

**Syracuse City Planning Commission Meeting**  
April 6, 2010  
Minutes

1. Meeting called to Order, Adoption of Agenda, and Approval of Minutes

Planning Commission Chairman Robert Whiteley called the meeting to order at 6:06 p.m., indicating that City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Robert Whiteley offered the prayer, and Troy Moyes led the pledge of allegiance.

Members Present: Chairman Robert Whiteley, Vice Chairman Kenneth Hellewell, Nathan Miller, Eric Hazen, and Gary Pratt as well as GIS Specialist Troy Moyes and Administrative Assistant Judy Merrill  
Excused: Tena Campbell

Visitors: T.J. Jensen Tyler Bodrero

Commissioners reviewed the April 6, 2010, Planning Commission meeting agenda.

KENNETH HELLEWELL MOVED TO ADOPT THE APRIL 6, 2010, AGENDA AS OUTLINED, SECONDED BY NATHAN MILLER; ALL VOTED IN FAVOR.

2. Approval of Planning Commission Minutes

Commissioners reviewed the minutes of the March 16, 2010, Planning Commission work session.

KENNETH HELLEWELL MADE A MOTION TO ADOPT THE MARCH 16, 2010, PLANNING COMMISSION WORK SESSION MINUTES AS WRITTEN, SECONDED BY GARY PRATT; ALL VOTED IN FAVOR.

Commissioners reviewed the minutes of the March 16, 2010, Planning Commission meeting.

GARY PRATT MOVED TO ADOPT THE MARCH 16, 2010, PLANNING COMMISSION MEETING MINUTES AS WRITTEN, SECONDED BY ERIC HAZEN; ALL VOTED IN FAVOR.

3. Public Hearing for Proposed Amendments to Title X Land Use Ordinance

Chairman Whiteley introduced the proposed amendments for home occupations and accessory building requirements. Specialist Moyes then provided some background for each proposed change, beginning with accessory buildings and structures. He combined all related requirements within 10-6-010(C).

(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. 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 ~~one shall locate an~~ accessory building or structure ~~may be located~~ in a front or side yard unless the structure is: (Ord. 06-17) (Ord. 08-07) (Ord. 09-10) (Ord. 09-16)

~~i.~~ ~~(a)~~ not larger than ~~two hundred~~ (200) square feet, which includes any awnings, carports, or other attached features to the accessory structure, and; (Ord. 08-07)

~~ii.~~ ~~(b)~~ not taller than ~~ten~~ (10) feet, and; (Ord. 08-07)

~~iii.~~ ~~(c)~~ concealed or otherwise located behind a privacy fence of at least ~~six~~ (6) feet in height, and; (Ord. 08-07)

~~iv.~~ ~~(d)~~ located at least ten (10) feet from the primary structure and located at least ~~three~~ (3) feet from any property lines. (Ord. 08-11) (Ord. 09-10)

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 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. (Ord. 08-07)

(b) Approval. Persons desiring to construct accessory buildings shall make application to the Planning Commission Land Use Authority or designee for Conditional Use approval as outlined in Title 10 Chapter Section 10-6-100, Conditional Uses. Application shall include the following submittals:

- i. Site plan showing ~~the~~ location of the home, property line setbacks, location of the proposed building, parking spaces, easements, and ~~location of~~ buildings on adjacent properties within fifty (50) feet of the proposed accessory building.
  - ii. Elevation drawings showing the roof structure, type of material and design finish of the building, and building structure measurements.
- (c) Design. The design, height, and footprint of accessory buildings shall blend aesthetically with the principle building's architecture and design materials. (Ord. 03-18) (Ord. 08-07)
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:
- (~~a~~) Minimum Setback. In no case shall an accessory building, regardless of size, be ~~constructed within any closer than three (3) feet to any property line.~~
  - (b) Walls. Accessory buildings two hundred (200) square feet or greater and exceeding ten (10) feet in height, as measured from the main floor to the top exterior wall plate, shall increase the three (3) foot minimum setback requirement from property line by ~~two (2) feet one (1) foot~~ for every one (1) foot of height above ten (10) feet.
  - (c) Roof. The roof height on any accessory structure that exceeds fifty (50) percent of the wall height, as measured from the top exterior wall plate to the highest point on the roof, shall ~~not exceed fifty (50) percent the wall height as measured from the main floor to the top exterior wall plate~~ increase the three (3) foot minimum setback requirement from property line by one (1) foot for every one (1) foot of height above the fifty (50) percent requirement. (Ord. 04-04) (Ord. 09-10)
  - (d) Corner Lot. An accessory building located on the street side of a corner lot shall comply with ~~the front or side yard setback requirements of adjacent building lots when said accessory structure is constructed on the street side of a corner lot~~ Section 10-6-050. (Ord. 08-11)
  - (e) Other Structures. In no case shall an accessory building be constructed within ten (10) six (6) feet of a primary structure or within ~~ten (10) six (6)~~ feet of any structure two hundred (200) square feet or greater on any adjacent property.
  - (~~e~~) ~~The Land Use Authority may reduce, by not more than fifty (50) percent, the side and rear yard setback requirements listed above. In no instance shall the Land Use Authority reduce side and rear yard setback requirements to less than three (3) feet. (Ord. 08-07)~~
  - (~~d~~) ~~Accessory buildings which are not larger than two hundred (200) square feet, which includes any awnings, carports, or other attached features to the accessory structure, and which are located in rear yards, must be located at least ten (10) feet from the primary structure and/or located at least three (3) feet from any property lines. (Ord. 09-10)~~

Specialist Moyes stated that the Ordinance currently prohibited accessory building roof heights from exceeding 50% of wall heights. The proposed amendment would allow greater roof heights with setback increases of 1 foot for every 1 foot over 50%. He referred to the discussion in their work session about possible building height issues in R-3 zones and the Commission's request for an analysis to see if there would be any issues on smaller lots. Vice Chair Hellewell pointed out that there could be some smaller lots in R-2 zones that could also have issues. Specialist Moyes agreed to do a 30-lot sample of various zones throughout the City. Chairman Whiteley explained to those present that the Commission would be looking at geometrics and how it might play a part in different zones throughout Syracuse so they could prevent this use from creating challenges not yet considered.

Specialist Moyes referred to the next proposed amendment for reasonable accommodations in Section 10-6-020(A)

4. Reasonable Accommodation. None of the requirements of this Section shall limit any reasonable accommodation necessary to allow the establishment or occupancy of a residence for anyone with a disability as protected under the Fair Housing Amendments Act of 1988.

Specialist Moyes explained how building code required ADA accessible ramps to meet certain slopes and widths that the Ordinance inhibited due to setback requirements. Commissioner Pratt asked for a definition of a reasonable accommodation and if such accommodations could allow a wheelchair ramp to encroach right up to a property line. He also wanted to know who would make the decisions for these accommodations. Specialist Moyes referred him to the proposed amendments under Definition in Section 10-2-040 and Lot and Yard Regulations in Section 10-6-050(C)2 and 4:

REASONABLE ACCOMMODATIONS: A change in a rule, policy, practice, or service procedure necessary to afford a person with a disability equal access opportunity to use and enjoy a dwelling as defined used in this definition Section:

- (A) "Reasonable" means that a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit the accommodation would provide to a person with a disability.
- (B) "Necessary" means the applicant must show that, but for the accommodation, one (1) or more persons with a disability likely will not have an equal opportunity to enjoy housing of their choice.
- (C) "Equal Opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

STRUCTURE: The building or construction of an edifice or building of any kind or the artificial building up of any piece of work or composition of parts joined together in some definite manner. A structure, however, for the purposes of this Title, shall not include stairs or ramps.

