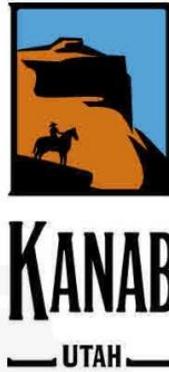


Mayor
Robert Houston
City Manager
Joe Decker
Treasurer
RaeLene Johnson



City Council
Kent Burggraaf
Cheryl Brown
Kirt Carpenter
Brent Chamberlain
Joe B. Wright

KANAB CITY PLANNING COMMISSION STAFF REPORT- April 21, 2015

I. PROPOSAL – Expand opportunities to provide housing within the C1 zone.

II. STAFF ANALYSIS

It has come to the attention of Staff and the Planning Commission that an applicant would like to re-use a structure in the C1 zone for a mix of residential and commercial uses. Currently apartment(s) are not a permitted use within the C1 zone, although they are permitted within the C2 and C3 zones. In addition, the definition for “commercial-residential mix” in the Land Use Ordinance restricts the applicant from utilizing the particular building for both uses.

All of the commercial zones in the city were established to provide for commercial amenities of various scales. The C-1 zone was established “to distinguish the historic downtown commercial area of Kanab.” The C-2 zone was established to “provide space within the city where nearly all types of commercial goods and services may be provided.” The C-3 zone was established to “provide space within the city where facilities that serve the travelling public can be most appropriately located.”

Providing space for commercial uses is important for the local economy. However, Staff anticipates that allowing for higher density residential uses will complement these commercial uses, reduce parking demand for businesses, and increase pedestrian activity. This is particularly important in the downtown area, which Chapter 3 of the General Plan has specified to encourage activities that: increase business and pedestrian activity. In Chapter 6 of the General Plan, Section 6.2- Housing Density Mix, it states:

It is the City’s desire to preserve existing areas of low-density housing, while at the same time allow for increased quality medium to high-density housing, in designated areas. The Downtown District, and some areas adjacent to downtown, is where such housing opportunities will be most likely and encouraged.

Goal 2 of The *Kanab City Affordable Housing Plan* is to “increase affordable rental opportunities to provide housing choice for very low and extremely low income earning households.” One of the strategies to accomplish this goal is to “consider revising the zoning code to allow multi-family housing within and/or near downtown to allow more low income households to locate in close proximity to goods and services.” One of the major findings of the Affordable Housing Plan is that there are currently not sufficient affordable housing opportunities for those earning less than a moderate income. Much of

– A Western Classic –

this stems from the fact that the wages provided at a variety of jobs in Kanab do not always support the prevalent housing type (single-family homes) in Kanab. Allowing for higher density housing in areas that minimize potential additional transportation costs, such as in the downtown area, is expected to increase housing choice for an income group that is currently underserved.

Currently, the only permitted residential use within the downtown area is “Commercial-Residential Mix.” Section 1-6 of the Kanab City Land Use Ordinance defines “Commercial-Residential Mix” as “the combination of commercial and/or residential uses where part of several buildings or within a single building. The main ground floor must be used as a commercial use.” This provision provides for residential uses in limited circumstances, in which there are ground floor commercial uses with residential above. The current building stock in the C1 zone includes buildings which are suitable for accommodating both commercial and residential uses on the ground floor. Although it may be preferred to provide commercial uses on the ground floor, the City should be careful about mandating that all buildings have only commercial uses on the first floor, given the limited potential for commercial enterprises to thrive on the first floor in all circumstances. In addition, providing for residential uses is expected to complement, rather than detract from surrounding commercial uses.

There has been some concern expressed that allowing for both uses on the first floor may lead to nuisances. For example, there may be more demand for parking than is provided on site. Although parking demand may be an issue in some circumstances, this potential problem is not limited to sites in which commercial and residential uses are mixed. For example, a restaurant may occupy a space in which a furniture store was located previously and has higher parking demand per square foot than the furniture store. The City currently amended Chapter 6 of the Land Use Ordinance, so that parking requirements are only applied “at the time any building is erected or enlarged” at greater than 30% of the square footage of the building. This amendment acknowledged that uses change frequently, while buildings are permanent structures that can be adaptively re-used. Additionally, the City should consider that a “parking problem” is often a side effect of a vibrant, downtown area. The City should consider providing more opportunities to utilize existing buildings economically to further revitalization efforts of the downtown.

In order to foster a more viable downtown and support the goals of the general plan, staff recommends amending the definition of “commercial/residential mix” to allow for both commercial and residential uses on the ground floor. The following amended definition of commercial-residential mix is provided: “the combination of commercial and residential uses, located on the same lot or parcel.” In addition, staff recommends adding a footnote that commercial uses may only include those allowed in the specified zone, while residential may include one or more units.

