

Syracuse City Planning Commission Meeting
November 16, 2010
Minutes

1. Meeting called to Order and Adoption of Agenda

Planning Commission Chair Robert Whiteley called the meeting to order at 6:39 p.m., indicating that City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Judy Merrill offered the prayer, and Matthew Bohn, of Troop 591, led the pledge of allegiance.

Members Present: Chair Robert Whiteley, Vice Chair Kenneth Hellewell, Tyler Bodrero, and Gary Pratt as well as Community Development Director Michael Eggett, GIS Specialist Troy Moyes, and Administrative Secretary Judy Merrill

Excused: Eric Hazen and Braxton Schenk

Visitors: Connie Bohn Matthew Bohn T.J. Jensen Sheldon Peck Lurlen Knight

Commissioners reviewed the November 16, 2010, Planning Commission meeting agenda.

KENNETH HELLEWELL MOVED TO ADOPT THE NOVEMBER 16, 2010, AGENDA AS OUTLINED, SECONDED BY GARY PRATT; ALL VOTED IN FAVOR.

2. Approval of Minutes

Commissioners reviewed the minutes of the September 21, 2010, regular meeting.

KENNETH HELLEWELL MADE A MOTION TO APPROVE THE SEPTEMBER 21, 2010, PLANNING COMMISSION MEETING MINUTES AS WRITTEN. TYLER BODRERO SECONDED THE MOTION; ALL VOTED IN FAVOR.

Commissioners reviewed the minutes of the October 19, 2010, work session.

KENNETH HELLEWELL MOVED TO APPROVE THE OCTOBER 19, 2010, WORK SESSION MINUTES AS WRITTEN, SECONDED BY TYLER BODRERO; ALL VOTED IN FAVOR.

Commissioners reviewed the minutes of the November 2, 2010, work session.

KENNETH HELLEWELL MADE A MOTION TO APPROVE THE NOVEMBER 2, 2010, WORK SESSION MINUTES AS WRITTEN. TYLER BODRERO SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. Public Hearing of Sketch Plans for Hammon Acres Subdivision

Dr. Sheldon Peck, 3674 West Inverness Drive, appeared before the Planning Commission requesting Sketch Plan approval for the Hammon Acres Subdivision, located at approximately 1290 South 3700 West. He owned one of the lots and represented himself, Dr. Andrew Nield, and Sunquest Development. They recently received interest from some potential buyers in their land for residential use, so they hoped to install the necessary improvements in preparation to sell the lots. They planned to request approval to rezone lots 101-103. The largest parcel, Lot 104, would remain horse property in A-1 for agricultural purposes and residential use, and they hoped to rezone Lot 103 from A-1 to R-1, in order to retain horses there as well, and lots 101 and 102 from A-1 to R-2. Because of the cost savings of improving all four at the same time with the same contractor and pushing it through the City together, they included all of this land in the same subdivision. When asked about horses, Dr. Peck pointed out that Lot 104 would remain agriculture, which allowed more animals per square foot than a residential lot with the same acreage.

Vice Chair Hellewell advised him that Lot 104 would need 2 acres to build a home in an A-1 zone, but Specialist Moyes directed him to the minimum lot size requirement for A-1 as only 21,780 square feet. After much discussion between staff members, Director Eggett decided the .5 homes per net acre applied to overall density of a subdivision in an A-1 zone. Since this Subdivision would only have one A-1 lot, only the minimum lot size applied.

Commissioner Bodrero asked about the existing building shown on Lot 102. Dr. Peck assured him they planned to demolish it and about 2 of approximately 20 horse stalls straddling lots 102 and 104 in order to meet the required 8-foot setback.

Commissioner Pratt asked if there were any drainage issues or underground piping running across any of the lots. Dr. Peck advised him of an old pipe on the corner of Doral and Hammon that used to cross Lot 101 from a well on Lot 104. The users already removed all that piping, and it went dry long ago. He was

also aware of another well in the middle of the street, identified by a manhole. The Hammons had a few wells on the property, but that was the only one of which he was aware. Commissioner Pratt asked if anyone evaluated the drainage yet to verify whether the lots would drain properly towards the easements. Dr. Peck stated that they had not drawn up the topography as required by the City Engineer's letter but that the two lots facing east could tie into the storm drain in the road. They would need to build up lots 103 and 104, however, to be able to construct homes above the water table, because there were no storm drains on Hammon Lane into which they could tie these lots. Running laterals all the way through the other lots to tie into lines in Doral Drive would be too expensive, so they preferred to just build up the grades. The water table in that area was about 5 feet down. All four lots already had curb, gutter, sidewalk, sprinklers, and at least three approaches. Chairman Whiteley asked if the lots already had stubbed utilities. Dr. Peck told him that approval of this Subdivision would allow them to install those improvements.

Chairman Whiteley opened up the meeting to public hearing.

TJ Jensen, 3242 South 1000 West, came forward, referring to a comment made by the applicant regarding the Ordinance allowing more farm animals within an A-1 zone than other zones. Based on City Council meetings he attended in the past, he understood that claim to be false. He asked staff whether there were indeed differences between the numbers of animals allowed per acre in A-1 versus other zones. Specialist Moyes explained that the points allocated to land for farm animal keeping used to differ between an R-2 zone and the A-1 and R-1 zones. Mr. Jensen stated that the City had a lot of R-1 lots with horses. Specialist Moyes agreed and advised him that farm animals required larger lots. Mr. Jensen then asked how the City handled rounding for density requirements in each zone. He used R-1 as an example with a density calculation of 4.64 lots per net acre. He asked if a developer in that scenario would be allowed up to 5 lots or just 4. Specialist Moyes stated that he would limit it to 4 or less. Mr. Jensen believed the City had a rounding issue with this Subdivision and that the .5 lots per net acre should apply. He understood the Ordinance as requiring whole numbers for lots. The applicant obviously wanted protection of an A-1 zone for horses, but it did not appear that they needed that zone to retain such a use if the point system were the same for R-1. Specialist Moyes advised him that the applicant wanted to keep Lot 104 as A-1 for agricultural use in order to combine it with another parcel for greenbelt. Mr. Jensen stated that the County required 5 acres of continuous property for greenbelt. Specialist Moyes explained that it did not have to be continuous. The property owner just had to be the same. Mr. Jensen concurred, stating that the County must not care about zoning as long as the use was agriculture on at least 5 acres. They never asked for zoning when he applied for greenbelt. They just asked for the use, if he would be generating income from that use, and if it was at least 5 acres. Specialist Moyes concluded by stating that the applicant did not need to include Lot 104 on the plat, but the City preferred an official recording of those lot lines rather than the usual meets and bounds. It was much cleaner to go through the subdivision process. Mr. Jensen did not believe the plat met the letter of the Ordinance, which he understood did not allow any lot to be smaller than 21,780 square feet, although the lots throughout could be different sizes as long as the total density complied with the zone requirement of .5 lots per net acre.

No one else came forward, so Chairman Whiteley closed the public hearing.

TYLER BODRERO MOVED TO RECOMMEND SKETCH PLAN APPROVAL OF THE HAMMON ACRES SUBDIVISION, LOCATED AT APPROXIMATELY 1290 SOUTH 3700 WEST, SUBJECT TO COMPLIANCE WITH ALL COMMENTS OUTLINED IN EPIC ENGINEERING'S REVIEW LETTERS, DATED NOVEMBER 9, 2010, AND NOVEMBER 15, 2010, AS WELL AS ALL REQUIREMENTS OF THE LAND USE AND SUBDIVISION ORDINANCES SPECIFIC TO THE REQUESTED USE, AND FORWARD IT ON TO CITY COUNCIL. GARY PRATT SECONDED THE MOTION; ALL VOTED IN FAVOR.

4. Public Hearing of Amendments to Title X, Land Use Ordinance

Director Eggett went through the proposed changes. Specialist Moyes left the meeting at 8:25pm. Commissioners reviewed exactions, or constitutional takings, for possible adoption in order to comply with LUDMA requirements. Director Eggett referred to proposed updates to conditional uses, noncomplying versus nonconforming structures, minor updates to some general terms (e.g. animal hospitals), and streamlining an approval process (e.g. Planning Commission as Land Use Authority for sketch plans rather than City Council). Title 8 amendments would be forthcoming to match that change. Other amendments included

identification of major and minor conditional uses and the different approval processes for each type, such as signage and home occupations. Chairman Whiteley asked if staff posted the proposed changes on the City website for public review. Director Eggett assured him it had been on the website for about two weeks. He then discussed the need for designating commercial daycares and preschools in commercial and professional office zones. Vice Chair Hellewell recommended designating the uses as permitted in those particular zones. Director Eggett agreed, since the need to comply with State regulations for such facilities would prevent most issues. Chairman Whiteley preferred allowing them as conditional in commercial zones and permitted in the PO zone to discourage nonretail businesses from consuming space in their limited commercial zones and preventing larger retail businesses from locating there. PO zones allowed more flexibility for nonretail businesses, because they were a lesser impact adjacent the residential neighborhoods, since they did not have the high traffic volume and other issues created by retailers. Secretary Merrill would reflect that change in these minutes.

