SYRACUSE CITY

Syracuse City Council
Work Session Notice
March 25, 2014 – 6:00 p.m.
Municipal Building, 1979 W. 1900 S.

Notice is hereby given that the Syracuse City Council will meet in a work session on Tuesday, March 25, 2014, at 6:00 p.m. in the large conference room of the Municipal Building, 1979 W. 1900 S., Syracuse City, Davis County, Utah. The purpose of the work session is to discuss/review the following items:

a. Public Comments.

b. Presentation from Irben Development regarding the proposed Ski Lakes Subdivision. (30 min.)

c. Discussion regarding process to appoint Syracuse City Justice Court Judge. (5 min.)

d. Discussion of Proposed Ordinance amending Title Seven of the Syracuse City Code relative to fireworks and the adoption of the International Fire Code. (15 min.)

e. Discussion of Proposed Ordinance amending Title X relative to duplexes, basement apartments and accessory dwelling units (continued from March 11, 2014 meeting). (15 min.)

f. Fiscal Year (FY) 2014-2015 Budget discussion (if necessary). (30 min.)

g. Council business.

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 20th day of March, 2014 at Syracuse City Hall on the City Hall Notice Board and at http://www.syracuseut.com/. A copy was also provided to the Standard-Examiner on March 20, 2014.

CASSIE Z. BROWN, CMC
SYRACUSE CITY RECORDER
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COUNCIL AGENDA

March 25, 2014

Agenda Item **b** Presentation from Irben Development regarding the proposed Ski Lakes Subdivision.

Factual Summation

Mayor Palmer has invited representatives of Irben Development to the City Council work session meeting to allow them to provide the City Council with a presentation regarding their proposed Ski Lakes Subdivision.

COUNCIL AGENDA

March 25, 2014

Agenda Item **c** Discussion regarding process to appoint Syracuse City Justice Court Judge.

Factual Summation

Syracuse City Justice Court Judge Joseph M. Bean has been selected to serve as a Second District Court Judge and it will be necessary to select his replacement upon his appointment being approved by the Utah Senate. City Attorney Drake will provide the Council with a brief overview of the process to select and appoint a new Justice Court Judge.

COUNCIL AGENDA

March 25, 2014

Agenda Item **d** Discussion regarding Proposed Ordinance amending Title Seven of the Syracuse City Code relative to fireworks and the adoption of the International Fire Code.

Factual Summation

Please see the information below from Fire Chief Eric Froerer as well the attached draft version of an ordinance that would amend various sections of Title Seven of the Syracuse City Code.

This effort is to complete three proposed revisions to Syracuse Title VII as follows:

1) 7.01.020 – Adoption of International Fire Code (IFC). Our ordinance states that we adopt the current edition of IFC (2012) that has been adopted by the State of Utah, as stated in Utah Code 15A-5-103. 15A-5-103 excludes the appendices of the IFC. We propose adding language to our ordinance to also specifically adopt selected appendices of the IFC in an effort to eliminate confusion for anyone seeking to know the standard fire flow, hydrant placement and apparatus access for Syracuse City.
2) The 2013 Utah Legislative Session passed HB289, which is in conflict with our current ordinance 7.05.030. Proposed revision will bring our ordinance in compliance with HB289.
3) Current ordinance does not address request for public display of fireworks (i.e, Syracuse HS requests to use fireworks at homecoming). Proposed revision 7.05.015 provides description and permitting process for public fireworks display requests.Also attached is proposed form for the request, which would be available from syracuseut.com web site.

ORDINANCE NO. 14-07

AN ORDINANCE AMENDING TITLE SEVEN OF THE SYRACUSE CITY CODE PERTAINING TO FIREWORKS AND THE ADOPTION OF THE INTERNATIONAL FIRE CODE.

WHEREAS, due to the pace of growth in the City there are, from time to time, small proposed changes to various City ordinances that are warranted; and

WHEREAS, these small proposed changes come to the attention of City staff through varied means including but not limited to questions, concerns or complaints from the general public and or from developers that are seeking clarification on the language in the City code; and

WHEREAS, staff takes each question or concern under consideration and addresses it on case-by-case basis in a fair and judicious manner paying specific attention to the reasonableness and legality of the request as well as the reasonableness and legality of the City's own ordinances; and

WHEREAS, after such consideration staff will either support and sustain current ordinances as adopted or in other cases staff will research and address each proposed change and put forth amendments to existing ordinances; and

WHEREAS, staff now hereby wishes to adopt various changes to Title Seven to address such proposed changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. **Amendment.** The following sections of Syracuse City Municipal Code are hereby amended as follows:

7.01.020 ADOPTION OF INTERNATIONAL FIRE CODE

The International Fire Code as currently adopted by the State of Utah is hereby adopted by reference and made part of this chapter. **Appendices B – Fire-Flow Requirements for Buildings, C – Fire Hydrant Locations and Distribution, D – Fire Apparatus Access Roads of the International Fire Code are also hereby adopted.** Any successive amendments **or** editions, ~~and/or appendixes~~ adopted by the State of Utah are hereby incorporated herein by reference and shall be effective upon the date they are effective as a Utah State Statute. **In the event a successive amendment or edition is adopted, Appendices B, C or D shall also be adopted and are hereby incorporated herein by this reference and shall be effective upon the same date. Appendices A – Board of Appeals, E – Hazard Categories, F – Hazard Ranking, G – Cryogenic Fluids-Weight and Volume Equivalents are included as guides. A copy of said code shall be deposited in the administrative office of the City and open for public inspection.** ~~Not less than three copies of said code shall be deposited in the office of the City and open for public inspection and uses.~~ (Ord. 02-04) (Ord. 12-27)

7.05.015 PUBLIC DISPLAY OR SPECIAL EFFECTS FIREWORKS; PERMIT REQUIRED

No person shall discharge any display or special effects fireworks without first obtaining a permit issued by the Fire Department. A separate permit shall be required for each public display or special effects fireworks event. Application for this permit shall be in writing on the form "Public Display or Special Effects Fireworks Application" and shall:

(1) Include the name, address, and telephone number of the person, firm, entity, or corporation applying for the permit;
(2) Describe the specific location of the discharge, display, fallout, and spectator locations;
(3) Include evidence of commercial general liability insurance in an amount not less than One Million Dollars ($1,000,000.00) per occurrence and Two Million Dollars ($2,000,000.00) aggregate;
(4) Describe a plan for monitoring weather conditions, crowd control, and contingency plans for adverse or changing conditions; and
(5) Include any additional information reasonably required by the City.

