

Minutes of the Syracuse Planning Commission Regular Meeting, July 5, 2016

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on July 5 2016, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members: Ralph Vaughan, Chairman
Dale Rackham, Vice Chairman
TJ Jensen
Curt McCuistion
Troy Moultrie
Grant Thorson

City Employees: Noah Steele, Planner
Royce Davies, Planner
Paul Roberts, City Attorney
Stacy Adams, Commission Secretary

City Council: Councilman Gailey

Excused:

Visitors: Andy Hubbard Menah Strong
Darren Wibie Andrew Glover
Ray Zaugg

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1. **Meeting Called to Order:**

Commissioner McCuistion provided an invocation. The Pledge of Allegiance was led by Commissioner Thorson.

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COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR JULY 5, 2016 MEETING WITH THE MODIFICATION OF MOVING ITEM 4 BEFORE ITEMS 2 & 3. COMMISSIONER DAY MADE THE RECOMMENDATION OF MOVING ITEM 5 BEFORE ITEM 4. THE MOTION WAS SECONDED BY COMMISSIONER RACKHAM. COMMISSIONER THORSON VOTED NAY. ALL OTHERS WERE IN FAVOR, THE MOTION CARRIED WITH A MAJORITY VOTE.

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2. **5) Public Hearing, Subdivision Amendment - San Melia property located at 1025 S 2200 W**

Planner Davies stated this is an amendment of one lot line and both of the lots exceed the minimum lot standards and this doesn't change the density of the development and are decreasing one lot and increasing the other so the development is still compliant with the code. This is an R-2 zone and there is a buildable area remaining on the lot that is being reduced in size. They are moving the lot line a little closer to the west about 20 feet over and closer to the adjacent property line and have measured lot# 20 and determined that the buildable area on lot#20 is still sufficient for a standard size home that has come through building permits. The issue was that lot#19 was built upon and they built the driveway out on the aerial photo and the driveway and the sports pad in the back as well the remainder of landscaping went over the property line and have worked with the developer to work that out. The field that is not developed the lot that is being reduced has not been built upon and is currently still vacant. All of this complies with the code and still keeps the development compliant.

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Commissioner Thorson asked what the role of the Planning Department in regulating building within the properties. Is their role in making sure they don't go outside the property boundary or not. Planner Davies stated it is an individual property owner thing and in a situation like this as long what they are encroaching if want to move the property line over just need to make sure it meets code. Commissioner Thorson stated when the driveway was built and the house and side yard setback can be pretty narrow but was this property line anticipated, this was very apparently built to a specific line. Planner Steele stated with the building permit process setbacks are checked from the foundation to make sure they meet the zones setbacks but for driveways and all the stuff can see encroaching don't need a building permit to pour a driveway and don't know the whole back story of what exactly happened but they are trying to make it right now.

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Commissioner Vaughan asked staff using the plat on the screen assumes the squiggly line going up the driveway is the proposed property boundary. Planner Davies stated that is the existing boundary they are moving 20 feet to the west, the dotted line is where the current boundary and the proposed boundary is the solid line. Commissioner Vaughan stated the slab will be entirely in the property to the east. Planner Davies stated yes.

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Andy Hubbard, work at Great Basin Engineering in Ogden. Doesn't believe there wasn't any intention to build over the property line, it was a surveying staking error a number of years ago and that is what has brought this about so are just here to rectify the situation and make this party whole and get their driveway all on their lot.

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Public Hearing opened.

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Andrew Glover, Syracuse, happen to be the property owner of lot #21 which directly to the west of the lot in question or the lots in question. Have a couple concerns really about it, is concerned in general putting such a small lot on an overall property where there are big lots and big houses and being a house directly to the west of that and don't know what kind of size house they can possibly put on there. Another concern is whether they surveyed the properties correctly on their lot because when they built and on the aerial on their RV pad on the right of the house there is fairly narrow and looked like they might have drawn the line off on their pad, so if they are changing lot lines they have a concern that they need to address and survey their side of this particular lot and from there the general understanding not an expert on zoning or anything but want to verify it is going to be a 1/3 of an acre because believes have to be on a 1/3 of an acre in this zone and then on their CCR's depending on the type of house they put in it has to be at least an 1856 sq. ft. house if a rambler and has to be a 3910 sq. ft. house if it is a finished 2 story or 2342 sq. ft. if 2 story above ground. What assurance do they have that this is going to be taken care of so their property value doesn't get potentially degraded from this. Planner Davies stated in measuring the buildable area given side to side if wanted to build the same house that is there on the other lot to the east obviously couldn't be able to fit that house on there but basically the buildable area on that lot the actually pad was pretty close to 4000 sq. ft. measuring to the setback lines in doing that on a property like this would be a little bit tricky with just a spec home but if had an architect come in and design something differently could get a really big house on there. Andrew Glover stated the CCR's specify Ivory Homes one of their spec homes. Planner Davies stated that is good to know was unaware of that. Andrew Glover stated he has a copy of the CCR's and can give them to staff don't remember the specific models but do have specification for which models can be build or other models that have to be approved there so it is not cut and dry that can put anything in there that they want per Ivory Homes. Planner Davies asked if there was a board in the neighborhood that regulates the CCR's right now. Andrew Glover stated he doesn't know who the board would be he got this notification and went and got the CCR's and his main concern is property value and not knowing what they are going to put in there but put in an oddball lot and oddball house not saying it wouldn't be a nice house but against the rest of the other houses the ones that would be directly affected the most would be the ones next to it. Planner Davies stated that makes sense when looking at anything like this staff makes sure that for Planning Commissions and Zoning review look at it and make sure it meets the code and the is property will meet the code if approved. As far as the CCR's go that is a different story and is not really staff or the City that is the CCR's that would be regulating that so and don't know if they have been made aware of the situation or if that is going to be an issue. Andrew Glover stated he is not sure if they have, got the letter last week and that is when he got a hold of the CCR's and so there wasn't much time to talk to a lot of other people so maybe what would be asking for would be to validate some of the lot lines on their side too because believes that what was mentioned with a survey mistake caused the encroachment it is certainly plausible that if they did it once right there might have done it to the lot next to it. Planner Steele stated understand what is saying, made a big investment moved to Syracuse and are looking after property values and all of that just like Planner Davies stated as far as Planning staff review the size of the lot and it meets the minimum requirement for that zone as far as the style and all that that is out of our office and as far as the accuracy of the boundaries the surveyor and Engineering company is here and they have submitted an updated a plat and assumes they have double checked that and to make all of the property boundaries right obviously staff is not surveyors and so if are worried about property line being incorrect would recommend hiring a surveyor and double checking that but once again that is not something that our office would look at.

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Andrew Glover stated respects what the City is doing and are looking at the dimensions of a property and it calculates up on the screen and think it said 15,000 square feet and without doing quick math think that is a 1/3 of an acre. The dimensions of that could make a 1 foot strip a 1/3 of an acre if wanted to by going back and that is basically what this is going to be a long skinny strip that is going to be there and it is very difficult to imagine how there is a comparable house put on that property to what the other houses in the neighborhood are. Planner Steele stated has a good point it probably will be a smaller house than what is around there but as far as the buildable area it is big enough for a home for the zone. Andrew Glover stated so the question then becomes why was it not proposed or offered that the property get split between the 2 buildings, it would be more to the neighborhoods feel if they had 2 bigger lots of 21 & 19 and eliminating lot 20 than to have one small lot and one small house. Planner Steele stated they could have done that as well but like have said this is an administrative type decision and staffs role is to protect the City and that is why have development rules in place and if they do meet those rules that is what staff checks so that might be a little bit larger of an issue to work out with maybe the adjacent land owners and developer.

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Commissioner Jensen stated point of order this back and forth is against our ordinance of rules and procedure. Commissioner Jensen stated certainly wants to hear from the citizen but don't need to make this go back and forth.

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Commissioner Rackham stated so this is currently zoned R-2 for the whole subdivision.

