



BRIAN HEAD

The Regular Meeting of the
Brian Head Planning Commission

Town Hall - 56 North Highway 143 - Brian Head, UT 84719

Zoom Meetings ([Click Here](#))

Zoom Meeting ID# 852 8007 8084

TUESDAY, June 16, 2026 @ 1:00 PM

AGENDA

A. CALL TO ORDER **1:00 PM**

B. PLEDGE OF ALLEGIANCE

C. DISCLOSURES

D. APPROVAL OF THE MINUTES

June 2, 2026, Planning Commission Meeting

E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

F. AGENDA ITEMS:

- 1. PUBLIC HEARING, LMC CHANGE: 9-7-4** – Greg Sant, Planning and Building Administrator. Adding a permitted use to the General Commercial Zone.
- 2. PUBLIC HEARING, LMC ADDITION: 9-12-21** – Greg Sant, Planning and Building Administrator. Adding Guidelines and restrictions for Sports Courts.
- 3. LEGISLATIVE ACTION, LMC CHANGE: 9-7-4** – Greg Sant, Planning and Building Administrator. Commission make a recommendation to Town Council regarding adding a permitted use to the General Commercial Zone.
- 4. LEGISLATIVE ACTION, LMC ADDITION: 9-12-21** – Greg Sant, Planning and Building Administrator. Commission make recommendation to the Town Council regarding adding a section in Chapter 12 of the LMC for guidelines and restrictions for Sports Courts.
- 5. DISCUSSION ITEM: Mixed-Use Zone Discussion** – Greg Sant, Planning and Building Administrator. Continuation of the previous discussion on possible Mixed-Use Overlay Zone.

G. ADJOURNMENT

Date: June 16, 2026

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 Council may participate by means of a telephonic or telecommunications conference. 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 in two public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall and Post Office, and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Ciera Claridge, Deputy Clerk



NOTICE OF PUBLIC HEARING

The **Brian Head Planning Commission** will hold a public hearing on **June 16, 2026**, during the regularly scheduled meeting beginning at 1:00 pm or shortly thereafter at the Brian Head Town Hall located at 56 N. Hwy. 143, Brian Head, UT 84719. The public is invited to attend and give public input on the proposed amendments to the Brian Head Town Code, Title 9:

BRIAN HEAD LAND MANAGEMENT CODE
Chapter 7 (Zone District Regulations), & Chapter 12 (Building
Design Standards for Construction)

A draft of the proposed amendments is available for public inspection hours at the Brian Head Town offices during normal business hours M-F 9:00 am to 4:30 pm. by calling (435) 677-2029 or email cclaridge@bhtown.utah.gov

Written Comments may be submitted to the Deputy Town Clerk no later than 4:30 pm June 15, 2026, for the Planning Commission Meeting. Office of the Deputy Clerk is located at 56 North Hwy. 143, Brian Head, UT or by email to cclaridge@bhtown.utah.gov

Date: June 5, 2026.

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 3 days prior to the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this public hearing in two public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, and the Post Office on this 5th day of June 2026 and have posted such copy on the Utah Meeting Notice 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

STAFF REPORT TO THE PLANNING COMMISSION

ITEM: CHANGE TO THE LMC 9-7-4

AUTHOR: Greg Sant
DEPARTMENT: Planning and Building
DATE: June 16, 2026
TYPE OF ITEM: Legislative Action

SUMMARY:

The Commission directed Staff to add language in the LMC to 9-7-4 regarding residential dwellings in conjunction with commercial space (owner/employee housing). Commission will discuss and give recommendations to the Town Council.

BACKGROUND:

This language is already in the Light Industrial Zone and Commission felt that it was also appropriate for the General Commercial Zone.

STAFF RECOMMENDATION:

It is Staff's recommendation that Commission make their recommendations to the Town Council so that they can add this into the LMC.

PROPOSED MOTION:

I make a motion to recommend to the Town Council that this addition to the LMC be made.

ATTACHMENTS:

A - Proposed 9-7-4 Addition to the General Commercial

9-7-4: GC GENERAL COMMERCIAL:

- A. Purpose: The general commercial (GC) district is intended to provide sites outside of the village commercial zone, with a mixture of lodges and commercial establishments in an auto oriented setting. The GC district regulations are intended to ensure light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The GC district regulations, in conjunction with this title, prescribe site development standards that are intended to maintain the unique character and relationship of the town commercial areas and to ensure an attractive, functional commercial setting.
- B. Permitted Uses: Only the following uses are permitted in the GC zone:
Residential dwellings in conjunction with Commercial space (owner/employee housing).



