



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# 838 6918 9786

TUESDAY, August 4, 2026 @ 1:00 PM

AGENDA

- A. **CALL TO ORDER** 1:00 PM
- B. **PLEDGE OF ALLEGIANCE**
- C. **DISCLOSURES**
- D. **APPROVAL OF THE MINUTES**
July 7, 2026 Planning Commission Meeting
- E. **PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- F. **AGENDA ITEMS:**

1. **PUBLIC HEARING, LMC CHANGE: 9-12-5 Fencing** - Possible change in the LMC regarding the use of Chain Link Fencing.
2. **LEGISLATIVE ACTION, LMC CHANGE: 9-12-5** - Greg Sant, Planning and Building Administrator. Commission to review and make a recommendation to Town Council regarding a change in the LMC regarding the use of Chain Link Fencing.
3. **LEGISLATIVE ACTION, LMC CHANGE: 9-7-14** - Greg Sant, Planning and Building Administrator. Commission to review and make a recommendation to Town Council regarding changes in the proposed Mixed-Use Overlay (MUO) Zone.
4. **DISCUSSION ITEM - EXTENDED RV PARKING ON RESIDENTIAL LOTS** - Greg Sant, Planning and Building Administrator. Commission to discuss allowing Camping on Residential Lots.

G. **ADJOURNMENT**

Date: August 4, 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



POSTPONED NOTICE OF PUBLIC HEARING

The **Brian Head Planning Commission** will need to postpone the previously scheduled public hearing from July 21, 2026 and hold it on August 4, 2026. This will be held 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 amendment to the Brian Head Town Code, Title 9:

BRIAN HEAD LAND MANAGEMENT CODE **Chapter 12 (Landscaping and Fencing) 9-12-5(C)6**

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 July 20, 2026 for the Planning Commission Meeting. Office of the Town Clerk is located at 56 North Hwy. 143, Brian Head, UT or by email to cclaridge@bhtown.utah.gov.

Date: July 15, 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 15th day of July 2026 and have posted such copy on the Utah Meeting Notice Website.

Ciera Claridge, Deputy Clerk



BRIAN HEAD

STAFF REPORT TO THE PLANNING COMMISSION

ITEM: LMC AMENDMENT: 9-12-5(C)6

AUTHOR: Greg Sant
DEPARTMENT: Planning and Building
DATE: August 4, 2026
TYPE OF ITEM: Legislative Action

SUMMARY:

As part of the addition of the Sports Court addition to the LMC, it is necessary to amend this section of the LMC to allow chain link fences as outlined in 9-12-21.

BACKGROUND:

9-12-21 was added to the LMC in the last Town Council Meeting and it referred to the Fencing section of 9-12-5.

ANALYSIS:

This change was discussed in the last Planning Commission Meeting and this is just a ratification of that discussion.

STAFF RECOMMENDATION:

It is Staff's recommendation that Commission recommend approval of the amendment to the Town Council.

PROPOSED MOTION:

I make a motion to recommend approval of this amendment to the Town Council as submitted herein.

ATTACHMENTS:

A – Fencing LMC Change Draft

9-12-5

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 no visible from off site. (ord. 08-016, 8-12-2008 amd ord. 15-018, 12-8-2015)
6. Stucco, ~~chain link~~ and vinyl wall fence materials are prohibited. **Chain link fence material is prohibited except for at sports court per 9-12-21.** Use of railroad ties or concrete blocks 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, amd. ord. 24-014, 10-8-24).



ITEM: MIXED-USE OVERLAY (MUO) ZONE DISCUSSION

AUTHOR: Greg Sant
DEPARTMENT: Planning and Building
DATE: August 4, 2026
TYPE OF ITEM: Legislative Action

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: The following uses are permitted in the GC zone:
 - Lodging and nightly rentals (including hotels and motels)
 - Residential dwellings 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 residential units to be located in the rear or sides of the building to maximize the commercial business exposure. On multibuilding 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. (amd. ord. 21-006, 5-25-21)
 - Retail, guest services, non-motorized equipment rental (e.g., skis, bicycles, etc.) oriented to tourists and mountain outdoor recreation (including outdoor display).

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: 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 overlaid 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.

ANALYSIS FOR JULY 7TH MEETING:

Please see the attached proposed Mixed-Use Overlay Zone. It reflects the changes that were suggested by the Planning Commission on June 16th.

ANALYSIS FOR AUGUST 4TH MEETING:

At the July 7th Planning Commission meeting this LMC Addition was recommended for approval to the Town Council. The Town Council reviewed it thoroughly and had additional items that they wanted to be added or changed. These changes include see what R-2 and R-3 Zones would look like with the Overlay Zone and whether the minimum size of project should be more than than the 1 Acre talked about in Planning Commission. The changes have been completed, and they are back in front of the Commission to review and once again give a recommendation to Town Council.

STAFF RECOMMENDATION:

Staff recommends that the Planning commission recommend approval of this Revised Mixed-Use Overlay Zone and send it to Town Council.

PROPOSED MOTION:

I make a motion that we recommend to the Town Council approval of this Revised Mixed-Use Overlay (MUO) Zone.

ATTACHMENTS:

A – Revised Mixed-Use Overlay (MUO) Zone

9-7-14 – 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 zoning district shall be a priority.

The overlay zone is intended to supplement the standards of the underlying zoning district and shall not replace the underlying zoning designation. All permitted uses, dimensional standards, and development requirements of the underlying zoning district shall remain applicable unless expressly modified by the overlay zone. Where the overlay zone establishes specific additional standards, those standards shall apply in addition to the underlying zone requirements. In all other respects, the underlying zoning district shall govern.