A completed application containing all the above information shall be submitted to the Fire Department at least fourteen (14) days prior to the planned discharge of display or special effects fireworks.

7.05.030 AUTHORITY OF LOCAL FIRE OFFICIAL TO RECOMMEND ORDERS

When the Fire Chief determines that hazardous environmental conditions necessitate controlled use of any ignition source, including fireworks, lighters, matches and smoking materials; the City Council may prohibit only the ignition or use of the ignition source in brush-covered areas or the wildland urban interface area, which means the line, area or zone where structures or human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose. ~~The Fire Chief is hereby authorized to issue orders prohibiting use of any fireworks in any area of the municipality for a period of time not to exceed one year where and when the Fire Chief determines that hazardous environmental conditions necessitate controlling or prohibiting the use thereof~~. (Ord. 12-27)

Section 2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. **Effective Date.** This Ordinance shall become effective immediately upon publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS _____ DAY OF _____, 2014.

SYRACUSE CITY

ATTEST:

_____	_____
Cassie Z. Brown, City Recorder	Mayor Terry Palmer

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Duncan	_____	_____
Councilmember Gailey	_____	_____
Councilmember Johnson	_____	_____
Councilmember Lisonbee	_____	_____
Councilmember Peterson	_____	_____

Permit Application

Public Display of Fireworks

Date of Application

**This application must be completed and received by Syracuse Fire Department
no later than 14 days prior to the date of the fireworks display applied for**

PYROTECHNIC COMPANY

Business Name

Business Address

Business Representative

Phone Number

Name of Supervising Operator at the Site

Phone Number

State Display Operator License Number

DISPLAY SPONSOR

Name of Display Sponsor

Phone Number

Address of Sponsor

DISPLAY LOCATION

Address of Fireworks Display

Date of Fireworks Display

Time of Fireworks Display

NAME OF EVENT

Applicant Name (PRINT)

Date

Applicant Name (SIGNATURE)

ITEMS TO BE INCLUDED WITH THIS APPLICATION

* Description of the specific location of the discharge, display, fallout, and spectacular locations (May be submitted as a site plan.)
* Provide evidence of Commercial General Liability Insurance in the amount not less than $1,000,000 per occurance and $2,000,000 Aggregate.
* Provide a plan for monitoring weather conditions, crowd control, and contingincy plans for adverse or changing conditions.

This permit application along with the above information shall be submitted to Syracuse Fire Department no later than fourteen (14) days prior to the planned event that the display/ special effects fireworks will be used.

COUNCIL AGENDA

March 25, 2014

Agenda Item **e** Title X Amendments-Duplex, Basement Apartments, Accessory Apartments

Factual Summation

Please see the attached:

a. Proposed Ordinance 14-01, amendment to Title X
b. Redline Title X

Any question regarding this agenda item may be directed at Sherrie Christensen, Community & Economic Development Director, or City Planner Jenny Schow.

Background

The Planning Commission has been reviewing Title X for the past few months regarding Duplexes, Basement Apartments and Accessory Apartments. The proposed amendments provide limits and regulations for duplexes that have previously been allowed in all residential zones. These amendments will demonstrate compliance with State of Utah requirements to address moderate income housing in our City. The proposed ordinance reflects the recommended changes from the Planning Commission.

The Planning Commission held a public hearing on the proposed amendments on January 21, 2014. At a public meeting that same night the Planning Commission recommended to the City Council the adoption of the proposed amendments.

Summary of Amendments

Section 10-02-040	Adds definition of an accessory dwelling unit, clarifies definition of multi-family dwelling and dwelling.
Section 10-11-030	Adds accessory dwelling as a conditional use in the A-1 zone
Section 10-12-030	Deletes Two-family dwellings (duplexes) and replaces with accessory dwelling as a conditional use in the R-1 zone.
Section 10-13-030	Deletes Two-family dwellings (duplexes) and replaces with accessory dwelling as a conditional use in the R-2 zone.
Section 10-14-030	Add accessory dwelling as a conditional use in the R-3 zone and changes Two-Family Dwellings to a minor conditional use in the R-3 zone.

Section 10-6-020(D) Provides regulations for two-family dwellings in the R-3 zone with the following requirements:

- Increases the lot size requirement for duplex lot from 8,000 sq. ft. to 11,000 sq. ft. and lot width/frontage from 80 feet to 100 feet.
- Restricts rental of dwelling to long term rental, not nightly or weekly rentals.
- Provides design guidelines that restrict the look and feel of the structure, so that that the structure appears similar to a single family dwelling and has a lesser visual impact on the neighborhood.

Section 10-06-020(E) Provides regulations for accessory dwellings (currently permitted as two-family dwellings) in residential zones with the following requirements:

- Requires one unit to be owner occupied.
- Limits 1 accessory unit per lot
- Provides for increased setback requirement for new accessory unit construction, which is detached from the main dwelling.
- Provides for required increased lot size by 3,000 sq. ft. for accessory units in detached structures and prohibits them in Cluster Subdivisions.
- Restricts nightly rentals.
- Restricts home occupations in accessory unit
- Requires increased setback if windows are placed on walls adjacent to abutting properties.
- Provides size restrictions for minor CUP:
  - Basement or attic 50% gross sq. ft.
  - Attached 650 sq. ft.
  - Detached 650 sq. ft.
- Provides major Cup process for units greater than 650 sq. ft. up to 50% of gross floor area of main dwelling.
- Requires parking based upon the number of bedrooms in the accessory unit.
- Requires entrance to accessory unit from the side or 20’ to the rear of main dwelling entrance.
- Requires detached structure to be compatible architecture and materials of main dwelling.

