



Syracuse City

Syracuse City Council Work Session Notice

January 25, 2011 – 6:00 p.m.

Municipal Building, 1979 W. 1900 S.

Notice is hereby given that the Syracuse City Council will meet in a work session on Tuesday, January 25, 2011, at 6:00 p.m. in the large conference room of the Municipal Building, 1979 W. 1900 S., Syracuse City, Davis County, Utah. The purpose of the work session is to discuss/review the following items:

- a. Public Comments
- b. Request to be on the agenda- Davis Area Convention and Visitors Bureau. (10 min.)
- c. Unlimited Play Park fundraising efforts update. (10 min.)
- d. Review proposed Title Eight and Title Ten amendments. (1 hour)
- e. Discussion regarding creation of policy governing the rental/use of City Hall facilities (20 min.)
- f. Council business. (5 min.)

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 825-1477 at least 48 hours in advance of the meeting.

#### **CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 21<sup>st</sup> day of January 2011 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on January 21, 2011.

CASSIE Z. BROWN, CMC  
SYRACUSE CITY RECORDER



# COUNCIL AGENDA

## JANUARY 25, 2011

Agenda Item “A”

### **Public Comments**

#### ***Factual Summation***

- No one has requested the opportunity to address the Council during the public comments portion of the meeting.



# COUNCIL AGENDA

## JANUARY 25, 2011

Agenda Item “B”

**Request to be on the agenda – Davis Area  
Convention and Visitors Bureau.**

***Factual Summation***

- Barbara Riddle with the Davis Area CVB made a request to be on the agenda. No documentation regarding the request was provided to the City prior to the publication of Council packets.



# COUNCIL AGENDA

## JANUARY 25, 2011

Agenda Item “C”

### **Unlimited Play Park Fundraising Efforts Update.**

#### ***Factual Summation***

- The Governing Body directed staff to place this item on each extended work session agenda to provide those working on raising funding for the Park to provide a status report on their efforts.



# COUNCIL AGENDA

## JANUARY 25, 2011

Agenda Item “D”

### **Review Proposed Title Eight and Title Ten Amendments.**

#### ***Factual Summation***

- This item was first presented to the Governing Body during the Business meeting held January 11, 2011. The Council pulled the item from the agenda and directed staff to present the proposed amendments during an extended work session.

**TITLE X  
SYRACUSE CITY  
LAND USE ORDINANCE  
CHAPTER 2  
DEFINITIONS**

- 10-2-010: Purpose**
- 10-2-020: Interpretation**
- 10-2-030: General**
- 10-2-040: Definitions**

**10-2-010: PURPOSE.** The purpose of this Chapter is to clarify and define certain terms and words as used in this Title. When a definition is not found in this Chapter, the reader shall use the common meaning of the word. (1991) (Ord. 08-07)

**10-2-020: INTERPRETATION.** In the event it is unclear as to the meaning of a word or term, it shall be the responsibility of the Land Use Administrator to determine the official interpretation. If any person disagrees with the interpretation of the Land Use Administrator, it shall be his/her right to either apply for an amendment to this Title to clarify the portion in question or file a timely petition with the District Court for final interpretation. (Ord. 08-07)

**10-2-030: GENERAL.** All provisions, terms, phrases, and expressions contained in this Chapter shall be liberally construed to accomplish the purposes of the Title. For the purposes of this Title, words used in the present tense shall also include the past tense and likewise words used in the singular shall also include the plural. The word "person" shall include corporation, partnership, or other legal entity. The words "used" or "occupied" shall include in their meanings intended, arranged, or designed for use or occupancy. (Ord. 08-07)

**10-2-040: DEFINITIONS.** As used in this Title, the words and phrases defined in this Section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the Building Code shall be construed as defined therein. (Ord. 08-07)

**ACCESSORY USE OR BUILDING:** A use or structure on the same lot with that is subordinate in area, extent, or purpose to the principal or main building served and of a nature customarily incidental to the principal use or structure. (Ord. 06-17)

**ADULT DAY CARE, HOME:** A day-care facility on residential property to provide daily non-medical care and supervision of six (6) or fewer persons, eighteen (18) years of age and over, on less than a twenty-four (24) hour basis. (Ord. 10-02)

**AFFECTED ENTITY:** A county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, and the Utah Department of Transportation, as defined in Utah Code Section 10-9a-103, as amended. (Ord. 08-07)

**AGRICULTURE:** Tilling of the soil, the raising of crops, horticulture, and gardening but not including the keeping or raising of animals or fowl, except household pets, and not including any agricultural industry or business, such as fruit-packing plants, fur farms, animal hospitals, or similar uses.

**ALTERATION:** Any change in the construction of, or addition to, a building which would permit an increase in capacity or change of use. (Ord. 08-07)

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

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

**Comment [JM1]:** to distinguish between different types of veterinarian facilities

**Comment [JM2]:** See animal clinic

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

**Comment [JM3]:** Referenced in Title but no definition yet

**ASSISTED-LIVING FACILITY:** A single family residential-dwelling unit, consistent with single family residential zoning and structural appearance, occupied on a twenty-four (24)-hour per-day basis by elderly persons in a family-type arrangement under the supervision of one (1) or more resident-dwelling managers. The facility provides assistance with activities of daily living and social care to residents who require protected living arrangements and are capable of achieving mobility sufficient to exit the facility without the assistance of another person. In addition, residents may receive intermittent nursing care, administration of medication from licensed providers, and support services promoting residents' independence and self-sufficiency. The dwelling shall comply with all State standards governing health and safety. Furthermore, the dwelling shall have a license from the State of Utah Department of Health as an Assisted Living Type-I facility and shall operate as a Type-I facility. (Ord. 08-07)

**BOARD OF ADJUSTMENT:** A group of five (5) individuals residing in Syracuse and appointed by the Mayor to function as the Syracuse City Board of Adjustment.

**BUFFER YARD:** A required portion of land, together with structures and landscaping, for the purpose of separating land uses so as to maintain the integrity of the proposed development of land. (Ord. 08-07)

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

**Comment [JM4]:** Common term in land use that this Title should define

**BUILDING:** Any walled or roofed structure intended for or used for the shelter, housing, or enclosure of any person, animal, chattel, or property of any kind.

**BUILDING HEIGHT:** As defined in the International Residential Building Code adopted by Syracuse City. The vertical distance from grade plane to the average height of the highest roof surface. (Ord. 08-07)

**BUILDING PRINCIPAL:** The main or primary building upon a lot or the building that houses the main or primary use upon the lot. This includes all appendages to a principal building constructed as an architectural and integral part thereof.

**CERTIFICATE OF OCCUPANCY:** Authority granted by the building official to occupy or use a building upon satisfying city ordinances and all site plan and building code requirements. (Ord. 06-17)

**CITY COUNCIL:** The elected City Council of Syracuse, Utah. This term may also include the Mayor of Syracuse.

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

**Comment [JM5]:** The number 4 matches State Code

**CHILD DAY CARE, HOME:** A child day-care facility operated on residential premises on less than a twenty four (24) hour basis. (Ord. 06-17) (Ord. 10-02)

**CHURCH, SYNAGOGUE, TEMPLE:** A building used primarily for public worship by any religious body.

**CLINIC, DENTAL AND MEDICAL:** A building in which an associated group of physicians, dentists, and allied professional assistants carry on their professions including a dental or medical laboratory. Clinic does not include inpatient care or operating rooms for major surgery. (Ord. 06-17) (Ord. 08-07)

**CLUSTER SUBDIVISION:** Homes grouped together on at least five (5) acres of land, exempt from the minimum lot-size requirements of a regular subdivision, grouped in a manner that allows for common open space at the same density allowed by zone.

**COMMON SPACE:** Land area within a development not individually owned or dedicated for public use, for which its design and intended use as an amenity shall be for the direct benefit of the residents in such development. Common space may be either natural or functional as a designed element of a development that has a functionally described and planned benefit. Examples include landscaped areas that provide visual relief, shade, screening, buffering, or another environmental amenity and nature trails, exercise trails, and facilities, e.g. swimming pools, tennis courts, club houses, pavilions, and golf courses. (Ord. 08-07)

COMMERCIAL VEHICLE: A motor vehicle, trailer, or semi-tractor/trailer used or maintained for business, compensation, or profit to transport passengers or property with a manufacturer's gross weight of ten thousand and one (10,001) or more pounds. (Ord. 08-07)

CONDITIONAL USE: Uses, other than permitted uses, allowed in a specific zone that may not be compatible in some areas without certain ~~requires~~ conditions, as set forth in the Land Use Ordinance for those uses, that mitigate or eliminate the detrimental impact as a result of its unique characteristic or potential impact on surrounding neighbors. (Ord. 06-17) (Ord. 08-07)

**Comment [JM6]:** better clarification on the City's ability to impose conditions

CONDOMINIUM: The ownership of a single unit in a multi unit residential, commercial, or industrial project together with an undivided common interest in the common areas and facilities of the property. (Ord. 08-07)

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

**Comment [JM7]:** To more quickly find the definition for this use

DEVELOPMENT AGREEMENT: A written contract between the City and a developer which sets forth the respective terms, conditions, and obligations pertaining to a development in the City. (Ord. 06-17)

**Comment [JM8]:** To more quickly find the definition for this use

DEVELOPMENT REVIEW COMMITTEE (DRC): A group of appointed City officials, or their designees, given review and consultation responsibility concerning proposed development projects, including C-2 site plans and Private Residential Development subdivisions. (Ord. 06-17) (Ord. 08-07)

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

**Comment [JM9]:** This Title refers to dwelling units throughout, but there is no definition for this term yet

DWELLING GROUP: A group of two (2) or more detached buildings used as residences located on a parcel of land under one (1) ownership and having a yard or court in common.

**DWELLING, MULTI-FAMILY: A building containing not less than two (2) dwelling units.**

DWELLING, SINGLE-FAMILY: A building designed with accommodations for and occupied by one (1) family only.

DWELLING, TWO- (2) FAMILY: A building containing two (2) dwelling units, designated for occupancy by not more than two (2) families.

DWELLING, TWO- (2) FAMILY (DUPLEX/TWIN HOME): A single-family dwelling attached to another single-family dwelling by a common wall or floor with both dwellings located on the same lot.

**Comment [JM10]:** Inasmuch as these uses exist in the City, this Title should define them

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

ELDERLY PERSON: A person sixty (60) years of age or older. (Ord. 08-07)

ELEVATION, BUILDING: An architectural rendering of the front, side, or rear façade of a building, including dimensions, features, materials, and colors. (Ord. 06-17)

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

**Comment [JM11]:** Required by LUDMA

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

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

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

**FAMILY:**

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

**Comment [JM12]:** This better definition, as allowed by LUDMA, would reduce the number of unrelated people from 6 to 4 and give better clarification for enforcement when complaints arise

1. A head of household and all ~~or more~~ persons related to the head of household by blood, marriage, adoption, ~~or~~ guardianship, or other duly authorized custodial relationship, and not more than two (2) additional related or unrelated persons, including, but not limited to, personal care or personal-service providers
  2. Up to four (4) related or unrelated persons and any children of either individual, if any
- (B) In applying this definition, the existence of more than one (1) kitchen in a dwelling unit shall create a presumption that two (2) housekeeping units exist in the dwelling. ~~a group of not more than six (6) unrelated persons living together as a single housekeeping unit, together with any incidental domestic or support staff who may or may not reside on the premises. "Family" does not exclude the care of foster children include:~~
1. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization
  2. Any number of individuals whose association is temporary or seasonal in nature
  3. Any number of individuals who are in a group-living arrangement as a result of criminal offenses. (Ord. 04-12)

**Comment [JM13]:** As used by other cities, this could help in deciding whether a home should comply with bldg codes for a 2-family dwelling or not to protect renters and help alleviate complaints

**Comment [JM14]:** This actually happened in 2010 (the owner of a vacant home began renting it to groups of people for just weeks at a time, similar to a timeshare)

FARM ANIMAL KEEPING: The keeping of animals and fowl for family use.  
 FARM INDUSTRY: Generally all phases of farm operation including, but not necessarily limited to, the keeping and raising of animals and/or fowl for domestic or commercial use, e.g. fur farms, livestock-feed yards, pig farms, dairy farms, and similar uses as well as any accessory uses thereto, except commercial slaughter. (Ord. 08-07)

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

**Comment [JM15]:** Accessory bldgs in side yards must be behind privacy fences, but there is no definition in this Title for a fence

FIELD DRAIN: A pipe or similar conduit laid in undeveloped areas for the purpose of draining the ground. (Ord. 08-07)

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

**Comment [JM16]:** Home occupations may not exceed 30% of a floor area, but this Title does not yet define this term

FRONTAGE: The distance along the right-of-way line between the two (2) side lot lines of a parcel measured along the street, or streets of a corner lot, to which the parcel shall have access. (Ord. 06-17) (Ord. 08-07)

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

**Comment [JM17]:** Intermittent commercial uses refer to garage sales, so this Title should define them

GENERAL PLAN: A document adopted by the City that sets forth general guidelines for proposed future development of land within the City as set forth in Utah Code Annotated, also referred to as the "General Master Plan." (Ord. 06-17) (Ord. 08-07)

GENERAL PLAN USE MAP: A map adopted by the City Council which identifies the current, proposed, or desired future land uses in the City and guides zoning and development in the City. (Ord. 06-17)

**Comment [JM18]:** when defining General Plan, it does not make sense to state that it could also be referred to as the same thing, and many other cities use the term master plan rather than general

GOVERNING BODY: The Syracuse City Council.

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

**Comment [jsm19]:** Because the Title references wall heights measured from finished grade to top of wall plate, there should be a definition for finished grade

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

**Comment [jsm20]:** If the definition of finished grade is approved, there should also be a definition for natural grade

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

**Comment [jsm21]:** If the definition of family is approved, the Ordinance should define head of household as referenced in the family definition

HOME OCCUPATION: The use of a portion of one's dwelling or accessory building, studio, or workroom to conduct business activity. (Ord 02-26)

HOMEOWNERS ASSOCIATION: An association operating under recorded land agreements through which each lot owner of a planned development, condominium development, subdivision or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property. (Ord. 09-16)

HOMEOWNERS ASSOCIATION, ACTIVE: A recorded and legally-bound homeowners association with an elected board of representatives who maintain an active, annual application with the Syracuse City Community Development Department every year during the same month. (Ord. 09-16)

HOUSEHOLD PETS: Animals and fowl customarily allowed in the home for the sole pleasure and enjoyment of the occupants but not raised or kept for commercial purposes or for food. (Ord. 06-17)

IMMEDIATE FAMILY MEMBER: Father, Mother, Brother, Sister, Son, Daughter.

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

**Comment [jsm22]:** City zoning map uses an institutional zone, so the Ordinance should include a definition

INTERMITTENT COMMERCIAL USES: The occasional use of a dwelling building or accessory building land for the retail sales of arts and crafts items on a periodic basis (see Section 10-67-4050(N)). This definition does not in any way include the occasional sales of various used items in a garage or yard sale. (Ord. 08-07)

**Comment [JM23]:** Requirements for use of buildings or land in other section

JUNK: Any scrap, waste, reclaimable material, or debris whether or not stored or used in conjunction with dismantling, processing, salvaging, storing, or disposing or other use or disposition. Junk includes, but is not limited to, tires, batteries, furniture, tools, paper, rags, plastics, cordage, scrap iron or other metal, glass, building materials, salvage materials, dismantled equipment, machinery and appliances or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof. (Ord. 06-17)

JUNK YARD: The use of any lot, portion of a lot, or tract of land for the storage, keeping, or abandonment of junk, including scrap metals or other scrap material, or for the dis-mantling, demolition, or abandonment of automobiles, other vehicles, or machinery or parts thereof, provided it does not include such uses that are clearly accessory and incidental to any agricultural use permitted in the district.

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

**Comment [JM24]:** This Title distinguishes between commercial and residential, but it only defined kennel generally.

KENNEL, RESIDENTIAL: Any residential lot or premises on which the owner retains three (3) ~~or more~~ dogs that are at least four (4) months old. (Ord. 08-07)

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

**Comment [JM25]:** By referencing kitchen in definition of family, this Title should define a kitchen. Using 'any combination' should help distinguish between a real kitchen and a family room with a microwave.

LAND DRAIN: A pipe or similar infrastructure designed to collect subsurface water in developed areas. (Ord. 08-07)

LAND USE AUTHORITY: Any person, board, or commission designated by the City Council to act upon a land use application. Land Use Authority shall be the Planning Commission unless otherwise designated in the Ordinance. (Ord. 06-17)

LAND USE ADMINISTRATOR: That person designated by the Syracuse City Council to perform the duties and responsibilities as described in this Title.

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

**Comment [JM26]:** Simply defining another term referenced herein

LANDSCAPING: The design and placement of ornamental fixtures such as fountains, ornamental walls, fences, or benches along with the planting of vegetative materials, trees, shrubs, grass, flowers, etc. (Ord. 08-07)

LOT, BUILDING: A parcel of land, legally divided and approved by the Syracuse City Council as recorded in the Davis County Recorder's Office, which is of such dimensions as to comply with the minimum requirements of this Title for area, width, and depth, where applicable for the zone in which it resides, and having frontage on a public street or approved private street. (Ord. 06-17)

LOT, CORNER: A lot situated at the junction of and abutting on two (2) or more streets.

LOT LINES: The property lines bounding a lot. For purposes of establishing yard

LOT WIDTH: The width of a lot along a line parallel to the frontage thereof and measured at the minimum front setback line.

MANUFACTURED HOME: A single-family dwelling unit fabricated in one (1) or more sections in a location other than the home site by assembly-line production techniques after June 15, 1976, to standards established by the U.S. Department of Housing and Urban Development. (See Section 10-6-020(C)) (Ord. 08-07)

MASONRY: Stucco, brick, or stone. (Ord. 06-17)

NET ACREAGE: The total land area available for development after excluding twenty (20) percent assigned to the City in the form of roads and other public easements.

NET DENSITY: The number of allowable building lots in a zone per net acre. (Example: Eight and three tenths [8.3] net acres times three and seventy-nine hundredths [3.79] allowable lots in the R-2 zone equals thirty-one and forty-six hundredths [31.46] allow-able lots, or thirty-one [31] allowable lots rounding down to the nearest whole number. [i.e.  $8.3 \times 3.79 = 31.46 = 31$ ]). (Ord. 08-07)

NONCONFORMING BUILDING LOT: A parcel of land of record that was held in separate ownership from adjacent property and was a legal building lot on the effective date of this Title, the dimensions of which do not meet the requirements for a building lot in the new zone in which it resides. This Title shall deem adjacent properties in the same ownership, but described under separate deeds, to-be one (1) property. (Ord. 08-07)

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

**Comment [JM27]:** as required by LUDMA

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

**Comment [JM28]:** As required by LUDMA

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

**Comment [JM29]:** To distinguish between a PO, which should involve more than one room, and the specific office within a PO

OFFICE, PROFESSIONAL: A place intended primarily for the conduct of administration or services by a business enterprise including the storage, display, or sales of limited goods or merchandise as the secondary focus of business. (Ord. 06-17) (Ord. 08-07)

**Comment [JM30]:** Existing definition – see proposed definition for Professional Non-Retail Services below

OPEN SPACE: Any area of land characterized by openness that provides for that portion of the human environment, through dedication to preservation of said openness, in order to enhance urban, suburban, or rural areas, and provide important

physical, recreational, conservation, aesthetic, or economic value or assets. (Ord. 08-07)

- (A) Functional Open Space. Any area of land improved and dedicated for public or private use and designed as an amenity for the benefit of the residents of a development or citizens of the City. Examples include landscaped aesthetic areas, City parks, playgrounds, and ball fields.
- (B) Natural Open Space. Any area of land, essentially unimproved and not occupied by structures or man-made impervious surfaces, dedicated or reserved in perpetuity for public or private enjoyment as a preservation of open area.
- (C) Cluster Subdivision Open Space. Open space, either natural or functional, provided to compensate for the lot size reductions from minimum lot size requirements or increases in overall gross density.
- (D) Public Open Space. Open space owned by a public agency, such as the City of Syracuse, and maintained by such agency for the use and enjoyment of the general public.

ORDINANCE: Planning and zoning regulations or other laws and requirements, adopted by the City, that carry the force of law and are binding upon all who visit, reside in, or own property in the City. (Ord. 06-17)

PARKING LOT: An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE (OFF-STREET PARKING): A space located off any public right-of-way, which is at least nine (9) feet by twenty (20) feet in size, for parking of any motor vehicle.

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

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

PLANNING COMMISSION: A group of seven (7) individuals, residing in Syracuse City, appointed by the Mayor of Syracuse, with the advice and consent of the City Council, to function as the Syracuse City Planning Commission.

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

PRE-SCHOOL, HOME: A child-care facility, operated regularly on residential premises, to provide educational programs for no more than sixteen (16) children per session per teacher, at any given time (including operator's natural, adopted, or foster children under six (6) years of age).

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

PRINCIPLE OF REGRESSION: A standard property assessment valuation principle, as established by the International Association of Assessing Officers, which states that dissimilar properties within the same general classification in the same area will adversely affect the better property.

PRIVACY FENCE: A fence constructed so that over fifty (50) percent of the fence area is of a solid substance. The maximum allowable height of a privacy fence is six (6) feet. If a "picket" style fence is used as a privacy fence, picket spacing shall be no more than one (1) inch apart. Shrubs or hedges are not considered privacy fences. (Ord. 08-07)

**Comment [JM31]:** This ensures that the City has a chance to address all new uses as staff receives applications

**Comment [JM32]:** this use is conditional and needs defining

**Comment [JM33]:** PC believed this was a necessary clarification

**Comment [JM34]:** Optional definition for PO – should replace for PO definition or eliminate this definition

PRIVATE RESIDENTIAL DEVELOPMENT: A subdivision approved by the City, as allowed within a particular zone, which meets all the requirements of Chapter 15 of this Title with other standards as determined by the City Council by means of a development agreement. (Ord. 06-17) (Ord. 08-07)

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

**Comment [JM35]:** This is a permitted use that has yet to be defined

QUASI-PUBLIC BUILDING OR USE: Any facility or use conducted by a nonprofit, religious, or charitable organization for the benefit of the general public or having partial government involvement or ownership. (Ord. 06-17)

RESEARCH PARK: Areas zoned for technology research and scientific development and linked to business and academic collaboration research endeavors. (Ord. 06-17)

REASONABLE ACCOMMODATIONS: A change in a rule, policy, practice, or procedure necessary to afford a person with a disability equal access opportunity to use and enjoy a dwelling as defined in this Section: (Ord. 10-02)

(A) "Reasonable" means that a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit the accommodation would provide to a person with a disability.

(B) "Necessary" means the applicant must show that, but for the accommodation, one (1) or more persons with a disability likely will not have an equal opportunity to enjoy housing of their choice.

(C) "Equal Opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

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

**Comment [j36]:** No definition yet but conditionally permitted in some zones

REHABILITATION/TREATMENT FACILITY: A facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, counseling, or educational services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. (Ord. 08-07)

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence, in which more than one (1) person with a disability resides, licensed or certified by the Utah State Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities or licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

SCREEN: Walls, fences, hedges, or plantings that insure harmony with adjacent development or conceal storage or parking areas, utility installations, or other unsightly development.

SETBACK: The shortest horizontal distance between the boundary lines of a lot and the building or structure or part thereof.

SEXUALLY-ORIENTED BUSINESS: Any business as defined in Title 5, Chapter 4, of the Syracuse City Municipal Code. (Ord. 06-17)

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

**Comment [JM37]:** Much more inclusive than the definition in Chapter 9, which will probably be amended to refer to this definition when staff revamps that Chapter

**SITE PLAN:** A schematic scaled drawing of a commercial, residential, industrial, office, or institutional development which meets requirements of [Chapter 4](#) of **this Title**. (Ord. 08-07)

**STABLE, PRIVATE:** A detached accessory building for the keeping of animals belonging to or used by the property owner or lessee and not for rent or for the stabling of same for profit.

**STABLE, PUBLIC:** A building for the keeping of animals for profit.

**STREET, PUBLIC:** An open way, space, and/or thoroughfare designed primarily for vehicular travel provided for or dedicated to and/or accepted by Syracuse City or the State of Utah for public use.

**STRUCTURAL ALTERATION:** Any change in the shape or size of any portion of a building or of the supporting members of the building or structure such as walls, columns, beams, arches, girders, floor joists, or roof rafters.

**STRUCTURE:** The building or construction of an edifice or building of any kind or the artificial building up of any piece of work or composition of parts joined together in some definite manner. A structure, however, for the purposes of this Title, shall not include stairs or ramps. (Ord. 08-07) (Ord. 10-02)

**SWIMMING POOL:** A structure for public or personal recreational purposes as defined by the International Residential Building Code. (Ord. 06-17)

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

**Comment [JM38]:** Word used throughout Title and should be defined

**VARIANCE:** The relaxation of the strict application of the terms of this Title, granted by the Board of Adjustment, with respect to mechanical requirements, such as setbacks, yard and area requirements, building height, parking and loading space requirements, etc., where specific physical conditions unique to the site of the lot would create an unreasonable burden by making its development for permitted uses difficult or impossible.

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

**Comment [JM39]:** referenced throughout Title and should be defined

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

**Comment [JM40]:** better clarifies this term for land-use purposes

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

**Comment [JM41]:** Important for odd-shaped lots that could, technically, have two rear yards without this clarification

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

**Comment [JM42]:** This is how staff determine side yards and should be incorporated into Title

**ZERO LOT LINE DEVELOPMENT:** Residential dwellings arranged on lots with one (1) side wall of the building located on the property line. (Ord. 06-17)

**ZONE:** A portion of the City of Syracuse given a zone designation which provides for the regulation of locations, heights, bulk, and sizes of buildings and other structures,

percentage of the lots people may occupy, the size of lots, courts, or other open space, the uses of buildings and structures, and the uses of land. (Ord. 06-17)

### **CHAPTER 3 ADMINISTRATION AND ENFORCEMENT**

**10-3-010: Effect of Chapter**

**10-3-020: Administration and Enforcement – Land Use Administrator**

**10-3-030: Building Permits Required**

**10-3-040: Site Plan Required with Application for Permit**

**10-3-050: Certificate of Occupancy**

**10-3-060: Temporary Occupancy**

**10-3-070: License and Permits to Conform to the Land Use Ordinance**

**10-3-080: Enforcement Procedures**

**10-3-090: Exactions (Constitutional Takings)**

**10-3-010: EFFECT OF CHAPTER.** This Chapter affects the entire Title with respect to the Administration thereof and establishes the responsibility for such administration.

**10-3-020: ADMINISTRATION AND ENFORCEMENT – LAND USE ADMINISTRATOR.**

(A) The Land Use Administrator or his designee shall represent Syracuse City in carrying out the stated purposes of this Title and in so doing shall require all persons desiring to build to acquire the appropriate permits. The Land Use Administrator or his designee shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would violate any of the provisions of this Title. (Ord. 08-07)

(B) It shall be within the power and authority of the Land Use Administrator or designee to inspect or cause to be inspected all plans for the construction or repair of buildings, to visit all buildings in the course of construction, to enforce or cause to be enforced all provisions of this Title pertaining thereto, particularly with respect to the location requirements, and to uphold and enforce any decision in the administration of this Title, entering actions in the court when necessary. Failure to do so shall not legalize any violation of such provisions. Also, the Land Use Administrator or his designee may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of any building, sign, structure, or land in violation of this Title or any amendment thereto or to restrain, correct, or abate such violation, prevent the occupancy of such building, structure, or land, or prevent any illegal act, conduct of business, or use in or about such premises. The City Council may designate the Land Use Administrator as a Land Use Authority with authorization to function as so directed. (Ord. 06-17) (Ord. 08-07)

**10-3-030: BUILDING PERMITS REQUIRED.** No construction of a building or structure subject to the provisions of the International Residential Code or International Building Code shall commence until the City issues a building permit. Additions or alterations to any existing building or structure, including mechanical, electrical, or plumbing components identified in the International Building Code, shall also require a building permit prior to the commencement of any work. (Ord. 08-07)

**10-3-040: SITE PLAN REQUIRED WITH APPLICATION FOR PERMIT.** All building permit applications for any structure shall include a site plan in duplicate, signed and dated by the applicant, one (1) of which the City shall return to the applicant with corrections or stipulations, if any, and one (1) of which shall be for the use of the Building Department. Such site plan shall be drawn to scale and show the actual dimensions of the applicable lot, the size of existing buildings or structures, if any, the dimensions of proposed buildings, the location of driveways into the property, the location and plan for off-street parking facilities, the location and width and name of abutting streets, the location and width of utility easements, and such other information as may be necessary to

**accurately locate the lot and provide for the enforcement of this Title. (Ord. 08-07)**

**10-3-050: CERTIFICATE OF OCCUPANCY.** No one shall occupy or proceed to use any building or accessory structure until it is in full compliance with the requirements of this Title and until the City issues a Certificate of Occupancy.

(A) A Certificate of Occupancy is a prerequisite to the application and/or receipt of a business license.

(B) It shall be unlawful for any person, firm, or corporation to make connection to or furnish water or electrical service for any new building except for temporary use incidental to construction.

(C) The City shall grant residential building occupancy upon compliance with Section 8-2-18 of the Syracuse City Code. (Ord. 06-17) (Ord. 08-07) (Ord. 09-10)

**10-3-060: TEMPORARY OCCUPANCY.** When circumstances or conditions preclude the completion of weather-related items, the Land Use Administrator or his designee may, with the approval of the City Fire Chief, issue a temporary occupancy permit for a period of time not exceeding six (6) months to allow the completion of items identified by the City Building Department. (Ord. 08-07)

**10-3-070: LICENSE AND PERMITS TO CONFORM TO THE LAND USE ORDINANCE.** All officials and employees of Syracuse City vested with the duty or authority to issue permits and licenses shall conform to the provisions of this Title and shall issue no permit or license for use, building, or purposes where the same would be in conflict with the provisions of this Title. The Land Use Administrator or his designee shall approve all applicable permits and licenses. Any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

**10-3-080: ENFORCEMENT PROCEDURES.** Any violations of the provisions of this Title shall be subject to the enforcement remedies and penalties provided by this Title and by Utah Law, including any of the following: (Ord. 08-07)

(A) **Withhold Permits.** The City may deny or withhold all permits, certificates, or other forms of authorization pertaining to any land or improvements when an uncorrected violation exists pursuant to this Title or to a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City Council, Planning Commission, Appeals and Variance Hearing Officer, or other City officer. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the original applicant or current owner is responsible for the violation in question.

(B) **Revoke Permits.** Any permit may be revoked when the Land Use Administrator or his designee determines that actions taken thereunder do not conform to plans, specifications, or conditions of the permit; that the same was procured by false representation or was issued by mistake; or that any of the provisions of this Title are being violated.

1. Written notice of such revocation shall be served upon the owner, his or her agent, or contractor, or upon any person employed at the site of the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

2. Upon revocation of a building permit which was issued by mistake, the owner shall meet with the Land Use Administrator or his designee to determine in what respect a mistake was made. When plans are in conflict with ordinances, resolutions, regulations, or requirements, and when construction has not progressed to a stage where modification of the plans would require substantial alteration of the structures in place, the plans shall be modified to conform to all applicable requirements. When construction has progressed to a stage where compliance would require substantial alteration of construction in place, the owner shall meet with the Land Use Administrator or his designee to negotiate possible changes in the plans which would more nearly conform to applicable ordinances, resolutions, regulations, or requirements.

3. When a mistake has been made calculating the fee for any permit, the proper fee shall be charged.
- (C) Stop Work. In accordance with its power to stop work under the building code, the City may stop work, with or without revoking permits, on any building or structure on any land on which exists an uncorrected violation of a provision of this Title or permit or other form of authorization issued hereunder.
  - (D) Revoke Plan or Other Approvals. Where a violation of this Title involves failure to comply with approved plans or conditions upon which the approval of such plans was made subject, the City may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a hearing, revoke the plan or other approval, or condition its continuance on strict compliance, the provision of security, or such other conditions as the City may reasonably impose.
  - (E) Remove Signs. When a sign is illegally located within a City right-of-way, on any City-owned property, or in the case of an emergency or an identified hazard, the Land Use Administrator or his designee may, without notice, cause the immediate removal of such dangerous or defective sign which presents a hazard to the public or which is in the public right-of-way.
    1. Such action by the City shall be at the expense of the owner and shall include the actual cost of repair or removal of the sign, plus fifteen (15) percent of such amount for administrative and overhead costs.
    2. If the owner fails to pay the amount due within thirty (30) days from the date of billing, the City may initiate legal action against the owner as provided by law to collect such costs and expenses, including interest at the legal rate and reasonable attorney fees.
  - (F) Injunctive Relief. The City may seek an injunction or other equitable relief in the district court to stop any violation of this Title or of a permit, certificate, or other form of authorization granted hereunder.
  - (G) Abatement. The City may seek a court order from the district court in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.
  - (H) Penalties. Violation of any of the provisions of this Title shall upon conviction be punishable as a class C misdemeanor.
  - (I) Other Remedies. The City shall have such other remedies as are and as may be from time to time provided by Utah law or City ordinance for the violation of any provision of this Title.
  - (J) Remedies Cumulative. These remedies shall be cumulative.

