

Minutes of the Syracuse City Planning Commission Work Session held on November 19, 2013, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members: Curt McCuiston, Chairman
Tyler Bodrero, Vice-Chairman
TJ Jensen
Wayne Kinsey
Dale Rackham
Anne Greeson
Ralph Vaughan
Sean Dixon

City Employees: Sherrie Christensen, Community and Economic Development Director
Jenny Schow, Planner
Kelly A. Janis, Planning Administrator
Clint Drake, City Attorney

City Council: Craig Johnson

Excused: None

Visitors: Gary Pratt Ray Zaugg Mike Thayne

1. Department Business

[6:28:19 PM](#)

Director Christensen – We will be receiving building permit application for US Cold Storage. We were working on trying to get a second tenant from the development Project Green Leaf; they've decided to move to Rupert, ID, but we will get the next one. We could not compete with what they were offering. Jenny will elaborate on why Country Fields is off the agenda.

Planner Schow – When the engineering review came back, there were too many outstanding issues, which is why they were removed from the agenda. I spoke with the engineer and they felt they needed more time. We wanted to bring a more complete project to you.

2. Next Agenda Items

[6:30:25 PM](#)

Planner Schow - Monterey Estates will be coming in for Preliminary & Country Fields should return with their changes, along with a conditional use permit.

Director Christensen – The Council had an annexation from Con Wilcox, the area that is general planned for PRD over on 1200 South. That has been tabled by the City Council so that they can work with us to come up with a concept plan. They are looking at doing single family dwelling patio homes. I believe that they will be able to reach a plan that both the developer and Council will be comfortable with. The citizens also wanted to make sure it was compatible with the neighborhood.

3. Commissioner Reports

[6:34:05 PM](#)

Commissioner Jensen – I attended the Davis County Trail meeting and they are looking for volunteers for bike committee. I talked with Robert Whitely and he suggested Randy Miller. It is helpful if we have citizens involved and to help educate the public. The Davis County Trails map will probably have to wait to the beginning of the year. The city added 2.5 miles to the trail.

4. Discussion Items

[6:39:25 PM](#)

Duplexes

Director Christensen – Do you want to go over it again or how would you like to do this?

Commissioner McCuiston – Let's review the changes.

Director Christensen – Under the definition for Multi Family Dwelling is based upon the discussion we had last time. A building containing not less than two dwelling units is considered multi-family. We have different definitions for two family, single family, and multi-family dwellings in the code. We are changing that to be a building containing more than a two dwelling units' a 3plex or larger would be considered multi-family and a duplex would not. The new definition of an accessory dwelling that I propose states that a residential unit that is located on the same lot as a single-family dwelling

unit, either internal to or attached to the single-family unit or in a detached structure. The accessory dwelling unit shall be a complete housekeeping unit with a shared or separate entrance, separate kitchen, sleeping area, closet space, and bathroom facilities.

Part of the conversation between Commissioner Rackham and Director Christensen regarding dwelling units was inaudible.

Director Christensen – I was calling it out separately. As it is drafted now, it allows accessory dwelling units in any zone.

Commissioner Bodrero – I like the language proposed from Dale. Specify language and not limiting it to a dwelling unit; add more specific language, such as additional. A residential unit located on the same lot as an additional residential unit.

Director Christensen – A residential unit and an additional residential unit. It could be a secondary residential dwelling unit located on the same lot.

Commissioner Rackham – A residential unit that is located on the same lot as a single family dwelling unit in a detached structure.

Director Christensen – But it is not necessarily in a detached structure. It could be a basement apartment. The idea was to allow basement apartments in the zone as an accessory apartment.

Planner Schow – What if we add the owner occupancy to the definition? A secondary residential dwelling unit attached to internal or a detached structure to an owner occupied single family dwelling unit.

Director Christensen – We do not need to say whether it is internal attached or in a detached structure in the definition because we go into the section that tells you what kind of accessory dwelling units you can build. We could say a secondary residential unit that is located upon the same lot as an owner occupied single family dwelling lot or unit.

Commissioner Jensen – Inaudible.

Director Christensen – I need a consensus from the Commission about whether or not to add the owner occupied reference. I had exceptions for an owner to be gone for up to three years for military service, a mission, peace corps, etc.

Commissioner Vaughan – We will have more control if we require owner occupied. I like the standard acceptable exceptions.

Commissioner Rackham – What if we call it a primary residence?

Planner Schow – That means you can only rent out half.

Commissioner Rackham – What does our legal counsel think about this?

Attorney Drake – I would need to look into the legal definition for primary residence.

Commissioner Rackham – Even if someone is in the military, he or she is still a resident.

Commissioner McCuiston – We will look at the primary residence option.

Attorney Drake – If you were going to use the primary residence, how would it read?

Commissioner Rackham – I am not sure.