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Menah Strong, Syracuse, and her property is lot #19 and they were the first lot on that street and the curbs are pinned right at where the boundary is and where they built and the markings in the back are where the surveys are that is why they built there, it is exactly where they marked it to be. So when he referred to a survey error that is what it is and

they moved in back in 2009 so there was nothing else there and Ivory came out approved it at that point when they had it marked and everybody thought it was fine. So it was a totally inadvertent thing it does go back to the survey error and that is the back story on it and now they are trying to sell that lot and can't until everything is cleared up.

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Public Hearing Closed.

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Commissioner Jensen stated for the benefit of the audience, CCR's is a totally different thing but under an R-2 zone the minimum lot size is 10,000 and this lot is over 15,000 the minimum frontage is 85 feet this has 97 feet on the frontage so the other setbacks would determine the building pad but essentially per the R-2 zone this certainly complies with that so as far as the CCR's not sure if Ivory is selling this they are going to set the standards as to what gets built there. Planner Davies stated CCR's can be a little tricky because if a board is not enforcing CCR's then they are just token CCR's so legally the neighbors could go after them for recourse but for what staff is here for that is outside staffs purview. Commissioner Jensen stated if lot 19 & 21 want to split lot 20 that wouldn't hurt his feelings but as this is presented today it does meet the R-2 code in his opinion.

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Commissioner Thorson asked if the property owner is Ivory Homes. Andy Hubbard stated Ivory Homes own lot# 20, Great Basin Engineering because of the surveying errors is the applicant but the owners of both lots have approved this amendment. Commissioner Jensen stated the Planning Commission is just recommending this to the City Council so the City Council will be the one that would make the approval on this so might benefit the audience to contact the City Council on this.

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COMMISSIONER DAY MADE A MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL, THE 2 LOT SUBDIVISION AMENDMENT PROPERTY LOCATED AT 1025 S 2200 W, R-2 RESIDENTIAL ZONE. THE MOTION WAS SECONDED BY COMMISSIONER MCCUITION. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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Commissioner Jensen removed himself from the diocese

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3. **4) Master Planned Community Zone Creation - Brief Presentation by CED Director Mellor**

CED Director Mellor stated is really excited this next item, what the Commission has before them are 2 documents, a schedule that was produced by staff and a map that was produced by Woodside Homes Developers. A little back story staff was notified possibly this Fall that Woodside Homes looking at possibly purchasing a large chunk of ground in unincorporated Davis County. In continuing the development a style of development that is similar to what they have at the Still Water Cottages. What they did is they came back and there is some additional back story there is a big chunk of ground and the City has an ordinance that doesn't allow for lift stations and so what that means is all of the construction has to be gravity fed, the sewer has to be gravity fed. What that means for this piece of ground is there is a big chunk of ground that can't be developed. The developer was looking at different density options and had several meetings with Council members and staff and their team talked with us about what options would be available and basically what they have proposed and what the Council has interest in pursuing on this site isn't in ordinance so what this means as they have reviewed different options and have met with the Council and have talked with them there were ideas that were thrown out and could draft up a development agreement that can be customized to any piece of ground however in the long run our staff have encountered problems that were with the overlay zones that come into play years on down the road and so rather than create an overlay zone for long term security for the City and for the buyers of whatever property goes in the easier way and the more secure way of proceeding was to draft up a new ordinance. That was what was presented to the Council and got some initial feedback from the Council and following the new procedure we have got their buy in to proceed in drafting up this new ordinance. This new ordinance is called the MPC Zone which you will discuss a little later tonight and what this will be is a customized zone that is particularly focused and created for this development which is 188 acres in unincorporated Davis County. What the Council has asked for is, have certain parameters and for this development to pencil and for the arrangement with the City to work with this particular developer then there are certain parameters, there are a certain number of units that the developer has to get out this to be able to actually develop this parcel and so they drafted up even before they got any interest or before the Council ever even signaled that they were going to partner with this developer the developer drafted up a plan and are some additional **edits** that have talked with them but this is the latest draft that had and so thought would bring forward so the Commission could see it. What want to do here and what have the potential to do here is something that Syracuse can be proud of and can welcome into the Community long what could be a relatively difficult piece of property to develop right next to a Freeway alignment. As a little bit of a heads up have had conversations with UDOT and they have acquiesced some things that staff have presented to them to allow trail connectivity to this project and they told us all along that the soonest they would build this freeway was 2022 as of about a week and half ago believe the last feedback staff got was 2019 and at the COG meeting, the Council of Governments that the Mayor went to recently they were saying 2018. So they are actively purchasing ground and have already purchased large chunks of ground even just in the last few months have been in talks with appraisers that have purchased ground along the Golf Course and even through this area here. Essentially what is here tonight is to present to the Commission this information and there will be some conversation on what the Council expects as we go through this process. One of the items that they brought up prior to, at the last Council meeting, was the

need to stick to the timeline which is what is before them, so there is a lot of work left to do and in addition the general idea of what the end game of the zoning is, is before them. The Planners will present different ideas and rely on this Planning Commission heavily to help staff draft ordinances and make amendments to the General Plan and the Council relies on the Commission heavily for that and so the main intent to be here today was to present the project to the Planning Commissions and don't know how familiar are with it or if any conversations about this up to this point and if have any additional questions is happy to answer them. Oh and then also brought cake, had an object lesson that was going to bring where one of the Commissioner brought up at one point that didn't like broccoli and thought that was a good idea that if keep bringing broccoli for us and don't want broccoli and what are doing is cake, this project is cake and maybe should have stopped before started but is too late now, so can make this cake as awesome as we want or can make it as ho-hum as want and the developer obviously wants to make this cake good and marketable and the City has the opportunity to make it even more marketable and to take the highest and best use out of the land and make this something again that is iconic and something the we are extremely proud of here in Syracuse. Is available at any time if questions arise and want to talk to him at any time are more than welcome to reach out to him.

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Commissioner Rackham stated in the past have had people come forth with plans with access roads like this and they have been denied because the ordinance doesn't allow it so is that part of the proposed change. CED Director Mellor stated they had a meeting with the developer and with the Council and Public Works there are items that staff has requested so for example have asked that they create a connective element so it is not broken up so there will be an east west lateral connection and the Council expressed some concern with the north south connectively and so they have put in an alignment basically to continue 2400 W. They have agreed to pay for a portion of that road and the remaining portion have talked with the Public Works department and there are impacts fees available to complete that road and have 2400 W continue on down to Gentile. Now that doesn't mean that everything has been addressed but that is something that will definitely be looking at.

