



Planning Commission Work Session

MINUTES

APRIL 19, 2011

6:15 PM – 8:44 PM

COUNCIL CHAMBERS

FACILITATOR	Chairman Kenneth Hellewell
NOTE TAKER	Judy Merrill
ATTENDEES	Vice Chair Tyler Bodrero, Braxton Schenk, Gary Pratt, T.J. Jensen, Dale Rackham, Gregory Day, Curt McCuistion, Michael Eggett, Tex Couch, and Robert Whiteley

ITEM 1: DISCUSSION OF PROPOSED AMENDMENTS TO TITLE X

Last year, the Northern Utah Homebuilders' Alliance approached the City to discuss the building-design standards established in August 2003. During those meetings, the Mayor, Building Official, City Attorney, and Community Development Director discussed concerns raised by members of this Alliance and their attorney. City staff accepted the assignment to re-look at the standard and strategize changes that would meet the requests of homebuilders without sacrificing the look, feel, and design integrity of residential buildings in Syracuse neighborhoods. City staff held additional meetings with the Mayor, City Manager, and City Attorney to discuss options in amending and modifying this language. During these discussions, the City Attorney pointed out that these modifications would provide an opportunity to resolve some concerns associated with the previously-approved ordinance that changed the building-design standards in August 2003. A few weeks ago, Department staff met with the Mayor, City Attorney, City Manager, and members of the Alliance and their attorney to hammer out a compromise. The following amended "Regulations for New Residential Construction" was the result of that compromise and many months of investigation, research, and site visits carried out by staff to compare residential activities occurring in other communities. The proposed language went through multiple changes over the months and is acceptable to City staff, Mayor, City Manager, and the Alliance members.

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

(A) Regulations for All Residential Structures.

1. All residential structures shall be permanently affixed to the applicable property on which they are sited and held in common ownership and classification and taxed as real estate.
2. Each residential structure shall have a permanent connection to all available utilities.
3. Any and all appendages or accessory uses, such as steps, carports, garages, storage buildings, decks, and awnings or additions and alterations, shall comply with the adopted edition of the International Residential Code. (Ord. 08-07)

(B) Regulations for New Residential Construction must meet one (1) of these two (2) options:

1. A minimum thirty-eight (38) percent of the exterior wall construction for all single family detached, duplex, and single family attached town homes shall be constructed of brick, rock, or stone. The thirty-eight (38) percent coverage requirement shall be calculated by measuring all facades of the structure, from foundation to top plate line of the uppermost level, excluding openings for windows, doors, and trim to find the total wall area, and multiplying that figure by thirty-eight (38) percent. The builder of the structure shall satisfy the thirty-eight (38) percent requirement by placing the brick, rock, or stone on one or more facades of the structure, provided the façade designated as the front of the structure has no less than thirty-eight (38) percent of that façade covered with brick, rock, or stone. Measurements shall be made from the plans submitted for permit application as shown on the elevations. Hidden nooks and recesses shall only be computed if specifically identified on the plan. Gables having brick, stone, or natural rock may be credited towards satisfying the total wall area requirement. (Ord. 10-02)

Option 1. All single-family dwellings, duplexes, and detached and attached town homes shall have the front exterior walls constructed with a minimum seventy-five (75) percent of brick, rock, or stone. On corner lots, the street side of the structure shall have fifty (50) percent, or up to a maximum height of four (4) vertical-feet of wainscot, composed of brick, rock, or stone. These coverage requirements shall be calculated by first determining square footage of the total wall areas, based on measurements of the front and side elevations of the structure from foundation to top-plate line of the uppermost level, excluding openings for windows and doors, and multiplying that square footage by the applicable percentage. Homebuilders may only include brick, rock, or stone in these percentage requirements if clearly shown on the City-approved, stamped set of front and side elevations. Hidden areas, such as front porches, shall not qualify towards the percentage requirements; however, City staff may credit gables with brick, rock, or stone towards the percentage requirements. The installation of aluminum or vinyl siding shall only be allowed on the rear of homes.