Director Christensen – How will we know if it really is their primary residence?

Councilman Johnson – I am getting lost with this conversation. What is your objective? This came about because this was an objective not to have duplexes in a certain zone.

Director Christensen – The objective was that duplexes, in the traditional sense meaning 2 units side by side, don't necessarily fit on a single family lot. But when you have a basement apartment, which we were also calling a duplex, that there wasn't any complaint to having those. So if we redefined basement apartments as an accessory dwelling unit and then we have a separate definition of what a duplex is, that is the twin home side by side, and those are only allowed in a certain zone, but the basement apartment will be allowed.

Councilman Johnson – Why don't we just redefine everything?

Director Christensen – Because we still need regulations about these apartments. We can call it a basement apartment or an attic apartment. What if it is over an attached or detached garage? Then it will no longer be considered a basement apartment.

Councilman Johnson – We could refer to it as an in-house residence.

Director Christensen – It is just the terminology.

Planner Schow – Could we name it secondary? Does that make more sense?

Councilman Johnson – It seems like there is a lot added to this and all of this is getting away from the primary objective.

Commissioner Jensen – The reason we need to do this is because up to this point, it has been very passive and we are trying to limit this and we have residents who do not want twin homes, side by side homes in residential neighborhoods. In order to limit that, we need to break it down to what is an accessory dwelling; an accessory dwelling is not a twin home or a duplex.

Director Christensen – The other objective was to put in a set of criteria to specifically define each. Now it just states a two family home, which is vague. The lot needs to be bigger for a duplex than a single family dwelling. The other thing was to make it a conditional use permit.

The conversation between Councilman Johnson, Ray Zaugg, Commissioner Jensen, and Director Christensen was inaudible.

[7:07:53 PM](#)

Director Christensen – Right now, we do not count them as separate; anyone can have a duplex in any zone under the current ordinance regardless of density of that subdivision or lot sizes.

Commissioner Bodrero – That is why we are having this discussion.

Director Christensen – Right now there are not any restrictions to size; someone could come in for a 1,200 sq ft home and they could ask for 1,600 detached accessory dwelling unit and call it a duplex. What we are trying to do is maintain the character of the neighborhood as a single family neighborhood and say yes, you could have a basement apartment that was the same size as the main floor, or if you are going to do a detached apartment, it is limited to 650 sq ft or whichever number we come up with.

Councilman Johnson – That makes more sense with the expanded definition.

Director Christensen – Yes, and now there are guidelines.

Gary Pratt – Why is that a major conditional use?

Commissioner Bodrero – Inaudible.

Planner Schow – I just found a very simple definition – Accessory dwelling units (AUDs), also referred to as accessory apartments, second units, or granny flats are additional living quarters on single family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence.

Commissioner Jensen – I do like that definition.

Planner Schow – I think we should just have a simple definition, and then define the rest of these terms with the rest of the information on accessory dwelling units. The simple definition is a secondary unit to a primary on a single family lot. Then we can add the owner occupied requirement.

Commissioner McCuiston – We are trying to cover every aspect of this.

Director Christensen – Owner occupant requirement in accessory dwelling units shall only be permitted when an owner/occupant lives on the property within either the principle dwelling or the accessory dwelling unit. Owner occupancy shall not be required when the owner has a bonafide temporary absence of three years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary services. Indefinite periods of absences shall not qualify for this exception or if the owner is placed in a hospital, nursing home, assisted living facility, or other similar facility that provides other regular medical care excluding retirement living facilities or communities.

Commissioner Jensen – I like Jenny's definition.

Commissioner Bodrero – As long as it covers all the areas.

Commissioner Rackham – How do you enforce owner occupied?

Attorney Drake – Owner occupancy is not easy to prove. It is very difficult on the neighbors. They are the ones who have to turn them in and have to be willing to make the case because they are the witnesses. That is how you establish a foundation to prove that they are in violation.

Director Christensen – Do you want me to change the definition to what Jenny said?

Commissioner McCuiston – Yes, and are we okay with a minor conditional use?

Commissioner Greeson – Inaudible.

Commissioner Jensen – Inaudible.

Commissioner McCuiston – Because it is a conditional use, we can place conditions and restrictions on this. We need to try to find a way to mitigate the concerns of the neighbors. Is that right?

Attorney Drake – There has to be reasonable conditions. The best way to think about a conditional use is that it is a permitted use with conditions. Frankly, the only way to avoid the issue of conditional uses is to get rid of a conditional use, and that may or may not be something that the City Council or the Planning Commission wants to do. As long as it is there, you are always going to have the controversy with citizens who are upset about the use and who will disagree on the conditions.

Director Christensen – What this is doing is establishing what those conditions are in the ordinance as a guideline.