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

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

**Comment [JM43]:** As required by LUDMA

## CHAPTER 4

### ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES

**10-4-010: Purpose**

**10-4-020: Scope**

- 10-4-030: General Application Requirements
- 10-4-040: Public Hearings and Meetings
- 10-4-050: Noticing
- 10-4-060: General Plan Amendments
- 10-4-070: Zoning Map and Text Amendments
- 10-4-080: Conditional Use Permits
- 10-4-090: Site Plan Review
- 10-4-100: Variances
- ~~10-4-110: Building Permits~~
- 10-4-110: Nonconforming Uses or Noncomplying Structures
- 10-4-120: Appeal of Administrative Decisions
- 10-4-130: Appeal of Exactions (Constitutional Takings)
- 10-4-140: Land Use Decisions and Appeal Process

**10-4-010: PURPOSE.** The purpose of this Chapter is to set forth procedures for considering various types of land use and development applications to assure that the City processes applications of the same type on a uniform basis consistent with applicable law. Applicants are entitled to approval of land uses if their requests conform to the requirements of the applicable zoning and Land Use Ordinances and they submit a complete application with all related fees, unless: (Ord. 08-07) (Ord. 10-02)

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

**Comment [JM44]:** Applicants often ask about potential denials of their requests, and this simply states what staff always tells them

**10-4-020: SCOPE.** The City shall review and approve submitted applications for land use and development as provided in this Chapter. (Ord. 08-07) (10-02)

**10-4-030: GENERAL APPLICATION REQUIREMENTS.** The following general requirements shall apply to any application required by this Title. (Ord. 08-07)

- (A) Application Forms. Submitted applications shall be on forms provided by the Community Development Department, and with required documentation in such numbers as reasonably required by the Department, for a particular type of application. Applicants shall first submit all applications for rezone requests, conditional uses, buildings, or other land-use permits to the Department for review to assure compliance with the requirements of ~~this Title~~ the Land Use Ordinances and shall include the name, address, and telephone number of the applicant as well as applicant's agent, if any, and name and address of every person or company the applicant represents. (Ord. 10-02)
- (B) City Initiated Applications. The Community Development Director, Planning Commission or City Council may initiate any action under this Title without an application from a property owner. Notice, hearing and other procedural requirements of this Chapter shall apply to an application initiated by the City.
- (C) Development Review Sequence. The City shall not consider any subdivision site plan or other development application unless: (Ord. 10-02)
  1. The applicable zone of the subject property allows the requested approval.
  2. Where permitted by this Title, the applicant also submits application for a proposed zoning map amendment that would, if approved, allow the proposed request. (Ord. 10-02)

**Comment [jms45]:** Adding this language eliminates a lot of redundancy throughout the Chapter

- (D) Accurate Information. All documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this Title shall be accurate and complete.
- (E) Determination of Complete Application. After receipt of an application, the Community Development Department shall determine whether it is complete. If the application is not complete, the Department shall notify the applicant in writing and identify the deficiencies, by specifying the required information, and advise the applicant that the City will take no further action on the request until submission of a complete application. (Ord. 10-02)
- (F) Fees. The applicant shall pay the City a fee, as provided in the City's schedule of fees as adopted by the City Council, upon filing an application. Application fees shall be amounts reasonably determined to defray actual costs incurred by the City to review plans and specifications, act upon applications, and conduct inspections. The Department shall return any application as incomplete if not accompanied by a required fee. Fees shall be non-refundable except as provided in subsection (G) below. Applications initiated by the City shall not require fees. (Ord. 10-02)
- (G) Remedy of Deficiencies. If an applicant fails to correct specified deficiencies within thirty (30) days after notification thereof the City may deem the application withdrawn and shall return it to the applicant upon request. The Department shall refund application fees to the applicant, less any fee established to cover the cost of determining completeness of the application. (Ord. 10-02)
- (H) Substantial Action Required. If an applicant has not taken substantial action to obtain approval within six (6) months after filing, the application shall expire and any vested rights accrued thereunder shall terminate. (Ord. 10-02)
- (I) Decision Date. The date of a decision or recommendation shall be the date of the decision making body or official. (Ord. 10-02)
- (J) Validity. The continuing validity of an approval of a land-use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
- (K) Extensions of Time. Unless otherwise prohibited, upon written request and for good cause shown, any decision-making body or official having authority to grant approval of an application may, without any notice or hearing, grant extensions of any time limit imposed by this Title on such application, its approval, or the applicant, pro-vided the Department receives such a request or initiates an extension prior to the date of expiration. The total period of time granted by any such extension or exten-sions shall not exceed half the length of the original time period. (Ord. 10-02)
- (L) Pending Ordinance Amendments.
  1. When the City formally initiates proceedings to amend the zoning map or text of this Title, a person who thereafter files an application that the pro-posed amendment may affect shall not rely on the existing zoning map or text under consideration. (Ord. 10-02)
    - (a) A formal initiation for a proposed zoning map or text amendment shall be the date of publication of a Planning Commission or City Council agenda, as the case may be, in a newspaper of general circulation in the area that notices said proposal as required in this Chapter. (Ord. 10-02)
    - (b) The filing date of an application shall be the submission date of all materi-als required for the application, as set forth in this Title. (Ord. 10-02)
  2. An application affected by a pending amendment to the zoning map or text of this Title shall be subject to the following requirements:
    - (a) The City shall not act upon such applications until six (6) months after noticing a proposed amendment in a Planning Commission or City Council agenda, as the case may be, in a newspaper of general circulation in the area unless: (Ord. 10-02)

**Comment [JM46]:** This places responsibility upon applicants rather than staff to ensure projects continue making progress

- i. The applicant voluntarily agrees to amend their application to conform to the requirements of the proposed amendment; or (Ord. 10-02)
  - ii. The City enacts or defeats the proposed amendment sooner. (Ord. 10-02)
- (b) If the City enacts a pending amendment to the zoning map or text of this Title within six (6) months of the publication date of a Planning Commission or City Council agenda, as the case may be, an affected application filed during the pending amendment shall conform to the enacted amendment.
- (c) If the City does not enact a pending amendment to the zoning map or text of this Title within six (6) months of the publication date of a Planning Commission or City Council agenda, as the case may be, the City shall no longer consider the proposed amendment pending and shall consider any affected application without regard to the previously pending amendment.
- 3. The Community Development Department shall give written notice to an affected applicant of a pending amendment to the zoning map or text of this Title informing them that their request may require changes in order to conform to a proposed zoning map or text amendment and that copies of the pending legislation are available at the Community Development office. (Ord. 10-02)
- 4. All provisions herein shall comply with the provisions of Utah Code Ann. 10-9a-509, as amended. (Ord. 10-02)

**10-4-040: PUBLIC HEARINGS AND MEETINGS.** The City shall schedule and hold public hearings or meetings required under this Title, as the case may be, subject to the requirements of this Section. (Ord. 08-07) (Ord. 10-02)

(A) Public Hearings:

- 1. Scheduling. The City shall schedule a public hearing within a reasonable time in light of the complexity of the application submitted, the number of other applications received that require a hearing, available staff resources, and applicable public notice requirements. (Ord. 10-02)
- 2. Procedures. The following procedures shall apply to a public hearing conducted pursuant to this Title. (Ord. 10-02)
  - (a) Any person may appear at a public hearing and submit evidence, either individually or as the agent of a person or an organization. Each person who appears at a public hearing shall state his or her name and, if appearing on behalf of a person or an organization, state the name of the person or organization they represent. (Ord. 10-02)
  - (b) The body or official conducting a public hearing may exclude testimony or evidence that it finds to be unduly repetitious or otherwise inadmissible.
  - (c) The body or official conducting a public hearing may, upon the body's or official's own motion, postpone the hearing. An applicant may request and receive one (1) postponement. Thereafter, the body or official conducting the public hearing shall grant any postponements at their discretion. (Ord. 10-02)
- 3. Withdrawal of Application. An applicant may withdraw an application at any time prior to action on the application by the decision making body or official. The review of the application or mailed, posted, or published a notice for a public hearing on the application. (Ord. 10-02)
- 4. Record. Except where required otherwise by statute, the body or official conducting the public hearing shall record the proceedings thereof by any appropriate means. Anyone may receive a copy of the public hearing record upon request and payment of a fee to cover the cost of duplication of the record. The minutes, tape recordings, all applications, exhibits, papers and

reports submitted in any proceeding before the decision making body or official, and the decision of the decision making body or official shall constitute the record thereof. (Ord. 10-02)

5. General Requirements for Findings and Decisions. The decision-making body or official shall take action in compliance with any time limits established in this Title. Except for those public bodies who make decisions by motion or ordinance, all decisions shall be in writing and shall include at least the following elements:
  - (a) A summary of evidence presented to the decision-making body or official;
  - (b) A statement of applicable development standards;
  - (c) A statement of findings of fact or other factors considered, including the basis upon which the decision-making body determined such facts and specific references to applicable standards set forth in this Title or other titles of the Syracuse City Municipal Code; and (Ord. 10-02)
  - (d) A statement of approval, approval with conditions, or disapproval, as the case may be.
6. Notification. The City shall provide notice of a decision by the decision-making body or official to an applicant within a reasonable time. (Ord. 10-02)

(B) Other Public Meetings.

1. Scheduling. The City shall schedule public meetings within a reasonable time in light of the complexity of the application submitted, the number of other applications received, available staff resources, and applicable public notice requirements. (Ord. 10-02)
2. Withdrawal of Application. An applicant may withdraw an application at any time prior to action on the application by the decision making body or official. The City shall not refund application fees if, prior to withdrawal, staff already began a review of the application or mailed, posted, or published a notice for a public meeting on the application. (Ord. 10-02)
3. Record. Except where required otherwise required by statute, the body or official conducting the public meeting shall record the proceedings thereof by any appropriate means. Anyone may receive a copy of the public meeting record upon request and payment of a fee to cover the cost of duplication of the record. The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision making body or official, and the decision of the decision making body or official shall constitute the record thereof. (Ord. 10-02)
4. Notification. The City shall provide notice of a decision by the decision-making body or official to an applicant within a reasonable time. (Ord. 10-02)

**10-4-050: NOTICING.** Required notice of public meetings and hearings for permitted land use or conditional use applications and ordinances shall include and comply with the following provisions. (Ord. 08-07) (Ord. 09-10)

- (A) Mailing List and Labels. The applicant for a **major** conditional use shall provide the Community Development Department with an approved list of all owners of real property located within three hundred (300) feet of the boundary of the subject property, as shown on the latest assessment rolls of the County Recorder. The applicant shall pay to the City a fee in the amount of the actual costs incurred by the City in providing the notice, and shall bear sole responsibility to ensure the accuracy of the property owner list. (Ord. 09-10) (Ord. 10-02)
- (B) Applicant Notification. For all **major** conditional use applications, the City shall give notice to the applicant of the date, time, and place of each **public hearing** ~~and~~ public meeting to consider the application and of any final action on a pending application. (Ord. 09-10) (Ord. 10-02)

**Comment [JM47]:** minor CUPs are approved administratively, so this is needed to clarify that only major CUPs require notice to adjacent property owners

**Comment [JM48]:** no public meetings for minor CUPs, so this is needed to clarify that only major CUPs are reviewed in public meetings

- (C) Notice to Third Parties. For site specific **major** conditional use applications, the City shall mail notice to the owners of record for each parcel within a three hundred (300) foot radius of the subject property, including third party owners of property within the three hundred (300) foot radius but outside of Syracuse City boundaries.
- (D) Intent to Prepare or Amend General Plan. Before preparing a proposed general plan or general plan amendment the City shall provide ten (10) calendar days notice of its intent to prepare or amend the general plan to the following listed entities or persons. Such notice shall comply with the requirements of Utah Code Ann. 10-9a-203, as amended. The City shall provide notice of intent to designated entities or persons before preparing the plan or amendment to allow those entities and persons to submit information to the City. The entities or persons the City shall notify are: (Ord. 10-02)
1. Each affected entity (as defined in Section 10-2-040);
  2. The Automated Geographic Reference Center (as defined in Utah Code Ann. §63F-1-506);
  3. The association of governments of which the City is a member; and
  4. The State Planning Coordinator (appointed pursuant to Utah Code Ann. §63J-4-202).
- (E) General Plan Adoption or Amendment. The City shall provide advance notice of the date, time and place for public hearings and meetings regarding a general plan adoption or amendment as follows:
1. The City shall provide notice of the first public hearing to consider the adoption or modification of all or any portion of the general plan at least ten (10) calendar days before the public hearing. Notice shall be:
    - (a) Published in a newspaper of general circulation in the area;
    - (b) Mailed to each affected entity (as defined in Section 10-2-040);
    - (c) Posted in at least three (3) public locations within the City and, if practical, on the City's website.
  2. The City shall provide notice of each public meeting regarding the adoption or modification of all or any part of the general plan at least twenty-four (24) hours before the meeting. Notice shall be:
    - (a) Submitted to a newspaper of general circulation in the area; and
    - (b) Posted in at least three (3) public locations within the City and, if practical, on the City's website.
- (F) Adoption or Amendment of Land Use Ordinance. The City shall provide advance notice of the date, time and place for public hearings and meetings regarding a land use ordinance adoption or amendment as follows:
1. The City shall provide notice of the first public hearing to consider the adoption of any modification of a land use ordinance at least ten (10) calendar days before the public hearing. Notice shall be:
    - (a) Mailed to each affected entity (as defined in Section 10-2-040);
    - (b) Posted in at least three public locations within the City and, if practical, on the City's website;
    - (c) Published in a newspaper of general circulation in the area, or mailed at least ten (10) days before the public hearing to each property owner whose land the ordinance change would directly affect and each adjacent property owner within three hundred (300) feet. (Ord. 10-02)
  2. The City shall provide notice regarding the adoption or modification of a land use ordinance at least twenty-four (24) hours before the meeting. The City shall post such notices in at least three (3) public locations within the City and, if practical, on the City's website. (Ord. 10-02)
- (G) Subdivision Plat Amendment or Approval. The City shall provide advance notice of the date, time and place for public hearings and meetings regarding a proposed subdivision or an amendment to a subdivision as follows:

Comment [JM49]: same as above

1. The City shall mail notice at least ten (10) calendar days before the public hearing to the owners of record of each parcel within three hundred (300) feet of the subject property; and (Ord. 10-02)
  2. Not less than ten (10) calendar days before the public hearing, the applicant shall post on the property one (1) City-provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, the applicant shall post the sign on a nearby street as determined by the Community Development Department. The sign shall be of sufficient size, durability, print quality and location as to reasonably give notice to those passing by. (Ord. 10-02)
  3. The City shall mail notice to each affected entity (as defined in Section 10-2-040) of a public hearing to consider a preliminary plat describing a multiple-unit residential development or a commercial or industrial development.
- (H) Plat Amendments that Vacate, Alter or Amend an Existing Street. For any proposal to vacate, alter or amend a platted street, the City shall hold a public hearing and give notice of the date, place and time of the hearing in accordance with the notice requirements provided in Subsection 10-4-050(G) and additionally:
1. Mail notice to each affected entity (as defined in Section 10-2-4);
  2. Publish notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in the City.
  3. Comply with all other requirements set forth in Utah Code Ann. §§10-9a-208, -608 and -609, as amended.
- (I) Notice of Land Use Applications. The City shall notice ~~the following land use~~ General Plan map and Zoning map amendment applications at least ten (10) calendar days before the public hearing. The City shall notice requests for major conditional uses, site plan and site plan amendment approvals, and variances at least three (3) calendar days before the public meeting. (Ord. 10-02)
- ~~1. General Plan map amendments~~
  - ~~2. Zoning map amendments~~
  - ~~3. Conditional use permits;~~
  - ~~4. Site plans or site plan amendments; and~~
  - ~~5. Variances.~~
- (J) Challenge of Notice. If no one challenges a notice given under authority of this Section, in accordance with applicable appeal procedures, within thirty (30) days after the meeting or action for which notice was given, all affected parties shall deem the notice as adequate and proper. (Ord. 10-02)

**Comment [JM50]:** As allowed by LUDMA

**10-4-060: GENERAL PLAN AMENDMENTS.** (Ord. 08-07)

- (A) Purpose. The City Council previously adopted the Syracuse City General Plan, which sets forth procedures for amending same. For purposes of this Section, amendment shall include the addition of new elements to the General Plan and any comprehensive revisions to or adoption of same. (Ord. 10-02)
- (B) Authority. The City Council, as the Land Use Authority, may from time to time amend the General Plan as provided in this section. Such amendments may include any matter within the scope of the General Plan. (Ord. 10-02)
- (C) Initiation. Anyone may propose amendments to the General Plan as provided in this Section. (Ord. 10-02)
- (D) Procedure. City staff shall process and consider General Plan amendments as provided in this Subsection. (Ord. 10-02)
  1. An applicant shall submit a request to the Community Development Department on a form established by the Department along with any fee established by the City's schedule of fees. The City Council, Planning Commission, or authorized City staff may initiate a General Plan amendment at any time without submittal of an application or payment of any fee. Anyone proposing General Plan amendments shall do the survey and analysis work

necessary to justify the proposed amendment. To ensure the Planning Commission and City Council have sufficient information to evaluate a proposed amendment, an applicant shall submit at least the following information: (Ord. 10-02)

~~(a) The name, address and telephone number of applicant, applicant's agent, if any, and name and address of every person or company the applicant represents; (Ord. 10-02)~~

Comment [JM51]: See 10-4-030A

- (a) For map amendments:
    - i. An 8-1/2" x 11" map showing the area of the proposed amendment;
    - ii. Current copy of County Assessor's parcel map showing the area of the proposed amendment;
    - iii. Mapped inventory of existing land uses within the area of the proposed amendment and extending a half (1/2) mile beyond such area;
    - iv. Correct property addresses of parcels included within the area of the proposed amendment;
    - v. Written statement specifying the potential use of property within the area of the proposed amendment;
    - vi. Written statement explaining why the existing General Plan designation for the area is no longer appropriate, desirable, or feasible; and
    - vii. Analysis of potential impacts of the proposed amendment on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, and such other matters as the City may require from time to time; and
  - (b) For text amendments:
    - i. Written statement showing the desired language change and explaining why existing General Plan language is no longer appropriate or feasible; (Ord. 10-02)
    - ii. Analysis of potential impacts of the proposed amendment; (Ord. 10-02)
    - iii. Map showing affected geographic areas based on proposed text changes. (Ord. 10-02)
  3. After City staff determines the completeness of an application or prior to a City-initiated General Plan amendment proposal, the City shall provide notice of intent to prepare or amend the General Plan in accordance with the provisions of Section 10-4-050. After providing notice of intent to prepare or amend the General Plan, the Community Development Department, as the Land Use Administrator, shall prepare a staff report evaluating the proposed amendment.
  4. The Planning Commission, as the Advisory Body, shall schedule and hold a public hearing on the proposed amendment in accordance with the provisions of Section 10-4-050. After the public hearing, the Planning Commission may modify the proposed amendment before forwarding its recommendation to City Council. (Ord. 10-02)
  5. The City Council may schedule and hold a public hearing on the recommended General Plan amendment in accordance with the provisions of Section 10-4-050.
- (E) Approval Standards. A decision to amend the General Plan is a matter within the legislative discretion of the City Council. After the public hearing described in Subsection (d)(5) of this Section, the City Council may make any modifications to the proposed General Plan amendment that it considers appropriate. The City Council may then adopt or reject the proposed amendment either as proposed by the Planning Commission or after making said modifications. The City Council may also table the matter for further information, consideration or action. (Ord. 10-02)

- (F) Appeal. Any person adversely affected by a final decision of the City Council to amend the General Plan may appeal that decision to the district court as provided in Utah Code Ann. § 10-9a-801, as amended.
- (G) Effect of Approval. No one shall deem approval of an application to amend the General Plan as an approval of any zone, conditional use, site plan, or other permit. Obtaining approval of a particular zone or permit shall be in accordance with applicable provisions of this Title. (Ord. 10-02)
- (H) Effect of Disapproval. City Council denial of an application to amend the General Plan shall preclude a person from filing another application covering substantially the same subject or property, or any portion thereof, for six (6) months from the date of the disapproval. This section shall not limit the City Council, Planning Commission, or authorized City staff from initiating a General Plan amendment at any time.

**10-4-070: ZONING MAP AND TEXT AMENDMENTS.** (Ord. 08-07)

- (A) Purpose. This Section sets forth procedures for amending the provisions of this Title and the zoning map.
- (B) Authority. The City Council, as the Land Use Authority, may from time to time amend the text of this Title and the zoning map as provided in this section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations or any other provision of this Title. The provisions set forth herein shall not apply to temporary zoning regulations that the Council may enact without public hearing in accordance with Section 10-9a-504 of the Utah Code, as amended. (Ord. 10-02)
- (C) Initiation. The City Council, Planning Commission, or a property owner may initiate proposed amendments to the text of this Title and the zoning map as provided in Subsection 10-4-070(d) below. (Ord. 10-02)
- (D) Procedure. The City shall process and consider zoning text and map amendments as provided in this Subsection. (Ord. 10-02)
  1. An applicant shall submit a request to the Community Development Department on a form established by the Department, along with any fee established by the City's schedule of fees. The application shall include at least the following information: (Ord. 10-02)
    - ~~(a) Name, address and telephone number of the applicant and the applicant's agent, if any.~~
    - (a) Name and address of every person or company the applicant represents.
    - (b) Requested amendment and reasons supporting the request.
    - (c) If the proposed amendment requires a change in the zoning map, the application shall include:
      - i. an accurate property map showing present and proposed zoning classifications;
      - ii. all abutting properties showing present zoning classifications; and
      - iii. an accurate legal description and an approximate common address of the area proposed for rezoning. (Ord. 10-02)
    - (d) If the proposed amendment requires a change in the text of this Title, the application shall include chapter and section references and a draft of the proposed text.
  2. After City staff determines completeness of the application, the Community Development Department, as the Land Use Administrator, shall prepare a staff report evaluating the application. (Ord. 10-02)
  3. The Planning Commission, as the Advisory Body, shall schedule and hold a public hearing on the application as provided in Sections 10-4-040 and 10-4-050 of this Chapter. Following the public meeting the Planning Commission shall recommend approval, approval with modifications, or denial of the proposed amendment and submit its recommendation to the City Council for review and decision. (Ord. 10-02)

**Comment [JM52]:** See 10-4-030A

4. The City Council may schedule and hold a public meeting on the application as provided in Sections 10-4-040 and 10-4-050 of this Chapter. At the public meeting the City Council shall approve, approve with modifications, or deny the proposed amendment. (Ord. 10-02)
- (E) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter of legislative discretion by City Council and not controlled by any one standard. However, in making an amendment, the City Council should consider:
1. Whether it would be consistent with goals, objectives, and policies of the City's General Plan; (Ord. 10-02)
  2. Whether it would be harmonious with the overall character of existing development in the vicinity of the subject property; (Ord. 10-02)
  3. Whether it would be consistent with the standards of any applicable overlay zone. (Ord. 10-02)
  4. The extent to which it may adversely affect adjacent property; and
  5. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.
- (F) Appeal of Decision. Any party adversely affected by a decision of the City Council to amend the text of this Title or the zoning map may, within thirty (30) days after such decision, appeal to the District Court as provided in Section 10-9a-801 et seq. of the Utah Code, as amended.
- (G) Effect of Approval. Approval of an application to amend the provisions of this Title or the zoning map shall not constitute an approval of any conditional use, site plan, or other permit. Obtaining approval of such permits shall be in accordance with applicable provisions of this Title. (Ord. 10-02)
- (H) Effect of Disapproval. City Council denial of an application to amend the provisions of this Title or the zoning map shall preclude the filing of another application covering substantially the same subject or property, or any portion thereof, for one (1) year from the date of the disapproval, unless the Planning Commission determines a substantial change in circumstances occurred to merit consideration of the application or the application is for a change to a different zone. The City Council or Planning Commission may propose any text or zoning map amendment at any time. (Ord. 10-02)

**10-4-080: CONDITIONAL USE PERMITS.** (Ord. 08-07) (Ord. 10-02)

- (A) Purpose. This section sets forth procedures for considering and approving conditional use permits.
- (B) Authority. The Community Development Department, as the Advisory Body and/or Land Use Authority, or Planning Commission, as the Land Use Authority, has the authorization to issue conditional use permits as provided in this Section. (Ord. 10-02)
- (C) Initiation. A property owner, or the owner's agent, may request a conditional use permit as provided in Subsection (D)(1) below.
- (D) Procedure. The City shall process and consider an application for a conditional use permit as provided in this Subsection. (Ord. 10-02)
1. An applicant shall submit a request to the Community Development Department on a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information: (Ord. 10-02)
    - ~~(a) Name, address and telephone number of the applicant and the applicant's agent, if any~~
    - (a) Address and parcel identification of the subject property
    - (b) Zone, zone boundaries, and present use of the subject property
    - (c) Complete description of the proposed conditional use

**Comment [JM53]:** See 10-4-030A

- (d) A plot plan showing the following:
    - i. applicant's name;
    - ii. site address;
    - iii. property boundaries and dimensions;
    - iv. layout of existing and proposed buildings, parking, landscaping, utilities, and easements;
    - v. adjoining property lines and uses within one hundred (100) feet of the subject property;
    - vi. any other information determined to be necessary by the Land Use Administrator
  - (e) Traffic impact analysis, if required by the City Engineer or the Planning Commission.
  - (f) A statement by the applicant demonstrating how the requested use would meet the approval standards of Subsection (E) of this Section. (Ord. 10-02)
  - (g) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use.
  - (h) Such other information or documentation as the Department may deem necessary for a full and proper consideration and disposition of a particular application. (Ord. 10-02)
2. If the use would require a variance, the applicant shall submit a variance application with the conditional use permit application. (Ord. 10-02)
  3. The Community Development Department, as the Land Use Administrator, shall prepare a staff report evaluating the application(s). (Ord. 10-02)
  4. The Community Development Department, as the Land Use Authority, shall approve or deny applications for minor conditional uses. The Planning Commission, as the Land Use Authority, shall hold a public meeting and thereafter approve, approve with conditions, or deny major conditional use permit applications pursuant to the standards set forth in Subsection (E) below. The Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the conditional use substantially complies with approval standards.
  5. After the Land Use Authority makes a decision, the Community Development Department shall give the applicant written notice of the decision. (Ord. 10-02)
  6. The Department shall maintain a record of all conditional use permits. (Ord. 10-02)
- (E) Approval Standards. The following standards shall apply to the issuance of a conditional use permit. The Land Use Authority may: (Ord. 10-02)
1. Issue a conditional use permit for a use located within a zone that would allow, through regulations, the particular conditional use. (Ord. 10-02)
  2. Impose conditions as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the conditional use, the City as a whole, or public facilities and services. These conditions may include but are not limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. The Land Use Authority shall expressly set forth such conditions in the motion authorizing the conditional use permit.
  3. Approve, approve with conditions, or deny a conditional use but shall approve it if they can impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. However, if there are insufficient, reasonable conditions the Land Use Authority could impose to substantially mitigate any reasonably anticipated detrimental effects of a proposed conditional use, in

order to achieve compliance with applicable standards, they may deny the requested conditional use. (Ord. 10-02)

4. The Land Use Authority may request additional information as needed to determine the potential for compliance with the requirements of Subsection (3) above. (Ord. 10-02)
5. The Land Use Authority shall review and consider the following factors in determining whether to approve, approve with conditions, or deny a conditional use permit application: (Ord. 10-02)
  - (a) Compliance of the proposed use with objectives and requirements of the City's General Plan and this Title; (Ord. 10-02)
  - (b) Suitability of the specific property for the proposed use;
  - (c) Present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
  - (d) Safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
  - (e) Safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
  - (f) Safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
  - (g) Impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.
6. When an applicant proposes a use which requires a conditional use permit on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit, subject to the following requirements: (Ord. 10-02)
  - (a) A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Administrator shall consider the nature, characteristics and impact of the existing and proposed uses, and compatibility and compliance of the proposed use with the factors set forth in Subsection (E) of this Section. (Ord. 10-02)
  - (b) Allowing nonconformance with respect to building setbacks, building height, landscaping and parking space requirements. (Ord. 10-02)
  - (c) Meeting all current building, construction, engineering, fire, health, and safety standards as a condition of approval. (Ord. 10-02)
  - (d) Notifying the applicable neighborhood association by mail and posting a copy on the affected property or premises. (Ord. 10-02)
- (F) Appeal of Decision. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance or denial of a minor conditional use permit may appeal such decision to the Planning Commission by filing written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance, or denial of a major conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination. (Ord. 10-02)
- (G) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Title or any other title of the Syracuse City Municipal Code.
  1. ~~The owner of a conditional use permit may transfer the use to another property so long as the use conducted thereunder conforms to the terms of the permit. (Ord. 10-02)~~

**Comment [j54]:** See home occupation requirements that do not allow this

2. Unless otherwise specified by the Land Use Authority, and subject to the provisions relating to amendment, revocation, or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and run with the land. (Ord. 10-02)
- (H) Amendments. The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this Section.
- (I) Revocation. The Planning Commission may revoke a conditional use permit as provided in Section 10-3-080 of this Title. (Ord. 10-02)
1. Any of the following shall be grounds for revocation: (Ord. 10-02)
    - (a) The use, for which the City granted the permit, ceased for one (1) year or more; (Ord. 10-02)
    - (b) The holder or user of the permit failed to comply with the conditions of approval or any City, State, or Federal law governing the conduct of the use; (Ord. 10-02)
    - (c) The holder or user of the permit failed to construct or maintain the site as shown on the approved site plan or map; or (Ord. 10-02)
    - (d) The Planning Commission determined that operation of the use or character of the site was a nuisance, or a Court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance. (Ord. 10-02)
  2. The Planning Commission shall not revoke a conditional use permit against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission to show cause as to why they should not amend or revoke the permit. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit. (Ord. 10-02)
- (J) Expiration.
1. Conditional use permit approval issued by the City shall expire if any of the following occur:
    - (a) Applicant does not implement the granted permit within one (1) year of the issued approval date (Ord. 10-02)
    - (b) The conditional use of land or structure ceases for any reason for a period of more than one (1) year.
  2. The holder or user of a permit may submit a written request to the Community Development Department prior to the expiration date of said permit for an extension of up to six (6) months, subject to approval of the Land Use Authority and meeting the requirements under Section 10-3-040 of this Title. If the Land Use Authority does not approve the application, no one shall reapply for the same purpose for a minimum period of twelve (12) months. (Ord. 10-02)

**10-4-090: SITE PLAN REVIEW.** (Ord. 08-07)

- (A) Purpose. This section sets forth minimum standards and procedures for all site plan applications and required submittals. These standards and procedures are established to encourage adequate advanced site planning and review in order to assure the highest quality of development for the City. Such standards and procedures are intended to provide for orderly, harmonious, safe and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the Syracuse City General Plan, this Title and the general welfare of the community. This section is not intended to so rigidly control design so as to stifle creativity or individual expression, or to cause substantial, unnecessary expense; rather, any control exercised is intended to be the minimum necessary to efficiently achieve the objectives stated herein. (Ord. 08-11)
- (B) Authority. As provided in this Section, the ~~City Council~~ Planning Commission is authorized to approve site plans after recommendation of the ~~Planning Commission~~ Land Use Administrator.
- (C) Initiation. A property owner, or the owner's agent, may request approval of a site plan as provided in Subsection (D)(1) below.
1. A site plan shall be required for any of the following uses, unless expressly exempted from such requirement by another provision of this Title:
    - (a) Any manufacturing use.
    - (b) Any commercial use.
    - (c) Any institutional use.
    - (d) Any multifamily residential use.
  2. In situations requiring site plan approval, no building permit for the construction of any building, structure, or other improvement to the site shall be issued prior to approval of a site plan. Furthermore, no clearing, grubbing, grading, drain-age work, parking lot construction or other site improvement shall be allowed prior to site plan approval.
- (D) Procedure. An application for site plan approval shall be considered and processed as provided in this subsection.
1. A complete application shall be submitted to the office of the Community Development Department in a form established by the Department along with any fee established by the City's schedule of fees. Each application shall consist of one (1) plan set of 22 inch x 34 inch (22" x 34") drawings in addition to three (3) plan sets of 11 inch x 17 inch (11" x 17") drawings. The application and plan sets shall include at a minimum the following documents and information:
    - (a) A plan set cover sheet showing the entire site plan including a title block showing the name, address, and phone number of the applicant, designer, engineer and any other professionals that contributed to the production of the plans and drawings. The cover sheet shall also include the name (if applicable) and address of the proposed project, and date of preparation of the plans and drawings. A general vicinity map shall be inset on this sheet.
    - (b) A detailed boundary survey sheet showing the following information:
      - i. The location and width of existing and proposed abutting streets.
      - ii. All property and lot lines.
      - iii. Existing and proposed easements and dedications, adjacent property owners and holding strips.
      - iv. The location of all existing and proposed structures on the property, including the building height and any provisions to screen roof-based mechanical equipment, and the location of existing structures on adjoining properties.
      - v. The location of existing fencing and significant existing trees and shrubbery.

