



ORDINANCE NO. 26-001

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 2 DEFINITIONS; CHAPTER 7 ZONE DISTRICT REGULATIONS 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 January 20, 2026, giving at least ten (10) 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 2, Definitions and Chapter 7, Zone District Regulations to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing to receive comments on the proposed Land Management Code amendments during their regular meeting held on February 10, 2026; 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 1-8 General Provisions – Noticing; Chapter 2 – Definitions for Flag Lots; and Chapter 12.2 Design Guidelines for Constructions for Flag Lots is hereby as **Attachment “A”**. All changes are identified in red 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.

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

 **BRIAN HEAD**

provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

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 All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance shall be repealed.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this 10th day of February 2026, with the following vote.

TOWN COUNCIL VOTE:

Mayor Clayton Calloway	Yes
Council Member Mitch Ricks	Absent
Council Member Larry Freeberg	Yes
Council Member Duane Nyen	Yes
Council Member Logan Cruz	Yes

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 10th day of February 2026, 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

“Attachment A”
Land Management Code Amendments
February 10, 2026

9-2: Chapter 2 – Definitions

ACCESSORY DWELLING UNIT (ADU): A dwelling unit defined as a secondary living space on a property that shares a lot and ownership with 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 lots (detached ADU).

CONDITIONAL USE PERMIT (CUP): See 9-11-2

CONDOMINIUM: See Dwelling, Multi-Family: 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.).~~

DENSITY: The number of nonresidential and residential uses expressed in terms of ~~dwelling~~ unit equivalents per acre or lot or units per acre. "Density" is a function of both the number and type of dwelling units and/or nonresidential units and the land area. (ord. 15-004, 4-28-2015)

DESIGN STANDARDS FOR CONSTRUCTION AND DEVELOPMENT GUIDELINES: See chapter 12 of this Title. The document adopted by the Brian Head Town Council to direct and guide the aesthetics of development in Brian Head Town.

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.~~ A single building or property containing two or more separate dwelling units (e.g., Duplex, Twin Home, Triplex, Fourplex, Townhomes/Townhouse, Condominiums, Apartment building) with separate entrances, kitchens, and baths. Each type of Multi-Family Dwelling is defined below:

A. Duplex, Twin Home, Triplex, Fourplex Definition:

Dwelling Units that are attached to each other on one or both sides and have a common wall separation from the other Dwelling Units from the foundation to the roof. Typically, the owner of the Dwelling Unit owns the Lot on which the Dwelling Unit sits which allows them to have a front, rear or side yard.

B. Condominiums Definition:

A form of real property ownership in which the purchaser of each Dwelling Unit purchases the air space of that particular Dwelling Unit in an apartment building or in a complex of multi-unit dwellings and acquires full title to the Dwelling Unit and an undivided interest in

the common elements (the land, roof, elevator, hallways, amenities, etc.). These complexes require a Homeowner's Association (HOA) that pays for the maintenance of the exterior of the building and/or common areas, insurance, and/or common utilities, etc.

C. Apartment Definition:

A self-contained housing unit that occupies only part of a building, often within a large complex with shared amenities and common utilities. Dwelling Units are typically owned by a single entity (like a corporation) in large complexes, or individually as condos/co-ops, or rented from a landlord.

- D. Townhouse/Townhomes Definition:** Dwelling Units sharing side walls from foundation to roof. Property under the Dwelling Unit is owned by owner and it may have front, rear and side yards. The configuration of these Dwelling units is usually in a complex of multiple buildings and has shared ownership of common amenities, private roads and utilities within the complex. Sometimes these complexes may have a Homeowner's Association (HOA) that pays for the maintenance of the exterior of the building and/or common areas, insurance, and/or common utilities

FRONTAGE, LOT, OR PROPERTY: The length of the property line bordering any public or private street (also see definition of Lot Line, Front).

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.

- A. 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.
- B. 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.

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~~ 10-20-808 et. Seq.

PLANNING COMMISSION: The Brian Head Town Planning Commission, established pursuant to authority granted by Utah Code Annotated §~~10-9a-301~~ §10-20.....

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~~ §10-20-803 or §57-8-13 et. seq.....

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~~ §10-20-808, §17-71-4 et. seq.....

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~~ §10-20-806 et. seq.....

SCHEMATIC SUBDIVISION PLAT: An abbreviated subdivision plat submitted to determine the basic feasibility of a subdivision (see requirements in ~~table 3, chapter 4~~ 9-4-2(M) of this title).

SUBDIVISION: Any land that is divided, re-subdivided, 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....

B. Subdivision does not include:

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~~ §10-20-808 et. seq. if no new parcel is created;
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;

SUBDIVISION AMENDMENT: An amendment to a recorded subdivision in accordance with Utah Code Annotated ~~§10-9a-608~~ §10-20-811 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.....

TOWNHOUSE OR TOWNHOME: ~~See Dwellings, Multi-Family. 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.~~

VARIANCE: 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. See 9-11-1.

CHAPTER 7

9-7: ZONE DISTRICT REGULATIONS:

9-7-1 SINGLE-FAMILY RESIDENTIAL

C. Conditional Uses:

ADU: 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. ADUs 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(l) for items 1,2,3,5,6 and 9. The ADU size is limited to 50% of the total square footage of the primary structure. A detached ADU may be built first and the primary structure built second provided the primary structure has twice the total square footage of the detached ADU. A detached ADU must be a minimum of 400 square feet.
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").

9-7-1: Single-Family Residential

D. Physical Restrictions

1. One (1) acre or forty-three thousand five hundred sixty (43,560) square feet. Lots as small as fourteen thousand five hundred twenty (14,520) square feet or one-third (1/3) acre may be allowed more where the provisions of §9-9-7 are met. For all existing legally sub-divided Lots that do not meet these requirements, they are considered legal non-conforming lots, and they can be built on.

9-7-2: Medium Density Residential

A. Purpose: The R-2 district is intended to provide sites for medium density single- and multi-family residential use, ~~at a maximum density of eight (8) dwelling units per acre,~~ together with such public facilities as may appropriately be located in the same district. The R-2 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with medium density multi-family occupancy, and along with the Town Design Guidelines, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.

D. Physical Restrictions:

8. Maximum density: Four (4) 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. ~~Density may increase up to ten (10) eight (8) dwelling units per acre may be allowed~~ where the provisions of [§9-9-7](#) are met.
11. Undisturbed lot area: ~~Remaining undeveloped area shall be landscaped as per section 9-12-5 of this title~~ Twenty percent (20%) of the lot shall not be disturbed during development.

9-7-3: MULTI-FAMILY RESIDENTIAL

D. Physical Restrictions

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. ~~Density may increase up to twenty-five (25) ten (10) units per acre may be allowed~~ where the provisions of [§9-9-7](#) are met

9-7-11: BUILDING BONUSES:

B. The following bonuses shall be granted if Section A above is appropriately complied with:

1. For Single-Family Residential Zones (R-1) as referred to in [9-7-1](#) of this title:
 - a. Building Height: Increased up to forty-five feet (45').
 - b. Building coverage including garages, and patios: Increased up to 40% of the lot area.
2. For Medium-Family Residential Zones (R-2) as referred to in [9-7-2](#) of this title:
 - a. Building Height: Increased up to ~~fifty feet (50')~~ forty-five feet (45') for peaked roofs and thirty-five feet (35') for flat roofs.

- b. Building coverage including garages and patios increased up to forty percent (40% of the lot area).

Recommended change to all chapters in the LMC:

- Land Use Authority – will be Capitalized: Land Use Authority