Attorney Drake – If they can meet all of the conditions of the ordinance, then you cannot deny them. But you can place certain reasonable conditions. It is a permitted use within the code and the only thing the Planning Commission can do is impose reasonable conditions that would mitigate the impact on the neighborhood.

Commissioner Jensen – I can see us imposing conditions where need be. If you are going to make it a conditional use, they you must specify why it is a conditional use.

Director Christensen – Along with what the conditions should be.

Attorney Drake – There always has to be a basis for what you are doing.

Commissioner Bodrero – This brings me back to the discussion of whether it should be major or minor. I think this is where we fell into some problems because of the stipulations of major and minor conditional uses.

Director Christensen – That is why we are trying to establish the criteria so that if it met those conditions already, that it wouldn't have to come to the Planning Commission.

Director Christensen – There is an issue with the notification process; when the notice letters are sent out to the adjacent home owners, those home owners are under the impression that they can stop the permit from being issued. It is frustrating because they can come to a meeting and voice their thoughts, but if the conditional use meets all of the ordinances, the permit will be issued, regardless of what the public says. It is the notice itself that gives them the belief that they can come to the meeting.

Commissioner Jensen – It is a minor deterrent.

Commissioner McCuiston – Even a paragraph that we can read before so we can set the expectations. If we were to add that into the notice, I believe that would be best.

Commissioner Jensen – At least if we have it spelled out somewhere that it is going to be permitted, subject to the conditions, would make it easier. Read in the definition of conditional use: Uses, other than permitted uses, allowed in a specific zone that may not be compatible in some areas without certain 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.

Commissioner Rackham – I do not think that definition is what we want.

Director Christensen – This definition is old and prior to when case law was established, and then state law was amended to reflect case law.

Commissioner Bodrero – We can come back to conditional uses; let's get back to 10-11-030 please.

Director Christensen – Daycares over 8 is a major conditional use; a minor daycare is 8 and under.

Planner Schow - Do we want to vote on minor versus major?

Commissioner Jensen – Before we do that, I would like to add that an accessory unit should be 650 sq ft or larger is a major conditional use; under would be minor.

Planner Schow - Remember that a detached unit has to follow the accessory ordinance and cannot exceed 25% of the back yard.

Director Christensen – A basement or attic apartment cannot exceed 50% of the gross square footage of the principle dwelling.

Commissioner Bodrero - I like the idea of keeping it smaller and it has to be easy to read and understand.

Commissioner McCuiston - How do we feel about the 650 minimum cut off for minor and major conditional use permits?

Commissioner Jensen – I am ok with that.

Commissioner Kinsey – Let's hear from staff. What would this improve?

Director Christensen – What criteria is needed to determine where the cut off should be?

Commissioner Jensen – It should be less than 50% of the primary residence.

Commissioner Rackham – I feel it should be based on the main level of the home.

Director Christensen – Would this include the footprint of the garage or living space only?

Commissioner Jensen – Living space only.

Director Christensen – What I am hearing is that it stays minor if it is less than 650 sq ft or if it is a basement apartment? If it is over 650 sq ft, it can be up to 50% of the footprint of the dwelling excluding the garage, and it will be a major conditional use permit and requires Planning Commission approval.

Zoning for duplexes

[7:43:55 PM](#)

Director Christensen – The way the new regulations are drafted it has to be in a R-3 zone and the minimum lot size is 8,500 sq ft. They have to have 3,000 sq ft more - 11,500 sq ft in order to have a duplex, and another 20' of frontage for a total of 105' of frontage. This makes the lot a bit wider. Is this something that would fit in the R-2 zone too?

Commissioner McCuiston – What about the density?

Commissioner Jensen – My comment again is that we do not want twin home duplexes. I do not know how many times I have heard from our citizens is that they do not like those duplexes over by the round-a-bout or in a few other places in Syracuse. We want home ownership. R-3 is mostly built out and R-3 is our highest density.

Director Christensen - That is a General Plan change and it goes to the Planning Commission. We can place restrictions and conditions on this type of housing.

Attorney Drake – The type of things you could do with architecture setbacks include fencing, landscaping, and things like that. Some of those things the daybreak homes will do is that you cannot see the garages; they are located on the back and that can help with arterial type streets because instead of backing out onto the street, they have to drive in and then pull out. Those are some of the types of reasonable conditions that can be placed on a property that can certainly fit the rationale of what is needed to impose those conditions.

Commissioner Bodrero – To have those requirements in the code will be beneficial.

Commissioner Jensen – Because this is a major road through Syracuse, that will be difficult. Residents do not want these types of homes. We can discuss this further at the next meeting.

Director Christensen – This is the time to do this; why don't we cover everything right now? We still have one more meeting that we can massage this and I would rather send a complete ordinance that fixes everything at the same time. We need to change it all together. If you want a more comprehensive look at the look and feel of different duplexes, I will be happy to do that. We can set design standards that we agree on. It is still going to look like a single family home; it still fits into the character of the neighborhood. There are ordinances in other cities regarding duplexes that look just like a single family dwelling.