Recommendation for City Council Approval of Ordinance 14-01, Various Sections, Title X

The Syracuse City Planning Commission hereby recommends that the City Council approve the adoption of Ordinance 14-01, Amending Title X.

ORDINANCE NO.14-01

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE X OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING LAND USE.

WHEREAS, due to the pace of growth in the City there are from time to time smallproposed changes to various City ordinances that are warranted; and

WHEREAS, these small proposed changes come to the attention of the Planning Commission through varied means including but not limited to questions, concerns or complaints from the general public and or from developers that are seeking clarification on the language in the City code; and

WHEREAS, the Planning Commission takes each question or concern under consideration and addresses it on case-by-case basis in a fair and judicious manner paying specific attention to the reasonableness and legality of the request as well as the reasonableness and legality of the City'sown ordinances; and

WHEREAS, after such consideration Planning Commission will either support and sustain current ordinances as adopted or in other cases have staff research and address each proposed change and put forth amendments to existing ordinances; and

WHEREAS, the Planning Commission now hereby wishes to amend various sections of Title X to address suchproposed changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSECITY, STATE OF UTAH, AS FOLLOWS:

Section 1. **Amendment.** The following sections of Syracuse City Municipal Code are hereby amended as follows:

10-2-040 DEFINITIONS

DWELLING:A building or portion thereof designed and used for residential occupancy, including single-family, two- (2) family, and multi-family, ~~but~~ doesnot include boarding, rooming, or lodging houses, tents, yurts, trailers, motels, cottage camps, or similar structures designed and used primarily for transient residential uses. (Ord. 11-02)

DWELLING, SINGLE-FAMILY: A building designed with accommodations for and occupied by one (1) family only.

DWELLING, TWO (2)-FAMILY: A building under single ownership containing two (2) dwelling units, designated for occupancy by not more than two (2) families. (Ord. 11-10)

DWELLING, TWO (2) FAMILY (DUPLEX/TWIN HOME): A single-family dwelling attached to another single-family dwelling by a common wall or floor with both dwellings located on the same lot. (Ord. 11-02)

DWELLING, MULTI-FAMILY: A building containing ~~not less~~more than two (2) dwelling units. (Ord. 03-08) (Ord. 08-07)

DWELLING GROUP: A group of two (2) or more detached buildings used as ~~residences~~ dwellings located on a parcel of land under one (1) ownership and having a yard or court in common.

DWELLING UNIT: A building or portion thereof that provides separate and independent living, cooking, sleeping, eating, and sanitation facilities for one (1) family.

DWELLING, ACCESSORY: Additional living quarters on a single-family lot that is independent of the primary dwelling unit. The accessory dwelling unit shall be a complete housekeeping unit with a shared or separate entrance, separate kitchen, sleeping area, closet space, and bathroom facilities.

(A-1 Zone)

10-11-030: CONDITIONAL USES. The following, and no others, may be conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title. (Ord. 08-07) (Ord. 10-02)

(A) Accessory Uses and Buildings (two hundred [200] square feet or greater) [Minor] (Ord. 11-10)

(B) Cluster Subdivisions [Major] (Ord. 11-10)

(C) Day Care Centers [Major] (Ord. 11-10)

(D) Dog Kennels [Minor] (Ord. 11-10)

(E) Dwelling, Accessory [Minor]

(~~E~~F) Educational Services, Private [Minor](Ord. 08-07) (Ord. 11-10)

(~~F~~G) Greenhouses [Minor] (Ord. 11-10)

(~~G~~H) Home Occupations [Major](Ord. 10-02) (Ord. 11-10)

(~~H~~I) Private Parks and Recreational Activities [Minor] (Ord. 11-10)

(~~I~~J) Public and Quasi-Public Buildings [Major] (Ord. 11-10)

(~~J~~K) Sewage Treatment Plants [Major] (Ord. 11-10)

(~~K~~L) Stables, Public [Minor] (1991) (Ord. 11-10)

(~~L~~M) Temporary Commercial Uses (see Section 10-7-050) [Minor] (Ord. 11-10)

(R-1 ZONE)

10-12-030: CONDITIONAL USES. The following, and no others, may be conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title. (Ord. 08-07) (Ord. 10-02)

(A) Accessory Uses and Buildings (two hundred [200] square feet or greater) [Minor] (Ord. 11-10)

(B) Apiaries [Minor] (Ord. 11-10)

(C) Cluster Subdivisions [Major] (Ord. 11-13)

(D) Day-Care Centers [Major] (Ord. 11-10)

(E) Dog Kennels [Minor] (Ord. 11-10)

(F) ~~Dwellings, Two- [2] Family [Major] (Ord. 11-10)~~Dwelling, Accessory [Minor]

(G) Dwelling Groups [Major] (Ord. 11-10)

(H) Greenhouses [Minor] (Ord. 11-10)

(I) Home Occupations [Major] (Ord. 10-02) (Ord. 11-10)

(J) Private Parks and Recreational Activities [Minor] (Ord. 11-10)

(K) Temporary Commercial Uses (see Section 10-7-050) [Minor] (Ord. 11-10)

(L) Temporary Use of Buildings (See Section 10-6-100)(A)(9) [Minor] (Ord. 11-02) (Ord. 11-10)

(R-2 ZONE)

10-13-030: CONDITIONAL USES. The following, and no others, may be conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title. (Ord. 08-07) (Ord. 10-02)

(A) Accessory Uses and Buildings (two hundred [200] square feet or greater) [Minor] (Ord 06-27) (Ord. 11-10)