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Commissioner McCuiston stated this proposed park is at the far edge of the City so for the benefit for most of the City that is quite a commute and a drive is there a plan to have connectively underneath the proposed Freeway alignment to allow people from Jensen Park or allow easier access to this regional park that seems to just. CED Mellor stated that is a very good question, staff has asked Randy Jefferies and are working very closely on a number of different projects and if not familiar he is from UDOT, he is the project manager for West Davis Corridor. This far east trail actually dead ended into the West Davis Corridor alignment and asked Randy Jefferies and said can't have that and told him that trail is part of Syracuse Trail system and it will connect to the trail that they are continuing down that will run along West Davis Corridor that is essentially the Great Salt Lake Shoreline Trail. It will be an extension of Legacy Trail so how Legacy runs along the Legacy Highway similar it will run along the West Davis Corridor uninterrupted which is great. However told them need a connection to that so there will actually be a trail will bridge and go over the Freeway on the west side and connect to the Bluff Trail, then there is a trail that runs along the canal and are working with Davis County and will meet with them later this week to work on some proposed changes and improvements to that Canal trail. However think at this point arte saying they are going to tunnel underneath so the canal has to go under the road anyways so basically alongside the canal will be a trail that will tunnel underneath the highway. Then have the on and off ramp at 2000 W that will also provide bike lanes. Planning staff went to the Wasatch Choice 2050 Consortium and Active Transportation Conference and Planner Davies went to a really interesting meeting where they talked about how bike lanes kind of propagate themselves so when have a bike lane and say as make improvements and are annexing 2000 W into the City and they have already submitted their annexation request say along this road need to put in the bike lanes that run along 2000 W as part of the road improvements at this point they would kind of dead end at the end of their project however when go back and submit for grants that the City applies for like TAP or CMAC or any other grants the City chases every year along with the other cities the cities that get those grants often times not only have their master plan which is what the City has but and Parks Master Plan that shows the trails but also have the start of what those trial systems or bike lanes look like so by having those bike lanes whether it dead ends into the on and off ramp system as part of this development it won't always be that way and ill have an opportunity to continue the bike lanes up 2000 W. UDOT would like to have a smaller right of way on 2400 W but the Public Works department would like it to be a larger right of way and the Commission will have an opportunity to weigh in on that and for 2400 W and that might also be another opportunity to have some bike lanes that go north to south. That is the long way of answering and saying absolutely the City is looking at some really great trail connectivity and obviously one of the items are working on through the development agreement with this developer as draft up a development agreement that will bring forward want as much Park improvements into this project as possibly can in this big park that is proposed down tot eh southwest, that included the trail system and the parking for the ability to maximize the City's dollars contributed to the park. CED Director Mellor wanted to thank, doesn't get an opportunity to come to Planning Commission very often the last time was his first week at Syracuse last year and is extremely impressed with this Planning Commission and extremely impressed with obviously the Planning staff and want to thank them for all the work that they do and that is another reason for cake tonight and thank you for your service.

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Commissioner Vaughan stated the West Davis Corridor in area 1, is Gentile an off ramp. CED Director Mellor stated Gentile is not an off ramp no. Commissioner Vaughan asked how is Gentile going to be covered, with a bridge or an underpass or an overpass. CED Director Mellor stated it is going to be an overpass so it will go over, the road will go over gentile. Commissioner Vaughan stated so the Freeway will pass over so it will be an overpass. As part of that construction there will there be a realignment of gentile and Bluff. CED Director Mellor stated his understanding is that in the 5 year

plan for the City and the Master Transportation Plan the City has some improvements they are going to put in there namely think another roundabout to his knowledge at that intersection now how that roundabout interacts with West Davis Corridor would have to double check because the roundabout is not shown on the West Davis Corridor site. Commissioner Vaughan stated area 1 which is the last corner on the east, is that UDOT property. CED Director Mellor stated no that is owned by an older gentleman who lives in West Layton down the road he and his family farm and they won that ground, it is privately held. Commissioner Vaughan asked if as far as he knew if there was any intention of anyone buying that associated with either this project, UDOT or the City. CED Director Mellor stated no, however have been proactive in cleaning up the City boundaries and have include that as part of the annexation so that ground will be coming into the City. So the City boundary still have the little peninsula of ground that goes to the south of Gentile but for the most part the City boundary will be gentile because there won't be much development that happens on the south side of Gentile because again going back to the sewer fall issue where they can't be sewer fed. Commissioner Vaughan stated when the Still Water project was in presentation to the Planning Commission there was discussion about how much of Gentile the City owned, the County owned and who was responsible for it, are they going to have that same issue that would be passing over the bottom. CED Director Mellor stated no they have worked with Woodside to amend their legal description of their annexation petition to include Gentile from Bluff to the west side of this property will all be in the City so there are parts on the south boundary and also including as part of this annexation the ground that is tot 4h south of the Ski Lakes so that will come into the City and the responsibility there are still bonds that are with the Thayne's right now and those bonds that are parked with the County now will become the City's priority and will be responsible for ensuring the improvements and bond dollars are turned over to the City and will be responsible with making sure the Thayne's follow through with the improvements that they were supposed to do on the landscaping and to the roads. So that is one really good thing the County is extremely happy that this is finally getting resolved on 2000 W and Gentile up to that point. Commissioner Vaughan stated as far as know on the map are the housing units numerically accurate, residential product area 1 no homes, area 2 143 homes, area 3 162 homes. CED director Mellor stated believes so. Commissioner Vaughan stated so it is going to be a total number of 305 units in the cluster and then so a total 657 units. Does he have an idea what would be the total unit yield were this to be a "normal" R-2, R-3 development. CED Director Mellor stated don't believe they have gone through that. Commissioner Vaughan stated in discussions with them were there ever discussions about making this strictly a traditional R-2, R-3. CED Director Mellor stated yes in the initial obviously had tried to work within the framework that already had in ordinance and there is obviously some major benefits that come to the City in working with the developer to help them get what they want and the City gets what they want and so that is as far as spending a lot of time vetting the developer never came forward with a plan it was just made clear that wasn't going to work. Commissioner Vaughan stated will they be doing a general Plan change on this particular project associated with this. CED Director Mellor stated yes and that is in the timeline, a General Plan Map as well as text would be changed since the MPC zone does not exist presently in the text. Commissioner Vaughan stated so basically they want to see if the zone is going to get approved before they even talk about altering the General Plan. CED Director stated yes and that makes sense because can't change the General Plan until the zone is established. Commissioner Vaughan stated it does have a zone, doesn't it. CED Director Mellor stated on the General Plan it presently does have a zone, R-1, yes.

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CED Director Mellor stated another option that need to discuss that is not on the timeline know there was some PC members that were given the opportunity to tour Foxboro, if not familiar Woodside Homes is the developer of the Foxboro development in North Salt Lake, that is kind of the catalyst for why they want to pursue this in Syracuse because they have had success along a Freeway alignment obviously, Legacy highway, in building a development like this next to a Freeway and so took the Council down a few weeks ago and visited Foxboro and there was one Council member who was unable make it because of a work commitment and would like to extend an offer to the Planning Commission if would like to go down and tour of some of the units that are somewhat similar, don't want to recreate Foxboro unit for unit, building for building, we want to build upon it and think the Planners have some really great ideas on how to do that and to improve upon that design and think most importantly that is the direction the Council wants to go, they want to see this be the best it can be. So encourage the Commission to take them up on the offer of going down there and touring the Foxboro development, let staff know when available and can set that up. Commissioner Vaughan asked if Foxboro and this proposed property owned by Woodside Homes developers. CED Director Mellor stated yes. Commissioner Vaughan asked City Attorney Roberts would any contact of the Planning Commission touring a project knowing that it is owned by the same people would that constitute an ex parte communication. City Attorney Roberts stated would say it is educational they are not talking to them about specifics of their project in the City they are just showing them a product so think it would be acceptable to go and get educated. Commissioner Vaughan stated so as long as don't ask questions about Syracuse are okay looking at the product. City Attorney Roberts stated no extended discussions, yes. CED Director Mellor stated if they give them cake, don't accept their cake. Commissioner Vaughan thanked him for the gesture.

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Commissioner Jensen returned to the diose.

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4. **2) Meeting Minutes:**

June 21, 2016 Regular Meeting & Work Session

COMMISSIONER MCCUISTION MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR JUNE 21, 2016. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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5. **3) Public Comment:** This is an opportunity to address the Planning Commission regarding your concerns or ideas, regarding items that have not been scheduled for a public hearing on this agenda. Please limit your comments to three minutes.

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Ray Zaugg, Syracuse, caught the tail end of this discussion but looking at the agenda and the details at home noticed that they are in the throes of making a new zone specifically for a developer and don't think that is the way the City should be accomplishing what they are about to do because then they will have every kind of developer come and want to do a special zone for them just so they get what they want and those are his thoughts on that particular subject. Also don't think should be looking at a project that is going to give them something when they have to mold a zone to suit them so those are his thoughts, thank you.

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Public Comment closed.