ITEM: PROPOSED SPORTS COURT ADDITION TO THE LMC

AUTHOR: Greg Sant
DEPARTMENT: Planning and Building
DATE: June 16, 2026
TYPE OF ITEM: Legislative Action

SUMMARY:

The Staff has directed Staff to pursue a Sports Court chapter to the LMC, Chapter 12. Commission will discuss give recommendations to the Town Council.

BACKGROUND:

Staff have researched the LMC with regards to sports courts, fencing, etc. and there is no existing section therein. After discussion at the last Commission meeting, Staff was directed to make additions to the LMC to address sport courts.

ANALYSIS:

The LMC recommends that fencing be minimized on lots, and they prohibit the use of chain link fence. Fencing is allowed within the setbacks, however, the Commission felt that a chain link fence with different colors of rubber coating would be appropriate for sports courts. It appears this would meet code as the prohibition to use chain link was to avoid the silver, metallic color. Lighting restrictions are already addressed in Chapter 12 of the LMC.

STAFF RECOMMENDATION:

It is Staff's recommendation that Commission make their recommendations to the Town Council so that they can add this into the LMC.

PROPOSED MOTION:

I make a motion to recommend to the Town Council that this addition to the LMC be made.

ATTACHMENTS:

A - Proposed 9-12-21 Sports Court addition to the LMC

Addition to the LMC

9-12-21 Sports Courts:

It is the intention of the Town of Brian Head to allow Sports Courts with the following guidelines:

- A. Pickleball Court - Standard pickleball court should be designed consistent with USA Pickleball guidelines per <https://usapickleball.org/>. Essential fencing guidelines and specifications include:

1. Fence Height Recommendations

- Baseline Backstops: Minimum of 6 feet to catch fast rallies and high lobs. Courts near high-traffic areas or busy roads may require 10 to 12 feet.
- Sidelines (Sidestops): Should be a minimum of 3 feet high, but best practices dictate extending the full 6-foot backstop height for at least 20 to 30 feet down the sidelines to prevent stray balls from easily escaping during lateral play.

2. Mesh and Material Guidelines

- Mesh Size: A standard pickleball is about 65mm in diameter. Any openings in chain link or wire fences must be small enough to prevent the ball from passing through. 45mm or 55mm (1.75 to 2 inch) mesh is highly recommended.
- Safety: All fencing must be completely rust-proof and free of sharp edges or dangerous protrusions that could injure players if they collide with the boundary. Chain Link to allowed if it is color coated and abides by the standard set herein.
- Windbreaks: Solid windscreens can be attached to the backstops. They help cut down on wind interference and create a dark, solid background that makes the high-visibility pickleball easier for players to track

- B. Tennis Courts- Standard Tennis Court should be designed consistent with the US Tennis Court Track Building Association (USTCTBA) per <https://www.ustctba.com/>.

1. Tennis Court – Fencing -

- The purpose of fencing around a tennis court is to keep most of the balls within the court during play. Chain link fencing is most commonly used for this purpose, but wooden fencing, walls, hedges and netting also are used.

- Fencing, or an acceptable alternative, is required across the back of the court (backstop) and along each sideline from the corner 20'–40' up the sidelines (sidestop). The area up to 40' on either side of the net can be left open or shorter fencing may be used.
- The backstops should be 10' (or 3m) in height above the court surface for most normal installations. Where local conditions dictate additional security or ball retention, a higher backstop may be required. For residential courts, 8' (2.438m) in height is adequate when the adjacent area is such that a ball going over the backstop or sidestop can be retrieved without personal hazard or hardship and without undue intrusion on adjoining property.
- The sidestops should be the same height as the backstops for the minimum distance of approximately 20' (6.096m) from the backstop. The height of the sidestop in the remaining area, if used, may vary to suit local conditions. In no instance should the sidestop, where used, be less than 3' (or 1m) in height.

2. Material Guidelines

- A standard tennis ball is about 55mm in diameter. Any openings in chain link or wire fences must be small enough to prevent the ball from passing through. 35mm or 45mm (1.25 to 1.5 inch) mesh is highly recommended.

C. Lighting for courts should abide by the lighting standards in 9-12-6 of the LMC.

D. Placement – Courts and the associated fencing and lighting may be placed in the setback area of the associated lot with the following restriction:

1. It may not be placed in the view corridor of a lot adjacent to the street that would inhibit the view of traffic as it approaches a corner or driveway.
2. Lighting shall be faced away from oncoming traffic so that it does not interfere with safe driving at night.



ITEM: MIXED-USE OVERLAY (MUO) ZONE DISCUSSION

AUTHOR: Greg Sant
DEPARTMENT: Planning and Building
DATE: June 16, 2026
TYPE OF ITEM: Discussion

SUMMARY:

As Staff researched and worked on the Aspen Meadows Mountain Zone, a Mixed-Use Zone designation kept coming up. This was not exactly what we were looking for on that issue, however, it was something that Staff started to look at for the future. Also, Council Member Cruz sent an email regarding the possibility of creating a clear Mixed-Use framework. This agenda item is a discussion only to get the thoughts of the Planning Commission on a possible framework, items and goals that would go into a possible new zone.