Commissioner Bodrero – It is important to consider the area where the duplex will tentatively be located, the neighborhood, streets, lot size, and the zoning.

Commissioner Vaughan – If you are concerned about size, then that brings us back to zones.

Commissioner Jensen – I just know that the residents are opposed to duplexes and do not want them in any neighborhood.

Commissioner Bodrero – The list of things that we are coming up with in regard to duplexes is good, but we still need to decide what zone to allow them in.

Commissioner Jensen – The only reason why I chose R-3 is because it is mostly built out and it is our highest density zone.

Director Christensen – Legally, you cannot say that because that is discriminatory.

Commissioner Jensen clarified that he believed more land would be rezoned in the future for R-3, thus providing additional area where duplexes would be allowed.

Commissioner Bodrero – To summarize, I think that as we are describing duplexes, I think we should take a look at the list of qualifications such as types of roads and we should start with that and add to that list architectural requirements,

and it needs to fit in with the rest of the homes and surrounding areas. We should also explore the options of rear garages and entrances and the minimum and maximum lot sizes.

Commissioner Jensen – I would like to hear from the other Commissioners.

Commissioner Greeson – I would like very clear definitions about what we are going to accept; they do need to look like the surrounding houses.

Commissioner Kinsey – I think that requiring a certain lot size is needed.

Director Christensen – We need to be careful that about making a duplex meet the architectural standards of a single family.

Eric Hazen – What is going to be the difference between duplexes and multifamily dwellings?

Commissioner McCuiston – We will need to specifically decipher between the two.

Commissioner Rackham – How much authority does the Architectural Review Committee have?

Commissioner Bodrero – We are a recommending body.

Director Christensen – Are we making more onerous for someone who is trying to do a duplex, triplex, or four-plex, than we would for a single family dwelling? That is when we get in trouble with the Fair Housing Act.

Commissioner McCuiston – We need to define it better.

Director Christensen – Is there anything else that we need to talk about or do you want to give me two weeks to come up with architectural standards?

Commissioner Jensen – I am all for sending a complete package to City Council that we can, but I do not want another duplex permit coming across my desk.

Director Christensen – We have a pending ordinance right now; as long as we have it done within 180 days.

Commissioner Jensen – My point is that I do not want to hold up the changing the rules on duplexes because we don't have all of the information. If we could have the design standards ready for our next meeting, that would be great. The faster we can get this to City Council, the better it is for us.

Director Christensen – Under our ordinance, when we have a pending ordinance, which we've had a public hearing on this and now we've had a couple of work sessions; you can apply a pending ordinance or not grant an approval as long as it is adopted within 180 days from the date that you started.

Animals

[8:22:40 PM](#)

Commissioner Greeson – Where are roosters allowed in Syracuse?

Director Christensen – Roosters are not allowed in any residential zone excluding R-1 residential zone that have a minimum lot size of 21,780 sq ft. They are also allowed in the Agriculture zone.

Commissioner Vaughan – I do not think they should be allowed in a residential zone.

Director Christensen – Anyone who already has roosters will be grandfathered. I was trying to put some regulations on the roosters saying that you could have one rooster per so many hens or adjust the points for a rooster. We need to mitigate the impact of the rooster for the neighboring properties.

Planner Schow – We do need to adjust the point system for roosters.

Commissioner McCuiston – How many roosters do we want to allow? Are we going to adjust the point system? Or do we allow one per resident per lot?

Summary from several simultaneous discussions – There was much discussion on whether or not to allow roosters in a residential zone. One question raised was whether or not we adjust the point structure for roosters. Another topic discussed was whether keep roosters only in the Agriculture zone.

Metal Buildings

[8:44:37 PM](#)

Commissioner Vaughan – Syracuse is sophisticated enough and I believe that metal buildings do not fit with the look and feel of Syracuse. I would prefer to end up with a structure that will last as long as a residential structure.

Director Christensen – Are you aware of any other ordinance with good restrictions on metal buildings that we could incorporate into our code? I will be happy to work with Commissioner Vaughan outside of the meeting and draft something up for a near future meeting.

Commissioner McCuiston – In reference to metal buildings, we are going to have Director Christensen look into the further.

5. Commissioner Reports

None

6. Discussion Items

The discussion items will be postponed until next meeting due to the lack of time in this meeting.

7. Next Agenda Items

Duplexes

General Plan Update

Animals
Metal Buildings in Industrial Zone

8. Adjourn

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN FROM WORK SESSION.

[8:59:07 PM](#)

Curt McCuiston, Chairman

Kelly A. Janis, Planning Administrator

Date Approved: **January 7, 2014**