program that is put on by the "Inter-Faith Committee". It is a great reminder of the events that happened on 9/11 and gives us a chance to think about and thank all of those first responders and military men and women who serve to protect us.

Also, this month we were able to participate in the Labor Day Parade in Parowan. We also assisted Parowan Fire Department with the fireworks show for the Iron County Fair. It is great to find other opportunities to serve in our county and communities.

BRIAN HEAD

PUBLIC WORKS DEPARTMENT UPDATE

October 8, 2024

Public Works continues to work on projects that are assigned. Planning and preparation for the snow season is already underway with review of staff and evaluation of this past season to find areas of improvement. Have hired the four open positions.

The following are updates on the projects assigned to us, as well as self-identified projects.

STREETS

- Hunter Ridge approach to Hwy 143 is paved.
- Operators have continued to haul up material to be placed on roads.
- Ridge View approach to Hwy 143 is paved.
- Road grading continues as needed.
- Road base work has been completed on Hidden Lakes
- Road base work on going on Trail Road.
- Snow markers are being repaired and replaced throughout town.
- Town Hall & Public Safety parking lots have been crack sealed and seal coated.

WATER

- Water leak on Mountain View Drive has been repaired
- Water leak at Chair One has been repaired
- Several meters have been replaced throughout the system. (ongoing)

SEWER

- Staff continues to identify sewer infiltration.
- Scheduled camera and repairs of sewer system completed.

PARKS & TRAILS

- Cement pillars have been poured in preparation for the Manzanita Trail Lookout.
- Permanent underground power installed for Christmas lights. (trees in front of mall).
- Trail Phase1 & 2 crack sealed, and seal coated.

EQUIPMENT

- Work continues to prep snow removal equipment.

BRIAN HEAD

PUBLIC WORKS DEPARTMENT UPDATE

October 8, 2024

PUBLIC WORKS SHOP

- Salt bay paving is complete.
- Prep work has been started for the addition of a breakroom for staff. (update: lumber has arrived)
- In house labor to prep lot for paving. (update: parking lot project is completed.)

IN-HOUSE PROJECTS

Public works will continue to work on in-house projects and maintain buildings and equipment as needed. If you have any questions or concerns, please do not hesitate to call.

STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

ITEM: **275 EAST (CEDAR BREAKS MOUNTAIN ESTATES) SAA PUBLIC HEARING**

AUTHOR: Shane Williamson, Town Treasurer
DEPARTMENT: Administration

DATE: October 8, 2024
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will hold a public hearing for the 275 E (Cedar Breaks Mountain Estates) SAA. The Council has the option to hold a discussion once the public hearing is closed to answer any questions that may have been brought up during the public hearing or if the Council has any questions. No action is needed by the Council for this agenda item.

BACKGROUND:

Spencer & Jana Leaney, sponsors of the SAA, submitted a petition to the Council in late July 2024. This project would include a total of 21 lots. In September 2024, the Council adopted a resolution for a Notice of Intent to Create the 275 E SAA. With this resolution, the public hearing date was set along with the 60-day protest period. As part of the state law requirement, the property owners within the SAA were put on notice in writing.

ANALYSIS:

As part of state law requirements, a public hearing is to be held which will officially kick off the 60-day protest period. This will allow any property owner within the proposed SAA to protest the creation of the SAA, in writing.

Staff mailed a written notification to each property owner located within the SAA boundary letting them know the public hearing date and protest requirements. As per state law requirements, if the Town receives 40% written protests, then the SAA automatically fails. During a later Council meeting, the Council will either adopt a resolution creating SAA or a resolution abandoning the SAA based on the number of protests the Town receives.

FINANCIAL IMPLICATIONS:

The public hearing has no direct financial implications itself. However, if the SAA proceeds, the Town will Bond for the project which will be backed by assessments placed on each property.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A

PROPOSED MOTION:

No motion. Public Hearing only.

ATTACHMENTS:

A – Notice of Intent
B – Map

BRIAN HEAD

RESOLUTION NO. 24-050

A RESOLUTION OF THE TOWN COUNCIL (THE "COUNCIL") OF THE TOWN OF BRIAN HEAD, UTAH (THE "TOWN"), DECLARING ITS INTENTION TO DESIGNATE THE 275 EAST ASSESSMENT AREA FOR THE PURPOSE OF LEVYING ASSESSMENTS AGAINST PROPERTIES WITHIN THE 275 EAST ASSESSMENT AREA TO FINANCE THE COSTS OF CERTAIN WATER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS IN THE ASSESSMENT AREA, AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST THE ASSESSMENT AREA AND ITS ASSESSMENTS, AND RELATED MATTERS.

BE IT RESOLVED by the Town Council of the Town of Brian Head, Utah, as follows:

Section 1. The Council hereby determines that it will be in the best interest of the Town to designate an area to finance the costs of certain water system improvements and related improvements (the "Improvements") in the Cedar Breaks Mountain Estates subdivision, Iron County, Utah. The Council hereby determines that it is in the best interest of the Town to levy assessments against properties benefited by the Improvements to finance the costs of said Improvements. The Council hereby determines that the Improvements qualify as an "Improvement" pursuant to the Act (defined below) and that the Town is authorized to provide such Improvements. In order to finance the Improvements, the Town proposes to designate the 275 East Assessment Area (the "Assessment Area") pursuant to Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), the area of which is more particularly described in the Notice of Intention to Designate Assessment Area set out hereafter.

Section 2. The costs of the Improvements shall be paid by a special assessment to be levied against the properties situated within the Assessment Area that are specially benefited by the Improvements. The assessment will be based on a per lot basis (the "Assessment"). Attached hereto as Exhibit A is a list of the properties within the Assessment Area and the proposed Assessment related to each property. The Assessment may be paid when assessed or, at the option of the property owner, through installments to be paid for up to ten (10) years.

Section 3. The Council shall hold a public hearing on October 8, 2024, at 1:00 p.m. at the Brian Head Town Hall, located at 56 North Highway 143 in Brian Head, Utah to hear all objections related to the Assessment Area as set forth in the Act. Thereafter, written protests from property owners against the proposed Assessments may be filed in the Office of the Town Clerk, whose address is 56 North Highway 143 in Brian Head, Utah, for a period of 60 days after the date of the public hearing. On December 10, 2024 (such date being within 15 days after the date the protest period expires), at 1:00 p.m. at

the Brian Head Town Hall Council Chambers in Brian Head, Utah, the Council shall count the written protests filed and calculate whether adequate protests have been filed and hold a public meeting to announce the protest tally and whether adequate protests have been filed. The Council may thereafter adopt a resolution abandoning or creating the proposed Assessment Area depending on whether adequate protests have been filed. The Town Clerk is hereby directed to give notice of intention to designate the Assessment Area (the "Notice of Intention") to finance the costs of the Improvements. The Notice of Intention shall specify the date of the public hearing and the time within which protests against the proposed Assessments may be filed. The Notice of Intention shall be published as a Class B Notice under Section 63G-30-102, Utah Code Annotated 1953, as amended, for at least 20 days but not more than 35 days before the date of the public hearing. As a Class B Notice, the Town Clerk shall mail a copy of the Notice of Intention by United States Mail, postage prepaid, to each owner of property to be assessed within the Assessment Area at the last known mailing address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Iron County, Utah, and, in addition, a copy of the Notice of Intention shall be mailed, postage prepaid, addressed to "Owner" at the street number of each piece of improved property to be affected by the Assessment. If a street number has not been so assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the Notice of Intention. Said Notice of Intention shall be in substantially the following form:

BRIAN HEAD

NOTICE OF INTENTION TO DESIGNATE ASSESSMENT AREA

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of the Town of Brian Head, Utah declares its intention to designate the 275 East Assessment Area (the "Assessment Area") to finance the costs of certain water system improvements and related improvements (the "Improvements") in the Cedar Breaks Mountain Estates subdivision, Iron County, Utah within the Assessment Area and to levy a special assessment (the "Assessment" or "Assessments") for a period of ten years as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), on real property situated within the Assessment Area for the benefit of which such Assessments are to be expended in the management and costs of the Improvements.

DESCRIPTION OF ASSESSMENT AREA

The Assessment Area includes the following parcels, listed by Tax Parcel Number:

A-1211-0054-0000, A-1211-0055-0000, A-1211-0056-0000, A-1211-0057-0000, A-1211-0058-0000, A-1211-0059-0000, A-1211-0060-0000, A-1211-0061-0000, A-1211-0062-0000, A-1211-0063-0000, A-1211-0064-0000, A-1211-0111-0000, A-1211-0112-0000, A-1211-0113-0000, A-1211-0114-0000, A-1211-0115-0000, A-1211-0116-0000, A-1211-0117-0000, A-1211-0118-0000, A-1211-0119-0000, A-1211-0120-0000.

The approving resolution, maps, and other information about the Assessment Area are available for examination in the offices of the Town Clerk, 56 North Highway 143 in Brian Head, Utah from 9:00 a.m. to 5:00 p.m. Monday through Friday.

INTENDED IMPROVEMENTS

The Improvements shall include the installation of culinary waterlines, roadway drainage improvements, roadway re-alignment, and gravel road improvements.

ASSESSMENT RATE, FINANCIAL PLAN AND
SOURCES AND USES OF FUNDS

The Assessment is proposed to be levied on benefited property within the Assessment Area to pay for the Improvements according to the estimated benefits to the property from such Improvements. The Town expects to finance the cost of the Improvements by issuing assessment bonds. The Town currently estimates selling the assessment bonds at an interest rate of approximately 6.0%, maturing within ten (10) years of their date of issuance. Inasmuch as the bonds have not been issued, the Town notes that the interest rate and annual payment are only estimates and not a cap or maximum amount.

It is the intent of the Town to create and fund a reserve fund from the proceeds of the bonds. Such reserve funds will be replenished from funds received from the foreclosure of delinquent properties. The Town may also elect to replenish the Reserve Fund by any of the methods provided in the Act. Any funds remaining in the reserve fund upon full payment of the bonds will first be dispersed to the Town to repay any advances made (including interest thereon) and second, to the property owners in accordance with such owners' pro-rata share of the Assessments.

ESTIMATED COSTS OF IMPROVEMENTS

The total acquisition and/or construction costs of the Improvements, including estimated overhead costs, administrative costs, costs of funding reserves, capitalized interest, and debt issuance costs, is estimated at $761,000, all of which are anticipated to be paid by Assessments to be levied against the properties within the Assessment Area to be benefited by such Improvements, which benefits need not actually increase the fair market value of the properties to be assessed.

METHOD OF ASSESSMENT

The cost of Improvements to be assessed against the benefited properties within the Assessment Area shall initially be assessed using a per-lot methodology. The Assessment shall not exceed the benefits derived by the properties within the Assessment Area.

As permitted by, and in accordance with the Act, from time to time additional property may be added to the Assessment Area, at which time the remaining Assessments shall be reallocated proportionately by the Town Clerk, as further described in the Assessment Resolution.

PAYMENT OF ASSESSMENTS

The Assessments may be paid by property owners in not more than ten (10) annual installments, with interest on the unpaid balance at a rate or rates fixed by the Town, or the whole or any part of the assessment may be paid without interest within twenty-five (25) days after the ordinance levying the Assessment becomes effective. The Assessments shall be levied according to the benefits to be derived by each property within the Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with Title 11, Chapter 42, Utah Code Annotated 1953, as amended. The Town has determined that the reasonable useful life of the Improvements is at least fifty (50) years and that it is in the Town and the owner's best interest for certain property owner installments to be paid for up to ten (10) years, if not prepaid.

The total Assessment for the benefited property related to this notice is $36,238.10. The first Installment is currently estimated to be due on approximately November 30, 2025. If any Installment is not paid by the due date, the unpaid Installment(s) will accumulate

delinquent interest and/or charges in accordance with the Assessment Ordinance and State law. The Assessments will be collected by including the billing in property tax notices for property owners. The Town will ensure that no Assessments will be collected and used for purposes other than those described in this Notice.

It is the intention of the Town to levy assessments as provided by the laws of Utah and upon approval by the Council, on all parcels and lots of real property to be benefited by the proposed Improvements within the Assessment Area according to the benefits to be derived by the property. The purpose of the assessment and levy is to pay those costs of the Improvements, which the Town will not assume or pay; provided, however, the Town may advance its funds for the cost of the Improvements and reimburse those costs from Assessments as they are collected.

A map of the proposed Assessment Area, copies of plans of the proposed Improvements, and other related information are on file in the office of the Town Clerk who will make such information available to all interested persons.

PUBLIC HEARING

The Council shall hold a public hearing on October 8, 2024, at 1:00 p.m. at the Brian Head Town Hall, located at 56 North Highway 143 in Brian Head, Utah, to hear all objections related to the Assessment Area and all persons desiring to be heard, as set forth in the Act.

TIME FOR FILING PROTESTS

PROTESTS FROM PROPERTY OWNERS OBJECTING TO THE ASSESSMENT AREA DESIGNATION OR OBJECTING TO BEING ASSESSED FOR THE IMPROVEMENTS MUST BE FILED IN WRITING WITH THE TOWN CLERK EITHER IN PERSON DURING REGULAR BUSINESS HOURS MONDAY THROUGH FRIDAY OR BY MAIL (56 NORTH HIGHWAY 143, BRIAN HEAD, UTAH 84719) ON OR BEFORE 5:00 P.M. ON DECEMBER 9, 2024.

To be counted against the creation of the Assessment Area, protests or objections MUST BE IN WRITING, signed by all owners of the property proposed to be assessed. The written protest must describe or otherwise identify the said property. If the number of lots that is the subject of timely filed written protests represents at least 40% of the total lots included within the Assessment Area, the Council will not impose the Assessment. Protests withdrawn prior to the expiration of the protest period and protests from areas deleted from the Assessment Area will not be counted against the creation of the Assessment Area.

On December 10, 2024 (such date being within 15 days after the date the protest period expires), at 1:00 p.m. at the Brian Head Town Hall Council Chambers in Brian Head, Utah, the Council shall count the written protests filed and calculate whether

adequate protests have been filed and hold a public meeting to announce the protest tally and whether adequate protests have been filed. The Town shall post the total and percentage of the written protests it has received on its website at least five days before such meeting.

BY RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, UTAH.

/s/ Nancy Leigh
Town Clerk

BRIAN HEAD

Brian Head, Utah

September 10, 2024

The Town Council (the "Council") of the Town of Brian Head, Utah (the "Town") met in regular session on September 10, 2024 at 1:00 p.m. at the regular meeting place of said Council at 56 North Highway 143 in Brian Head, Utah, with the following members of the Council present:

Clayton Calloway	Mayor
Martin Tidwell	Council Member
Mitch Ricks	Council Member
Larry Freeberg	Council Member
Kelly Marshall	Council Member

Also present:

Nancy Leigh	Town Clerk
Bret Howser	Town Manager

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the Town Clerk presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this September 10, 2024 meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing and pursuant to motion duly made by Council Member Marshall and seconded by Council Member Freeberg, adopted by the following vote:

AYE: Mayor Calloway

Council Member Marshall

Council Member Freeberg

NAY:

The Resolution was later signed by the Mayor and recorded by the Town Clerk in the official records of the Town. The Resolution is as follows:

BRIAN HEAD

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.

(SEAL)

By: _____
Clayton Calloway, Mayor

ATTEST:

By: _____
Nancy Leigh, Town Clerk

BRIAN HEAD TOWN ★ A MUNICIPAL CORPORATION ★ THE GREAT SEAL OF THE STATE OF UTAH 1896

BRIAN HEAD

STATE OF UTAH)
: ss.
COUNTY OF IRON)

I, Nancy Leigh, the duly chosen, qualified, and acting Town Clerk of the Town of Brian Head, Utah, do hereby certify as follows:

(a) That the foregoing typewritten pages constitute a full, true, and correct copy of the record of proceedings of the Council at a regular meeting thereof held in Brian Head, Utah on September 10, 2024, at 1:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the Council to designate the 275 East Assessment Area to pay for the costs of certain Improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

(b) That due, legal, and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of the Town of Brian Head, Utah.

(c) That the above resolution was provided to my office on September 10, 2024, has been recorded by me, and is a part of the permanent records of the Town of Brian Head, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of the Town of Brian Head, Utah, this September 10, 2024.

(SEAL)

BRIAN HEAD TOWN ★ A MUNICIPAL CORPORATION ★ THE GREAT SEAL OF THE STATE OF UTAH 1896

By: Nancy Leigh
Nancy Leigh, Town Clerk

BRIAN HEAD

STATE OF UTAH)
: ss.
COUNTY OF IRON)

AFFIDAVIT OF MAILING
NOTICE OF INTENTION

I, Nancy Leigh, the duly chosen, qualified, and acting Town Clerk of the Town of Brian Head, Utah, do hereby certify that the attached Notice of Intention to Designate Assessment Area (the "Notice of Intention") was approved and adopted in the proceedings of the Council held on September 10, 2024.

I further certify that the Notice of Intention was published as a Class B Notice under Section 63G-30-102, Utah Code Annotated 1953, as amended, for at least 20 days but not more than 35 days before the date of the public hearing (October 8, 2024).

I further certify that on September 10, 2024, I mailed a true copy of the Notice of Intention by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Assessment Area at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Iron County, and in addition I mailed on the same date a copy of said Notice of Intention addressed to "Owner" to the street number, post office box, rural route number, or other mailing address of each piece of improved property to be affected by the assessment.

I further certify that a certified copy of said Notice of Intention, together with a description of the improvements and a map of the proposed Assessment Area, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Brian Head, Utah, this September 10, 2024.

(SEAL)

BRIAN HEAD TOWN ★ A MUNICIPAL CORPORATION ★ THE GREAT SEAL OF THE STATE OF UTAH 1896

By: Nancy Leigh
Nancy Leigh, Town Clerk

BRIAN HEAD

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Nancy Leigh, the undersigned Town Clerk of the Town of Brian Head, Iron County, Utah, do hereby certify, according to the records of the Town Council of the Town of Brian Head, Utah (the "Council") in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the September 10, 2024 public meeting held by the Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the Town at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice to be posted on the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice to be posted on the Town's official website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2024 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the Council to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the Town's official website, and (c) in a public location within the Town that is reasonably likely to be seen by residents of the Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this September 10, 2024.

(SEAL)

BRIAN HEAD TOWN ★ A MUNICIPAL CORPORATION ★ THE GREAT SEAL OF THE STATE OF UTAH 1896

By: Nancy Leigh
Nancy Leigh, Town Clerk

SCHEDULE 1

MEETING NOTICE

BRIAN HEAD

The Regular Meeting of the
Brian Head Town Council
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
www.Zoom.us (Click Here)
Via Zoom Meeting ID# 858 4452 9711
TUESDAY, SEPTEMBER 10, 2024 @ 1:00 PM

AGENDA

A. CALL TO ORDER

B. PLEDGE ALLEGIANCE

C. DISCLOSURES

D. APPROVAL OF THE MINUTES: August 27, 2024, Town Council Meeting Minutes.

E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS. Public input is limited to three (3) minutes on non-agenda items.

F. AGENDA ITEMS:

1. **A RESOLUTION OF THE TOWN COUNCIL (THE "COUNCIL") OF THE TOWN OF BRIAN HEAD, UTAH (THE "TOWN"), DECLARING ITS INTENTION TO DESIGNATE THE SPRING CIRCLE ASSESSMENT AREA FOR THE PURPOSE OF LEVYING ASSESSMENTS AGAINST PROPERTIES WITHIN THE SPRING CIRCLE ASSESSMENT AREA TO FINANCE THE COSTS OF CERTAIN WATER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS IN THE ASSESSMENT AREA, AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST THE ASSESSMENT AREA AND ITS ASSESSMENTS, AND RELATED MATTERS.** Shane Williamson, Town Treasurer. The Council will consider a resolution for the Spring Circle Notice of Intent for water system improvements.