**Comment [JM55]:** This allows CC to be appeal authority

**Comment [JM56]:** LU Admin for site plans would be Community Dev Director

- vi. The location of off-street parking, driveways, loading facilities, and hard-surfaced areas.
  - vii. The location of existing and proposed curb, gutter, and sidewalk, curb cuts. If property abuts a state highway, the applicant must obtain approval of the Utah State Department of Transportation Right-of-Way Engineer for location of curb, gutter, and sidewalk. The Utah Department of Transportation must also approve location and number of curb entrances.
  - viii. The location of refuse container(s). Trash collection sites shall be within an area enclosed by a fence or wall at least six (6) feet in height and impervious to sight, adequate to conceal such facilities from adjacent property and the street. (Ord. 06-17)
  - ix. The location of vehicular and pedestrian access and circulation including all existing and proposed traffic, pedestrian and road safety signs.
- (c) A detailed utilities site plan showing the following information: The location and size of all existing or proposed utilities that will provide service to the project (including location of nearest fire hydrants) consistent with design standards approved by the City.
  - (d) A detailed landscaping site design plan that shows the following information:
    - i. Proposed landscaping including identification of plant species and fencing in enough detail that the Planning Commission can review the screening and aesthetic qualities.
    - ii. Irrigation sprinkler designs indicating the location and service size of secondary water connections. Except in a General Commercial zone, the site shall have a minimum ten (10) percent of the total lot area landscaped.
    - iii. Location and design of all exterior lighting. No one shall install or allow such lighting to operate in any way that permits the rays of light to penetrate beyond the property on which such light emanates.
    - iv. Data table showing parcel, building, landscaping, parking areas and percentages, and number of parking stalls required and provided.
  - (e) Floor Plans and Elevations including exterior finishes and colors.
  - (f) Required engineer drawings for on- and off-site improvements as directed by the City Engineer.
  - (g) Traffic study and Geotechnical study as directed by the City Engineer.
  - (h) Each sheet shall be signed and stamped by a Professional Engineer.
- (E) Standards for Approval. The City staff may provide advisory comments to the applicant prior to scheduling the site plan on the Planning Commission Agenda. Staff comments will not guarantee or imply approval of any portion of the site plan. The following standards shall apply to the approval of a site plan.
1. The entire site shall be developed at one time unless a phased development plan is approved.
  2. A site plan shall conform to applicable standards set forth in this Title. In addition, consideration shall be given to the following:
    - (a) Considerations relating to traffic safety and traffic congestion:
      - i. effect of the site development plan on traffic conditions on abutting streets and neighboring land uses, both as existing and as planned;
      - ii. layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
      - iii. arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provisions of City ordinances regarding the same;
      - iv. location, arrangement, and dimensions of truck loading and unloading facilities;

- v. vehicular and pedestrian circulation patterns within the boundaries of the development;
  - vi. surfacing and lighting of off-street parking facilities; and
  - vii. provision for transportation modes other than personal motor vehicles, including such alternative modes as pedestrian, bicycle, and mass transit.
- (b) Considerations relating to outdoor advertising: compliance with the provisions of Chapter 9 of this Title. Sign permit applications shall be reviewed and permits issued as a separate process. Action may be taken simultaneously with or following site plan review.
- (c) Considerations relating to landscaping:
- i. location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development;
  - ii. planting of ground cover or other surfaces to prevent dust and erosion;
  - iii. unnecessary destruction of existing healthy trees; and
- (d) Considerations relating to buildings and site layout:
- i. the general silhouette and mass, including location on the site and elevations, in relationship to the character of the district or neighborhood and the applicable provisions of the General Plan; and
  - ii. exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street, line and pitch of roofs, the arrangement of structures on the parcel, and appropriate use of materials and colors to promote the objectives of the General Plan relating to the character of the district or neighborhood.
- (e) Considerations relating to drainage and irrigation:
- i. the effect of the site development plan on the adequacy of the storm and surface water drainage; and
  - ii. the need for piping of irrigation ditches bordering or within the site.
- (f) Other considerations including, but not limited to:
- i. buffering;
  - ii. lighting;
  - iii. placement of trash containers and disposal facilities; and
  - iv. location of surface, wall and roof-mounted equipment.
- (F) Provision of Curb, Gutter, and Sidewalk. The applicant for site plan approval for multiple dwellings, commercial or industrial structures, and all other business or public and semi-public buildings requiring motor-vehicle access shall provide high-back curb, gutter, and sidewalks along the entire property line which parallels any road or street except for entrances to the property as approved by the Land Use Authority, at which places the applicant shall provide curb cuts in place of high-back curb. (1991) (Ord. 06-17)
- (G) Bonding. Applicant shall provide a guarantee of installation and construction of all on-site and off-site improvements required by this Title, or as required by the Land Use Authority, prior to issuance of any building permits or the commencement of any work. The guarantee shall be in a form acceptable to the City and in an amount equal to one hundred ten (110) percent of the estimated cost of all improvements. The guarantee shall assure the installation of improvements within one (1) year of the date of site plan approval, and shall provide a one (1) year warranty pertaining to the installed improvements. It shall be the responsibility of the developer to notify the City when improvements are complete and ready for inspection.
- (H) Once all application requirements have been met, redline corrections made, revised plans submitted and city engineer's approval given, the site plan will be scheduled on the Planning Commission agenda for a public hearing at which

public comment will be taken. Notice of the public hearing shall be provided in accordance with Chapter 10-4-040 (A) of this Title. The Planning Commission shall receive public comment regarding the site plan and shall approve, approve with conditions or deny the site plan. Upon approval by the Planning Commission, the Site Plan will be forwarded to the City Council for final approval.

- (I) Appeal of Decision. Any person adversely affected by a decision of the City Council Planning Commission regarding approval or denial of a site plan may be appealed to the City Council or District Court in accordance with the provisions of Utah Code Ann. § 10-9a-801 et. seq.
- (J) Effect of Approval. Every site for which a site plan has been approved shall conform to such plan.
1. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this Section have been met. Any building permit issued shall expressly require that development be undertaken and completed in conformity with the approved site plan. No structures or improvements may be added to a site that are not included on the approved site plan.
  2. All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.
  3. Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this Title.
- (K) Amendments. Except as may be provided for elsewhere in this Title, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan as follows:
1. Alteration or expansion of an approved site plan may be permitted by the City Council Planning Commission upon making the following findings:
    - (a) Any proposed use is consistent with uses permitted on the site.
    - (b) Existing uses were permitted when the site plan was approved, or have received a conditional use permit.
    - (c) The proposed use and site will conform to applicable requirements of the Syracuse City Municipal Code.
    - (d) The proposed expansion meets the approval standards of Subsection (E).
    - (e) The architecture of the proposed alteration or expansion, and landscaping, site design and parking layout are compatible with facilities existing on the site.
    - (f) The site can accommodate any change in the number of employees on the site or any change in impact on surrounding infrastructure.
  2. If the City Council Planning Commission cannot make the findings required in Subsection (H)(1) above, a conditional use permit or amended site plan, as the case may be, shall be approved before any alteration or expansion occurs.
  3. Notice of a proposed alteration or expansion should be given as provided in Section 10-4-050 of this Chapter.
  4. The procedure for approval of an amended site plan shall be the same as the procedure for approval of an original site plan as set forth in this Section.
  5. Except as may be provided elsewhere in this Title, when a site plan is amended, the site shall be brought into compliance with current provisions of this Title.
- (L) Revocation. A site plan approval may be revoked as provided in 10-3-080 of this Title.
- (M) Expiration. Failure to obtain a building permit within one (1) year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the Planning Commission may require that a new site plan be submitted and approval obtained pursuant to this Section. A written request may

**Comment [JM57]:** to be consistent with the previous proposed amendment

be submitted to the City Council Planning Commission prior to expiration of the site plan for an extension of up to six months. The City Council Planning Commission can grant such an extension where good cause can be shown.

**10-4-100: VARIANCES.** (Ord. 08-07)

- (A) Purpose. This Section sets forth procedures for considering and approving a variance to the provisions of this Title. Variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from particular unforeseen applications of the provisions of this Title that create unreasonable hardships.
- (B) Authority. The Board of Adjustment is authorized to hear and decide variances to the provisions of this Title as provided in this section.
- (C) Initiation. A property owner, or the owner's agent, may request a variance to the provisions of this Title as provided in Subsection 10-4-100(d) below.
- (D) Procedure. An application for a special exception shall be considered and processed as provided in this subsection.
  - 1. A complete application shall be submitted to the office of the Community Development Department in a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information:
    - ~~(a) The name, address and telephone number of the applicant and the applicant's agent, if any.~~
    - (a) The address and parcel identification of the subject property.
    - (b) The specific feature or features of the proposed use, construction or development that require a variance.
    - (c) The specific provision of this Title from which the variance is sought and the precise variance being sought.
    - (d) A statement of the characteristics of the subject property that prevent compliance with the provisions of this Title and result in unnecessary hardship.
    - (e) A statement of the minimum variation needed to permit the proposed use, construction or development.
    - (f) An explanation of how the application satisfies each standard set forth in Subsection (E) below.
    - (g) A plot plan showing the following:
      - i. applicant's name;
      - ii. site address;
      - iii. property boundaries and dimensions;
      - iv. layout of existing and proposed buildings, parking, landscaping, and utilities; and
      - v. adjoining property lines and uses within one hundred (100) feet of the subject property.
    - (h) An elevation plan drawn to scale showing all elevations of existing and proposed structures.
    - (i) When the variance involves building height, a streetscape plan showing the height of all buildings within one hundred fifty (150) feet of the subject property.
    - (j) When a variance involves grade changes a topographical drawing prepared by a licensed surveyor, showing existing topography in dashed lines at two-foot intervals and showing the proposed grade in solid lines at two-foot intervals.
    - (k) When a variance involves retaining walls, a plan showing all retaining walls, including their height relative to proposed grades.
    - (l) Any other information identified by the Zoning Administrator to be pertinent to the requested variance.

Comment [JM58]: See 10-4-030A

2. After the application is determined to be complete, the City shall schedule a public hearing before the Board of Adjustment as provided in Section 10-4-040 of this Chapter. Notice of the hearing should be given as provided in Section 10-4-050 of this Chapter.
  3. A staff report evaluating the application shall be prepared by the Community Development Department.
  4. The Board of Adjustment shall hold a public meeting and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in Section (E) below. Any conditions of approval shall be limited to conditions needed to conform the variance to approval standards.
  5. After the Board of Adjustment makes a decision, the Community Development Department shall give the applicant written notice of the decision.
  6. A record of all variances shall be maintained in the office of the Community Development Department.
- (E) Approval Standards. The following standards shall apply to a variance.
1. The Board of Adjustment may grant a variance only if:
    - (a) Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title;
    - (b) There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;
    - (c) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
    - (d) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and
    - (e) The spirit of this Title is observed and substantial justice done.
  2. The Board of Adjustment may find an unreasonable hardship exists only if the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. The Board of Adjustment may not find an unreasonable hardship exists if the hardship is self-imposed or economic.
  3. The Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zoning district.
  4. An applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
  5. A use variance may not be granted.
  6. In granting a variance, the Board of Adjustment may impose additional requirements on an applicant that will mitigate any harmful affects of the variance, or serve the purpose of the standard or requirement that is waived or modified.
  7. A variance more restrictive than that requested may be authorized when the record supports the applicant's right to some relief but not to the extent requested.
- (F) Appeal of Decision. Any person adversely affected by a decision of the Board of Adjustment regarding a variance may appeal such decision to the District Court as provided in Utah law.
- (G) Effect of Approval. A variance shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this Title or other applicable provisions of the Syracuse City Municipal Code.
- (H) Amendments. The procedure for amending any variance decision shall be the same as the original procedure set forth in this Section.

- (I) Expiration. Variances shall not expire but shall run with the land.

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

- (A) Purpose. This section sets forth procedures for determining zoning compliance of a building permit application.
- (B) Authority. The Land Use Administrator or his designee is authorized to review building permits for zoning compliance as provided in this section.
- (C) Initiation. Any person may apply for a building permit as provided in the current building codes adopted by the City. Zoning compliance of a building permit application shall be determined as provided in Subsection (D)(1) below.
- (D) Procedure. A building permit application shall be reviewed for zoning compliance as provided in this subsection.
1. A complete building permit application shall be submitted to the Building Department in a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information a plot plan showing the following:
    - (a) The name, address and telephone number of the applicant and the applicant's agent, if any.
    - (a) A plot plan showing the following: applicant's name;
    - ii. site address;
    - iii. property boundaries and dimensions;
    - iv. layout of existing and proposed buildings, parking, landscaping, and utilities; and
    - v. adjoining property lines and uses within one hundred (100) feet of the subject property.
- (E) Approval Standards. No building permit shall be approved for zoning compliance unless the proposed building, structure or use when built and the land on which it is located will conform in every respect with applicable provisions of this Title and any applicable conditions of approval required under a permit applicable to the subject property.
- (F) Appeal of Decision. Any person adversely affected by a decision of the Land Use Administrator regarding zoning compliance of a building permit may appeal to the Board of Adjustment in accordance with the provisions of Section 10-4-140 of this Chapter.
- (G) Effect of Approval. Approval of zoning compliance shall authorize an applicant to proceed with the building permit review process.
- (H) Amendments. The procedure for amending any zoning compliance decision shall be the same as the original procedure set forth in this Section.
- (I) Expiration. Subject to an extension of time, a building permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within one hundred eighty (180) days.

**Comment [jsm59]:** The Community Development Department has never reviewed building permits and does not believe this should be a function of the Department. Building personnel work closely with CDD staff, which we believe is sufficient to ensure they approve only construction that complies with Title X. Therefore, staff is proposing to simply eliminate this language rather than relocate it to another Title.

**10-4-110: NONCONFORMING USES OR NONCOMPLYING STRUCTURES**, (Ord. 08-07)

- (A) Purpose. This Section sets forth procedures for determining the existence, expansion, or modification of a nonconforming use or noncomplying structure.
- (B) Authority. The Land Use Administrator is authorized to make a determination regarding the existence, expansion, or modification of a nonconforming use or noncomplying structure as provided in this Section.
- (C) Initiation. A property owner, or owner's agent, may request a determination regarding the existence, expansion, or modification of a nonconforming use or noncomplying structure affecting the owner's property as provided in Subsection (D)(1) below.
- (D) Procedure. An application for determination of the existence, expansion, or modification of a nonconforming use or noncomplying structure shall be considered and processed as provided in this Subsection.

**Comment [JM60]:** As required by LUDMA

1. A complete application shall be submitted to the office of the Community Development Department on a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information:
  - (a) ~~The name, address and telephone number of the applicant and the applicant's agent, if any;~~
  - (a) The nonconforming use or noncomplying structure in question.
  - (b) A description of the action requested by the applicant.
  - (c) Grounds for finding the use is nonconforming or structure is noncomplying or for allowing expansion or modification of the nonconforming use or noncomplying structure.
2. After the application is determined to be complete, the Land Use Administrator shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Subsection (E) below. Any conditions of approval shall be limited to conditions those needed to conform improve the compliance level of the nonconforming use, existing, expanded, or modification nonconforming use or noncomplying structure to approval standards.
3. After making a decision, the Land Use Administrator shall give the applicant written notice of the decision.
4. A record of all nonconforming use determinations shall be maintained in the office of the Land Use Administrator.
- (E) Standards for Decision. A determination regarding the existence, expansion, or modification of a nonconforming use or noncomplying structure shall be based on applicable provisions of Chapter 5 of this Title.
- (F) Appeal of Decision. Any person adversely affected by a decision of the Land Use Administrator regarding a nonconforming use or noncomplying structure may appeal such decision as provided in Section 10-4-140 of this Chapter.
- (G) Effect of Decision. An applicant may continue, expand, or modify a nonconforming use or noncomplying structure as determined by the Land Use Administrator.

Comment [JM61]: See 10-4-030A

Comment [JM62]: Simply clarifying the language

**10-4-120: APPEAL OF ADMINISTRATIVE DECISIONS.** (Ord. 08-07)

- (A) Purpose. This Section sets forth procedures for appealing an administrative decision applying provisions of this Title.
- (B) Authority. The Board of Adjustment, Planning Commission, or City Council, as designated in these ordinances, shall hear and decide appeals from administrative decisions applying the provisions of this Title as provided in this Section.
- (C) Initiation. Any person adversely affected by a decision administering or interpreting a provision of this Title may appeal to the Board of Adjustment or City Council, as applicable. A complete application for an appeal shall be filed within fifteen (15) days of the decision which is appealed.
- (D) Procedure. An appeal of an administrative decision shall be considered and processed as provided in this Subsection.
  1. A complete Notice of Appeal shall be submitted to the office of the Community Development Department on a form established by the Department along with the fee established by the City in its Consolidated Fee Schedule. The Notice of Appeal shall include at least the following information:
    - (a) ~~the name, address and telephone number of the applicant and the applicant's agent, if any;~~
    - (a) the decision appealed;
    - (b) grounds for the appeal; and
    - (c) a description of the action claimed by the applicant to be incorrect.

Comment [JM63]: PC would be appellate body for LU Admin on CUPs

Comment [JM64]: redundant

Comment [JM65]: See 10-4-030A

2. After the Notice of Appeal is determined to be complete, the City shall schedule a hearing before the appropriate body. Notice of the hearing, whether before the Board of Adjustment or City Council, shall be given as provided in Section 10-4-040 of this Title. Prior to the hearing, the Community Development Department shall transmit to the appellate body all papers constituting the record of the ~~appealed action which is appealed~~.
3. An appeal to the Board of Adjustment, ~~Planning Commission~~, or City Council shall not stay proceedings taken in furtherance of the action appealed, ~~from~~ unless such proceedings are specifically stayed by order of the Land Use Administrator. An appellant may request a stay by submitting to the Land Use Administrator, in writing, a request for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the Land Use Administrator shall assure that all potentially-affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the ~~submittal~~ date ~~the request is received by to~~ the Land Use Administrator. The Land Use Administrator, in granting a stay, may impose additional conditions to mitigate any potential harm ~~that may be~~ caused by the stay, including requiring the appellant to post a bond. Within ten (10) days of the Land Use Administrator's decision regarding the grant or denial of a stay, any aggrieved party may appeal the decision to the appellate body with jurisdiction over the appeal, whose decision will be final.
4. The appellate body shall conduct a hearing based upon the record only, taking no new testimony or new information but relying solely upon the information and final decision of the officer or body from whom the appeal was taken. The appellate body shall thereafter affirm or reverse, wholly or in part, the lower decision, modify that decision, or impose any conditions needed to conform the matter appealed to applicable approval standards. If the prior decision is supported by substantial evidence, the appellate body shall affirm that decision. The appellate body shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.
5. A record of all appeals shall be maintained in the office of the Community Development Department.

Comment [JM66]: better grammar

Comment [JM67]: unnecessary

Comment [JM68]: better grammar

Comment [JM69]: unnecessary

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

Comment [JM70]: As required by LUDMA

- (A) The appellant shall obtain a final determination by authorized City personnel concerning the decision for the requested review.
- (B) Within thirty (30) days from the date of the final decision for the requested review, the appellant shall file the appeal in writing in the office of the City Recorder. A copy of the appeal shall be filed with the City Attorney.
- (C) The City Council, or its designee, shall immediately set a time to review the decision that gave rise to the appeal.
- (D) The appellant shall submit the following information with the appeal:
  1. Name and business address of the current owner(s) of the property, form of ownership, and, if owned by a corporation, partnership, or joint venture, the name and address of all shareholders or partners holding a ten (10) percent or greater interest in the entity.
  2. Detailed statement of the grounds for the appeal.
  3. Detailed description of the property alleged to have been taken.
  4. Evidence and documentation of property value of the property alleged to have been taken, including date and cost at time of property acquisition, evidence of the value of property before and after the alleged constitutional

- taking, name of the party from whom purchased, and relationship, if any, between the person requesting the review and the party from whom the property was acquired.
5. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest, etc.
  6. Terms (including sale price) or any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of request for review.
  7. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application.
  8. Assessed value of and ad valorem taxes on the property for the previous three (3) years.
  9. All information concerning current mortgages or other loans secured for the property, including the name of the mortgagee or lender, current interest rate, remaining loan balance, and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan.
  10. All listings of the property for sale or rent, prices asked and offers received, if any, within the previous three (3) years.
  11. All studies commissioned by the appellant within the previous three (3) years concerning feasibility of development or utilization of the property.
  12. For income-producing property, itemized income and expense statements from the property for the previous three (3) years.
  13. Information from a title policy or other similar source showing all recorded liens or encumbrances affecting the property.
  14. Any other requested information by City Council or designee deemed reasonably necessary to determine whether there has been a constitutional taking.
- (E) The City Recorder shall not deem an application "complete" or "submitted" until the reviewing body or official certifies to the appellant that they received all materials and information required above.
- (F) The City Council or designee shall hear all evidence related to and submitted by the appellant, City, or any other interested party to determine whether or not the City's action may be a constitutional taking as defined in this Title. In making such determination, the City Council or designee shall consider whether:
1. The City had a legitimate governmental interest to support its action;
  2. The City would have been able to accomplish the same result through the use of a less intrusive action;
  3. The property owner was denied all economically viable use of the property;
  4. The action forced the property owner to allow a nonowner to enter the property;
  5. The appealed decision had an essential nexus to the legitimate governmental interest;
  6. The action taken was roughly proportional, both in nature and extent, to the impact caused by the activities that were the subject of the appealed decision
  7. The City made an attempt to quantify its findings
- (G) The City Council or designee shall render a final-written decision on the appeal within fourteen (14) days after the City Recorder receives all required information. A copy of the decision shall be given to the applicant and officer, employee, Board, Commission, or Council that rendered the final decision that gave rise to the appeal.
- (H) If the City Council or designee fails to hear and decide the appeal within fourteen (14) days, the appeal shall be presumed approved.
- (I) Private Property Ombudsman. A private property owner may request the Utah State private-property ombudsman to mediate or conduct or arrange arbitration for disputes between private property owners and Syracuse City as

provided in Section 63-34-13(g) of the Utah Code or any applicable successor law.

**10-4-140: LAND USE DECISIONS AND APPEAL PROCESS.** This Chapter shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws but shall prevail over provisions that are less restrictive. The City shall not impose, on a holder of an approved land-use permit, a requirement not expressed in the applicable land-use permit, documents on which the City based its approval of the land-use permit, or any of the City's adopted ordinances. The City is bound by the terms and standards of its Land Use Ordinances and shall comply with mandatory provisions of same. Table 1 of this Chapter reflects the proper procedures governing land use decisions and appeals. Land use applicants shall have fifteen (15) days to appeal any decision to the appropriate appellate body. If the applicant desires to continue the appeal beyond the decision of the appellate body, they must file such appeal with the District Court within thirty (30) days from the date on which the appellate body rendered its decision. (Ord. 08-07)

**Comment [JM71]:** Already practiced by City and probably required by State and is found in other cities' ordinances. This protects applicants from changes in policies and ordinances after the fact.

| DECISION TO BE MADE                             | ADVISORY BODY                                                          | LAND USE AUTHORITY                                                                                      | APPELLATE BODY                                                                  | EXTERNAL APPEAL                                                           |
|-------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Adoption of or Amendments to General Plan       | Planning Commission (public hearing and notice required)               | City Council (public hearing optional)                                                                  | District Court appeal within thirty (30) days of decision                       |                                                                           |
| Adoption of or Amendments to Land Use Ordinance | Planning Commission (public hearing required)                          | City Council (public hearing optional)                                                                  | District Court appeal within thirty (30) days of decision                       |                                                                           |
| Annexation Application                          | Planning Commission (with recommendation of zoning designation)        | City Council (public hearing/notice required)                                                           | (If petition or Ordinance is denied, process ends)                              | (If petition or Ordinance is denied, process ends)                        |
| Appeal of Administrative Decisions              | None                                                                   | Land Use Administrator                                                                                  | City Council or Board of Adjustment appeal within fifteen (15) days of decision | District Court appeal within thirty (30) days of decision                 |
| <u>Site Plan</u>                                | <u>None</u>                                                            | <u>Planning Commission</u>                                                                              | <u>City Council appeal within thirty (30) days of decision</u>                  | <u>Civil or District Court appeal within thirty (30) days of decision</u> |
| Conditional Use Permits                         | None                                                                   | Planning Commission or Land Use Administrator                                                           | Planning Commission or City Council appeal fifteen (15) days of decision        | Civil or District Court                                                   |
| Non-Conforming Uses and Structures              | None                                                                   | Land Use Administrator                                                                                  | City Council appeal fifteen (15) days of decision                               | District Court Appeal thirty (30) days of decision                        |
| <u>Minor Home Occupations (See Chapter 7)</u>   | <u>None</u>                                                            | <u>Land Use Administrator</u>                                                                           | <u>Planning Commission</u>                                                      | <u>City Council</u>                                                       |
| <u>Major Home Occupations (See Chapter 7)</u>   | <u>Land Use Administrator</u>                                          | <u>Planning Commission</u>                                                                              | <u>City Council</u>                                                             | <u>District Court</u>                                                     |
| Subdivision Applications and Plat Approvals     | Planning Commission (public hearing required at review of sketch plan) | City Council                                                                                            | District Court                                                                  | Thirty [30] days from decision by Land Use Authority                      |
| Vacations or amendments of Subdivision Plats    | Not required                                                           | <u>City Council</u><br><u>Planning Commission</u><br>(public hearing/ fifteen [15]-day notice required) | District Court                                                                  | Thirty [30] days from decision by Land Use Authority                      |
| <u>Amendments to Platted Streets</u>            | <u>Planning Commission</u>                                             | <u>City Council</u><br>(public hearing/ fifteen [15]-day notice required)                               | <u>District Court</u>                                                           | <u>Thirty [30] days from decision by Land Use Authority</u>               |
| Zoning Variances                                | None                                                                   | Board of Adjustment                                                                                     | District Court                                                                  | Thirty (30) days from decision by Land Use Authority                      |
| <u>Exactions (Constitutional Takings)</u>       | <u>City Recorder</u>                                                   | <u>Not applicable</u>                                                                                   | <u>City Council</u>                                                             | <u>Utah State private-property ombudsman</u>                              |

**Comment [JM72]:** As proposed earlier in Title

**Comment [JM73]:** To streamline the bulk of applications received by the City

**Comment [JM74]:** This allows PC to spend more time on planning issues rather than all home occupations and CUPs

**Comment [JM75]:** As allowed by State law 17-27a-6082b

**Comment [jsm76]:** Relocating to Title VIII

**Comment [JM77]:** As required by LUDMA

Table 1 of Chapter 4 (Ord. 06-17) (Ord. 08-07) (Ord. 10-02)

## CHAPTER 5

### NONCONFORMING LOTS AND USES AND NONCOMPLYING STRUCTURES

10-5-010: Intent

10-5-020: Continuation

10-5-030: Determination of Nonconformance

10-5-040: Nonconforming Lots of Record

10-5-050: Nonconforming Uses of Land

10-5-060: Nonconformingmplying Structures

10-5-070: Nonconforming Uses of Structures

10-5-080: Repairs and Maintenance

10-5-090: Nonconforming Uses or Noncomplying Structures Detrimental to Health and Safety

10-5-100: Extension of Time for Recovery of Investment

**10-5-010: INTENT.** Within the zones established by this Title, or amendments thereto, building lots, structures, and/or uses of land and structures lawfully existed before the City Council adopted or amended this Title that prohibits, regulates, or restricts said lots, structures, and uses thereon under the terms of this current Title. It is the intent of this Title to permit these nonconformities to continue until such time as they are changed, amended, or abandoned.

This Chapter declares nonconforming uses or noncomplying structures to be incompatible with permitted uses in the zone involved. However, to avoid undue hardship, nothing in this Title shall require a change in the plans, construction, or designated use of any building or land on which actual construction or use lawfully began prior to the effective date of adoption or amendment to this Title and is diligently pursued. This Title defines actual construction as the placement of construction materials in a permanent position and fastening in a permanent manner. Where excavation, demolition, or removal of an existing building substantially began preparatory to rebuilding, this Title shall deem such excavation, demolition, or removal to be actual construction, provided the builders carry on the work diligently. (Ord. 08-07)

**Comment [JM78]:** Clarification as required by LUDMA

10-5-020: CONTINUATION. A nonconforming use or noncomplying structure, legally existing when it became prohibited, may continue as provided in this Chapter.

**10-5-030: DETERMINATION OF NONCONFORMANCE.** Pursuant to the procedures set forth in 10-4-120, the Land Use Authority shall determine all matters regarding noncomplying structures or the nonconforming use of lots, buildings, and land and whether they use is are nonconformingpliant with respect to current provisions of this Chapter. (Ord. 08-07)

**Comment [JM79]:** current term for grandfathered structures or uses

**Comment [JM80]:** both terms are necessary

**10-5-040: NONCONFORMING LOTS OF RECORD.** In any zone, notwithstanding other limitations imposed by this Title, builders may erect structures permitted in said zone on any single legal building lot of record that does not conform to lot area or lot width requirements of the zone on the effective date of this Title. A lot of record that does not meet lot area or lot width requirements must still meet the other requirements of the zone.

Where lots are larger than required by this Title, the land owner may subdivide said lots into smaller lots, unless the division would create a lot smaller in lot width or lot area than required by this Title.(1991) (Ord. 08-07)

**10-5-050: NONCONFORMING USES OF LAND.** Where, at the time of passage of this Title or amendments thereto, the lawful use of land exists that this Title no longer permits, the use may continue so long as it remains otherwise lawful, provided:

(A) No one enlarges or increases such nonconforming use or extends such use to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Title. (Ord. 08-07)

- (B) No one moves in whole or in part such nonconforming use to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Title. (Ord. 08-07)
- (C) Any such nonconforming use of land does not cease for any reason for a period of more than one (1) year; otherwise, any subsequent use of such land shall conform to the regulations specified by this Title for the zone in which such land resides.
- (D) No one erects additional nonconforming structures in connection with such nonconforming uses of land. (Ord. 08-07)

**10-5-060: NONCONFORMING COMPLIING STRUCTURES.** Where a lawful structure exists at the effective date of adoption or amendment of this Title that could not lawfully be built under the new terms of this Title by reason of restriction on lot area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may continue so long as it remains otherwise lawful, subject to the following provisions:

- (A) No one may alter or enlarge such **nonconforming noncomplying** structure in any way which increases its nonconformity, but may alter any **nonconforming noncomplying** structure or portion thereof to decrease its nonconformity. (Ord. 08-07)
- (B) Such structure shall thereafter conform to the regulations for the district wherein the structure is located if it moves for any reason for any distance. (1991) (Ord. 08-07)

**10-5-070: NONCONFORMING USES OF STRUCTURES.** The lawful use of a structure or structures and premises, existing at the effective date of adoption or amendment of this Title, that the new provisions of said Ordinance no longer allow in the zone may continue so long as it remains otherwise lawful providing that:

- (A) No one shall enlarge, extend, construct, or structurally alter an existing structure devoted to a nonconforming use without changing the use to a permitted use.
- (B) Any nonconforming use may be extended to any other part of a building designed for such use provided that
  1. no structural alteration to the building is made for the purpose of extending the use; and
  2. the nonconforming use does not extend in any way to occupy land outside the structure. (Ord. 08-07)
- (C) Nonconforming uses of buildings, structures, or premises that change to another nonconforming use must receive approval from the Planning Commission. In determining whether or not to grant approval, the Planning Commission shall determine the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
- (D) Any **nonconforming noncomplying** structure **lot**, or nonconforming **lot or** use of a structure and/or land superseded by a permitted structure or use shall thereafter conform to the regulations of the zone in which it resides, and the **nonconforming noncomplying** structure and/or nonconforming use may not thereafter resume.
- (E) Whenever a nonconforming use of a structure or premises ceases for one (1) year, no one shall use the structure or premises thereafter except in conformity with the regulations of the zone in which it resides. The term "ceases" as used in this Sub-section shall mean that the activity in question has not been in operation for a period of one (1) year. (Ord. 08-07)

- (F) Overcoming Presumption of Abandonment. A presumption of abandonment may be rebutted upon evidence presented by the owner showing no intent to abandon the use, structure, or other nonconformity. Such evidence may include proof that, during the alleged period of abandonment, the owner did either of the following:
  1. Maintained the lot and structure, if any, in accordance with the building code;
  - or
  2. Actively and continuously marketed the lot or structure for sale or lease.

**Comment [jsm81]:** This takes the burden off the City to prove grandfathered uses

**10-5-080: REPAIRS AND MAINTENANCE.** The City may prohibit the reconstruction or restoration of a non-complying structure or terminate its nonconforming use if the structure deteriorates to a condition that renders it uninhabitable. The City shall mail written notice of such intent to the property owner granting such owner six (6) months from the date of mailing in which to repair or restore the structure to its original condition. (Ord. 08-07)

**10-5-090: NONCONFORMING USES OR NONCOMPLYING STRUCTURES DETRIMENTAL TO HEALTH AND SAFETY.** No provisions of this Chapter shall be construed to allow the continuance of any nonconforming use or noncomplying structure when it is detrimental to the health, safety, or welfare of the public.

**Comment [JM82]:** language from LUDMA

**10-5-100: EXTENSION OF TIME FOR RECOVERY OF INVESTMENT.** The Land Use Administrator may suspend any requirement that a nonconforming use, lot, or parcel or noncomplying structure or other nonconformity come into compliance with the provisions of this Title if the owner of the affected property demonstrates that they have not recovered or amortized the amount of their investment in the nonconforming use, lot, or parcel or noncomplying structure or other non-conformity.

**(A) Written Request for Extension Required.** A property owner shall submit a written request to the Land Use Administrator for an extension of time needed to recover their investment in the affected property.

**(B) Information Required.** The following information shall accompany the request:

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

**Comment [JM83]:** This allows the City to be lenient enough to give property owners sufficient time to recoup their losses in cases where the City must require them to comply with current ordinances

## CHAPTER 6 GENERAL LAND USE REGULATIONS

- 10-6-010: Effect of Chapter**
- 10-6-020: Regulations for Buildings and Structures**
- 10-6-030: Regulations for the Use of Land**
- 10-6-040: Farm Animal Keeping**
- 10-6-050: Lot and Yard Regulations**
- 10-6-060: Miscellaneous Requirements and Provisions**
- 10-6-070: Shade Trees**
- 10-6-080: Buffer Yards**
- 10-6-090: Agriculture Protection Areas**
- 10-6-100: General Conditional Uses**

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

**(A) Building Lot for Building Required.** The erection of every building, except those housing public uses, public utilities, accessory and temporary uses, and those buildings used in conjunction with agriculture, parks and playgrounds, or other uses expressly exempted, shall be erected on a "Building Lot" that shall be designated and continuously maintained for principal buildings and their accessory buildings. Except for dwelling groups as specifically authorized in this Title, not more than one (1) dwelling structure shall occupy any one (1) building lot.

