



KANAB
— UTAH —

Kanab City
Planning Commission
76 N Main, Kanab, UT 84741
435-644-2534

September 6, 2016 Meeting
Kanab City Planning Commission
Agenda

- Facilitator:** Chairperson, Joan Thacher
- 6:30 PM Call to Order and Approval of minutes of previous meeting
Motion; Second; Vote On Minutes
- 6:35 PM Public Comment Period, Call to the Public
- Discussion.** A review and general discussion on proposed changes to 20-4 and 4-12 of the Kanab Land Use Ordinance to set a maximum height of 45' for the building and allow an additional 3' for a parapet wall for commercial buildings. [Staff and Public]
- Discussion.** A review and general discussion on an amendment to the Kanab Land Use Ordinance dealing with Short Term Residential Rental Property, also referred to as Vacation Rental Property. [Staff and Public]
- Discussion.** A review and general discussion on proposed changes to the Kanab Land Use Ordinance 18-1 and 18-2 is needed to be consistent with recent enacted changes to Density Regulations in 18-4. [Staff and Public]
- Work Meeting.** -Staff Report
-Commission Member Reports
-Council Member Liaison Report

Times listed for each item on the agenda may be accelerated as time permits, or may be taken out of order as moved upon by the commission. If you are planning to attend this public meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting, and we will try to provide whatever assistance may be required. Please contact RaeLene Johnson at the Kanab City Offices. **See entire packet online a minimum of 24 hours before the meeting at: <http://www.utah.gov/pmn/index.html>**

Mike Reynolds [Kanab Land Use Coordinator] 435-616-0784

Recommended Change to 20-4

Section 20-4 Height Regulations

~~*No building shall be erected to a height greater than 48 Feet when including a 3 foot parapet wall or otherwise*~~ no building shall be erected to a height greater than 45 feet, unless a conditional use permit is approved for a greater height, as per section 4-12. No building shall be erected to a height lower than twelve [12] feet.

Recommended

Section 20-4 Height Regulations

No building shall be erected to a height greater than 48 Feet when including a 3 foot parapet wall or otherwise no building shall be erected to a height greater than 45 feet. No building shall be erected to a height lower than twelve [12] feet.

Related to 20-4

Section 4-12 Exceptions to Building Height Limitations *on non commercial buildings*

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, water tanks, wireless or television masts may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space. All height exceptions listed in this section are subject to a conditional use permit.

Staff notes from Bob Nicholson

Chapter 20-4 and 4-12

Maximum building height for commercial buildings. At the last meeting the PC decided that an overall height of 48' to the top of a parapet wall or roofline should be the maximum height of a commercial building. The current height limit per section 15-3 for commercial buildings is 45', and section 4-12 provides for additional height for stairways, tanks, parapet walls, towers, steeples, water tanks, wireless or television masts, etc through a Conditional Use Permit process. No additional height may be used for additional floor area. **The PC may want to amend the zoning code (Section 15-3, and 20-4) to provide for a 48' maximum building height to top of parapet wall or roof ridgeline, while still allowing for rooftop items such as wireless communication antennae, etc to be erected above the 48'.** Cell phone antennae on the roof tops of taller buildings can reduce the need for stand-alone monopole towers with antennae, and reduce the visual blight in the area caused by cell towers.

Staff notes from Bob Nicholson

Amendment to 4-33

Short term residential rental property, aka Vacation Rental property. Nearly all cities classify the use of residential dwellings for periods of 29 days or less as a commercial use. Such commercial use of dwellings in a residential neighborhood can cause negative impacts, such as noise, parking problems, etc, which affect the tranquility and enjoyment of the neighborhood. Many cities across the country are trying to find a solution to this potential problem. A home exchange or rental by an owner-occupied dwelling on an occasion basis is typically not a problem. The problems usually arise when an absentee owner continually rents a home in a residential area for short-term use (overnight, weekends, or by the week). The 'party' dwellings tend to create extra noise, sometimes late in the night which disturbs permanent residents nearby. The PC may want to allow the occasional home exchange or rental of a usually owner-occupied dwelling, while prohibiting the continual short term rental of homes in residential zones.

Draft amendment to the Kanab Land Use Ordinance dealing with Short term residential rental property.

CHAPTER 4 SUPPLEMENTARY REGULATIONS

Draft #1 (8-18-16 BN)

4-33. Short Term Leases of Residential Properties.

1. **Purpose:** The purpose of this section is to promote the health, safety and general welfare of the residents of Kanab City by establishing zoning regulations for short term leases of residential property to ensure:
 - a) Protection of neighborhoods and the community, including compatibility with existing residences.
 - b) Promote the peace and quiet of residential neighborhoods, and preservation of property values.
2. **Definitions:** A Short Term Rental Property, also referred to as a Vacation Rental Property, is property which is used by any person or entity, for hostel, hotel, inn, boarding house, or other transient lodging use where the term of occupancy, possession, or tenancy of the property is for twenty-nine (29) consecutive days or less, for direct or indirect compensation. For this section, compensation means money, rent or other consideration given in return for occupancy, or use of the property.
3. Short term Residential Rental Properties (also known as Vacation Rental Properties) in residential zones cannot operate until they have met the following terms:
 - i) Must obtain a business license in accordance with Section 9 of the Kanab City General Ordinances.
 - ii) Any new structure built for the purpose of renting out must have a ten foot minimum set back.
 - iii) Any previously built accessory building converted for the purpose of renting must first have a ten foot minimum set back.
 - iv) Living space cannot be shared by more than one private renter (no separate bookings for any space that has common/shared living areas).
 - v) There must be an additional off-street parking space beyond the number of vehicles already normally parked at the property for every increment of four guests allowed to book.