- (C) Yard Encroachments. This Title prohibits any encroachments into minimum required yard space, other than the following:
  - 2. Unsupported cornices, eaves, and gutters, and terraces may project ten (10) feet into any required front, rear, or side yard. Uncovered porches and, decks, and steps may project ten (10) feet into any required front or rear yard. (Ord. 08-07)
  - 4. Fences may encroach, as provided in Section 10-6-060(A). Signs and yard lights may encroach as provided in Chapter 8. Stairs and ramps may encroach up to three (3) feet to any property line subject to compliance with Section 10-6-060(A) and (B). (Ord. 08-07)

He then advised Commissioner Pratt that the City would adopt an application and approval process next. Commissioner Pratt was uncomfortable with providing reasonable accommodations without understanding the potential negative impacts to adjacent property owners. He asked for staff to provide examples of possible reasonable accommodation requests, the application process, and methods for approval.

Chairman Whiteley referred to the next proposed amendment, which created a new Chapter 7, categorizing home occupations into major and minor businesses based on impacts they could have in residential zones. The reason for the change would be to simplify the process for small, new businesses that would have little impact on neighborhoods. Staff would process these approvals while the Commission still reviewed and approved major occupations in order to impose conditions necessary to reduce potential impacts, as follows:

- 10-7-040(B) Standards. The following restrictions shall apply to any home occupation:
  - 6. No display of merchandise or advertising shall be visible from the street or neighboring properties except as permitted in Section 10-8-050 of the City's Sign Ordinance. Home Occupation advertising signs shall conform to the sign ordinance for On-Premise, Residential signs, found in Chapter 8. Occupants shall not attach any signage to the primary dwelling, or any other structures, posts, shrubs, or trees on the property. No Home Occupation business shall allow any exterior evidence on any structure, such as window displays, of the home occupation except for those customarily found in a residential area. (Ord. 08-11)
  - 8. The home occupation shall not allow employees, other than those living in the dwelling, to come to work at the home or to park vehicles at the home to go to a job site. The only exception is that one (1) additional person may be employed as a second adult for a daycare, secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. An additional off-street parking space shall be provided. (Ord. 08-11)
  - 18. The City may place additional restrictions on a home occupation relating to hours of operation, parking, traffic, or other matters as it deems necessary to mitigate impacts on the neighborhood and the City in general.
  - 19. A permit for a home occupation is valid for only the original applicant and is not transferable to any resident, address, or any other occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void.
- (C) Minor Home Occupations: This Section shall deem businesses conducted on residential properties, which meet the standards outlined above, as Minor Home Occupations. The Land Use Administrator shall review and approve all Minor Home Occupations. The Land Use Administrator may refer a home occupation application to the Planning Commission for the imposition of additional requirements as deemed necessary in order to mitigate potential negative impacts on surrounding property owners. Minor Home Occupations shall include, but not limited to, the following:

1. Advertisement Services
2. Artist, authors, architectural services
3. Barber shops and beauty shops
4. Consulting services, craft sales
5. Dance studio, aerobic exercise, music lessons, tutoring
6. Daycare, where the number of children equals eight (8) or less
7. Direct sales distribution
8. Data processing, computer programming
9. Garden produce
10. Health and fitness (such as personal trainers, diet and weight loss supplements)
11. Home crafts
12. Insurance sales or broker, interior design
13. Janitorial
14. Mail order (not including retail sales from site)
15. Preschool, where the number of sessions equals four (4) or less
16. Real estate sales or broker
17. Sales representative
18. Swimming lessons

(D) Major Home Occupation:

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 that may increase the impact of the business as allowed by the following:
  - (a) A larger commercial vehicle, not exceeding twenty thousand (20,000) pounds, may be used, provided it is parked on private property and adequately screened. Parking of the commercial vehicle shall occur on the side or in the rear of the home.
  - (b) Daycare, where the number of children is greater than eight (8) and a second employee is required at the home.
  - (c) Preschools, where the number of sessions is greater than four (4) per week.
  - (d) A larger percentage of the home or an accessory building may be used for the home occupation under conditions recommended by the Planning Commission. The use of an accessory structure or an attached or detached garage, or yard space, for a home occupation may be considered as a conditional use only under the following conditions:
    - (i) The Planning Commission finds that the proposed home occupation will be clearly accessory and subordinate to the principal use of the property for dwelling purposes; and
    - (ii) The Planning Commission finds that the proposed home occupation will not adversely affect the residential nature and aesthetic quality of the neighborhood; and
    - (iii) Any off-street parking displaced by the home occupation is relocated elsewhere on the lot or parcel in compliance with setback standards for the zoning in which the property is located; and
    - (iv) The Planning Commission may impose any conditions it deems necessary to mitigate impacts of the home occupation on the neighborhood.
2. Major home occupations may include, but not necessarily limited to, the following:
  - (a) Any use allowed as a minor home occupation that is requiring additional conditions of approval as shown in Section 10-7-040(D)1
  - (b) Small engine repairs (excluding automobiles, motorcycles, and snowmobiles)
  - (c) Woodworking
  - (d) Gun repair
  - (e) Pest or weed control service
3. The following uses, by the nature of the investment or operation, have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially-zoned area for residential purposes and are

more suited to professional or business districts. Therefore, the uses specified below shall not be permitted as home occupations:

- (a) Minor or major auto repair, painting of vehicles, trailers, or boats
- (b) Funeral chapel or home
- (c) Gift shops
- (d) Medical or dental clinic
- (e) Welding or machine shops
- (f) Appliance repair (large)

Vice Chair Hellewell pointed out the use of Commission throughout the major occupations section and asked if it should be the Land Use Authority to avoid the need for amending the Ordinance if the City chose a different approving body again in the future. Specialist Moyes agreed to make that change.

Chairman Whiteley reviewed the next proposed amendment to Section 10-7-040(F):

Adult Day Care Home Occupations. The number of adults in these residences shall be limited to six (6) at a time. The following standards shall apply:

- 1. The adult day care shall be operated by a person who resides in the single-family dwelling.
- 2. An adult day-care participant, who is not mentally or physically capable of negotiating a normal path to safety, shall count as three persons. The City may request a statement from a physician that a participant is mentally and physically capable of negotiating a normal path to safety.
- 3. An off-street, unobstructed, paved parking area for the pick up and drop off of adults shall be provided.
- 4. When assistive devices or aids are necessary for an adult day-care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible.
- 5. The rear yard shall be fully enclosed with a secure fence at least sixty (60) inches in height.
- 6. The adult day care shall be licensed by the State of Utah and continuously maintain a current license with the State as outlined in State Administrative Code R501-13.

Chairman Whiteley questioned subsection 2 regarding participants counting as three. He asked if residents requiring medical equipment, such as wheelchairs, would count as three, which meant a home could not have more than two participants if they were both in wheelchairs. Vice Chair Hellewell stated that such individuals would often require more assistance but that people in wheelchairs were not necessarily physically incapable. Chairman Whiteley suggested it say, "independently without medical equipment." Commissioner Pratt asked if State Code already defined that term. Commissioner Miller reminded them of the provision allowing the City to require statements from physicians. Vice Chair Hellewell suggested a change so that applicants provided these physician statements rather than the City requesting them. Everyone agreed. Chairman Whiteley then asked about the relevance of requiring a fully enclosed secure fence. Commissioner Pratt advised him that a fence would be necessary for residents with alzheimers.

Chairman Whiteley opened up the meeting to public hearing.