1. Lot and Building Addressing. Each building in the City shall display its identified address as approved by the Community Development Director or his designee. The City shall ensure all buildings post and use the legally-recorded lot and address building numbers to provide effective and timely emergency response. The building or premises shall prominently display the address or lot number during construction. The following standards shall apply in numbering lots and buildings effective upon adoption of this Title: (Ord. 06-17)
  - (a) Lot and building numbers on the south or east side of a street shall end with an odd number. (Ord. 06-17)
  - (b) Lot and building numbers on the north or west side of a street shall end with an even number. (Ord. 06-17)
  - (c) Lot and building numbers will not end with a zero (0). (Ord. 06-17)
  - (d) Lot and building numbers shall not duplicate those on adjacent parallel streets. (Ord. 06-17)
  - (e) Properties on which buildings are not readily identifiable from a street or access road may require additional identification as determined by the Community Development Director or his designee. (Ord. 06-17)
  - (f) Residential building numbers shall be at least five (5) inch tall block letters. All building numbers shall be of sufficient size so as to be legible from the street or private road. (Ord. 06-17)
  - (g) Building numbers shall be of durable materials the colors of which contrast with the background material. (Ord. 06-17)
  - (h) Building numbers shall be mounted in a secure and permanent manner.
  - (i) Single-family and two- (2) family building numbers shall be placed on a prominent portion of the front building facade a minimum of seven (7) feet above the finished elevation of the ground at the front building line. (Ord. 06-17)
  - (j) Multi-family, commercial, office, industrial, or institutional building numbers shall be placed in a prominent location at the main entrance of such buildings. (Ord. 06-17)
  - (k) Identification of interior suites, apartments, units, or offices shall each be clear and in a logical numerical or alphabetical sequence. (Ord. 06-17)
2. Street Signs. Street signs shall be installed at all intersections of public and/or private streets at locations specified by the City Community Development Director or his designee according to approved City standards and designs. Developers shall install all required street signs in new developments at developer's expense; however, the City, developer, or owner may install street signs as determined by the City. (Ord. 06-17)

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

(C) Accessory Buildings and Structures.

1. General Requirements.

- (a) No accessory building or structure shall be erected, located, used, or occupied until the erection of the principal use has commenced. No more than two (2) accessory buildings shall be on any lot, unless it contains a minimum of half an acre. Lots with half an acre or more may qualify for approval of a third accessory building by complying with all other applicable requirements of this Chapter. No accessory building may be located within a recorded easement unless authorized by the Land Use Authority. All accessory buildings located in the street sides of corner lots shall comply with Section 10-6-050 regarding lot and yard regulations for corner lots. No accessory building or structure may ~~be located in~~

**Comment [JM84]:** Staff considers a third structure to be of minimal impact to adjacent properties if they are located on larger lots at least a half acre in size

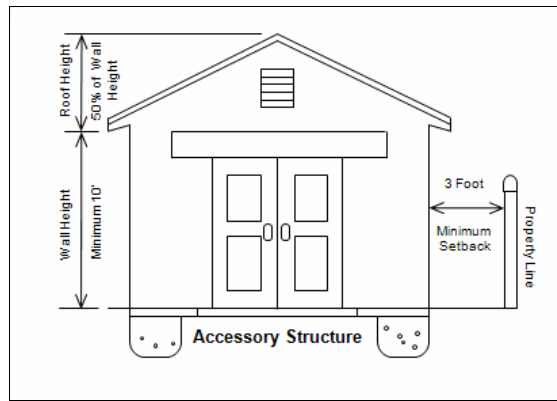
encroach into a front or side yard unless the structure is: (Ord. 08-07) (Ord. 09-10) (Ord. 09-16)

- i. not larger than two hundred (200) square feet, which includes any awnings, carports or other attached features to the accessory structure and; (Ord. 08-07)
  - ii. not taller than ten (10) feet and; (Ord. 08-07)
  - iii. concealed or otherwise located behind a privacy fence of at least six (6) feet in height and; (Ord. 08-07)
  - iv. located at least ten (10) feet from the primary structure and located at least 3 feet from any property lines. (Ord. 08-11) (Ord. 09-10)
2. Accessory buildings or structures two hundred (200) square feet or greater.
- (a) Building Permit Required. Accessory buildings of two hundred (200) square feet or greater shall require Conditional Use approval for a minor conditional use permit and issuance of a building permit. Such accessory building or structure shall conform to requirements of Section 10-6-010(C)1 and shall not be greater in size than the footprint of the principal structure.
  - (b) Approval. Persons desiring to construct accessory buildings shall make application to the Land Use Authority or designee for conditional use approval as outlined in Section 10-6-100. Application shall include the following submittals: (Ord. 10-02)
    - i. Site plan showing location of the home, property line setbacks, location of the proposed building, parking spaces, easements, and buildings on adjacent properties within fifty (50) feet of the proposed accessory building.
    - ii. Elevation drawings showing the roof structure, type of material and design finish of the building, and building structure measurements.
  - (c) Design. The design, height, and footprint of accessory buildings shall blend aesthetically with the principle building's architecture and design materials.
3. Setback Requirements. Shown in Exhibit 10-6-010.a and listed below are the following setback requirements developed to regulate the negative impact accessory structures can have within a development: (Ord. 10-02)
- (a) Minimum Setback. In no case shall an accessory building, regardless of size, be any closer than three (3) feet to any property line. (Ord. 04-04)
  - (b) Walls. Accessory buildings two hundred (200) square feet or greater and exceeding ten (10) feet in height, as measured from the main floor to the top exterior wall plate, shall increase the three (3) foot minimum setback requirement from property line by one (1) foot for every one (1) foot of height above ten (10) feet. (Ord. 04-04) (Ord. 09-10) (Ord. 10-02)
  - (c) Roof. The roof height on an accessory structure that exceeds fifty (50) percent of the wall height, as measured from the top exterior wall plate to the highest point on the roof, shall increase the three (3) foot minimum setback requirement from property line by one (1) foot for every one (1) foot of height above the fifty (50) percent requirement. (Ord. 10-02)
  - (d) Corner Lot. An accessory building located on the street side of a corner lot shall comply with Section 10-6-050. (Ord. 08-11)
  - (e) Other Structures. In no case shall an accessory building be constructed within six (6) feet of a primary structure or within six (6) feet of any structure two hundred (200) square feet or greater on any adjacent property. (Ord. 10-02)

**Comment [JM85]:** minor CUPs allow admin approval for quicker turnaround

Exhibit 10-6-010.a

**Comment [JM86]:** Staff believes this should apply to structures on the same lot as well as on adjacent land



- (D) **Maximum Height Limitations.** No maximum height regulations, as stated in this Title except for specified exceptions, shall apply to prevent the construction of penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the buildings, and fire or para-pet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, television masts, silos, or similar structures above the stated height limits, provided that no space above the height limit shall provide additional floor space.
- (E) **Additional Height Allowed.** Public buildings or structures and churches authorized in a zone may be erected to any height provided the building is set back from each otherwise established setback line at least one (1) foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.
- (F) **Satellite Dish Antennas.** For the purpose of this Title, satellite dishes may be located on any residential structure or in the rear yard as accessory structures. (Ord. 03-08)
- (G) **Swimming Pools.** Any structure intended for swimming, recreational bathing, or wading that is over twenty-four (24) inches deep shall require a building permit. The provisions of the adopted International Residential Building Code appendix (G), adopted by the City Council, shall govern the design and construction of swimming pools, spas, and hot tubs installed in or on the lot of a one- (1) or two- (2) family dwelling. All such pools in any residential zone shall be accessory uses and comply with the following conditions and requirements: (Ord. 06-17) (Ord. 08-07)
  1. It shall not be located closer than eight (8) feet to any property line.
  2. The swimming pool shall be walled or fenced to at least six (6) feet in height to prevent uncontrolled access by children from adjacent properties.

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

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

4. Reasonable Accommodation. None of the requirements of this Section shall limit any reasonable accommodation necessary to allow the establishment or occupancy of a residence for anyone with a disability as protected under the Fair Housing Amendments Act of 1988. (Ord. 10-02)

(B) Regulations for New Residential Construction.

1. A minimum thirty-eight (38) percent of the exterior wall construction for all single family detached, duplex, and single family attached town homes shall be constructed of brick, rock, or stone. The thirty-eight (38) percent coverage requirement shall be calculated by measuring all façades of the structure, from foundation to top plate line of the uppermost level, excluding openings for windows, doors, and trim to find the total wall area, and multiplying that figure by thirty-eight (38) percent. The builder of the structure shall satisfy the thirty-eight (38) percent requirement by placing the brick, rock, or stone on one or more facades of the structure, provided the façade designated as the front of the structure has no less than thirty-eight (38) percent of that façade covered with brick, rock, or stone. Measurements shall be made from the plans submitted for permit application as shown on the elevations. Hidden nooks and recesses shall only be computed if specifically identified on the plan. Gables having brick, stone or natural rock may be credited towards satisfying the total wall area requirement. (Ord. 10-02)
2. The requirement for brick, rock, or stone exterior wall construction shall apply to any single family detached, duplex, or single family attached town home planned as part of a development for which the City approved a preliminary plat after the effective date of this Title.
3. Every residential dwelling shall have a minimum fully enclosed two- (2) car garage (attached or detached) having a minimum outside width of twenty (20) feet (as measured from outsides of foundation) and having at least four hundred (400) square feet in total floor area. The Building Department shall not issue a building permit for construction of residential structure(s) unless plans for such structure(s) include the garage described in this Subsection.

(C) Regulations for Manufactured Housing.

1. The U.S. Department of Housing and Urban Development inspectors shall certify all manufactured homes as meeting the National Manufactured Housing Construction and Safety Standards Act of 1974, effective June 15, 1976 (HUD Code), and any subsequent amendments thereto.
2. **Each manufactured home, with or without basement, shall be located on a site-built permanent foundation system that meets or exceeds applicable requirements of the building codes as detailed in the "Guidelines for Manufactured Housing Installations." Permanent masonry or concrete perimeter enclosures shall be required and shall conform to the adopted edition of the International Residential Code as specified for foundation walls. (Ord. 03-08) (Ord. 08-07)**
3. **The manufactured home, when fully installed, shall have the appearance of a site-built single-family dwelling and meet the requirements of Section 10-6-2(A) and (B). (Ord. 03-08) (Ord. 08-07)**
4. Homeowners shall ensure the removal of all towing hitches and running gear, which include tongues, axles, brakes, wheels, lights, and other parts of the chassis intended only for transport.

**10-6-030: REGULATIONS FOR THE USE OF LAND.** This Title allows the following uses as permitted or conditional, provided the applicants meet and comply with the regulations established herein for each specific use and provided they obtain site plan approval from the City Council, who shall act as the Land Use Authority for this Section. (Ord. 06-17)

- (A) Dwelling Groups. The Land Use Administrator shall not issue a building permit for the erection of any dwelling group unless that dwelling group conforms to all

the following conditions and requirements and receives a recommendation of approval by the Planning Commission:

1. The area of the lot, on which the dwelling group is to be located, shall be at least equal to the aggregate of the lot areas otherwise required for the individual dwellings in the group.
2. No building in a dwelling group shall be closer to any lot line than the front, side, or rear yard distances otherwise required in the zone in which the building will be located. When the buildings in a dwelling group are arranged in a row, side by side, the distance between buildings shall not be less than two (2) times the side yard requirement of the zone. When the buildings in a dwelling group face a side lot line, the side yard between the front of the building and said lot line shall not be less than the front yard requirement for the zone. When the buildings in a dwelling group are arranged in a row, front to back, the distance between buildings shall not be less than two (2) times the front yard requirement of the zone. (Ord 05-12)
3. Every dwelling in the dwelling group shall have an entrance within sixty (60) feet of an access roadway, drive, or parking lot and within two hundred (200) feet, measured along the route of vehicular access, of a public street.
4. Except as modified in this Section, such dwelling group shall conform to all requirements of this Title for the zone in which it is to locate.
5. The width of the lot on which the dwelling group is to be erected shall be at least eighty (80) feet. The width of the roadway or drive shall be at least twenty (20) feet. The erection of a dwelling group shall be a planned development from the beginning, clear of existing buildings, except an existing building may be included within the group upon recommendation of the Planning Commission.

(B) Multi-Family Dwellings. The Building Department shall not issue a building permit for the erection of any multi-family dwelling unless it conforms to all the following conditions and requirements and receives a recommendation of approval by the Planning Commission:

1. **All multiple-family dwellings shall conform to the requirements of Section 10-6-020(B)1 and 2. (Ord. 08-07)**
2. **Buildings in multiple-family dwelling developments shall have a minimum fifteen- (15) foot separation for single-story buildings, twenty- (20) foot separation for two- (2) story buildings, and twenty-five- (25) foot separation for two and five tenths (2.5) stories and above buildings. Multiple-family dwellings shall be located no closer than fifty (50) feet from any single-family or two- (2) family dwelling.**
3. **The approved site plan shall identify all trash dumpsters, utility fixtures, power transformers, and other appurtenances which shall have screens with masonry fencing, solid iron metal gates, and landscaping.**
4. **Street, building, and parking illuminations within multi-family developments shall meet the following requirements. The preliminary plat or site plan review phase of the development process shall include the designation, spacing, and arrangement of all exterior lighting structures. The developer shall submit to the Planning Commission sufficient information, in the form of an overall exterior lighting plan, to enable the Planning Commission to determine compliance with all applicable provisions of this Title. The exterior lighting plan shall include: (Ord. 08-07)**
  - (a) **The standards for insuring that site lighting projections shall not bleed onto adjacent residential properties.**
  - (b) **Site lighting that minimizes light spill into the dark night sky.**
  - (c) **Where practical, exterior lighting installations, which include timers, dimmers, sensors, or photocell controllers, that turn the lights off during daylight hours, or hours when lighting is unnecessary, to**

reduce overall energy consumption and eliminate excessive lighting.

- (d) Fixtures and lighting systems, used for safety and security, which shall be in good working order and maintained in a manner that serves the original design intent of the system.
- (e) Vegetation and landscaping maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces. Landscaping information shall indicate mature tree size, shrubbery, and other vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting.
- (f) The proposed location, mounting height, and aiming point of all exterior lighting fixtures.
- (g) Building elevations as the principal areas of illumination, and drawings of all relevant building elevations showing the fixtures, portions of the elevations or areas intended for illumination, luminance levels of the elevations, and the aiming point for any light fixture.

(C) Residential Facility for Persons with a Disability. A group home facility licensed by the State of Utah and designed as a single-family residential dwelling unit occupied on a twenty-four (24) hour per day basis by residents requiring protected living arrangements and/or assistance with daily living activities. Such group home facilities for persons with a disability are a permitted use within residential zones and some commercial zones. The applicant(s) for group home facilities shall submit site plans that comply with the regulations established herein for each specific use and obtain a recommendation for approval from the Planning Commission as well as site plan approval from the City Council. The City shall not deny a group home facility where it meets all requirements set forth herein. (Ord. 08-07)

As used herein, "disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such impairment. "Disability" does not include current illegal use of, or addiction to, any federally-controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. § 802.

All facilities shall be in conformance to the International Building Code for an R-4 occupant group, including any amendments the International Fire Code may outline. (Ord. 08-07)

1. Site Plan Review.

(a) In residential zones, the facility shall meet all municipal building, safety, zoning, and health ordinances applicable to similar residential dwellings. The facility shall be capable for use as a group residential facility without structural or landscaping alterations that would change the structure's residential character. To protect the general appearance, character, or safety of the residential area or neighborhood, no one shall add to or enlarge the group home facility in any manner without prior approval of the City. (Ord. 06-17) (Ord. 08-07)

(c) A facility shall comply with the parking requirements set forth in Chapter 7. Facility management shall prohibit parking in the minimum front, side, or rear landscaped-setback areas. (Ord. 08-07)

2. Compliance and Licensure.

(a) The applicant shall obtain and maintain all licenses from the State of Utah to operate a group home facility and provide the City with proof of such license(s) prior to site plan approval of the facility. The applicant must verify compliance with all applicable

requirements, regulations, and standards of the State of Utah Department of Health.

- (b) The use granted and permitted to the resident homeowner by this Title is nontransferable and terminates if the structure converts to a use other than a group home facility or if the structure fails to comply with applicable health, safety, or adopted building codes.
3. **Reasonable Accommodation.** None of the requirements of this Section shall limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.
4. **Separate Requirement Standards for an Assisted Living Facility or Similar Elderly Residential Facilities.** (Ord. 08-07)
- (a) Persons receiving treatment for alcoholism or drug abuse shall not reside in such facility. No person with a history of violent behavior or felony arrest history shall reside in such facility.
- (b) Placement in an assisted living facility or elderly residential facility shall be on a strictly voluntary basis and not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional or mental institution.
- (c) This Title prohibits discrimination against elderly persons and against assisted living facilities for elderly persons. The City Council shall base all decisions regarding applications for assisted living facilities or for elderly residential facilities on the site plan approval criteria set forth in this Title.
- (d) Elderly residential facilities shall acquire site plan approval if the facility meets the requirements of existing land use ordinances that allow a specified number of unrelated persons to live together {See Section 10-2-040(DD)}. Group facilities exceeding such specified number of unrelated persons shall require site plan approval by the City Council. (Ord. 08-07)
- (e) The facility operator shall provide the City proof of adequate insurance for the program vehicles, hazard insurance on the home, and liability insurance to cover residents.

10-6-040: **FARM ANIMALS KEEPING.**

- (A) Animal Clinics. Such facilities shall require sound-proof walls, if a part of a larger commercial building, and receive site plan approval. Clinics utilizing single-tenant buildings shall locate no closer than one hundred (100) feet from any residential dwelling unless it also incorporates sound-proof walls.
- (B) Animal Hospitals. Such facilities shall receive site plan approval and locate no closer than two hundred (200) feet from any residential dwelling.
1. Animals taken outside the building to the exercise runs shall have continuous supervision by an employee of the facility.
2. Hospitals shall be no closer than two hundred (200) feet to any adjacent primary structure, constructed with sound-proof walls, and comply with Table D for Buffer Yards
3. The lot-size requirement for such facilities shall be no less than one (1) acre
4. Site plan shall include means for controlling dust, odor, and insects for the outdoor exercise runs, location of all existing and proposed structures, utilities, and landscaping.
- (C) Farm Animal Keeping.
1. Definitions:  
LIVESTOCK. Any normally-domesticated animal that is not a cat or dog, such as cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc. (Ord. 06-17)  
ADEQUATE FENCING. At a minimum, mesh, barbed wire, chain link, rail, or post fencing or metal-fence panels. (Ord. 06-17)

**Comment [JM87]:** Changing the heading to just animals allows all regulations pertaining to animals to be in one place in this Title

**Comment [JM88]:** Such facilities should go through site plan just like all other commercial entities and that these requirements protect adjacent businesses and uses

**Comment [JM89]:** Since this use would be a greater impact, it should have more restrictions to protect adjacent businesses and uses

**Comment [JM90]:** This would prevent a kennel-like atmosphere with animals left outside unattended all day

**Comment [JM91]:** Commercial dog kennels require 5 acres. Shall we match that requirement?

FARM INDUSTRY. The keeping and raising of farm animals and/or fowl for domestic or commercial use such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches, and similar uses and accessory uses thereof.

FARM ANIMAL KEEPING. The keeping of animals or fowl, such as commonly used for food or fiber production or as a beast of burden, for commercial purposes or for recreational pleasure. (Ord. 06-17)

2. In residential and agricultural zones where permitted, animals and fowl may be kept for family use outside the dwelling provided that all pens, barns, coops, stables, corrals, and other similar enclosing structures to keep animals or fowl shall be not less than fifty (50) feet from dwellings on adjacent lots, not less than twenty (20) feet from a dwelling on the same lot, and not less than one hundred fifty (150) feet from a public street, except on corner lots where such structures shall be not less than fifty (50) feet from a public street. In residential zones where animal keeping is a permitted or conditional use, there shall be a minimum lot size of twenty-one thousand seven hundred eighty (21,780) square feet, and all animal keeping guidelines shall be in accordance with the provisions as outlined in this Section of the Title. The number of animals or fowl permitted shall be governed by the following schedule except that dependent young may be kept in addition to these numbers:

- (a) In residential zones where animal keeping is a permitted use, each lot containing twenty-one thousand seven hundred eighty (21,780) square feet shall have an allocation of forty (40) points with an additional accrual of ten (10) points for each ten thousand eight hundred ninety (10,890) square feet thereafter. ~~Such square footage calculations shall not include the square footage of structures located on the premises or the square footage of the front yard.~~ (Ord. 06-17) (Ord. 08-07)

**Comment [jsm92]:** This previously-added language made almost all horse property in City nonconforming

- (b) In residential zones where animal keeping is a conditional use, each lot containing twenty-one thousand seven hundred eighty (21,780) square feet shall have an allocation of twenty (20) points with an additional accrual of ten (10) points for each ten thousand eight hundred ninety (10,890) square feet thereafter. ~~Such square footage calculations shall not include the square footage of structures located on the premises or the square footage of the front yard.~~ (Ord. 08-07)

**Comment [jsm93]:** This should remain, since the use is conditional

- (c) Animals shall have points assigned to them based on the following groups:

|      |                                                                                           |                               |
|------|-------------------------------------------------------------------------------------------|-------------------------------|
| i.   | Large animals such as horses or cows (Ord. 06-17)                                         | Twenty (20) points each       |
| ii.  | Medium animals such as sheep, goats, llamas, emus or ostriches (Ord. 08-07)               | Ten (10) points each          |
| iii. | Large fowl such as turkey or geese (Ord. 08-07)                                           | Five (5) points each          |
| iv.  | Small animals and fowl such as rabbits or chickens                                        | Two (2) points each           |
| v.   | Pigs (provided their pens are at least two hundred (200) feet from neighboring dwellings) | One Hundred (100) points each |

Exception: This provision shall not apply to certified breeds of potbellied pigs with the North American Potbellied Pig Association. (1998) (Ord. 06-17)

- (d) Animal owners shall contain animal waste runoff water from paddocks or stables so as not to contaminate residential water resources, public rights of way, or adjacent properties. (Ord. 06-17)

- (D) ~~6.~~ Household Pets. Property owners may keep small animals and fowl as household pets in residential zones subject to the following conditions: (Ord. 06-17)
- Animals or fowl shall be kept in pens, or otherwise secured, unless housed within the dwelling unit.
  - No more than two (2) of the same species shall be kept, excluding dependent young.
  - In no case shall there be more than four (4) small animals or fowl kept as household pets.
  - All pens, coops, and structures shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)
  - Animals or fowl allowed shall be those species normally stocked and available at a State licensed pet store. (1999)

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

- Owners of kennels shall obtain licensing from Davis County Animal Control and comply with all adopted animal-control regulations.
- All pens, runs, shelters, or similar structures housing dogs in Agriculture and ~~R-4~~ Residential Zones shall be ~~located~~ not less than one hundred (100) feet from neighboring or abutting dwellings.
- ~~The number of~~ In order to have a third dogs, four (4) months old or older, ~~kept~~ on a residential lot ~~shall be limited to three (3), the dogs' owner(s) shall acquire approval for a minor conditional use permit.~~ (Ord. 08-07)
- Kennels for commercial purposes shall keep all pens, runs, shelters, or similar structures housing the dogs not less than two hundred (200) feet from a public street and at least two hundred (200) feet from all neighboring or abutting dwellings and shall acquire approval for a major conditional use permit.
- ~~Such~~ Commercial kennels shall be located on a minimum of five (5) acres and must receive site plan approval.

**Comment [JM94]:** LU Admin would be Comm Dev Director, which would streamline this process for quicker decisions

**Comment [JM95]:** Already a requirement but never stated in this Title

**Comment [JM96]:** There are lots in R-2 and even R-3 zones that could qualify for residential kennels

**Comment [JM97]:** Requirements are specifically outlined, making it easy for Dept to approve or deny and thereby streamlining these types of applications

**Comment [JM98]:** Commercial kennels would have a great impact and therefore require a public meeting

(F) Stables, Public

- Stables shall require a minimum of four (4) acres.
- The number of animals shall be no more than four (4) per each acre of property in the stable use.
- The property shall provide one-half (1/2) of a parking space for each animal housed at the facility.
- Property owners shall provide toilet facilities and shall maintain such facilities in a sanitary condition.
- The applicant shall submit a plan to the Land Use authority for control of dust, odor, and insects.
- The applicant shall submit a site plan showing the location of all existing and proposed structures and utilities and landscaping.
- All utilities servicing the stable shall be underground.
- No stable shall be located within two hundred (200) feet of any residential dwelling unit.
- Public access to the facility shall be from dawn to dusk.
- Horse exercise areas such as working yards, walker equipment areas, or paddocks shall use dust control by means of constructed water-delivery systems or chemically treated exercise-surface areas.

**Comment [JM99]:** Relocated from 10-6-100 Conditional Uses

(G) ~~7.~~ Vietnamese Potbellied Pigs. Vietnamese Potbellied Pigs shall be considered household pets for the purposes of this Title and shall be allowed in any residential or agricultural zone subject to the following conditions:

- No more than two (2) pigs may be kept per household, together with dependent young up to four (4) months in age.

2. The animals shall be purebred miniature Vietnamese potbellied pigs certified by the North American Potbellied Pig Association. The Land Use Authority may require proof of certification records as a condition of approval. (Ord. 08-07)
3. The animals may not exceed one hundred (100) pounds in weight. (Ord. 06-17)

(H) 8. Rabbits and Hens. Residents may keep rabbits and hens outside the dwelling subject to the following conditions: (Ord. 08-07)

1. The residents shall have no more than six (6) hens or six (6) rabbits, or a combination of both not exceeding six (6), excluding dependent young.
2. The animals shall be kept in pens, coops, or contained in a fenced area.
3. All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)
4. Roosters are not permitted in any residential zones. (Ord. 08-07)

**10-6-050: LOT AND YARD REGULATIONS.**

(A) Lot Standards. Except as this Title may otherwise permit, every lot within the City shall have such area and width as required by the zone in which the lot is located and shall have frontage upon a dedicated or public street before the Land Use Administrator may issue a building permit. (Ord. 08-07)

(B) Lots Fronting on Arterial and Collector Streets. Residential lots fronting on streets designated by the Syracuse General Plan as arterial or collector streets shall have setbacks to allow for road expansion. Homes that have the main entrance fronting collector and arterial streets shall have a minimum setback of forty (40) feet. If the home is otherwise positioned, the setback from the collector or arterial street shall be thirty (30) feet. Unless otherwise required in Planning Commission review, this Section shall not apply to lots positioned on arterial or collector streets already improved to the designated width outlined in the City's Master Transportation Plan.

(C) Yard Encroachments. This Title prohibits any encroachments into minimum required yard space, other than the following:

1. Chimneys, bay windows, sills, lintels, cantilevers, or other ornamental features may project not more than twenty-four (24) inches into required front, rear, and side-yard spaces, provided they are not more than eight (8) feet in width. This Title prohibits side yard encroachments within cluster subdivisions with side yard setbacks less than seven (7) feet, and in no instance shall the side yard distance between two (2) structures be less than ten (10) feet.
2. Unsupported cornices, eaves gutters, and terraces may project ten (10) feet into any required front, rear, or side yard. Uncovered porches and decks may project ten (10) feet into any required front or rear yard. (Ord. 08-07) (Ord. 10-02)
3. Attached covered decks and patios may encroach into rear yards provided the total covered patio width does not exceed thirty-three (33) percent of the total length of the principal structure to which it will attach and it does not extend closer than twenty (20) feet to the required rear yard line.
4. Fences may encroach, as provided in Section 10-6-060(A). Signs and yard lights may encroach as provided in Chapter 8. Stairs and ramps may encroach up to three (3) feet to any property line subject to compliance with Section 10-6-060 (A) and (B). (Ord. 08-07) (Ord. 10-02)
5. Building accessories designed and intended to control light entering a building, as either a permanent or temporary part of such building, may project three (3) feet into any required yard space provided they are fixtures on only the wall of the main building.

6. Gasoline pump islands, where permitted, shall be set back twelve (12) feet. Pump islands under roofs or canopies must comply with building setback requirements.
7. Corner lots may have one yard, fronting on a street, reduced to twenty (20) feet.
8. In the case where a home is part of a larger planned unit development and the home is located such that there is a common property area located immediately adjacent to the rear property line of said home, then attached covered decks, patios and porches may extend into the rear yard setback up to twenty (20) feet toward the required rear yard property line if all of the following conditions are met: (Ord. 09-16)
  - (a) The common area behind the home extends more than thirty (30) feet beyond the rear yard property line; (Ord. 09-16)
  - (b) There is no fence, shrub or other boundary delineation along the rear property line between the property and the common area to be maintained in perpetuity; (Ord. 09-16)
  - (c) Both the home and home owner requiring the exception are part of the Home Owners Association (or similar organization) that has ownership of the common area and the home meets all other established guidelines as set forth by the Association or organization and city codes. If said conditions are not all met, then covered decks, patios, and porches shall meet the requirements as set forth in Section 10-6-050. (Ord. 09-16)
- (D) Yard Space for One Building Only. No required yard or other open space around an existing building, or which hereafter provides such around any building for the purpose of complying with the provisions of this Title, shall be considered as providing yard or open space for any other building on the same or adjoining lot. No one shall acquire by purchase or other means the required side yards or the width of their lot by making substandard the side yards or width of any adjacent lot. No one shall sell or lease away space needed to meet the required width, yard, area, parking, or other requirements of this Title for a lot or building. (Ord. 08-07)
- (E) Unobstructed Yards – Exceptions. Every part of a required yard shall be open from the ground to the sky, unobstructed, except for the following:
  1. Accessory buildings and structures in a rear yard, as permitted.
  2. Permitted encroachments into yard spaces as set forth in Section 10-6-050(C).
  3. Fences and objects of natural growth, except as stated in Section 10-6-060(A) and (B). (Ord. 08-07)
- (F) Reduction in Size of Lots Prohibited.
  1. No one shall cut off, place under separate deed, or sell from a larger building lot a parcel of land with less than the minimum width and/or area required by the zone in which it is located for the purpose, whether immediate or future, of building or developing as a building lot. (Ord. 08-07)
  2. No one shall further reduce, in any manner, a building lot or parcel of land, held under separate ownership at the time this Title became effective, with less than the width, depth, or area required by this Title. (Ord. 08-07)

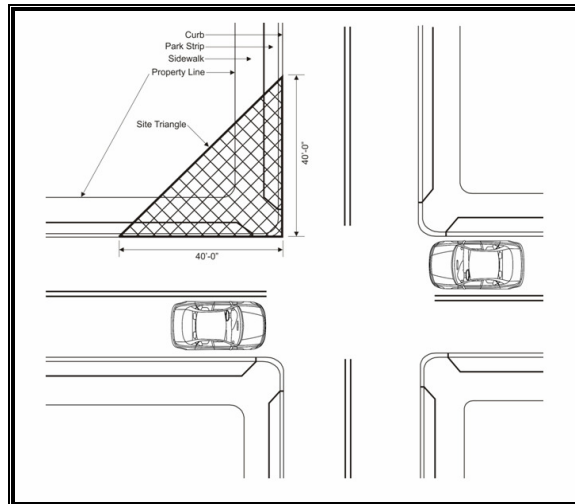
**10-6-060: MISCELLANEOUS REQUIREMENTS AND PROVISIONS.**

- (A) Height of Fences, Walls, and Hedges in Residential Zones. Property owners may erect fences, walls, and hedges to the permitted building height in the zone in which they are located provided they are not within any required yard space. Fences, walls, or hedges in any required yard shall not exceed six (6) feet in height nor impede visibility of sidewalks and streets from adjacent driveways and shall comply with the requirements of Section 10-6-050(B). Where a retaining wall is reasonable and necessary, located on the line separating lots, such

retaining wall may include a fence, wall, or hedge on top to the same height that would otherwise be permitted if no retaining wall existed. (Ord. 08-07)

- (B) Visibility at Intersections. Notwithstanding any provisions of this Title in any district, fences, walls, signs, hedges, or other plantings may not encroach within the required clear-visibility triangle located at the intersection of two (2) roads or the intersection of a road and a non-residential driveway. No one shall erect, place, or plant anything or allow anything to grow in such a manner as to impede vision between a height of two and one-half (2 1/2) feet and eight (8) feet above center-line grades of the adjoining street center-line surface elevation. Property owners shall maintain all tree branches so that none of them are lower than eight (8) feet in clear site triangle area. The configuration of a clear-visibility triangle is shown in Exhibit 10-6-060.a, and the length of each leg, measured along the curblines or edge of roadway or edge of non-residential driveway shall be forty (40) feet, or based upon applicable speed limits greater than forty (40) mph as per AASHTO's "Policy on Geometric Design of Highways and Streets." (Ord. 08-07) (Ord. 09-09)

Exhibit 10-6-060.a



- (C) Water Supply and Sewage Disposal. If an approved public water or sewer system is within three hundred (300) feet of a proposed building lot or development, structures requiring sanitation facilities must connect to the public water or sewer system. Existing structures shall have ninety (90) days to connect. The Planning Commission may grant a ninety (90) day extension upon application and evidence of a hardship on the part of the property owner. Domestic water supply and sewage disposal shall comply with the Davis County Board of Health requirements as represented by a certificate of approval from said Board of Health in all applications for a building permit where either an approved supply of piped water under pressure, or a public sewer is not available.
- (D) Outdoor Storage and Waste Disposal. No one shall store in bulk highly flammable or explosive liquids, solids, or gasses above ground except in the A-1 Zone. Other outdoor storage facilities for junk yards, fuel, raw materials, and products, except for agricultural products, and permitted above-grade waste disposal areas, shall be enclosed by a fence or wall at least six (6) feet in height and impervious to sight that is adequate to conceal such facilities from adjacent properties and the street. Such wall or fence shall be constructed and maintained in such a way and of such materials as to be pleasing to the sight from the street. No one shall deposit materials or wastes upon any property in such form or

manner that may allow same to transfer off such property by natural causes or forces. All materials or wastes, which might cause fumes or dust or constitute a fire hazard or may be edible by or other-wise attractive to rodents or insects, shall not be stored outdoors unless put in closed containers. No one may store junk, building materials, debris, junk vehicles, or commercial equipment in any yard or other open space except as specifically permitted herein.