Chairman Whiteley opened up the meeting to public hearing.

T.J. Jensen came forward again, stating that he believed the amendments were all good ideas. He then referred to a discussion in the previous work session regarding accessory structures encroaching into side yards and asked that staff include his suggestion in the minutes that approvals for such encroachments be subject to the same setback requirements as the primary structures and from the primary structures.

Chairman Whiteley then closed the public hearing.

Chairman Whiteley directed staff to relocate the parking requirements included in the regulations for animal hospitals to Chapter 7, Off-Street Parking, which Secretary Merrill would reflect in these minutes.

Commissioner Pratt asked if any of them would be involved in the appeal process for disputes of decisions made by the Planning Commission. Chairman Whiteley stated they should not be an influence on that process. Commissioner Pratt asked if they would need to attend and at least provide testimony or if the City Council would base their considerations on the record. Chairman Whiteley told him the meeting minutes would suffice.

Chairman Whiteley asked staff if there had been issues in the City that prompted the addition of this proposed definition for a kitchen. He voiced his concern for the occasional use of a microwave in a basement as constituting a kitchen. Secretary Merrill advised him that staff would only need the definition in cases when disputes arose in trying to determine whether or not a residence was a single- or two-family dwelling.

10-2-040: DEFINITIONS. As used in this Title, the words and phrases defined in this Section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the Building Code shall be construed as defined therein.

ANIMAL CLINIC: An establishment for the care, grooming, and treatment of small animals and household pets, with all facilities within a completely-enclosed building, except for vehicle parking.

ANIMAL HOSPITAL: An establishment for the care and treatment of animals, including household pets, livestock, and commercial poultry, with all facilities within a completely enclosed building, except for exercising runs and parking for vehicles.

AREA: the aggregate of the maximum horizontal cross section within given boundaries.

BUILDABLE AREA: That portion of a lot or parcel that is eligible to place a building or structure and complies with setbacks of the applicable zone.

CHILD DAY CARE CENTER: Any building or premises used regularly for the custodial care of four (4) or more children for more than four (4) hours per day for profit.

CONDITIONAL USE: Uses, other than permitted uses, allowed in a specific zone that ~~may not be compatible in some areas without certain~~ requires conditions, as set forth in the Land Use Ordinance for those uses, that mitigate or eliminate the detrimental impact as a result of its unique characteristic or potential impact on surrounding neighbors.

DAY-CARE CENTER: Any building or premises used for the care of children for more than four (4) hours per day for profit. See Child Day Care Center.

DAY CARE, HOME: See Child Day Care, Home.

DWELLING: A building or portion thereof designed and used for residential occupancy, including single-family, two- (2) family, and multi-family, but not boarding, rooming, or lodging houses, tents, trailers, motels, cottage camps, or similar structures designed and used primarily for transient residential uses.

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.

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

EXACTION (CONSTITUTIONAL TAKING): Actions by the City involving the physical taking or exaction of private-real property that might require compensation to a private real-property owner because of:

(A) The Fifth or Fourteenth Amendments of the Constitution of the United States;

(B) Article I, Section 22, of the Utah Constitution, or

(C) Any recent court rulings governing the physical taking or exaction of private real property by a government entity.

FAMILY:

(A) One (1) individual living alone or one (1), but not more than one (1) at the same time, group of individuals described in the following subsections who together occupy a single-family dwelling unit as one (1) nonprofit housekeeping unit and who share common living, sleeping, cooking, and sanitation facilities:

1. A head of household and all ~~or more~~ persons related to the head of household by blood, marriage, adoption, ~~or~~ guardianship, or other duly authorized custodial relationship, and not more than two (2) additional related or unrelated persons, including, but not limited to, personal care or personal-service providers

2. Up to four (4) related or unrelated persons and any children of either individual, if any

(B) In applying this definition, the existence of more than one (1) kitchen in a dwelling unit shall create a presumption that two (2) housekeeping units exist in the dwelling. ~~a group of not more than six (6) unrelated persons living together as a single housekeeping unit, together with any incidental domestic or support staff who may or may not reside on the premises. "Family" does not exclude the care of foster children~~ include:

1. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization

2. Any number of individuals whose association is temporary or seasonal in nature

3. Any number of individuals who are in a group-living arrangement as a result of criminal offenses.

FENCE: A structure used as a boundary, screen, separation, protection or confinement, or means of privacy constructed of posts, rails, and a barrier consisting of lumber, vinyl, wire mesh, masonry, or similar fencing materials.

FLOOR AREA: The sum of all areas of several floors of a building, including basements, mezzanines, and intermediate floored tiers and penthouses of head-room height, measured from the exterior faces of exterior walls or from the centerline of common walls separating buildings. The floor area, however, shall not include areas used for parking of vehicles and areas devoted exclusively to the housing of mechanical equipment for heating, ventilating, and other service uses for the building.

GARAGE SALE: A sale of personal belongings in a residential zone, which sale is conducted by a bona fide resident of the premises.

GENERAL PLAN: A document adopted by the City that sets forth general guidelines for proposed future development of land within the City as set forth in Utah Code Annotated, also referred to as the "**General Master Plan.**"

GRADE, FINISH (ADJACENT GROUND ELEVATION): The lowest point of elevation of the finished surface of the ground, within the area between a building and a line five (5) feet from building.

GRADE, NATURAL: The elevation of the surface of ground created through the action of natural forces and not a result from man-made cuts, fills, excavation, grading, or similar earth-moving processes. The City Engineer of Syracuse City shall determine natural grade in every instance where necessary.

HEAD OF HOUSEHOLD: One (1) individual who occupies a dwelling unit and has a parent/child relationship, grandparent/child relationship, or a legal-marriage relationship with another individual occupying the same dwelling unit and/or is an owner occupant.

INSTITUTION: A public or private building devoted to an organization, establishment, foundation, society, or the like, which promotes a particular cause or program, especially one of a public, educational, or charitable character

INTERMITTENT COMMERCIAL USES: The occasional use of a dwelling building or accessory building land for ~~the~~ retail sales ~~of arts and crafts items on a periodic basis~~ {see Section 10-67-4050(N)}. This definition does not in any way include the occasional sales of various used items in a garage or yard sale.

KENNEL, COMMERCIAL: Any parcel of land, at least five (5) acres in size, on which the owner retains three (3) or more dogs that are at least four (4) months old.

KENNEL, RESIDENTIAL: Any residential lot or premises on which the owner retains three (3) ~~or more~~ dogs that are at least four (4) months old.

KITCHEN: Any room or space used, intended, or designed for cooking or preparation and/or serving of food, including such areas as wet bars and snack bars, notwithstanding whether such room or space is within a primary dwelling structure or a structure accessory to the dwelling and finished as an addition to the living, working, or recreational space of the dwelling as permitted under the provisions of applicable Land Use Ordinances. Facilities that establish use of a room or space as a kitchen include refrigerators, stoves, other cooking appliances, built-in cabinets, sinks, garbage disposal units, 220 voltage and/or natural gas supply lines, or any combination thereof for the purpose of using any room or space as a kitchen.

LAND USE ORDINANCE: Titles 8 through 10 of the Syracuse City Ordinances, or a predecessor ordinance governing planning, zoning, or development of land but does not include the General Plan.

NONCOMPLYING STRUCTURE: A structure that lawfully legally existed ~~prior to the adoption of this Title which does not meet the requirements set forth herein~~ before its current land-use designation and, because of one or more subsequent changes to the City's Land Use Ordinances, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

NONCONFORMING USES: A use that lawfully legally existed ~~prior to the adoption of this Title which does not meet the requirements set forth herein~~ before its current land-use designation, has been maintained continuously since the time any applicable Land Use Ordinances changed, and does not conform to the regulations that now govern the use of the land because of one or more subsequent changes to said Ordinances.