T.J. Jensen, 3242 South 1000 West, came forward to point out that fences not only protected residents from wandering off but from animals breaking in and causing harm. He then referred to their question as to how they would define major and minor occupations. He suggested traffic as a good indicator, such as daycares versus making and selling quilts that generated deliveries from one UPS truck. However, such businesses would convert to major if the delivery companies needed to bring in larger vehicles, such as fifth wheels, which would impact residential neighborhoods. He next referenced roof heights. The last time the Commission looked at this Section, he suggested restricting absolute heights of these buildings based on distance from property lines. With a 3-foot setback for 10-foot walls and whatever slopes builders proposed, he suggested a 1- to 2-foot setback so that 11-foot structures had to be 5 feet from property lines, 12-foot structures had to be 7 feet, and so forth. That way, the pitch of roofs would not matter. He pointed out that many people were looking to add solar panels. Based on the City's latitude, manufacturers suggested 60-degree pitches for Syracuse roofs, which was fairly steep, in order to get the maximum exposure to the sun in winter. Currently, the City would deny such detached structures, and creating that pitch on primary structures would require major remodeling. By changing the Ordinance language to an absolute height, property owners could build accessory structures with steeper roofs for solar panels and greater efficiency. He was confident that residents originally opposing these accessory structures were really concerned about absolute heights. They simply wanted to be able to see over the yards of adjacent lots. He believed the best way to do that

would be through limiting absolute heights based on distance from property lines via the 1 to 2 setback method, which allowed a good line of sight from yards to the moon.

Chairman Whiteley closed public hearing and turned the time back to commissioners. Vice Chair Hellewell liked TJ's idea, because the City had different sized lots in every zone. What worked well in R3 and R2 zones might be a major inconvenience on an R1 lot. It made sense to let the larger lots have bigger areas and not make a blanket requirement for every zone in the City. He preferred basing it by lot size or something similar. Commissioner Pratt asked Specialist Moyes if he could include this idea in his lot sample presentation. Specialist Moyes stated he could and proposed that the Commission table this item until he provided sample applications and a process chart identifying how it would all function in-house administratively as far as who would ensure compliance and grant the approval. He also wanted to add some more proposed amendments.

Commissioner Hazen asked if they needed to address that evening the change for vehicles over 10,000 pounds, as proposed in 10-7-040(D)1(a). Specialist Moyes explained that, because the current standard was 10,000 pounds, he was unsure how to address an increase to 20,000 pounds for major occupations. The current proposal would still not allow heavier vehicles because the business must first meet the basic standard of 10,000 pounds. He needed more time to rephrase the proposed language. Commissioner Pratt asked if the current proposal would prevent major occupations from using a large trailer parked along side the house to store products. Specialist Moyes explained that dividing occupations into major and minor would allow the Commission to impose real conditions on occupations, such as appropriate storage facilities, screening a trailer used for business, adding landscaping, or covering occupational vehicles.

TJ Jensen approached the Commission again asking whether the current Ordinance limited roof heights for accessory structures under 200 square feet. Specialist Moyes told him no. Mr. Jensen strongly encouraged them to adopt such a limit due to the two-story shed built the year before where the owner decreased the size to just under 200 square feet. Whether a detached building was over or under 200 square feet, he believed all structures needed to comply with whatever height requirement the City adopted. Chairman Whiteley agreed, since the structure to which Mr. Jensen referred really was two stories, both of which the total square footage should have included. Commissioner Pratt referred to his son's neighbor in Kaysville who built a detached structure two stories tall with a small footprint and high pitched roof. The City could not restrict it under their current Ordinance. Specialist Moyes suggested a footprint and height requirement, such as 200 square feet and so many feet in height from floor to roof peak. Chairman Whiteley preferred using the words, 'single level 200 square-foot structure.' Specialist Moyes worried about the difficulty in defining multi levels. Some sheds had lofts for storage that should not really count as a second story. Commissioner Pratt then suggested going by inside volume.

Chairman Whiteley directed the commissioners to drive around and take photographs of detached buildings they believed had negative impacts and submit them to the web site for future discussion.