- (E) Field Drains and Subsurface Water. On properties where field drains exist it shall be unlawful to impede, reduce, or in any way restrict the function and purpose of such field drain. Furthermore, it shall be the responsibility of the property owner to see that no use, building, or development on the property so affects any existing field drains.
- (F) Sump Pump Discharge Regulation. Property owners shall connect sump pump discharge pipes to a City storm drain or other land-drain system when available and abutting to the property unless otherwise directed by the City Engineer. The City Engineer shall review and approve connections of sump pump discharge pipes to City-owned utility systems. Dwellings and buildings may discharge sump pumps to the finished grade of the building lot. All discharges of sump pumps to the finished grade for reasons of non-connection or disconnection of a previously-connected system shall meet all of the following provisions:
  1. The discharge pipe shall exit the building at the finished grade.
  2. The point of discharge must be a minimum of two (2) horizontal feet from a basement foundation wall and no closer than five (5) feet from the property line.
  3. The property owner shall ensure that the discharge flows parallel to or away from the nearest property line and shall be directed by topographical relief to drainage easements and shall maintain all discharge entirely upon the subject premises on which the sump pump is located.
  4. The discharge water shall not discharge upon a street, park strip, curb, sidewalk, or other public right of way.
  5. The discharge water shall not create icy conditions on any street, curb, or pedestrian walkway within or adjacent to the subject premises' lot lines.
  6. Owners of dwellings and buildings who disconnect sump pumps as required in this Subsection may request the City Council to waive the provisions of this Subsection upon submission to and acceptance by the City Engineer of a sump discharge system designed by a registered professional civil engineer for purposes of complying with the intent of this Subsection. (Ord. 06-27)

**10-6-070: SHADE TREES.**

- (A) City Forester. The ~~Chief Building Inspector shall be the~~ City Council shall designate a specific City employee to serve as the City Forester. The City Forester shall be responsible for administering the provisions of this Section and the policies and recommendations of the City Council. The City Forester shall have jurisdiction and supervision of all trees and plants planted or growing in public rights-of-way or similar places within the City to insure safety or to preserve the beauty of such public places. When authorized by proper authority, it shall be the Forester's duty to have trees and other plants in street rights-of-way and on public property planted, trimmed, sprayed, preserved, and removed. (Ord. 08-07)
- (B) Street Tree Species. The following list constitutes the official species of trees that property owners may plant on land lying between property lines on either side of all streets within the City. No one shall plant any other species as street trees, other than those included in this list, without written permission of the City Forester who may approve the planting of other tree species at his discretion. (2000) (Ord. 08-07)

**Comment [JM100]:** Proposed by Jason Van Ausdal, since Chief Building Inspectors are not usually arborists

| <b>LARGE</b><br>10' or greater parkstrip                                                                                                                                                                                                                                                                                                                                                                     | <b>MEDIUM</b><br>6' parkstrips                                                                                                                                                                                                           | <b>SMALL</b><br>4' to 6" parkstrips                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Common Hackberry<br>Thornless Honey Locust<br>Chinese Pistache<br>Bur Oak<br>English Oak<br>Norway Maple<br>Red Maple<br>Littleleaf Linden<br>Crimean linden<br>Japanese Zelkova<br>Ginko<br>Horse Chestnut<br>Northern Oak<br>Beech<br>London Plain Tree<br>European Beech<br>Sweet Gum<br>Tulip<br>Sycamore Maple<br>Sugar Maple<br>White Ash<br>White Oak<br>English Oak<br>Black Locust<br>Horsechestnut | Japanese Pogoda<br>Fruitless Mulberry<br>Mountain Alder<br>Hedge Maple<br>Callery Pear<br>Varigated Box Elder<br>Mountain Ash<br>Upright English Oak<br>Chinaberry<br>Chanticleer Pear<br>Sunburst Honeylocust<br>Idaho Flowering Locust | Golden Raintree<br>Lavelle Hawthorn<br>English Hawthorn<br>Bechhtel Crabapple<br>Redbud Crabapple<br>Dorothea Crabapple<br>Japanese Crabapple<br>Radiant Crabapple<br>Snow drift Crabapple<br>Scarlet Hawthorn<br>Golden Chain Tree<br>Rocky Maple<br>Paperbark Maple<br>Bigtooth Maple<br>Kwanzan Cherry<br>Eastern Redbud<br>Globe Norway Maple<br>Bradford Pear<br>Golden Rain |

- (C) Spacing. The spacing of street trees will be in accordance with the three (3) species-size classes listed above, and no one may plant trees closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except that special plantings designed or approved by a landscape architect are exempt from these spacing requirements. (Ord. 08-07)
- (D) Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three (3) species-sized classes listed above, and no one may plant trees closer to any curb or sidewalk than the following: small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet.
- (E) Distance from Street Corners and Fire Hydrants. No one may plant a street tree closer than thirty-five (35) feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. No one may plant a street tree closer than ten (10) feet from any fire hydrant.
- (F) Utilities. No one may plant street trees, other than those species listed as small trees, under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line, or other utility.
- (G) Public Tree Care. The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds and may require property owners to do the same.
- (H) Removal of Trees. The City, through its City Forester, shall condemn and remove or order the removal of any tree, tree stump, shrub, or plant upon any public street or public property within this City where the same is dead, diseased, or deemed, for any reason a nuisance or is not in compliance with adopted ordinances. The City, through its City Forester, shall have authority to condemn

and remove, or order the removal of, any tree, tree stump, shrub, or plant upon private property when the City Forester finds such action necessary for public safety, to prevent the spread of disease or insects, or to prevent the upheaval of any public street, curb, or sidewalk. The City Forester shall have the authority, after exercising due diligence, to notify abutting property owners, to remove or order the removal of any tree, shrub, or plant upon any public right-of-way or on any public property in violation of this Section or any other ordinance. The City Forester shall have the authority to report any violations of this Section to the City Council for its action. Trees, shrubs, or plants removed under the provisions of this Title shall be so removed at the property owner's expense or at the expense of the abutting property owner if said plants are in the street right-of-way.

- (I) Tree Topping. It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree, or other tree on public property. The definition of topping is the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempt from this Section at the determination of the City Tree Board.
- (J) Pruning, Corner Clearance. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a minimum clear space of eleven (11) feet above the surface of the street and a minimum clear space of seven (7) feet above the surface of the sidewalk. Said owners shall remove all healthy, dead, diseased, or dangerous trees, or tree limbs that constitute a menace to the safety of the public or prevent the City from maintaining City sidewalks, curb, or streets. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic-control device, traffic sign, or street-maintenance equipment.
- (K) Willful Injury to Trees. No person shall willfully injure or destroy any tree on public streets, public parks, or other public property of the City by any means including, but not limited to, the following:
  1. Constructing a concrete, asphalt, brick, or gravel sidewalk or otherwise filling up the ground area around any tree so as to shut off air or water from the roots, except under written authority from the City Forester.
  2. Piling building material, equipment, or other substance around any tree so as to cause injury.
  3. Pouring any injurious matter on or around any tree or on the ground around it or on any lawn or sidewalk.
  4. Injuring any tree, tree stake, or guard with any vehicle or animal or in any other manner causing injury to any tree or lawn or public property.
- (L) Removal of Stumps. All stumps of street and park trees shall be removed below the surface of the ground so the top of the stump shall not project above the surface of the ground. (Ord. 06-27)

**10-6-080: BUFFER YARDS.**

- (A) Purpose. The buffer yard is a unit of land, together with the planting required thereon, to ameliorate nuisances between adjacent land uses or between a land use and public road. Both the calculated amount of land and the type and amount of planting specified for each buffer yard required by this Chapter shall insure they do, in fact, function as "buffers." Buffer yards shall separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas

or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

- (B) Location of Buffer Yards. Buffer yards shall be located on the outer perimeter of a lot or parcel adjacent to a different use and shall extend along the entire boundary of the property adjacent to that use. Fencing associated with buffer yards shall be located on property lines except as described in paragraph G.
- (C) Determination and Approval of Buffer Yards Required. To determine the type of buffer yard required between two (2) adjacent parcels or between a parcel and a street, the following procedure shall apply:
  1. Identify the land use category of the proposed use.
  2. Identify the use category of the existing land use adjacent to the proposed use by an on-site survey to determine the intensity classification from Table 1. Agri-cultural determination need not directly relate to whether or not someone is farming the adjacent property.
  3. Determine the buffer yard required for the proposed development by using Table 2.
  4. Using Buffer Tables A thru E, identify the buffer yard options using the buffer yard requirement determined in Table 2. The City Council, upon recommendation of the Planning Commission, shall approve buffer yard options contained in the Buffer Table.
- (D) Use of Buffer Yards. The buffer yard may be used to provide for passive recreation and may contain pedestrian, bike, or equestrian trails, provided that: (1) the buffer yard does not eliminate any plant material, (2) provisions are in place to ensure maintenance of the total width of the buffer yard, and (3) all other requirements of this Title are met. In no event, however, shall buffer yards contain the following uses: Ice skating rinks, play fields, ski hills, stables, swimming pools, and tennis courts.
- (E) Ownership of Buffer Yards. Buffer yards may remain in the ownership of the original developer of the land use or be subject to deed restrictions and subsequently freely conveyed, or the proprietor may transfer ownership to any consenting grantees, such as adjoining land owners or home owners' association, or deed the same to the City provided that any such conveyance adequately guarantees the protection of the buffer yard for the purposes of this Title.
- (F) General Landscaping Requirements. Buffer Tables A thru E identify details for landscaping requirements and specify the number and types of plants required in one hundred (100) foot increments. Any substitute plants require approval from the City Council. (Ord. 08-11)
- (G) Alternative to Fencing Requirements. When the owner of a buffer yard, identified in Tables D and E, transfers same to an adjoining property owner, the fence location may shift to the opposite side of the buffer area.

TABLE 1

| Classification | Existing land use                                | Classification | Existing land use                                                                                                      |
|----------------|--------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------|
| 1              | Agriculture<br>Farm Industry                     | 4              | R-3 Residential<br>R-4 Residential<br>PRD Residential<br>Commercial Pre-Schools                                        |
| 2              | R-1 Residential<br>Outdoor Recreational<br>Parks | 5              | Churches<br>Hospitals<br>Medical-Care Facilities<br>Office Complex<br>Professional Offices<br>Nurseries<br>Greenhouses |

|   |                                                                                   |   |                                                                                      |
|---|-----------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------|
| 3 | R-2 Residential<br>Indoor Recreation<br>Day-Care Centers<br>Schools<br>Cemeteries | 6 | Industrial<br>Dog Kennels<br>Commercial<br>Commercial Entertainment<br>Research Park |
|---|-----------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------|

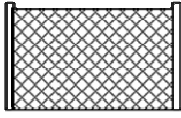
TABLE 2

| Proposed Land Use | <b>Buffer Classification Requirements*</b> | <b>1</b> | <b>2</b> | <b>3</b> | <b>4</b> | <b>5</b> | <b>6</b> |
|-------------------|--------------------------------------------|----------|----------|----------|----------|----------|----------|
|                   | Industrial                                 | —        | E        | E        | E        | E        | —        |
|                   | C-1 Commercial                             | A        | D        | D        | D        | D        | —        |
|                   | C-2 Commercial                             | A        | C        | D        | E        | D        | —        |
|                   | Agriculture                                | —        | —        | A        | A        | B        | C        |
|                   | R-1 Residential                            | A        | —        | —        | A        | B        | C        |
|                   | R-2 Residential                            | A        | —        | —        | —        | C        | D        |
|                   | R-3 Residential                            | A        | —        | —        | —        | C        | E        |
|                   | R-4 Residential                            | A        | A        | —        | —        | C        | E        |
|                   | Private Residential Development            | A        | C        | D        | —        | D        | E        |
|                   | Professional Office                        | C        | D        | D        | D        | —        | —        |
|                   | Research Park                              | C        | D        | E        | E        | E        | E        |

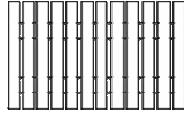
\* Refer to MINIMUM LOT STANDARDS associated with each zone for minimum yard setback requirements. (Ord. 08-11)

NOTE: Any residential use abutting agriculture or farm industry must have a five- (5) foot non-climbable fence.

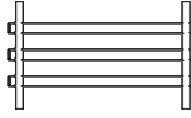
## BUFFER TABLE A



5' Chain Link Fence



5' Wood Stockade Fence



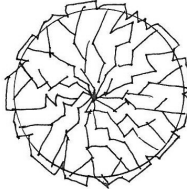
5' Wood Rail Fence



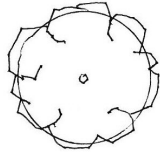
5' Vinyl Fence

**AND**

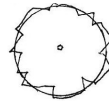
### Required Plat Units/100'



(0.6) Canopy Tree



(1) Understory Tree

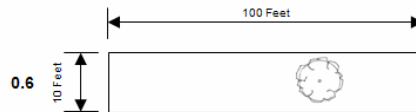
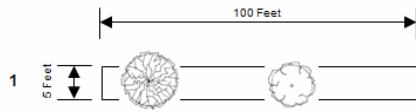


Shrub

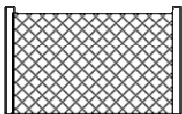


Evergreens/Conifers

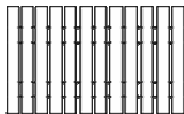
### Plant Multiplier



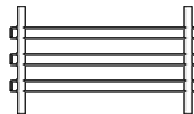
## BUFFER TABLE B



5' Chain Link Fence



5' Wood Stockade Fence



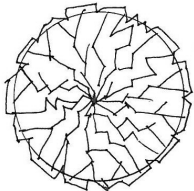
5' Wood Rail Fence



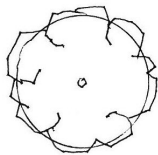
5' Vinyl Fence

**AND**

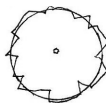
**Required Plat Units/100'**



(1) Canopy Tree



(1) Understory Tree

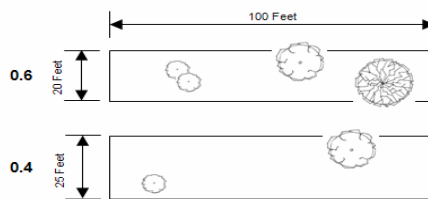
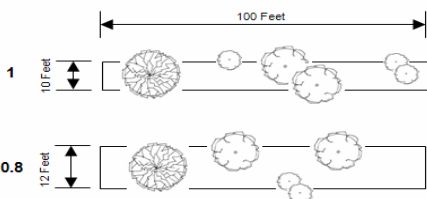


Shrub

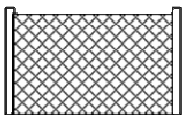


Evergreens/Conifers

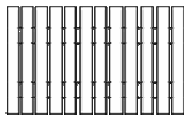
**Plant Multiplier**



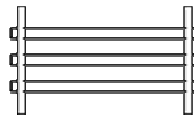
## BUFFER TABLE B



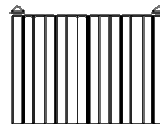
5' Chain Link Fence



5' Wood Stockade Fence



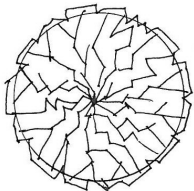
5' Wood Rail Fence



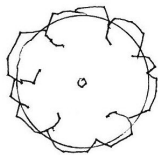
5' Vinyl Fence

**AND**

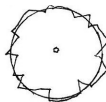
**Required Plat Units/100'**



(1) Canopy Tree



(1) Understory Tree

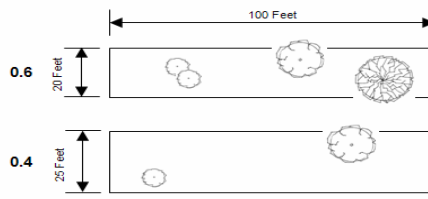
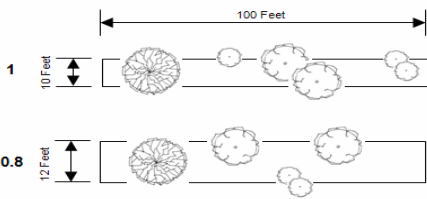


Shrub

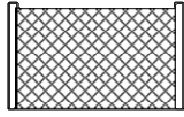


Evergreens/Conifers

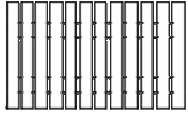
**Plant Multiplier**



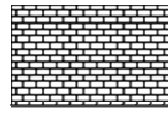
## BUFFER TABLE C



6' Chain Link Fence  
with Privacy Slats



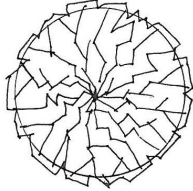
6' Impervious and Opaque  
Wood Stockade or Vinyl Fence



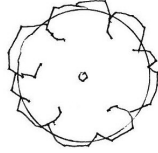
6' foot Masonry Wall

**AND**

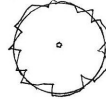
### Required Plat Units/100'



(2) Canopy Tree



(4) Understory Tree

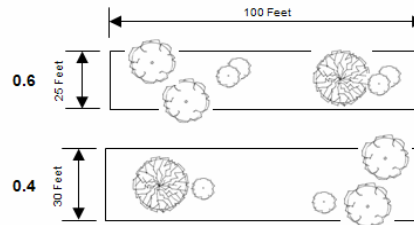
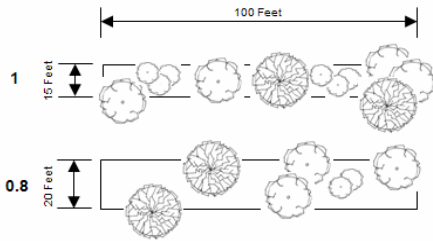


(6) Shrub

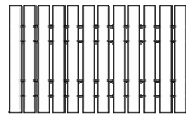


Evergreens/Conifers

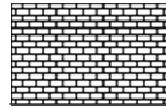
### Plant Multiplier



## BUFFER TABLE D



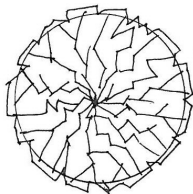
6' Impervious and Opaque  
Wood Stockade or Vinyl Fence



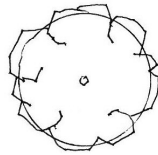
6' foot Masonry Wall

**AND**

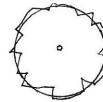
### Required Plat Units/100'



(3) Canopy Tree



(6) Understory Tree

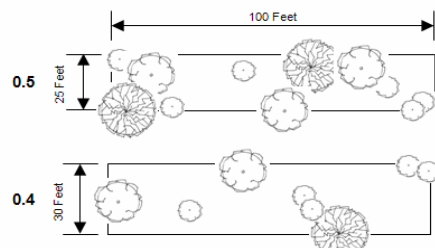
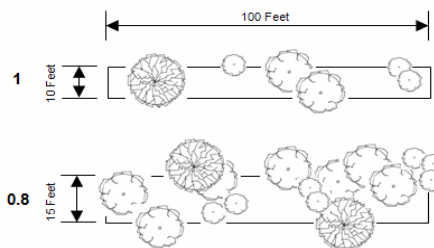


(9) Shrub

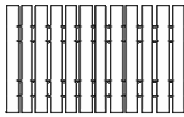


Evergreens/Conifers

### Plant Multiplier



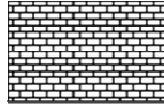
# BUFFER TABLE E



Impervious and Opaque  
Wood Stockade or Vinyl Fence

F1 = 6'

F2 = 8'



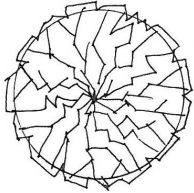
Masonry Wall

F1 = 6'

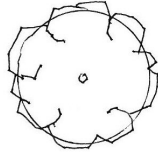
F2 = 8'

OR

## Required Plat Units/100'



(3) Canopy Tree



(6) Understory Tree

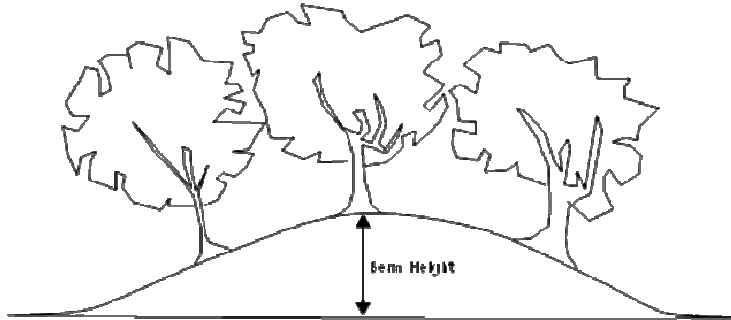
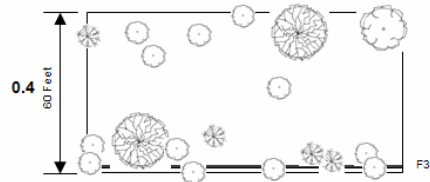
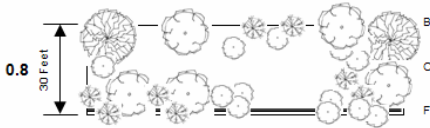
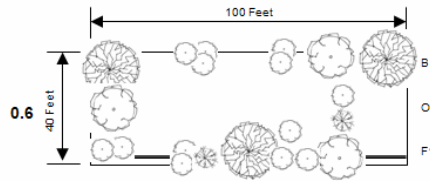
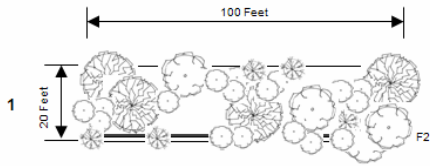


(9) Shrub



Evergreens/Conifers

## Plant Multiplier



| Symbol | Height | Material |
|--------|--------|----------|
| B1     | 6 Feet | Earth    |
| B2     | 8 Feet | Earth    |

10-6-090: AGRICULTURE-PROTECTION AREAS.

- (A) Purpose. An agriculture-protection area is a geographic area created under the authority of the State of Utah and Syracuse City that is granted specific legal protection for agricultural production, which includes the production of crops, livestock, and livestock products or other agricultural production activities as determined by the Davis County Agriculture Protection Area Advisory Board and the Syracuse City Planning Commission, acting as the Land Use Authority. (Ord. 06-17)
- (B) Proposal to Create. An applicant proposing to create an agriculture-protection area within Syracuse City boundaries shall submit to the Community Development Department an agriculture area request form and a submittal fee for processing. The City Council shall establish the submittal fee from time to time by resolution. The request shall identify the boundaries of the land proposed to become part of an agriculture-protection area, any limits on the types of agriculture production that will be an allowed use within the agriculture-protection area, and the names of the owners of record of the land and the tax parcel number identifying each parcel. Agriculture-protection areas must have a minimum of ten (10) acres to be eligible for consideration of protection. The City Council shall provide notice of the proposal by publishing notice in a newspaper having general circulation within the community. The notice shall contain a statement that an applicant filed a proposal for the creation of an agriculture-protection area with the City, the proposal is open for public inspection, and any entity affected by the proposal may file objections or modifications to the proposal. (Ord. 08-07)
- (C) Review and Approval. After fifteen (15) days from the date of the notice, the City Council shall refer the proposal, with any objections and proposed modifications, to the County Advisory Board and the City Planning Commission for their review, comments, and recommendations. Within forty-five (45) days after receipt of the proposal, the County Advisory Board and City Planning Commission shall submit a written report to the City Council that recommends any modifications to the proposal, indicates whether or not the land is currently being used for agricultural production, states whether the zoning is appropriate for agriculture and whether the land is viable for agricultural production, the extent and nature of existing or proposed farm improvements, advisement of land-use activities on adjoining property, and anticipated trends in agricultural and technological conditions. The Planning Commission will evaluate any objections to the proposal and make a recommendation to the City Council to accept, accept and modify, or reject the proposal. After receipt of the written reports from the Advisory Board and Planning Commission, or after forty-five (45) days, whichever is earlier, the City Council shall schedule a public hearing through notice in a newspaper having general circulation within the community. The City Council shall convene the public hearing at the time, date, and place specified in the notice and take verbal or written testimony from interested persons. Upon completion of the public hearing, The City Council shall approve, modify and approve, or reject the agriculture-protection area proposal. (Ord. 06-17)

**10-6-100: CONDITIONAL USES.** The following ~~are uses generally identified as~~ conditional uses, ~~and such~~ shall comply with the applicable standards ~~of use~~ established herein. ~~Further, these conditional uses and~~ may be subject to additional regulations specific to the ~~applicable~~ zone ~~in which they are located~~. The zone-specific provisions shall apply if a conflict exists between general and specific conditional use provisions. (Ord. 08-07)

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

1. ~~Accessory Buildings two hundred (200) square feet or larger. See Section 10-6-010.~~
2. ~~Apiaries.~~

**Comment [JM101]:** Proposed simply to make language more concise.

**Comment [JM102]:** Again, allowing Dept staff to review and approve these types of requests will streamline our City processes to serve the public better

- (a) Unlawful Conduct. It shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use enjoyment of any public property or property of others. (Ord. 08-07)
- (b) Flyways. In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the apiary. (Ord. 08-07)
- (c) Water. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.
- (d) Number of Colonies. It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated: (Ord. 08-07)
  - i. one quarter acre or less tract size - 2 colonies, (Ord. 08-07)
  - ii. more than one-quarter acre but less than one-half acre tract size-4 colonies. (Ord. 08-07)
  - iii. more than one-half acre but less than one acre tract size - 6 colonies.
  - iv. one acre or larger tract size - 8 colonies, (Ord. 08-07)
  - v. regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies. (Ord. 08-07)
- (e) Compliance. Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the director shall cause an investigation to be conducted. If he finds that grounds exist to believe that one or more violations have occurred he shall cause a written notice of a nuisance to be issued to the beekeepers in accordance with Title VI of the Syracuse City Code. (Ord. 08-07)

~~(B) Cluster Subdivisions. Cluster Subdivisions must comply with all conditions outlined in Chapter 16 of this Title. (Ord. 08-07)~~

~~3. Dog Kennels. Residential (See Section 10-6-040)~~

~~1. Commercial kennels shall not be located closer than two hundred (200) feet from any residential dwellings.~~

~~2. Commercial kennels shall require a minimum of five (5) acres of property~~

~~3. The number of dogs four (4) months or older kept in a private kennel shall be limited to no more than three (3).~~

~~4. Private kennels shall not be located closer than one hundred (100) feet from any adjacent residential dwelling.~~

~~5. Applicant must obtain licensing from Davis County Animal Control and must comply with adopted animal control regulations.~~

~~(D) Dwelling Groups. (See Section 10-6-030(A)). (Ord. 08-07)~~

~~(E) Farm Animal Keeping. (See Section 10-6-040). (Ord. 08-07)~~

~~4. Home Occupations. Major Minor (See Section 10-7-040) (Ord. 10-02)~~

~~5. Intermittent Commercial Uses (See Section 10-7-050) (Ord. 10-02)~~

~~6. Private Parks and Recreational Activities (Ord. 08-07)~~

~~(I) Public and Quasi-Public Buildings. (Ord. 08-07)~~

**Comment [JM103]:** Relocated to major CUPs for review and approval by PC in a public meeting

**Comment [JM104]:** Relocated to 10-6-040 under Animals to avoid separate requirements in different parts of this Title for the same use

**Comment [JM105]:** Placed under major CUPs

**Comment [JM106]:** Placed under major CUPs

**Comment [JM107]:** Unnecessary, because they would require review under site plan approval

~~(J) Sexually Oriented Businesses. (Ord. 08-07)~~

- ~~7. Signs (See Chapter 9 of this Title) (Ord. 10-02a)~~
- ~~8. Stables, Public. (See Section 10-6-040)~~
  - ~~1. Stables shall require a minimum of four (4) acres.~~
  - ~~2. The number of animals shall be no more than four (4) per each acre of property in the stable use.~~
  - ~~3. The property shall provide one-half (1/2) of a parking space for each animal housed at the facility.~~
  - ~~4. Property owners shall provide toilet facilities and shall maintain such facilities in a sanitary condition.~~
  - ~~5. The applicant shall submit a plan to the Land Use authority for control of dust, odor, and insects.~~
  - ~~6. The applicant shall submit a site plan showing the location of all existing and proposed structures and utilities and landscaping.~~
  - ~~7. All utilities servicing the stable shall be underground.~~
- ~~8. No stable shall be located within two hundred (200) feet of any residential dwelling unit.~~
- ~~9. Public access to the facility shall be from dawn to dusk.~~
- ~~10. Horse exercise areas such as working yards, walker equipment areas, or paddocks shall use dust control by means of constructed water-delivery systems or chemically treated exercise surface areas.~~
9. Temporary Use of Buildings. The Land Use Authority or designee may grant conditional use approvals for temporary business buildings and model homes, which Approvals Conditional use permits for this use shall be valid for a period of one (1) year. The Land Use Authority or designee Administrator may grant extension periods, not to exceed six (6) months, to a such conditional use approval a permit so long as the applicant applies prior to the expiration date, and ensures the building complies with all other provisions of this Section, and any associated building permit remains valid.
  - (a) The Land Use Authority or designee may grant a Conditional Use approval for Temporary business buildings, in any zoning district, used during construction of the permanent structure if the site shall meets comply with the following conditions: (Ord. 08-07) (Ord. 10-02)
    - i. Applicant acquires a building permit for the permanent structure prior to placement of the temporary building on the property. (Ord. 08-07)
    - ii. The site provides adequate parking surfaces and sanitary sewer facilities as well as complete skirting of the temporary structure.
    - iii. Applicant locates the temporary structure outside all clear-view areas outlined in Section 10-6-060(B). (Ord. 08-07)
    - iv. The temporary structure complies with all setbacks for the zoning district in which it will be located.
    - v. Applicant guarantees removal of the temporary structure from the premises within fourteen (14) days of occupancy of the permanent structure.
    - vi. Applicant guarantees, in the case of temporary sales offices in residential zoning districts, the removal of said offices within fourteen (14) days after occupancy of the model home; or six (6) months after approval for the temporary sales office if applicant does not complete the model home.
  - (b) Model homes used in residential zones, for the display of home features and amenities offered by the developer, and for marketing of lots or structures in the subdivision in which the model homes resides, shall comply with the following conditions:

**Comment [JM108]:** Placed under major CUPs

**Comment [JM109]:** referenced and requirements relocated to Animal section to avoid duplication and error

**Comment [JM110]:** Streamlines these applications

**Comment [JM111]:** Now, the LU Admin

- i. *The model home shall convert to single-family use when the last phase within the subdivision is more than eighty (80) percent developed.*
- ii. *Applicant shall provide four (4) off-street parking spaces on or abutting the subject property.*
- iii. *Applicant provides and follows an approved exterior lighting plan indicating the location, direction, and timing of all lighting on the site.*
- iv. *Applicant provides and complies with an approved signage plan indicating the size and location of all signs, flags, banners, etc.*
- v. *The applicant limits hours of operation to such as are reasonable and sensitive to the adjacent uses so as to prevent any negative impacts to such adjacent uses. (Ord. 08-07)*
- vi. *No one uses the model home as a general real estate office, construction management office, or administrative service office for offsite subdivisions or developments.*

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

- 1. Cluster Subdivisions {See Chapter 16 of this Title} (Ord. 08-07)
- 2. Dwelling Groups {See Section 10-6-030(A)} (Ord. 08-07)
- 3. Farm Animal Keeping {See Section 10-6-040} (Ord. 08-07)
- 4. Home Occupations, Major {See Section 10-7-040} (Ord. 10-02)
- 5. Sexually-Oriented Businesses {See Chapter 26 of this Title } (Ord. 08-07)
- 6. Signs {See Chapter 9 of this Title}
- 7. Two- (2) Family Dwellings, Single Ownership. **The owner of such a residential dwelling shall:** (Ord. 10-02)
  - (a) ~~Two- (2) family dwellings shall~~ Meet the International Building Code standards.
  - (b) ~~There shall be~~ **Provide** a minimum of two (2) off-street parking spaces per dwelling unit. (Ord. 06-17)
  - (c) ~~The property owner shall~~ Be responsible for payment of all utilities.
  - (d) ~~The~~ **Install** utility services for each dwelling unit ~~shall be installed and situated~~ as provided in State law. (Ord. 08-07)
  - (e) Comply with all requirements of the International Residential Code as adopted by the State of Utah for two- (2) family dwellings. (Ord. 10-02)
- 7. Wireless Communication Towers..(Ord. 08-07)