2. **A RESOLUTION OF THE TOWN COUNCIL (THE "COUNCIL") OF THE TOWN OF BRIAN HEAD, UTAH (THE "TOWN"), DECLARING ITS INTENTION TO DESIGNATE THE 275 EAST ASSESSMENT AREA FOR THE PURPOSE OF LEVYING ASSESSMENTS AGAINST PROPERTIES WITHIN THE 275 EAST ASSESSMENT AREA TO FINANCE THE COSTS OF CERTAIN WATER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS IN THE ASSESSMENT AREA, AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST THE ASSESSMENT AREA AND ITS ASSESSMENTS, AND RELATED MATTERS.** Shane Williamson, Town Treasurer. The Council will consider a resolution for the 275 East Special Assessment Area Notice of Intent.

3. **SPECIAL ASSESSMENT AREA THRESHOLD AND IFD'S DISCUSSION AND DIRECTION.** Bret Howser, Town Manager. The Council will discuss the Special Assessment Area maximum bonding cap and IFD's.

4. **SNOWSHOE/TOBOGGAN SPECIAL ASSESSMENT AREA WATER IMPACT FEE ADMINISTRATIVE DIRECTION.** Bret Howser, Town Manager. The Council will give administrative direction on the Snow

5. **CONSTRUCTION MITIGATION DISCUSSION.** Greg Sant, Planning Administrator. The Council will hold a discussion on construction parking and material storage.

6. **PUBLIC HEARING FOR LAND MANAGEMENT CODE AMENDMENTS, CHAPTERS 2, 4, 9, 11, 12, & 13 (Definitions, Submittals, Subdivisions, Flexible Approaches, Design Guidelines, & Enforcement.** The Council will hold a public hearing to

receive comments on proposed amendments to the Land Management Code. Comments are limited to three minutes and written comments may be submitted to the Town Clerk at nleigh@bhtown.utah.gov no later than 5:00 pm on September 10, 2024.

7. **ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTERS 2, 4, 9, 11, 12, & 13 (Definitions, Submittals, Subdivisions, Flexible Approaches, Design Guidelines, & Enforcement).** Bret Howser, Town Manager. The Council will consider an ordinance amending the LMC.

8. **PAVING CONTRACT AWARD FOR PUBLIC WORKS MAINTENANCE SHOP PARKING LOT AND HIGHWAY 143 INTERSECTIONS OF HUNTER RIDGE ROAD AND RIDGE VIEW STREET.** Jon Ficken, Public Works Director. The Council will award the paving contract for the maintenance shop parking lot and two intersections of Highway 143 at Hunter Ridge Road and Ridge View Street.

9. **ASPEN MEADOWS ANNUAL SUMMER UPDATE AND DISCUSSION.** Bret Howser, Town Manager & Flint Decker, Aspen Meadows. Flint Decker will give a presentation on the Aspen Meadows development activities and a discussion on a road vacation for Peak Road.

10. **FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas.

G. ADJOURNMENT

Date: September 6, 2024

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public board may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda at the following conspicuous locations; the Post Office, The Mall, and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.
Nancy Leigh, Town Clerk

BRIAN HEAD

SCHEDULE 2

ANNUAL MEETING NOTICE

BRIAN HEAD

2024

BRIAN HEAD TOWN COUNCIL
MEETING SCHEDULE

LOCATION:

BRIAN HEAD TOWN HALL - COUNCIL CHAMBERS
56 NORTH HIGHWAY 143, BRIAN HEAD, UT 84719

TIME:

ALL MEETINGS ARE SCHEDULED TO BEGIN AT 1:00 P.M. (MST) OR SHORTLY THEREAFTER UNLESS OTHERWISE NOTICED.

DATES:

ALL MEETINGS ARE SCHEDULED FOR THE 2ND & 4TH TUESDAY OF EACH MONTH ON THE FOLLOWING DATES:

JANUARY:	9th & 23rd	JULY:	9th & 23rd
FEBRUARY:	13th & 27th	AUGUST:	13th & 27th
MARCH:	12th & 26th	SEPTEMBER:	10th & 24th
APRIL:	9th & 23rd	OCTOBER:	8th & 22nd
MAY:	14th & 28th	NOVEMBER	12th
JUNE:	11th & 25th	DECEMBER:	10th

THERE WILL BE ONE COUNCIL MEETING SCHEDULED FOR THE MONTH OF NOVEMBER AND DECEMBER 2024 WHICH WILL BE THE 2ND TUESDAY OF THESE MONTHS, UNLESS OTHERWISE NOTICED.

THE MEETINGS OF THE BRIAN HEAD REDEVELOPMENT AGENCY, BRIAN HEAD SPECIAL SERVICE DISTRICT, AND THE BRIAN HEAD MUNICIPAL BUILDING AUTHORITY WILL BE HELD WHEN NEEDED AND WILL BE POSTED ACCORDINGLY.

For Meeting Packets and more information visit brianheadtown.utah.gov

Dated this 12th day of December 2023

In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call the Brian Head Town Hall @ 435-677-2029 giving at least three (3) days notice prior to the meeting.

CERTIFICATE OF POSTING

I hereby certify that on February 8, 2024, I have posted copies of this 2024 Meeting Schedule in three public and conspicuous places within the Town limits of Brian Head, to wit: Town Hall, Post Office, and The Mall and have caused a copy of this notice to be delivered to the Daily Spectrum and have posted it on the Utah Public Meeting Notice Website.

Nancy Leigh, Town Clerk

EXHIBIT B

PROPOSED ASSESSMENT LIST

Tax Parcel Number	Owner	Proposed Assessment
A-1211-0054-0000	SYKES MARK REVOCABLE TRUST	$36,238.10
A-1211-0055-0000	WALLIS JASON/CECILE LIVING TRUST	36,238.10
A-1211-0056-0000	SAGEL 1994 TRUST	36,238.10
A-1211-0057-0000	C AND M HOLDINGS L L C	36,238.10
A-1211-0058-0000	CALAHAN MICHAEL W	36,238.10
A-1211-0059-0000	NIXON EVAN G/CHERYL L	36,238.10
A-1211-0060-0000	BRAUNBERGER KRIS J/T	36,238.10
A-1211-0061-0000	WELCH BRANDON B/ROXANNE M J/T	36,238.10
A-1211-0062-0000	ALDRICH DONNA J/JOHN W LIVING TRUST	36,238.10
A-1211-0063-0000	ESCAPE TO BRIAN HEAD L L P	36,238.10
A-1211-0064-0000	NEEDLES FAMILY TRUST	36,238.10
A-1211-0111-0000	ESCAPE TO BRIAN HEAD L L P	36,238.10
A-1211-0112-0000	VAN LEHN TYLER M	36,238.10
A-1211-0113-0000	NIELSEN KIRK/DANIELLE J/T	36,238.10
A-1211-0114-0000	ESCAPE TO BRIAN HEAD L L P	36,238.10
A-1211-0115-0000	KEYES MICHAEL L	36,238.10
A-1211-0116-0000	ARRANZ JUAN TADEO J/T	36,238.10
A-1211-0117-0000	KEYES TR & WC FAMILY TRUST	36,238.10
A-1211-0118-0000	HARPIN ZACHARY	36,238.10
A-1211-0119-0000	ZAMITO MICHELLE DENISE	36,238.10
A-1211-0120-0000	RAGAN RONALD T LIVING TRUST	36,238.10

0 110 220 330
Feet

ALPHA ENGINEERING
43 South 100 East, Suite 100 • St George, Utah 84770
T: 435.628.6500 • F: 435.628.6553 • alphaengineering.com

Legend

- 275 East SAA Boundary
- 275 East SAA Waterline
- County Parcels
- Existing 8" Line
- Elk Drive Waterline

275 East SAA

Spatial Reference:	UT83-SF
Drawn By:	KAS
Scale:	1" = 209 feet
Date:	August 2024

P:\501-01-2024-0 Brian Head General\Drawings\GIS\501-01-2024-0 ArcGIS Pro\501-01-2024-0 ArcGIS Pro.aprx, 275 East SAA Exhibit, 8/14/2024 3:28 PM kshultz

STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

ITEM: **CONSTRUCTION MITIGATION**

AUTHOR: Greg Sant, Planning Administrator and Amanda Hunter, Code Enforcement
DEPARTMENT: Planning and Building

DATE: October 8, 2024
TYPE OF ITEM: Discussion

SUMMARY:

The Council will be discussing a persistent problem in town regarding the storage of materials and parking of vehicles on town roads and in R.O.W.'s during construction.

BACKGROUND:

Since the first time this issue came before the Town Council, Public Works Director, Jon Ficken, Amanda Hunter, Code Enforcement and I have met with representatives from Jacobs Construction and Choice Builders. The following proposed Administrative Policy is the result of this meeting.

ANALYSIS:

Construction Mitigation Plan (CMP)

It is proposed that a new Administrative Policy be adopted to incorporate CMP's as follows:

1. A separate site plan will be submitted with the permit that would show the following:
   A. Limits of disturbance (LOD) on the site as well as locations of the proposed parking of construction vehicles, location of trash and toilet facilities, proposed staging areas, dirt and/ or snow storage areas and unobstructed entry into the site. (most of this is already required at permit submission)

   B. Staging, parking or storage could be done on adjoining property if the builder/owner had written permission from that property owner and a copy was uploaded into City Inspect.

   C. If the builder/owner will be using the edge of the R.O.W. to park or to store materials in during the winter, then they must fill out R.O.W. Permit with a site plan showing the area to be used, and photographs of the items being stored in the R.O.W. This will only be allowed in the R.O.W. fronting the property being built on. For this reason, the property corners must be marked with Snow Posts as well as vehicles/material in R.O.W. will be marked with Snow Posts.
   There will be no parking in the R.O.W. on snow days and 2-3 days following a snowstorm. The Town will have Snow Day alerts on its website to make all contractors aware. Furthermore, this permit will have a fee associated with it ($5,000 to $10,000?) that will not be reimbursed to the builder/owner.

   D. A temporary LOD fence to be required to be installed around the limits of the disturbance area to protect the proposed undisturbed land on the property.

2. A narrative will be required that would address the following:
   A. How deliveries would be handled, i.e. bulk materials, concrete trucks, cranes with trusses, etc. All activities that will block 1 or more lanes of the road will be required to schedule this with the Town to keep a single road from having multiple closures at the same time. (Building or PW?)

   B. Fugitive dust and mud control measures such as gravel entrance as to minimize the mud tracked onto the street and water trucks or hoses to knock down the dust.

   C. Show how a Wash-out Pit will be maintained on site for concrete, drywall mud, stucco and paint. (hard to put on a plan because it will always move)

   D. Right of way permits needed, traffic control needed, etc.

3. A construction sign is required for all projects with the following info:
   A. Owner Name with address and lot number of the building site, contractor name and contractor phone number.

   B. Sign would be 24"X36" in size and placed so that it is readable from the street. If it is unreadable the builder/owner would be fined.

4. The Policy should also dictate the following:
   A. Hours of operation in the city (usually 7am to 9pm M – S and 9am to 6pm on Sunday). They also had certain Holidays that restricted any construction work to be done, i.e. Christmas, New Years, MLK birthday, Presidents Day, Memorial Day, 4th of July, Labor Day and Thanksgiving.

   B. Noise Restrictions (65 decibels) and temporary lighting restrictions.

   C. Roadways and Cul-de-sac's must always be clear for emergency vehicles.

   D. No rebar to be left in the R.O.W. during the winter.

   E. During the non-winter/snow months vehicles can be parked in the R.O.W. but not in the road, unless scheduled as noted in 2A above.

   F. The site must be maintained in a good, clean and safe condition at all times.

   G. The CMP should be reviewed by Planning/Building, Public Safety and Public Works.

5. Finally, enforcement, penalties/fines would follow our Consolidated Fee Schedule as follow.:
   A. 1st Violation – No Charge with a deadline to fix.
      2nd Violation - $100 fine plus $50 per day of continuing violation for 14 days, and $100 per day thereafter
      Repeat Violations incur a $50 re-inspection fee, and any higher penalty allowed by Code

   B. Egregious Violations can be given a Citation and fine will be determined by Court.

FINANCIAL IMPLICATIONS:
N/A

BOARD/COMMISSION RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff recommends that Council consider these ideas and eventually adopt an Administrative Policy for Construction Mitigation.

PROPOSED MOTION:
This is just a discussion item at this time.

ATTACHMENTS:
N/A

STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

ITEM: SPECIAL ASSESSMENT AREA POLICY AMENDMENT

AUTHOR: Bret Howser, Town Manager
DEPARTMENT: Administration

DATE: October 8, 2024
TYPE OF ITEM: Discussion

SUMMARY:

Council will consider a resolution updating the Special Assessment Area & Public Improvement District Policy.

BACKGROUND:

In 2009, the Town annexed a few neighborhoods (chiefly Cedar Breaks Mountain Estates and Ski Haven Chalets) which were subdivided and developed in Iron County preceding decades. That annex area did not have water and sewer utilities. It is unclear to current staff what the Town's plan was to complete those utilities once those neighborhoods were annexed into Town, but it might be assumed that the intent was to complete them via Special Assessment Areas (SAAs). However, following the 2017 Brian Head Fire, it became clear that not having water infrastructure in the annex area represented a significant risk to the rest of the Town. In 2020, the Town completed a water line project on Mountain View Drive in Cedar Breaks Mountain Estates with the intent of putting water within reach of the neighborhoods and spurring SAAs to extend water lines through the rest of the neighborhood. In 2021, the Southwest Utah Department of Health began enforcing a policy in the annex area requiring that those wishing to develop their property using a sceptic tank be on the Town's water system. In 2024-25, the Town is installing a spine water line in Ski Haven Chalets.

All these conditions have led to an influx of SAA petitions in the annexed areas. In 2022, the Council updated the SAA Policy, which is attached. The policy states the Town's interest in establishing SAAs: "SAA projects upgrade the community through the elimination of drainage problems, pedestrian safety concerns, year-round access, fire protection and unsightly conditions in the public way." The policy sets a maximum SAA debt that the Town will carry at $5 million. With all of the existing SAAs and the accepted/pending petitions, the Town is quickly approaching that limit. The Council recently requested to revisit the policy and held a discussion on 9-24-24 in which direction was given to staff to bring back a revision to the policy.

ANALYSIS:

The attached revised Special Assessment Area & Public Improvement District Policy has been updated to require a 60% or greater threshold for SAA petition signatures before it can be considered by the Town Council. This change was requested by the Town Council in September.

FINANCIAL IMPLICATIONS:

In theory, a greater threshold of signatures means fewer SAA petitions make it to Council, and the ones that do have greater support, which would mean the Town would take on slightly less risk in proceeding with those SAAs.

BOARD/COMMISSION RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Staff supports the change proposed by the Town Council.

PROPOSED MOTION:
I move to adopt resolution No. 24-551, amending the 2022 Brian Head Town Special Assessment Area and Public Improvement District Policy

ATTACHMENTS:
A – Draft Resolution - SAA Policy (Updated)

RESOLUTION NO. 24-___

A RESOLUTION AMENDING THE SPECIAL ASSESSMENT AREA POLICY FOR THE TOWN OF BRIAN HEAD AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The Town Council originally adopted Resolution No. 391 in June 2009 establishing the Special Assessment Area Policy for Brian Head Town which subscribed to the concept that "development pays for its own way" and requires that all new development within Brian Head Town provide complete infrastructure at the developer's expense; and;

WHEREAS, The Council revised the Special Assessment Area Policy in 2022 when numerous Special Assessment Area requests were submitted and the Council determined that additional requirements would need to be adhered to and therefore adopted Resolution No. 22-523 revising the Special Assessment Area Policy, and;

WHEREAS, the Town Council recognizes the need to amend the 2022 SAA policy to increase the requirement for the minimum percentage of required signatures for a petition to be submitted for consideration, and;

WHEREAS, the Town Council recognizes the benefit of public way improvements and supports the Special Service Area process for assisting property owners in completing such improvements within the Town.

NOW, THEREFORE BE IT RESOLVED by the Brian Head Town Council, that this Resolution hereby amends the 22022 Special Assessment Area (SAA) Policy for Brian Head Town as Attachment "A" "SPECIAL ASSESSMENT AREAS".

Section 1. ADOPTION: The Brian Head Town Special Assessment Area Policy (attachment A) is hereby adopted by reference as the SAA policy for Brian Head Town; and

Section 2. EFFECTIVE DATE. This Resolution shall take effect upon its passage by a majority vote of the Brian Head Town Council.

Section 3. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason, held invalid or unconstitutional by any court or 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 Resolution.

Section 4. REPEALER, any prior resolutions and/or policy which identifies Special Assessment Area for Brian Head Town are hereby repealed.

DRAFT

ADOPTED, APPROVED, and ORDERED by majority vote at a duly called meeting of the Town Council of Brian Head, Utah this _____ day of October 2024.

Town Council Vote:

Mayor Clayton Calloway	Yes____	No____
Council Member Lynn Mulder	Yes____	No____
Council Member Larry Freeberg	Yes____	No____
Council Member Kelly Marshall	Yes____	No____
Council Member Mitch Ricks	Yes____	No____

BRIAN HEAD TOWN

_____

Clayton Calloway, Mayor

ATTEST:

_____

Nancy Leigh, Town Clerk

SEAL)

DRAFT

SPECIAL ASSESSMENT & PUBLIC IMPROVEMENT DISTRICT POLICY

Date Approved:

Brian Head Town (the "Town") will consider the use of Special Assessment Areas (SAA) and/or Public Improvement Districts (PID) as provided for by Utah Code §[reference] where consistent with the dictates of this policy. Notwithstanding the ensuing policy, the Town Council retains the privilege of denying or approving any SAA or PID for which the Town receives a petition, as allowed under State Statute, where the Council finds that approval would result in undue risk or damage to the Town as a whole.

General Benefit of Proposed Development

The Town recognizes that in assisting individual property owners (or a group of individual property owners) with infrastructure development through public financing, all property owners in the Town are asked to share in a small fraction of the risk that would otherwise be incumbent upon that individual (or group of individuals). Therefore, the Town will only consider public financing (such as SAA or PID bonds) for development projects that entail broad public benefit. Examples of such include, but are not limited to, roadways which improve traffic circulation, water lines which provide needed firefighting capacity to areas which pose a wildfire risk to the Town, and sewer lines in areas which will protect health and sanitation for the community's watersheds.

Petitions for SAAs or PIDs shall stipulate the proposed general community benefit entailed in the proposed development project which justifies the public assumption of risk. Exhibit A provides a map of fire protection priority areas as designated by the Town Marshal to assist the Town Council in determining the general public benefit of any proposed water lines. Proposed line extensions within these priority areas in excess of 1,000 linear feet, or which create looping/redundancy within the water delivery system, should be given consideration.

Petition Requirements

Property owners can petition the Town for the installation or reconstruction of public way improvements through a SAA or PID. Those signing the petition must be the owners of the properties adjacent to the requested public way improvements, not residents that are renting or leasing the property. Once the sponsor has acquired the required signatures that meet the majority of the property owners who are in favor of a SAA, the petition is to be submitted to the Town Clerk for verification of signatures and legal property owners. Apparent support of the project, as indicated by those signing the petition, must represent greater than 50% be at least 60% of the total properties/lots of the proposed public way improvements for the Town Council to approve or deny accept a petition and consider the creation of a Special Assessment Area.