BACKGROUND:

Brian Head Town only hints at a Mixed-Use in the General Commercial and Village Commercial by allowing Lodging, Motels, and Hotels. Neither allows a true residential component. Below are the summaries of those two existing zones:

9-7-4: GC GENERAL COMMERCIAL:

- A. Purpose: The general commercial (GC) district is intended to provide sites outside of the village commercial zone, with a mixture of lodges and commercial establishments in an auto oriented setting. The GC district regulations are intended to ensure light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The GC district regulations, in conjunction with this title, prescribe site development standards that are intended to maintain the unique character and relationship of the town commercial areas and to ensure an attractive, functional commercial setting.
- B. Permitted Uses: Only the following uses are permitted in the GC zone: Lodging and nightly rentals (including hotels and motels).

9 -7-5: VC VILLAGE COMMERCIAL:

- A. Purpose: The village commercial VC district is intended to provide for village core area with a mixture of lodges, business, and commercial establishments in a predominantly pedestrian setting. The VC district regulations are intended to ensure light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The district regulations, in conjunction with the town design guidelines, prescribe site development standards that are intended to maintain the unique character of the Town commercial areas and to ensure an attractive, functional village resort setting. It is encouraged that development in the village core would be by development agreement. (2010 Code, amd. ord. 15-004, 04-28-2015)
- B. Permitted Uses: Only the following uses are permitted in the VC zone:
 - Multi-family housing: Hotel type lodging in conjunction with commercial space. It is required that at least seventy-five percent (75%) of the entire main floor, facing the public street or thoroughfares, be dedicated to commercial business with provisions for ADA compliant residential units to be located in the rear or sides of the building to maximize

the commercial business exposure. On multi-building projects, the commercial space may be cumulatively oriented toward the vehicle and pedestrian corridors rather than locations typically not accessible or visible to the general public.

INITIAL ANALYSIS:

Things to consider for Mixed Use Zoning Ordinance:

Mixed-use zoning is a land-use strategy that blends residential, commercial, cultural, or industrial uses into a single building or district, fostering walkable, vibrant communities. It reduces reliance on cars by placing housing near work and services, often featuring residential units above ground-floor retail. Key types include vertical and horizontal, offering investors diverse, high-demand, and lower-vacancy real estate options.

Core Components and Benefits

Types of Mixed Use:

Vertical: Different uses in the same building (e.g., retail on ground floor, apartments above).

Horizontal: Single-use buildings designed together within a single zoning district.

Components: Commonly include apartments, condos, retail shops, offices, restaurants, and civic spaces.

Benefits: Promotes walkability, efficient land use, increased vibrancy, and higher density, which helps combat urban sprawl.

Common Zoning Characteristics

Pedestrian-Oriented: Designed to be active centers with high-quality architectural design, often featuring outdoor seating and plazas.

Density: Generally higher density than traditional suburban zoning to support local businesses.

Flexibility: Allows for adaptation of spaces, such as converting older commercial buildings for new uses.

Examples and Applications

Downtown/Urban Areas: High-density, multi-story buildings mixing residential with commercial/civic functions.

Main Street/Neighborhood: Smaller 2–3 story buildings with ground-floor retail and upper-level housing.

Industrial/Flex: Areas combining light industrial, workshops, and artist spaces with residential or commercial components.

Implementation of mixed-use zoning has evolved to include more than just permitting mixed-use developments in certain districts. Local governments are now creating mixed-use districts. This allows for a more widespread integration of uses and the development of increasingly cohesive and efficient communities.

From Fillmore City -

MIXED USE, COMMERCIAL: Development which incorporates a mix of uses, including retail commercial and/or offices and residential.

MIXED USE, HORIZONTAL: Commercial and residential uses which are within close proximity to each other and designed in a "village" manner, but not necessarily within the same building structures.

MIXED USE, VERTICAL: Commercial and residential uses, which are within the same building structure.

From Cedar City -

Section 26-III-17 MU-Mixed Use Zone

Objectives and Characteristics: The objective in establishing the MU Mixed Use Zone is to provide an environment within the City which is characterized by a variety of uses including residential, commercial, offices and to encourage a mixture of uses within the zone within single developments. Residential densities may vary from 2 to 24 units per acre. The MU Zone is characterized by wide, clean, well-lit streets, ample pedestrian ways and vehicular parking lots for the convenience and safety of the public. Attractive, inviting and well-maintained shops, stores, offices, theaters and cultural buildings, as well as single and multi-family residential dwellings are also characteristic of this zone. Representatives of the uses in this zone are specialty retail, lodging, all types of residential, professional offices, theaters, restaurants, and a wide variety of retail outlets.