**Comment [JM112]:** All these would require a public meeting and review by PC

**Comment [JM113]:** Each use references the applicable section where applicants may find the listed regulations

**Comment [JM114]:** To reduce redundancy

## CHAPTER 7

### HOME OCCUPATIONS AND INTERMITTENT COMMERCIAL USES

**10-7-010: Purpose**

**10-7-020: License Required**

**10-7-030: Application and Fee**

**10-7-040: Home Occupation**

**10-7-050: Intermittent Commercial Uses**

**10-7-010: PURPOSE.** The purpose of this Chapter is to establish standards to regulating the time, place, and manner in which temporary, seasonal, and home occupation uses may occur. (Ord. 10-02)

**10-7-020: LICENSE REQUIRED.** Unless otherwise provided, it shall be unlawful for any person to engage in any business within the corporate limits of Syracuse City without first having obtained a business license (see Title V "Business Regulations"). (Ord. 10-02)

**10-7-030: APPLICATION AND FEE.** Application and fees for business licenses shall be in accordance to Title V entitled "Business Regulations." (Ord. 10-02)

**10-7-040: HOME OCCUPATION.**

(A) **Purpose:** The purpose for home occupations is to encourage the conducting of the majority of business activities within the more appropriate commercial zones

while allowing business activities within residences on a limited basis if such activities comply with the standards of this Section. All home occupations shall be secondary and incidental to the residential use. The occupants should conduct such businesses so that neighbors, under normal conditions, would not be aware such businesses exist. Home occupations are a temporary privilege that the Land Use Authority can revoke upon a determination that the home occupation disrupts the residential neighborhood. (Ord. 02-26) (Ord. 08-07)

(B) Standards: The following restrictions shall apply to any home occupation: (Ord. 10-02)

1. A home occupation shall not be permitted if it changes the outside appearance of the dwelling. No modifications shall be made to expressly accommodate the commercial use in the home. (Ord. 08-07)
2. The home occupation may include the sale of commodities; however, the business should deliver products to customers. The occupation may also include the retail sale of products and services at the home with a maximum of two (2) customers per hour. The business owner may increase the number of customers or patrons approved to come to the home per hour by providing sufficient off-street parking and ensuring the home occupation does not adversely affect the neighborhood.
3. The area of the home devoted to the home occupation and/or storage of stock in trade shall not occupy more than thirty (30) percent of the area of any one floor. Child care may use a larger percentage of the home.
4. The home occupation shall not involve the use of any yard space or activity outside the residence, except where the use or activity is of the type customarily found in the residential neighborhood and where said use or activity does not adversely impact the residential nature of the neighborhood.
5. The home occupation may store inventory or supplies within the garage or an accessory building as long as the garage still functions for parking as many vehicles as specified at the time of construction. The home occupation shall not store outside any type of material used for the business.
6. No display of merchandise or advertising shall be visible from the street or neighboring properties, except as permitted in Section 10-9-050 of the City's Sign Ordinance. (Ord. 10-02)
7. Residents may have one occupational vehicle and trailer, associated with the home occupation, that does and not exceeding ten thousand (10,000) pounds gross vehicle weight for minor home occupations and twenty thousand (20,000) pounds gross vehicle weight for major home occupations, on site provided they park said vehicles off the street, in compliance with residential off-street parking standards, and not on any street adjacent to or near their premises. By way of illustration and not limitation, this Subsection prohibits the storage or parking of business vehicles, such as limousines, service or work vehicles (snowplows, landscape and maintenance trucks, etc.), and similar vehicles as well as delivery and contractor's vehicles, equipment, trailers used to transport same. Business owners may not intentionally station, position, or park an occupational vehicle or trailer in any manner on private property so as to advertise, promote, or draw attention to products, services, events, or other similar purposes while parked at the home owner's residence while parked thereon. (Ord. 08-07) (Ord. 08-11)

**Comment [jsm115]:** PC already recommended approval of this change, but it was never forwarded to CC. This would allow the smaller business trucks, such as Snap-On Tools

8. The home occupation shall not allow employees, other than those living in the dwelling, to come to work at the home or to park vehicles at the home to go to a job site. The only exception is that one (1) additional person may be employed as a second adult for a daycare, secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. An additional off-street parking space shall be provided (Ord. 10-02)
9. The home occupation shall generate no greater vehicular traffic or parking than commonly associated with the neighborhood wherein the applicant(s) will conduct business, i.e., heavy trucks, delivery, or similar vehicles, etc. The business shall limit vehicular parking to those living at the dwelling.
10. A home occupation shall not store explosive or combustible materials anywhere on the premises. The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood, including but not limited to interference of radio, television, or other electronic reception, by reason of design, materials, construction, lighting, odor, dust, sounds, noise, vibrations, vehicles, parking, and general operation of the business.
11. Home occupations shall not hold promotional meetings, for the purpose of selling merchandise or taking orders, more than once per month.
12. Home occupations shall not hold garage, basement, yard, or other similar sales more than four (4) times each year, and each sale shall not last more than seventy-two (72) hours.
13. There shall be complete conformity with all City and State codes including fire, building, plumbing, electrical and health codes, and business-license regulations. Appropriate departments will conduct any periodic inspections required by these codes.
14. The home occupation shall not create a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.
15. The home occupation shall not involve the installation of any equipment, fixtures, plumbing, or electrical wiring that is incompatible with a residential area by reason of excessive noise, utility usage, waste production or broadcast interruption, etc.
16. The Land Use Authority may review and revoke any home occupation license upon a finding of noncompliance with this Section. Inspections by the City may occur as necessary to assure conformance with these regulations. (Ord. 08-07)
17. Disabled individuals can obtain a waiver through the Land Use Administrator to allow such persons to become self sufficient. (Ord. 08-07)
18. The City may place additional restrictions on a home occupation relating to hours of operation, parking, traffic, or other matters as it deems necessary to mitigate impacts on the neighborhood and the City in general. (Ord. 10-02)
19. A permit for a home occupation is valid for only the original applicant and is not transferable to any resident, address, or any other occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void. (Ord. 10-02)

(C) Minor Home Occupations: This Section shall deem businesses conducted on residential properties, which meet the standards outlined above, as Minor Home Occupations. The Land Use Administrator shall review and approval all Minor Home Occupations. The Land Use Administrator may refer a home occupation application to the Planning Commission for the imposition of additional requirements as deemed necessary in order to mitigate potential negative impacts on surrounding property owners. (Ord. 10-02)

Minor Home Occupations shall include, but not limited to, the following: (Ord. 10-02)

1. Advertisement Services (Ord. 10-02)

2. Artist, authors, architectural services (Ord. 10-02)
  3. Barber shops and beauty shops (Ord. 10-02)
  4. Consulting services, craft sales (Ord. 10-02)
  5. Dance studio, aerobic exercise, music lessons, tutoring (Ord. 10-02)
  6. Daycare, where the number of children equals eight (8) or less (Ord. 10-02)
  7. Direct sales distribution (Ord. 10-02)
  8. Data processing, computer programming (Ord. 10-02)
  9. Garden produce (Ord. 10-02)
  10. Health and fitness (such as personal trainers, diet and weight loss supplements) (Ord. 10-02)
  11. Home crafts (Ord. 10-02)
  12. Insurance sales or broker, interior design (Ord. 10-02)
  13. Janitorial (Ord. 10-02)
  14. Mail order (not including retail sales from site) (Ord. 10-02)
  15. Preschool, where the number of sessions equals four (4) or less (Ord. 10-02)
  16. Real estate sales or broker (Ord. 10-02)
  17. Sales representative (Ord. 10-02)
  18. Swimming lessons (Ord. 10-02)
- (D) Major Home Occupations: (Ord. 10-02)

1. The definition of a major home occupation shall include any business within a residential zone that meets the standards listed in Section 10-7-040(B) above but requires additional conditions of approval imposed by the Land Use Authority, as provided herein, to mitigate the increased impact of such home occupations on the surrounding property owners. (Ord. 10-02)

Major home occupations shall be conditional uses in all residential zones ~~due to the potential that may~~ increase in the impact of a business as allowed by the following: (Ord. 10-02)

- (a) A larger commercial vehicle, not exceeding twenty thousand (20,000) pounds, may be used, provided it is parked on private property and adequately screened. Parking of the commercial vehicle shall occur on the side or in the rear of the home. (Ord. 10-02)
- (b) Daycare, where the number of children is greater than eight (8) and a second employee is required at the home. (Ord. 10-02)
- (c) Preschools, where the number of sessions is greater than four (4) per week. (Ord. 10-02)
- (d) A larger percentage of the home or an accessory building may be used for the home occupation under conditions recommended by the Planning Commission. The use of an accessory structure or an attached or detached garage, or yard space, for a home occupation may be considered as a conditional use only under the following conditions: (Ord. 10-02)
  - i. The Planning Commission finds that the proposed home occupation will be clearly accessory and subordinate to the principal use of the property for dwelling purposes; and (Ord. 10-02)
  - ii. The Planning Commission finds that the proposed home occupation will not adversely affect the residential nature and aesthetic quality of the neighborhood; and (Ord. 10-02)
  - iii. Any off-street parking displaced by the home occupation is relocated elsewhere on the lot or parcel in compliance with setback standards for the zoning in which the property is located; and (Ord. 10-02)
  - iv. The Planning Commission may impose any conditions it deems necessary to mitigate impacts of the home occupation on the neighborhood. (Ord. 10-02)

2. Major home occupations may include, but not necessarily limited to, the following: (Ord. 10-02)

**Comment [JM116]:** These small grammatical changes make the sentence more understandable

- (a) Any use allowed as a minor home occupation that is requiring additional conditions of approval as shown in Section 10-7-040(D)1. (Ord. 10-02)
  - (b) Small engine repairs (excluding automobiles, motorcycles, and snowmobiles). (Ord. 10-02)
  - (c) Woodworking (Ord. 10-02)
  - (e) Pest or weed control service (Ord. 10-02)
3. The following uses, by the nature of the investment or operation, have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially-zoned area for residential purposes and are more suited to professional or business districts. Therefore, the uses specified below shall not be permitted as home occupations: (Ord. 10-02)
- (a) Minor or major auto repair, painting of vehicles, trailers, or boats; (Ord. 10-02)
  - (b) Funeral chapel or home; (Ord. 10-02)
  - (c) Gift shops; (Ord. 10-02)
  - (d) Medical or dental clinic; (Ord. 10-02)
  - (e) Welding or machine shops; and (Ord. 10-02)
  - (f) Appliance repair (large) (Ord. 10-02)
- (E) Child Day Care Home Occupations: shall limit the number of children at the residence to eight (8) unless a second adult works for the home occupation, in which case the daycare shall limit the number of children at the residence to sixteen (16).
- 1. All daycare home occupations shall have a back yard fully enclosed with a secure fence.
  - 2. All daycare home occupations shall acquire a license from the Utah Department of Health Bureau of licensing requirements. (Ord. 06-27)
  - 3. Any person residing within the dwelling or employed from out of the dwelling shall not have a conviction of any crime, identified in Utah State Code 77-27-21.5(1)(e)(i), or any other sexual crime against another person. Employees and everyone eighteen (18) years of age or older in the household shall provide a criminal background clearance through the Utah Bureau of Criminal Investigation prior to any contact with the children attending such daycares.
- (F) Adult Day Care Home Occupations: shall limit the number of adults at the residence to six (6) at only one (1) time. The following standards shall apply: (Ord. 10-02)
- 1. The adult day care must be operated by a person who resides in the single-family dwelling. (Ord. 10-02)
  - 2. An adult day care participant, who is not mentally or physically capable of negotiating a normal path to safety, shall count as three (3) persons. The City may request a statement from a physician that a participant is mentally and physically capable of negotiating a normal path to safety. (Ord. 10-02)
  - 3. An off-street, unobstructed, paved parking area for the pickup and drop off of adults must be provided. (Ord. 10-02)
  - 4. When assistive devices or aids are necessary for an adult day care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible. (Ord. 10-02)
  - 5. The rear yard shall be fully enclosed with a secure fence at least sixty (60) inches in height. (Ord. 10-02)
  - 6. The adult day care must be licensed by the State of Utah and continuously maintain a current license with the State as outlined in State Administrative Code R501-13. (Ord. 10-02)
- (G) Preschool Home Occupations: Home preschools shall have back yards fully enclosed with secure fencing and shall limit the number of students to sixteen (16) children per session. (Ord. 08-07) (Ord. 10-02)

**10-7-050: INTERMITTENT COMMERCIAL USES**

- (A) Property owners may allow the occasional use of buildings or property for commercial purposes provided the following conditions are met:
1. The display and sale of merchandise is contained entirely within a building.
  2. The building proposed for the intermittent commercial use complies with setback and visibility-at-intersection requirements of this Title and with applicable building and fire codes.
  3. The use shall be limited to five (5) times, or events, per year with no single event exceeding three (3) days in length in residential zones. Events in agriculture and commercial zones shall not exceed forty-five (45) days per event. (Ord. 08-07)
  4. The organization acquires a business license from Syracuse City to conduct an intermittent commercial use.
  5. The property provides adequate off-street parking to serve the commercial use without creating a parking shortage for other existing uses of the site.
  6. The use does not cause noise, light, or glare that adversely impacts surrounding uses. Nothing in this Section shall prohibit City sponsored seasonal events, which could be considered intermittent commercial uses, if they receive approval by the City Council.

**CHAPTER 8  
OFF STREET PARKING**

**10-8-010: Purpose**

**10-8-020: Effect of Chapter**

**10-8-030: General Provisions**

**10-8-040: Minimum and Maximum Parking Spaces**

**10-8-050: Off-Street Loading**

**10-8-060: Access to Off-Street Parking and Loading Spaces**

**10-8-070: Parking Development, Standards, and Maintenance**

**10-8-080: Other Parking Provisions**

**10-8-010: PURPOSE.** The purpose of this Chapter is to provide regulations for off-street parking and loading and sufficient access to such facilities for each type of land use so as to reduce street congestion and traffic hazards and prevent the need to park on public streets. (1991)

**10-8-020: EFFECT OF CHAPTER.** The regulations as contained in this Chapter shall apply and govern in all zones. (1991)

**10-8-030: GENERAL PROVISIONS.** Off-street parking shall comply with the following requirements:

- (A) Off-Street Parking Space Required. Any use of land or main building or structure in the City shall provide sufficient off-street parking spaces, as outlined in this Chapter, along with adequate provisions for ingress and egress by standard-size automobiles and adequate loading facilities at the time anyone establishes a use or erects a building. (Ord. 08-07)
- (B) Location of Off-Street Parking. Parking areas, as required by this Chapter, shall be hard surfaces located on the same lot as the main building or structure. However, in cases other than a dwelling where, due to size or location, the land owner cannot provide the required parking on-site, they may provide such parking on other property not more than three hundred (300) feet from the nearest point of the main parcel, provided the off-site location would not require persons to cross a public street. (Ord. 08-07)
- (C) Prohibited Locations. It shall be unlawful to park a motor vehicle, trailer, or boat in a front yard area, as defined in Section 10-2-040, on any residential property or on areas not improved for parking. No one shall develop any portion of a front yard, as required in this Title, as a public parking area in conjunction with a

permitted multi-family, commercial, or industrial use. No one shall pave or improve any portion of a required front yard, other than driveways leading directly to or adjacent to a garage, so as to encourage or make possible the parking of vehicles therein. Residents may use paved driveways leading directly to or adjacent to a garage as an approved parking area for additional vehicles to meet the requirements of this Chapter. All vehicles on the property shall be licensed and operable. The owner of any vehicle that has been inoperable or unlicensed for longer than four (4) months shall remove said vehicle from the property or store it in a completely enclosed structure, including any and all vehicle parts. If a vehicle is under restoration, the vehicle owner shall possess a current and valid Restoration Permit from the City Community Development Department. Restoration Permits shall expire one (1) year from the date of issuance and no individual may have more than two (2) Restoration Permits at any time.(Ord. 08-07) (Ord. 09-10)

- (D) No Parking Reduction. No one shall reduce the number or size of parking stalls needed for off-street parking in connection with an existing building nor utilize the same for any purpose other than for off-street parking and shall maintain the space in perpetuity as long as the requirement for said off-street parking is necessary.
- (E) Tandem Parking. This Chapter prohibits tandem parking except for single- and two- (2) family dwellings. In this case, the parking space may be within the driveway area in the required front yard.
- (F) Enlargements, Change of Use, Etc. No one shall enlarge, alter, convert, or change the use of a building or structure unless they provide, and thereafter maintain for such building and its use, a minimum number of parking spaces as hereinafter required. However, if such alteration, enlargement, conversion, or change does not increase the number of required parking spaces by more than fifteen (15) percent, then no additional parking spaces need be provided.
- (G) Uses Not Mentioned. In the case of a use not specifically mentioned herein, the requirements for the most similar use so mentioned, as decided by the Land Use Authority, shall apply. (1991) (Ord. 08-07)

10-8-040: **MINIMUM AND MAXIMUM PARKING SPACES. Each land use as listed below shall provide the required off-street parking. For any use not listed, the requirements for the most similar use listed shall apply. The Land Use Authority shall determine which listed use is most similar. In special cases where there is not a similar use, the Land Use Authority, in consultation with the developer, shall establish the minimum and maximum parking space requirement. Any entity that conducts a business in or from a residence, or to which employees come to a residence for work, shall obtain site plan approval subject to the following condition: the site provides two (2) off-street parking spaces per single-family residence plus an additional half (.5) off-street parking space for every full-time, part-time, or contract employee or worker who visits the residence or provides services at the residence during an average week.**

| USES                                                                                   | Unit Measure                                           | Min | Max |
|----------------------------------------------------------------------------------------|--------------------------------------------------------|-----|-----|
| Single-family dwellings                                                                | Per dwelling unit                                      | 2   | N/A |
| Two- (2) family dwellings                                                              | Per dwelling unit                                      | 2   | N/A |
| Three- (3) family dwellings                                                            | Per dwelling unit                                      | 2   | N/A |
| Four- (4) family dwellings                                                             | Per dwelling unit                                      | 1.5 | N/A |
| Hotel and motel                                                                        | Per room or suite                                      | 1   | 2   |
| Intensive commercial businesses, stores, and shops                                     | Per one thousand (1,000) square feet retail floor area | 3   | 4.5 |
| Less intensive commercial businesses, including autos, lumber, appliances, sales, etc. | Per one thousand (1,000) square feet retail floor area | 1.5 | 2.5 |
| Convenience stores, service                                                            | Per one thousand (1,000) gross                         | 2   | 3.5 |

|                                                                                  |                                                                                                      |           |          |
|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-----------|----------|
| stations, mini-marts                                                             | square feet                                                                                          |           |          |
| Commercial recreation, such as golf courses, bowling alleys, indoor soccer, etc. | Per one thousand (1,000) square feet                                                                 | 2         | 4.5      |
| Daycares, preschools, and nursery schools                                        | Per teacher, plus drop off loading area per seven (7) students                                       | .5        | 2        |
| Offices and personal services                                                    | Per one thousand (1,000) square feet floor area                                                      | 2.5       | 3.5      |
| Fast-Food or Drive-in restaurants, sit-Down restaurants, and bars                | Per one hundred (100) square feet of dining area                                                     | 1.5       | 3.5      |
| Auditoriums, assembly halls, theaters, churches, and funeral homes               | Per every five (5) seats                                                                             | 1         | 3.5      |
| Dental and medical clinics                                                       | Per one thousand (1,000) square feet floor area                                                      | 2.5       | 4.5      |
| Hospitals                                                                        | Per patient bed                                                                                      | 1         | 2.5      |
| <u>Hospitals, Animal</u>                                                         | <u>Per animal</u>                                                                                    | <u>.5</u> | <u>1</u> |
| Nursing homes                                                                    | Per every five (5) beds                                                                              | 1         | 1.5      |
| Manufacturing uses, research, wholesale                                          | Per one thousand (1,000) square feet floor area (excluding floor space used exclusively for storage) | 1.25      | 3        |

**Comment [JM117]:** Per animal refers to the potential number the facility could accommodate. Since hospitals would allow the larger animals, and Syracuse is known as a horse community, sufficient parking is necessary to accommodate trucks and horse trailers

**10-8-050: OFF-STREET LOADING**

- (A) Off-Street Loading Required. For every building or part thereof having a floor area of ten thousand (10,000) square feet or more which is to be occupied by a commercial or industrial use, to or from which deliveries are regularly made by motor vehicle, the property owner shall provide and maintain on the same lot with the building at least one (1) off-street loading space. In buildings larger than ten thousand (10,000) square feet, the property owner shall provide a second loading space for the next thirty thousand (30,000) square feet or fraction thereof plus one (1) additional loading space for each increment of forty thousand (40,000) square feet thereafter.
- (B) Size of Off-street Loading Space. Each loading space shall be not less than fourteen (14) feet wide, twenty-five (25) feet long, and fourteen (14) feet high.
- (C) Location of Loading Space. Required loading spaces may occupy any required yard except the front yard. The design and arrangement of the loading space shall be such that no part of the space would permit loading or unloading or service from a public street or sidewalk. No loading space shall be located closer than fifty (50) feet from a residential boundary except when screened by a six- (6) foot wall or solid fence. (Ord. 06-17)

**10-8-060: ACCESS TO OFF-STREET PARKING AND LOADING SPACES.**

- (A) Ingress and Egress. All uses shall provide adequate ingress and egress as follows:
  1. Residential driveway approaches shall have a maximum width of thirty-three (33) percent of the lot width. Measuring a driveway approach width shall be parallel with the street right-of-way boundary and at the trough of the cut. Property owners shall maintain a minimum five (5) feet of full height curbing between cuts. Where multiple cuts for frontages exist, the maximum of all cuts shall not exceed the total width allowed for the frontage of the lot. Where a proposed driveway approach and associated paving in the public right-of-way in asphalt, concrete or any other impervious surface will encase, cover or in any way come into contact with any public utility located in the public right-of-way the property owner shall provide adequate expansion joints in the paving surface as to allow ease of access to such public utilities. In such cases where this situation exists, in addition to the required excavation permit, the property owner shall submit a design detail for protecting the

allowed access of any utilities that may be affected by the proposed excavation work. (Ord. 08-07)

2. Commercial and industrial uses shall have a maximum of one (1) driveway approach for each one hundred (100) feet of public street frontage. Said drive-way approaches shall be no more than thirty-five (35) feet in width nor less than sixteen (16) feet (for one-way traffic). Where a proposed driveway approach and associated paving in the public right-of-way in asphalt, concrete or any other impervious surface will encase, cover or in any way come into contact with any public utility located in the public right-of-way the property owner shall provide adequate expansion joints in the paving surface as to allow ease of access to such public utilities. In such cases where this situation exists, in addition to the required excavation permit, the property owner shall submit a design detail for protecting the allowed access of any utilities that may be affected by the proposed excavation work. (Ord. 08-07)

- (B) Spacing. Driveway approaches shall not be located closer to each other than one hundred (100) feet in all commercial and industrial zones. (Ord. 08-07)
- (C) Distance from Intersections. No residential driveway approach shall be located closer than twenty (20) feet to the intersection of two (2) streets. This measurement shall be made along the front property lines/street right-of-way lines to the point of intersection of the two (2) lines. For commercial and industrial uses and apartments with seventeen (17) or more parking spaces, the driveway approach shall be no closer than forty (40) feet to the intersection of two (2) streets.

**10-8-070: PARKING DEVELOPMENT, STANDARDS, AND MAINTENANCE.**

- (A) Size. Each off-street parking space shall be no less than nine (9) feet by twenty (20) feet, except as otherwise provided.
- (B) Small Car Parking Spaces. In all parking areas containing twenty-five (25) or more parking spaces, the developer may reduce the size of a maximum twenty-five (25) percent of the required parking spaces for use by small cars, except for residential uses where the property owner/manager assigns parking spaces to specific dwelling units. Small car parking spaces shall include signage clearly marking the stall as "Compact Only" or "Small Car Only" and shall be a minimum of nine (9) feet by fifteen (15) feet in dimension. (Ord. 08-07)
- (C) Handicapped Parking. All buildings and uses on the site shall have appropriate means of access for disabled persons. Said access shall meet the requirements of the building code and all standards of the Americans with Disabilities Act shall be followed in order to provide safe and convenient access for the disabled.
- (D) Surfacing. All public parking areas, private multi-family residential parking areas, with five (5) or more vehicles and private industrial parking areas with three (3) or more parking spaces (including driveways and loading spaces) shall have asphalt or concrete paving, appropriate bumper guards so cars do not project across sidewalks or property lines, and striping to provide the orderly arrangement and movement of vehicles. (Ord. 08-07)
- (E) Drainage. All parking areas as described in Section 10-7-070(D) above shall have proper grading for drainage and provisions for curb, gutter, and waterways as submitted in an accepted site plan approved by the City Engineer. (Ord. 06-17)
- (F) No Backing onto Public Streets. The design of all parking areas described in Section 10-7-070(L) above shall eliminate the need for vehicles to back out into a public street. (Ord. 08-07)
- (G) Screening and Landscaping. As a condition of approval at the site plan review stage, the Land Use Authority may require all public and private parking areas, except single- and two- (2) family dwellings, to have effective screening, such as fencing or landscaping. (Ord. 08-07)

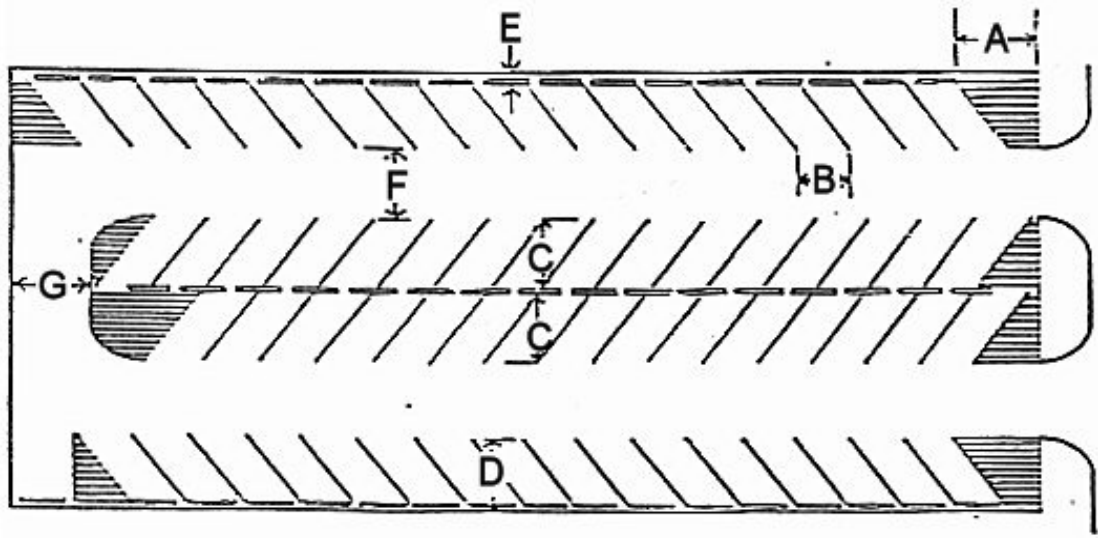
- (H) Lighting. The arrangement of lighting used to illuminate any off-street parking area shall reflect the light away from adjoining property in residential districts as per Chapter 8 of this Title. (Ord. 06-17)
- (I) Design of Parking Area. All parking areas shall comply with the standards set forth in the Table of Parking Standards at the end of this Chapter.

**10-8-080: OTHER PARKING PROVISIONS.**

- (A) Joint Use Parking Areas. When two (2) dissimilar uses are located next to each other and the demand for parking in conjunction with those uses would not conflict, the Planning Commission may authorize the use of such combined facilities requiring the maximum number of parking spaces for the larger use. A use may provide a shared parking area for similar adjacent uses as long as the total off-street parking spaces equal the minimum requirement for each individual use. If the common facilities are located on more than one lot, the developer must file a covenant, for the preservation of the parking facilities, with the City.
- (B) Additional Off-Street Parking Areas. Additional off-street parking areas for common public use is required in residential zones and subdivisions where:
  1. Street widths are at or less than thirty five (35) feet between the Top-Back-Of-Curb (TBC) on either side of the street, or;
  2. Street widths are at or less than thirty (30) feet of pavement in areas without curb, measured from the edge of asphalt or concrete. The layout, spacing, and number of stalls shall be recommended by the City Engineer and approved by the Land Use Authority and shall include: (Ord. 09-10) (Ord. 09-09)
    - (a) A minimum of one stall for two dwelling units
    - (b) A solid paved surface with proper dimensions, and painted markings
    - (c) Properly designed drainage into a storm water collection system and shall be subject to the same storm water detention requirements as the entire subdivision
    - (d) ADA accessibility incorporated into the design based upon the requirements of the entire subdivision
    - (e) Any given dwelling unit may not be located greater than three hundred and fifty (350) feet in walking distance on paved surfaces from any parking area
    - (f) A Home Owners Association (HOA) to maintain all public off-street parking areas within the subdivision (Ord. 09-09)

TABLE OF PARKING STANDARDS  
(Letters refer to the diagram below)

| <u>Parking Angle</u> | <u>45°</u> | <u>60°</u> | <u>90°</u> |     |
|----------------------|------------|------------|------------|-----|
| Offset               | A          | 18'        | 11'        | 3'  |
| Car Space            | B          | 12'        | 10'        | 9'  |
| Stall Depth          | C          | 17'        | 19'        | 20' |
| Stall Depth          | D          | 19'        | 21'        | 22' |
| Overhang             | E          | 2'         | 2.5'       | 3'  |
| Driveway             | F          | 14'        | 18'        | 26' |
| Turnaround           | G          | 17'        | 14'        | 14' |



**CHAPTER 9**  
**SIGN AND LIGHTING REGULATIONS**

- 10-9-010: Purpose**
- 10-9-020: Effect of Chapter**
- 10-9-030: Definitions**
- 10-9-040: General Limitations**
- 10-9-050: Location and Approval**
- 10-9-060: Town Center Zone Restrictions**
- 10-9-070: Enforcement**

**10-9-010: PURPOSE.** The purposes of the sign regulations set forth in this Title shall be to eliminate potential hazards to motorists and pedestrians; encourage signs that, by their good design, are aesthetically pleasing and integrated with and harmonious to the buildings and sites they occupy and that eliminate excessive and confusing sign displays; preserve and improve the appearance of the City as a place in which to live and work and as an attraction to nonresidents who come to visit or trade; safeguard and enhance property values; protect public and private investment in buildings and open spaces; supplement and be a part of the regulations imposed and the plan set forth under the Land Use Ordinance of the City of Syracuse; and promote the public health, safety, and general welfare. It is also the intent of this Title to govern the number, size, type, location, and other provisions relating to signs within the various zones of the City as established and designated by the Land Use Ordinance of Syracuse City. (Ord. 10-02c)

**10-9-020: EFFECT OF CHAPTER.** The regulations herein set forth shall apply and govern all zones as set forth in this Title. (Ord. 02-18)

**10-9-030: DEFINITIONS.** For the purpose of this Chapter, the definitions of the following words and terms are in addition to those stated in Chapter 2:

- (A) Sign. Any device attached to a structure or free standing, which passers by may view from out of doors that provide visual communication to the general public, including inflatables, wind flags, and vehicle advertising, but not including any flag, badge, or ensign of any government or governmental agency. (Ord. 08-07)
- (B) Sign, Advertising. Any sign that directs attention to a use, product, commodity, or service not related to the premises. (Ord. 09-16)
- (C) Sign, Identification. Any sign that directs attention to a use, product, commodity, or service related to the premises. (Ord. 09-16)
- (D) Sign Animated. A sign that uses mechanical or artificial means to create involves physical motion or rotation of any part by mechanical or artificial means. (Ord. 09-16)
- (E) Sign, Electronic Message. A sign with an electronic message or electronic image display. (Ord. 08-11)
- (F) Sign, Area. The area of a sign used for display purposes including the minimum frame and supports. In computing sign area, add only one side of back-to-back signs covering the same subject when such signs are parallel or diverge from a common edge by an angle of not more than thirty (30) degrees. In relation to signs that do not have a frame or separate background, compute sign area on the basis of the least rectangle, triangle, or circle large enough to frame the display. (Ord. 08-07)
- (G) Signs, Lighted Type. A categorical rating given to a sign according to the type of illumination permitted as follows:
  - 1. Direct Lighting: An illuminated sign, the light source of which is either a visible part of the sign or projects light upon the sign.
  - 2. Indirect Lighting: An illuminated sign, the light source of which is not visible from any angle and is incorporated as part of the sign's structure.
- (H) Sign, Type. A categorical rating given to a sign according to its type of written message as follows:

1. Sign, Off-Premise: An advertising sign that directs attention to a use, product, commodity, or service not related to the premises. (Ord. 08-07) (Ord. 09-16)
  2. Sign, On-Premise: An advertising sign that directs attention to a use conducted, commodity sold, or service performed upon the premises. (Ord. 09-16)
  3. Sign, Permanent: Any sign, banner, pennant, valance, or advertisement intended for display over a period longer than one hundred fifty (150) days.
  4. Sign, Political: Informs the public of a candidate running for public office or an issue to be decided in a legal election by public vote.
  5. Sign, Realty: Related to the property on which it is located and erected within the interior of the property boundaries for purposes of offering such property for sale or lease, advertising completed improvements, announcing the name of the builder, owner, realtor, designer, or developer of the project, or warning against trespassing. (Ord. 08-07)
  6. Sign, Seasonal Produce: Directs attention to produce or other agricultural products grown and sold on the premises, but may be displayed only during the season of the produce sold.
  7. Sign, Temporary: Any sign, banner, pennant, valance, or advertisement intended for display over a period no longer than thirty (30) days to advertise special events, i.e., yard sales, promotions, etc.
  8. Sign, Subdivision: Advertisement of lots in a subdivision, for up to two (2) years. At the expiration of two years, applicants may apply for one- (1) year extensions if they still own lots for sale in the subdivision. (Ord. 09-16)
  9. Sign, Window: Erected in, attached to, or painted or pasted on a window.
  10. Sign, Community Directory: Identification sign that serves as a directional guide to businesses or areas of community importance such as recreational or historical areas, City or State parks, public safety facilities, municipal services, schools, community development projects, or major business entities. Such signs are erected in the public right of way and are controlled, and maintained by the City. (Ord. 08-07)
- (l) Structural Type. A categorical rating given to a sign according to its structure as follows:
1. Sign, Billboard: A sign not owned by the party who pays for the message on the sign that is designed for changeable messages which advertise or direct attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises upon which the sign is located or to impart any message for a fee. The billboard sign may be owned by a commercial company which leases or rents the billboard space for advertising purposes. (Ord. 09-09)
  2. Sign, Flat: Erected parallel to and attached to, or painted or pasted on, the outside wall or roof of a building and projecting not more than eighteen (18) inches from such wall or roof.
  3. Sign, Monument: Placed upon the ground with no clearance between the bottom edge of the sign and the ground and not to exceed a maximum height of six (6) feet. Monument signs shall include a combination of brick, stone, ceramic tile, masonry materials, or wood fiber/composite siding and designed as to be architecturally compatible with the design theme of the commercial development where the sign is to be located. Signs with exposed cinder block are not permitted. Total signage, excluding sign support structure, shall not exceed forty eight (48) square feet in area. Each monument sign within a commercial parcel must be separated from any other detached sign by a minimum of one hundred and fifty (150) feet and may not be located within thirty (30) feet of any adjacent shared private property line. (Ord. 09-02)
  4. Sign, Multi-Tenant Pole or Pylon: Attached to or supported by one (1) or more poles or a pilaster or similar structure that the ground supports, including any such sign that also rests on or overlaps the roof of a building.