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6. **Public Hearing, Code Amendment - Title 10.30.050 Regarding Yard Encroachment**

Planner Davies stated following work session from last couple meetings basically have had some issues of these coming up in review of building permits so whether that be encroachment of the actual house or encroachment of a covered porch or stairways that kind of thing. So developers have asked them to look at it and change some things up a little bit so per the last discussions the 3 main things talked about were side yard setbacks, cantilevers on houses and then also the covered porches and decks. The main changes that were made here are in 10.30.050 C) 1 regarding the width which has been changed to 15 feet and was previously 8 feet and that was problematic because more often than not the cantilevers that were proposed on the building permits were wider than the 8 foot and this is from the discussions last time 15 feet seemed to be the common number the Commission came up with. Also changing the side yard distance between primary structures be less than 10 feet to specify that. On Section 2, changed to only 3 feet in required side yards and there was some discussion about maintaining distance between houses and some of the zones where have an 8 foot setback if allowed a 10 foot encroachment then would have houses touching each other. So to allow separation and maintain separation are only allowing 3 feet there to maintain the distance between houses. Section 3, covered patio width does not exceed 50 percent changed from 33 percent and length changed to width and added 'in all zones aside from the R-3 Zone. Attached covered decks and patios may not extend closer than 10 feet to the rear property line in the R-3 Zone, provided they are open on 3 sides.' Trying to provide some equity in the zones currently there are R-2 and R-1 zone as well as the Agriculture zone all allow for encroachments that can go out to 20 feet from the property line with a covered deck and in the R-3 zone the rear yard is 20 feet so have no covered deck allowed if built to that setback which is more common in the R-3 zone because they are smaller lots. This is an attempt to match the deck encroachment allowance already in the code that allows decks to go out 10 feet into the setback to allow people to cover their decks and that size. Planner Davies stated those are all the changes.

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Commissioner Moultrie stated would really like to see 75% of the total length especially if have a 2 story really don't have much of a width and it is not hurting anything so would really like to see that be 75% instead of 50%. Planner Davies stated he remembered the discussion and wrote down 3 different things and forgot to clarify which one was the general agreement and so put 50% in there hoping that was it. So do the Commissioners want to discuss those percentages. Commissioner Vaughan stated know the origin of reviewing this is because there were questions and requests by developers and applicants, do these meet or exceed what have received so far and is staff being generous or still being a little tight and controlled over what has been requested. Planner Davies stated what has seen and kind of tough questions because in the R-3 zone the lots are smaller and tend see people build out to the setbacks so don't generally see covered patios proposed on those homes so it is hard to say what proposed patios would be on an R-3 zone verses an R-2 and R-1 that end up seeing however an R-1 & R-2 the most common width that have seen is between 30-40% if it exceed 40% it is kind of exceptional also that is why figured 50% would be wide enough but haven't seen any. Commissioner Moultrie stated didn't staff mention one a few weeks ago that someone wanted deck 100% all the way across. Planner Davies stated he saw a cantilever that was 100% across the house. Commissioner Jensen stated an uncovered deck can be up to 100% of the width of the structure essentially as long as it is uncovered. Planner Davies stated yes. Commissioner Jensen stated the covered part is only 50% of this language. Commissioner Rackham stated when read this it was based on encroaching, if it doesn't encroach it can be the whole width. Planner Davies stated right. Commissioner Rackham stated so it is only if are encroaching into the backyard. Commissioner Rackham stated after reading this section, they had a big push for several years to take R-1 & R-2 and knock it down to R-3 so they could get more lots in there and now they want to take the R-3 and put bigger homes in there and change the ordinance to allow bigger homes, when does it stop, because as soon as do this they are going to want to come in and want to build bigger. They did the General Plan and one of the things that came out of the General Plan is they were tired of breaking up the City into little lots they felt Syracuse needed to have bigger lots, bigger family areas and so it kind of was written to ensure that happened and see this kind of taking it the other way.

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Commissioner Thorson stated after thinking about it a little more they bumped it the 8 foot bay window to 15 feet, it is easier to build in 2's and 4's so would go to 16 feet just because that would allow a 12 foot full bay plus 4 foot for returns, 2 feet on each side and just because it is easier to build in 2's, it is cheaper.

[7:03:03 PM](#)

Public Hearing opened.

[7:03:24 PM](#)

Ray Zaugg, Syracuse, stated was on the committee that helped revise the General Plan and agree with what Commissioner Rackham said they have certain zones and within them they allow certain size home and certain setbacks and if they continue to change these to suit a developer, here again where do they stop. So it is the same things as his previous comment, they need to set an ordinance and this is what it is, if don't like the ordinance, go build somewhere else.

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Public Hearing closed.

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Commissioner Jensen stated on Section C) 1, the proposal is to change the amount that can encroach from 8 feet wide to 15 feet wide and Commissioner Thorson suggested 16 feet, was going to suggest 24 or 25 because that is essentially 2 bedrooms wide but is certainly not opposed to going 16 feet wide at the very least and wouldn't mind seeing it go to 25 feet but doesn't know how the rest of the Commission feels. Commissioner Thorson stated he would disagree, want it to be a bay window not an overhung upper story and 1 bedroom is a bay window, 2 bedrooms is an overhung upper story, so suggest 16 feet. Commissioner Jensen stated fair enough. Commissioner Day stated he supports Commissioner Thorson. Commissioner McCuiston agreed. Commissioner Vaughan also agreed.

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Commissioner Jensen stated number 2, like the change it is actually restricting it further so think it is a good change and thanked staff for putting the 3 feet in the side yards in. Commissioner Vaughan stated that also takes accessory buildings out. Commissioner Jensen stated the addition of primary does take accessory structures out.

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Commissioner Vaughan stated number 3, 50% of the total width, would they like to keep it at 33%. Commissioner Moultrie stated he would like to change it to 75% especially on a 2 story some of those footprints are very small, 75% would give them a good size patio. Commissioner Rackham stated that number is the amount that can encroach in so the more we give them the more encroachment they are going to have. Commissioner Moultrie doesn't see a problem with a covered patio, it's not a house. Commissioner Rackham stated it is part of the house. Commissioner Moultrie stated it isn't any different from planting several trees around their yard. Commissioner Vaughan asked staff on a covered patio would an applicant be permitted to enclose one wall that encroaches. Planner Davies stated the way it is proposed in the R-3 zone it would have to be open on 3 sides so whatever 3 sides that would be if it is attached to the house then automatically one side is closed off so the other 3 would be open. Commissioner Vaughan stated how do they define shade or any particular material that is shade is made of whether it can be tethered in place or anything like that. Planner Davies stated if it is framed in, according to the building code to his understanding a wall isn't a wall until it is framed in but would have to double check that. Commissioner Vaughan stated so someone can have a very, very sturdy wood panel shade hanging by hooks on that wall and that would be permitted. Planner Davies stated is not sure but would have to double check with the Building Department before gave anything definitive on that. Commissioner Thorson asked if the 3 side rule, specific to the R-3 zone, does that 3 side rule not apply to the R-2 and R-1 zones. Planner Davies stated yes it hasn't been an issue in the other zones as far as building massing goes. Commissioner Vaughan stated is trying to look at the loop holes that Commissioner Moultrie was discussing and whether or not someone could get around at. Commissioner day stated he would support Commissioner Moultrie in the 75%.

[7:09:03 PM](#)

Commissioner Jensen stated although it would make it more complex even if it is an R-3 if they wanted to enclose the sides as long as it is not encroaching into the setback wouldn't hurt his feelings but as far as enclosing it on 3 sides as to what is extending into the setback that sort of makes sense but would a lattice be considered enclosed. Planner Davies stated he doesn't know to be honest. Commissioner Jensen stated a lot of people will put lattices around their decks and that is not really a wall. Planner Steele stated if they wanted to they could put a definition of what are imaging open to be, if were to interpret it, if it is not a wall or if it permanently installed like a lattice would say that it not open, shade would say that is open. Commissioner Jensen stated he is thinking about that cross hatch lattice stuff that has like 2" gaps, that kind of looks like a wall. Planner Steele stated it creates some gray area, if the lattice is nailed in and a permanent fixture would say that is closed, but it is a gray area so maybe should be some sort of definition if what they want by open or could strike it.