OFFICE: A building, room, or department wherein a business transacts service for others, but does not include the storage or sale of merchandise on the premises.

PERMITTED USE: Uses allowed as a matter of right and listed as permitted uses in the various zone specifications. Any use not specifically identified in this Title shall be prohibited.

PERSON WITH A DISABILITY: A person who has a physical or mental impairment that substantially limits one (1) or more of their major-life activities, including a person having a record of such impairment or being regarded as having such an impairment. This definition shall not include any person with impairment due to the current illegal use of, or addiction to, any federally-controlled substance, as defined by federal law.

PRE-SCHOOL: Any building or premises used for the instruction and care for compensation of not more than sixteen (16) children, per session per teacher at any one time, from the age of three (3) through six (6) years for up to four (4) hours without the serving of meals.

PROFESSIONAL, NON-RETAIL SERVICE: A business that provides a professional service, rather than retail, such as medical or educational (academic or recreational classes)

PUBLIC: That which is under the ownership of the United States Government, Utah State or any subdivision thereof, Davis County, or Syracuse City (or any departments or agencies thereof).

RECREATIONAL PARK, PRIVATE: An area of land, with few or no buildings, set aside and kept in its natural state or designed, developed, and reserved for the enjoyment and recreational use by or ornamental purposes of only certain individuals with a financially-legal interest and responsibility for its maintenance.

SIGN: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as those used to designate an association, a firm, corporation, profession, business, service, commodity, product, or any type of publicity or propaganda, whether placed on the ground, rocks, trees, stumps, or other natural objects or on a building, wall, roof, frame, support, fence, or other manmade structure, and visible from any public street, public highway, or public rights-of-way. For purposes of this Title, the word "sign" does not include flags, pennants, or insignias of any nation, state, city, or other political unit or of a nonprofit organization. It shall not include an official notice, issued by any court or public body or officer, directional warning, or information sign or structure required or authorized by law.

USE: The purpose for the design, arrangement, or intention of any premises or building for occupancy or maintenance.

YARD: A space on a lot or parcel, unoccupied and unobstructed by a building or structure from the finished grade upwards, except as otherwise provided in this Title.

YARD, FRONT: An open, unoccupied space yard extending across the full width of the lot adjacent to and measured perpendicularly from the front lot line and having, at no point, a depth of less than the minimum required horizontal distance between the front lot line, or its tangent, and the closest permissible location of the principle building. Measurement of said distance shall be by a line at right angles to the front lot line, or its tangent.

YARD, REAR: An open-space yard extending the full width of the lot adjacent to and measured perpendicularly from the rear-lot line and having, at no point, a depth of less than the minimum required horizontal distance between the rear-lot line, or its tangent, and the closest permissible location of the principle building. Measurement of said distance shall be by a line at right angles to the rear-lot line, or its tangent. Such yard shall include all land area between the rear lot line and the closest permissible location of the principle building. On lots that are other than rectangular in shape, the required minimum rear yard may be an average of the distance measured from the rear corners of a dwelling to the nearest point of the rear lot line; however, the shortest distance used in determining the average may not be less than fifteen (15) feet. Each lot shall have only one (1) rear yard.

YARD, SIDE: An open-space yard between a principle building and side-lot line, extending from the required front yard to the required rear yard, or rear lot-line on lots with no rear-yard requirement, adjacent to and measured perpendicularly from the side-lot line. Measurement of side yards shall be horizontally from, and at right angles to, the nearest point on the side-lot line towards the closest permissible location of the principle building.

10-3-090: EXACTIONS (CONSTITUTIONAL TAKINGS). The City shall carefully consider each claim, in fairness to any private property owner who believes a constitutional taking occurred, in view of the uncertainty and expense involved in defending lawsuits alleging a constitutional taking. However, the City shall preserve the ability to lawfully require dedication or exaction of property consistent with federal and state constitutions. The criteria set forth in this Title shall be objectively and fairly construed in reviewing any claim that a specific action by the City requires payment of just compensation, and decisions rendered shall be advisory and neither expand or limit the scope of the City's liability for a constitutional taking. The City may impose an exaction or exactions on proposed land-use development if:

- (A) An essential nexus exists between a legitimate governmental interest and each exaction; and
- (B) Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

10-4-010: PURPOSE. The purpose of this Chapter is to set forth procedures for considering various types of land use and development applications to assure that the City processes applications of the same type on a uniform basis consistent with applicable law. Applicants are entitled to approval of land uses if their requests conform to the requirements of the applicable zoning and Land Use Ordinances and they submit a complete application with all related fees, unless:

- (A) The Land Use Authority finds that approval would jeopardize compelling, counter-vailing public interest, or
- (B) The Planning Commission formally initiates proceedings to amend its Land Use Ordinances in a manner that would prohibit approval of such requests prior to submittal of the applications. However, the City shall process an application without regard to proceedings initiated to amend its Land Use Ordinances if:
 1. One hundred eighty (180) days had passed since initiation of the proceedings
 2. The proceedings did not result in an enactment that prohibited the approval of such applications as submitted

10-4-030: GENERAL APPLICATION REQUIREMENTS. The following general requirements shall apply to any application required by this Title.

- (A) Application Forms. Submitted applications shall be on forms provided by the Community Development Department, and with required documentation in such numbers as reasonably required by the Department, for a particular type of application. Applicants shall first submit all applications for rezone requests, conditional uses, buildings, or other land-use permits to the Department for review to assure compliance with the requirements of ~~this Title~~ the Land Use Ordinances and shall include the name, address, and telephone number of the applicant as well as applicant's agent, if any, and name and address of every person or company the applicant represents.
- (H) Substantial Action Required. If an applicant has not taken substantial action to obtain approval within six (6) months after filing, the application shall expire and any vested rights accrued thereunder shall terminate.
- (J) Validity. The continuing validity of an approval of a land-use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

10-4-050: NOTICING. Required notice of public meetings and hearings for permitted land use or conditional use applications and ordinances shall include and comply with the following provisions.

- (A) Mailing List and Labels. The applicant for a **major** conditional use shall provide the Community Development Department with an approved list of all owners of real property located within three

hundred (300) feet of the boundary of the subject property, as shown on the latest assessment rolls of the County Recorder. The applicant shall pay to the City a fee in the amount of the actual costs incurred by the City in providing the notice, and shall bear sole responsibility to ensure the accuracy of the property owner list.

- (B) Applicant Notification. For all major conditional use applications, the City shall give notice to the applicant of the date, time, and place of each public hearing and public meeting to consider the application and of any final action on a pending application.
- (C) Notice to Third Parties. For site specific major conditional use applications, the City shall mail notice to the owners of record for each parcel within a three hundred (300) foot radius of the subject property, including third party owners of property within the three hundred (300) foot radius but outside of Syracuse City boundaries.
- (I) Notice of Land Use Applications. The City shall notice the following land use General Plan map and Zoning map amendment applications at least ten (10) calendar days before the public hearing. The City shall notice requests for major conditional uses, site plan and site plan amendment approvals, and variances at least three (3) calendar days before the public meeting.
 - ~~1. General Plan map amendments~~
 - ~~2. Zoning map amendments~~
 - ~~3. Conditional use permits;~~
 - ~~4. Site plans or site plan amendments; and~~
 - ~~5. Variances.~~

10-4-060: GENERAL PLAN AMENDMENTS.

- (D) Procedure. City staff shall process and consider General Plan amendments as provided in this Subsection.
 - 1. An applicant shall submit a request to the Community Development Department on a form established by the Department along with any fee established by the City's schedule of fees. The City Council, Planning Commission, or authorized City staff may initiate a General Plan amendment at any time without submittal of an application or payment of any fee. Anyone proposing General Plan amendments shall do the survey and analysis work necessary to justify the proposed amendment. To ensure the Planning Commission and City Council have sufficient information to evaluate a proposed amendment, an applicant shall submit at least the following information:
 - ~~(a) The name, address and telephone number of applicant, applicant's agent, if any, and name and address of every person or company the applicant represents;~~

10-4-070: ZONING MAP AND TEXT AMENDMENTS.

- (D) Procedure. The City shall process and consider zoning text and map amendments as provided in this Subsection.
 - 1. An applicant shall submit a request to the Community Development Department on a form established by the Department, along with any fee established by the City's schedule of fees. The application shall include at least the following information:
 - ~~(a) Name, address and telephone number of the applicant and the applicant's agent, if any.~~

10-4-080: CONDITIONAL USE PERMITS.