(B) Apiaries (Ord. 11-04) [Minor] (Ord. 11-10)

(C) Day-Care Centers [Major] (Ord. 11-10)

(D) Dog Kennels (Ord. 06-27) [Minor] (Ord. 11-10)

(E) Dwellings, ~~Two- [2] Family [Major] (Ord. 11-10)~~Accessory [Minor]

(F) Dwelling Groups [Major] (Ord. 11-10)

(G) Home Occupations [Major] (Ord. 10-02) (Ord. 11-10)

(H) Temporary Commercial Uses (see Section 10-7-050) [Minor] (Ord. 11-10)

(I) Temporary Use of Buildings (see Section 10-6-100)(A)(9) [Minor] (Ord. 11-02) (Ord. 11-10)

(R-3 ZONE)

10-14-030: CONDITIONAL USES. The following, and no others, may be conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title.(1991) (Ord. 08-07) (Ord. 10-02)

(A) Accessory Uses and Buildings (two hundred [200] square feet or greater) [Minor] (Ord. 11-10)

(B) Apiaries (Ord. 11-04) [Minor] (Ord. 11-10)

(C) Day-Care Centers [Major] (Ord. 11-10)

(D) Dwellings, Accessory [Minor]

(~~D~~E) Dwellings, Two- [2] Family [~~Major~~Minor] (Ord. 11-10)

(~~E~~F) Home Occupations [Major] (Ord. 10-02) (Ord. 11-10)

(~~F~~G) Temporary Commercial Uses (see Section 10-7-050) [Minor] (Ord. 11-10)

(~~G~~H) Temporary Use of Buildings (see Section 10-6-100)(A)(9) [Minor] (Ord. 11-02) (Ord. 11-10)

(CHAPTER 6, GENERAL LAND USE REGULATIONS)

10-6-020: REGULATIONS FOR BUILDINGS AND STRUCTURES. Buildings or structures, where allowed, shall comply with the following regulations specific to each type of structure:

(D) Dwellings, Two-[2] Family. Two-Family dwelling units as defined in this title shall be subject to the following:

1. Two-Family dwelling units are only permitted as a minor conditional use in the following residential zones:R-3 , subject to theprovisions of this section.

2. One two-family dwelling unit is permitted per residential lot.

3. Underlying Zoning Applies: Unless specifically provided otherwise in this section, two-family dwelling units are subject to the regulations for a principal building of the underlying zoning district with regard to lot standards, such as building and wall height, setbacks, yard requirements and building coverage.

4. Minimum lot area. The minimum lot size for a two-family dwelling shall be that of the underlying zone district, plus an additional 3,000 sq. ft.

5. Minimum frontage. The minimum frontage for a two-family dwelling shall be that of the underlying zone district, plus an additional twenty (20) feet.

6. Building Code Compliance: Two family dwelling units are subject to compliance with current building code at the time of permit approval.

7. Two family dwellings shall be required to have separate utility services for each unit.

8. Nightly Rental: Neither dwelling unit may be used for nighty/weekly rental.

9. Parking: Parking shall be provided such that each unit of a two family dwelling is equal to that parking requirement of a single family dwelling.

10. Conditional Use Permit Required: A conditional use permit shall be required for an accessory dwelling unit in compliance with the standards of review set forth in this code as a minor conditional use permit. Applications which do not meet the minimum standards set forth herein and have been denied by the Zoning Administrator may be appealed to the Planning Commission for review.

11. Occupancy. No two family dwelling shall be occupied until the property owner has obtained a building permit and certificate of final occupancy from the city.

12. Design Guidelines: Two-family homes shall be designed such that the structure has the appearance of a single family dwelling from the street. To achieve this all new two-family homes shall conform to the following design guidelines:

    a. Only one units garage doors(s) may face each street for which the structure obtains access from, unless single wide tandem parking garages are utilized and are side by side (see figure 1c below).

    b. A shared driveway shall be utilized when both units obtain street access from the same street.

    c. At least one main entryway should be visible from the front of the structure.

    d. Entrances shall be visible and approaches to the front entrance of each dwelling unit should be clearly delineated by improved walkways and landscaping.

    e. There shall be a variation in the wall plane on all facades visible from a public street or public view.

    f. Architectural elements, such as balconies, porches, overhangs, grellises, projections, awnings, insets, materials and textures shall be used to create shadow patterns that contribute to a buildings character and visual interest.

    g. Rooflines shall be broken at intervals no greater than 50 feet long by changes in height or stepbacks.

This: Not This:

Figure 1a

Figure 2a

Figure 1b (rear side garage)

Figure 2b(garage prominence)

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Figure 1c (single car wide garages)

Figure 2c (garage forward)

(E) Dwelling, Accessory. Accessory dwelling units as defined in this title shall be subject to the following:

1. Internal, Attached, or Detached: Accessory dwelling units may be built internal to, attached to, or as a separate unit detached from the principal dwelling on a lot where a single family dwelling exits, in accordance to the standards set forth in this section. Accessory dwelling units are allowed in the following residential zone districts: R-1, R-2, & R-3 subject to the provisions of this section.

2. Owner Occupant Requirement: Accessory dwelling units shall only be permitted when an owner occupant lives on the property within either the principal dwelling or accessory dwelling unit. Owner occupancy shall not be required when:
   a. The owner has a bona fide, temporary absence of three (3 years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
   b. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.

3. Deed Restriction: A lot approved for developmentwith an accessory dwelling unit shall have a deed restriction, the form of which shall be approved by the City Attorney, filed with the county recorder's office indicating such owner occupied requirement of the property prior to issuance of a building permit for the accessory dwelling unit by the city. Such deed restriction shall run with the land until the accessory dwelling unit is discontinued, abandoned or revoked.