Timeline for SAA Creation

The following gives a rough outline of a typical SAA creation and project implementation timeline:

1) Petition is submitted to Town
   a) Signed by owners representing ~~50%~~ 60% of parcels
   b) Includes map, description of improvements, and list of parcel numbers
2) Staff review meeting
   a) Communicate any issues with petition to applicant
   b) Allow applicant to correct anything before going to Council
3) Council receives petition in open meeting, accepts or rejects by motion
   ~~a) The SAA may be identified by priority based on the location on the Fire Protection Area Map:~~
      ~~i. High Priority: Area "A"~~
      ~~ii. Medium Priority: Area "B"~~
      ~~iii. Lower Priority: Area "C"~~
4) Council considers resolution - Notice of Intent to Create SAA
   a) Determination whether to proceed with SAA based on general public benefit and the Fire Protection Area Map.
   b) Resolution sets date for public hearing
   c) Advertise public hearing for four weeks
5) Public hearing held in open meeting, 60-day contest period begins
   a) Contest period can be bypassed if 100% of property owners sign a waiver and consent form
   b) If 40% or more of property owners protest the creation of the SAA during contest period, it automatically fails.
6) Staff obtains preliminary project cost estimate and property appraisals
7) Council may create SAA by resolution
8) Council creates Board of Equalization (BOE) by resolution
   a) Sets BOE hearing dates (35 day notice) (four weeks' notice)
   b) Use preliminary estimates plus large contingency or the maximum assessment
9) Town begins process of issuing bonds
10) Town proceeds with engineering and bidding for project
11) Town awards project bid and sets SAA assessment by ordinance
    a) Property owners have 25 X days to prepay their assessments. before the lien is filed and interest takes effect.
12) Bonds are issued, project may proceed

The entire process to put an SAA into place is expected to take six to eight 6-8 months. As such, petitions must be received by the Town by June 30 of year one 1 in order to proceed with the improvements in year two 2.
PID timelines have yet to be defined by the Town.

Assessments

Assessments will typically be distributed among property owners in a manner commensurate with the benefit received by each property. In the case of water or sewer line extension, for example, it is assumed that the benefit received by each lot is equal, regardless of size or valuation of the lot, so a flat assessment would be applied to each lot. Assessments will be included on the Iron County property tax bill and collected along with general property taxes. The Town may requires that assessments be retired when a property is sold.

Financing Considerations

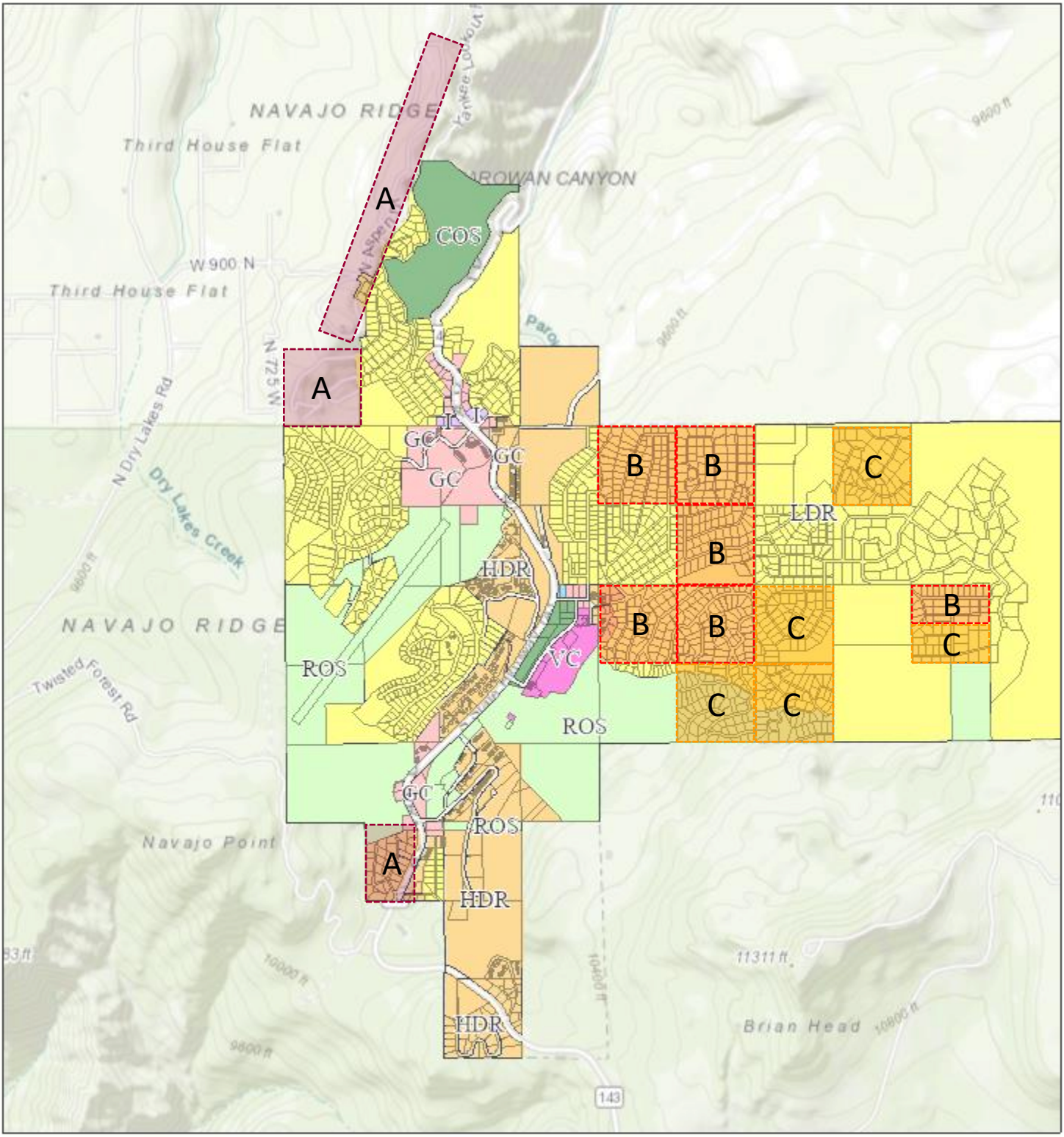
State Statute requires a 3:1 coverage ratio of property value to assessment for SAAs. The Town prefers a 4:1 or 5:1 coverage ratio to mitigate the risk to the public of financing a SAA project. However, Council may choose to identify the following ratios based on the Fire Protection Area Map as follows: Area "A": 3:1 coverage area. Area "B": 4:1 coverage ratio. Area "C": 5:1 coverage ratio. **may consider a 3:1 coverage ratio for proposed SAAs with a fire protection priority A, a 4:1 coverage ratio for proposed SAAs with a fire protection priority B, and a 5:1 coverage ratio for proposed SAAs with a fire protection priority C.**

SAA bonds will not exceed a ten-year term or 7.5% true interest cost. Bonds will be structured with an annual call provision to allow property owners to retire the entire outstanding assessment at any time but are required to pay the interest up until the call date regardless of when the assessment is paid. Each bond issuance will have a 10% debt service reserve funded by the proceeds of the bonds. The Town will only consider backstopping SAA or PID bonds with sales tax revenue or other Town guarantee under extraordinary circumstances where significant public interest is involved.

At no time will the Town carry more than five-million dollars $5 million in outstanding SAA debt.

Exhibit A – Map of Priority Areas
Exhibit B – Special Assessment Area Frequently Asked Questions

Fire Protection Priority Areas



July 29, 2022

Priority Levels

- A Critical for Fire Protection
- B Potentially Substantial for Fire Protection
- C Some Benefit for Fire Protection

1:36,112

0 0.23 0.45 0.9 mi

0 0.38 0.75 1.5 km

Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA

These prioritizations assume the completion of all 2022 SAA water lines and the Toboggan water line in 2023

BRIAN HEAD

Brian Head Town

Special Assessment Areas

What is a Special Assessment Area?

A Special Assessment Area (SAA) is an area legally defined through ordinance by the Town Council for the installation of public way improvements. Public way improvements may involve the installation of curb and gutter, sidewalks, and drive approaches where such improvements have not previously existed. Improvements may also include roadway and drainage improvements, accessibility ramp construction, and installation of culinary water and sanitary sewer systems. All SAA improvements must extend from existing similar Town owned and approved facilities. SAA projects upgrade the community through the elimination of drainage problems, pedestrian safety concerns, year-round access, fire protection and unsightly conditions in the public way.

What does it Cost?

Actual costs may vary based on specific construction needs and bids received from contractors when the Special Assessment Area is created. The sponsor of the SAA will work with the Town on preliminary engineering estimates for improvements.

At the completion of the project when actual costs are determined, a special tax assessment is placed on all abutting properties according to the proportional benefit received from the public way improvements. Property owners can pay the assessment in one lump sum or through equal annual installments. The installment plan for Water, Sewer and Street Extension SAA's are generally spread over ten years. Interest charges are accrued on the unpaid balance at a rate established by the Town Treasurer. This interest rate is set when the Town obtains a municipal bond for the project. Favorable interest rates have always been obtained because of the excellent bond rating held by Brian Head Town. Property owners who pay the entire assessment within fifteen days of the initial notification avoid any interest charges.

How do I get an SAA in my neighborhood?

Property owners can petition the Town for the installation or reconstruction of public way improvements through a Special Assessment Area. Those signing the petition must be the owners of the properties adjacent to the requested public way improvements, not residents that are renting or leasing the property. A petition form is provided at the end of this information sheet for your use in collecting signatures and determining support of the proposed project. Apparent support of the project, as indicated by those signing the petition, must represent greater than 50% of the total properties/lots of the proposed public way improvements for the Town Council to accept a petition and consider the creation of a Special Assessment Area.

Once the sponsor has acquired the required signatures that meet the majority of the property owners who are in favor of a SAA, the petition is to be submitted to the Town Clerk for

verification of signatures and legal property owners. Once confirmed, the Town Clerk will present the petition to the Town Council for approval.

How long does it take?

SAA petitions are given immediate attention. The time frame from receipt of a petition to construction is approximately 18 months (or sooner), pending the availability of capital improvement funding. Activities that occur during this time frame include public meetings to address property owner concerns, defining the project scope, designing the project, preparing cost estimates, determining the availability of funding, and complying with all SAA bonding requirements.

Please contact the Town offices to obtain more information and/or assistance.
Phone: 435-677-2029

Petition on following page must be completed and signed by the legal owner of the property.

Special Assessment Area Petition

Public Way Improvements

PETITIONERS' SPOKESPERSON:
_____**PHONE:** _____

MAILING ADDRESS: _____

PHYSICAL ADDRESS OF PROPERTY: SUBDIVISION:_____

UNIT: _____ **BLOCK:**_____ **LOT#**_____

LOCATION OF PROPOSED DISTRICT:

_____
_____
_____
_____
_____
_____

SPECIFIC IMPROVEMENTS REQUESTED:

- ☐ **Sidewalk**
- ☐ **Curb and Gutter**
- ☐ **Drive Approaches**
- ☐ **Total Street Reconstruction**
- ☐ **Water System**
- ☐ **Sewer System**
- ☐ **Gravel Road Construction**
- ☐ **Paved Road Construction**
- ☐ **Other:** _____

ADDITIONAL COMMENTS OR REQUESTS:

_____
_____
_____
_____
_____

_____
_____
_____
_____

Special Assessment Area Petitioners

Signature: _____ **Date:** _____

(Print Name: _____**)** **Phone:** _____

Mailing Address: _____

Subdivision: _____ **Unit**_____ **Block** _____**Lot**_____

Signature: _____ **Date:** _____

(Print Name: _____**)** **Phone:** _____

Mailing Address: _____

Subdivision: _____ **Unit**_____ **Block** _____**Lot**_____

Signature: _____ **Date:** _____

(Print Name: _____**)** **Phone:** _____

Mailing Address: _____

Subdivision: _____ **Unit**_____ **Block** _____**Lot**_____

Signature: _____ **Date:** _____

(Print Name: _____**)** **Phone:** _____

Mailing Address: _____

Subdivision: _____ **Unit**_____ **Block** _____**Lot**_____

Signature: _____ **Date:** _____

(Print Name: _____**)** **Phone:** _____

Mailing Address: _____

Subdivision: _____ **Unit**_____ **Block** _____**Lot**_____

Signature: _____ **Date:** _____

(Print Name: _____**)** **Phone:** _____

Mailing Address: _____

Subdivision: _____ **Unit**_____ **Block** _____**Lot**_____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit_____ Block _____Lot_____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit_____ Block _____Lot_____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit_____ Block _____Lot_____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit_____ Block _____Lot_____

(Attach additional sheets as needed)

STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

ITEM: **LAND MANAGEMENT CODE AMENDMENT - SUBDIVISIONS**
CHAPTERS 2,4,9,11, 12, & 13

AUTHOR: Bret Howser, Town Manager
DEPARTMENT: Administration

DATE: October 8, 2024
TYPE OF ITEM: Legislative Action

SUMMARY:

The Town Council will consider an ordinance amending the Land Management Code Chapters 2, 4, 9, 11, 12, and 13. These changes are intended to bring the Town Code in alignment with recent changes in State Statute regarding the subdivision process.

BACKGROUND:

In the 2023 Utah Legislature session SB174 and HB406 requires all municipalities to update their subdivision codes and ordinances to comply with the requirements in state law. The intent of this state legislation is to simplify the subdivision process at the local level. Brian Head is required to update our subdivision code by December 2024. The substantial changes have to do with who can be involved in the subdivision prosses, what the town can require and the timeline that they need to be done. Brian Head has contracted with the Hansen Planning Group to draft the code changes in alignment with state statute.

On May 29, 2024, the Hansen Planning group submitted the Initial review of Brian Head current code and ordinances. On June 18, July 2, July 16, and Aug 20, 2024, Planning Commission held discussion and in-depth review of the proposed changes. Hansen then incorporated the proposed edits from Planning Commission and staff and Planning Commission held a public hearing and forwarded a positive recommendation on Sep 3, 2024.

Town Council held a public hearing on 9-10-24 regarding the proposed changes and tabled the item due to only having 3 members present. Prior to tabling, the Council members that were present gave some input, and staff noted that there are further staff recommended refinements that they will bring back. Council resumed discussion on 9-24-24 and made a few recommended edits. Staff has since incorporated these edits into the ordinance.

ANALYSIS:

The Hansen Group was a little more thorough in their review than staff initially anticipated they would be, and the proposed edits include quite a bit of suggested cleanup not directly related to the subdivision changes. However, most of the substantial edits are related to the subdivision process. If approved the Town's subdivision process would now be:

- Optional pre-application conference (with staff)
- Concept plan review (with staff)
    - Optional for single-family and townhome
    - Review with Planning Commission by applicant request
- Preliminary Plat review/approval (Planning Commission)
    - Public hearing held at PC
- Final Plat review/approval by Staff

Other substantial edits proposed along with these changes include:

- Fence material language clarified
- 2 points of access for neighborhood changed from should to shall
- Cleanup bond clarified to allow for on or offsite damage repair
- Retaining walls to be reviewed by Planning Commission reduced from 18′ high to 12′ high

In addition to the amendments that Council reviewed prior to the 9-10-24 meeting, the following changes have been suggested by staff and included by the consultant.

- Remove several unnecessary definitions:
    - Culinary water authority – not used anywhere else in LMC
    - Development activity – used a couple times, but I don't think it needs to be defined
    - Land Use Authority, Administrative – never used
    - Change all uses of "Approval Authority" in Ch 4 to "Land Use Authority"
    - Mobile Home – only used in modular home definition
    - Modular Bldg – not used
    - Municipal utility easement – not used
    - Noncomplying Structure – Leave Nonconforming building, because its used extensively in Ch 6, and we're not changing chapter 6
    - Residential Roadway – not used in our code
    - Specified public agency – not used in our code
    - Specified public utility – not used in our code
- Clarify the relationship between the 30 and 40 day timelines for subdivision review and how those relate to Preliminary Plat approval and Final Plat approval
- Remove references to Concept Plan in standards for review for Preliminary Plat and Final Plat approvals since Concept Plan is optional.
- Other minor cleanup in Chapter 9

The Council brought up during discussion on 9-10-24 that they desired to have a requirement for screening between commercial/industrial uses and R1 uses. This provision is already included in Chapter 7 for light industrial. That screening requirement does not exist for other zones. If the Council wishes to include it for other zones, the Council should instruct staff to prepare that amendment to Chapter 7. Chapter 7 has not been noticed for a public hearing for this round of LMC amendments, so it can't be done today. However, there is a noticed public hearing for amending chapter 7 on the first meeting in October, so we can do it then if the Council desires.

Council reviewed the proposed ordinance on 9-24-24 and asked for the following edits:

- 9-12-6(E)(1)(a): remove collector road intersections from the street light requirements
- 9-9-7(B)(3)(b): combine (ii) and (iii)
- 9-4-1(F)(1): exclude single-family residential from minor structure alteration permit
- 9-12-11(B): limit retaining wall height
    - Staff was asked to recommend language, and the following language is submitted:
    - "No single retaining wall face shall exceed seven feet (7′) in height and no retaining wall system shall exceed twenty feet (20′) in height."

FINANCIAL IMPLICATIONS:
N/A

BOARD/COMMISSION RECOMMENDATION:
The LMC edits recommended by the Planning Commission and staff are in the attached ordinance

STAFF RECOMMENDATION:
Staff recommends approval of the attached ordinance and LMC amendment

PROPOSED MOTION:
I move to adopt ordinance No. 24-014 amending the Land Management Code chapters 2, 4, 9, 11, 12, and 13 to bring the Brian Head Town Code in compliance with state statute with regard to the subdivision approval process and amending other elements of the Land Management Code, as presented.