In addition to allowing for commercial/residential mixed use in the downtown area, it should be considered to allow other high-density housing to conform to the City’s General Plan, allow for greater housing choice, and further encourage pedestrian activity in the area. Because development within the C-1 zone is subject to design standards and guidelines of the Downtown Overlay, there presence is not expected to significantly detract from the design of the downtown area.

The land use chart in Chapter 20 for commercial zones lists a variety of multi-family dwelling types, including “apartment(s),” “duplex/residential,” and “townhouses.” The designation for multi-family dwellings is different in Chapter 18 of Land-Use Ordinance, listing “two-family dwelling units” and “multi-family dwelling units.” None of the designations are defined within the ordinance. In addition, within commercial zones, density requirements are not included. In order to improve consistency within the Ordinance, staff proposes amending the designations within Chapter 20 and adopting those designations included in Chapter 18. Within all commercial zones, staff recommends to list “multi-

family dwelling units” as a permitted use. Staff recommends listing “two-family dwelling units” as a permitted use within C2 and C3 zones; currently both “townhouse” and “duplex/residential” are listed as conditional uses in both zones. The definition of “dwelling, multiple family” in Section 1-6 of the Land Use Ordinance should also be amended specifying that “multi-family dwelling units” means a building with three or more dwelling units to distinguish from “two-family dwelling units,” but providing for all housing types with three or more units.

III. FINDINGS

- 1. The General Plan and the Affordable Housing Plan support the provision of allowing multi-family housing within the downtown zone.**
- 2. There is a demand to provide multi-family housing in the C1 zone with varying applications of mixed-use.**
- 3. The Land Use Ordinance does not consistently delineate or define various types of multi-family housing.**

IV. STAFF RECOMMENDATION:

That the Kanab City Planning Commission recommend to the Kanab City Council, amendments to the Kanab City Land Use Ordinance regarding residential uses in commercial zones, as specified in the attached documents.

KANAB

Land Use Ordinance

Chapter 1

GENERAL PROVISIONS

The Uniform Zoning Ordinance is designed to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Kanab, Utah.

Adopted January 22, 2008
Revised Feb 11, 2014

Combination of Buildings - Two or more buildings that are on adjoining parcels as measured from the outside exterior walls of two of the buildings.

Combustible liquids - Any liquid having a flash point at or above one hundred degrees (100°) Fahrenheit.

Commercial/~~Residential~~ Mix - The combination of commercial and/~~or~~ residential uses, located on the same lot or parcel. ~~where part of several buildings or within a single building. The main ground floor must be used as a commercial use.~~

Common Ownership of Management - Owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly:

- A. by the same individual(s) or entity(ies) including but not limited to corporation(s) partnership(s) limited liability company(ies) or trust(s), or
- B. by different individuals or entities, including but not limited to corporations, partnership(s), limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent stockholder, director, member, officer or trustee of the entity(ies).

Conditional Use - A use of land for which a conditional use permit is required, pursuant to this Ordinance.

Condominium - An ownership structure established in accordance with the Utah Condominium Act.

Convenience Store - Any retail establishment offering for sale a limited selection of food products, household items, and other related goods and does not include gasoline or fuel sales.

Corrosive liquids - Those acids, alkaline caustic liquids, and other corrosive liquids which when in contact with living tissue, will cause severe damage of such tissue by chemical action or are liable to cause fire when in contact with organic matter or with certain chemicals.

Corral - A space, other than a building, less than one (1)

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acre in area, or less than one hundred (100) feet in width, used for the confinement of animals or fowl.

Court - An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings.

Coverage, Building - The percent of the total site area covered by buildings.

Crosswalk or Walkway - A right-of-way to facilitate pedestrian access through a subdivision block; designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, at grade, or separated from vehicular traffic.

District - A portion of the territory of the City of Kanab, established as a zoning district by this Ordinance, various combinations thereof apply under the provisions of this Ordinance; also includes "overlay" and "zoning" districts.

Driveway - A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

Dwelling - Any building or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, motel, hospital, or nursing home.

Dwelling, Mobile Home - (See "Mobile Home".)

Dwelling, Single-family - A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Dwelling, Two-family - A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

~~**Dwelling, Three-family** - A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.~~

~~**Dwelling, Four-family** - A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.~~

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Dwelling, Multiple-family or Dwelling, Multi-family - A building arranged or designed to be occupied by more than ~~threefour~~ (34) families, the structure having more than ~~threefour~~ (34) dwelling units.

Dwelling, Group - A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

Dwelling, Unit - One or more rooms in a dwelling, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

Easement - That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on, or above said lot or lots.

Elderly Person - "Elderly person" means a person who is 60 years of age or older, desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

Essential Facilities - Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical sub-station or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.