From Salt Lake City -

The purpose of the MU Mixed Use District is to encourage the development of areas as a mix of compatible residential and commercial uses. The district is to provide for limited commercial use opportunities within existing mixed-use areas while preserving the attractiveness of the area for residential use. The district is intended to provide a higher level of control over nonresidential uses to ensure that the use and enjoyment of residential properties is not substantially diminished by nonresidential redevelopment. The intent of this district shall be achieved by designating certain nonresidential uses as conditional uses within the Mixed-Use District and requiring future development and redevelopment to comply with established standards for compatibility and buffering as set forth in this section. The design standards are intended to facilitate walkable communities that are pedestrian and mass transit oriented while still ensuring adequate automobile access to the site.

From Riverside California -

Chapter 19.120 - MIXED-USE ZONES (MU-N, MU-V, MU-U)

A. General. The mixed-use zones are established with the following intents and purposes:

1. To encourage a mixture of compatible and synergistic land uses, such as residential with compatible nonresidential uses including office, retail, personal services, public spaces and other community amenities. These uses are allowed as either: a. Singular, stand-alone uses that contribute to a mixture of uses within the zone; or b. Combined uses in one project as a mixed-use development.
2. To strengthen the interaction between residential, commercial and employment uses in order to reduce dependency on automobiles, improve air quality, decrease urban sprawl, facilitate use of transit and encourage conservation of land resources.
3. To provide opportunities for transit-oriented development.
4. To revitalize deteriorating commercial areas by integrating residential uses and public institutions into the commercial fabric to create an active street life and enhance the vitality of businesses.
5. To provide alternatives to new development of small shopping centers.
6. To foster pedestrian-oriented activity nodes by providing a mix of uses in compact, walkable areas.

7. To increase the area available for residential development and provide alternative types of housing.
8. To provide appropriate locations for a broad range of live/work activities to occur.
9. To encourage medium- and high-density residential development to occur in close proximity to employment and services.
10. To allow for a greater variety of land uses and structures, including adaptive reuse of existing structures and flexibility in site planning.

FURTHER ANALYSIS FOR JUNE 2ND MEETING:

Planning Commission instructed Staff to narrow down the possible Zoning for Mixed-Use to 2 scenarios:

1. What would the current Zoning look like if missed-use type uses were introduced into the LMC. For example; adding residential uses within the commercial zones.
2. What would a Mixed-Use Overlay zone look like if it was overlayed in a residential zone or a commercial zone.

Scenario #1 – From Hurricane City – Commercial that allows a residential component:

A. *Purpose.* Planned commercial developments shall incorporate elements of commercial and residential within each zoned area and development.

B. *Mix use types.* Planned commercial developments shall incorporate both commercial and residential uses. The following definitions apply to this section:

1. *Horizontal mix use.* Development that combines single-use buildings on distinct parcels on a range of land uses in a planned commercial development project.

2. *Vertical mixed use.* Development that combines different uses in the same building. Commercial or public uses shall only occupy lower levels.

3. *Live/work unit.* A single unit consisting of both a commercial use/office and a residential component that is occupied by the same resident. A live/work unit shall not exceed two bedrooms for the residential portion of the unit. A live/work unit shall be the primary dwelling of the occupant. Live/work units may only be owner-occupied and cannot be sublet to long-term or short-term renters. The owner-occupied requirement and prohibition of long-term or short-term renters shall be included in a recorded deed restriction prior to or as a condition of final site plan approval.

C. *Approval; site plan; legislative authority.* Submittal of an application for a planned commercial zone does not guarantee that the zone or a preliminary site plan will be approved. An application for a planned commercial zone is considered under the general zone map amendment provisions of subsection 10-7-7(E) and the spirit and intent of this chapter. A preliminary site plan shall be required with the application and any approval of a planned commercial zone change application, which preliminary site plan shall be associated with and shall govern the approved planned commercial zone. The City Council's legislative decision to create a planned commercial zone includes the City Council's legislative authority to permit or deny any uses within the newly created zone as shown on the approved preliminary site plan.

D. *Regulations.* Planned commercial developments are subject to the following:

1. A minimum of 67 percent of the development area shall be used for commercial uses identified in table 10-15-1 as permitted uses in planned commercial zones. A

minimum of 20 percent of the development area shall be used for long-term residential uses identified in table 10-15-1 as permitted residential uses in planned commercial zones.

a. The residential versus commercial area shall be calculated based on the area of the uses authorized and required by the approved preliminary site plan. The area of the uses may include buildings, features, amenities, and infrastructure of commercial or residential uses, as legislatively determined by the City Council in approving an application for the zone change to planned commercial. As a guide to analyzing the zone change applications and associated preliminary site plans, improvements intended to support both residential and commercial may be calculated based on the percentage of the improvements that will be impacted either by commercial or residential needs, and the percentages of uses within mixed-use buildings may be calculated in the same manner as calculating area for density.

b. The preliminary site plan shall show general areas of use and specify percentages of different uses. The general areas of use and specific percentages of use within the final site plan submitted to and approved by the Planning Commission shall correspond with the approved preliminary site plan.

c. The required 67 percent of commercial development shall be completed prior to, or concurrently with, the residential components of the development.