- vi) Owners are responsible for enforcing the following rules, as well as informing all guests of such rules by posting them on the booking website and by including a physical copy at the rented dwelling:
 - a) Quiet hour from 10 pm to 7 am
 - b) No smoking outside anywhere within 30 feet of adjacent property.
 - c)

4. **Exception to the requirements of this section:** A single-family owner-occupied dwelling which is part of a Home Exchange where the owners are trading rights or money to use each other's home for a short-term period. The exchange is only for a dwelling which is usually owner-occupied, and the total number of home rentals or exchanges shall not exceed six home exchanges per year, unless a Conditional Use Permit is approved for more than six rental periods per year.

9-10 Short Term Rental Property

It is unlawful for any person to keep, conduct, operate or maintain a "short term rental property" as defined in section 4-33 of the Kanab Land Use Ordinance within the city without a business license. The following requirements are in addition to the requirements of this section, and apply to both residential and commercial short term rental properties:

A. **License Not Transferable:** A short term residential rental property business license is not transferable between persons or structures. While a single owner can operate more than one vacation rental under the same license, each individual property must be inspected and must meet all short term rental requirements. Any person holding such license shall give written notice within thirty (30) days to the business license official after having transferred or otherwise disposed of legal or equitable control of any Short term residential rental dwelling unit licensed under this article.

B. **Transient Room Tax:** All short term residential rental properties shall be subject to the collection of the municipality transient room tax as allowed under Utah code.

C. Before a business license can be approved each year, the applicant must show proof of having paid all sales and TRT taxes for the previous calendar year regarding all bookings for each property under the business license. This proof can be shown by offering an accounting of all bookings for each short term rental, and a correlating receipt of paid taxes.

D. **Garbage Removal:** Garbage shall be removed from the property by the owner or property manager and properly disposed of within twenty four (24) hours of tenants leaving the property.

F. **Cleaning Service:** Each property shall be cleaned in between tenant occupancy. Each property shall also comply with the sanitary facilities requirements outlined for motels in Kanab City.

G. Local Property Manager Required: All short term residential rental properties shall designate a local property manager. The local property manager shall be available twenty four (24) hours per day to respond to tenant and neighborhood questions or concerns. Each short term residential rental property shall have a clearly visible sign within the unit containing the following information: the name and phone number of the local property manager, and the maximum occupancy of the unit,

H. Owner and Property Manager Responsible: The owner and property manager shall be jointly and severally liable for any violations of this article. Any short term rental which is found in violation of this article or any other requirement of this code may be subject to revocation of the short term residential rental properties business license, as well as any other remedies outlined in this Business License section.

DRAFT

Section 18-1 Purpose

Multi-Family Zones: (RM-7, RM-9, RM-11, RM-13, RM-15) To provide and protect areas for medium to high density, from seven (7) to fifteen (15) units per acre, residential while permitting limited establishment of the public and quasi-public uses which serve the requirements of the neighborhood.

Section 18-2 Permitted and Conditional Uses

LAND USES MULTI-FAMILY RESIDENTIAL	ZONES				
	RM-7	RM-9	RM-11	RM-13	RM-15
Accessory uses and structures ¹	P	P	P	P	P
Bed and Breakfast Inn ⁵					
Child dayDay care I or nursery	CP	CP	CP	CP	CP
Day Care II	C	C	C	C	C
Church	C	C	C	C	C
Home occupation - light ³	P	P	P	P	P
Home occupation - heavy ⁴	C	C	C	C	C
Horticulture and gardening ²	P	P	P	P	P

Land Use Ordinance

5. Regulations in Section 4-22 shall apply to all Bed and Breakfast establishments

Section 18-3 Height Regulations

No main building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height. No dwelling structure shall be less than one (1) story.

BUILDING HEIGHT	RM-7	RM-9	RM-11	RM-13	RM-15
Maximum feet	35	35	35	35	35
Maximum stories	2½	2½	2 1/2	2 ½	2 ½
Minimum stories (dwellings)	1	1	1	1	1

Staff notes from Bob Nicholson

Changes in Chapter 18

Corrections to Chapter 18 (18-1, 18-2, 18-3) to be consistent with previous changes to Chapter 18, Multi Family Zone. The previously approved change to Chapter 18 eliminated the various sub-districts within a Multi-Family zone. The sub-districts, RM-7, RM-9, RM-11, RM-13, and RM-15, differentiated only by density (lot size requirements). The previously approved change to Chapter 18 created one residential multi-family zone (ie, RM zone) and the density is determined by the parking, landscaping, open space, and building height limitations. Therefore the references to the various sub-districts (RM-7 thru RM-15) within other sections of Chapter 18 need to be modified to show only one zoning district, the RM zone. This should have been done with the previous change to Chapter 18 but was an oversight and now needs to be corrected.