ATTACHMENTS:
A – Hansen Group Summary Letter
B – Draft Ordinance

HANSEN PLANNING GROUP

801.550.5075
HansenPlanningGroup.com

124 B Street
Springville UT, 84663

Brian Head Planning Commission
(c/o Bret Howser, bhowser@bhtown.utah.gov)

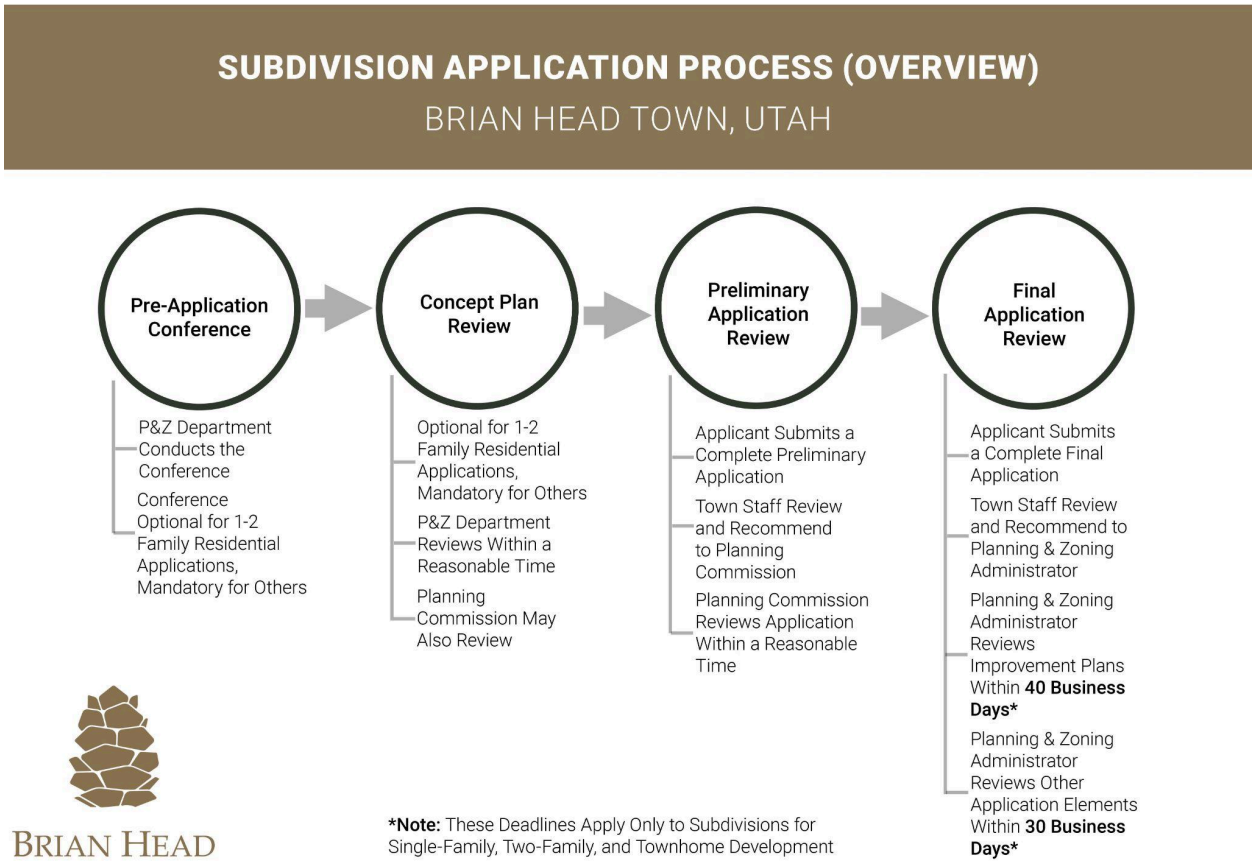
September 18, 2024

RE: BRIAN HEAD SUBDIVISION CODE UPDATE - TOWN COUNCIL TRANSMITTAL

Our team has been working on compiling the final edits that were discussed in your recent Town Council meeting. We have made the following changes to the drafts you reviewed previously:

- Fixed **minor formatting and spelling**. Also resolved any discussion notes from the drafts.
- Refined **definitions** title. Removed definitions that are not explicitly referenced in the other titles of the Town's code.
- **Performance bond amount**. Verified that the state statute limits municipalities to requiring 100% of the estimated cost of improvements, and allows an additional 10% for administration. No change was made to 9-13-7(B)(1). See also UCA 10-9a-604.5(5).
- **Screening between uses**. Reviewed the current policy (9-12-5(B)(2)) for any recommended changes that would improve buffering for parking between uses. We felt that the existing language gives the Town the ability to address concerns with site plans.
- **Retaining wall approval**. Reduced the height of terraced retaining walls that can be built without formal review by the Land Use Authority from 18' to 12' (see 9-12-11(B)(3)).
- Clarified references to the **concept plan/review**.
- Clarified the **final approval process**. The current draft now says that the Planning and Zoning Administrator is in charge of reviewing (with help from Town staff) and approving final applications. This includes subdivision improvement plans / engineering drawings for improvements, which are not submitted in a preliminary plat application (state law requires the Town to pick either the preliminary or final application for reviewing these plans).
- Clarified the **"subdivision improvement plan review" and the "subdivision ordinance review"** (See 9-9-2(D)(a)(i) and (ii)). The improvement plan review is for reviewing and considering the improvement plans associated with the development. The ordinance review is checking all other aspects of an application to ensure that it meets the Town's standards. These two actions have different maximum review periods under state law (40 business days for improvements and 30 business days for other requirements). But if the Town prefers, these two actions can be combined, in which case the 30-business-day requirement would apply.

The following flowchart describes the general process laid out in the draft. This flowchart can be added to the draft and/or attached to application forms:



Thank you for working with us, and please don't hesitate to contact us with any questions.

Respectfully,

Mike Hansen, Hansen Planning Group

encl:

- **Title 9.2 (definitions)**.
- **Title 9.4 (submittal requirements)**.
- **Title 9.9 (subdivisions)**.
- **Title 9.11 (flexible approach)**.
- **Title 9.12 (design standards)**.
- **Title 9.13 (enforcement)**.

HANSEN PLANNING GROUP

BRIAN HEAD

ORDINANCE NO. 24-___

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTERS: 2- DEFINITIONS; 4 SUBMITTALS; 9 SUBDIVISIONS; 11 FLEXIBLE APPROACHES; 12 DESIGN GUIDELINES FOR CONSTRUCTION; AND 13 ENFORCEMENT; TO BRING BRIAN HEAD TOWN IN COMPLIANCE WITH STATE STATUTE WITH REGARDS TO THE SUBDIVISION APPROVAL PROCESS AND AMENDING OTHER ELEMENTS OF THE LAND MANAGEMENT CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Utah State Legislature identified changes in their 2023 Legislative Session requiring municipalities to amend their subdivision processes by December 2024 to be in compliance with state statutes; and

WHEREAS, the Brian Head Planning Commission held a public hearing on September 3, 2024, giving at least fourteen (14) days' notice before the public hearing to receive public comment. The Planning Commission forwarded their recommendation of approval to the Brian Head Land Management Code, Chapters 2 Definitions; 4 Submittals, 9 Subdivisions; 11 Flexible Approaches; 12 Design Guidelines; and 13 Enforcement to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on September 10, 2024, giving at least fourteen (14) days' notice to receive public comment on the proposed amendments Brian Head Land Management Code; 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, Chapters 2 Definitions; 4 Submittals; 9 Subdivisions; 11 Flexible Approaches; Chapter 12 Design Guidelines for Construction; and 13 Enforcement hereby as **Attachment "A".** All changes are identified in red and/or blue font.

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 of the Brian Head Town Code.

DRAFT

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 ____ day of October, 2024 with the following vote.

TOWN COUNCIL VOTE:

Mayor Clayton Calloway	Aye____	Nay____
Council Member Martin Tidwell	Aye____	Nay____
Council Member Kelly Marshall	Aye____	Nay____
Council Member Larry Freeberg	Aye____	Nay____
Council Member Mitch Ricks	Aye____	Nay____

BRIAN HEAD TOWN COUNCIL

By: _____
Clayton Calloway, Mayor

ATTEST:

_____
Nancy Leigh, Town Clerk

(SEAL)

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 ____ day of October 2024, and have posted a complete of the ordinance in a conspicuous place within the Town of Brian Head, to-wit: Town Hall and have posted a copy on the Public Meeting Notice Website and on the Town website: brianheadtown.utah.gov as per UCA 63-30-102.

Nancy Leigh, Town Clerk

DRAFT

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 physically detached from~~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 they are~~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, board, commission, agency, or other body designated by ordinance to decide an appeal or a decision of a land use application or a request for variance. For the purposes of this title, t~~T~~he 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.~~ A sketch or rough drawing that may be submitted to the Town for informal review prior to the submission of a preliminary plan/plat. The purpose of the concept plan is to enable an applicant to discuss with relevant Town Staff the form of the subdivision plat/plans and the objectives of applicable regulations and requirements for subdivision approvals within the Town.

Commented [1]: Need. 9-9-3, 9-9-4,

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.

COUNTY: Means Iron County, Utah.

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.

DEVELOPMENT AGREEMENT: A written agreement or amendment to a written agreement between the Town and one (1) or more parties that regulates or controls the use or development of a specific area of land. Development agreement does not include an improvement completion assurance.

Commented [2]: Development Activity = Need: 9-9-7c1, 9-12-13d

DRAINAGEWAY: C~~ollect, flow or are c~~hanneled 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)

Commented [3]: Development Agreement = Need: 9-4-1, 9-4-2d, 9-9-7b, 9-11-4, 9-11-5

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 (1) dwelling unit.

DWELLING, SINGLE-FAMILY (RESIDENCE): A building arranged or designed to be occupied by one (1) family.

DWELLING UNIT: Any building or portion thereof, designed and used for the sleeping place of one (1) 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)

IMPROVEMENT(S): 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)

IMPROVEMENT PLAN(S): An applicant's plans to complete all required improvements as a condition of subdivision approval, and for which the applicant may be required to post a completion assurance. Improvement plans may include studies, reports, and engineering drawings, as applicable.

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

LAND USE APPLICANT: A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

LAND USE APPLICATION: An application that is required by the Town and submitted by a land use applicant to obtain a land use decision. Land use application does not mean an application to enact, amend, or repeal a land use regulation.

LAND USE AUTHORITY: A person, board, commission, agency, or body, including the Town Council, designated by the Town Council to act upon a land use application or if the Town Council has not designated a person, board, commission, agency, or body, the Town Council.

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding a land use permit or a land use application.

LAND USE PERMIT: A permit issued by a land use authority.

LAND USE REGULATION: A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land. A land use regulation includes the adoption of amendment of a zoning map or the text of this title. A land use regulation does not include a land use decision of the Town Council acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially increase a land use applicant's cost of development compared to the existing specification or impact a land use applicant's use of land.

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)

MODERATE INCOME HOUSING: Housing occupied or served 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.

~~**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.~~

~~NONCOMPLYING STRUCTURE:~~ A structure that legally existed before the structure's current land use designation and because of one (1) or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, 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 (1) 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)~~Any real property that is not a lot.

PARCEL BOUNDARY ADJUSTMENT: A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by boundary line agreement in accordance with Utah Code Annotated §10-9a-524 et. seq., if no additional parcel is created and none of the property identified in the agreement is a lot, or the adjustment is to the boundaries of a single person's parcels. Parcel boundary adjustment does not mean an adjustment of a parcel boundary line that creates an additional parcel or constitutes a subdivision. Parcel boundary adjustment does not include a boundary line adjustment made by the Utah Department of Transportation.

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~~.

PEDESTRIAN WAY: 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.

PERSON: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

PLANNING COMMISSION: The Brian Head Town Planning Commission, established pursuant to authority granted by Utah Code Annotated § 10-9a-301 et. seq.

PLAT: An instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Utah Code Annotated §10-9a-603 or §57-8-13 et. seq.

A. PLAT, PRELIMINARY: Includes the preliminary plat and associated drawings which are prepared by an applicant to illustrate the proposed layout and intended construction of a subdivision resolving most technical details for the purpose of determining compliance with federal, state, and local regulations.
B. PLAT, FINAL: A final subdivision map or condominium map prepared in accordance with the provisions of this title, other applicable ordinances, and laws, on which the applicant's plan of a subdivision is presented to the Land Use Authority for approval, and which, if approved shall be placed on record in the Iron County Recorder's Office.
C. PLAT, MAJOR: A plat describing any subdivision that is not a minor plat subdivision. A major plat may also be either a preliminary or final plat.
D. PLAT, MINOR: A plat describing a subdivision creating ten (10) or fewer parcels and that requires no public improvements. A minor plat may also be either a preliminary or final plat.

POTENTIAL GEOLOGIC HAZARD AREA: An area that is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area. May also be referred to in this title as "sensitive lands."

~~**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

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the subdivision, for the purpose of controlling the access to the street by the property abutting the subdivision.

PUBLIC AGENCY: The federal government, the state of Utah, a county, municipality, school district, special district, special service district, other political subdivision of the State, or a charter school.

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

PUBLIC MEETING: A meeting that is required to be open to the public under Utah Code Annotated §52-4 et. seq.

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.

RECORD OF SURVEY MAP: A map of a survey of land prepared in accordance with Utah Code Annotated §10-9a-603, §17-23-17, or §57-8-13 et. seq.

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 their~~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)

REVIEW CYCLE: The occurrence of the applicant's submittal of a complete subdivision application; the Town's review of, and response to that subdivision application in accordance with Utah Code Annotated §10-9a-604.2 et. seq.; and the applicant's reply to the Town's response that addresses each of the Town's required modifications or requests for additional information.

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.

SENSITIVE LANDS: Means the same as "Geologic Hazards" and "Potential Geological Hazard Areas" definitions.

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.

STATE: Includes any department, division, or agency of the State of Utah.

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: Any structure utilized or intended for supporting or sheltering any occupancy". This includes buildings, non-building structures, and accessory structures like towers, barns, and retaining walls.~~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:~~Any land that is divided, resubdivided, or proposed to be divided into two (2) or more lots or other division of land for the purpose, whether immediate or future, for offer , sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

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".~~Subdivision

includes the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and except as provided herein, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

B. ~~Division or re-subdivision of land into lots, sites, or parcels.~~Subdivision does not include:

1. a bona fide division or partition of agricultural land for the purpose of joining one (1) of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
2. a boundary line agreement recorded with the Iron County Recorder's Office between owners of adjoining parcels adjusting the mutual boundary in accordance with Utah Code Annotated §10-9a-524 et. seq. if no new parcel is created;
3. a recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one (1) legal description encompassing all such parcels, or joining a lot to a parcel;
4. a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah Code Annotated §10-9a-524 and §10-9a-608 et. seq., if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;
5. ~~a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel(s), does not confer any land use approvals, and has not been approved by the land use authority;~~
6. a parcel boundary adjustment;
7. a lot line adjustment;
8. a road, street, or highway dedication plat;
9. a deed or easement for a road, street, or highway purpose; or

~~B.~~10. any other division of land authorized by law.

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)~~

SUBDIVISION AMENDMENT: An amendment to a recorded subdivision in accordance with Utah Code Annotated §10-9a-608 et. seq. that vacates all or a portion of the subdivision, alters the outside boundary of the subdivision, changes the number of lots within the subdivision, alters a public right-of-way, a public easement, or public infrastructure within the subdivision, or alters a common area or other common amenity within the subdivision. Subdivision amendment does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

SUBDIVISION APPLICATION: A land use application for the subdivision of land.

SUBDIVISION IMPROVEMENT PLANS: The civil engineering plans associated with required infrastructure improvements and Town controlled utilities required for a subdivision.

SUBDIVISION ORDINANCE REVIEW: The review by the Town to verify that a subdivision application meets the criteria of the Town's ordinances.

SUBDIVISION IMPROVEMENT PLAN REVIEW: A review of the applicant's subdivision

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improvement plans and other aspects of the subdivision application to verify that the application complies with the Town's ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

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 two hundred square feet (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)

ZONING MAP: A map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts within the Town.

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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 land use permits and approvals required in this title. The Planning and Zoning Administrator~~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 (1) physical and one (1) electronic copy of all required submittals shall be provided to the Planning and Zoning Department by the applicant.

B. Land Use Application Type And Requirements~~Designation~~:

1. General Plan Amendment
    a. Land Use Authority~~Approval Authority~~: Town Council
    b. Submittal Requirements:
        i. Application Form & Fees

2. Zone Amendment
    a. Land Use Authority~~Approval Authority~~: Town Council
    b. Submittal Requirements:
        i. Application Form & Fees
        ii. Referral Packet

3. Conditional Use Permit
    a. Land Use Authority~~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. Land Use Authority~~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. Property **Boundary Adjustment /** Lot Line Adjustment / Boundary Line Agreements
    a. Land Use Authority~~Approval Authority~~: Planning and Zoning Administrator~~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. Land Use Authority~~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. Land Use Authority~~Approval Authority:~~ Preliminary Plat: Planning Commission~~Town Council~~
    ~~a.~~b. Land Use Authority Final Plat: Planning and Zoning Administrator
    ~~b.~~c. Submittal Requirements:
        i. ~~Schematic (~~Concept~~)~~ Plan Review (unless exempted)
            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
            ~~II.~~III. Subdivision Improvement Plans
            ~~III.~~IV. Development Agreement

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~~IV.~~V. Covenants, Conditions & Restrictions
~~V.~~VI. Security Agreement

4. Residential Planned Development
    a. Land Use Authority~~Approval Authority~~: Planning Commission~~Town Council~~
    b. Submittal Requirements:
        i. Application Form & Fees

D. Non-Structure Improvements

1. Grading & Excavating Permit
    a. Land Use Authority~~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. Land Use Authority~~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. Land Use Authority~~Approval Authority~~: Planning and Zoning Department
    b. Submittal Requirements:
        i. See Grading & Excavating Permit requirements

4. Landscape Approval
    a. Land Use Authority~~Approval Authority~~: Planning and Zoning Department
    b. Submittal Requirements:
        i. Site Restoration & Landscaping Plan

5. Sign Permit
    a. Land Use Authority~~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. Land Use Authority~~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. Land Use Authority~~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. Land Use Authority~~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. Land Use Authority~~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~~). Single-family residential structures are not required to obtain a permit.
    a. Land Use Authority~~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. Land Use Authority~~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. Land Use Authority~~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. Land Use Authority~~Approval Authority~~: Public Safety
    b. Submittal Requirements:
        i. Application form

2. Wireless Telecommunications Approval
    a. Land Use Authority~~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. Land Use Authority~~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. Land Use Authority~~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 shall~~must~~ be accompanied by the applicable fee payment as outlined in the Town's consolidated fee schedule. ~~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 Recommending Body or Land Use Authority~~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 applicant~~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. A~~and a~~ north arrow, scale, in addition to the following information shall be illustrated on the plans:~~-~~

1. Illustrations of exterior structure designs;

2. Building heights and roof pitches;

3. Architectural styling~~e~~ details: ~~(including type and color of exterior material(s) to be used)~~
   a. S~~Please include s~~amples or pictures of proposed exterior materials, including roofing materials, shall be provided, including types and colors;
   ~~a.~~b. A manufacturer's Light Reflective Value (LRV) for metal roofs shall be provided;

~~4. Roof material, color, and pitch~~
   ~~a.~~c. ~~Must provide manufacturer's Light Reflective Value (LRV) for metal roof~~

   ~~5.~~c. Height of any exposed foundations; and

   ~~a.~~d. Type of windows;
   ~~b.~~e. Type and style of exterior lighting (ord. 22-010, 9-27-22)

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D. Development Agreement: When applicable, the applicant shall provide a~~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: A development report shall be provided by the applicant that includes:

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 by a licensed professional qualified to perform such work in the state of Utah that illustrates~~ing~~ the following: ~~–~~

1. Existing conditions of the site, including:
   a. ~~Existing t~~Topography and vegetation;
   b. Previously disturbed areas;
   c. Areas showing signs of, or which have 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. Plans shall c~~C~~learly show any tiering of walls with heights of each tier; and
   b. Notes describing materials to be used for retaining walls;

7. Proposed storm drainage infrastructure. (ord. 22-010, 9-27-22)

~~7.~~8. The engineered grading plans will display the applicant's name, property address, phone number as well as the preparer's company name, address, and phone number. A north arrow, and scale shall also be included.