Option 2. All single-family dwellings, duplexes, and detached and attached town homes shall have the front exterior walls constructed with a minimum thirty (30) percent of brick, rock, or stone and the remainder covered in hardy board or hardy plank. On corner lots, the street side of the structure shall have fifty (50) percent, or up to a maximum height of four (4) vertical-feet of wainscot, composed of brick, rock, or stone. These coverage requirements shall be calculated by first determining square footage of the total wall areas, based on measurements of the front and side elevations of the structure from foundation to top-plate line of the uppermost level, excluding openings for windows and doors, and multiplying that square footage by the applicable percentage. Homebuilders may only include brick, rock, or stone in these percentage requirements if clearly shown on the City-approved, stamped set of front and side elevations. Hidden areas, such as front porches, shall not qualify towards the percentage requirements; however, City staff may credit gables with brick, rock, or stone towards the percentage requirements. The installation of aluminum or vinyl siding shall only be allowed on the rear of homes.

2- The requirement for brick, rock, or stone ~~constructed on front and side~~ exterior walls ~~construction~~ shall apply to any single-family ~~dwelling, detached,~~ duplex, or single family ~~detached or~~ attached town home

planned as part of a development for which the City approved a preliminary plat after [the effective date of this Title August 12, 2003](#).

Gary did not see much of a difference between the proposal and existing language. He asked why a builder would choose Option 1, when Option 2 would be so much less expensive to build. Mike explained that Option 2 actually required the 30% standard with the remainder being hardy board or hardy plank. That meant builders would have to choose Option 1 if they wanted to incorporate stucco or anything else.

Tex, the Building Official, came forward and explained how he worked closely with the Alliance, Mayor, City Manager, City Attorney, and Mike Eggett due to the various complaints regarding the current 38% standard. The homebuilders claimed it was slowing the growth of Syracuse, because it cost so much more to build. This proposed design standard would ensure a high-quality product that protected home values. Although 30% sounded like a much lower standard, hardy board was more expensive than stucco. The proposed standard would maintain nice appearances for homes on corner lots and keep the aluminum siding on the rear of homes. This compromise would make it easier for builders to bring in rooftops to help the City recruit commercial businesses while relieving the City of current litigation. Everyone who worked on the proposed amendment believed it would result in a good product.

Braxton referred to trends in construction materials and asked why the City limited homebuilders to hardy board, since the market deemed stucco as the top product just a few years ago. Tex explained how the homebuilders wanted stucco on all four sides of their homes. The City decided on this requirement to keep the standards high enough to protect the values of nearby homes built under the current Ordinance standards. The amendment provided flexibility for homebuilders that would motivate them to start building spec homes again in Syracuse, based on the cost savings between this and the change in impact fees last August, which was anywhere from \$3-5,000 per home.

Tyler asked how many vacant lots were available in Syracuse. Tex told him approximately 300-400.

Gary stated that all cities had building codes and covenants and asked how the current standard warranted a lawsuit from homebuilders. Tex explained that the lawsuit did not have anything to do with the current design standard. It stemmed from the City's impact fees. The homebuilders used that as leverage to motivate consideration of a change in this design standard. The City Attorney also encouraged a change, regardless of the lawsuit, because he considered the encouragement of growth as being in the City's best interest.

Gregory asked if Tex had a percentage of homes with hardy plank versus stucco. Tex told him that Syracuse did not have a lot of homes with hardy plank, because the current design standard made it too expensive. He was initially opposed to this new proposal. However, as he prepared his power-point presentation for City Council, he found himself looking at just the front of homes anyway. Because so many homeowners installed privacy fences, the sides of homes were not visible, and this new standard focused on the front of homes.

Commissioners discussed possible future construction trends and loopholes that might allow undesirable materials. Tex explained that the international building code required every product for construction to have manufacturer's installation instructions and UL listings. Additionally, Syracuse and West Point were the only cities with architectural design standards, and West Point's was 40%.

Gregory asked about the longevity of hardy board. Gary told him it had been around for a long time and was so hard that it did not peel like regular wood. It was not porous and could be pressed into different architectural designs, such as wood.

Tyler asked Tex to review his power point presentation with the Commission at their next meeting.