2. Each project shall have a mixture of residential and commercial use.

E. *Residential density.* Except as stated in this section, the areas designated as residential within planned commercial developments shall not exceed 15 units an acre or the density identified in the approved preliminary site plan, whichever is less.

1. *Affordable housing.* Residential areas of a planned commercial development are entitled to a density bonus by meeting the affordable housing requirements of [title 10, chapter 52](#) of this Code. The available density bonus shall be based on the original residential density authorized in the approved preliminary site plan.

2. *Residential areas.* Unless modified by the City Council in the approved preliminary site plan as part of the zone change approval, residential areas shall be calculated based on the following:

a. *Horizontal mix use.* Residential areas shall be calculated based on the footprint of residential buildings and sections of buildings, parking, amenities, and roadways that primarily serve residential areas and other residential uses.

b. *Vertical mix use.* Residential areas shall be measured by the percentage of space within the building that is occupied by commercial versus residential uses, which percentages are then applied to the total footprint of the building to calculate the areas of commercial and residential use. Other residential areas shall be calculated based on the area of use including designated residential parking, amenities reserved for residential use, roadways that primarily serve residential areas, and other residential uses.

(1) Example: if a two-story building has a building square footage of 10,000 square feet and a 5,000 square feet footprint, and the first floor is completely commercial use and the second floor is residential use, then 2,500 square feet (50 percent of the footprint of the building) shall count towards the density of residential use.

3. *Live/work units.* Live/work units as defined in this chapter shall be considered a 50 percent commercial and 50 percent residential use.

4. *Shared uses.* Amenities and parking shall be designed with both commercial and residential uses in mind. For amenities that substantially serve both residential and commercial uses, 50 percent of the area shall count toward residential density areas.

a. *Parking.* Shared parking must comply with [section 10-34-9](#) of this Code.

F. *Development agreement.* A development agreement between the city and the applicant may be required by the City Council and executed before the zoning designation shall be effective.

Scenario #2 – From Kaysville – Overlay Zone on Residential and Commercial Zone: Allowed Uses.

The allowed uses within a project are as follows:

1. When applied in the **R-M (R-1)** zoning district:

a. The following shall be considered Permitted Uses:

i. Multiple-family dwellings, but where the R-M zone limits the number of dwellings to no more than one (1) dwelling per two thousand eight hundred (2,800) square feet of property, the MU Zone has no maximum residential density prescribed. Instead building form, height, site envelope, yards, open space standards and parking ratios will determine the number of allowable units.

ii. Offices.

iii. Retail sales and services.

iv. Sale of beer for consumption on the premises of a full-service restaurant, limited-service restaurant, beer-only restaurant, banquet or reception center.

v. Sale of liquor for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.

vi. Amusement and entertainment facilities.

vii. Motels or hotels.

b. Adequate commercial space within the project shall be provided. The final proportion of commercial square footage and residential square footage will be determined based on specific characteristics of the project site and shall be approved by the City Council in a DA. Minimum guidelines for commercial space include:

i. Ground floor commercial is required on buildings which front arterial and collector streets.

ii. A minimum of thirty percent (30%) of the combined total of the square footage for all buildings in the project shall be commercial space.

iii. Parking shall not be counted towards commercial space requirement.

c. As determined by the DA, commercial buildings may be required to be built before or at the same time as residential development.

2. When applied with the **General Commercial** zoning district:

- a. The following shall be considered Permitted Uses:
 - i. Multiple dwellings with no maximum residential density prescribed. Instead building form, height, site envelope, yards, open space standards and parking ratios will determine the number of residential units allowed.
 - ii. Retail sales and services.
 - iii. Offices.
 - iv. Motels and hotels.
 - v. Sale of beer for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.
 - vi. Sale of liquor for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.
 - vii. Amusement and entertainment facilities.
 - viii. Minor home occupations as specified in KCC 17-26.
 - ix. Major Home Occupation 'C' as specified in KCC 17-26.
 - x. Private swimming pools as specified in KCC 17-31-9.
 - xi. Accessory uses and accessory buildings customarily appurtenant to a permitted use as specified in KCC 17-31-2.
- b. Adequate commercial space within the project shall be provided. The final proportion of commercial square footage and residential square footage will be determined based on the specific characteristics of the project site and shall be approved by the City Council in a DA. Minimum guidelines for commercial space include:
 - i. Ground floor commercial is required on buildings which front arterial and collector streets.
 - ii. A minimum of thirty percent (30%) of the combined total of the square footage for all buildings in the project shall be commercial space.
 - iii. Parking shall not be counted towards commercial space requirement.
- c. As determined in a DA, commercial buildings may be required to be built before or at the same time as residential development.