Pole or pylon signs shall include a combination of brick, stone, ceramic tile, masonry materials, or wood fiber/composite siding and designed as to be architecturally compatible with the design theme of the commercial development where the sign is to be located. Signs with exposed cinder block are not permitted. Total signage, excluding sign support structure, shall not exceed three-hundred (300) square feet in area. Each multi-tenant pole or pylon sign within a commercial parcel must be separated from any other detached sign by a minimum of one hundred fifty (150) feet and may not be located within thirty (30) feet of any adjacent shared private-property line. (Ord. 08-11) (Ord. 09-02)

5. Sign, Projecting: Attached to a building and extending, in whole or in part, more than eighteen (18) inches beyond any wall of the building without the aid of any other vertical supports, including any such sign that also rests on or overlaps the roof twelve (12) inches or more.
6. Sign, Roof: Erected partially or wholly on or over the roof of a building, but not including pole or projecting signs that rest on or overlap a roof twelve (12) inches or less, or painted on or designed as a part of the roofing materials.
7. Sign, Bench: Affixed or painted on any part of a bench or seat surface and placed outside the main structure on the property or adjacent to or on a right-of-way. Benches owned and maintained by a public transit authority are exempt from these regulations. (Ord. 06-27)
8. Sign, Post: Freestanding and supported by one or more posts or similar structure that the ground supports. This sign may be temporary or permanent with a signage area not exceeding a total of thirty two (32) square feet. This sign may be for Advertising or Identification. Maximum height of this sign shall be eight (8) feet from the ground to the top edge of the structure. The sign must not obstruct the clear view area as described in Chapter 10-6-060 of this Title.
9. Sign, Monolithic. A high profile sign not exceeding fifteen (15) feet in height, where the face and supports are within the same cabinet structure independent of any building or any other structure. (Ord. 10-02c)

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

- (A) Billboard Signs. Billboard signs shall not be permitted in any zone within the City.
- (B) Lights or Lighted Signs. No one shall install a spot light, flood light, or any type of lighted or animated sign, or otherwise permit such lights to continue in operation, where the rays of such light penetrate beyond the property on which the light is located in a manner constituting a nuisance or hazard. All single tenant monument signs and multi-tenant monument signs with two (2) or less tenants shall only be illuminated through means of ground illumination or overhanging down-lighting fixtures. Internal or back-lighting systems are permitted for multi-tenant pole or pylon signs or multi-tenant monument signs with three (3) or more tenants only in Commercial (GC and C-2) and Industrial Zones. (Ord. 09-02) (Ord. 10-02c)
- (C) Projection of Signs. No part of any sign shall be attached to any building or other structure or otherwise affixed in such a way that the sign projects across any property line.
- (D) Lights and Signs Prohibited on Public Property. No sign, light standard, or pole shall be erected on publicly-owned land inside street rights-of-way, or otherwise. No sign, handbill, poster, advertisement, or notice of any kind or sort, whether political or otherwise, shall be fastened, placed, posted, painted, or attached in any way in or upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk, or street right of way. Exceptions: Signs and lights owned and erected by a public agency or its

author-ized representative are exempt from this Subsection. (Ord. 06-17) (Ord. 08-07)

- (E) Signs and Lights not to Constitute Traffic Hazard. No light, sign, or other advertising structure, as regulated by this Chapter, shall be erected at the intersection of any street in such a manner as to violate the provisions of Section 10-6-060(B) or otherwise obstruct free and clear vision. Further no light sign or advertising structure shall be erected at any location where by reason of its position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic signs, signal, or device or which makes use of the words "stop," "look," "drive-in," "danger," or other similar words, phrases, symbols, or characters in such manner as to interfere with, mislead, or confuse traffic. Signs along unimproved roadways may not be placed closer than twelve (12) feet to the edge of the paved surface. (Ord. 08-07)
- (F) Maintenance. Every sign shall be kept in good condition as to maintenance and repair. The Land Use Administrator may require owners of dilapidated and/or unsafe signs to renovate such signs. Upon failure of the owner to do so within five (5) days of receiving written notice, the City may order the removal or demolition of such signs.
- (G) Clearance. There shall be a minimum clearance of eight (8) feet between the ground or sidewalk and any part of a projecting sign pole sign, except where there is less than an eighteen (18) inch projection from its support. (Ord. 08-07) (Ord. 10-02c)
- (H) Ownership. The identity of the owner of all off-premise signs shall be in plain and public view.
- (I) Political Signs. All zones shall allow political signs provided the signs comply with the following requirements:
  - 1. The provisions set forth in Section 10-8-030(E) of this Title. (Ord. 08-07)
  - 2. The placement or erection of such signs in any publicly visible location shall not occur sooner than sixty (60) days prior to a legal election at which the public will decide an issue by vote. (Ord. 04-20) (Ord. 06-27) (Ord. 08-07)
  - 3. Land owners placing or allowing the erection of a political sign on their property shall remove or ensure its removal within three (3) days after the applicable election. (Ord. 02-18) (Ord. 08-07)
- (J) Bench Signs. As defined in this Section, bench signs shall be considered on-premise detached signs that must conform to the following regulations in order to be displayed in any General Commercial, Professional Office, Residential, or Industrial zone: (Ord. 08-07)
  - 1. The signs are displayed only at public transportation stops as designated by the City Planning Commission. The conditional use applicant shall provide notice to the public transportation entity of the applicant's intent to display bench signs near the public transportation stop site and shall provide evidence of such notice as part of the conditional use application.
  - 2. No more than one bench sign may be displayed at a designated public transportation stop.
  - 3. The square footage of the advertising on the bench sign conforms to the on-premise sign square-footage limitation. (Ord. 08-07)
  - 4. Each bench sign must have a minimum setback of two (2) feet behind the public sidewalk or City right-of-way and must be located entirely on private property.
  - 5. The sign company shall maintain a current business license. Each year, upon renewal of the license, the company shall provide a complete list of its bench and sign locations within the City to the Community Development Department for review and approval.
  - 6. The City reserves the right to remove any bench sign that is found to be in disrepair or illegally located within three (3) days after providing notice to the sign owner.

7. As part of the conditional use application, the applicant shall submit evidence of written permission from the property owner that expressly allows the applicant to place a bench sign on their premises. (Ord. 06-27) (Ord. 08-07)

(K) Allowable Height.

1. Freestanding pole or pylon signs shall not exceed thirty (30) feet in height. The bottom of such signs shall be no less than ten (10) feet from the ground, but in no case shall they create a traffic hazard. The height of pole or pylon signs shall be measured from the top of the curb adjacent the nearest public street or nearest public street pavement to the top of the highest point on the sign or sign structure. All structural elements, whether for support or ornamentation, shall be measured as a part of the sign as set forth in Section 10-8-050.
2. Monument Signs shall not exceed six (6) feet in height. (Ord. 08-07) (Ord. 08-11)

(L) Allowable Area. Sign areas shall not exceed the maximum sizes identified in the 'LOCATION AND APPROVAL' table in this chapter. (Ord. 08-07) (Ord. 08-11)

(M) Multiple Signs. Lots shall have no more than one detached sign per frontage. Signs on the same lot shall be located at least one hundred (100) feet from each other. (Ord. 08-07)

(N) Multi-tenant Signs. Lots in commercial subdivisions that contain more than one (1) commercial tenant shall be permitted one (1) detached multi-tenant sign per public street frontage. No other single tenant detached signs shall be permitted on the same commercial lot. All multi-tenant signs shall be designed to be architecturally compatible with the design theme of the commercial development where the sign is to be located. Multi-tenant signs shall be located as per site plan review. (Ord. 08-11)

(O) Electronic Message Signs shall be allowed in GC, C-2, Research Park, Industrial, and Professional Office as permitted by conditional use. These signs may be attached, detached, or located on monument or multi-tenant pole or pylon signs. The square footage of these signs shall be counted into the maximum sign area described in this Title. The measured area of the electronic message sign may not exceed fifty (50) percent of the total area of the sign. These signs shall only operate from 6:00 am to 11:00 pm. ~~These signs and~~ shall not cause glare or rapid blinking, nor be so intensely lighted that they may create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. These signs shall have a minimum of three (3) second intervals between screen changes. Any time an electronic message sign is operating between sunset and sunrise, said signs shall be set at not more than forty (40) percent of the maximum capable light output. Any detached electronic message sign shall be placed perpendicular to the street onto which it is constructed. Electronic message signs may also be allowed by with minor conditional use permits for all "Community Uses" in any zone, provided the sign shall not be located within two hundred (200) feet of any current or future residential use, as designated in the City's General Plan, as measured from the base of the sign to the nearest point of the residential property. The Community Use must also have frontage on an arterial street as designated in the City's Master Street Plan. A Community Use shall be identified as but not limited to: (Ord. 08-11)

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

**Comment [JM118]:** To allow for approval by LU Admin to streamline such requests

**10-9-050: LOCATION AND APPROVAL.** Signs allowed in any zone must comply with the regulations shown on the following table. No advertising sign in an agricultural or residential zone shall be displayed within six hundred sixty (660) feet or one-eighth

(1/8) mile from another sign of any type. However, notwithstanding the foregoing distance criteria, a property owner has the right to erect one (1) sign on their parcel of property. Only one (1) sign per lot is allotted in agricultural and residential zones. Signs requiring **major** conditional use **approval permits** ~~from the Planning Commission~~ shall be: (Ord. 08-07) (Ord. 10-02c)

(A) Electronic message centers (Ord. 10-02c)

(B) Monolithic Signs (Ord. 10-02c)

(C) Bench Signs (Ord. 10-02c)

**Comment [JM119]:** Already established that PC approves major CUPs

| SIGN TYPE AND ZONE                     | MAXIMUM SIZE ALLOWED                                                                                                                                                                                                                                                                         | APPROVAL REQUIRED                                                                  |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>Off-Premise Permanent</b>           |                                                                                                                                                                                                                                                                                              |                                                                                    |
| Agriculture, Residential               | Twenty-four (24) square feet (or as directed by the Land Use Authority for bench signs)                                                                                                                                                                                                      | Administrative Review, Permanent signs require building permits                    |
| Commercial                             | The remainder of allowable sign area calculated using the corresponding On-Premise formula set forth below (or as directed by the Land Use Authority for bench signs)                                                                                                                        | Administrative Review, Permanent signs require building permits                    |
| Industrial                             | The remainder of allowable sign area calculated using the corresponding On-Premise formula set forth below (or as directed by the Land Use Authority for bench signs)                                                                                                                        | Administrative Review, Permanent signs require building permits                    |
| <b>On-Premise Permanent</b>            |                                                                                                                                                                                                                                                                                              |                                                                                    |
| Agriculture, Residential               | Two (2) signs not to exceed four (4) square feet each                                                                                                                                                                                                                                        | City Business License                                                              |
| Commercial                             | Fifteen (15) percent of building's frontage (width x height) on primary side plus five (5) percent of frontage on secondary side(s) of building. Total square footage allotment shall not exceed three hundred (300) square feet and may be apportioned between attached and detached signs. | Site Plan; otherwise, Administrative Review <b>or major conditional use permit</b> |
| Industrial                             | Fifteen (15) percent of building's frontage (width x height) on primary side plus five (5) percent of frontage on secondary side(s) of building. Total square footage allotment shall not exceed three hundred (300) square feet and may be apportioned between attached and detached signs  | Site Plan; otherwise, Administrative Review <b>or major conditional use permit</b> |
| <b>Political</b>                       |                                                                                                                                                                                                                                                                                              |                                                                                    |
| All zones                              | Thirty-two (32) square feet – no limit on quantity                                                                                                                                                                                                                                           | None required                                                                      |
| <b>Realty</b>                          |                                                                                                                                                                                                                                                                                              |                                                                                    |
| Agriculture, Commercial and Industrial | Thirty-two (32) square feet                                                                                                                                                                                                                                                                  | Site plan; otherwise, Administrative Review                                        |
| Residential                            | Thirty-two (32) square feet                                                                                                                                                                                                                                                                  | No approval required                                                               |

**Comment [JM120]:** admin if minor and PC if major

**Comment [JM121]:** admin if minor and PC if major

|                                                            |                                                          |                                                |
|------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------|
| <b>Seasonal Produce</b>                                    |                                                          |                                                |
| All Zones                                                  | Thirty-two (32) square feet                              | No approval required                           |
| <b>Temporary</b>                                           |                                                          |                                                |
| All Zones<br>(limited one<br>hundred eighty<br>(180) days) | Sixteen (16) square feet                                 | No approval required                           |
|                                                            | One Hundred Fifty (150) square feet                      | Administrative Review                          |
| <b>Subdivision</b>                                         |                                                          |                                                |
| All Zones                                                  | Thirty-two (32) square feet                              | Final Plat; otherwise<br>Administrative Review |
| <b>Window</b>                                              |                                                          |                                                |
| Agriculture,<br>Residential                                | Two (2) signs not to exceed four (4) square<br>feet each | City Business License                          |
| Commercial,<br>Industrial                                  | Fifty (50) percent of window area                        | None required                                  |

**10-9-060: TOWN CENTER ZONE RESTRICTIONS.** The following types of signs or sign components are prohibited within the Town Center Zone: (Ord. 08-07)

- (A) Single Tenant Pylon or pole signs, (Ord. 08-11)
- (B) Exposed neon (except as approved by the Land Use Authority), (Ord. 09-02)
- (C) Painted lettering,
- (D) Animated, flashing, or audible signs, or signs emitting smoke or other matter,
- (E) Signs employing un-edged or uncapped letters with no returns and uncapped fastenings,
- (F) Signs identifying leased departments or concessionaries contained within a building,
- (G) Sign manufacturers' labels in a location that is visible to the public,
- (H) Exposed raceways, and
- (I) Façade-mounted signs that extend above the roofline

**10-9-070: ENFORCEMENT.** The Land Use Administrator, or his authorized representative, shall be charged with the duty of enforcing this Chapter and, in the performance of such duty, the Administrator or his representative shall be empowered and directed to:

- (A) Determine Conformance. To ascertain that the construction, reconstruction, or modification of all existing and proposed signs is conducted in conformance with the ordinances of Syracuse City. (Ord. 08-07)
- (B) Legal Action. Institute any appropriate action or proceeding in any case involving a sign that is illegally erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of any City Ordinance.
  - 1. Issue Notices of Violations, Citations, and Information. The Land Use Administrator, or his designee, may issue a written notice of violation to the person having charge or control or benefit of any sign found to be unsafe or dangerous or in violation of this Code, particularly when the City is contemplating removal of said sign. Such official may also issue criminal citations and swear to information against violators.
  - 2. Abate and Remove Unsafe or Dangerous Sign. If the person having charge, control, or benefit of an unsafe or dangerous sign does not repair or make safe said sign within five (5) working days after receiving notice of violation, the Administrator or his designee may at once abate and remove the sign, and the person given notice shall pay to Syracuse City, within thirty (30) calendar days after mailing date of written notice, the costs incurred in such

removal. A sign subject to removal is deemed to be a structure as defined in the International Building Code for the Abatement of Dangerous Buildings, and the Building Official may remove the sign pursuant to that Code, except that the City shall recover the cost of abatement pursuant to Title 10, Chapter 11, of the Utah Code Annotated. (Ord. 08-07)

3. **Abate and Remove Illegal Signage.** A sign located in a public right-of-way is a nuisance per se, and may be removed at any time without prior notice to the owner. Any City official may remove a handbill or sign found posted or placed upon any public property in violation of any provision of this Chapter. The Code Enforcement Officer shall make reasonable effort to determine the owner of the sign and give notice of its removal either by personal contact via telephone or by mailing a written notice to the owner, if known, by first class mail, postage prepaid. The owner shall be given fourteen (14) days from the date of notice to retrieve the sign from the City offices and pay costs of enforcement and removal. (Ord. 06-27) (Ord. 08-07)
  - (a) Nothing in this Section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating a cultural, historical, or artistic event, location, or personality.
  - (b) Nothing in this Section shall apply to the painting of house numbers upon curbs.
  - (c) Nothing in this Section shall apply to signs posted by the City or other similar public entity for the benefit of the public.
4. **Enforcement Costs and Removal Fee.** The person having charge or benefit of the illegal sign shall pay the costs associated with the removal and detention of such sign upon retrieving the sign from the City. The City Council will establish the enforcement and removal fee from time to time by resolution. (Ord. 08-07)
5. **Impounded Signs.** The City may dispose of signs not recovered within fourteen (14) days of impoundment, in any manner in which the City sees fit. City officials may remove illegal signs from public property, including City rights-of-way, park property, or other City-maintained areas, and immediately dispose of such signs in any manner the City shall elect. (Ord. 06-27)

## CHAPTER 11

### A-1 AGRICULTURE

#### (.5 Lots Per Net Acre)

- 10-11-010: Purpose**
- 10-11-020: Permitted Uses**
- 10-11-030: Conditional Uses**
- 10-11-040: Minimum Lot Standards**
- 10-11-050: Off-Street Parking and Loading**
- 10-11-060: Signs**
- 10-11-070: Special Provisions**

**10-11-010: PURPOSE.** The purpose of this Zone is to preserve agricultural open spaces within the City and, in some cases, to act as a holding zone until such time as it becomes appropriate to allow development.

**10-11-020: PERMITTED USES.** The following, and no others, are uses permitted by right provided the parcel and buildings meet all other provisions of this Title and any other applicable ordinances of Syracuse City. (Ord. 10-02)

- (A) Accessory Uses and Buildings (under two hundred [200] square feet) (Ord. 03-18)
- (B) Agriculture
- (C) Animal Clinics and Hospitals
- (D) Apiaries

**Comment [JM122]:** Use normally found in agricultural zones

- (E) Aviaries
- (F) Churches, Synagogues, and Temples
- (G) Dwellings, Single-Family
- (H) Educational Services
- (I) Farm Animal Keeping {see Section 10-6-040}
- (J) Farm Industry (on a parcel of five [5] acres or more)
- (K) Fruit and Vegetable Stands
- (L) Household Pets (Ord. 08-07)
- (M) Minor Home Occupations (Ord. 10-02)
- (N) Public Parks
- (O) Rabbits and Hens (Ord. 08-07)
- (P) Residential Facilities for Persons with Disabilities**
- ~~(P) Veterinary Clinics~~
- (Q) Vietnamese Potbellied Pigs (Ord. 08-07)**

**Comment [JM123]:** Changed to Animal Clinics and Hospitals

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

- (A) Accessory Uses and Buildings (two hundred [200] square feet or greater)
- ~~(B) Cemeteries~~
- (C) Cluster Subdivisions
- (D) Day Care Centers
- (E) Dog Kennels
- (F) Educational Services, Private (Ord. 08-07)
- (G) Greenhouses
- (H) Major Home Occupations (Ord. 10-02)
- (I) Intermittent Commercial Uses
- (J) Private Parks and Recreational Activities
- (K) Public and Quasi-Public Buildings
- (L) Sewage Treatment Plants
- (M) Stables, Public (1991)

**Comment [j124]:** Cannot find any language to outline conditions for this use, and deleted it from conditional uses in last major amendment to this Title

**10-11-040: MINIMUM LOT STANDARDS.** Developers shall improve all lots and place all structures and uses on lots in accordance with the following lot standards. Lot areas for properties fronting existing streets shall include all property as described on the most recent plat of record. (Ord. 10-02)

- (A) Density: Minimum lot size twenty-one thousand seven hundred eight (21,780) square feet, but in no case shall the density exceed five tenths (.5) lots per net acre
- (B) Front Yard: Twenty-five (25) feet (Ord. 03-08)
- (C) Side Yards: Ten (10) feet (both sides)
- (D) Rear Yard: Thirty (30) feet (Ord. 03-08)
- (E) Building Height: As allowed by the current building code (Ord. 02-16)
- (F) Lot Width: One hundred (100) feet. However, the Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence that they acquired the land in good faith and, by reason of size, shape, or other special condition(s) the requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or that a reduction of the lot width requirement would alleviate a clearly demonstrable hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that: (Ord. 08-07) (Ord. 10-02)
  1. The strict application of the lot width requirement would result in substantial hardship; (Ord. 08-07)
  2. Adjacent properties do not share generally such a hardship and the property in question has unusual circumstances or conditions where literal enforcement of the requirements of the Zone would result in severe hardship; (Ord. 08-07)

3. The granting of such reduction would not be of substantial detriment to adjacent property or influence negatively upon the intent of the Zone; (Ord. 08-07)
4. The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to detract from the intention or appearance of the Zone as identified in the City's General Plan.

**10-11-050: OFF-STREET PARKING AND LOADING.** Off-street parking and loading shall be provided as specified in Chapter 7 of this Title. (1991) (Ord. 08-07)

**10-11-060: SIGNS.** The signs permitted in this Zone shall be those allowed in agricultural zones pursuant to Chapter 8 of this Title. (1991) (Ord. 08-07)

**10-11-070: SPECIAL PROVISIONS.** All pens, corrals, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots (This Provision shall not apply to pastures). (1991)

## CHAPTER 12 R-1 RESIDENTIAL (2.9 Lots Per Net Acre)

**10-12-010: Purpose**

**10-12-020: Permitted Uses**

**10-12-030: Conditional Uses**

**10-12-040: Minimum Lot Standards**

**10-12-050: Off-Street Parking and Loading**

**10-12-060: Signs**

**10-12-070: Special Provisions**

**10-12-010: PURPOSE.** The purpose of this Zone is to promote and preserve, where conditions are favorable, areas for large lot development for families to engage in food production and, where adequate lot area exists, keep a limited number of farm animals and fowl. (1991) (Ord. 06-17)

**10-12-020: PERMITTED USES.** The following, and no others, are uses permitted by right provided the parcel and/or building meet all other provisions of this Title and any other applicable ordinances of Syracuse City. (Ord. 10-02)

- (A) Accessory Uses and Buildings (under two hundred [200] square feet)
- (B) Agriculture
- (C) Aviaries
- (D) Churches, Synagogues, and Temples
- (E) Dwellings, Single-Family
- (F) Educational Services
- (G) Farm Animal Keeping {see Section 10-6-040}
- (H) Fruit and Vegetable Stands (for sale of products produced on owner's premises)
- (I) Household Pets (Ord. 08-07)
- (J) Minor Home Occupations (Ord. 10-02)
- (K) Public and Quasi-Public Buildings
- (L) Public Parks
- (M) Rabbits and Hens (Ord. 08-07)
- (N) Residential Facilities for Persons with Disabilities**
- (O) Vietnamese Potbellied Pigs (Ord. 08-07)**

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

- (A) Accessory Uses and Buildings (two hundred [200] square feet or greater)
- (B) Apiaries
- ~~(C) Cemeteries~~
- (D) Day-Care Centers

- (E) Dog Kennels
- (F) Dwellings, Two- [2] Family
- (G) Dwelling Groups
- (H) Greenhouses
- (I) Major Home Occupations (Ord. 10-02)
- (J) Intermittent Commercial Uses (see Section 10-7-050)
- (K) Private Parks and Recreational Activities
- (L) Temporary Use of Buildings (See Section 10-6-100)

**10-12-040: MINIMUM LOT STANDARDS.** All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

- (A) Density: Minimum lot size ten thousand (10,000) square feet, but in no case shall the density exceed two and ninety hundredths (2.90) lots per net acre
- (B) Lot Width: One hundred (100) feet
- (C) Front Yard: Twenty-five (25) feet
- (D) Side Yards: Ten (10) feet (both sides)
- (E) Rear Yard: Thirty (30) feet
- (F) Building Height: As allowed by current building code.
- (G) Variation of Lot: The Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence they acquired the land in good faith and, by reason of size, shape, or other special condition(s) of the specific property, application of the lot width requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or a reduction of the lot width requirement would alleviate a clearly demonstrable hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that: (Ord. 08-07)
  1. The strict application of the lot width requirement would result in substantial hardship
  2. Adjacent properties do not share generally such a hardship and the property in question has unusual circumstances or conditions where literal enforcement of the requirements of the Zone would result in severe hardship
  3. The granting of such reduction would not be of substantial detriment to adjacent property or influence negatively upon the intent of the Zone
  4. The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to detract from the intention or appearance of the Zone as identified in the City's General Plan

**10-12-050: OFF-STREET PARKING AND LOADING.** Off -street parking and loading shall be provided as specified in Chapter 7 of this Title. (Ord. 08-07)

**10-12-060: SIGNS.** The signs permitted in this Zone shall be those allowed in residential zones by Chapter 8 of this Title. (Ord. 08-07)

**10-12-070: SPECIAL PROVISIONS.** All pens, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from all dwellings on adjacent lots. (This Provision shall not apply to pastures).

**CHAPTER 13**  
**R-2 RESIDENTIAL**  
**(3.79 Lots Per Net Acre)**

**10-13-010: Purpose**

**10-13-020: Permitted Uses**

**10-13-030: Conditional Uses**

**10-13-040: Minimum Lot Standards**

**10-13-050: Off-Street Parking and Loading**

**10-13-060: Signs**

**10-13-010: PURPOSE.** The purpose of this Zone is to provide for moderate density single-family residential development that conforms to the system of services available. (1997)

**10-13-020: PERMITTED USES.** The following, and no others, are uses permitted by right provided the parcel and building meet all other provisions of this Title and any other applicable ordinances of Syracuse City. (Ord. 10-02)

(A) Accessory Uses and Buildings (under two hundred [200] square feet) (Ord. 03-18)

(B) Agriculture

(C) Churches, Synagogues, and Temples

(D) Dwellings, Single-Family

(E) Educational Services

(F) Household Pets (Ord. 08-07)

(G) Minor Home Occupations (Ord. 10-02)

(H) Public and Quasi-Public Buildings

(I) Public Parks

(J) Rabbits and Hens (Ord. 08-07)

**(K) Residential Facilities for Persons with Disabilities**

**(L) Vietnamese Potbellied Pigs (Ord. 08-07)**

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

(A) Accessory Uses and Buildings (two hundred [200] square feet or greater) (Ord. 06-27)

(B) Day-Care Centers

(C) Dwellings, Two- [2] Family

(D) Dwelling Groups

(E) Dog Kennels (Ord. 06-27)

(F) Major Home Occupations (Ord. 10-02)

(G) Intermittent Commercial Uses (see Section 10-7-050)

**(H) Temporary use of Buildings (See Section 10-6-100)**

**10-13-040: MINIMUM LOT STANDARDS.** All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards:

(A) Density: Minimum lot size ten thousand (10,000) square feet, but in no case shall the density exceed three and seventy-nine hundredths (3.79) lots per net acre

(B) Lot Width: Eighty-five (85) feet

(C) Front Yard: Twenty-five (25) feet

(D) Side Yards: Eight (8) feet (both sides)

(E) Rear Yard: Thirty (30) feet

(F) Building Height: As allowed by current building code

(G) Variation of Lot: The Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence they acquired the land in good faith and, by reason of size, shape, or other special condition(s) of the specific property, application of the lot width requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or a reduction of the lot width requirement would alleviate a clearly demonstrable

hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that: (Ord. 08-07)

1. The strict application of the lot width requirement would result in substantial hardship;
2. Adjacent properties do not share generally such a hardship and the property in question has unusual circumstances or conditions where literal enforcement of the requirements of the Zone would result in severe hardship;
3. The granting of such reduction would not be of substantial detriment to adjacent property or influence negatively upon the intent of the Zone;
4. The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to detract from the intention or appearance of the Zone as identified in the City's General Plan.

**10-13-050: OFF-STREET PARKING AND LOADING.** Off -street parking and loading shall be pro-vided as specified in Chapter 7 of this Title (Ord. 08-07)

**10-13-060: SIGNS.** The signs permitted in this Zone shall be those allowed in residential zones by Chapter 8 of this Title. (Ord. 08-07)

## **CHAPTER 14**

### **R- 3 RESIDENTIAL**

#### **(5.44 Lots Per Net Acre)**

**10-14-010: Purpose**

**10-14-020: Permitted Uses**

**10-14-030: Conditional Uses**

**10-14-040: Minimum Lot Standards**

**10-14-050: Off-Street Parking And Loading**

**10-14-060: Signs**

**10-14-010: PURPOSE.** The purpose of this Zone is to provide for medium density single-family residential development that conforms to the system of services available. (Ord. 08-07)

**10-14-020: PERMITTED USES.** The following, and no others, are uses permitted by right provided the parcel and building meet all other provisions of this Title and any other applicable ordinances of Syracuse City.(1991) (Ord. 10-02)

(A) Accessory Uses and Buildings (under two hundred [200] square feet) (Ord. 03-18)

(B) Agriculture

(C) Churches, Synagogues, and Temples

(D) Dwellings, Single-Family

(E) Educational Services

(F) Household Pets (Ord. 08-07)

(G) Minor Home Occupations (Ord. 10-02)

(H) Public and Quasi-Public Buildings

(I) Public Parks

(J) Rabbits and Hens (Ord. 08-07)

**(K) Residential Facilities for Persons with Disabilities (Ord 04-12)**

**(L) Vietnamese Potbellied Pigs (Ord. 08-07)**

**10-14-030: CONDITIONAL USES.** The following may be permitted conditional uses after applica-tion and approval as specified in Section 10-4-080 of this Title.(1991) (Ord. 08-07)

(A) Accessory Uses and Buildings (two hundred [200] square feet or greater)

(B) Day-Care Centers

(C) Dwellings, Two- [2] Family

(D) Home Occupations

- (E) Intermittent Commercial Uses (see Section 10-7-050)
- (F) Pre-Schools (1994)
- (G) Temporary Use of Buildings {See Section 10-6-100}

- 10-14-040: MINIMUM LOT STANDARDS.** All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards: (1998)
- (A) Density: Minimum lot size eight thousand (8,000) square feet, but in no case shall the density exceed five and forty-four hundredths (5.44) lots per net acre;
  - (B) Lot Width: Eighty (80) feet
  - (C) Front Yard: Twenty-five (25) feet
  - (D) Side Yards: Eight (8) feet both sides
  - (E) Rear Yard: Twenty (20) feet
  - (F) Building Height: As allowed by current adopted building code-
  - (G) Variation of Lot: The Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence they acquired the land in good faith and, by reason of size, shape, or other special condition(s) of the specific property, application of the lot width requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or a reduction of the lot width requirement would alleviate a clearly demonstrable hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that: (Ord. 08-07)
    1. The strict application of the lot width requirement would result in substantial hardship;
    2. Adjacent properties do not share generally such a hardship and the property in question has unusual circumstances or conditions where literal enforcement of the requirements of the Zone would result in severe hardship;
    3. The granting of such reduction would not be of substantial detriment to adjacent property or influence negatively upon the intent of the Zone;
    4. The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to detract from the intention or appearance of the Zone as identified in the City's General Plan.

**10-14-050: OFF-STREET PARKING & LOADING.** Off-street parking and loading shall be provided as specified in Chapter 7 of this Title. (1991) (Ord. 08-07)

**10-14-060: SIGNS.** The signs permitted in this Zone shall be those allowed in residential zones by Chapter 8 of this Title. (1991) (Ord. 08-07)

## **CHAPTER 15**

### **R-4 RESIDENTIAL**

#### **(14.52 Lots Per Net Acre)**

**10-15-010: Purpose**

**10-15-020: Permitted Uses**

**10-15-030: Conditional Uses**

**10-15-040: Minimum Lot Standards**

**10-15-050: Off-Street Parking and Loading**

**10-15-060: Signs**

**10-15-070: Special Provisions**

**10-15-010: PURPOSE.** The purpose of this Zone is to provide for the development of one- (1) to four- (4) family residential structures and service facilities in a more consolidated fashion than other areas permit. (1991)

**10-15-020: PERMITTED USES.** The following, and no others, are uses permitted by right provided the parcel and building meet all other provisions of this Title or any other applicable ordinances of Syracuse City. (1991) (Ord. 10-02)

- (A) Accessory Uses and Buildings (under two hundred [200] square feet) (Ord. 03-18)
- (B) Agriculture
- (C) Churches, Synagogues, and Temples**
- (D) Dwellings, ~~Single-, Two- (2), and Multi-Family~~
- ~~(E) Dwellings, Single-Family~~
- ~~(F) Dwellings, Two-Family~~
- (E) Group Homes
- (F) Household Pets (Ord. 08-07)
- (G) Medical and other Health Facilities
- (H) Minor Home Occupations (Ord. 10-02)
- (I) Public and Quasi-Public Buildings
- (J) Public Parks

**Comment [JM125]:** Allowed in any zone and should be listed as permitted

**Comment [JM126]:** Combining to make the Title as concise as possible

**10-15-030: CONDITIONAL USES.** The following, and no others, uses may be conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title.