4. One accessory dwelling unit is permitted per single family residential lot.

5. Underlying Zoning Applies: Unless specifically provided otherwise in this section, accessory dwelling units are subject to the regulations for a principal building of the underlying zoning district with regard to lot standards, such as building and wall height, setbacks, yard requirements and building coverage.
   a. An existing accessory structure whose setbacks do not meet the minimum requirements for a principal building may be converted into an accessory dwelling unit, but any noncomplying setbacks may not become more noncomplying.
   b. New construction for an accessory dwelling unit, not contained within the principal building, shall meet the minimum standards for accessory structures, but shall be set back from the rear and side property lines a minimum distance of 5 feet (including eaves) and shall meet all applicable fire separation requirements.

6. Existing Development On Lot: A single-family dwelling shall exist on the lot or will be constructed in conjunctionwith the accessory dwelling unit.

7. Minimum Lot Area: Within permissible zoning districts, the minimum lot area required for an accessory dwelling unit shall be:

a. Internal: For accessory dwelling units located within the principal single family dwelling, the minimum lot size shall be that of the underlying zone district.
b. Attached: For accessory dwelling units located with an addition to the single-family dwelling, the minimum lot size shall be that of the underlying zone district.
c. Detached: For accessory dwelling units located within a detached structure, the minimum lot size shall be that of the underlying zone district, plus an additional 3,000 sq. ft.
d. Cluster Subdivisions: Detached accessory dwelling units shall be prohibited on single-family lots withless than 10,000 square feet.

8. Building Code Compliance: Accessory dwelling units are subject to compliance with current building code.

9. Separate Utility Connections: Separateutility connections shall not be permitted for internal accessory dwelling units. Owners of lots with an accessory dwelling unit shall be charged for two city utility connections, regardless of shared connection.

10. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.

11. Nightly Rental: Neither dwelling unit may be used for nighty/weekly rental.

12. Home Occupations: Home occupations [minor] in accessory dwelling units shall only be permitted for those businesses where no clientele visits are made to the property in order to maintain the residential nature of the dwelling unit.

13. Windows: In a detached accessory dwelling unit, the placement of windows within the accessory dwelling unit shall not be allowed within ten feet (10') of a side yard or rear yard property line.

14. Methods of Creation: An accessory dwelling unit may only be created through one or more of the following methods:
a. Conversion of existing living area within a principal structure, such as a basement or attic space;
b. Addition of floor area to a principal structure;
c. Construction of a new single family structure with an internal or detached accessory dwelling unit;
d. Conversion or addition onto an existing accessory structure on a lot, such as to a garage or other outbuilding, where no required parking for the principal dwelling is eliminated by the accessory dwelling unit; or
e. Construction of a new accessory dwelling unit with a separate detached structure in compliance with applicable lot coverage regulations.

15. Size of Accessory Dwelling Unit:
a. Internal accessory dwelling units (basement or attic) shall not exceed fifty percent of the gross square footage of the principal dwelling unit.

b. Attached accessory dwelling units shall not exceed fifty percent of the gross square footage of the principal dwelling unit or six hundred fifty (650) square feet, whichever is less.

c. Detached accessory dwelling units (minor conditional use) shall not exceed fifty (50) percent of the gross square footage of the principal dwelling unit or six hundred fifty (650) square feet, whichever is less.

d. Detached accessory dwelling units which exceed six hundred fifty (650) square feet, but are less than fifty (50) percent of the footprint of the main dwelling, excluding the garage, may be permitted as a major conditional use permit and approved by the Planning Commission.

e. The minimum size of an accessory dwelling unit is that size specified and required by the adopted building code of the city.

16. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot.

17. Number of Residents: The total number of residents that may reside in an accessory dwelling unit may not exceed the number that is allowed for a "family" as defined in this code.

18. Parking:

a. An accessory dwelling unit that contains a studio or single bedroom shall require one additional on-site parking space.

b. An accessory dwelling unit that contains two (2) or more bedrooms shall require two (2) additional on-site parking spaces. Parking may be provided in tandem for accessory unit only, when sufficient on street parking is also available and the lot is not located within a cul-de-sac.

19. Location of Entrance to Accessory Dwelling Unit:

a. Internal of Attached Units: Accessory dwelling units that are internal to or attached to a principal dwelling may take access from an existing entrance on a street-facing front façade of the principal dwelling. No new street facing entrances may be added to the principal dwelling for an accessory dwelling unit unless such access is located at least twenty feet (20') behind the front façade of the principal dwelling unit.

b. Detached Units: Accessory dwelling units that are detached from the principal dwelling may utilize an existing street-facing façade as long as the entrance is located at minimum of twenty feet (20') behind the front façade of the principal dwelling, or install a new entrance to the existing or new detached structure for the purpose of serving the accessory dwelling unit as long as the entrance facing the rear or side of the lot.

c. Corner Lots: On corner lots, existing entrances on the street-facing sides may be used for an accessory dwelling unit, but any new entrance shall be located facing toward the rear property line or interior side yard, or toward the back of the principal dwelling.

20. Exterior Design: Accessory dwelling units shall be regulated by the following exterior design standards:

a. The maximum height of a detached accessory structure containing an accessory dwelling unit shall not exceed the height of the principal structure;

b. An accessory dwelling unit shall be designed and constructed to be compatible with the principal structure and shall meet the minimum standards set forth for the principal dwelling in Section 10-6-020(B) of this code.

21. Conditional Use Permit Required: A conditional use permit shall be required for an accessory dwelling unit in compliance with the standards of review set forth in this code as a minor conditional use permit. Applications which do not meet the minimum standards set forth herein and have been denied by the Zoning Administrator may be appealed to the Planning Commission for review.

22. Building Permit: A building permit is required for the proposed accessory dwelling unit, regardless of method of creation.

23. Occupancy. No accessory dwelling unit shall be occupied until the property owner has obtained a building permit and certificate of final occupancy from the city.

Section 2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. **Effective Date.** This Ordinance shall become effective immediately after publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS _____ DAY OF _____, 2014.