ANALYSIS FOR JUNE 16TH MEETING:

At the June 2nd meeting the Commission asked for Staff to pursue the Overlay Zone designation. Staff have attached a draft of what that Overlay Zone would look like.

STAFF RECOMMENDATION:

With the above research, it is evident that not only is the Mixed-Use zone sensitive to types, i.e. horizontal, vertical, etc., and components such as retail, condominiums, markets, etc., but it is sensitive to locations, i.e. Downtown, neighborhood, and industrial/flex. Based on the discussion today Staff will come back with an amended LMC to reflect the Commissions decision.

PROPOSED MOTION:

This is a discussion item only; no motion is needed.

ATTACHMENTS:

A - Draft of the Mixed Use Overlay (MUO) Zone

9-7-21 – Mixed Use Overlay Zone (MUO)

A. Purpose.

The purpose of the Mixed Use Overlay (MUO) zoning district is to facilitate the integration of diverse but compatible uses with the goal of creating a community with more diverse development types providing a broader range in residential and commercial choices. Developers are encouraged to offer ownership potential such as a condominiums for both commercial and residential uses. The MUO zoning district shall be applied as an overlay zone in the R-1, GC, VC, and LI zoning district where specifically approved. The uses permitted in the underlying district shall be a priority. Where the use of this district is desired in a location that is not zoned R-1, GC, VC, or LI, a rezone of the underlying zone to a qualifying district must accompany the request for the use of this overlay.

The flexibility in use provided by this zone should help promote "live, work, and play" opportunities within the City while creating an appropriate transition from surrounding development. A mixed use project can utilize 'horizontal mixed use where commercial, office and residential uses are designed as a single project yet constructed in phases for separate and distinct building footprints. A mixed use project may also employ 'vertical' design strategies where commercial, clean industrial, office and residential uses are designed as a single project and constructed within the same footprint.

B. Allowed Uses.

The allowed uses within a project are as follows:

1. When applied in the R-1 zoning district:
 - a. The following shall be considered Permitted Uses:
 - i. Multiple-family dwellings, but where the R-1 zone limits the number of dwellings to no more than one (1) dwelling per fourteen thousand five hundred (14,500) square feet of property, the MUO Zone has no maximum residential density prescribed. Instead building form, height, site envelope, yards, open space standards and parking ratios will determine the number of allowable units.
 - ii. Offices.
 - iii. Retail sales and services.
 - iv. Full-service restaurant, limited-service restaurant, beer-only restaurant, banquet or reception center.
 - v. Amusement and entertainment facilities.

- vi. Motels or hotels.
 - b. Adequate commercial space within the project shall be provided. The final proportion of commercial square footage and residential square footage will be determined based on specific characteristics of the project site and shall be approved by the City Council in a DA. Minimum guidelines for commercial space include:
 - i. Ground floor commercial is required on buildings which front arterial and collector streets.
 - ii. A minimum of thirty percent (30%) of the combined total of the square footage for all buildings in the project shall be commercial space.
 - iii. Parking shall not be counted towards commercial space requirement.
 - c. As determined by the DA, commercial buildings may be required to be built before or at the same time as residential development.
2. When applied with the GC and VC zoning districts:
- a. The following shall be considered Permitted Uses:
 - i. Multiple dwellings with no maximum residential density prescribed. Instead building form, height, site envelope, yards, open space standards and parking ratios will determine the number of residential units allowed.
 - ii. Retail sales and services.
 - iii. Offices.
 - iv. Motels and hotels.
 - v. Full-service restaurant, limited-service restaurant, banquet or reception center.
 - vi. Amusement and entertainment facilities.
 - vii. Home Occupation
 - viii. Private swimming pools
 - ix. Accessory uses and accessory buildings customarily appurtenant to a permitted use.
 - b. Adequate commercial space within the project shall be provided. The final proportion of commercial square footage and residential square footage will be determined based on the specific characteristics of the project site and shall be approved by the City Council in a DA. Minimum guidelines for commercial space include:

- i. Ground floor commercial is required on buildings which front arterial and collector streets.
 - ii. A minimum of thirty percent (30%) of the combined total of the square footage for all buildings in the project shall be commercial space.
 - iii. Parking shall not be counted towards commercial space requirement.
 - c. As determined in a DA, commercial buildings may be required to be built before or at the same time as residential development.
3. When applied with the LI zoning district:
- a. The uses allowed within the underlying zone and the following shall be considered Permitted Uses:
 - i. Multiple dwellings. No maximum residential density prescribed. Instead building form, height, site envelope, yards, open space standards and parking ratios will determine the number of units allowed.
 - ii. Light industry/research.
 - iii. Retail sales and services.
 - iv. Offices.
 - v. Amusement and entertainment facilities.
 - vi. Home Occupation
 - vii. Private swimming pools.
 - viii. Accessory uses and accessory buildings customarily appurtenant to a permitted use.
 - b. Adequate light industrial and/or commercial space within the project shall be provided. The final proportion of light industrial or commercial square footage and residential square footage will be determined based on the specific characteristics of the project site and shall be approved by the City Council in a DA. Minimum guidelines for commercial space include:
 - i. Ground floor commercial is required on buildings which front arterial and collector streets.
 - ii. A minimum of thirty percent (30%) of the combined total of the square footage for all buildings in the project shall be for clean/light industrial space or commercial space.
 - iii. Parking shall not be counted towards commercial space requirement.
 - c. Phasing shall be determined by the Development Agreement but generally required commercial space will be constructed before or at the time as residential space.

C. Prohibited Uses.

To be applied to all underlying zoning districts: Unless expressly permitted, all other uses that are incompatible with this purpose of this Chapter, including short term rentals (occupancy of residential unit for less than 30 days), public utility substations not owned by the City and storage units are not allowed. Detached, single-family dwellings are not allowed. Sexually oriented businesses are prohibited.

D. Height Regulation.

1. The following shall apply in lieu of the height restrictions of the underlying zoning district.
 - a. The main floor of any building fronting an arterial or collector street shall have a minimum ceiling height of twelve feet (12').
 - b. No building which is exclusively or primarily for residential use shall exceed thirty-five feet (35') in height, subject to the following exceptions:
 - i. Any portion of a building within fifty feet (50') of a residential dwelling shall not exceed thirty feet (30') in height excepting if there is a public road between the residential district and the building.
 - ii. No accessory building, including any detached accessory dwelling shall exceed the height of the main dwellings(s) on the property.
 - iii. No main building shall be less than thirteen feet (13') in height.
 - iv. No accessory building shall be less than ten feet (10') in height.
 - v. Buildings which are exclusively used for commercial purposes shall not exceed four (4) stories and shall not exceed fifty feet (50') in height.

E. Area, Lot Coverage, and Yard Requirement.

1. The lot and yard requirements shall be those of the underlying zoning district. However, variations to setbacks may be determined through the DA. Generally, setbacks are to be determined based on the use of the building.
2. Commercial buildings shall have the setbacks set forth in the GC or VC zone.
3. Industrial buildings shall have the setbacks required in the LI zone.

4. Flag lots are not permitted.

F. Development Standards.

The following shall be the base standard for review of any project. Variations to the standards outlined may be altered by specific approval of the Town Council in a Development Agreement when demonstrated that alternate standards are superior to those listed within this Chapter.

1. Compatibility and Review.

- a. All uses and structures shall be sited and designed to be compatible with one another and surrounding development. To determine compatibility, a review, including, but not limited to, the following characteristics of the uses and structures shall be conducted by Planning Department staff relative to other affected uses and structures: location, orientation, operation, architecture, massing, scale, and visual and sound privacy.

2. Building Placement and Orientation Standards.

- a. It is the intent of this Section to ensure that new development is pleasant and inviting to pedestrians by placing buildings closer to the street and where primary building entrances are visually prominent and easily accessible. Developments shall demonstrate best practices in urban design principles by enhancing the streetscape consistent with the General Plan and any small area plans specific to the proposed location.
- b. In cases where it is not practical or possible to orient buildings to streets, the intent of these standards is to use a combination of setbacks, low-level screening and building materials and design variation to soften the visual impact of side or rear facing facades and to create street frontages that are inviting and pleasant for residents and passersby.
- c. Buildings and their primary entrances shall be oriented to streets or common courtyards unless prohibited by unique site conditions.
- d. No more than thirty percent (30%) of the frontage of any lot shall be occupied by any combination of parking, driveways and lanes. The predominant visible development from the street shall be buildings or landscaping.
 - i. Side yards unoccupied by that exceed fifteen feet (15') in width located adjacent to another side yard that exceeds fifteen feet (15') in width should be avoided unless the areas are to be used as a unified public gathering area or courtyard;
 - ii. The percentage of building frontage required along the lot width may be reduced to accommodate site plan approved pedestrian plazas located between buildings.

3. Building Design Criteria.

a. The following are also applicable for projects in the R-1 zone.