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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. A~~and a~~ north arrow, scale, in addition to the following information shall be provided:

1. Site boundaries with dimensions;
2. Protection area boundaries (wetlands, spring/well protection, flood plains, etc.);
3. Existing topography, with slopes over ten percent (10%), twenty five percent (25%) and forty percent (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(s);~~.~~
7. Existing emergency access, fire lanes and fire hydrants;
8. Footprint of existing structures with their uses indicated;~~.~~ and
9. Existing drainage systems (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. A~~and a~~ north arrow, scale, in addition to the following information shall be provided:

1. Site boundaries with dimensions;
2. Protection area boundaries (i.e., wetlands, spring/well protection, flood plains, etc.);
3. Proposed topography, with slopes over ten percent (10%), twenty five percent (25%) and forty percent (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(s);~~.~~

6. Proposed cut/fills;

7. Proposed drainage~~ing~~ system including location and dimensions of easement(s).

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. Subdivision improvement~~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 L~~l~~and U~~u~~se A~~a~~uthority.

14. Waterway or floodplain setbacks

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

I. Improvement Plan (Subdivisions): The applicant will provide plans to complete all required improvements as a condition of subdivision approval. The applicant may also be required to post a completion assurance. Improvement plans may include studies, reports, and engineering drawings, as applicable.

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

1. $1,000,000 minimum coverage; and

2. Brian Head Town named as additional insured.

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

~~J.~~K. **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. A~~and a~~ north arrow, scale, in addition to the following information shall be included:

1. Site boundaries with dimensions;
2. Protection area boundaries (i.e., wetlands, spring/well protection, flood plains, etc.);
3. Existing and proposed topography, with slopes over ten percent (10%), twenty five percent (25%) and forty percent (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 dimensions of easement(s);~~.~~
6. Proposed cut/fills;~~.~~
7. Proposed drainage~~ing~~ system(s) 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;~~.~~ and
13. Waterway or floodplain setbacks.

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

~~K.~~L. **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.~~M. **Schematic (Concept) Subdivision Plat:** The applicant will provide a schematic (concept) plat ~~map~~ which displays the applicant's name, property address, phone number as well as the preparer's company name, address, and phone number. A~~and a~~ north arrow, scale, in addition to the following information shall be provided:

1. Site boundaries with dimensions;

2. Protection area boundaries (i.e., 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; and

6. Approximate location of~~Indicate~~ primary ~~access~~ and secondary emergency access and fire lanes.

~~M.~~N. **Security Agreement**: 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. (amd. ord. 22-010, 9-27-22)

~~N.~~O. **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 proposed signs;~~.~~ and

5. If~~Indicate whether~~ the sign is to be permanent or temporary in nature, and if temporary, indicate the dates the signage will be employed.

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

~~O.~~P. **Site Plan:** The applicant will provide clear and precise site plan(s) which display the applicant's name, property address, phone number as well as the preparer's company name, address, and phone number. A~~and a~~ north arrow, scale, in addition to the following information shall be provided:

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 their uses indicated;

7. Footprint and square footage of proposed structures, with their proposed 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; and

13. Number of parking spaces.

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

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

1. All disturbed, undisturbed, and landscaped areas;.

2. Locations of walls, walkways, patios, fences, trees, and other vegetation including:
   a. Descriptions of materials proposed to be used;. and

   3.b. Specification of species, variety, number and size of trees and shrubs.

   4.3. Description of restoration measures for remaining disturbed areas, including xeriscape and reseeding.

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

Q.R. **Soil/Geology Report: The applicant shall provide:**

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 to perform such work 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 investigations 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

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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;~~,~~ or

h. Sand.

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

4. The 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. (e.g.,~~One such example would be the~~ existence of an active or inactive deeply buried landslide, etc.).

S. **Surveyors Certificate & Legal Description**:

1. A Surveyor's Certificate is prepared by a registered surveyor licensed to perform such work in the State and should be in a form substantially similar to the following:

a. SURVEYOR'S CERTIFICATE

I, [NAME OF PROFESSIONAL LAND SURVEYOR], do hereby certify that I am a Professional Land Surveyor, and that I hold License No. [INSERT LICENSE NUMBER], in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act. I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as [INSERT NAME OF SUBDIVISION, INCLUDING PHASE NUMBER IF APPLICABLE] and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

~~R.~~2. Legal descriptions prepared by the registered surveyor shall depict~~sing~~ the locations and dimensions of improvements, structures and b~~B~~uildings on the l~~L~~ands including encroachments,, registered charges, ~~dimension of the improvements, structures and bBuildings, encroachments on the lLands,~~ and other property information typical of survey

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

~~S.~~T. **Title Report:** A title report must be prepared by a title company or other entity bonded to ensure the accuracy of the title information for all associated parcels or lots within the proposed subdivision boundary. Title reports must be dated no more than thirty (30) days prior to its submission to the Town and shall indicate all easements, restrictions, covenants and reservations of record. amd. ord. 15-004, 4-28-2015, amd. ord. 22- 010, 9-27-22)

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

1. Specific location of all trees to be removed.
2. Plan for tree removal and disposal from property. (ord. 22-010, 9-27-22)

~~U.~~V. **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.~~W. **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 9

SUBDIVISIONS

9-9-1 : PURPOSE:
9-9-2 : SUBDIVISION REVIEW CYCLES:
~~9-9-2~~9-9-3 : SUBDIVISION PROCESS:
~~9-9-3~~9-9-4 : PLAT AMENDMENTS:
~~9-9-4~~9-9-5 : SUBDIVISION BY METES AND BOUNDS:
~~9-9-5~~9-9-6 : CONVERTIBLE OR EXPANDABLE AREA FOR CONDOMINIUMS:
~~9-9-6~~9-9-7 : WATER RIGHTS ACQUISITION AND CONDITIONS:
~~9-9-7~~9-9-8 : INCENTIVIZED INCLUSIONARY HOUSING:

9-9-1: PURPOSE:

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

9-9-2: SUBDIVISION REVIEW CYCLES:

A. For each complete subdivision application, the Town shall review the submitted plat, plans, and other application materials through the review cycles established by this section and Utah Code Annotated §10-9a-604.2 et. seq. to ensure compliance with all requirements of this title, and all other governing laws including, but not limited to, land use regulations, applicable land use decisions, ordinances and standards.
B. A review cycle shall begin with the Town's receipt of either a complete application for a new subdivision or a complete review response submitted as part of a prior review cycle.
C. The Town may issue review comments with each review cycle to correct any deficiencies on the submitted plat, subdivision improvement plan~~t~~s, and related information, documents, and materials.
D. The Town shall complete its review and shall issue review comments within the following timeframes:
    a. Residential Single Family, Two-Family, or Townhome Subdivision Applications:

        i. Preliminary Plat Review:
            1. The Town shall have a reasonable timeframe to complete its review and to issue review comments on preliminary subdivision plats and other application materials.

        ii. Final Plat; Subdivision Improvement Plan Review:

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1. Except for properties containing sensitive lands, the Town shall have forty (40) business days after the receipt of a complete application to complete the initial subdivision improvement plan review and issue review comments to the applicant.
2. The Town shall not require more than four (4) subdivision improvement plan cycles.
3. The Town may require additional information relating to an applicant's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements, and/or modifications to plans that do not meet current ordinances, applicable standards or specifications, or which contain incomplete information. The Town's request for additional information or modification to plans shall be specific and shall include citations to ordinances, standards, or specifications that require the modifications to the proposed subdivision improvement plans, which shall be logged in an index of requested modifications or additions.
4. In addition to revised subdivision improvement plans, an applicant shall provide a written explanation in response to the Town's review comments, identifying and explaining the applicant's revisions including any reasons for declining to make revisions, if any. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design, and an index of requested revisions or additions for each required correction. If an applicant fails to address a review comment in their response, the review cycle shall not be considered complete and a subsequent review cycle may not begin until all comments are addressed.
5. If an applicant makes a material change to a subdivision improvement plan the Town shall have the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantially affects. Unless a change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the Town's subdivision improvement plan review is waived, unless a modification or correction is necessary to protect the public health and safety or to enforce state or federal law.
6. If an applicant does not submit a revised subdivision improvement plan within forty (40) business days after the Town requires a modification or correction to the subdivision improvement plan, the Town shall have an additional twenty (20) business days to respond to a revised subdivision improvement plan.
7. After the applicant has responded to the final review cycle and the applicant has complied with each modification requested in the Town's previous review cycle, the Town may not require additional revisions if the applicant has not materially changed the subdivision improvement plan, other than changes that were in response to requested modifications or corrections.
8. If, on the fourth or final review, the Town fails to respond within twenty (20) business days, the Town shall, upon the request of the applicant, and within ten (10) business days after the day on which the request is received, assemble an appeal panel in accordance with Utah Code Annotated §10-9a-508(5)(d) et. seq. to review and approve or deny the final revised set of subdivision improvement plans.

Commented [1]: If this final split between final improvement plan review and ordinance review is too confusing, we can combine them and go with the shorter 30-business-day timeline. The state splits up these tasks with different timelines for some reason, but in practice, they are often reviewed together.

iii. Final Plat; Subdivision Ordinance Review:

1. Except for properties containing sensitive lands, the Town shall have thirty (30) business days after the receipt of a complete subdivision application to complete the initial subdivision ordinance review and issue review comments to the applicant.
2. If, on the final review, the Town fails to respond within twenty (20) business days, the Town shall, upon request of the applicant, and within ten (10) business days after the day on which the request is received, advise the applicant in writing, of the deficiency in the application and of the right to appeal in the determination to the Town's Appeal Authority.

b. All Other Plats And Subdivision Improvement Plans:

i. For all other plats and subdivision improvement plans, the Town shall have a reasonable timeframe to complete its review and to issue review comments.

9-9-3: SUBDIVISION PROCESS:

Subdivision of land shall~~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, an applicant~~subdivider~~ shall participate in a pre-application conference with the Planning and Zoning Department. (Note that this conference is not mandatory for applications for subdivision applications for single-family, two-family, or townhouse developments). This will provide the applicant~~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)

~~A.~~1. Single Family, Two Family, Townhome Exception: If the proposed subdivision application is for a residential single family, two-family, or townhome development, an applicant shall not be required to attend a pre-application conference. However, an applicant may request a pre-application conference~~/schematic (concept) plan review~~ to be conducted by the Town pursuant to Utah Code Annotated §10-9a-604.1 et. seq. The applicant's request shall be submitted to the Planning and Building Department along with any applicable applications or materials that are ordinarily required by this code including any applicable fees as outlined in the Town's consolidated fee schedule.

B. Concept~~Schematic (Concept)~~ Plan Review:

1. **Purpose**: The concept~~schematic (concept)~~ plan is intended to be an informal and abbreviated submittal, to allow the applicant and Town Staff~~the review boards~~ to determine the basic feasibility of the proposal before the applicant's incurring ~~the~~of time and expenses of a formal subdivision application ~~for the~~ (i.e., preliminary and final plats). ~~Town staff and Planning Commission r~~Recommendations, suggestions and interpretations supplied to the applicant during the concept plan~~schematic plan~~ review are advisory and shall not be considered binding on the Town.

2. **Review Process:**

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a. **Submittal Requirements:** See chapter 4 of this title for the information to be included in on or with the concept planschematic plan.

b. After determining a complete application has been received, tThe Planning and Zoning Department shall distribute copies of the submitted application to and other necessary Town Departmentsstaff and may include affected entities who may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the public. 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 outlined in this sectionfor Schematic Plan Renew. The application and staff comments are then forwarded to the Planning Commission if requested by the applicant.

c. Optional Planning Commission Review: Within a reasonable time after the Planning and Zoning Department review, the concept planschematic plan mayshall be presented to the Planning Commission at a regular meeting. During this review, the Planning Commission mayshall 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's General Plan and other applicable master plans adopted by the Town;, this title including the Design Standards found in chapter 12 zoning regulations,; Public Works Standards, Design Standards chapter 12 and other relevant sections of the Town's Codeis title.

b. 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, and visual impacts, and preservation of views.

c. 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 applicant.

b.i. **Water:** The proposed water source supplying the subdivision 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.ii. **Sewer:** The proposed sewage system servicing the subdivision is connected to the Town's sewer system and will be designed to meets the standards and regulations set forth by the Town and State and Town standards and regulations. (2010 Code, amd. ord. 15-004, 4-8-2015)

d.iii. **Fire Protection:** The proposed method for fire protection complies with this title and other regulations as applicable.

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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.d. **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 conceptschematic (concept) 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. The Planning and Zoning Administrator shall notify the applicant in writing of review findings, including any questionable design or engineering feasibility issues, inadequacy of submittals, noncompliance with local regulations, and/or the need for other information which may assist the Town during subsequent evaluations. Review findings shall not constitute an approval or disapproval of the proposed subdivision, but rather shall operate in such a manner as to give the applicant guidance as to the requirements and constraints for the applicant's proposed subdivision.

6. Once conceptschematic (concept) plan recommendations have been received from the Town the applicant may apply for preliminary plat approval consistent with the conceptschematic (concept) plan.

7. A concept plan application and Town approval is recommended but shall not be required for subdivision applications intended for single-family, two-family, or townhome development.

5.8. If the applicant does not proceed with the preliminary plat review application within six (6) months of completing the conceptschematic (concept) plan review, the applicant shall resubmit the proposed conceptschematic (concept) plan and the Planning and Zoning Administrator shall determine whether the conceptschematic (concept) plan review process shall be repeated. One (1) extension not to exceed six (6) months may be granted by the Planning and Zoning Administrator if the Town's ordinances regulating subdivisions have not changed, and if the applicant requests the extension in writing prior to the expiration of the initial approval. (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 in greater detail the proposed subdivision's design in order to minimize changes and revisions which might otherwise be necessary on the final plat

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and associated subdivision improvement plans. 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:

2.

a. **Compliance with** the Town's General Plan and Ordinances~~**ConceptSchematic (Concept) Plan:** The proposal does not significantly deviate from the conceptschematic (concept) plan insofar that the conceptschematic (concept) plan was consistent with local ordinances and state statutes.~~:

a. The proposed subdivision conforms to the Town's General Plan and other applicable master plans adopted by the Town; this title including the Design Standards found in chapter 12; Public Works Standards; and other relevant sections of the Town's Code.

b. 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, and visual impacts~~, and preservation of views~~.

c. Public Services: Adequate public services are available to meet the needs of the proposed subdivision, including roads, water, sewer, storm water, gas, sanitation, electric, telecommunications, transit, snow storage areas, police and fire protection, and recreation. If adequate services do not exist at the time of application, provisions or plans for expansion of services concurrent to the subdivision development.

~~b.~~i. **Water:** The proposed water source~~distribution system~~ supplying the subdivision ~~is~~will be connected to the Town's water distribution system and has adequate supply, capcity, and the method of distribution will be designed to meet~~s~~ the requirements of the Town; (2010 Code, amd. ord. 15-004, 4-28-2015)

ii. **Sewer and Sewer Treatment:** Provision has been made for a public sewer collection system ~~and~~ that is connected to the Town's sewer system and meets Town requirements, including sufficient capacity for sewer treatment. (2010 Code, amd. ord.15-004, 4-28-2015)

~~c.~~d. Fire Protection: The proposed method for fire protection complies with this title and other regulations as applicable.

~~d.~~e. ~~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:** The~~After completing the conceptschematic (concept) 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.

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The applicant shall provide the Town with sufficient information so that it can provide notice by transmittal letter to such affected entities (i.e., 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~~ a minimum of three (3) business days prior ~~by~~to the date of the public hearing set for the preliminary plat approval for the review and consideration of the Land Use Authority. The developer shall pay for all costs incurred.

b. Town ~~S~~staff Review:

i. Within a reasonable ~~amount of~~ time, the Planning and Zoning Administrator and/or other relevant Town S~~s~~taff shall review the preliminary plat application for general compliance with these regulations~~:~~ including the Town's Public Works Standards, Design Standards and other ordinances, when 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 Land Use Authority~~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. Land Use Authority~~**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, t~~The Planning Commission shall hold a public hearing ~~consistent with UCA §10-9a-602 as amended,~~ to review and ~~recommend~~ act thereon. If the Planning Commission finds that the proposed preliminary 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 preliminary 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 denialy of such~~deny the proposed preliminary 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 by the Town (unless formally waived by the

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Commented [4]: NOTE: Outdated reference, and requirement for public hearing is no longer required for preliminary plat approval by the state.

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Land Use Authority~~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 Land Use Authority~~Town Council~~. This time period may be extended for no more than one (1) ~~an~~ additional six (6) month~~s~~ period of time by the Planning and Zoning Administrator~~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 (1) 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 L~~l~~and U~~u~~se A~~a~~uthority 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 subdivision improvement plans submitted shall conform in all respects to those regulations and requirements specified during ~~the schematic plan and~~ preliminary plat review~~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 subdivision improvement plans~~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 applicant~~subdivider~~ shall file an application for final plat approval

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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 Ddepartments (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. Such reviews shall be conducted consistent with section 9-9-2 of this chapter.

b. 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. **Land Use AuthorityTown Council Review:** Upon receipt of the final plat and the Town StaffPlanning Commission's recommendation, the Planning and Zoning AdministratorTown 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 applicantsubdivider in writing of the changes or additions that must be made for approval; or

   iii. CTable or continue the application to allow the applicantsubdivider to make revisions. The applicantsubdivider 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 applicantsubdivider 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 one (1) additional six (6) month time period by the Planning and Zoning AdministratorTown Manager. The applicantsubdivider 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

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4. well as the amounts the Town uses to estimate bonds to ensure completion of improvements, have increased, the Town ~~Manager~~ may require the applicant~~subdivider~~ pay such increases as a condition of granting the extension. (amd. ord. 21-005, 05-11-2021)

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E. **Security Agreement:** Prior to recording a final plat, the applicant~~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 applicant ~~subdivider~~. (2010 Code, amd. ord. 15-004, 4-28-2015)

G. **Acceptance of Subdivision Improvements**:

1. Subdivision improvements or such conditions imposed under this title shall be deemed accepted by the Town only upon complete final inspection by the appropriate Town Departments or officials and the issuance of a C~~c~~ertificate of A~~a~~cceptance 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:

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   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 (1) ~~-~~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 §10-9a et. seq. During the one (1) ~~-~~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 (1) ~~-~~year warranty period, the applicant~~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 applicant~~subdivider~~. (2010 Code)

9-9-4: SUBDIVISION PLAT AMENDMENTS:

A. **Subdivision Amendments; Vacation Of Public Streets:** Any landowner whose land has been platted as provided in this title may, upon application to the Town, have such plat, or portion thereof~~therefor~~, or any street or alley therein contained~~-~~, altered, amended, or vacated in compliance with the provisions of this section and Utah Code Annotated §10-9a-608, §10-9a-609, and §10-9a-609.5 et seq. (2010 Code, amd. ord. 21-005, 05-11-2021)

B. Property Boundary Adjustments; **Lot Line Adjustments; Boundary Line Agreements:** ~~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~~. Property boundary adjustments including parcel boundary adjustments, lot line adjustments, and boundary line agreements shall follow the process identified in Utah Code Annotated §10-9a-523 and §10-9a-524 et. seq. When subject to review by the Town, applicant(s) shall submit a complete application including the fee as required in the Town's consolidated fee schedule to the Planning and Zoning Department for review. The Planning and Zoning Administrator or designee may approve an application based upon consistency with the 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, and 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 concept plan~~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

Commented [5]: Concept plan is just optional for housing applications, but this is part of the process.

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.

~~(B)~~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 Utah Code Annotated §10-9a-608 and §10-9a-,609 et. seq.

1. At the applicant's request, the Planning and Zoning Administrator may choose to waive the Concept Plan Review~~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 Concept Plan Review~~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)

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9-9-5: 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 applicant~~subdivider~~ is prepared to record or sell specific parcels of property not previously subdivided, they~~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 Utah Code Annotated §10-9a-605~~, as amended.~~ et. seq.