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Commissioner Vaughan stated generally statewide ordinances when proposing something they have what is called legislative intent is what they try to get a rule to cover an address and just wondering if there is some appendage or an asterisk or something or other that can be put in so that if someone did come in for this and said it was not technically a wall would staff be able to catch that so that they couldn't put up that type of item or if they went ahead and did it without asking permission from the next door neighbor and it was reported. City Attorney Roberts stated when looking at legislative intent the courts first look at the plain language of the statute so if it is important to them it should get in the statute, resort to other means of discerning legislative intent when the plain language is ambiguous so if it is not ambiguous then a court wouldn't even bother so wouldn't matter if had an asterisk or not so if this is important to them it

would be good to flush it out and get it in the code. Commissioner Vaughan stated so they are clear the way it is written then.

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Commissioner Jensen stated maybe if they said open and not screened would that convey the intent because a lattice could be considered a screen. Planner Davies stated it just depends on what they want to do, do they want to have it permanently open and no obstruction at any time so people couldn't put a blind in or do they want to make it so that it is certain types of enclosure because they could just make it open and say can't obstruct it at all in an R-3. Commissioner Jensen stated essentially if are trying to keep it open what is after is lattice but not after mesh so if they want to put mosquito netting up think that is okay since West Nile is kind of a scary thing but whatever they are trying to accomplish there. Planner Davies stated could say non-view obscuring so it could be any type of material as long as it is non-view obscuring, so it could be a screen or like a blind or something like that or could not say anything and don't have to allow someone to do that. Commissioner Jensen stated he does think Commissioner Rackham's point is valid that essentially this is when they created the zones the idea was with the R-3 was that in exchange for them getting the smaller lot essentially they would have a smaller building footprint and this does they allow up to 4 and this is actually clarifying the R-3 a little bit better but by the same token that is really adding an additional 10 feet that they could encroach because before they couldn't go closer than 20 feet and now are allowing them to go to 10 feet so that does change the footprint of the R-3 a little bit from where it was because now they will just build to the rear setback rather than leave space for their deck.

[7:13:54 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO RECOMMEND TO CITY COUNCIL AMENDMENT TO 10.30.050 YARD ENCROACHEMNTS WITH THE CHANGES OF 15 FEET CHANGED TO 16 FEET AND 50% CHANGED TO NOT EXCEED 75%. COMMISSIONER DAY SECONDED THE MOTION. COMMISSIONER JENSEN VOTED NAY. ALL OTHER COMMISSIONERS VOTED IN FAVOR, MOTION CARRIES WITH A MAJORITY VOTE. (Commissioner Jensen voted nay because in regards to item 3 but thought the other 2 changes were good.)

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7. **Code Enforcement Regulation Updates - Title 10.40.030 regarding parking vehicles, trailers, boats in side and back yards**

City Attorney Roberts stated a couple months ago they sat down with a few Council members and looked at different Code Enforcement issues and one of those was parking in residential parcels mostly and this happens to fall within the zoning code and it is part of several changes but the long short of it essentially it would permit, it currently prohibits people from parking in unimproved areas so if it is not a parking surface like asphalt or concrete and have also allowed gravel or that kind of hard surfacing then it wouldn't be permitted even if it was a backyard, side yard or anything. What this change does is it would permit people to park in their backyards if they want whether there is a hard surface there or not it would also allow people to park in their side yards and side yards defined in the zoning code is as anything behind the face of the building so it wouldn't include diagonally up to the right or up to the left it would be a straight line from the plane of the house and that could also be done without a hard surface. With corner lots did also look at that and the requirement there would be they would have to a 6 foot fence running along the side of it so couldn't see the vehicle right next to the right of way. For non-residential so Business, Industrial and also undeveloped parcels it would still be unlawful to park if it is not a place that is improved for parking so if have a vacant lot can't just park cars there. There was a section about tractors at the Council meeting last week when they went over this in the work session they wanted some more clarification and the idea there is if it is an A-1 zone would except to see farm equipment and tractors and so this wouldn't prohibit a person from parking a tractor in any yard whether it is a front, side or back yard. Also added some clarifying language today would be inserting after property 'in any yard areas of the A-1 zone'. Lastly as far as the restoration permits are concerned rather than having 2 restoration permits per individual it would be 2 restoration permits per address so wouldn't potentially have 4, 5 or 6 projects cars in the back with different people living at the address claiming them so it would just be 2 per address. Because this is a zoning code they would like to solicit the Commission's input and if have any suggestions or ideas are expecting to bring this back to the Council next week but just needed to go through the Commission, it is not scheduled for a public hearing because didn't have time but will be scheduling a public hearing in the City Council meeting next week and that has been noticed.

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Commissioner Vaughan stated when talking about setback is that going to be setback from the front of the house closest to the street or is that going to be setback from the portion of the house directly adjacent to where this parking area would be his concern is if they have a garage that is setback 6, 8 or 10 feet from the front of the house that would mean that an applicant could be able to park his vehicle up flush with the front of the house as opposed to the garage for example that would be directly adjacent to that so would achieve a better setback from the street for any parked vehicles if it were behind the setback of a recessed garage. City Attorney Roberts stated in subsection 5 there is a requirement that even if are with the plane to the house it has to be at least 20 feet from the right of way so a person couldn't be closer than that otherwise would need to look at the definition of side yard. Commissioner Vaughan stated what they have before them says street and just mentioned right of way and that was his question, did they mean the right of way which would include the verge and the sidewalk or is it just strictly the street which would be curb line. City Attorney Roberts asked which section he was referring to, they are only looking at changes to 10.40.030 any other changes are not in the zoning codes so those aren't before them. Commissioner Vaughan stated he was reading from the actually statute. Commissioner Jensen stated it wasn't in the packet but at City Council there was some mention of the larger vehicles and

parking in the street and that is not in the packet. City Attorney Roberts stated that is in the traffic and parking sections which don't come before the Planning Commission. Commissioner Jensen stated those don't apply to the Planning Commission, has a suggestion for that but can bring it up at another time. City Attorney Roberts stated next week there won't be a public hearing for that section but can bring it up at some point. Commissioner Jensen stated he was just going to suggest that 26,000 is the standard for CDL so there was something in there about 15,000 so was going to suggest use 26,000 because that is the cut off for the license, 26,00 pounds, but can make that comment next week. Commissioner Thorson stated in subsection 1, they referred to allowed uses are in section 5, 'except as provided in subsection 5' and then 5 only deals with side yard, the second sentence of section 4 believes should be included in section 5, section 4 starts out with a negative, 'not parking in the front yard' and then the second sentence gives the positive, 'may park on a driveway' but the first subsection refers to 5 only instead of 4. City Attorney Roberts stated so should be 'as provided in subsections 4 & 5'. Commissioner Thorson stated probably, doesn't like the way 4 is written because it starts with a negative and ends with a positive would either split them up or reverse but that is up to whoever is writing it. City Attorney Roberts stated so the suggestion would be to move that second sentence in 4 into subsection 5. Commissioner Thorson stated that is what he would do.

[7:22:48 PM](#)

Commissioner Jensen stated this brings up an interesting point on arterials and major collectors and such they require the semicircular or loop driveway so they don't have to back out into the street, subsection 4 would actually conflict with that because it says it has to be connected directly to the garage so can't have the front loop. City Attorney Roberts stated he is not familiar with that particular requirement, does the City require a round driveway with 2 entrances. Commissioner Jensen stated essentially like on Antelope Drive with new construction are requiring they have a loop rather than just back out and so subsection 4 would actually disallow that loop although elsewhere in the code it does mention it is a requirement so think they need to maybe marry those two so that they are not conflicting. City Attorney Roberts stated it is driveways leading to or directly adjacent to a garage assume that would be approaches but leading to the garage. Commissioner Jensen stated the other thing too is don't want to discourage people if want to have that little driveway moved in front of their house don't think it is a bad thing, it does soak up yard space a little bit but some people like to have those little circles for their neighbors to pull in when they come to visit. City Attorney Roberts stated could put in a reference to that section that permits or requires that. Commissioner Jensen stated they certainly don't want the entire front yard paved but could loosen that up a little bit.