- (D) Procedure. The City shall process and consider an application for a conditional use permit as provided in this Subsection.
 - 1. An applicant shall submit a request to the Community Development Department on a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information:
 - ~~(a) Name, address and telephone number of the applicant and the applicant's agent, if any~~
- (G) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Title or any other title of the Syracuse City Municipal Code.
 - ~~1. The owner of a conditional use permit may transfer the use to another property so long as the use conducted thereunder conforms to the terms of the permit. (Ord. 10-02)~~
 - 2. Unless otherwise specified by the Land Use Authority, and subject to the provisions relating to amendment, revocation, or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and run with the land.

10-4-090: SITE PLAN REVIEW.

- (B) Authority. As provided in this Section, the ~~City Council~~ Planning Commission is authorized to approve site plans after recommendation of the ~~Planning Commission~~ Land Use Administrator.
- (I) Appeal of Decision. Any person adversely affected by a decision of the ~~City Council~~ Planning Commission regarding approval or denial of a site plan may be appealed to the ~~City Council~~ or District Court in accordance with the provisions of *Utah Code Ann.* § 10-9a-801 et. seq.
- (K) Amendments. Except as may be provided for elsewhere in this Title, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan as follows:
 - 1. Alteration or expansion of an approved site plan may be permitted by the ~~City Council~~ Planning Commission upon making the following findings:
 - 2. If the ~~City Council~~ Planning Commission cannot make the findings required in Subsection (H)(1) above, a conditional use permit or amended site plan, as the case may be, shall be approved before any alteration or expansion occurs.
- (M) Expiration. Failure to obtain a building permit within one (1) year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the Planning Commission may require that a new site plan be submitted and approval obtained pursuant to this section. A written request may be submitted to the ~~City Council~~ Planning Commission prior to expiration of the site plan for an extension of up to six months. The ~~City Council~~ Planning Commission can grant such an extension where good cause can be shown.

10-4-100: VARIANCES.

- (D) Procedure. An application for a special exception shall be considered and pro-cessed as provided in this subsection.
 - 1. A complete application shall be submitted to the office of the Community Development Department in a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information:
 - (a) ~~The name, address and telephone number of the applicant and the applicant's agent, if any.~~

~~**10-4-110: BUILDING PERMITS.** (Ord. 08-07)~~

- ~~(A) Purpose. This section sets forth procedures for determining zoning compliance of a building permit application.~~
 - ~~(B) Authority. The Land Use Administrator or his designee is authorized to review building permits for zoning compliance as provided in this section.~~
 - ~~(C) Initiation. Any person may apply for a building permit as provided in the current building codes adopted by the City. Zoning compliance of a building permit application shall be determined as provided in Subsection (D)(1) below.~~
 - ~~(D) Procedure. A building permit application shall be reviewed for zoning compliance as provided in this subsection.
 - 1. A complete building permit application shall be submitted to the Building Department in a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information:
 - (a) ~~The name, address and telephone number of the applicant and the applicant's agent, if any.~~
 - (a) A plot plan showing the following:
 - applicant's name;
 - ii. site address;
 - iii. property boundaries and dimensions;
 - iv. layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - v. adjoining property lines and uses within one hundred (100) feet of the subject property.~~
- ~~(E) Approval Standards. No building permit shall be approved for zoning compliance unless the proposed building, structure or use when built and the land on which it is located will conform in every respect with applicable provisions of this Title and any applicable conditions of approval required under a permit applicable to the subject property.~~
- ~~(F) Appeal of Decision. Any person adversely affected by a decision of the Land Use Administrator regarding zoning compliance of a building permit may appeal to the Board of Adjustment in accordance with the provisions of Section 10-4-140 of this Chapter.~~
- ~~(G) Effect of Approval. Approval of zoning compliance shall authorize an applicant to proceed with the building permit review process.~~
- ~~(H) Amendments. The procedure for amending any zoning compliance decision shall be the same as the original procedure set forth in this Section.~~

- (I) ~~Expiration. Subject to an extension of time, a building permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within one hundred eighty (180) days.~~

10-4-110: NONCONFORMING USES OR NONCOMPLYING STRUCTURES.

- (A) Purpose. This Section sets forth procedures for determining the existence, expansion, or modification of a nonconforming use or noncomplying structure.
- (B) Authority. The Land Use Administrator is authorized to make a determination regarding the existence, expansion, or modification of a nonconforming use or noncomplying structure as provided in this Section.
- (C) Initiation. A property owner, or owner's agent, may request a determination regarding the existence, expansion, or modification of a nonconforming use or noncomplying structure affecting the owner's property as provided in Subsection (D)(1) below.
- (D) Procedure. An application for determination of the existence, expansion, or modification of a nonconforming use or noncomplying structure shall be considered and processed as provided in this Subsection.
1. A complete application shall be submitted to the office of the Community Development Department on a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information:
~~(a) The name, address and telephone number of the applicant and the applicant's agent, if any;~~
(a) The nonconforming use or noncomplying structure in question.
(c) Grounds for finding the use is nonconforming or structure is noncomplying or for allowing expansion or modification of the nonconforming use or noncomplying structure.
 2. After the application is determined to be complete, the Land Use Administrator shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Subsection (E) below. Any conditions of approval shall be limited to ~~conditions those~~ needed to conform improve the compliance level of the nonconforming use, existing, expansioned, or modificationed nonconforming use or noncomplying structure to approval standards.
- (E) Standards for Decision. A determination regarding the existence, expansion, or modification of a nonconforming use or noncomplying structure shall be based on applicable provisions of Chapter 5 of this Title.
- (F) Appeal of Decision. Any person adversely affected by a decision of the Land Use Administrator regarding a nonconforming use or noncomplying structure may appeal such decision as provided in Section 10-4-140 of this Chapter.
- (G) Effect of Decision. An applicant may continue, expand, or modify a nonconforming use or noncomplying structure as determined by the Land Use Administrator.

10-4-120: APPEAL OF ADMINISTRATIVE DECISIONS.

- (B) Authority. The Board of Adjustment, Planning Commission, or City Council, as designated in these ordinances, shall hear and decide appeals from administrative decisions applying the provisions of this Title as provided in this Section.
- (C) Initiation. Any person adversely affected by a decision administering or interpreting a provision of this Title may appeal to the Board of Adjustment or City Council, as applicable. A complete application for an appeal shall be filed within fifteen (15) days of the decision which is appealed.
- (D) Procedure. An appeal of an administrative decision shall be considered and processed as provided in this Subsection.
1. A complete Notice of Appeal shall be submitted to the office of the Community Development Department on a form established by the Department along with the fee established by the City in its Consolidated Fee Schedule. The Notice of Appeal shall include at least the following information:
~~(a) the name, address and telephone number of the applicant and the applicant's agent, if any.~~
 2. After the Notice of Appeal is determined to be complete, the City shall schedule a hearing before the appropriate body. Notice of the hearing, whether before the Board of Adjustment or City Council, shall be given as provided in Section 10-4-040 of this Title. Prior to the hearing, the Community Development Department shall transmit to the appellate body all papers constituting the record of the appealed action which is appealed.
 3. An appeal to the Board of Adjustment, Planning Commission, or City Council shall not stay proceedings taken in furtherance of the action appealed, ~~from~~ unless such proceedings are specifically stayed by order of the Land Use Administrator. An appellant may request a stay by

submitting to the Land Use Administrator, in writing, a request for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the Land Use Administrator shall assure that all potentially-affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the submittal date ~~the request is received by~~ to the Land Use Administrator. The Land Use Administrator, in granting a stay, may impose additional conditions to mitigate any potential harm ~~that may be~~ caused by the stay, including requiring the appellant to post a bond. Within ten (10) days of the Land Use Administrator's decision regarding the grant or denial of a stay, any aggrieved party may appeal the decision to the appellate body with jurisdiction over the appeal, whose decision will be final.