Explosive - Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life and limb.

Extended Stay Motel-Hotel - a facility specifically constructed, kept, used, maintained, advertised or made available to the public to offer temporary residence for up to 240 days.

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Land Use Ordinance

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Adopted January 22, 2008
Revised Feb 11, 2014

Permitted and Conditional Uses

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Agricultural Crop Sales (Farm Only)	-	-	C	-
Airport Support Facility	-	-	C	C
Antique / Secondhand Store	P	P	P	P
Apparel / Accessory Store	P	P	P	P
Apartment(s)	-	P	P	€
Arcade (Games/Food)	P	C	P	C
Art Gallery	P	P	P	P
Auto / Boat Dealer	-	P	P	-
Auto Rental / Sales	-	C	P	C
Auto Service Station	-	P	P	C
Auto Supply Store	P	P	P	P
Beauty Salon	P	P	P	P
Bed and Breakfast / Guesthouse	P	P	P	-
Cemetery	-	-	C	-
Church	P	P	P	P
College / University	C	C	C	C
Commercial Marine Supply	-	P	P	C
Commercial / Residential Mix ¹	P	P	P	C
Communications Facility	-	-	C	C
Computer/Office Equipment	P	P	P	P
Conference / Convention Center	P	P	P	P
Construction / Trade	-	-	C	-
Convalescent Center / Nursing Home	P	-	P	-
Convenience Store	P	P	P	C
Day Care I (under 6 children)	-	P	P	C
Day Care II (over 6 children)	-	P	P	C
Department / Variety Store	P	P	P	P
Dry Cleaner	P	P	P	P
Drug Store	P	P	P	P
Duplex / Residential	-	€	€	-

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Permitted and Conditional Uses

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Elementary - Jr. High	-	-	P	-
Espresso Stand	P	P	P	P
Fabric Store	P	P	P	P
Fast Food Restaurant	C	P	P	C
Financial Institution	P	P	P	P
Florist Shop	P	P	P	P
Funeral Home/Crematory	-	C	P	-
Furniture/Fixtures	P	P	P	P
Garage/Vehicle Repair	-	C	P	C
Gas Station	-	P	P	C
Grocery Store	P	P	P	C
Group Home	-	C	C	C
Halfway House	-	C	C	C
Hardware / Garden Material	-	P	P	C
Health Club	P	P	P	P
High School	-	-	C	-
Hobby / Toy Store	P	P	P	P
Hospital	-	-	C	-
Hotel / Motel / Extended-Stay	P	P	P	C
Jewelry Store	P	P	P	P
Kennel / Public	-	-	C	-
Landscaping Business	-	-	P	-
Laundromat	P	P	P	P
Library	P	P	P	C
Liquor Store	C	C	C	C
Lodging House	C	P	P	C
Media Material	P	P	P	P
Medical / Dental Lab	C	P	P	P
Misc. Equipment Rental Facility	-	C	C	-
Miscellaneous Health	C	C	P	P

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Perm Permitted and Conditional Uses

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LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Mobile / Park Model Home Park	-	-	C	-
Multi-family dwelling units	P	P	P	P
Museum	P	P	P	P
Office Supply	P	P	P	P
Park	C	P	P	P
Pet Store	P	P	P	P
Photographic and Electronic Store	P	P	P	P
Police / Fire Facility	C	P	P	P
Preschool	-	P	P	P
Printing / Publishing	P	P	P	P
Professional Office	P	P	P	P
Public / Private Parking	C	C	C	C
Recreational Center	C	C	P	P
Restaurant	P	P	P	P
RV / Camp Park	P	P	P	-
Self-Service Storage	-	-	P	-
Single Detached Dwelling Unit	-	C	C	-
Single Attached Dwelling Unit	-	C	C	-
Social / Public Agency offices	P	P	P	P
Sporting Goods and Related Stores	P	P	P	P
Tavern	C	-	-	-
Theater	P	P	P	P
Towing Operation	-	C	P	-
Townhouses	-	€	€	-
Transitional Housing	-	C	C	-
Truck Stop	-	-	C	-
Two-family dwelling units	-	P	P	-
Veterinary Clinic large animal	-	-	C	-
Veterinary Clinic small animal	-	C	C	C

Adopted January 22, 2008
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KANAB

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**Ordinance
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Adopted January 22, 2008
Revised Feb 11, 2014

Permitted and Conditional Uses

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Youth Home	-	C	C	-
Wholesale / Bulk Store	-	C	P	-
Wireless Telecommunications retail	P	P	P	P
Wood Products	-	C	P	-
Zip Lines	-	-	C	-

Footnotes

1. Commercial uses allowed for in "Commercial / Residential Mix" include those allowed in the specified zone. Residential uses for "Commercial / Residential Mix" may include one or more units.