SYRACUSECITY

ATTEST:

_____ _____

Cassie Z. Brown, City Recorder Mayor Terry Palmer

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Peterson		_____
Councilmember Lisonbee		_____
Councilmember Duncan		_____
Councilmember Johnson		_____
Councilmember Gailey		_____

ORDINANCE NO.14-01

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE X OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING LAND USE.

WHEREAS, due to the pace of growth in the City there are from time to time smallproposed changes to various City ordinances that are warranted; and

WHEREAS, these small proposed changes come to the attention of the Planning Commission through varied means including but not limited to questions, concerns or complaints from the general public and or from developers that are seeking clarification on the language in the City code; and

WHEREAS, the Planning Commission takes each question or concern under consideration and addresses it on case-by-case basis in a fair and judicious manner paying specific attention to the reasonableness and legality of the request as well as the reasonableness and legality of the City'sown ordinances; and

WHEREAS, after such consideration Planning Commission will either support and sustain current ordinances as adopted or in other cases have staff research and address each proposed change and put forth amendments to existing ordinances; and

WHEREAS, the Planning Commission now hereby wishes to amend various sections of Title X to address suchproposed changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSECITY, STATE OF UTAH, AS FOLLOWS:

Section 1. **Amendment.** The following sections of Syracuse City Municipal Code are hereby amended as follows:

10-2-040 DEFINITIONS

DWELLING:A building or portion thereof designed and used for residential occupancy, including single-family, two- (2) family, and multi-family, ~~but~~ doesnot include boarding, rooming, or lodging houses, tents, yurts, trailers, motels, cottage camps, or similar structures designed and used primarily for transient residential uses. (Ord. 11-02)

DWELLING, SINGLE-FAMILY: A building designed with accommodations for and occupied by one (1) family only.

DWELLING, TWO (2)-FAMILY: A building under single ownership containing two (2) dwelling units, designated for occupancy by not more than two (2) families. (Ord. 11-10)

DWELLING, TWO (2) FAMILY (DUPLEX/TWIN HOME): A single-family dwelling attached to another single-family dwelling by a common wall or floor with both dwellings located on the same lot. (Ord. 11-02)

DWELLING, MULTI-FAMILY: A building containing ~~not less~~more than two (2) dwelling units. (Ord. 03-08) (Ord. 08-07)

DWELLING GROUP: A group of two (2) or more detached buildings used as ~~residences~~ dwellings located on a parcel of land under one (1) ownership and having a yard or court in common.

DWELLING UNIT: A building or portion thereof that provides separate and independent living, cooking, sleeping, eating, and sanitation facilities for one (1) family.

DWELLING, ACCESSORY: Additional living quarters on a single-family lot that is independent of the primary dwelling unit. The accessory dwelling unit shall be a complete housekeeping unit with a shared or separate entrance, separate kitchen, sleeping area, closet space, and bathroom facilities.

(A-1 Zone)

10-11-030: CONDITIONAL USES. The following, and no others, may be conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title. (Ord. 08-07) (Ord. 10-02)

(A) Accessory Uses and Buildings (two hundred [200] square feet or greater) [Minor] (Ord. 11-10)

(B) Cluster Subdivisions [Major] (Ord. 11-10)

(C) Day Care Centers [Major] (Ord. 11-10)

(D) Dog Kennels [Minor] (Ord. 11-10)

(E) Dwelling, Accessory [Minor]

(~~E~~F) Educational Services, Private [Minor](Ord. 08-07) (Ord. 11-10)

(~~F~~G) Greenhouses [Minor] (Ord. 11-10)

(~~G~~H) Home Occupations [Major](Ord. 10-02) (Ord. 11-10)

(~~H~~I) Private Parks and Recreational Activities [Minor] (Ord. 11-10)

(~~I~~J) Public and Quasi-Public Buildings [Major] (Ord. 11-10)

(~~J~~K) Sewage Treatment Plants [Major] (Ord. 11-10)

(~~K~~L) Stables, Public [Minor] (1991) (Ord. 11-10)

(~~L~~M) Temporary Commercial Uses (see Section 10-7-050) [Minor] (Ord. 11-10)

(R-1 ZONE)

10-12-030: CONDITIONAL USES. The following, and no others, may be conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title. (Ord. 08-07) (Ord. 10-02)

(A) Accessory Uses and Buildings (two hundred [200] square feet or greater) [Minor] (Ord. 11-10)

(B) Apiaries [Minor] (Ord. 11-10)

(C) Cluster Subdivisions [Major] (Ord. 11-13)

(D) Day-Care Centers [Major] (Ord. 11-10)

(E) Dog Kennels [Minor] (Ord. 11-10)

(F) ~~Dwellings, Two- [2] Family [Major] (Ord. 11-10)~~Dwelling, Accessory [Minor]

(G) Dwelling Groups [Major] (Ord. 11-10)

(H) Greenhouses [Minor] (Ord. 11-10)

(I) Home Occupations [Major] (Ord. 10-02) (Ord. 11-10)

(J) Private Parks and Recreational Activities [Minor] (Ord. 11-10)

(K) Temporary Commercial Uses (see Section 10-7-050) [Minor] (Ord. 11-10)

(L) Temporary Use of Buildings (See Section 10-6-100)(A)(9) [Minor] (Ord. 11-02) (Ord. 11-10)

(R-2 ZONE)

10-13-030: CONDITIONAL USES. The following, and no others, may be conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title. (Ord. 08-07) (Ord. 10-02)

(A) Accessory Uses and Buildings (two hundred [200] square feet or greater) [Minor] (Ord 06-27) (Ord. 11-10)

(B) Apiaries (Ord. 11-04) [Minor] (Ord. 11-10)

(C) Day-Care Centers [Major] (Ord. 11-10)

(D) Dog Kennels (Ord. 06-27) [Minor] (Ord. 11-10)