10-4-130: APPEAL OF EXACTIONS (CONSTITUTIONAL TAKINGS). Any owner of private-real property, who claims such property was subject to a constitutional taking, may appeal any final decision, applicable to the property, made by the City. The following procedures shall apply to such appeals:

- (A) The appellant shall obtain a final determination by authorized City personnel concerning the decision for the requested review.
- (B) Within thirty (30) days from the date of the final decision for the requested review, the appellant shall file the appeal in writing in the office of the City Recorder. A copy of the appeal shall be filed with the City Attorney.
- (C) The City Council, or its designee, shall immediately set a time to review the decision that gave rise to the appeal.
- (D) The appellant shall submit the following information with the appeal:
 - 1. Name and business address of the current owner(s) of the property, form of ownership, and, if owned by a corporation, partnership, or joint venture, the name and address of all shareholders or partners holding a ten (10) percent or greater interest in the entity.
 - 2. Detailed statement of the grounds for the appeal.
 - 3. Detailed description of the property alleged to have been taken.
 - 4. Evidence and documentation of property value of the property alleged to have been taken, including date and cost at time of property acquisition, evidence of the value of property before and after the alleged constitutional taking, name of the party from whom purchased, and relationship, if any, between the person requesting the review and the party from whom the property was acquired.
 - 5. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest, etc.
 - 6. Terms (including sale price) or any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of request for review.
 - 7. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application.
 - 8. Assessed value of and ad valorem taxes on the property for the previous three (3) years.
 - 9. All information concerning current mortgages or other loans secured for the property, including the name of the mortgagee or lender, current interest rate, remaining loan balance, and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan.
 - 10. All listings of the property for sale or rent, prices asked and offers received, if any, within the previous three (3) years.
 - 11. All studies commissioned by the appellant within the previous three (3) years concerning feasibility of development or utilization of the property.
 - 12. For income-producing property, itemized income and expense statements from the property for the previous three (3) years.
 - 13. Information from a title policy or other similar source showing all recorded liens or encumbrances affecting the property.
 - 14. Any other requested information by City Council or designee deemed reason-ably necessary to determine whether there has been a constitutional taking.
- (E) The City Recorder shall not deem an application "complete" or "submitted" until the reviewing body or official certifies to the appellant that they received all materials and information required above.
- (F) The City Council or designee shall hear all evidence related to and submitted by the appellant, City, or any other interested party to determine whether or not the City's action may be a constitutional taking

as defined in this Title. In making such determination, the City Council or designee shall consider whether:

1. The City had a legitimate governmental interest to support its action;
 2. The City would have been able to accomplish the same result through the use of a less intrusive action;
 3. The property owner was denied all economically viable use of the property;
 4. The action forced the property owner to allow a nonowner to enter the property;
 5. The appealed decision had an essential nexus to the legitimate governmental interest;
 6. The action taken was roughly proportional, both in nature and extent, to the impact caused by the activities that were the subject of the appealed decision
 7. The City made an attempt to quantify its findings
- (G) The City Council or designee shall render a final-written decision on the appeal within fourteen (14) days after the City Recorder receives all required information. A copy of the decision shall be given to the applicant and officer, employee, Board, Commission, or Council that rendered the final decision that gave rise to the appeal.
- (H) If the City Council or designee fails to hear and decide the appeal within fourteen (14) days, the appeal shall be presumed approved.
- (I) Private Property Ombudsman. A private property owner may request the Utah State private-property ombudsman to mediate or conduct or arrange arbitration for disputes between private property owners and Syracuse City as provided in Section 63-34-13(g) of the Utah Code or any applicable successor law.

10-4-140: LAND USE DECISIONS AND APPEAL PROCESS. This Chapter shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws but shall prevail over provisions that are less restrictive. The City shall not impose, on a holder of an approved land-use permit, a requirement not expressed in the applicable land-use permit, documents on which the City based its approval of the land-use permit, or any of the City’s adopted ordinances. The City is bound by the terms and standards of its Land Use Ordinances and shall comply with mandatory provisions of same. Table 1 of this Chapter reflects the proper procedures governing land use decisions and appeals. Land use applicants shall have fifteen (15) days to appeal any decision to the appropriate appellate body. If the applicant desires to continue the appeal beyond the decision of the appellate body, they must file such appeal with the District Court within thirty (30) days from the date on which the appellate body rendered its decision.

DECISION TO BE MADE	ADVISORY BODY	LAND USE AUTHORITY	APPELLATE BODY	EXTERNAL APPEAL
<u>Site Plan</u>	<u>None</u>	<u>Planning Commission</u>	<u>City Council appeal within thirty (30) days of decision</u>	<u>Civil or District Court appeal within thirty [30] days of decision</u>
<u>Minor Home Occupations (See Chapter 7)</u>	<u>None</u>	<u>Land Use Administrator</u>	<u>Planning Commission</u>	<u>City Council</u>
<u>Major Home Occupations (See Chapter 7)</u>	<u>Land Use Administrator</u>	<u>Planning Commission</u>	<u>City Council</u>	<u>District Court</u>
Vacations or amendments of Subdivision Plats	Not required	<u>City Council Planning Commission</u> (public hearing/ fifteen [15]-day notice required)	District Court	Thirty [30] days from decision by Land Use Authority
<u>Amendments to Platted Streets</u>	<u>Planning Commission</u>	<u>City Council</u> (public hearing/ fifteen [15]-day notice required)	<u>District Court</u>	<u>Thirty [30] days from decision by Land Use Authority</u>
<u>Exactions (Constitutional Takings)</u>	<u>City Recorder</u>	<u>Not applicable</u>	<u>City Council</u>	<u>Utah State private-property ombudsman</u>

CHAPTER 5

NONCONFORMING LOTS AND USES AND NONCOMPLYING STRUCTURES

- 10-5-010: INTENT.** Within the zones established by this Title, or amendments thereto, building lots, structures, and/or uses of land and structures lawfully existed before the City Council adopted or amended this Title that prohibits, regulates, or restricts said lots, structures, and uses thereon under the terms of this current Title. It is the intent of this Title to permit these nonconformities to continue until such time as they are changed, amended, or abandoned. This Chapter declares nonconforming uses or noncomplying structures to be incompatible with permitted uses in the zone involved. However, to avoid undue hardship, nothing in this Title shall require a change in the plans, construction, or designated use of any building or land on which actual construction or use lawfully began prior to the effective date of adoption or amendment to this Title and is diligently pursued. This Title defines actual construction as the placement of construction materials in a permanent position and fastening in a permanent manner. Where excavation, demolition, or removal of an existing building substantially began preparatory to rebuilding, this Title shall deem such excavation, demolition, or removal to be actual construction, provided the builders carry on the work diligently.
- 10-5-020: CONTINUATION. A nonconforming use or noncomplying structure, legally existing when it became prohibited, may continue as provided in this Chapter.**
- 10-5-030: DETERMINATION OF NONCONFORMANCE.** Pursuant to the procedures set forth in 10-4-120, the Land Use Authority shall determine all matters regarding noncomplying structures or the nonconforming use of lots, buildings, and land and whether they use is are nonconforming compliant with respect to current provisions of this Chapter.
- 10-5-060: ~~NONCONFORMING~~ COMPLYING STRUCTURES.** Where a lawful structure exists at the effective date of adoption or amendment of this Title that could not lawfully be built under the new terms of this Title by reason of restriction on lot area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may continue so long as it remains otherwise lawful, subject to the following provisions:
- (A) No one may alter or enlarge such nonconforming noncomplying structure in any way which increases its nonconformity, but may alter any nonconforming noncomplying structure or portion thereof to decrease its nonconformity.
- 10-5-070: NONCONFORMING USES OF STRUCTURES.** The lawful use of a structure or structures and premises, existing at the effective date of adoption or amendment of this Title, that the new provisions of said Ordinance no longer allow in the zone may continue so long as it remains otherwise lawful
- (D) Any nonconforming noncomplying structure lot, or nonconforming lot or use of a structure and/or land superseded by a permitted structure or use shall thereafter conform to the regulations of the zone in which it resides, and the nonconforming noncomplying structure and/or nonconforming use may not thereafter resume.
- (F) Overcoming Presumption of Abandonment. A presumption of abandonment may be rebutted upon evidence presented by the owner showing no intent to abandon the use, structure, or other nonconformity. Such evidence may include proof that, during the alleged period of abandonment, the owner did either of the following:
- Maintained the lot and structure, if any, in accordance with the building code; or
 - Actively and continuously marketed the lot or structure for sale or lease.
- 10-5-090: NONCONFORMING USES OR NONCOMPLYING STRUCTURES DETRIMENTAL TO HEALTH AND SAFETY.** No provisions of this Chapter shall be construed to allow the continuance of any nonconforming use or noncomplying structure when it is detrimental to the health, safety, or welfare of the public.
- 10-5-100: EXTENSION OF TIME FOR RECOVERY OF INVESTMENT.** The Land Use Administrator may suspend any requirement that a nonconforming use, lot, or parcel or noncomplying structure or other nonconformity come into compliance with the provisions of this Title if the owner of the affected property demonstrates that they have not recovered or amortized the amount of their investment in the nonconforming use, lot, or parcel or noncomplying structure or other non-conformity.
- (A) Written Request for Extension Required. A property owner shall submit a written request to the Land Use Administrator for an extension of time needed to recover their investment in the affected property.
- (B) Information Required. The following information shall accompany the request:
- The amount of the owner's investment in the use, structure, lot, parcel, or other nonconformity from the time it became nonconforming.

