



ORDINANCE NO. 25-003

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 7- ZONE DISTRICT REGULATIONS FOR ACCESSORY DWELLING UNITS (ADU), 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 Brian Head Planning Commission held a public hearing on April 15, 2025, 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, Chapter 7, Zone District Regulations, for Accessory Dwelling Units (ADU) to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on April 22, 2025, 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, hereby as follows. All changes are identified in red font.

Land Management Code – Chapter 7 Zone District Regulations

9-7-1-C - Single-Family Residential:

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

~~Mother-in-law / guest house is an accessory use one lot that is equal to or greater than one acre and shall comply with accessory structure requirements in this title with a maximum of one mother-in-law/guest house per property. (ord. 18-006, 6-11-2018 amd. ord. 20-006, 7-14-2020)~~

~~One accessory dwelling unit (ADU) on an R-1 lot will be allowed per lot. Accessory Dwelling Units (ADUs) are defined as a secondary living space on a property that shares a lot and ownership with the primary residential structure. ADUs can be a basement apartment, a garage conversion, or an addition to the house (internal ADU). They can also be stand-alone structures~~



on the lot (detached ADU). The following requirements/restrictions apply to this type of dwelling:

1. The purpose of allowing this type of use on an R-1 lot is to create more affordable housing. ADU's will not be permitted as Short-Term Rentals (STR).
2. The ADU is a secondary use to the primary residential structure on the lot and therefore one master water meter and one sewer hookup per lot shall be installed for utilities on the lot.
3. Detached ADUs will meet all the requirements of Accessory Structures in §9-12-7(I).
4. Off-street parking requirements will remain per the parking ordinance for the main residence. If the new construction for the ADU diminishes the number of parking spaces for the main residence, then new parking will be installed to bring the main residence in compliance with the LMC. For new ADU's, off-street parking requirements of 1 per bedroom in the ADU, not to exceed 2 new spaces will be added to the lot (whether the ADU is detached or internal).
5. All detached accessory dwelling units must follow the design standards and guidelines as outlined in §9-12-7 and should substantially match the primary residential structure in design features.
6. ADUs are subject to the building codes (IRC), and design standards in place at the time of the application
7. Occupancy shall comply with the same definition for a single-family unit as it pertains to the number of unrelated occupants allowed to dwell in the unit (see definition for "Family").

End.

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah. All provisions of this Ordinance shall be 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 13th day of May 2025 with the following vote.

TOWN COUNCIL VOTE:

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

BRIAN HEAD TOWN COUNCIL

By: 
Clayton Calloway, Mayor

ATTEST:


Nancy Leigh, Town Clerk



CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the 13th day of May 2025, 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