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.

9-9-6: 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 et. seq., 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 Land Use Authority~~Town staff~~. (2010 Code, amd. ord. 15-004, 4-28-2015)

9-9-7: WATER RIGHTS ACQUISITION AND CONDITIONS

A. **Purpose and Findings**:

1. The Town's ~~Brian Head's~~ primary purpose for establishing this ordinance is to acquire the water rights necessary to serve its expanding population. (ord. 2-009, 9-13-2022)

2. The Town~~Brian Head~~ supports the 2022 Workforce Housing Plan's recommendations and the associated incentivized inclusionary housing ordinance in §9-9-7 and therefore will consider the award of water rights to projects that include affordable/workforce housing units. (ord. 23-007, 8-8-2023)

3. Based one~~off~~ studies done by the Town~~Brian Head~~, the Town likely has enough water 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 the potentially hundreds of new parcels that can be created when the Town~~Brian Head~~ expands. (ord. 22-009, 9-13-2022)

B. **Time and Conditions for the Town to A~~a~~ward Water Rights:**

1. One hundred (100) ~~-~~acre feet of water rights (the "Pool") will be reserved for certain subdivisions on a first come, first served basis. (ord. 22-009, 9-13-2022, amd. ord. 23-007, 8-8- 2023)
   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 applicant~~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. (ord. 22-009, 9-13-2022)

3. Subdivisions or developments requesting water rights from the Town shall provide deed-restricted affordable housing units on site in compliance with all provisions of §9-9-7 except §9-9-7.B.2.a which is replaced with the following percentages of the total development units and income restrictions:

   a. Rental Units:

   i. For subdivisions or condominium projects of ten (10) lots/units or more, five percent (5%) of the total dwelling units for rent must be affordable to households earning thirty percent (30%) or less of Iron County's Median Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD); or
   ii. For subdivisions or condominium projects of ten (10) lots/units or more, ten percent (10%) of the total dwelling units for rent must be affordable to households earning sixty percent (60%) or less of Iron County's Median Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD);

   b. Ownership or 'For Sale' Units:

   i. For subdivisions or condominium projects of ten (10) lots/units or more, five percent (5%) of the total dwelling units for sale must be affordable to households earning eighty percent (80%) or less of Iron County's Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD); or

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ii. For subdivisions or condominium projects of ten (10) lots/units or more, ten percent (10%) of the total dwelling units for sale must be affordable to households earning one hundred percent (100%) or less of Iron County's Median Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD); or

~~iii. Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD); or~~

~~iv.~~iii. For subdivisions or condominium projects of ten (10) lots/units or more, fifteen percent (15%) of the total dwelling units for sale must be affordable to households earning one hundred and twenty percent (120%) or less of Iron County's Median Family Income based on housing size and determined by the U.S. Department of Housing and Urban Development (HUD).

(ord. 23-007, 8-8-2023)

C. **Amount of Water Rights:**

1. Prior to final approval or recordation of the final subdivision plat ~~of any subdivision~~ or other development activity requiring culinary water service from the Town, the applicant~~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 applicant's~~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 Land Use Authority~~Planning Commission and Town Council must~~ with the recommendation of Town Staff shall review and approve the proposed amount of water based on the buildout study provided by Town~~Staff~~. The Land Use Authority with the recommendation of Town Staff~~Council~~ may reasonably adjust this amount depending on the type of subdivision and development requested and the water requirements thereof. The Land Use Authority with the recommendation of Town Staff~~Town Council~~ may elect to waive the water study requirement and instead require three tenths (0.3) acre feet per residential unit and one and one half (1.5) acre feet per commercial unit.

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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 subsurface~~sub-surface~~ water rights that

have a priority date prior to January 1, 1934, and be available for use in Wwater Rright Aarea 75.

F. **Transferring Water Rights:** The applicantdeveloper shall submit a title report showing the type of water right, ownership of the right, and any liens or encumbrances. The applicantdeveloper 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.

1. 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 theBrian 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 of the water rights.

2. A deed transferring the water rights to theBrian 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 applicantdeveloper. Once the land use application and change application receive approval from the State, the deed will be recorded.

3. 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.

4. 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 shall be deniedwill die.

G. **Exceptions:**

1. **Public Lands Exception:** If at the time of annexation, the annexed property is owned by the Bureau of Land Management (BLM) or the US Forest Service (USFS) then that acreage shallis not be 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 pPool". For example, if two (2) lots vacate one (1) line and become one (1) 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. 22-009, 9-13-2022)

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9-9-8: INCENTIVIZED INCLUSIONARY HOUSING

A. **Purpose and Authority: The purpose of this chapter is:**

1. To support the 2022 Workforce Housing Plan's recommendation to implement an inclusionary housing program within the~~for Brian Head~~ Town;

2. To facilitate and encourage development that includes a range of housing opportunities through a variety of residential types, forms of ownership, home sale prices and rental rates;

3. To increase the number of owner-occupied or 'for sale' housing units for households with an income of one hundred twenty percent (120%) or less (i.e., ~~or~~ less than eighty percent (80%) or one hundred percent (100%) for some projects) of Iron County's Median Family Income; and

4. To increase the number of rental housing units for households with an income of sixty percent (60%) or less (i.e.,~~or~~ less than thirty percent (30%) for some projects) of Iron County's Median Family Income.

5. To provide for a range of workforce/affordable housing units to ensure the welfare and viability of the Town's resort economy operations.

B. **Applicability & Minimum Project Size; ~~:~~ Incentivized Height and/or Density Opportunities Based Upon the Provision of Workforce Housing:**

1. The following bonus density shall be~~is~~ allowed where the workforce housing provisions of this section are met.

   a. R1: Single-Family Residential – One (1) unit per one third (⅓~~1/3~~) acre.
   b. R2: Medium Density Residential – Ten (10) units per acre.
   c. R3: Multi-Family Residential – Twenty-f~~F~~ive (25) units per acre.

2. **On-~~-~~site Option:**
   a. Any new residential or commercial project may increase the allowed base density, or building height, on a site pursuant to the zoning classification bonus standards outlined in 9-9-8(B)(1)~~7.2-A.1.c~~ subject to the provision of deed-restricted workforce/affordable housing units on site with the following income restrictions:
      i. **Rental Units:**
         I. For subdivisions or condominium projects of ten (10) lots/units or more, two and a half percent (2.5%) of the total dwelling units for rent must be affordable to households earning thirty percent (30%) or less of Iron County's Median Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD); or

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II. For subdivisions or condominium projects of ten (10) lots/units or more, five percent (5%) of the total dwelling units for rent must be affordable to households earning sixty percent (60%) or less of Iron County's Median Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD);

ii. **Ownership or 'For Sale' Units:**

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I. For subdivisions or condominium projects of ten (10) lots/units or more, five percent (5%) of the total dwelling units for sale must be affordable to households earning eighty percent (80%) or less of Iron County's Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD); or

II. For subdivisions or condominium projects of ten (10) lots/units or more, six and a quarter percent (6.25%) of the total dwelling units for sale must be affordable to households earning one hundred percent (100%) or less of Iron County's Median Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD); or

III. For subdivisions or condominium projects of ten (10) lots/units or more, seven and a half percent (7.5%) of the total dwelling units for sale must be affordable to households earning one hundred and twenty percent (120%) or less of Iron County's Median Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD).

b. For developments built by a single developer, all required workforce housing units must be constructed simultaneous to the market rate units. The final twenty percent (20%) of a project's building permits for the market units will not be issued until the workforce housing units are completed.

c. If the approved workforce housing units are part of a subdivision approval in which individual lots will be sold separately, the following provisions apply:

i. All final subdivision plats shall include plat notes specifically identifying those lots that are dedicated for the construction of workforce housing units. These plat notes must include minimum/maximum size of unit requirements, household income requirements (e.g., thirty percent (30%), sixty percent (60%), eighty percent (80%), one hundred percent (100%), or one hundred twenty percent (120%) of Iron County's median family income based on housing size and determined by the US Department of Housing and Urban Development ([HUD)]), etc.

ii. These lots will also be required to have a deed-restriction recorded with the final subdivision plat that outlines the requirements and limitations associated with workforce housing.

iii. The aApplicant shallmust provide a performance bond in the amount of the estimated construction costs for the workforce housing units. The Town Engineer or Town Manager will provide the construction cost estimate.

iv. Whether the developer sells or donates these lots to a private or non-

profit organization or decides to build the units themselves, all workforce housing units must be completed and a Certificate of Occupancy (CO) issued within two (2) years of the recordation of the final subdivision plat.

3. **Cash-In-Lieu Option:**
   a. **Calculation of cash-in-lieu fee:** A developer may make a cash payment to the Town in lieu of providing the required number of on-site workforce/affordable units. The cash-in-lieu fee shall be calculated pursuant to the table below by multiplying the number of required workforce/affordable units by the applicable prescribed fee:

On-Site Workforce/Affordable Unit **Tenure Type**	**Per Unit Fee**
For Sale	$350,000
Rental	$200,000

**Note: Applicants may use the lowest percentage of units applicable as outlined in Section B.2 for calculating the cash-in-lieu amount.*

   b. **Remittance and collection of payment:** Cash-in-lieu fees shall be collected in conjunction with the administration of the Town's system for planning and building review. All cash-in-lieu fees shall be paid in full prior to the recordation of the final subdivision plat. In the event that a project is phased, the cash-in- lieu fees may be paid with each applicable phase.
   c. **Deposit and use of fees:** All cash-in-lieu fees collected pursuant to this section shall be remitted to the housing development fund or a similar fund maintained by the Town. These funds shall be used exclusively to support the preservation or development of workforce/affordable housing for the administration and compliance of housing programs.

4. **Land Donation Option:**
   a. A developer may dedicate land to the Town as a third option to satisfy their workforce housing units. The dedication of land shall be subject to the following requirements:

On-Site Workforce/Affordable Unit **Tenure Type**	**Per Unit Land Dedication**
For Sale	Dedication of land (or lots) that appraise at $350,000 or more at time of dedication.
Rental	Dedication of land (or lots) that appraise at $200,000 or more at time of dedication.

**Note: Applicants may use the lowest percentage of units applicable as outlined in Section B.2a for calculating the land dedication.*

   b. All land required for dedication to the Town must be deeded to the Town prior to or at the time of the recordation of the final subdivision or condominium plat.
   c. All land dedicated to the Town must be determined suitable for development by the Town's Planning and Zoning~~Development~~ Department. Suitability shall be

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determined by an assessment of location and accessibility, marketability, slope, soil typology, additional environmental constraints, etc.

5. **Proportional Application.** Any development proposing a mixture of ownership or 'for sale' dwelling units and 'rental' dwelling units shall have an obligation to satisfy the requirements of sections (1), (2), and (3) above based on the proportion of each use type to the overall development. This applies to on-site units as well as the cash-in-lieu and land donation options.

6. **Rounding or Fractional Units.** When calculating the number of on-site workforce/affordable units required pursuant to section (1) above, rounding shall be applied as outline in the following example:
   a. **Example:** A new twenty five (25) -unit rental residential development is proposed. Application of a five percent (5%) inclusionary requirement for rental units results in a requirement for one and one quarter (1.25) deed-restricted workforce/affordable rental units. The proposed workforce/affordable housing plan shall (1) provide one (1) deed-restrict workforce/affordable rental unit on-site and pay an additional cash-in-lieu fee for one quarter (0.25) units (see calculation below) or (2) provide two (2) deed-restricted workforce/affordable rental units on-site with no additional cash-in-lieu fee.

      Fractional Unit Calculation:
      Twenty five (25) units with a five percent (5%) inclusionary requirement = One and one quarter (1.25) required workforce/affordable units.

      One (1) deed-restrict workforce/affordable rental unit shall be constructed on-site or a fee of two hundred thousand dollars ($200,000) paid.

      The remaining one quarter (0.25) -unit requirement shall be met with the construction of one (1) workforce/affordable unit or a payment of fifty thousand dollars ($50,000) (0.25x$200,000).

C. **Standards for Income-Restricted Units**

1. **Design.** Restricted units shall be comparable in design, and appearance to the market-rate units in the residential development and shall comply with all size requirements and other design standards of this title~~the Town's Land Management Code requirements~~ including, but not limited to, building code requirements, parking standards, landscaping, etc. These requirements shall apply equally to all dwelling units, market units and workforce/affordable units alike.

   a. **Minimum Square Footage Standards:** In order to assure livability, the standard net livable squaire footage for workforce/affordable units shall be as follows:

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UNIT TYPE	MINIMUM SQUARE FOOTAGEEET
Micro Unit/Studio	400 sq. ft.
1 Bedroom	600 sq. ft.
2 Bedroom	800 sq. ft.
3 Bedroom	1,200 sq. ft.
4 Bedroom	1,400 sq. ft.

**Note: No development shall have more than ten percent (10%) of all workforce/affordable units designated as 'Micro Unit/Studio' units unless specifically approved by the Land Use AuthorityTown Council. All units must be used as the homeowner's/renter's primary residence and comply with all aspects of the this titleTown's Land Management Code and the adopted bBuilding cCode.*

2. **Type.** Residential developments that include more than one (1) -type of residential unit shall provide income-restricted units in rough proportion to the types and various designs of market-rate residential units constructed. For example, in developments with a mixture of two-bedroom and three-bedroom residential units, the income--restricted units shall be comprised of each residential unit type in the same proportion and living area as the market-rate units. The aApplicant may request an exception from this requirement for review and approval by the Land Use AuthorityTown Council.

3. **For sale or rent.** Income-restricted units shall be for sale or for rent in the same proportion as the market-rate units. For example, if fifty percent (50%) of the units in the residential development are for sale, then at least fifty percent (50%) of the income-restricted units shall be for sale unless otherwise approved by the Land Use AuthorityTown Council.

4. **Location.** Income-restricted units shall be located on the site on which the residential development is proposed and shall have access to amenities equal to that of the owners and renters of the market-rate units, including without limitation: parks, outdoor play areas, pools, exercise facilities, and similar on-site amenities.

5. **Timing.** Income-restricted units shall be ready for occupancy no later than the date of the initial Certificate of Occupancy for any of the market-rate units in the project. If the market-rate units are to be constructed in phases, then the income-restricted units may be constructed in phases, in proportion to the phasing of the market-rate units.

6. **Residency or Employment Requirements:** For sale income-restricted units shall be limited to:

   a. A full-time (aggregate of thirty (30) hours of employment per week) employee of an entity or entities located within Iron County for a minimum of one (1) year (preference is given for a person employed within the TownBrian Head); or
   b. An owner of a business or entity with a primary place of business within Iron County for a minimum of one (1) year (preference is given for a business that is located within the TownBrian Head); or

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c. A full-time (aggregate of thirty (30) hours of employment per week) worker who is self-~~-~~employed or works out of their home and can provide proof that a minimum of seventy five percent (75%) of their clients are based within Iron County for a minimum of one (1) year (preference is given for clients located within the Town~~Brian Head~~).

d. Remote workers will only be considered if the applicant has been a local, Iron County resident for a minimum of two (2) years prior to application (preference is given for a person that currently lives within the Town~~Brian Head~~).

D. **Income Standards for All Workforce/Affordable Housing Units**

1. All units must remain affordable for a period not less than thirty (30) years from the initial issuance of Certificate of Occupancy. At that time, the Town Council shall determine whether to extend the inclusionary housing program and associated deed restrictions.
2. A deed restriction will be recorded on the property that stipulates the income requirements and term requirements for the units provided.
3. Household income shall be defined as the combined income of all individuals, excluding dependents, who are or will be occupying the unit regardless of legal status.
4. For ownership or 'for sale' units: qualified households cannot earn more than one-hundred and twenty percent (120%) of Iron County's median family income based on housing size and determined by the US Department of Housing and Urban Development (HUD);
5. For rental units: qualified households cannot earn more than thirty percent (30%) or sixty percent (60%) of Iron County's median family income based on housing size and determined by the US Department of Housing and Urban Development (HUD).
6. The Town Council will adopt income requirements by resolution as frequently as necessary and the requirements will be maintained by the Planning and Building Department.
7. In addition to income, the following standards will apply:
   a. Net Assets/Net Worth Standard:
      i. The combined net worth of the persons eighteen years of age and older in the Household shall not exceed four (4) times the AMI for the household size. Assets include business assets, real estate, stocks, bonds, trust funds, cash, and retirement accounts.
      ii. A one-time gift of up to thirty percent (30%) of the purchase price used for the purchase of a for sale unit may be considered in net assets, and not as income, for the purposes of initial qualification.
      iii. Disposition of assets: Any member of a household who has assigned, conveyed, transferred, or otherwise disposed of property or other assets within the last two (2) years without fair consideration in order to meet the net asset limitation or property ownership limitation shall be ineligible.
8. The~~Brian Head Town's~~ Planning and Building Department~~ staff, or designee,~~ will

serve as the entity to review and qualify households for the workforce/affordable units.

9. A list of qualified households shall be kept by the Town ~~staff, or designee,~~ in order of approved application.

E. **Calculation of Sale Price**

1. The initial sales price for a workforce/affordable ownership unit in any development shall average a price affordable to a household earning eighty percent (80%) or one hundred percent (100%) or one hundred and twenty percent (120%) of Iron County's median family income based on housing size and determined by the US Department of Housing and Urban Development (HUD), depending on the proposed unit and AMI configuration the developer proposes to include in the development (see Section B.2.a), The target household income sale price shall be calculated according to the following guidelines:
   a. Mortgage payment for the owner-occupied unit, including principal and interest and homeowners association (HOA) operating dues shall not exceed thirty percent (30%) of the target household income (gross).
   b. The assumptions used to calculate the sales price shall be:
      i. a five percent (5%) down payment;
      ii. a thirty (30) ~~-~~year term; and
      iii. an interest rate equal to the prevailing interest rates as defined by the federal government (Federal Reserve Bank of St. Louis) at the time of the offer.

F. **Calculation of Rental Rates**

1. In general, rental rates for a workforce/affordable unit in any development shall be affordable to a household earning either thirty percent (30%) or sixty percent (60%) of Iron County's median family income based on housing size and determined by the US Department of Housing and Urban Development (HUD), depending on the project type submitted for review. Affordability standards are based on maximum rental rates which are targeted at thirty percent (30%) of the household's income. Maximum rental rates shall be calculated as follows:
   a. Maximum rental rates shall include the cost of utilities and homeowners association (HOA) fees, if applicable. The landlord/owner shall submit a lease which includes the proposed monthly rental rate along with proof of utility costs to the~~Brian Head~~ Planning and Zoning~~Building~~ Department ~~staff~~, or designee. Town S~~s~~taff~~, or designee,~~ will evaluate the lease and either approve or deny the rental rate proposed based on the standards established herein.

b. Rental rates shall apply whether the units are provided furnished or unfurnished.
c. The owner of any designed workforce/affordable housing rental units, at their cost and expense, must keep and maintain the interior and exterior of the total structure (including all residential units therein) and the adjacent open areas in a safe and clean condition and in a state of good order and repair.