- (2) The amount of such investment realized to date and an estimate of the amount to be realized on the date the time limit expires.
- (3) Evidence of any lease or purchase obligations undertaken in reliance on any previously-issued licenses or permits applying to the use, structure, lot, parcel, or other nonconformity, including any contingency clauses therein permitting termination of such lease.

10-6-010: EFFECT OF CHAPTER. The regulations hereinafter set forth in this Chapter are in addition to and supplement other regulations of this Title. The Land Use Authority responsible for the enforcement of the provisions outlined in this Chapter shall be the Land Use Administrator or his agent, unless otherwise designated in this Chapter.

(B) Lot Coverage of Accessory Buildings, Structures, Parking Spaces. No accessory building, structure, or group of buildings or structures, excluding swimming pools, and no parking space in any residential zone shall cover more than twenty-five (25) percent of the rear yard space.

(C) Accessory Buildings and Structures.

1. General Requirements.

(a) No accessory building or structure shall be erected, located, used, or occupied until the erection of the principal use has commenced. No more than two (2) accessory buildings shall be on any lot, unless it contains a minimum of half an acre. Lots with half an acre or more may qualify for approval of a third accessory building by complying with all other applicable requirements of this Chapter. No accessory building may be located within a recorded easement unless authorized by the Land Use Authority. All accessory buildings located in the street sides of corner lots shall comply with Section 10-6-050 regarding lot and yard regulations for corner lots. No accessory building or structure may ~~be located in~~ encroach into a front or side yard, but may encroach into a side yard up to twenty-five (25) percent by complying with all other applicable requirements of this Chapter. Additionally, property owners may locate buildings or structures within a required side yard unless if the structure is:

- i. not larger than two hundred (200) square feet, which includes any awnings, carports or other attached features to the accessory structure and;
- ii. not taller than ten (10) feet and;
- iii. concealed or otherwise located behind a privacy fence of at least six (6) feet in height and;
- iv. located at least ten (10) feet from the primary structure and located at least 3 feet from any property lines.

2. Accessory buildings or structures two hundred (200) square feet or greater.

(a) Building Permit Required. Accessory buildings of two hundred (200) square feet or greater shall require ~~Conditional Use~~ approval for a minor conditional use permit and issuance of a building permit. Such accessory building or structure shall conform to requirements of Section 10-6-010(C)1 and shall not be greater in size than the footprint of the principal structure.

3. Setback Requirements. Shown in Exhibit 10-6-010.a and listed below are the following setback requirements developed to regulate the negative impact accessory structures can have within a development:

(e) Other Structures. In no case shall an accessory building be constructed within six (6) feet of a primary structure or within six (6) feet of any structure two hundred (200) square feet or greater on any adjacent property.

10-6-040: FARM ANIMALS KEEPING.

(A) Animal Clinics. Such facilities shall require sound-proof walls, if a part of a larger commercial building, and receive site plan approval. Clinics utilizing single-tenant buildings shall locate no closer than one hundred (100) feet from any residential dwelling unless it also incorporates sound-proof walls.

(B) Animal Hospitals. Such facilities shall receive site plan approval and locate no closer than two hundred (200) feet from any residential dwelling.

- 1. Animals taken outside the building to the exercise runs shall have continuous supervision by an employee of the facility
- 2. Hospitals shall be no closer than two hundred (200) feet to any adjacent primary structure, constructed with sound-proof walls, and comply with Table D for Buffer Yards
- 3. The lot-size requirement for such facilities shall be no less than one (1) acre

4. The property shall provide one-half (1/2) a parking space for each animal housed at the facility.
5. Site plan shall include means for controlling dust, odor, and insects for the outdoor exercise runs, location of all existing and proposed structures, utilities, and landscaping.

(C) Farm Animal Keeping.

2. In residential and agricultural zones where permitted, animals and fowl may be kept for family use outside the dwelling provided that all pens, barns, coops, stables, corrals, and other similar enclosing structures to keep animals or fowl shall be not less than fifty (50) feet from dwellings on adjacent lots, not less than twenty (20) feet from a dwelling on the same lot, and not less than one hundred fifty (150) feet from a public street, except on corner lots where such structures shall be not less than fifty (50) feet from a public street. In residential zones where animal keeping is a permitted or conditional use, there shall be a minimum lot size of twenty-one thousand seven hundred eighty (21,780) square feet, and all animal keeping guidelines shall be in accordance with the provisions as outlined in this Section of the Title. The number of animals or fowl permitted shall be governed by the following schedule except that dependent young may be kept in addition to these numbers:
 - (a) In residential zones where animal keeping is a permitted use, each lot containing twenty-one thousand seven hundred eighty (21,780) square feet shall have an allocation of forty (40) points with an additional accrual of ten (10) points for each ten thousand eight hundred ninety (10,890) square feet thereafter. ~~Such square footage calculations shall not include the square footage of structures located on the premises or the square footage of the front yard.~~
 - (b) In residential zones where animal keeping is a conditional use, each lot containing twenty-one thousand seven hundred eighty (21,780) square feet shall have an allocation of twenty (20) points with an additional accrual of ten (10) points for each ten thousand eight hundred ninety (10,890) square feet thereafter. Such square footage calculations shall not include the square footage of structures located on the premises or the square footage of the front yard.

(E) 5. Kennel Regulations. Kennels shall ~~be require~~ conditional use ~~permits~~. The Land Use Authority shall review each request ~~for a conditional use permit~~ separately on its own merits. The ~~City Council~~ **Land Use Administrator** may revoke a kennel permit as set forth in 10-3-080.

1. Owners of kennels shall obtain licensing from Davis County Animal Control and comply with all adopted animal-control regulations.
2. All pens, runs, shelters, or similar structures housing dogs in Agriculture and ~~R-1~~ Residential Zones shall be ~~located~~ not less than one hundred (100) feet from neighboring or abutting dwellings.
3. ~~The number of In order to have a third dogs,~~ four (4) months old or older, ~~kept~~ on a residential lot ~~shall be limited to three (3), the dogs' owner(s) shall acquire approval for a minor conditional use permit.~~
4. Kennels for commercial purposes shall keep all pens, runs, shelters, or similar structures housing the dogs not less than two hundred (200) feet from a public street and at least two hundred (200) feet from all neighboring or abutting dwellings and shall acquire approval for a major conditional use permit.
5. ~~Such Commercial~~ kennels shall be located on a minimum of five (5) acres and must receive site plan approval.

10-6-070: SHADE TREES.

(A) ~~City Forester.~~ The ~~Chief Building Inspector shall be the~~ **City Council shall designate a specific City employee to serve as the** City Forester. The City Forester shall be responsible for administering the provisions of this Section and the policies and recommendations of the City Council. The City Forester shall have jurisdiction and supervision of all trees and plants planted or growing in public rights-of-way or similar places within the City to insure safety or to pre-serve the beauty of such public places. When authorized by proper authority, it shall be the Forester's duty to have trees and other plants in street rights-of-way and on public property planted, trimmed, sprayed, preserved, and removed.

10-6-100: CONDITIONAL USES. The following ~~are uses generally identified as~~ conditional uses, ~~and such~~ shall comply with the applicable standards ~~of use~~ established herein. ~~Further, these conditional uses and~~ may be subject to additional regulations specific to the applicable zone ~~in which they are located.~~ The zone-specific provisions shall apply if a conflict exists between general and specific conditional use provisions.