- i. Entrances shall be accessible to the public as a regular building entry from the public sidewalk.
- ii. The street level floor elevation should match the elevation of the sidewalk at the front of the building as closely as possible to facilitate accessibility and primary street orientation.
- iii. Detailing at intervals of thirty feet (30') shall be provided to break up expanses of blank walls with no openings. Additionally, walls with no openings shall be set back from the public right-of-way a minimum of fifteen feet (15') and buffered with landscaping. Landscaping shall include trees spaced at thirty foot (30') intervals and at least one (1) row of additional plants and/or shrubs. For every seventy-five feet (75') in building length along the street frontage or adjoining a Residential Zone, the design shall include at least one (1) significant break in the vertical wall plane with a minimum depth of at least five feet (5'), a minimum length of at least twenty feet (20'), and running the full height of the building.
- iv. Fenestration:
 1. A minimum of fifty percent (50%) fenestration is required on the street level of all street facing facades. Street level is considered to be between two feet (2') and ten feet (10') on these street types. Upper stories shall have a minimum of thirty percent (30%) fenestration for each story;
 2. Windows of tinted or reflective glass may not be located between two feet (2') and eight feet (8') above the sidewalk grade on street facing facades.

4. Parking and Circulation.

- a. Projects shall provide safe and attractive pedestrian and bicycle connections to building entries and public sidewalks.
- b. Off-street parking for vehicles shall not occupy any space located between the building and the primary street and the secondary street where applicable for a corner lot. Parking areas located to the side of structures shall be located a minimum of ten feet (10') back from the back of the adjacent sidewalk. The space between the parking and the walk in this instance shall be landscaped to help screen the parking area.
- c. The site shall be configured and landscaping provided so as to minimize the visual impacts of parking areas, parking structures and residential garages on streets, open spaces and adjoining developments.
 - i. Where an off-street parking lot is visible from the street in a side yard, it shall be screened by either a two foot (2') tall screen wall or eighteen inch (18") seat wall located between the parking lot and the sidewalk. Where a parking lot is adjacent to a

residential use, a three foot (3') screen wall and landscaping, sufficient to screen up to the headlight level of vehicles, shall be located between the residential use and the parking lot.

d. Amount of Parking Required:

i. Commercial Parking Requirements:

1. Minimum number of stalls based on use type.

ii. Residential Parking Requirements:

1. Studio Units - 1 parking stall/unit.

2. One Bedroom Units - 1.5 parking stalls/unit.

3. Two Bedroom Units - 2 parking stalls/unit.

4. Three Bedroom or larger Units - 2.5 parking stalls/unit.

5. Curb Management.

a. Projects shall include a sufficient plan and appropriate curb management facilities to accommodate delivery vehicles and trucks, ride share access, moving trucks and postal delivery.

6. Connectivity.

a. Connectivity throughout the area is critical for the mixed use nature of the area to function as a pedestrian oriented environment. Connectivity will be evaluated for multiple modes of travel, including pedestrian and bicycle.

7. Traffic Access and Management Analysis Study.

a. A traffic study shall be provided demonstrating safe ingress and egress to the proposed project and identifying measures or improvements to mitigate impact on traffic and adjacent properties.

8. Sidewalks.

a. Sidewalks shall be provided on both sides of each motorized street unless otherwise approved by the Public Works Department.

9. Alleys.

a. Alleys are allowed in any mixed use district in this Chapter to minimize curb cuts and provide common access to parking and service areas behind buildings. Alleys should be generally oriented so that they are parallel to the primary street to which they serve. Alleys may be incorporated as drive aisles for rear parking lots or as a fire access. However, alleys shall not be considered a fire access unless specifically approved as such by the City Fire Department and the pavement width and durability/longevity design meets city standards.

G. Project Evaluation / Review Process.

- a. All applications and project proposals to include a property within the MU zone shall be submitted with information and a written narrative indicating compatibility with:
 1. Brian Head General Plan.
 2. The Brian Head Zoning Ordinances.
 3. The purpose of the MUO Zone.
 4. Sound planning practices.
 5. Surrounding land-uses.
 6. All other Town-approved studies and plans.
- b. All projects within the MUO zone shall be approved through a Development Agreement (DA) with sufficient project details to show compatibility with the items above by providing at a minimum:
 1. A site plan.
 2. A landscape plan.
 3. An amenities plan.
 4. Conceptual building elevations and design schemes.
 5. Streetscape and building setback diagrams.
 6. A traffic study as required by the Public Works Department.
 7. A circulation plan and parking study as required by the Public Works Department justifying the amount of off-street parking being provided if shared parking or parking reduction are proposed.
 8. The number, unit types, and general land use categories of building square footage proposed in the mixed use project shall be specified and enumerated in the site and concept plans shall accompany the Development Agreement. The City may deny any zone map amendment or development proposal that does not comply with any of these criteria.