G. **Deed Restriction Standards for Workforce/Affordable Units – Owner-Occupied Units and Rental Units:**

1. **Owner Occupied Units:** All owner-occupied workforce/affordable units will have the following requirements clearly outlined in the deed restriction recorded for the property:
   a. The method of calculation of the allowed Maximum Resale Price ('MRP') shall include:
      i. An increase in price of three percent (3%) per year from the date of purchase to the date of owner's notice of intent to sell (compounded annually and prorated at the rate of one quarter percent (.25%) ~~percent~~ per each whole month of any part of a year).
         I. Any proposed improvements or renovations to the units, internal or external, must be approved by the Town's Planning and Zoning~~Development~~ Department, or designee, prior to the commencement of any work. The base value of the unit (at time of purchase by the new owner) may not increase more than ten percent (10%) as a result of these approved eligible improvements. For example, if the base value of a unit is two hundred thousand dollars ($200,000), and an owner is approved to make improvements valued at twenty five thousand dollars ($25,000), the maximum value of the workforce/affordable unit will be capped at two hundred twenty thousand dollars ($220,000) ($200,000 * 0.10). The outstanding five thousand dollars ($5,000) for improvements will not be counted in the MRP.
      ii. The notice of intent to sell must be made to the Town's Planning and Building Department ~~staff~~, or designee, in writing delivered via mail (e.g., USPS) or by email. The notice of intent shall allow the Town~~Department~~ S~~s~~taff, ~~or designee,~~ no less than sixty (60) days to determine whether to exercise the right-of-first- refusal or to coordinate a private transaction.
      iii. The Town~~, or designee,~~ shall either purchase the unit per a right-of-first refusal clause included in the deed restriction or coordinate with the owner of the workforce/affordable unit to sell the unit to the qualified household at the top of the Town's qualified households list.
   b. All owner-occupied units must be occupied by the qualified household that purchased the unit as the/their primary residence (minimum of twelve (12)

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months occupancy per year).

c. No nightly rentals are permitted within any workforce/affordable housing unit.

2. **Rental Units:** All rental workforce/affordable units will have the following requirements clearly outlined in the deed restriction recorded for the property:

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a. All rental units must be occupied by the qualified household that rented the unit as the/their primary residence (minimum of twelve (12) months occupancy per year unless the Land Use Authority~~Town Council~~ approves a project with part-time workforce housing units such as, but not limited to, single-room occupancy units, etc.).

i. The a~~A~~pplicant may request an exception from this requirement (e.g., a request for seasonal workforce housing, etc.) for review and approval by the Land Use Authority~~Town Council~~.

b. No subleases are allowed without the written approval of the Town's Planning and Building Department, or designee.

c. No nightly rentals are permitted within any workforce/affordable housing unit.

d. The landlord/owner may not increase the monthly rental rates for the workforce/affordable units more than two percent (2%) annually.

H. **Violation and Penalty**

1. It is unlawful to operate a restricted unit in violation of this c~~C~~hapter, and violations shall be punishable as set forth in the Town Code. Each day of violation shall be deemed as a separate offense.

2. In addition to the remedies provided by this c~~C~~ode, the Town shall have any and all remedies provided by law and in equity for a violation of a deed restriction, including without limitation: (i) d~~D~~amages; (ii) s~~S~~pecific performance; and (iii) i~~I~~njunctions, including without limitation an injunction requiring eviction of the occupant(s) and an injunction to prohibit the occupancy of the deed-restricted unit in violation of the deed restriction.

(ord. 23-007, 8-8-2023)

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 T~~t~~own's G~~g~~eneral P~~p~~lan, this title, or design standards found in 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 their~~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:

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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 Town's G~~g~~eneral P~~p~~lan 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 T~~t~~own 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 Planning and 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 Town's C~~c~~onsolidated F~~f~~ee S~~s~~chedule 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 Building~~Zoning~~ Department**:** Upon receipt of a completed conditional use application, the Planning and Building~~Zoning~~ Department shall conduct a review of the application. The Planning and Zoning Administrator, or designee, shall prepare and deliver to the Land Use Authority~~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. Land Use Authority~~Planning Commission~~ Review And Action:

   a. Within a reasonable time of receipt of a complete application, the Town~~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 S~~s~~taff and other applicable agency recommendations, and input from the public hearing, the Land Use Authority~~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 Land Use Authority~~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 Land Use Authority~~Planning Commission~~ may deny the conditional use.

D. **Standards For Review**:

1. No conditional use permit may be issued unless the Land Use Authority~~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's 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 Land Use Authority~~Planning and Zoning Administrator~~ per chapter13 of this title. (amd. ord. 21-006, o05-25-21)

2. With its approval, the Land Use Authority~~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 transfe~~r~~rable to a new lessee following a review by the Land Use Authority~~Planning Commission~~. Upon this transfer review, the Land Use Authority~~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 R~~r~~esidential P~~p~~lanned D~~d~~evelopment (RPD) is to encourage development patterns within residential zones which preserve trees, 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 L~~l~~and U~~u~~se A~~a~~uthority 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 Town's~~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 zone~~ing~~. (amd. Ord. 15-018, 12-8-2015)

   c. The arrangements of structures and open spaces will~~well~~ not adversely affect adjacent properties. (For example, where deemed necessary by the Land Use Authority~~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 RPD~~planned unit development~~ have demonstrated to the satisfaction of the Land Use Authority~~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 ten (10) years~~)~~ to ensure sustainability of the project.

   f. Minimum landscape requirements identified in Chapter 7 of this title shall be increased by an additional ten percent (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 Land Use Authority~~Planning Commission~~. (amd. ord. 15-018, 12-8-2015)

   g. The landscape plan shall preserve a minimum of fifty percent (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 homeowners association (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 Land Use Authority~~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 L~~l~~and U~~u~~se A~~a~~uthority 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 (MPD) ~~AGREEMENT~~

A. **Purpose:** The purpose of the Master Planned Development (MPD) ~~Agreement~~ is to allow flexibility in commercial development which is consistent with the Town's 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 grant approval for~~enter into~~ a Master Planned Development (MPD) ~~Agreement~~ which:

1. Is consistent with the Town's 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 T~~t~~own as well as promotes the general health, safety, and welfare of current and future T~~t~~own residents.

5. A development agreement may be approved by the Town Council without regard to the size of the Master Planned D~~d~~evelopment 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 all the foregoing criteria.

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

C. **Commitments:** Applicants for Master Planned D~~d~~evelopments ~~agreements~~ are encouraged to make commitments ~~to the~~ which enable~~s~~ the Town to obtain supplemental facilities or benefits which would not otherwise be obtained through existing regulations, standards, or policies.

The Land Use Authority~~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 T~~t~~own 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 Land Use Authority~~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 acknowledged 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: Applicable ~~The~~ Town Staff 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 shall~~will~~ review the development agreement and associated application if applicable and forward a recommendation to the Land Use Authority~~Town Council~~. The Planning Commission may suggest alterations to the proposed agreement with the applicant prior to forwarding their recommendations.

3. Land Use Authority~~Town Council~~ Adoption: The Town Council shall~~will~~ review the propose~~d~~~~al~~ development agreement, associated application (if applicable) ~~–~~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 Required: A development agreement that conflicts with, or is different from a standard set forth in this code may only be approved by the Land Use Authority when the procedures used for enacting or modifying a land use regulation are followed, including review and recommendation from the Planning Commission in a duly noticed public hearing. ~~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, or it shall be considered null and void. 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.

A. **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.

B. **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.

C. **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.

D. **Lot Lines:** A Tt~~t~~own or zoning district boundary line shall not divide a parcel or 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.

E. **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.

F. **Number Of Dwelling Units Permitted:** The number of dwelling units shall be in compliance with chapter 7 of this title.

G. **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.

H. **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 shall~~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**: Whenever possible, r~~R~~ecreation 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~~ the use of residents within a development ~~use~~ or use by the general public.

E. **Trails And Open Space Access:** Access to public trails and open space abutting the property proposed for subdivision 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 T~~t~~own assets and landmarks exist, as determined by the T~~t~~own, every possible means shall be provided to preserve these features. D~~The d~~evelopments are~~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 of the Land Use Authority that an alternate plan will satisfy this intent. Undisturbed natural vegetation areas that are shown on the approved plan(s) 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(s) may be required by the P~~p~~ublic S~~s~~afety D~~d~~epartment. Fire resistant plant materials may be planted in the defensible space as approved by the P~~p~~ublic S~~s~~afety D~~d~~epartment.

M. **Building Placement**: Building placement shall be considerate of the following: (Ord. 20-002, 4-28-2020)

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)

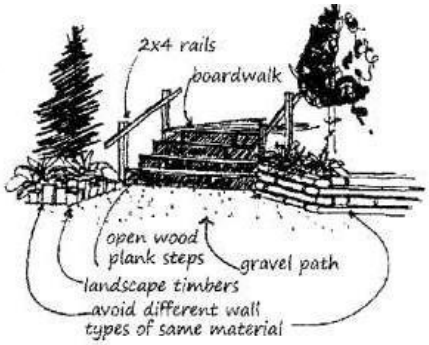
5. Incorporate non-linear and staggered placement of buildings to avoid straight rows of similar-styled buildings (the “cookie-cutter” effect). (ord. 20-002, 4-28-20)

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

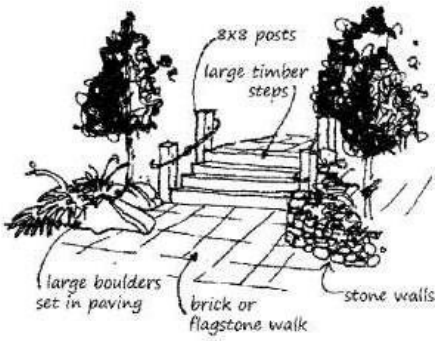
Lots with the building or disturbance area identified on slopes of twenty five percent (25%) (14 degrees) to forty percent (40%) (21.8 degrees) warrant especially close review to assure that all grading, retaining wall, cut/fill and road/driveway grade standards will meet the requirements of this title and currently adopted building codes, design, and construction standards. 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~~ using~~e~~ materials that blend with the area, such as timbers, pavers, colored concrete, boulders, etc.

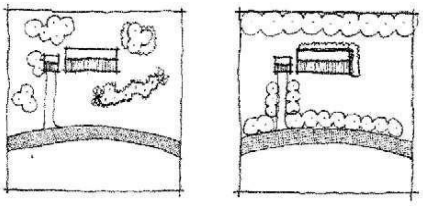
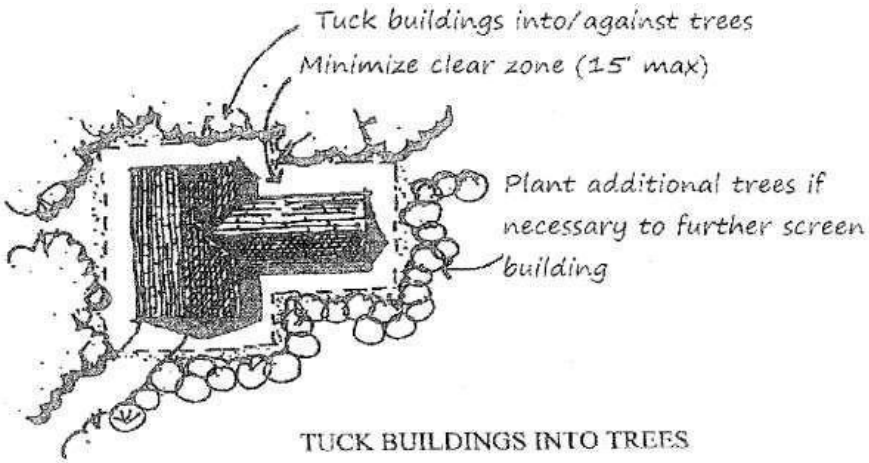


Figure 11.1: Informal planting (left) is preferred. Formal planting (right) is discouraged in Brian Head.



TUCK BUILDINGS INTO TREES

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's 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 (i.e., 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 not visible from off site. (ord. 08-016, 8-12-2008 amd ord. 15-018, 12-8-2015)

6. Stucco, chain link, vinyl wall fence materials are prohibited. Use of railroad ties or concrete blocks must be consistent with the General Plan and approved by the Planning Commission~~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 the Town~~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. Fixtures: 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 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 eight hundred (800) lumens per fixture in residential zones and two thousand (2,000) lumens per fixture in all other~~commercial~~ zones. (amd. ord. 19- 014, 11-12-2019)

B. **Temperature: T**he correlated color temperature of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3,000°k). (ord. 19-014, 11-12-2019)

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C. **Emission:** Light fixtures shall not emit more light than is necessary to accomplish it purpose:

1. Lighting f~~F~~ixtures shall be spaced sufficiently to provide adequate light as required by the adopted 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 Land Use Authority~~Planning Commission~~ shall review the proposed lighting plan ~~of a project~~ to determine if~~that~~ it meets the minimum lighting requirement necessary for public safety while maintaining sensitivity to night sky preservation.

~~3.~~ Total outdoor lighting fixtures shall not produce more one (1) lux at any property boundary for single-family residential purposes or more than twenty-five thousand (25,000) lumens per acre or more than five (5) lux at any property boundary for all other zones. ~~commercial properties or more than 5,000 per~~

3. ~~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. Security Lights: 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 Town'sBrian Head Transportation Master Plan).~~
   b. The Public Safety Director may order the placement of additional street lights 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 street lights may be used to establish a sense of place in accordance with a Street Lighting Master Plan approved by the Land Use Authority~~Town Council~~.

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

2. All s~~S~~ubdivision plans ~~(either residential or non-residential)~~ shall provide for the 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 street lights along the public right of way may be required by the Land Use Authority~~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 overhang~~d~~ of each light.

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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.

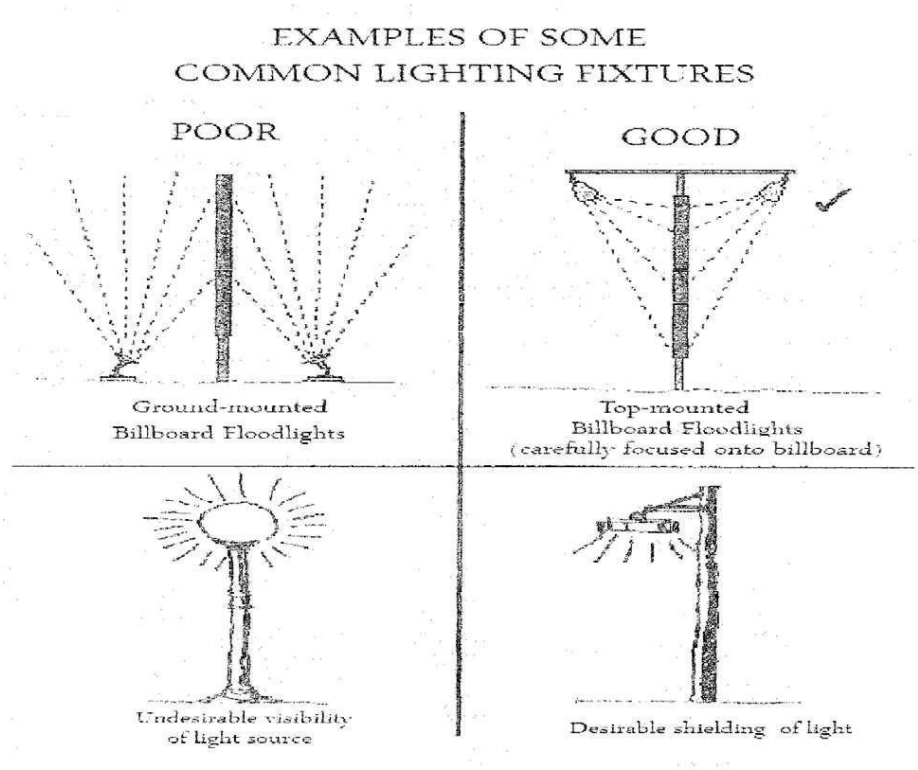
2. Traffic control signals and devices or temporary emergency lighting in use by law enforcement or government agencies or at their direction.

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) fixtures 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 foot (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 Land Use Authority~~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)



(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 the requirements of this chapter. (amd. ord. 17-004, 7-11-2017)

B. **Architectural Design And Style**: Buildings shall~~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 mas 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 and approved at the Land Use Authority's~~at the approval authority's written~~ discretion. (ord. 17-004, 7-11-2017 amd. ord. 22-004, 5-10-2022)

(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 zone 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 (1) 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 finishes 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 that are~~. C~~ 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 thirty (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 Criteria**~~**Factors**~~**; Building Addresses:**~~ ~~Snow loads, fire standpipes, provisions for handicapped, elevator emergency requirements, footing specifications, and house address: Requirements for these design criteriafactors shall be thoseare defined in the adopted 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**: NA non-habitable accessory structures, 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 may be permitted. 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.

3.2. 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).

4.3. Must meet snow load requirements.

5.4. Required to have footings or foundation for accessory structures over 450 square feet.

6.5. Structures being used as a garage for vehicle storage must meet all applicable International Building Code requirements.

7.6. Shipping containers, intermodal containers, or railroad boxes may not be used as accessory structures (Ord. 21-006, 05-25-21).

8.7. 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.

9.8. 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's footprint exceed three thousand square feet (3,000 sq. ft.) square feet in sizefootprint.

9. Maximum height of accessory structures shall be limitedin limited by the area of the structure as follows:

a.

Size Of Accessory Structure	Maximum Structure Height
0 - 200 sq. ft.	15'
201 - 400 sq. ft.	19'
401 - 1,000 sq. ft.	24'
1,001 - 1,500 sq. ft.	27'

>1,501 sq. ft.	As determined by the Land Use Authority and not to exceed 32'.

~~10.~~

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~~a. 0 – 200 square feet, 15 feet maximum height. (amd. ord. 17-004, 7-22-2017)~~

~~b. 201 – 400 square feet, 19 feet maximum height. (amd. ord. 17-004, 7-22-2017)~~

~~c. 401 – 1,000 square feet, 24 feet maximum height. (amd. ord. 17-004, 7-22-2017)~~

~~d. 1,001 – 1,500 square feet, 27 feet maximum height. (amd. ord. 17-004, 7-22-2017)~~

~~e.~~b. ~~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.~~c. 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 Land Use Authority~~Planning Commission~~ that the height of the accessory structure does not conflict with the Town's G~~g~~eneral P~~p~~lan or detract from the intended character of the zone. (ord. 17-006, 8-8-2017).

~~g.~~d. Under no circumstances shall an accessory structure exceed eighty percent (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 T~~t~~own's Public Works Standards, the provisions of this title, and the Town's 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's 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. Subdivision roads ~~rRoads~~ shall be designed in compliance with applicable codes to provide emergency access and egress for residents and occupants, which shall include~~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 T~~t~~own's 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 T~~t~~own's P~~p~~ublic W~~w~~orks S~~s~~tandards 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 fifty foot (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 P~~p~~ublic S~~s~~afety D~~d~~epartment and approved by the L~~l~~and U~~u~~se A~~a~~uthority.
13. Temporary dead-end streets, intended as access to future development parcels, shall

be a minimum of one (1) 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. Riprapped 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's Public Works Standards, the adopted b~~B~~uilding c~~C~~odes, ~~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 L~~l~~and U~~u~~se A~~a~~uthority with the recommendation of the Town S~~s~~taff.

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 ($^1/_2$) 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 Land Use Authority upon the recommendation of Town Staff~~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 applicant~~developer and/or citizen~~ and approved by the L~~l~~and U~~u~~se A~~a~~uthority, with the recommendation of Town S~~s~~taff. (ord. 08-016, 8-12-2008, amd ord. 15-018, 12-8-2015)

2. Applicants~~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 published:

   b. ~~Published;~~

      a) In a newspaper of general circulation in the county once per week for four (4) consecutive weeks before the hearing; and
      b) On the Utah Public Notice Website created in UCA §63A-12-114, for four (4) consecutive weeks prior to the hearing; and

   ii. Posted in three (3) places for four (4) 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 Safety or designee.