(E) Dwellings, ~~Two- [2] Family [Major] (Ord. 11-10)~~Accessory [Minor]

(F) Dwelling Groups [Major] (Ord. 11-10)

(G) Home Occupations [Major] (Ord. 10-02) (Ord. 11-10)

(H) Temporary Commercial Uses (see Section 10-7-050) [Minor] (Ord. 11-10)

(I) Temporary Use of Buildings (see Section 10-6-100)(A)(9) [Minor] (Ord. 11-02) (Ord. 11-10)

(R-3 ZONE)

10-14-030: CONDITIONAL USES. The following, and no others, may be conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title.(1991) (Ord. 08-07) (Ord. 10-02)

(A) Accessory Uses and Buildings (two hundred [200] square feet or greater) [Minor] (Ord. 11-10)

(B) Apiaries (Ord. 11-04) [Minor] (Ord. 11-10)

(C) Day-Care Centers [Major] (Ord. 11-10)

(D) Dwellings, Accessory [Minor]

(~~D~~E) Dwellings, Two- [2] Family [~~Major~~Minor] (Ord. 11-10)

(~~E~~F) Home Occupations [Major] (Ord. 10-02) (Ord. 11-10)

(~~F~~G) Temporary Commercial Uses (see Section 10-7-050) [Minor] (Ord. 11-10)

(~~G~~H) Temporary Use of Buildings (see Section 10-6-100)(A)(9) [Minor] (Ord. 11-02) (Ord. 11-10)

(CHAPTER 6, GENERAL LAND USE REGULATIONS)

10-6-020: REGULATIONS FOR BUILDINGS AND STRUCTURES. Buildings or structures, where allowed, shall comply with the following regulations specific to each type of structure:

(D) Dwellings, Two-[2] Family. Two-Family dwelling units as defined in this title shall be subject to the following:

1. Two-Family dwelling units are only permitted as a minor conditional use in the following residential zones:R-3 , subject to theprovisions of this section.

2. One two-family dwelling unit is permitted per residential lot.

3. Underlying Zoning Applies: Unless specifically provided otherwise in this section, two-family dwelling units are subject to the regulations for a principal building of the underlying zoning district with regard to lot standards, such as building and wall height, setbacks, yard requirements and building coverage.

4. Minimum lot area. The minimum lot size for a two-family dwelling shall be that of the underlying zone district, plus an additional 3,000 sq. ft.

5. Minimum frontage. The minimum frontage for a two-family dwelling shall be that of the underlying zone district, plus an additional twenty (20) feet.

6. Building Code Compliance: Two family dwelling units are subject to compliance with current building code at the time of permit approval.

7. Two family dwellings shall be required to have separate utility services for each unit.

8. Nightly Rental: Neither dwelling unit may be used for nighty/weekly rental.

9. Parking: Parking shall be provided such that each unit of a two family dwelling is equal to that parking requirement of a single family dwelling.

10. Conditional Use Permit Required: A conditional use permit shall be required for an accessory dwelling unit in compliance with the standards of review set forth in this code as a minor conditional use permit. Applications which do not meet the minimum standards set forth herein and have been denied by the Zoning Administrator may be appealed to the Planning Commission for review.

11. Occupancy. No two family dwelling shall be occupied until the property owner has obtained a building permit and certificate of final occupancy from the city.

12. Design Guidelines: Two-family homes shall be designed such that the structure has the appearance of a single family dwelling from the street. To achieve this all new two-family homes shall conform to the following design guidelines:

    a. Only one units garage doors(s) may face each street for which the structure obtains access from, unless single wide tandem parking garages are utilized and are side by side (see figure 1c below).

    b. A shared driveway shall be utilized when both units obtain street access from the same street.

    c. At least one main entryway should be visible from the front of the structure.

    d. Entrances shall be visible and approaches to the front entrance of each dwelling unit should be clearly delineated by improved walkways and landscaping.

    e. There shall be a variation in the wall plane on all facades visible from a public street or public view.

    f. Architectural elements, such as balconies, porches, overhangs, grellises, projections, awnings, insets, materials and textures shall be used to create shadow patterns that contribute to a buildings character and visual interest.

    g. Rooflines shall be broken at intervals no greater than 50 feet long by changes in height or stepbacks.

This: Not This:

Figure 1a Figure 2a

Figure 1b (rear side garage) Figure 2b(garage prominence)

Figure 1c (single car wide garages) Figure 2c (garage forward)

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(E) Dwelling, Accessory. Accessory dwelling units as defined in this title shall be subject to the following:

1. Internal, Attached, or Detached: Accessory dwelling units may be built internal to, attached to, or as a separate unit detached from the principal dwelling on a lot where a single family dwelling exits, in accordance to the standards set forth in this section. Accessory dwelling units are allowed in the following residential zone districts: R-1, R-2, & R-3 subject to the provisions of this section.

2. Owner Occupant Requirement: Accessory dwelling units shall only be permitted when an owner occupant lives on the property within either the principal dwelling or accessory dwelling unit. Owner occupancy shall not be required when:
   a. The owner has a bona fide, temporary absence of three (3 years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
   b. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.

3. Deed Restriction: A lot approved for developmentwith an accessory dwelling unit shall have a deed restriction, the form of which shall be approved by the City Attorney, filed with the county recorder's office indicating such owner occupied requirement of the property prior to issuance of a building permit for the accessory dwelling unit by the city. Such deed restriction shall run with the land until the accessory dwelling unit is discontinued, abandoned or revoked.

4. One accessory dwelling unit is permitted per single family residential lot.

5. Underlying Zoning Applies: Unless specifically provided otherwise in this section, accessory dwelling units are subject to the regulations for a principal building of the underlying zoning district with regard to lot standards, such as building and wall height, setbacks, yard requirements and building coverage.
   a. An existing accessory structure whose setbacks do not meet the minimum requirements for a principal building may be converted into an accessory dwelling unit, but any noncomplying setbacks may not become more noncomplying.
   b. New construction for an accessory dwelling unit, not contained within the principal building, shall meet the minimum standards for accessory structures, but shall be set back from the rear and side property lines a minimum distance of 5 feet (including eaves) and shall meet all applicable fire separation requirements.