[7:24:31 PM](#)

Commissioner Vaughan stated if reading this correctly, under number 4, if had an unattached boat could park it in his driveway in front of a garage door but if it is parked 6 feet to the right can't park it there. City Attorney Roberts stated if it is a paved area like an RV pad then it would be okay. Commissioner Vaughan stated so can have an unattached boat parked in his driveway but can't have it one car lengths to the right or left if it is not a paved driveway. City Attorney Roberts stated correct, if it is juts parked on the grass then that wouldn't be allowed there just want that on the side yards. Commissioner Vaughan stated is just mentioning that because there are several neighborhoods where have dead vehicles parked in the driveway or snowmobile trailers with snowmobile trailers on top of them in front of the garage right now and his particular feeling is those type of vehicles should not be in front of the setback period and would like to see as far as a prohibited locations any unattached trailer or inoperative vehicle or any vehicle being worked on for automotive repairs in the driveway if that is going to be done it should be done behind the setback and so would like to see this really tightened up in regards to that. Does not believe in the rock, believe it should be paved, it should be hard paved wither asphaltic or poured cement for a pad and the reason being it says if put rock or gravel down a concrete slab is generally poured 3-4" thick, a layer of gravel is a 1/4" and there is nothing in there to say it is 3" of gravel or 4" of gravel or has to be inspected, so if someone gets a spoonful of gravel and throws it down has gravel on his side yard, it's an extreme case but they have all seen some of those house where that is what they are doing right now and think one of the intents here also is to have a slab there a solid surface there is for fire prevention purposes so do not have grass growing up, it happens if have gravel are going to have grass or weeds come up along the side and in the Summertime it can be a fire danger. Perhaps and have not been to the house but as everyone probably knows there was a house that caught fire because of fireworks thrown in a trash can besides a house and don't know how close that trash can was, if it was on dirt or gravel or a concrete slab but perhaps if that would have been on a concrete surface it may not have crept along the ground and burned up the house and caused \$100,000 worth of damage so his general feeling on this is to tighten it up.

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Commissioner Jensen stated wanted to deal with the easy one first since the Council brought it up at the last meeting, suggested the provisions when talking about tractors in kept for agricultural use not restrict to an A-1 zone. There are several farmers that have farm equipment in R-1, R-2 and R-3 zones and the City Attorney at that point pointed out although not entirely sure the language allows that essentially as long as they are parking in the side or rear yard that is not an issue, the issues would have with section 6 is that sometimes park a tractor in front yard to wash it and so it might not be parked there long but it is parked there so that code enforcement would beat them up all the time but think that restricting it just to the A-1 zone is problematic especially where allow it in R-1 but the bigger issue have with that in general think that as long as tractors meet the same requirements as other vehicles don't think they need to call them out separately necessarily. As far as this title and he and Commissioner Vaughan will disagree on when someone purchases a lot essentially certainly when they purchase something within the City there is somewhat expectation that they are going to give away some of their property rights in the exchange for the benefits the City offers but sometimes think they create ordinances like this and this ordinance is already existing but get in situations where are essentially limited what property owners can and can't do on their property and certainly when they talk about setbacks and that type of thing is one thing

but certainly want to make sure they don't have nuisance hazards basically habitats for animals or that type of thing being created but by the same token really don't think it should be the City's business as long as the person is keeping their yard in general good repair and as long as they don't have weeds growing into vehicle or that type of thing just don't think it is the City's business to get into. A comment that was made at the last City Council meeting was they could always come in and ask for a hardship and maybe be given an exception but if the City is not going to enforce it then why even have it on the books because essentially then get into the situation where it becomes arbitrary where they might be nice to one land owner but not nice to the next one and so think in general think as long as the area where the vehicles are being parked is well maintained think that is a separate issue as to basically whether are fixing something in their front yard or not. In the past they have had a lot of people in Syracuse and certainly with the generations growing up now don't do it as much in the past a lot of people would go to Checker Auto Parts or O'Reilly Auto and buy their alternator and just install it in their car and may not have a side or rear yard to do that and might just have their front yard and doesn't have a problem with that and they should be able to do that it is their ground but by having this ordinance they are taking that right away from them with what was being proposed so would actually like to see this ordinance relaxed a little bit and knows is in the minority on that essentially just try to descent to that effect.

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Commissioner Rackham asked staff if this is also applied to construction vehicles, when they build homes they park a trailer in front of it, are they exempt from this ordinance. City Attorney Roberts stated this is generally referring to long term parking, if it is there temporarily while wash car that is not the type of thing this ordinance is addressing, if someone were to complain about that that wouldn't be enforced that way or read that way. Same with a construction vehicle if are parked in a front lawn temporarily during construction project with a permit don't think that is the type of thing that this would apply to. Commissioner Rackham stated he just wondered because they are building a home in his subdivision and they have parked the trailer out on the street for 8 months now and was just wondering if that applied to those or not.

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Commissioner Jensen stated there is a separate section that would deal with the on-street parking they referred to last week and the City Attorney might be able to clarify what they were talking about. City Attorney Roberts stated in addition to this there were some sections on parking in the public right of way and with construction the City tries to be tolerant because they have to put their stuff somewhere and thinks everyone recognizes that at some point though it gets to be kind of a pain if it is there for too long. Not sure the type of trailer Commissioner Rackham was referring to like a flatbed or a large trailer but generally in the code that would not be allowed but where have a building permit and are trying to construct we need to be reasonable with people as well. Commissioner Jensen stated if remembers the ordinance if a trailer is parked on the street they have to move it within a certain amount of time unless have a construction permit. City Attorney Roberts stated yes, it is 24 hours generally for any trailer but with construction have to be flexible with people when are constructing and doing things on properties. Commissioner Jensen asked if they needed to write something into the ordinance for that. City Attorney Roberts stated could always think of about 50 exceptions that could be written in but they could look at some sort of exception for construction vehicles. Commissioner Jensen stated thinks as long as staff approves the parking spot maybe that might be a way to approach it, it is more of a Council thing. City Attorney Roberts stated doesn't know if they have a parking plan know they have SWPPP's to keep from polluting the storm drains but don't know if say where they are going to put their trailers or are that specific. Commissioner Jensen stated the issue he is specifically thinking about is a few months ago on 1000 W just south of the 2700 S roundabout they had someone put a construction trailer next to a corner lot and couldn't see the trailer when coming around the corner and so they actually had to put a barricade up and some cones around it so people could see it but that would be a perfect example of where wouldn't want to have a dumpster because it is right next to the intersection and is why saying might need to add some type of discretionary language to deal with those situations where it is not out within so many feet within an intersection and that might be covered elsewhere but maybe make that more clear. City Attorney Roberts stated they can look at adding something in like that might not be in this section but it would be in the section the Council has.

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Commissioner Vaughan asked City Attorney Roberts if he was the one who will be drafting this change. City Attorney Roberts stated yes and whatever sections they want to change but seems like there are 2 sections that seems there has been agreement on that half of number 4 should be its own section or be moved to number 5 and seems to be maybe makes more sense to just have it be its own section. In number 4 with the semi-circle driveways did some word crafting and think it is easy to just fix that by saying 'other than parking in driveways installed in compliance with City code' so as to encouraged and so strike a couple things and just say that. Are there any additional changes beyond those 2 changes and are they supported by the whole Commission.

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Commissioner McCuiston stated would support what Commissioner Jensen is saying and think these are becoming more restrictive and worried are pushing a little too far into telling people what they can and can't do with their personal property so would be for less restrictive and wouldn't go any further than this and maybe even relaxing them just little bit are going to cause a lot of people out there that are currently doing something to suddenly not be able to do something and are going to have to figure out how to fix it. City Attorney Roberts stated generally the changes here are quite relaxing compared to what they have because currently can't park even in a rear yard unless it is on concrete or asphalt so this is taking it a step back on a lot of properties. Commissioner Jensen stated as far as parking on the front yard or even on the side yard the main issue is going to be weed control and as long as they keep the growth underneath the vehicles down to below 6" or something think that is fine certainly Commissioner Vaughan does have a pint when the stuff dries up but

think as long as are maintaining that don't think it necessarily needs to be concrete, gravel is certainly an option especially when have farm vehicles don't park that stuff on gravel just park it where park it and that doesn't quite apply here but think once start talking about side and rear yards think as long as are being responsible about keeping the growth to a minimum think that is really all they need to be watching.