**KENNETH HELLEWELL MADE A MOTION TO TABLE THE PROPOSED CHANGES TO THE LAND USE ORDINANCE, TITLE X, SECONDED BY NATHAN MILLER; ALL VOTED IN FAVOR.**

#### 4. City Council Report

Commissioner Hazen reported that the Council had some scouts and young women soliciting support for a day of service. One young man proposed an Eagle Scout project for the skate park fencing. Others were willing to clean Legacy and Jensen parks. The Council recognized Mike Norton for his service on the Commission. They approved Utah Onion's site plan. The Fire Chief requested assistance in securing funding for a Syracuse Citizen Court Council. The money would not come from the City budget. The Council made Chief Cottrell the overseer of that program designed to get citizens to volunteer in case of a disaster. Commissioner Pratt explained that this new Citizen Court Council combined the City's emergency preparedness program, CERT, and the neighborhood watch force. The City would have no responsibility in directing or funding the three programs, just approval to combine the entities under a new central Council for coordination purposes. The emergency preparedness program involved all residents designated into blocks throughout the City with block captains who reported to an area director. In the event of emergency, they had radios to communicate with the command center who would contact the public safety departments for various needs. Church build-

ings in the City would be rendezvous points for citizens in the event of quarantine. CERT was currently run by the Fire Department to use in place of paramedics or public safety personnel. CERT members were more skilled than block captains. By combining the three programs into a separate entity, they could go out and solicit funds without impacting the City's assets. Commissioner Hazen continued with his report, stating that someone in attendance from homeland security approached the Council during the meeting, cautioning them about creating such a council. Commissioner Hazen got the impression this council would allow the federal government to have their hand in the City's business and open up Syracuse to potential problems. Commissioner Pratt explained that the warning came because the new council would be adopting some bylaws taken from a national organization. The gentleman's inference had to do with the federal government encroaching across the land into states and cities, and he cautioned them to be careful in organizing this new entity. Councilman Kimmel voiced concern to become a part of their adopting those bylaws as well, so the chief suggested they follow the bylaws without sending fees to national organization. Commissioner Pratt discussed this with the chief, and they decided there would be plenty of other funding resources other than the federal government. Councilman Kimmel still voted nay, but the motion passed.

#### 5. Planning Commission Business

Commissioner Pratt explained how State law and good land-use and city-planning practices prohibited closed-door meetings, unlike city councils. He therefore proposed an agenda item for their next meeting to consider combining the work sessions and regular meetings so they no longer duplicated discussions. The Council would be doing the same thing. Chairman Whiteley pointed out that their work sessions were open meetings. They utilized them to prepare for the regular meetings by making sure everyone had the minutes, agendas, and packet information. Vice Chair Hellewell advised Commissioner Pratt that they already discussed this issue on a previous occasion and decided to keep the work sessions. The Council used their work sessions differently, and City staff planned to use the Commission work sessions for training as well. Commissioner Pratt considered the sessions as a duplication of effort and waste of time since they accomplished nothing different from the regular meetings. Commissioners received agendas, minutes, and packets ahead of time, so he did not understand why they needed work sessions. Commissioner Hazen voiced his preference for the work sessions to go over everything, get organized, and receive assignments rather than doing that in the regular meetings. Commissioner Miller conceded that City staff preferred to utilize the work sessions differently. Chairman Whiteley believed the proposed changes to Title X, in allowing City staff to handle many of the approvals, would leave fewer applicants and meetings for Commissioner Pratt to attend. This would free up more time for them to plan rather than address applications. Commissioner Pratt emphasized the need to be actively planning and approaching developers with set criteria. The new SBOSS organization also supported and encouraged the Commission to develop renderings of overlays, configure areas along 1700 South, and other plans that would attract more businesses. He again proposed a motion to add that discussion on the next agenda or simply agree that evening to such a change regarding the work session. Chairman Whiteley preferred to discuss it more during their next Planning Commission Business agenda item. Commissioner Pratt requested a separate agenda item.

#### 6. Adjournment

KENNETH HELLEWELL MOVED TO ADJOURN AT 7:17 P.M.; ALL VOTED IN FAVOR.

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Robert Whiteley  
Planning Commission Chair