B. **Driveway Standards:**

Standards	Residential Single-Family Dwelling (SFD)	Residential Multi-Family Dwelling (MFD)	Commercial (All Others)
Minimum Wwidth	16' ~~feet~~	20' ~~Feet~~ (4 or fewer units) (1) 24' ~~Feet~~ (5 or more units) (1)	20' ~~feet~~ (one-way); 24' ~~feet~~ (two-way)
Maximum Wwidth Aat Sstreet Lline	24' ~~feet~~	36' ~~Feet~~	36' ~~feet~~
Maximum Nnumber Oof Ddriveway Aaccesses Pper Llot	2 Interior Llot, 3 Corners Llot Local: N/A	2 Interior Llot, 3 Corners Llot Local: 15' ~~Feet~~ (2)	1 Pper Eeach 200' ~~feet~~ Oof Ffrontage (Oor Ffraction Tthereof)

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Minimum Spacing Between Driveway (6)			Local: 75' ~~Feet~~
	Private: N/A	Private: 10' ~~Feet~~ (2 3)	Private: N/A
	Collector: N/A	Collector: 75' ~~Feet~~ (4)	Collector: 75' ~~Feet~~
	Arterial: 150' ~~Feet~~ (4)	Arterial: 150' ~~Feet~~ (4)	Arterial: 150' ~~Feet~~

Minimum Spacing From Intersections	Local: 25' ~~Feet~~	Local: 25' ~~Feet~~	Local: 75' ~~Feet~~
	Collector: 50' ~~Feet~~ (3)	Collector: 100' ~~Feet~~ (4)	Collector: 100' ~~Feet~~
	Arterial: 150' ~~Feet~~ (4)	Arterial: 150' ~~Feet~~ (4)	Arterial: 150' ~~Feet~~
Minimum Spacing from Property Line	N/A	5' ~~Feet~~ (5)	10' ~~Feet~~ (5)
Driveway Aangle Tto Sstreet	45° ~~degree~~ - 90° ~~degree~~	45° ~~degree~~ – 90° ~~degrees~~	70° ~~degree~~ - 90° ~~degree~~
Snow Sstorage	20% additional area of driveways and walks (7). Maintain clear view at intersection.	20% additional area of driveways and walks (7). Maintain clear view at intersection.	20% additional area of driveways and walks (7). Maintain clear view at intersection.
Drainage	May not drain to road surface.	To approved storm drain collection system.	To approved storm drain collection system.
Retaining Wwalls	May extend into public right-of-way with Town Sstaff approval.	May extend into public right-of-way with Town Sstaff approval.	May extend into public right of way with Ttown Sstaff approval.

1. Driveways for individual units connected to a local or private road can be reduced to sixteen feet (16') ~~feet~~.
2. Driveway sSpacing between two (2) units in the same building that share a common wall or property line between garage and/or parking area is not required or can be reduced. Driveways for other units in the same building will need to meet minimum spacing.
3. An administrative exemption may be granted based on lot shape and slope.
4. Driveways or private roads need to be designed to allow vehicles to turn around to prevent vehicles backing into roadways.
5. Driveway spacing is not required or can be reduced if rear loading garage or parking is used.
6. Except where it is possible to provide one access point that will serve both adjacent properties with recorded access and maintenance agreement.
7. 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. Area less than five feet (5') ~~feet~~ to the property line or less than five feet (5') ~~feet~~ to the imaginary line between units on the same property cannot be counted for snow storage.

(ord. 08-016, 8-12-2008, amd ord. 16-007, 11-8-2016, amd. ord. 23-008, 8-8-2023)

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 Land Use Authority~~Planning Commission~~. All weather surfaces 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 Oof Aaccess Ppoint:** (wWhere a driveway meets pavement (access point)) such access point 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)

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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 (fifty percent (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 Land Use AuthorityPlanning 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 the top of the lower face to the toe of the upper face) for visual relief and re-vegetation. Total maximum height of a terraced retaining system exceeding twelveeighteen feet (1218') in height shall be reviewed by the Land Use AuthorityPlanning 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. No single retaining wall face shall exceed seven feet (7') in height and no retaining wall system shall exceed twenty feet (20') in height. 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 Planning and Zoning Administrator~~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 which~~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 (1) 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 T~~t~~own's D~~d~~esign S~~s~~tandards shall be submitted to ~~the t~~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 Planning and B~~b~~uilding D~~d~~epartment 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 shall be~~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 the retaining wall is being done in preparation for development, a building permit has been obtained and work has been approved to proceed. If an 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 Land Use Authority~~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 Planning and B~~b~~uilding department in conjunction with the single-family dwelling approval per Chapter 8 of this title.~~ and shall be reviewe 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 use 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 (50-75%) of total rainfall to occur in a brief period (approximately two (2) hours), which is typical of the intense short duration storms experienced in the town area.

A. **Detention Ponds:** On site detention ponds are to be sized for the one hundred (100) -year twenty four (24) -hour storm.

C. **Stormwater Conveyance:** Stormwater conveyance pipes are to be sized based on a ten (10)- year twenty four (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'). The 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 development activity~~construction projects~~ in the T~~t~~own. 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 D~~d~~ivision of W~~w~~ater Q~~q~~uality (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 (DWR) 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)

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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 T~~t~~own 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. Subdivision~~The final~~ plats shall note all easements, and their associated construction drawings shall define the location of each utility.

2. Easements shall be provided at the rear and along at least one (1) 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 Town~~community~~, unless otherwise approved by the Land Use Authority~~ 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 T~~t~~own's G~~g~~eneral P~~p~~lan. (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.

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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 approved~~al of~~ by the L~~l~~and U~~u~~se A~~a~~uthority.

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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 Land Use Authorityspecific review of Planning Commission	Determined by Land Use Authorityspecific review of Planning Commission
Commercial outdoor recreation, including skiing, biking, stables/riding academy:	1 per 3 persons maximum rated capacity	Determined by Land Use Authorityspecific review of Planning Commission
Financial institution:	3 per 1,000 sq. ft. of leasable floor area	2 for the 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 the 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 the 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 the first 2,000 sq. ft.
Industry:	Determined by Land Use AuthorityBy review of the Planning Commission	Determined by Land Use AuthorityBy review of the Planning Commission
Multi-family dwelling unit greater than 650 sq. ftsquare feet, but less than 1,000 sq.	2 per dwelling unit	N/A

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ft.:		

Multi-family dwelling unit greater than 1,000 sq. ft. ~~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 the 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 the 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 the 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 the 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.~~square feet~~, or fraction thereof, when a single dwelling exceeds 2,500 sq. ft.~~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 L~~l~~and U~~u~~se A~~a~~uthority.

F. **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.

G. **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.

H. **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 (1) 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 Town's design 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)

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and shall provide sufficient landings at top and bottom of ramp to provide for safe starting and stopping.

c. **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)

3. **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').

I. **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 Land Use Authority~~Planning Commission~~ with recommendation from Town Staff. 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)

J. **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.

K. **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 (fifteen percent (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)

L. **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 Land Use Authority~~building official/zoning administrator~~ shall be authorized to waive this requirement on unusual lots.

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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 square feet (400 sq. ft.) ~~square feet~~ and minimum dimensions shall be twenty feet (20') long and ten feet (10') wide. (Ord. 08-016, 8-12-2008

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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 T~~t~~own's P~~p~~ublic W~~w~~orks S~~s~~tandards as currently adopted, or other applicable codes.
2. The design for all such facilities which are or will be under the control of the T~~t~~own 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 Town's G~~g~~eneral P~~p~~lan 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 T~~t~~own, 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 Land Use Authority~~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 and amended from time to time by the Town Council. Cost of inspection shall be paid by the subdivider as outlined in the Town's C~~c~~onsolidated F~~f~~ee S~~s~~chedule.
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 Land Use Authority~~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 T~~t~~own. Trash dumpsters shall be purchased by the T~~t~~own with the cost being borne by the developer. The T~~t~~own shall require one (1) dumpster for every twenty (20) single-family building lots or condo units, and one (1) dumpster for every four thousand square feet (4,000 sq. ft.) ~~square feet~~ of commercial/office space, unless other rationale is justified by the applicant and approved by the Land Use Authority~~on a case by case basis~~. (Ord. 08- 016, 8-12-2008)

9-12-18: COMPLIANCE:

Any time a permit under chapter 8 or chapter 10 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 shall~~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 recreational vehicle (RV) parks / c~~C~~ampgrounds, tent campgrounds, and non-permanent structures (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's 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

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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 Town 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 Town's General Plan:

1. Building setbacks for the zone shall apply to campsites.

2. Additional setbacks may be required by the Land Use Authority for visual and noise mitigation.

3. A minimum ten-foot (10') buffer shall be applied on all sides of an 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 square feet (800 sq. ft.)~~ 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.) shall~~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

ENFORCEMEN

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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, or designee, 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, or designee, 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 T~~t~~own, shall not operate to waive or stop the Town from enforcing compliance with the Town's 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 C~~c~~lass C misdemeanor and subject to penalty as provided in section 1-4-1 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 T~~t~~own 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 T~~t~~own that no building permit may be issued on any building project within the T~~t~~own ~~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 and Planning Department, prior to issuance of a permanent certificate of 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 shall~~will~~ be altered or modified without the prior approval of the appropriate land use authority.

D. **Completion And Cleanup Deposit:** Upon issuance of a building permit, the B~~b~~uilding and Planning ~~inspection d~~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, including repair or restoration to any onsite or offsite damage caused by construction activities,~~,~~ the deposit will be refunded to the contractor of record. In such cases where the site cleanup (including fire risk mitigation and on or off site damage) 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 have~~are~~ not been completed, the provisions 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 T~~t~~own 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 associated 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, is~~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 Land Use Authoritytown 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 so 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 Ttown, or irrevocable letter of credit in forms acceptable to the Town and for an amount equal to one hundred tentwenty five percent (110125%) of the estimated cost of the improvements. The form of any guarantee of improvements shall be reviewed and approved by the Ttown Aattorney before acceptance of the guarantee or security by the Town. The cost estimates shall be reviewed by the Town Engineer or Town Manager to ensure completion of all public improvements as shown on the approved plans. In the event that the Town Engineer or Town Manager 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 or Town Manager's price shall be used. All improvements must be completed within one (1) year of posting of the required security. Such one (1) -year period may be extended once atin 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 Ttown 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 T~~t~~own 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 P~~p~~ublic W~~w~~orks D~~d~~epartment 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 T~~t~~own within thirty (30) days of the demand, then the T~~t~~own's costs of obtaining the proceeds, including the T~~t~~own A~~a~~ttorney's ~~office~~ fees and costs of any outside attorney fees and/or 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 T~~t~~own 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 Ttown, 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 (1) -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 Lland Uuse Aauthority. 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 Ttown Ddepartments 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 Ttown, a one (1) year warranty period shall begin and any guarantee or security filed with the Ttown 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 (1) year warranty period. At the end of the one (1) -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)

STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

ITEM: **LAND MANAGEMENT CODE AMENDMENT, CHAPTER 7 & 12**

AUTHOR: Bret Howser, Town Manager
DEPARTMENT: Administration

DATE: October 8, 2024
TYPE OF ITEM: Legislative Action

SUMMARY:

The Town Council will hold a public hearing and consider an ordinance amending the Land Management Code, chapters 7 and 12 with regard to variation of wall planes, increased undisturbed area in multi-family developments, and remote parking.

BACKGROUND:

From time to time the Town may consider alterations to the Land Management Code as a result of experiences applying the code and a recognition that application of the code as written may not be lining up with the General Plan. The Planning Commission asked to hold a discussion on the following topics in the Land Mgt Code to determine whether adjustments are necessary to better align the LMC with the General Plan and strategic plans of the Town.

- Minimum distance for staggering of buildings (or possibly units)
- Minimum undisturbed area requirement
- Minimum distance between buildings
- Minimum distance from parking to units
- Parking requirements (specifically guest parking requirements for R3 units)

The Planning Commission held discussion on these topics on 7-2-24 and 8-20-24 and gave staff direction to return with proposed amendments regarding variation of wall planes, increased undisturbed area in multi-family zone (including a perimeter requirement for undisturbed), and remote parking. The Planning Commission held a public hearing on 9-17-24 and made an official recommendation to the Town Council.

A public hearing regarding the proposed LMC amendments has been noticed for 10-8-24 at the Town Council meeting.

ANALYSIS:

The Planning Commission discussed spacing between buildings, non-linear building placement, and building staggering, and open space requirements. The conversation seemed to conclude that it's not so much the space between the buildings and linear nature of the building layout that creates the aesthetic issues in Town that the Commission is attempting to better regulate, but rather the open space preserved around the buildings and breaking up the wall planes themselves. The Council recently adopted an amendment to the land management code requiring "horizontal articulation" in the design of large wall planes, particularly in multi-family and commercial zones, which should break large wall planes. The Planning Commission reviewed language from Durango code that would add additional wall plane variation requirements. Staff was asked to propose language for the Brian Head Code. The following was proposed by staff and is recommended by the Planning Commission:

9-12-7: BUILDINGS:

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.*
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 (25% or less of any face or plane of the building) 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.*
3. *Offset/Variation of Wall Planes. Building walls that are wider than 50 feet shall include offsets according to the standards of this Subsection.*
   a. *Maximum Distance Between Offsets: 50 feet.*
   b. *Minimum Offset Distance (measured perpendicularly to the wall plane from which the offset is taken): 10 percent of the actual distance between offsets from the wall plane, or from the corner of the elevation to the offset.*
   c. *Minimum Width of Offset: 12 feet.*
   d. *Minimum Offset Height:*
      i. *One story buildings: 95 percent of the height of the wall that establishes the plane from which the offset is taken.*
      ii. *Two or more story buildings: 75 percent of the height of the wall that establishes the plane from which the offset is taken.*

The Planning Commission also asked for increased open space requirement in R3 zone and a requirement for that open space to be located on the perimeter of the property. Staff proposed the following language and it has been recommended by the Planning Commission:

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

F. Exterior Walls:

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'). 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.

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').

e. Minimum distance between buildings:

i. Under twenty feet (20') in height: Ten feet (10')

ii. Over twenty feet (20') and under thirty feet (30') in height: Fifteen feet (15')

iii. Over thirty feet (30') in height: Twenty feet (20')

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 (31/2') into the required setback; and

   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.

5. *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. Up to twenty-five (25) units per acre may be allowed where the provisions of §9-9-7 are met.*

6. *Maximum height: Sixty feet (60') for peaked roof, forty feet (40') for flat roof;*

7. *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.*

8. *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%. Vegetated undisturbed areas may be counted toward landscaping requirements.*
9. *Parking: In accordance with section 9-12-15 of this title*
10. *Undisturbed lot area: Twenty percent (20%) of the parcel shall not be disturbed during development. All area within minimum setbacks of the development shall remain undisturbed except for space directly adjacent to buildings which is required to be cleared by wildland urban interface code, utility location, and space used for driveways and walkways. All reasonable efforts shall be made to avoid removing mature trees.*

~~10~~11. *Remaining undeveloped area shall be landscaped as per section 9-12-5 of this title.*

~~11~~12. *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.*

For remote parking, staff proposed the following language, which is recommended by Planning Commission:

9-12-15: PARKING:

F. *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. Required parking shall not be located in a manner that requires occupants walking from their vehicle to the residential unit to cross a public right-of-way.*

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

The LMC edits recommended by the Planning Commission and staff are in the attached ordinance

STAFF RECOMMENDATION:

Staff recommends adoption of the ordinance as proposed.

PROPOSED MOTION:

I move to adopt Ordinance No. 24-015 amending chapters 7 and 12 of Title 9 of the Brian Head Town Code establishing certain requirements related to wall plane offsets, undisturbed area preservation, and remove parking as proposed.

ATTACHMENTS:

A – Draft Ordinance

BRIAN HEAD

ORDINANCE NO. 24-____

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 7- ZONE DISTRICT REGULATIONS AND CHAPTER 12 DESIGN GUIDELINES FOR CONSTRUCTION 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 17, 2024, 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 modifications of the Brian Head Land Management Code, Chapter 7, Zone District Regulations and Chapter 12 Design Guidelines for Construction to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on October 8, 2024 giving at least fourteen (14) days' notice to receive public comment on the proposed amendments Brian Head Land Management Code; 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 and Chapter 12 Design Guidelines for Construction is hereby listed below. All changes are hereby identified in red font:

BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE:

CHAPTER 7 – ZONE DISTRICT REGULATIONS:

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

F. Exterior Walls:

1. *Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).*
2. *Minimum frontage: Forty-five feet (45').*

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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.

      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').

   e. Minimum distance between buildings:

      i. Under twenty feet (20') in height: Ten feet (10')

      ii. Over twenty feet (20') and under thirty feet (30') in height: Fifteen feet (15')

      iii. Over thirty feet (30') in height: Twenty feet (20')

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.

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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

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.

5. *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. Up to twenty-five (25) units per acre may be allowed where the provisions of §9-9-7 are met.*

6. *Maximum height: Sixty feet (60′) for peaked roof, forty feet (40′) for flat roof;*

7. *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.*

8. *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%. Vegetated undisturbed areas may be counted toward landscaping requirements.*

9. *Parking: In accordance with section 9-12-15 of this title*

10. *Undisturbed lot area: Twenty percent (20%) of the parcel shall not be disturbed during development. All area within minimum setbacks of the development shall remain undisturbed except for space directly adjacent to buildings which is required to be cleared by wildland urban interface code, utility location, and space used for driveways and walkways. All reasonable efforts shall be made to avoid removing mature trees.*

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~~10~~11. Remaining undeveloped area shall be landscaped as per section 9-12-5 of this title.

~~11~~12. 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.

CHAPTER 12 – DESIGN GUIDELINES FOR CONSTRUCTION

9-12-7: BUILDINGS:

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.*

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 (25% or less of any face or plane of the building) 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.*

3. *Offset/Variation of Wall Planes. Building walls that are wider than 50 feet shall include offsets according to the standards of this Subsection.*

   a. *Maximum Distance Between Offsets: 50 feet.*

   b. *Minimum Offset Distance (measured perpendicularly to the wall plane from which the offset is taken): 10 percent of the actual distance between offsets from the wall plane, or from the corner of the elevation to the offset.*

   c. *Minimum Width of Offset: 12 feet.*

   d. *Minimum Offset Height:*

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i. One story buildings: 95 percent of the height of the wall that establishes the plane from which the offset is taken.

ii. Two or more story buildings: 75 percent of the height of the wall that establishes the plane from which the offset is taken.

9-12-15: PARKING:

F. 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. Required parking shall not be located in a manner that requires occupants walking from their vehicle to the residential unit to cross a public right-of-way.

Section 2. **Effective Date**. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council and following notice and publication as required by law. 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 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 _____day of October 2024 with the following vote.

TOWN COUNCIL VOTE:

Mayor Clayton Calloway	Yes_____	No_____
Council Member Martin Tidwell	Yes_____	No_____
Council Member Kelly Marshall	Yes_____	No_____
Council Member Larry Freeberg	Yes_____	No_____
Council Member Mitch Ricks	Yes_____	No_____

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BRIAN HEAD TOWN COUNCIL

By: _____
Clayton Calloway, Mayor

ATTEST:

_____
Nancy Leigh, Town Clerk

(SEAL)

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 ___day of October 2024 and hereby 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 posted on the Utah Public Meeting Notice Website.

_____
Nancy Leigh, Town Clerk

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