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Commissioner Thorson stated did have a friend whose neighborhood was the subject of a Code Enforcement push and complained a lot that there was a lot of warnings, don't know if they actually issued citations, but warnings about parking in side yards and on unimproved areas and so suspect this is part of that and to clear some of this up. Does agree that this is relaxing it a lot to park in side yards and backyards whatever want and does like the idea of parking in a front yard on a paved surface. Right now it is phrased as paved and gravel is allowed but it is not specifically written that gravel is okay. City Attorney Roberts stated staff has been flexible with people especially on the side and rear areas if they want to put in gravel, front yards would be different. Commissioner Thorson stated the wording right now says paved and likes leaving it that way because it give the option of gravel that is overrun with weeds is no longer paved, gravel that is well maintained is paved and it is the discretion of the Enforcement Officer to pick a fight with who thinks is violating. They talked about circular driveways and don't think they should be able to park in circular driveways so would not write an exception for that because once you park in it then another vehicle cannot approach the road safely without backing out of the garage into the road, they are there to have a safe access onto a highway so if park in a circular driveway then the next person can't and so would leave it as approaching or adjacent to a garage, would leave the wording the way it is. Commissioner Thorson asked Commissioner Jensen if he was asking to strike number 6 and not given exception for tractors. Commissioner Jensen stated thinks while his issue is essentially they have farms that are in zones other than A-1 so could either but when the City Attorney was mentioning that this was specifically parking tractors in the front yard and not sure if it exactly said that but if are going to let them park in the side and rear yard that is not a problem but if someone has a spot on their driveway to park their tractor even in the front if it is paved don't know but that was his issue is didn't want to be too restrictive with it because even though there might be a house in an R-1 that maybe effectively, his house is a good example and his neighbor's house they have a little pocket Ag zone but where they all have 2 plus acre lots and so are in an R-1 zone but are farming so that was his concern there that want to make sure are not being too onerous to those who are conducting Ag operations. Commissioner Thorson stated so wasn't suggesting striking the tractor exception but just. Commissioner Jensen stated think the rest of the ordinance doesn't and think by having that there it is implying that if have a tractor have to have it for an Ag use and some people may have a tractor and it is not for an Ag use and so don't mind restricting parking it in the front but don't think should restrict it period, think the section lends to confusion is his concern, know what are trying to accomplish but sounds confusing. Commissioner Thorson stated right now it is an exception to park tractors where ever want in A-1 and all other zones a tractor would be applicable as a vehicle. Commissioner Jensen stated they do allow Ag in r-1 as well so at the very least think would need to R-1 to it would think. Commissioner Thorson stated would leave it the way it is, if are living in a house in an R-1 zone and you farm you should farm somewhere else or your tractor should be parked somewhere other than in the front yard in a house in an R-1 zone if the property isn't developed as a house in an R-1 zone a grandfather type situation think that'd be okay. Commissioner Jensen stated at the very least making sure because the way it reads it says 'does not restrict parking of tractors kept for agriculture use' but would just add in front yards because that is what they are trying to accomplish. When read it that basically says that if have a farm operation and are not in an A-1 zone and are in R-1 that the City can prohibit from parking your tractor. Commissioner Thorson stated in front yard and not in the driveway. Commissioner Jensen stated in subsection 6 at the top of the section it doesn't specifically under C, for front yard and some are for side yards but 6 is its own bullet point so think parking tractors kept for agricultural use in the front yard of properties in an A-1 zone think then the intent is a little more clear. City Attorney Roberts stated in his presentation he proposed adding the words 'in any yard areas' after properties and of the A-1 zone so it would be more specific and that is what the City Council asked for last week also. Commissioner Jensen stated he just wanted to make more clarification so it doesn't sound like are picking on farmers necessarily since they do have a few. City attorney Roberts stated they are trying to accommodate farmers in the A-1 zone.

[7:43:41 PM](#)

Commissioner Day asked staff what the background on this, is it tractors or something else that they need to be worried about, are tractors really the problems or is there something else. City Attorney Roberts stated tractors came up in their discussion when they were looking at the section regarding parking. Commissioner Day stated in terms of Code Enforcement or people that are complaining is it, what is sort of driving this. City Attorney Roberts stated what is driving this generally was people complaining about Code Enforcement being too restrictive of uses on their properties in R-1, R-2 and R-3 zones more of the established areas not the newer subdivisions usually but the older parts of towns with the homes that are more established. Commissioner Day stated like closer to Smith's or Banbury. Planner Steele stated he remembers back to a City Council meeting a resident that came in and this was before Christmas and said that instead of buying presents for his children is going to have to buy gravel to park his trailer on and think lived on 2000 W somewhere and that is what is spurring all of this is that the ordinance says can't park a trailer anywhere unless it is on a hard surface so that is what are trying to address and in away give direction to the Code Enforcement Officer, his job is to enforce the ordinances in place and so he goes out and does his job and so in a way are circling back and questioning whether or not is it really necessary to have them park on a hard surface in the backyard or not and so that just opened up the discussion and the City Attorney has done a lot of research with Councilmembers to try to get direction if are going to have and have a lot of trailers in the Syracuse have to say there are so many trailers so if 50% if the population have trailers where do they want them to park them. Commissioner Moultrie stated behind the fence. Commissioner Jensen stated there was

one other thing that was brought up in a Council meeting that brought this about and that kind of ties in with the property that was on 2000 W over where SR-193 ends there was an issue there where the property owner adjacent there got sited about some debris or something in his yard yet it was right next to him and so actually went down 2000 W and was taking pictures of all his neighbors and said which ones were out of compliance to highlight it and former Councilman Lurlen Knight came to one of the meetings and said has all this farm equipment parked in the back and what is telling them is all of this stuff has to be parked on gravel and that is just silly so that is another thing that help precipitate this and certainly when talking a small lot is one thing but when talking a large lot and talking farm equipment and stuff that is a little bit different of a situation and again the main goal is to keep the weeds under control that is what they are trying to accomplish don't want to have a bunch of vehicles buried in forest and that type of thing.

[7:46:47 PM](#)

Commissioner Day stated after hearing some of the comments thinks would support this, whether they have subsection 6 or not doesn't really think it makes a big difference in his opinion but would support this. Commissioner Jensen stated as long as it is clarified is his only issue with 6. Commissioner Day stated thinks the City Attorney has done a great job with the task at hand.

[7:47:07 PM](#)

Commissioner Moultrie stated the only thing he would be concerned about is people parking on the grass, think it needs to be paved or gravel because grass does catch on fire especially if just got done driving the vehicle in the parking lot and if that grass is dry at all it will start on fire so that would be his recommendation is they can park there but would prefer it be gravel or concrete for their own safety and it look cleaner, doesn't look so run down. City Attorney Roberts stated that is what the code currently says is it need to be on approved parking surface in those areas. Commissioner Jensen stated is that something they might be able to use in definitions to say gravel must be at least 2' deep or something. Commissioner Moultrie stated would say for example just built a new home and put gravel down because couldn't afford the concrete at the time and just had the concrete after almost a whole year, so put enough gravel in that is required to put concrete on top of which is usually 1" - 1½". Commissioner Jensen stated Commissioner Vaughan brought up the point if they put in ¼" of gravel that could be considered a hard surface so that is why suggesting some type of standard if are not going to use concrete or asphalt, at least 2" or 3" thick or whatever that number is, not that code enforcement is going to go after them but it will be pretty obvious what is thick and what is not when looking at it.