The flexibility in use provided by this zone should help promote "live, work, and play" opportunities within the Town 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, **R-2 and R-3** zoning districts:
 - a. The following shall be considered Permitted Uses:
 - i. Multiple-family dwellings, but where the **R-1 underlying** 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 Town Council in a Development Agreement. 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 Development Agreement, 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 Town Council in a Development Agreement.

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 Development Agreement, 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-family 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.
 - iii. Retail sales and services.
 - iv. Offices.
 - v. Amusement and entertainment facilities.

- vi. Home Occupation
 - vii. Private swimming pools and all appropriate amenities.
 - 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 Town Council in a Development Agreement. 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 the purpose of this Chapter, including ~~short term rentals (occupancy of residential unit for less than 30 days)~~, public utility substations not owned by the Town and storage units are not allowed. ~~Detached, single-family dwellings are not allowed.~~ Sexually oriented businesses are prohibited in an MUO.

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 DEVELOPMENT AGREEMENT. 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.
5. Minimum Area for this zone is ??? acre.

F. Development Standards. Please review 9-12 of the LMC for the Development Standards and Guidelines.

G. Project Evaluation / Review Process.

- a. For this Overlay Zone to be applied to a property, it must be done through a legislative action by the Town Council.
- b. All applications and project proposals to include a property within the MUO 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.
- c. Submittal Requirements - See 9-4-1(B)5



AUTHOR: Greg Sant
DEPARTMENT: Planning and Building
DATE: August 4, 2026
TYPE OF ITEM: Discussion

SUMMARY:

In 2021 the Town Council discussed their current policy disallowing camping on residential unimproved property. The following report was done by Bret Howser at that time.

BACKGROUND:

In March 2021 the Town Council discussed the issues with overnight camping in town which led to the adoption of ordinance #21-003 modifying the parking code (Brian Head Town Code §6-2A-5(D)(2)), which now reads as follows:

I. Overnight Parking, Camping:

1. It shall be unlawful to park a vehicle (such as a camper van, recreational vehicle, camping trailer, etc.) on a public street, or within a public parking facility, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation without written approval from the Town Manager. The Town Manager may give temporary written approval in conjunction with a special use permit or in times of emergency.
2. Vehicles may be parked on private property for purposes of overnight camping sleeping or other habitation under the following conditions:
 - a) The vehicle is on a property which has an active building permit associated with it and construction activity is active and ongoing.
 - b) No more than one vehicle per property at any given time is allowed for purposes of overnight camping, sleeping or other habitation. A second inhabited vehicle may be allowed by the Town Manager where no additional ground disturbance is required.
 - c) Generators must comply with the Town's Noise Ordinance. Generator use will be prohibited after 10pm.
 - d) Vehicles are not allowed to be parked in the public right-of-way.
 - e) Vehicles must be properly licensed and registered.
 - f) Vehicles may only be parked for overnight camping, sleeping or other habitation between April 30 and November 1.

A previous iteration of the parking code had allowed for overnight camping for 16 days during the summer. This provision was added in 2019, prior to which the parking code was silent on the matter of camping on private property. However, staff found the 16 day limit to be difficult to enforce since an RV could be parked on a property for the entire summer and staff wouldn't know when it was occupied and when it wasn't. Indeed, this was a common practice on unimproved residential properties – people would use the property for camping, leave their trailer there all summer and come up and camp in it some weekends, basically using it as a temporary structure residence.

During the Council meeting on 9-28-21, a member of the public provided comment asking the Council to reconsider their policy position regarding camping on private property. Three Council members expressed an interest in revisiting the policy.

ANALYSIS:

It should be clarified that at its core the “new camping law” is not new. The underlying law here is land use: §9-7-1(B) of the Town Code lays out permitted uses in a single-family residential zone. Camping is not, and never has been, one of those uses. The parking code briefly allowed for camping as temporary use between 2019 and 2021, but outside of that, it has never been explicitly allowed. Nor is the policy atypical to curtail camping on private property. Parowan City doesn’t allow living in an RV permanently. Iron County only allows R.V.’s to live outside a travel trailer park, for one year, while they are constructing a house. Even then, they must have a building permit, the water developed (no hauling of water), the wastewater system installed, and an approved source of electricity (they cannot run off a generator).

Throughout the summer of 2021, staff has been educating the public about and enforcing the Council’s policy that our neighborhoods are not campgrounds. Staff developed the flyer shown here and has distributed it to dozens of property owners found camping on their land. Some property owners have expressed serious concerns, claiming that they only purchased the land to camp on it. Some neighbors have called the Town with concerns when groups of dozens of people have showed up to camp for a week on the vacant lot next door. Staff have had some people threaten lawsuit, and we’ve heard of some people selling their lots because of the imminent enforcement of this policy.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission’s recommendations from 2019 have been incorporated into the existing ordinance. We have not obtained a new recommendation from them.

STAFF RECOMMENDATION:

Staff does not have further input regarding the policy position. We believe that progress has been made in implementing the Council’s policy. We believe the policy question is clear: Do you want to allow camping as a use in the neighborhoods or not? Attempts in the past to straddle that line have been tricky to enforce, and generally lead to people camping whenever and wherever they want. So if the Council chooses to attempt to find some middle ground, we ask that it be done in an enforceable manner.

ATTACHMENTS:

None