(A) Minor. The following conditional uses are minor and require approval as established in Section 10-4-080:

1. Accessory Buildings two hundred (200) square feet or larger. See Section 10-6-010.
- ~~(B) Cluster Subdivisions. Cluster Subdivisions must comply with all conditions outlined in Chapter 16 of this Title. (Ord. 08-07)~~
 3. Dog Kennels, Residential (See Section 10-6-040)
 - ~~1. Commercial kennels shall not be located closer than two hundred (200) feet from any residential dwellings.~~
 - ~~2. Commercial kennels shall require a minimum of five (5) acres of property~~
 - ~~3. The number of dogs four (4) months or older kept in a private kennel shall be limited to no more than three (3).~~
 - ~~4. Private kennels shall not be located closer than one hundred (100) feet from any adjacent residential dwelling.~~
 - ~~5. Applicant must obtain licensing from Davis County Animal Control and must comply with adopted animal control regulations.~~
- ~~(D) Dwelling Groups. (See Section 10-6-030(A). (Ord. 08-07)~~
- ~~(E) Farm Animal Keeping. (See Section 10-6-040). (Ord. 08-07)~~
 4. Home Occupations, Major Minor (See Section 10-7-040)
 - ~~(I) Public and Quasi Public Buildings. (Ord. 08-07)~~
- ~~(J) Sexually Oriented Businesses. (Ord. 08-07)~~
 8. Stables, Public (See Section 10-6-040)
 - ~~1. Stables shall require a minimum of four (4) acres.~~
 - ~~2. The number of animals shall be no more than four (4) per each acre of property in the stable use.~~
 - ~~3. The property shall provide one half (1/2) of a parking space for each animal housed at the facility.~~
 - ~~4. Property owners shall provide toilet facilities and shall maintain such facilities in a sanitary condition.~~
 - ~~5. The applicant shall submit a plan to the Land Use authority for control of dust, odor, and insects.~~
 - ~~6. The applicant shall submit a site plan showing the location of all existing and proposed structures and utilities and landscaping.~~
 - ~~7. All utilities servicing the stable shall be underground.~~
 - ~~8. No stable shall be located within two hundred (200) feet of any residential dwelling unit.~~
 - ~~9. Public access to the facility shall be from dawn to dusk.~~
 - ~~10. Horse exercise areas such as working yards, walker equipment areas, or paddocks shall use dust control by means of constructed water delivery systems or chemically treated exercise surface areas.~~
 9. Temporary Use of Buildings. The Land Use Authority or designee may grant conditional use approvals for temporary business buildings and model homes, which Approvals Conditional use permits for this use shall be valid for a period of one (1) year. The Land Use Authority or designee Administrator may grant extension periods, not to exceed six (6) months, to a such conditional use approval a permit so long as the applicant applies prior to the expiration date, and ensures the building complies with all other provisions of this Section, and any associated building permit remains valid.
 - ~~(a) The Land Use Authority or designee may grant a Conditional Use approval for Temporary business buildings, in any zoning district, used during construction of the permanent structure if the site shall meets comply with the following conditions:~~
 - ~~i. Applicant acquires a building permit for the permanent structure prior to placement of the temporary building on the property.~~
 - ~~ii. The site provides adequate parking surfaces and sanitary sewer facilities as well as complete skirting of the temporary structure.~~
 - ~~iii. Applicant locates the temporary structure outside all clear-view areas outlined in Section 10-6-060(B).~~
 - ~~iv. The temporary structure complies with all setbacks for the its applicable zoning district in which it will be located.~~
 - ~~v. Applicant guarantees removal of the temporary structure from the premises within fourteen (14) days of occupancy of the permanent structure.~~
 - ~~vi. Applicant guarantees, in the case of temporary sales offices in residential zoning districts, the removal of said offices within fourteen (14) days after occupancy of the~~

model home, or six (6) months after approval for the temporary sales office if applicant does not complete the model home.

(B) The following conditional uses are major and require approval as established in Section 10-4-080:

1. Cluster Subdivisions {See Chapter 16 of this Title}
2. Dwelling Groups {See Section 10-6-030(A)}
3. Farm Animal Keeping {See Section 10-6-040}
4. Home Occupations, Major {See Section 10-7-040}
5. Sexually-Oriented Businesses {See Chapter 26 of this Title }
6. Signs {See Chapter 9 of this Title }
7. Two- (2) Family Dwellings, Single Ownership. The owner of such a residential dwelling shall:
 - (a) ~~Two (2) family dwellings shall~~ Meet the International Building Code standards.
 - (b) ~~There shall be~~ Provide a minimum of two (2) off-street parking spaces per dwelling unit.
 - (c) ~~The property owner shall~~ Be responsible for payment of all utilities.
 - (d) ~~The Install~~ utility services for each dwelling unit ~~shall be installed and situated~~ as provided in State law.
 - (e) Comply with all requirements of the International Residential Code as adopted by the State of Utah for two- (2) family dwellings.
8. Wireless Communication Towers.

10-7-040: HOME OCCUPATION.

(B) Standards: The following restrictions shall apply to any home occupation:

7. Residents may have one occupational vehicle and trailer, associated with the home occupation, that does and not exceeding ten thousand (10,000) pounds gross vehicle weight for minor home occupations and twenty thousand (20,000) pounds gross vehicle weight for major home occupations, on site provided they park said vehicles off the street, in compliance with residential off-street parking standards, and not on any street adjacent to or near their premises. By way of illustration and not limitation, this Subsection prohibits the storage or parking of business vehicles, such as limousines, service or work vehicles (snowplows, landscape and maintenance trucks, etc.), and similar vehicles as well as delivery and contractor's vehicles, equipment, trailers used to transport same. Business owners may not intentionally station, position, or park an occupational vehicle or trailer in any manner on private property so as to advertise, promote, or draw attention to products, services, events, or other similar purposes ~~while parked~~ at the home owner's residence while parked thereon.

(D) Major Home Occupations:

1. The definition of a major home occupation shall include any business within a residential zone that meets the standards listed in Section 10-7-040(B) above but requires additional conditions of approval imposed by the Land Use Authority, as provided herein, to mitigate the increased impact of such home occupations on the surrounding property owners. Major home occupations shall be conditional uses in all residential zones due to the potential that may increase in the impact of a business as allowed by the following:

SIGNAGE AND LIGHTING REGULATIONS

10-8-040: MINIMUM AND MAXIMUM PARKING SPACES.

USES	Unit Measure	Min	Max
<u>Hospitals, Animal</u>	<u>Per animal</u>	<u>.5</u>	<u>1</u>

10-9-040: GENERAL LIMITATIONS. The following provisions affect signs in all zones. No one shall erect, replace, or reconstruct, maintain, enlarge, or move a sign to a new location unless it complies with all the following conditions:

- (O) Electronic Message Signs shall be allowed in GC, C-2, Research Park, Industrial, and Professional Office as permitted by conditional use. These signs may be attached, detached, or located on monument or multi-tenant pole or pylon signs. The square footage of these signs shall be counted into the maximum sign area described in this Title. The measured area of the electronic message sign may not exceed fifty (50) percent of the total area of the sign. These signs shall only operate from 6:00 am to 11:00 pm. ~~These signs and~~ shall not cause glare or rapid blinking, nor be so intensely lighted that they may create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. These signs shall have a minimum of three (3) second intervals between screen changes. Any time an electronic message sign is operating between sunset and sunrise, said signs shall be set at not more than forty (40) percent of the maximum capable light output. Any detached electronic message sign shall be placed perpendicular to the street onto which it is constructed. Electronic message signs may

also be allowed ~~by~~ with minor conditional use permits for all “Community Uses” in any zone, provided the sign shall not be located within two hundred (200) feet of any current or future residential use, as designated in the City's General Plan, as measured from the base of the sign to the nearest point of the residential property. The Community Use must also have frontage on an arterial street as designated in the City's Master Street Plan. A Community Use shall be identified as but not limited to:

1. Schools
2. Churches
3. Libraries
4. Community buildings not used for any commercial purpose
5. Government buildings and/or government owned property

10-9-050: LOCATION AND APPROVAL. Signs allowed in any zone must comply with the regulations shown on the following table. No advertising sign in an agricultural or residential zone shall be displayed within six hundred sixty (660) feet or one-eighth (1/8) mile from another sign of any type. However, notwithstanding the foregoing distance criteria, a property owner has the right to erect one (1) sign on their parcel of property. Only one (1) sign per lot is allotted in agricultural and residential zones. Signs requiring major conditional use approval permits from the Planning Commission shall be:

- (A) Electronic message centers
- (B) Monolithic Signs
- (C) Bench Signs

TYPE/ZONE	MAXIMUM SIZE ALLOWED	APPROVAL REQUIRED
On-Premise Permanent		
Agriculture, Residential	Two (2) signs not to exceed four (4) square feet each	City Business License, <u>except for signage requiring conditional use approval</u>
Commercial	Fifteen (15) percent of building's frontage (width x height) on primary side plus five (5) percent of frontage on secondary side(s) of building. Total square footage allotment shall not exceed three hundred (300) square feet and may be apportioned between attached and detached signs.	Site Plan; otherwise, Administrative Review, <u>except for signage requiring Planning Commission approval for major conditional use permits</u>
Industrial	Fifteen (15) percent of building's frontage (width x height) on primary side plus five (5) percent of frontage on secondary side(s) of building. Total square footage allotment shall not exceed three hundred (300) square feet and may be apportioned between attached and detached signs	Site Plan; otherwise, Administrative Review <u>except for signage requiring Planning Commission approval for major conditional use permits</u>

10-11-020: PERMITTED USES. The following, and no others, are uses permitted by right provided the parcel and buildings meet all other provisions of this Title and any other applicable ordinances of Syracuse City.