[7:49:00 PM](#)

City Attorney Roberts stated he needs a motion from the Planning Commission with a recommendation this week for the next City Council meeting for a public hearing. City Attorney Roberts stated it is a land use ordinance so needs the Planning Commission's motion. Commissioner Vaughan asked any other Commissioners agree with him on requiring paved surface for side parking. Commissioner Jensen stated it depends on the definition of paved, if includes gravel then fine in the front yard at least once get to side yards it is different so thinks there is some disagreement there maybe.

[7:50:38 PM](#)

COMMISSIONER DAY MADE A MOTION TO RECOMMEND AS WRITTEN TO CITY COUNCIL FOR APPROVAL. COMMISSIONER MCCUITION SECONDED THE MOTION. COMMISSIONER THORSON STATED THERE IS A TECHNICAL ERROR THAT THERE IS A PORTION OF SECTION 4 THAT SHOULD BE MENTIONED IN SECTION 1. COMMISSIONER DAY MADE A MOTION TO AMEND HIS MOTION TO CORRECT THE TECHNICAL ERROR REFERRING TO SUBSECTION 4 & 5 IN SUBSECTION 1. COMMISSIONER MCCUITION RESECONDED THE MOTION. COMMISSIONERS JENSEN, MOULTRIE, RACKHAM & VAUGHAN VOTED NAY, COMMISSIONERS THORSON, MCCUITION AND DAY VOTED IN FAVOR. THE MOTION FAILED WITH A 4/3 VOTE.

[7:51:54 PM](#)

Commissioner Vaughan stated guess everyone does want paved then. Commissioner Thorson asked if the nays would like to make a motion. Commissioner Vaughan stated the floor is open for another motion. Commissioner Jensen stated unfortunately his is a philosophical nay think are this ordinance is just taking away too many property rights to begin with that is his nay and don't think any language tweaking they are going to do here will solve it.

[7:52:20 PM](#)

Commissioner Vaughan asked the nays what would they like to see changed to make their vote an Aye to get this approved. Commissioner Moultrie stated would have to paved on the one side, gravel or concrete something not just parking on grass. Commissioner Thorson asked if that is anywhere on the property or just on the side yard. Commissioner Moultrie stated side yard and front, whatever people see. Commissioner Vaughan stated they are talking primarily behind the setback, right. Commissioner Thorson stated right now it is written that it be paved or gravel in the front yard and anything behind that. Commissioner Rackham stated does not like the 'anything behind that' tend to agree need to put something down otherwise it goes on grass or weeds and it just becomes an eyesore to the people behind them. Commissioner Moultrie stated especially if they don't have a fence then all the neighbors get to see that beautiful site so it has to be clean. Commissioner Vaughan asked if could agree on that, gravel or concrete on the side, can they make that change, anything else, wonders if the motion was made now to accept it with that change. Commissioner Thorson stated is wondering if are extending the paved area and by paved are including acceptable gravel but is going to say paved because that is what is says, paved area extends to side yard but not into the back yard or is it the whole lot. Commissioner Vaughan stated thinks they are just talking side yard. Commissioner Jensen asked Commissioner Moultrie if he meant front and side. Commissioner Moultrie stated yes, front and side. Commissioner Vaughan stated C, 1 at the top very first sentence is side yard, not talking back yard. Commissioner Rackham stated that is where he had his contention, think if are going to park it in the back yard still need a hard surface, it can be gravel but if are going to park in

their back yard they are going to leave it there for a while and weed are going to grow and the neighbors are going to have to deal with it. Commissioner Day stated this may be a very elementary question but when they say paved they mean gravel, concrete or asphalt and asked City Attorney Roberts is that correct when they say paved they mean gravel or concrete or something else. City Attorney Roberts stated general when they say paved they mean asphalt or concrete but they have been flexible with people with the side trailer parking areas saying needs to have gravel at least but don't believe the definitions specifically call out asphalt or concrete. Commissioner Moultrie stated they could add those 3 in the definition of paved surface that it has to be concrete, asphalt or gravel. Planner Steele stated thinks that has been some source of confusion. Commissioner Jensen stated the fourth one could be pavers but that is another story. Commissioner Vaughan stated if they accepted gravel could they say 2" or 3" so don't have people throw some gravel down. Commissioner Thorson stated he would not go beyond paved think they would have to maintain the gravel to an unobjectionable condition and a gravel surface should have a higher requirement to the point of being unobjectionable as if it were paved that is in the front yard the way it is written. Commissioner Vaughan stated to the City Attorney that it is the Chairs opinion that they are not ready for this to be finished tonight and wondering if there is any pressure for them to get it done tonight or would he have any problems if they continued it to their next meeting. City Attorney Roberts stated knows the Council was hoping to move on this it has been on the back burner for a little while, it is scheduled for a hearing next week so they could always take comments next week and then await the Planning Commission's recommendation they only have business meetings once a month so this would mean it would wait until August before it could be approved.

[7:57:14 PM](#)

Commissioner McCuiston stated it doesn't seem like they are that far from a decision really. Commissioner Jensen stated they just need 1 vote and they have 4, so if someone puts a motion forward they would have 4. Commissioner Vaughan stated just for the sake of getting the parts they do agree on out of the way. Do they have any problem with number 1, none. Number 2, none. Number 3, none, Number 4, Commissioner Thorson stated the only issue is section 1 only refers to number 5 as allowances and number 4 contains an allowance. Commissioner Jensen stated so change it to as provided in sections 4 & 5. Commissioner Thorson stated that would be the simplest thing. Commissioner Vaughan stated number 5, Commissioner Thorson stated he voted yay, the parking in the side yards should be allowed on any surface sounds like there were a couple nays that suggested that side yard be required to be paved as well and in addition the nays wanted the whole yard if it is parked anywhere in the yard be paved.

[7:59:54 PM](#)

Commissioner Jensen asked if he could propose a split on that since it talks about an opaque fence if it is on the side yard, if it is paved don't need the opaque fence but if it is not then it needs to be behind a fence. City Attorney Roberts stated the opaque fence is just for corner lots, not all lots. Commissioner Thorson stated that could satisfy some concerns but it doesn't satisfy the weed and side from back yards. Commissioner Thorson stated on number 5 if it gained support would add the word 'paved' on residential properties 'vehicles and trailers may be parked on a paved side yard as defined in section' and then that would include the paving requirement for side yards.

[8:00:40 PM](#)

Commissioner Vaughan stated Number 6, none. Commissioner Jensen stated the City Attorney Roberts stated he had some changes on that so as long as he makes the modifications there it is good. Commissioner Vaughan stated the last paragraph for restoration permits to the address as opposed to the individual and think everyone agreed with that.

[8:01:30 PM](#)

COMMISSIONER MCCUITION MADE A MOTION THAT THEY APPROVE THESE MODIFCATIONS WITH THE CHANGES THAT SUBSECTION 1 REFERES TO SUBSECTION 4 & 5 AND THAT SUBSECTION 5 REFERS TO A 'PAVED' SIDE YARD. COMMISSIONER MOULTRIE SECONDED THE MOTION. COMMISSIONER RACKHAM AND JENSEN VORTED NAY, THE OTHER COMMISSIONERS VOTED IN FAVOR, THE MOTION CARRIED WITH A 5/2 MAJORITY VOTE.

(Commissioner Day clarified that paved means concrete, asphalt o gravel. Commissioner Thorson stated he would leave the wording 'paved' because that provides the opportunity to enforce an unmaintained gravel and so if it is well maintained gravel the Code Enforcement Officer could let it go but if it gets over run it would be in violation built that would be the gray area that they are leaving opened.)

[8:03:46 PM](#)

8. Adjourn

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSION IN THE COUNCIL CHAMBERS WITH A 5 MINUTE RECESS. COMMISSIONER MCCUITION SECONDED THE MOTION. ALL WERE IN FAVOR

Ralph Vaughan, Chairman

Stacy Adams, Commission Secretary

Date Approved: _____