6. Existing Development On Lot: A single-family dwelling shall exist on the lot or will be constructed in conjunctionwith the accessory dwelling unit.

7. Minimum Lot Area: Within permissible zoning districts, the minimum lot area required for an accessory dwelling unit shall be:

a. Internal: For accessory dwelling units located within the principal single family dwelling, the minimum lot size shall be that of the underlying zone district.
b. Attached: For accessory dwelling units located with an addition to the single-family dwelling, the minimum lot size shall be that of the underlying zone district.
c. Detached: For accessory dwelling units located within a detached structure, the minimum lot size shall be that of the underlying zone district, plus an additional 3,000 sq. ft.
d. Cluster Subdivisions: Detached accessory dwelling units shall be prohibited on single-family lots withless than 10,000 square feet.

8. Building Code Compliance: Accessory dwelling units are subject to compliance with current building code.

9. Separate Utility Connections: Separateutility connections shall not be permitted for internal accessory dwelling units. Owners of lots with an accessory dwelling unit shall be charged for two city utility connections, regardless of shared connection.

10. Not a Unit of Density: Accessory dwelling units are not considered a unit of density and therefore are not included in the density calculation for residential property.

11. Nightly Rental: Neither dwelling unit may be used for nighty/weekly rental.

12. Home Occupations: Home occupations [minor] in accessory dwelling units shall only be permitted for those businesses where no clientele visits are made to the property in order to maintain the residential nature of the dwelling unit.

13. Windows: In a detached accessory dwelling unit, the placement of windows within the accessory dwelling unit shall not be allowed within ten feet (10') of a side yard or rear yard property line.

14. Methods of Creation: An accessory dwelling unit may only be created through one or more of the following methods:
a. Conversion of existing living area within a principal structure, such as a basement or attic space;
b. Addition of floor area to a principal structure;
c. Construction of a new single family structure with an internal or detached accessory dwelling unit;
d. Conversion or addition onto an existing accessory structure on a lot, such as to a garage or other outbuilding, where no required parking for the principal dwelling is eliminated by the accessory dwelling unit; or
e. Construction of a new accessory dwelling unit with a separate detached structure in compliance with applicable lot coverage regulations.

15. Size of Accessory Dwelling Unit:
a. Internal accessory dwelling units (basement or attic) shall not exceed fifty percent of the gross square footage of the principal dwelling unit.

b. Attached accessory dwelling units shall not exceed fifty percent of the gross square footage of the principal dwelling unit or six hundred fifty (650) square feet, whichever is less.

c. Detached accessory dwelling units (minor conditional use) shall not exceed fifty (50) percent of the gross square footage of the principal dwelling unit or six hundred fifty (650) square feet, whichever is less.

d. Detached accessory dwelling units which exceed six hundred fifty (650) square feet, but are less than fifty (50) percent of the footprint of the main dwelling, excluding the garage, may be permitted as a major conditional use permit and approved by the Planning Commission.

e. The minimum size of an accessory dwelling unit is that size specified and required by the adopted building code of the city.

16. Ownership: An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot.

17. Number of Residents: The total number of residents that may reside in an accessory dwelling unit may not exceed the number that is allowed for a "family" as defined in this code.

18. Parking:

a. An accessory dwelling unit that contains a studio or single bedroom shall require one additional on-site parking space.

b. An accessory dwelling unit that contains two (2) or more bedrooms shall require two (2) additional on-site parking spaces. Parking may be provided in tandem for accessory unit only, when sufficient on street parking is also available and the lot is not located within a cul-de-sac.

19. Location of Entrance to Accessory Dwelling Unit:

a. Internal of Attached Units: Accessory dwelling units that are internal to or attached to a principal dwelling may take access from an existing entrance on a street-facing front façade of the principal dwelling. No new street facing entrances may be added to the principal dwelling for an accessory dwelling unit unless such access is located at least twenty feet (20') behind the front façade of the principal dwelling unit.

b. Detached Units: Accessory dwelling units that are detached from the principal dwelling may utilize an existing street-facing façade as long as the entrance is located at minimum of twenty feet (20') behind the front façade of the principal dwelling, or install a new entrance to the existing or new detached structure for the purpose of serving the accessory dwelling unit as long as the entrance facing the rear or side of the lot.

c. Corner Lots: On corner lots, existing entrances on the street-facing sides may be used for an accessory dwelling unit, but any new entrance shall be located facing toward the rear property line or interior side yard, or toward the back of the principal dwelling.

20. Exterior Design: Accessory dwelling units shall be regulated by the following exterior design standards:

a. The maximum height of a detached accessory structure containing an accessory dwelling unit shall not exceed the height of the principal structure;

b. An accessory dwelling unit shall be designed and constructed to be compatible with the principal structure and shall meet the minimum standards set forth for the principal dwelling in Section 10-6-020(B) of this code.

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Section 3. **Effective Date.** This Ordinance shall become effective immediately after publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS _____ DAY OF _____, 2014.

SYRACUSECITY

ATTEST:

_____ _____

Cassie Z. Brown, City Recorder Mayor Terry Palmer

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Peterson		_____
Councilmember Lisonbee		_____
Councilmember Duncan		_____
Councilmember Johnson		_____
Councilmember Gailey		_____

COUNCIL AGENDA

March 25, 2014

Agenda Item **f** Fiscal Year (FY) 2014-2015 Budget discussion.

Factual Summation

This item will be a standing item (if necessary) on all extended work session agendas from now until June when the final budget is adopted. Any questions regarding the budget can be directed at Finance Director Marshall in order for him to be prepared to discuss the issue during the work session meeting.