Commissioners then discussed the next proposed amendment to Title X regarding widths for driveway approaches. On September 9, 2008, City Council considered a request from Alisa Gilbert to discuss an amendment to then-Section 10-8-6, governing driveway approaches. She explained how she drove through the City and noticed a trend in the newer subdivisions of building three- and four-car garages. The current Ordinance did not allow those residents to have wide enough driveways to accommodate convenient access to the garages. She believed it would benefit her and other homeowners if they could have wider approaches for easier access and for backing vehicles into side yards without driving over and possibly damaging curbs in the process. The former Community Development Director said he previously discussed this matter with Ms. Gilbert, researched the matter, and concurred with her findings. He pointed out that only 46% of homes sampled were in compliance with the current standard of 25-foot approaches for lots 100 feet wide or less and 40-foot approaches for lot widths over 100 feet. City staff had been working on a comprehensive update of Title X, which Council would be considering for adoption on September 23, 2008. His Department addressed this issue in that upcoming update with a recommendation to allow approaches up to 33% of their lot widths. With such a change, at least 50% of homes sampled would then be in compliance. If Council decided to increase the frontage allowance to 40% or 50%, then 90-100% of homes sampled would be in compliance, respectively. Layton and Clinton cities both allowed approaches up to 33% of the lot widths, except in higher-density residential areas where they allowed up to 50% of lot widths for approaches. The only potential downside to such increases that he could find would be the impacts to City utilities within park strips and the need to maintain accessibility in cases where approaches encroached into those areas. The Mayor believed that an ordinance was out of line whenever there were large numbers of violations. Although he had concerns with storm-water management if approach widths increased, he decided the City had no greater control over storm water simply by enforcing narrower approaches and that he could not think of a benefit for the City by limiting driveway widths, other than protecting access to underground utilities. Staff pointed out that Syracuse had an inherent right to protect its utilities in the public rights-of-way. Based on that fact, the Mayor could see no reason why the City cared how wide property owners made their approaches, as long as residents understood their responsibility for repairing damaged concrete in events when the City needed to break through it in order to access its utilities. A councilman voiced concern as to the amount of cement homeowners could have on their lot, since it increased the amount of water entering the City's storm drain. He preferred limiting approaches to avoid lots with front yards covered in cement. Another councilman pointed out that yards covered in concrete did not need watering, which conserved another important resource. The City Administrator countered that argument by saying that watering one's yard

did not impact people downstream like excessive runoff entering the City's storm-drain system. Council members discussed the need to amend the Ordinance, since enforcement of the current language would be impossible. The Mayor suggested increasing the allowable width for approaches to 50% while another councilman expressed concern for the potential of large driveway approaches on very big lots. However, City staff and Mayor were comfortable with 50%. Staff pointed out, however, that some residents who complied with the current ordinance by adjusting their RV parking might complain about the City allowing violators to avoid punishment. Council discussed the necessity of adjusting the allowable approach width for cul-de-sac lots, but staff believed the 50% allowance was sufficient for those as well. However, staff also pointed out that snow plowing might be an issue with large driveway approaches, since it decreased the distances between properties where high-back curbing still existed. Some homeowners would end up with snow in front of their approaches. The Mayor then asked staff to revise the ordinance to increase the legal width of driveway approaches to 50% of the total lot width. Another Councilman reiterated his desire for a maximum number of feet added to the regulation. The City Administrator agreed to forward a draft copy to Council for their review. Since adoption of Ordinance 08-07, on September 23, 2008, City staff worked under the assumption that the language in now-Section 10-8-060 changed the allowable driveway approach to 50% of lot widths. Due to the many changes in personnel and job titles, staff thought the lengthy delay in updating the language was simply a matter of time constraints and oversight. Upon looking into the matter, after submitting several requests for official updates to Title X over the past year and a half, staff discovered that Ordinance 08-07 amended the driveway approaches to only 33%, which Council apparently overlooked and adopted without discussion.

Tyler believed the change to a percentage was good, because it gave more flexibility to the various lot sizes. T.J. believed the 50% made sense for small lots in PRD zones. However, he preferred a sliding scale for larger lots and grandfathering all current approaches. Tyler agreed. T.J. then suggested 33% or a minimum of 25 feet for cul-de-sacs.

Gary asked how the City would handle all the violations without permits. If the City amended the Ordinance to allow up to 50%, he asked if staff would simply fine the violators and then accept the approaches as is. Mike told him that would be something they would need to discuss with City Council.

Gregory asked if such an amendment would create problems with homeowners widening approaches over water meters. Tex advised him that applicants were responsible for relocating meters via a licensed and bonded contractor.