- (C) Animal Clinics and Hospitals
- ~~(P) Veterinary Clinics~~

10-11-030: CONDITIONAL USES. The following, and no others, may be conditional uses per-mitted after application and approval as specified in Section 10-4-080 of this Title.

- ~~(B) Cemeteries~~

10-12-030: CONDITIONAL USES. The following, and no others, may be conditional uses per-mitted after application and approval as specified in Section 10-4-080 of this Title.

- ~~(C) Cemeteries~~
- (L) Temporary Use of Buildings {See Section 10-6-100(M)}

10-13-030: CONDITIONAL USES. The following, and no others, may be conditional uses per-mitted after application and approval as specified in Section 10-4-080 of this Title.

- (H) Temporary use of Buildings {See Section 10-6-100(M)}

10-14-030: CONDITIONAL USES. The following may be permitted conditional uses after applica-tion and approval as specified in Section 10-4-080 of this Title.(1991)

- (G) Temporary Use of Buildings {See Section 10-6-100(M)}

10-15-020: PERMITTED USES. The following, and no others, are uses permitted by right provided the parcel and building meet all other provisions of this Title or any other applicable ordinances of Syracuse City. (1991)

- (C) Churches, Synagogues, and Temples
(D) Dwellings, Multi-, Single-, and Two- (2) Family
(E) Dwellings, Single Family
(F) Dwellings, Two Family
- 10-15-030: CONDITIONAL USES.** The following, and no others, uses may be conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title. (1998)
(C) Temporary Use of Buildings {See Section 10-6-100(M)}
- 10-16-030: CONDITIONAL USES.** The following may be permitted conditional uses after approval as specified in Section 10-4-080 of this Title.(1991)
(C) Intermittent Commercial Uses (See Section 10-7-050)
(D) Temporary Use of Buildings {See Section 10-6-100(M)}
- 10-17-010: PURPOSE.** Cluster Subdivisions may receive approval as for a major conditional use permit in the Agriculture zone. The purpose of this ordinance is to encourage open space conservation and imaginative and efficient utilization of land by providing greater flexibility in the location of buildings on the land and the clustering of dwelling units. This will allow the developer to more closely tailor a development project to a specific user group, such as retired persons or equestrian-oriented development. The Land Use Authority shall not grant such a conditional use unless the Cluster Subdivision meets the regulations of the Agriculture zone in which it resides, except as may lawfully be modified by City Council approval. The application of cluster concepts is intended to encourage good neighborhood design and preserve open space while insuring substantial compliance with the intent of the Subdivision and Land Use Ordinances.
- 10-18-020: Permitted Uses. The following are permitted uses by right provided the parcel and building meet all other provision of this Title or any other applicable ordinances of Syracuse City and receive site plan approval as provided in Section 10-4-100 of this Title.
(B) Animal Clinics
(D) Churches, Synagogues, and Temples
(H) Professional Non-Retail services
- 10-19-020: PERMITTED USES.** The following are permitted uses by right provided the parcel and building meet all other provisions of this Title or any other applicable ordinances of Syracuse City and receive site plan approval as provided in Section 10-4-10 of this Title. (1991)
(C) Animal Clinics
(E) Car Washes, full-service tunnel style
(F) Churches, Synagogues, and Temples
(M) Full service Tunnel Style Car Washes (Ord. 08-11)
- 10-19-030: CONDITIONAL USES.** The following may be permitted as conditional uses after application and approval as specified in Section 10-4-9 of this Title.
(B) Animal Hospitals
(D) Professional Non-Retail Services, up to a maximum twenty-five (25) percent of the commercial subdivision
- 10-20-020: PERMITTED USES.** The following are permitted uses by right provided the parcel of land and structure(s) meet all other provisions of this Title or any other applicable ordinances of Syracuse City and receive site plan approval as provided in Section 10-4-10 of this Title.
(A) Animal Clinics
(C) Churches, Synagogues, and Temples
- 10-20-030: CONDITIONAL USES.** The following may be permitted as conditional uses after application and approval as specified in Section 10-4-9 of this Title.
(G) Professional Non-Retail Services, up to a maximum twenty-five (25) percent of the commercial subdivision
- 10-23-020: PERMITTED USES.** The following uses, and no others, are appropriate to this Zone, compatible with each other, and a permitted right provided that the parcel and buildings meet all other provisions of this Title, or any other applicable ordinances of Syracuse City, and receive site plan approval as provided in Section 10-4-10 of this Title. (1991)
(B) Automotive and Engine Repair Services
(C) Churches, Synagogues, and Temples
(D) Car Washes, self-service coin-operated style Car Washes and full-service tunnel style
(D) Full service Tunnel Style Car Washes (Ord. 08-11)
(E) Chemicals and Allied Products Manufacturing
(F) Industrial Warehouse Storage Facilities

- ~~(F) Manufacturing, chemicals and allied products or plastic products~~
- ~~(K) Plastic Products Manufacturing~~
- ~~(K) Professional Non-Retail Services~~
- ~~(P) Automotive and Engine Repair Services (Ord. 08-11)~~
- ~~(Q) Storage Facilities, industrial warehouse~~

10-25-070: LEASE AGREEMENTS FOR USE OF CITY LAND. The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The Mayor or the Mayor's designee shall have the authority to execute the standard lease agreement on behalf of the City. The Lease shall contain the condition that applicant acquire site plan and/or conditional use permit approval from the City ~~Council~~ Land Use Authority before the Lease can take effect and that failure to obtain such approval renders the Lease null and void. (2001)

10-25-080: STANDARDS FOR ANTENNAS AND ANTENNA-SUPPORT STRUCTURES. The type or location of the antenna structure characterizes personal wireless-services facilities. There are five (5) general types of antenna structures contemplated by this Chapter: wall-mounted antennas; roof-mounted antennas; monopoles with no platform; monopoles with a platform; and stealth facilities. If this Chapter allows a particular type of antenna structure as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

(E) Stealth Facilities. Maximum Height. The maximum height of a stealth facility shall be the maximum structure height permitted in the applicable zoning district ~~wherein the stealth facility will be located.~~ The applicant may exceed the maximum structure height if allowed pursuant to a conditional use permit.

10-26-030: LOCATION OF BUSINESS - RESTRICTIONS. Except as provided in this Chapter, no one shall use any building, structure, or land for the establishment or operation of a sexually-oriented business. A person commits an offense if the person operates, or causes to be operated, a sexually-oriented business in violation of the provisions of this Chapter.

(A) Sexually-oriented businesses; ~~except outcall services;~~ shall only be permitted as a conditional use in the areas of Syracuse City zoned Industrial. ~~Outcall services shall only be permitted as a conditional use in areas zoned Industrial or General Commercial.~~

KENNETH HELLEWELL MADE A MOTION TO RECOMMEND APPROVAL OF THE PROPOSED CHANGES TO TILE X AS DISCUSSED, AND FORWARD THEM TO CITY COUNCIL.

Before anyone could second the motion, Commissioner Pratt asked if there were any requirements for separate entrances for two-family dwellings or just this definition. Commissioner Bodrero referred to the other requirements outlined in Title X that included compliance with the current international residential building code.

GARY PRATT SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Department Business

Commissioner Pratt asked about future assignments for City Council meetings, since his changed with the last meeting. Chairman Whiteley advised him that there were no more assignments yet beyond the November 23 meeting, which he planned to attend himself.

Commissioner Pratt then reported on the last City Council meeting.

6. Adjournment

KENNETH HELLEWELL MADE A MOTION TO ADJOURN AT 7:49 P.M.; ALL VOTED IN FAVOR.

Robert Whiteley
Planning Commission Chair