Mike pointed out that the negative impact of an increase to 50% would be aesthetics, since homeowners would be more likely to hard surface a greater portion of their front yards. This could affect property values, storm-drain management with a greater burden on that system, utility conflicts for access, and snowplowing.

Gary pointed out that cul-de-sacs had practically no frontage, because of required radiuses for turnarounds. That really restricted what property owners could do, and the lots ended up with huge amounts of cement, which was, while functional, not very appealing. TJ suggested requiring a certain minimum percentage of permeable materials in front yards for water management.

Robert came forward to suggest that the commissioners take some time to look around on their own at different neighborhoods and scenarios, such as corner lots and cul-de-sacs, to decide if residents were self-regulating standards for driveway approaches or creating issues. If so, they could then address maximums.

Braxton reminded commissioners to look at only approaches, since property owners could concrete their entire yards no matter what standard the City imposed for driveways. Keeping the maximum at 33% would not necessarily mean the community would have less concrete.

Commissioners then discussed the last proposed amendment. City staff explained that, during the past month, a resident, by the name of Patrick Garcia, questioned the limitation of Apiaries to only A-1 and R-1 zones. He pointed to the many lots in subdivisions zoned R-1 that were no bigger than his lot. After some discussion, staff agreed to propose a discussion item regarding the possibility of amending the Ordinance to include Apiaries in R-2 zones with approval of a Conditional Use Permit and subject to a minimum lot size requirement. Shortly thereafter, another resident, Brian Chase, approached Chairman Hellewell regarding Apiaries, and the Chairman requested a discussion item on this agenda as well.

Brian Chase passed out a copy of Salt Lake City's ordinance regarding Apiaries. He said Syracuse was quite restrictive, even though our community was much less residentially dense than Salt Lake or Provo, which had similar ordinances. He believed beekeeping was not necessarily a matter of zoning but more of lot size and necessary precautions. He proposed that the City change it from a conditional to permitted use in all residential zones while keeping the current requirements. The current language reflected the use for more of agricultural reasons and economic purposes. The City now had a large influx of back-yard beekeepers. This was not only due to a grass-roots movement but to the dramatic decrease in the bee population over the last several years. Honey bees were crucial for pollination in this area. He understood the aversion people had to wasps, yellow jackets, and Africanized honey bees, but residential beekeepers brought in domestic strains completely compatible with urban environments on standard-sized and even small lots, as verified by the U.S. Department of Agricultural research. They did not bother people, stayed to themselves, and were safe around children. Even in the event of swarms, they were very docile. Owners could handle them without protective gear. In talking with a Salt Lake Councilman, their City had not had any issues or received reports of nuisance bees. He also talked with the Weber County Bee Inspector, who took care of northern Davis County as well and believed that beekeeping was completely viable in residential areas. Seattle and Vancouver also allowed the use as permitted in all residential areas.

Braxton asked Mr. Chase what he would recommend as a minimum lot size. Mr. Chase told him 5,000 square feet for up to 5 hives, although Salt Lake City did not restrict it to size. They simply allowed 5 hives on any sized lot and up to 10 hives for lots over half an acre.

Tyler asked if the State required beekeepers to license through them and, if so, the requirements. Mr. Chase told him yes and that they required the right type of hive with removable frames and a docile breed. Without an active beekeeping community, cities did not have a way to handle wild bees. Beekeepers provided cities with registered, qualified people who could help with problems, since county animal control usually would not touch wild bees. Gary asked him if he knew how

many beekeepers there were in Syracuse. Mr. Chase told him approximately 20-30.

When asked how many hives would be too many per square acre, Aubrey Litster spoke up and told them 50. Dale asked how many bees were in a hive. Mr. Chase told him about 40,000 and that beekeepers were well aware of their public image. If anything went wrong, they were the first ones to see it. He then referred to Salt Lake's ordinance regarding flyways required within 15 feet on any size lot, which he considered a good maximum because flyways were very important for getting bees to fly above people. He asked commissioners to consider expanding the zoning options for this use in that there was plenty of ground to support this use in all potential areas.

Tyler explained that keeping them as conditional allowed cities to know where and how bees were kept. TJ agreed, adding that conditional uses provided them with a way to eliminate apiaries with irresponsible beekeepers. Mr. Chase believed the nuisance ordinance already gave them enough authority to eliminate nuisance apiaries, which was why he considered the use better suited as permitted. His proposed draft moved the existing apiary use restrictions to the bottom of Section 10-6-040 Animals, under a new subsection (I).

Mike explained that uses were a balancing act, and Conditional Use Permits provided a means by which the City could let its residents know they regulated certain uses and did not just allow them across the board, since many people were uncomfortable with particular uses. Braxton agreed, since he was deathly allergic to bees. As a resident, he would not be opposed to an apiary in his neighborhood but would like the opportunity to know of its existence so he could voice concerns.

Mr. Chase proposed an additional requirement for apiaries of not leaving out honey or beekeeping equipment that would attract bees, because it could incite them. The areas around hives needed to be kept clean. If the application fee for this use as conditional were only \$50, and it gave everyone peace of mind to be able to deny or revoke it due to allergic neighbors, he agreed with the commissioners' preference of keeping it conditional. Gary believed it was important to keep it conditional so the City had the opportunity to know how many apiaries were here and the concentration in various neighborhoods, particularly those with lots of children. He did not believe apiaries should be allowed in PRD zones.

TJ asked about the number of hives they should consider as appropriate. Mr. Chase told him that Provo typically allowed up to 5, but he would not mind Syracuse limiting it to 2, if necessary. It was very difficult to raise bees to sell raw honey without permits and the right kitchen, which quickly ate into any profits. Colonies had high mortality rates, which was why 5 was the customary number chosen. It provided an appropriate amount of bees to repopulate surviving colonies, since beekeepers could lose up to 2 hives a year. In 2007, when people first started tracking bees, there were initial predictions that honeybees would be extinct by 2035 as well as up to 50% of our fruits and vegetables that required this type of pollination. However, there have been moderate comebacks, probably due to increasing beekeepers. Bee populations were still declining, but not at such a severe rate. There were agricultural places where bees became extinct due to pesticides. In one area of China, they were now having to hand pollinate every single pear tree. It took several people to do the same job as one bee, so it was very labor intensive.

Tyler suggested that staff prepare the changes to the Ordinance to simplify the required lot sizes to allow up to 5 hives on a half acre or less and up to 10 hives on lots with more than half an acre. He also asked that it require beekeepers to license with the State and keep the property clean and free from beekeepers leaving out honey and beekeeping equipment. He also recommended the Ordinance allow up to 5 hives in all zones, but Gary again requested that it exclude PRD zones.

Tyler asked Mr. Chase if hives worked in pairs or if beekeepers could be successful with just one. Mr. Chase told him that 2-5 colonies was a good minimum for consideration, with no less than 2.

Braxton recommended leaving apiaries as minor conditional uses in A-1 and R-1 zones and major conditional uses in R-2 and R-3 zones, especially if they qualified for up to 20 hives. Judy pointed out the number of apiaries Mr. Chase believed existed in Syracuse and yet the City only had one acquire a Conditional Use Permit. Therefore, they had not been an issue or nuisance at this point, since staff had never received a single complaint from anyone. Braxton agreed but worried about future beekeepers who might not be as responsible. Mr. Chase pointed out that when Vancouver amended their regulations to be more reasonable, they had more people comply. He also pointed out that Syracuse had problems with wasp populations, and honeybees tended to kill wasps, which was another benefit for allowing them in more neighborhoods.

ITEM 2: COMMITTEE REPORTS

Braxton reported on the Transportation Committee, stating that they discussed the trail system at their last meeting and would be meeting again later that evening.

Gary reported on the Antelope Drive Town Center Committee.

Tyler reported on 200 South Committee.

ITEM 3: DEPARTMENT BUSINESS

Mike presented pamphlets to commissioners regarding some Davis County events at Antelope Island, e.g. Cowboy Legends Poetry & Music Festival and Great Salt Lake Bird Festival. Syracuse would be helping to advertise these events.

Mike then referred them to their packets with the requested PRD revisions. The commissioners discussed the proposed changes specific to the parking.

Mike introduced Kent Andersen next, as the new City Planner. He, the Mayor, and City Manager were all very glad to have him. Kent shared some of his background specific to his community action work and affordable housing for a resort community for 5 years. He was still in the process of finishing his last thesis for earning his Masters degree on May 20 of this year, just completed a fellowship with the Sacramento Mayor's office, and did a lot of grant writing for CDGB funds.