- (A) Accessory Uses and Buildings (two hundred [200] square feet or greater)
- (B) Major Home Occupations (Ord. 10-02)
- (C) Temporary Use of Buildings {See Section 10-6-100}**

**10-15-040: MINIMUM LOT STANDARDS.** All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following lot standards: (1998)

- (A) Density: Six thousand (6,000) square feet for one (1) unit plus two thousand (2,000) square feet for each additional unit in the structure with the maximum number of dwelling units per net acre not exceeding fourteen and fifty-two hundredths (14.52)
- (B) Lot Width: Eighty (80) feet
- (C) Front Yard: Twenty-five (25) feet
- (D) Side Yards: Eight (8) feet (both sides)
- (E) Rear Yard: Thirty (30) feet
- (F) Building Height: As allowed by current building code
- (G) Variation of Lot: The Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence they acquired the land in good faith and, by reason of size, shape, or other special condition(s) of the specific property, application of the lot width requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or a reduction of the lot width requirement would alleviate a clearly demonstrable hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that: (Ord. 08-07)
  1. The strict application of the lot width requirement would result in substantial hardship;
  2. Adjacent properties do not share generally such a hardship and the property in question has unusual circumstances or conditions where literal enforcement of the requirements of the Zone would result in severe hardship;
  3. The granting of such reduction would not be of substantial detriment to adjacent property or influence negatively upon the intent of the Zone;
  4. The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to detract from the intention or appearance of the Zone as identified in the City's General Plan.

**10-15-050: OFF-STREET PARKING AND LOADING.** Off -street parking and loading shall be pro-vided as specified in Chapter 7 of this Title. (Ord. 08-07)

**10-15-060: SIGNS.** The signs permitted in this Zone shall be those allowed in residential zones by Chapter 8 of this Title. (Ord. 08-07)

**10-15-070: SPECIAL PROVISIONS.** All multi-family residential uses in this Zone shall require site plan approval as set forth in Section 10-4-100 of this Title. (Ord. 06-17) (Ord. 08-07)

**CHAPTER 16**  
**PRD - PLANNED RESIDENTIAL DEVELOPMENT**  
**(Up To 8.0 Dwelling Units Per Net Acre)**

**10-16-010: Purpose**

**10-16-020: Permitted Uses**

**10-16-030: Conditional Uses**

**10-16-040: Minimum Lot Standards**

**10-16-050: Development Plan and Agreement Requirements**

**10-16-060: Design Standards**

**10-16-070: Street Design**

**10-16-080: Off-Street Parking and Loading**

**10-16-090: Signs**

**10-16-010: PURPOSE.** The purpose of this Zone is to allow diversification in the relationship of residential uses to their sites and permit directed flexibility of site design. Further, its intent is to encourage a more efficient use of the land and the reservation of a greater proportion of common space for recreational and visual use than other residential zones may provide and to encourage a variety of dwelling-units that allows imaginative concepts of neighborhood and housing options and provides variety in the physical development pattern of the City. This will allow the developer to more closely tailor a development project to a specific user group, such as retired persons. The intent of this Zone is to encourage good neighborhood design while insuring compliance with the intent of the Subdivision and Zoning Ordinances. All dwelling units are to be held in private individual ownership. However, the development shall contain common or open space and amenities for the enjoyment of the planned community that are developed and maintained through an active home owner's association or similar organization with appointed management. (Ord. 06-17)

**10-16-020: PERMITTED USES.** The following are permitted uses by right provided the parcel and building meet all other provisions of this Title and any other applicable ordinances of Syracuse City

(A) Accessory Uses and Buildings (under two hundred [200] square feet)

(B) Churches, Synagogues, and Temples

(C) Dwelling Units, Single-Family (no more than four [4] units attached)

(D) Educational Services

(E) Household Pets (Ord. 08-07)

(F) Private Parks

(G) Public and Quasi-Public buildings

**(H) Residential Facilities for Persons with Disabilities and Assisted Living Centers**

**10-16-030: CONDITIONAL USES.** The following may be permitted conditional uses after approval as specified in Section 10-4-080 of this Title.(1991) (Ord. 08-07)

(A) Day-Care Centers

(B) Home Occupations

(C) Intermittent Commercial Uses ([See Section 10-7-050](#))

(D) [Temporary Use of Buildings {See Section 10-6-100}](#)

**10-16-040: MINIMUM LOT STANDARDS.** All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards: (1998)

(A) Density: The City shall determine the dwelling-unit density, building setbacks, and minimum lot size through a development plan based on the specific merits of the proposed development as well as on factors such as recreation facilities,

greater open space, landscaping features, fencing type and design, signage, clubhouse provisions, homeowner's covenants, professional maintenance, trails/pathways, and quality of exterior-building materials. However, condominium developments shall comply with the Utah Condominium Act, but in no case shall the overall density of the development exceed eight (8) dwelling units per net acre. (Ord. 08-07)

- (B) Lot Width: Determined by development plan
- (C) Front Yard: Twenty (20 feet) (Ord. 08-07)
- (D) Side Yards: A minimum of sixteen (16) feet between attached units
- (E) Rear Yard: A minimum of fifteen (15) feet (Ord. 08-07)
- (F) Building Height: Equal to the horizontal distance from the nearest zone boundary with a maximum height of thirty (30) feet to the top of the roof ridge. (Ord. 08-07)
- (G) Open Space: A minimum fifty (50) percent of the total land area, excluding roadways, buildings, and above-ground City infrastructure. (Ord. 08-07)

**10-16-050: DEVELOPMENT PLAN AND AGREEMENT REQUIREMENTS.**

- (A) Subdivision Ordinance requirements shall generally apply to Planned Residential Communities. The developer shall submit a residential development plan of all project phases for City consideration and approval—and shall integrate the proposed development plan into a development agreement between the developer and City. The development agreement shall undergo an administrative review process to ensure compliance with adopted City ordinances and standards with approval by the City Council. The subdivider shall develop the property in accordance with the development agreement and current City ordinances in effect on the approval date of the agreement, together with the requirements set forth in the agreement, except when Federal, State, County, and/or City laws and regulations, promulgated to protect the public's health, safety, and welfare, require future modifications under circumstances constituting a rational public interest. The Land Use Authority shall use the submitted development plan and agreement with the design amenities and unique development features and merits of the development to determine overall development dwelling-unit density up to a maximum of eight (8) dwelling units per net acre. (Ord. 08-07)
- (B) A Planned Residential Development must have a minimum of ten (10) acres with a minimum of twenty (20) percent of the acreage in common space area excluding required roadways, curbs, and other City infrastructure.
- (C) The developer shall landscape all open or common space around or adjacent to building lots and maintain the same through a lawfully-organized home owner's association, residential management company, or similar organization.
- (D) The development plan submitted for review shall show the location and building elevations with exterior building materials, size, and general footprint of all dwelling units and other main buildings and amenities.
- (E) The development plan submitted for review shall include landscaping, fencing, and other improvement plans for common or open spaces, with the landscaping designed in accordance with an approved theme to provide unity and aesthetics to the project. The plan shall include all special features, such as ponds, fountains, signs, walking paths, inviting entryways, etc., together with a landscape planting plan. Open space and recreational areas should be the focal point for the overall design of the development, with various community facilities grouped in places well related to these open spaces and easily accessible to pedestrians.
- (F) The proposed development shall show it will not be detrimental to the health, safety, or general welfare of persons residing adjacent to the proposed development.
- (G) A planned residential community shall be of sufficient size, composition, and arrangement to enable its feasible development as a complete unit, managed by

a legally-established owners' association and governed by enforceable, duly recorded CC&Rs. (Ord. 06-17)

- 10-16-060: DESIGN STANDARDS.** The Land Use Authority shall approve the required common-building theme. The design shall show detail in the unification of exterior architectural style, building materials, and color and size of each unit; however, the intent is not to have the design so dominant that all units are identical. Residential dwellings shall comply with Syracuse City Design Ordinance 10-5-020.
- 10-16-070: STREET DESIGN.** The Land Use Authority may approve an alternative street design so long as it maintains the City's minimum rights-of-way. The developer shall dedicate all street rights-of-way to the City.
- 10-16-080: OFF-STREET PARKING AND LOADING.** Off -street parking and loading shall be as specified in Chapter 7 of this Title. Provided, however, that the City may limit or eliminate street parking or other use of City rights-of-way through the employment of limited or alternative street designs. (1991) (Ord. 06-17) (Ord. 08-07)
- 10-16-090: SIGNS.** The signs permitted in this Zone shall be those allowed in residential zones by Chapter 8 of this Title.(1991) (Ord. 08-07)

## **CHAPTER 17 CLUSTER SUBDIVISION (Conditional Use)**

**10-17-010: Purpose.**

**10-17-020: Development Requirements**

**10-17-030: Permitted Uses**

**10-17-040: Bonus Density Incentives**

**10-17-050: Design Standards**

**10-17-060: Approval**

**10-17-010: PURPOSE.** Cluster Subdivisions may receive approval as for a major conditional use permit in the Agriculture zone. The purpose of this Ordinance is to encourage open space conservation and imaginative and efficient utilization of land by providing greater flexibility in the location of buildings on the land and the clustering of dwelling units. This will allow the developer to more closely tailor a development project to a specific user group, such as retired persons or equestrian-oriented development. The Land Use Authority shall not grant such a conditional use unless the Cluster Subdivision meets the regulations of the Agriculture zone in which it resides, except as may lawfully be modified by City Council approval. The application of cluster concepts is intended to encourage good neighborhood design and preserve open space while insuring substantial compliance with the intent of the Subdivision and Land Use Ordinances.

**10-17-020: DEVELOPMENT REQUIREMENTS**

- (A) A Cluster Subdivision shall have a minimum of ten (10) acres of land area.
- (B) The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property.
- (C) The Land Use Authority shall require that the arrangement of structures and open spaces be developed in such a manner as to prevent any adverse affects on adjacent properties.
- (D) The density of dwellings in a Cluster Subdivision shall not exceed that allowed by the zone in which a project is located, except when the Land Use Authority approves a bonus density. Density is calculated after discounting twenty (20) percent of the property for dedication as public street rights-of-way.
- (E) Approval of the development plan shall determine lot area, lot width, setbacks, and lot coverage regulations. The minimum distance between any main buildings

shall be ten (10) feet, and the minimum side yard for any single lot shall not be less than five (5) feet.

- (F) The design and location of public sidewalks within a Cluster Subdivision need not meet the Standard Roadway Section in the Syracuse Subdivision Ordinance Typical Details if the sidewalk location is within a public use easement or completely within the street right-of-way. (Ord. 08-07)
- (G) A clear area, thirty (30) feet wide, shall be maintained along both sides of all streets in a Cluster Subdivision for the location of utilities.
- (H) Every Cluster Subdivision shall provide open space within the development. Such required open space shall not include streets, driveways, common space, or parking areas, but shall be totally landscaped or utilized as agricultural or recreation areas.
- (I) The developer shall landscape all common space around or adjacent to building lots, and a lawfully organized and fully functional home owners' association shall maintain said common space from the onset.
- (J) Preservation, use, maintenance, and ownership of open space within the development shall be accomplished through a home owners' association, or, at the discretion of the City Council, deeding the open space to Syracuse City.
- (K) Due to the nature of Cluster Subdivisions and the fact that most of the usual dwellings have site restrictions and because the placement of dwellings and other structures on the site may produce a negative impact to surrounding land uses, the location, size, and general footprint of all dwellings and other main buildings shall be shown on the plans submitted for review.
- (L) Landscaping, fencing, and other improvement plans for cluster development shall be presented to the Land Use Authority for approval along with other required plans for development. The estimated cost of these improvements shall be provided to the City by the developer, and, after approval by the City Engineer, such estimated costs shall be included in the bonding requirements for the development. (Ord. 08-07)
- (M) The proposed development shall not be detrimental to the health, safety, or general welfare of persons residing in the vicinity. (Ord. 06-17)

**10-17-030: PERMITTED USES.** Uses permitted in the Cluster Subdivision shall be those uses permitted in the zoning district in which the Subdivision is located, provided that, for purposes of this Section, the single-family dwelling designation shall include single family attached dwellings such as town houses and row houses or zero lot-line dwellings. A single structure shall have no more than four (4) attached dwelling units.

**10-17-040: BONUS DENSITY INCENTIVES**

- (A) Bonus Density. The City shall consider additional units per acre for a development that complies with the Bonus Density Requirements. In no case shall the bonus density exceed the maximum allowed for the zone. To calculate the bonus density, add the incentive density to the standard density permitted in the proposed location. The awarded incentives are shown below: (Ord. 08-07)

| ZONE DENSITY | INCENTIVE DENSITY | STANDARD DENSITY | MAXIMUM DENSITY |
|--------------|-------------------|------------------|-----------------|
| A-1          | 2.0               | 05               | 2.5             |

- (B) Bonus Density Calculations. For a permitted project to develop with a density greater than the zone allows, the density incentives must accrue in numerical order as outlined below: (Ord. 08-07)

|           |                                                                                                                                                                                                                                                                                                                                                            |              |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
|           | <b><i>Open Space Preservation</i></b>                                                                                                                                                                                                                                                                                                                      | <b>BONUS</b> |
| <b>1.</b> | <b><i>A-1 Zone</i></b><br>Fifty (50) percent of the developed land                                                                                                                                                                                                                                                                                         | <b>.80</b>   |
| <b>2.</b> | <b><i>Building Design Standards</i></b><br><i>The placement of restrictive covenants within the subdivision requiring a minimum seventy (70) percent brick or rock on exterior finishes for homes within the development (Another five hundredths [.05] will be added if standards include the construction of front porches that accommodate seating)</i> | <b>.35</b>   |
| <b>3.</b> | <b><i>Landscaping of Park Strips</i></b><br><i>Planting approved trees species (min two- [2]" inch Caliper) every fifty (50) feet in park strips together with moving the sidewalk four (4) feet closer to the homes or by using serpentine sidewalks in a fashion to "meander" through the park strip and front yard areas-</i>                           | <b>.20</b>   |
| <b>4.</b> | <b><i>Home Owners Association</i></b><br><i>Creating a Home Owners Association to maintain landscaped entrance ways and common space</i>                                                                                                                                                                                                                   | <b>.30</b>   |
| <b>5.</b> | <b><i>Landscaped Entrance Ways</i></b><br><i>The development of entranceways to the subdivision development including subdivision identification signs-</i>                                                                                                                                                                                                | <b>.15</b>   |
| <b>6.</b> | <b><i>Amenities to Open Space</i></b><br><i>The funding and placement of approved amenities to open space or common areas-</i>                                                                                                                                                                                                                             | <b>.10</b>   |
| <b>7.</b> | <b><i>Trail System/Walking Paths</i></b><br><i>Development of walking paths connecting to the City's trail system</i>                                                                                                                                                                                                                                      | <b>.10</b>   |

(C) Development of open or common space shall comply with the following standards:

1. Landscaping Plan. The Land Use Authority shall review the conceptual landscaping plan designed in accordance with an approved theme that provides unity and aesthetics to the project. The landscaping plan shall indicate all special features, such as ponds, fountains, signs, walking paths, plant species and size, etc., together with a planting plan.
2. Open Space. Property designated as open space on the landscaping plan shall be for the use and enjoyment of the residents or community. The developer shall develop and improve open space that is not in the ownership of the City or maintain it for agricultural use or grazing. The developer must complete the open space landscaping prior to approval of the next consecutive phase of subdivision development.
3. Common Space. The developer may identify property within the development that surrounds the dwelling structures as common space. The developer shall be responsible for developing and maintaining such common space.  
(Ord. 08-07)

**10-17-050: DESIGN STANDARDS.** A common building theme shall be required and approved by the Planning Commission. The design shall show detail in the unification of exterior architectural style, color, and size of each unit; however, the intent is not to have the design so dominant that all units are identical.

**10-17-060: APPROVAL.** A Cluster Subdivision is a special type of subdivision approved by conditional use permit and, as such, shall meet design standards and be subject to all provisions of the Syracuse Subdivision Ordinance and submitted development plans.

**CHAPTER 18**  
**PO - PROFESSIONAL OFFICE**

- 10-18-010: Purpose**
- 10-18-020: Permitted Uses**
- 10-18-030: Conditional Uses**
- 10-18-040: Minimum Lot Standards**
- 10-18-050: Distance Between Buildings**
- 10-18-060: Off-Street Parking and Loading**
- 10-18-070: Signs**
- 10-18-080: Special Provisions**

**10-18-010: PURPOSE.** The purpose of this Zone is to provide appropriate locations for the development, maintenance, and protection of professional and administrative establishments. The regulations of this Zone shall promote a quiet environment for business administration, professional/medical, and government activities, free from the congestion and traffic of the usual commercial business district. The Professional Office Zone is intended to provide a buffer or transition along minor or major collector streets adjoining residential neighborhoods. To this end, the regulations permit professional office buildings, medical, and appropriate non-automobile oriented financial facilities primarily for the service of the area residents. The intensity of development of such a district shall reflect its environmental setting with building height and coverage generally similar to and harmonious with those of neighboring residential districts. (Ord. 08-07)

**10-18-020: PERMITTED USES.** The following are permitted uses by right provided the parcel and building meet all other provision of this Title or any other applicable ordinances of Syracuse City and receive site plan approval as provided in Section 10-4-100 of this Title. (Ord. 08-07)

- (A) Administrative and Executive Offices
- (B) Animal Clinics
- (C) Assisted Living Centers (Ord. 06-17)
- (D) Churches, Synagogues, and Temples
- (E) Financial Planning, Investment Planning, Real Estate, and general business offices
- (F) Marriage and Family-Counseling Services
- (G) Medical and other Health Facilities (Ord. 08-07)
- (H) Professional Non-Retail Services
- (I) Professional Offices (for lawyers, engineers, and architects)

**Comment [JM127]:** Staff considers this use an acceptable permitted use in this zone based on the regulations proposed

**10-18-030: CONDITIONAL USES.** The following may be permitted as conditional uses after application and approval as specified in Section 10-4-080 of this Title. (Ord. 08-07)

- (A) Accessory Buildings (two hundred [200] square feet or greater)
- (B) Animal Hospitals
- (C) Churches or Religious Service buildings
- (D) Optical Shops
- (E) Preschools
- (F) Public and Quasi-Public buildings (Ord. 06-17)

**Comment [JM128]:** Change to Professional Office if this optional definition is eliminated

**10-18-040: MINIMUM LOT STANDARDS.** All lots developed and all structures and uses placed on lots shall be in accordance with the following standards. Lot area for properties in this Zone shall front existing minor or major collector streets of the City and include all property as described on the most recent plat of record.

- (A) Lot Area: Minimum of half (.50) an acre to maximum of ten (10) acres
- (B) Lot Width: One hundred (100) feet
- (C) Front Yard: Fifteen (15) feet
- (D) Side Yards: As required by site plan review
- (E) Rear Yard: As required by site plan review

**Comment [JM129]:** Staff preferred to make this conditional due to the potential of this use to negatively impact adjacent professional offices

(F) Building Height: The height of buildings over thirty-five (35) feet may be equal to the horizontal distance from the nearest zone boundary line. Buildings thirty-five (35) feet high or less may be located within ten (10) feet of the Zone boundary line. In determining height, exclude uses not for human occupancy, such as chimneys, flagpoles, church towers, and similar structures.

**10-18-050: DISTANCE BETWEEN BUILDINGS.** In this Zone, where there is more than one (1) office building constructed on a site, there shall be a minimum distance between structures of at least twenty (20) feet.

**10-18-060: OFF-STREET PARKING AND LOADING.** Off -street parking and loading shall be provided as specified in Chapter 7 of this Title. (Ord. 08-07)

**10-18-070: SIGNS.** Signs allowed in this Zone shall be spot-lit ground signs as identified in Chapter 8 of this Title. Furthermore, prohibited marketing or devices within this Zone shall include: (Ord. 08-07)

(A) Flags, pennants, streamers, or other decorative material used for commercial advertising purposes or to direct attention to a place of business

(B) Hot- or cold-air balloons, inflatable's, or spotlights directed into the night sky

(C) Flashing, running, scintillating, or similar lights or lighting, excessive light or glare or reflection from signs into pedestrian or traffic ways, or permitted animation or motion (Ord. 08-07)

(D) Portable signs or banners (Ord. 06-17)

**10-18-080: SPECIAL PROVISIONS.**

(A) Landscaping. In this Zone, the following landscaping requirements shall include:

1. Ten (10) feet of landscaping along frontage areas not occupied by drive accesses

2. A sprinkling system and plantings with substantial live plant material for the purpose of buffering, screening, and beautifying the site (Plant maturity landscaping should represent, as a minimum standard, compatibility with surrounding developed properties and uses with permanent maintenance by the owner or occupants)

3. A minimum buffer of ten (10) feet adjacent to residential zoning

4. A landscaped area of five (5) feet adjacent to off-street parking within required yard areas providing it does not abut residential zoning or uses (Landscaping in areas adjacent to residential uses shall be according to buffering requirements per Chapter 6 of this Title) (Ord. 08-07)

5. Landscaping installed in all park strips to the same standards as other on-site landscaping as well as a minimum of two (2) trees per every fifty (50) feet of frontage (Asphalt, paving stones, or brick or concrete paving in place of landscaping between the sidewalk and curb is prohibited)

6. Landscaping covering at least fifteen (15) percent of the development site. Landscaping shall be installed within four (4) months of occupancy and maintained in good condition

(B) Fencing. Where the site abuts a residential zone, a six- (6) foot high decorative texture solid-masonry wall shall be located along the property line. All fencing must comply with Chapter 6 of this Title. (Ord. 08-07)

(C) Trash Storage. A screened or otherwise enclosed area, or outside area designated for a trash dumpster or other trash-control device, shall be an integral part of the on-site buildings to keep the trash out of public view and prevent litter from scattering throughout the area. The building materials for dumpster enclosures shall be similar to those of the primary-use building. (Ord. 08-07)

(D) Lighting. The following provisions shall apply to installation, maintenance, and operation of outdoor lighting in this Zone:

1. All lights shall have shields to direct all light toward the earth's surface and away from reflective surfaces.

2. Light fixtures or lamps shall have shields or shades to direct incident rays away from all adjacent property.
3. Lights on poles shall not be taller than the building whose area they illuminate nor taller than fifteen (15) feet, whichever is shorter.
4. Any facilities requiring floodlights may not arrange the light(s) in such a way that it will shine towards roadways, onto adjacent residential property or residential use property, or into the night sky.
5. The placement of any light fixture shall be in such a manner that no light-emitting surface is visible from any residential area when viewed at ground level.
6. The level of lighting shall not exceed half- (0.5) foot-candles at any residential property line or one- (1.0) foot candles at any non-residential property line.
7. Any canopy structure used at a business office location must have recessed lights with diffusers that do not extend below the surface of the canopy.
8. Any luminaire on a pole, stand, or mounted on a building must have a shield, an adjustable reflector, and a non-protruding diffusor. (Ord. 06-17)

**CHAPTER 19**  
**GC - GENERAL COMMERCIAL**

**10-19-010: Purpose**

**10-19-020: Permitted Uses**

**10-19-030: Conditional Uses**

**10-19-040: Minimum Lot Standards**

**10-19-050: Off-Street Parking and Loading**

**10-19-060: Signs**

**10-19-070: Special Provisions**

**10-19-010: PURPOSE.** The purpose of this Zone is to provide for a broad range of retail, service, and entertainment functions.(1991)

**10-19-020: PERMITTED USES.** The following are permitted uses by right provided the parcel and building meet all other provisions of this Title or any other applicable ordinances of Syracuse City and receive site plan approval as provided in Section 10-4-10 of this Title. (1991) (Ord. 08-07)

- (A) Agriculture
- (B) Amusement and Recreational Activities
- (C) Animal Clinics
- (D) Automotive Retail and routine Maintenance Services (Ord. 08-11)
- (E) Car Washes, full-service tunnel style (Ord. 08-11)
- (F) Churches, Synagogues, and Temples
- (G) Dwellings (completed or under construction at the time of adoption of this Title [If such dwellings convert to any other permitted or conditional use allowed in this Section or Section 10-18-3, they may not thereafter convert back to residential use without first obtaining a conditional use permit])
- (H) Hotels and Motels
- (I) Public and Quasi-Public Buildings
- (J) Professional Office Buildings (situated on one [1] acre or less) (Ord. 06-17)
- (K) Public Parks
- (L) Restaurants and Fast-Food Services
- (M) Retail Trade
- (N) Full-service Tunnel Style Car Washes (Ord. 08-11)

**Comment [JM130]:** Staff believes this to be an acceptable permitted use as found often found in other commercial strip buildings

**Comment [JM131]:** As already approved in GC zones

**10-19-030: CONDITIONAL USES.** The following may be permitted as conditional uses after application and approval as specified in Section 10-4-9 of this Title. (Ord. 08-07)

- (A) Accessory Uses and Buildings
- (B) Animal Hospitals

**Comment [JM132]:** Reorganized to be easier to find alphabetically

**Comment [JM133]:** Conditional to provide City oversight depending which commercial area an applicant intends to locate

- (C) Intermittent Commercial Uses
- (D) Professional Non-Retail Services, up to a maximum twenty-five (25) percent of the commercial subdivision

**Comment [JM134]:** Change to Professional Office if this optional term eliminated

- 10-19-040: MINIMUM LOT STANDARDS.** All lots developed and all structures and uses placed on lots shall be in accordance with the following lot standards:
- (A) Lot Area: No minimum required
  - (B) Lot Width: As required by site plan review
  - (C) Front Yard: Fifteen (15) feet
  - (D) Side Yards: As required by site plan review
  - (E) Rear Yard: Ten (10) feet
  - (F) Building Height: The height of buildings over thirty-five (35) feet may be equal to the horizontal distance from the nearest zone boundary line. Buildings thirty-five (35) feet high or less may be permitted within ten (10) feet of the zone boundary line
- 10-19-050: OFF-STREET PARKING AND LOADING.** Off -street parking and loading shall be provided as specified in Chapter 7 of this Title. (1991). (Ord. 08-07)
- 10-19-060: SIGNS.** The signs permitted in this Zone shall be those allowed in commercial zones by Chapter 8 of this Title. (1991) (Ord. 08-07)
- 10-19-070: SPECIAL PROVISIONS.**
- (A) All lots, parcels, or sites shall have a minimum fifteen (15) percent of the total area landscaped, including all required front yards, installed within four (4) months of occupancy and permanently maintained in good condition. (2001)
  - (B) Temporary buildings for intermittent commercial uses shall meet the provisions of the currently adopted edition of the International Building Code and must be sufficiently anchored to withstand a one hundred (100) mile per hour wind. (1991)
  - (C) Commercial uses that require grease traps/interceptors shall locate such devices on the outside of the restaurant or food service building and frequently and effectively service such devices to maintain them in satisfactory working order to protect the sanitary sewer system from excessive contaminants. A licensed hauler shall dispose of all materials removed from a grease trap/interceptor at an approved disposal site in a lawful manner. Restaurant, food service businesses, or commercial uses of used fryer oil shall dispose of such oil into a self contained oil-rendering tank for disposal and transport. Outside or "refuse/dumpster" storage of oil-rendering barrels or other containers is prohibited. (Ord. 08-07)
  - (D) In order to minimize the possibility of commercial properties becoming blighted, retail establishments of forty thousand (40,000) square feet or greater shall enter into a Facility Use Agreement with the City prior to the issuance of a building permit. Additionally, the owner shall submit a facility maintenance plan as required in 1019-7(D)3 thirty (30) days prior to the owner vacating the building. (Ord. 08-07)
    1. The terms "vacant" or "vacate" as used herein shall mean that no business activity is undertaken from the retail establishment for a period of one hundred eighty (180) consecutive days.
    2. The Facility Use Agreement shall outline the responsibility of the owner to remove the building, should it become vacant for more than three and one-half (3 ½) consecutive years, and shall provide legal remedies to enforce the terms of the agreement. In the event a building is vacant for more than three and one-half (3 ½) consecutive years, the owner shall remove the building and restore the property to a safe and compatible condition. The Facility Use Agreement shall be in substantially the following form, which form is hereby adopted as part of this Title.

**Facility Use Agreement**

AN AGREEMENT BY AND BETWEEN \_\_\_\_\_,  
 A \_\_\_\_\_ HEREINAFTER REFERRED TO AS OWNER,  
 AND SYRACUSE CITY, A MUNICIPAL CORPORATION HEREINAFTER

REFERRED TO AS CITY.

Recitals

- 1) The Owner desires to construct a commercial facility, at approximately \_\_\_\_\_, in Syracuse City to conduct a business known as \_\_\_\_\_.
- 2) The City has adopted ordinances to govern the development of commercial property within Syracuse City designed to protect the health, safety, and welfare of the community.
- 3) The City has valid concern that blighted conditions might occur should said facility or structure become vacant for an extended period of time.
- 4) The Owner and City are desirous to minimize impact to the community should the building become vacant.

Agreement

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and conditions set forth herein, and other good and valuable consideration, the Owner and City agree as follows:

- 1) Owner will provide the City a written facility management plan thirty (30) days prior to vacating the building which outlines plans to maintain the property according to City Ordinance. Failure to do so will constitute a breach of this Agreement and entitle the City to injunctive relief to enforce the provisions hereof.
- 2) Should the building remain vacant for forty-two (42) consecutive months, the City shall provide written notice to the Owner, at the address as it appears on this Agreement, ordering Owner to remove the building and restore the property to a condition that does not distract from surrounding businesses.
- 3) Should the Owner fail to comply with the City's request to remove the building within thirty (30) days from the mailing date of said notice to the Owner, the City may file suit for specific performance to enforce the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

(Signed, witnessed, and/or attested)

3. In the event, for any reason, the retail establishment chooses to vacate the premise for a period of six (6) months or greater, the owner shall submit a facility maintenance plan to the City thirty (30) days prior to vacating. The maintenance plan shall include:
  - (a) The estimated time the facility will be vacant
  - (b) Detailed plans to maintain the property during the time it will be vacant
  - (c) Method of securing all entrances to the facility
  - (d) Plans to restrict access to off-street parking
  - (e) Plans to remove all advertisement and business signage
  - (f) Plans to market the property (Ord. 06-17)
- (E) Existing residential and accessory structures in this Zone may be converted for commercial purposes if the property meets all the following conditions: (Ord. 08-07)
  1. The proposed use for the structure conforms to the permitted use for this Zone.
  2. The proposed use of the building does not adversely impact the surrounding area.
  3. The primary residential structure adds appeal and character to the area, and the property owner ensures appropriate maintenance of all existing structures on the property as well as the entire property itself in order to keep the appeal.
  4. The lot size has a minimum of twenty-one thousand seven hundred eighty

(21,780) square feet.

5. The parcel has a minimum one hundred ten (110) feet of frontage on an existing public street.
  6. Setbacks comply with the established minimum requirements for this Zone and receive approval with site plan.
  7. The lot has an existing driveway access from a public street and receives approval with site plan for any proposed modifications to said driveway (The Utah Department of Transportation shall also approve any access located on a State road).
  8. All off-street parking complies with the requirements in Chapter 7 of this Title and receives approval with site plan.
  9. All signs and lighting complies with the requirements in Chapter 8 of this Title and receives approval with site plan.
  11. All landscape and buffering complies with the established requirements in Chapter 6 of this Title and receives approval with site plan.
  12. The Building and Fire departments inspect and approve the use.
- (F) In order to maximize the availability of commercial and retail space for commercial and retail businesses in this zone, the amount of space available for professional businesses shall be limited to no more than 20% of the gross floor area available for lease or purchase in any commercial development. Professional business shall include but not be limited to physicians, dentists, lawyers, accountants, real estate agents, insurance agents, artists, planners, architects, engineers, travel agencies, and similar professional businesses. (Ord. 08-11)

**10-19-080 DEVELOPMENT THEME.** Development in this Zone shall conform to an approved development theme. The theme shall be approved by the City Council, and shall conform to the provisions outlined in the area's Master Plan. (Ord. 08-11)

**10-19-090 DEVELOPMENT PLAN** To ensure development conforms to the area's Master Plan, City staff shall review and approve all development plans. Drawings should include the placement of buildings and their uses, landscaping, parking, lighting, and design guidelines outlined in the area's Master Plan. The Architecture Review Committee shall likewise review and approve the plans prior to consideration and recommendation by the Planning Commission. (Ord. 08-11)

**10-19-100 ARCHITECTURAL REVIEW COMMITTEE.** This Committee shall consist of seven (7) members appointed by the Mayor, with the consent of the City Council, to review development plans. Members shall be representatives of the community, City Council, Planning Commission, and City staff. The Committee shall be responsible to review the plan and make recommendations to the Planning Commission for consideration. The Planning Commission will, in turn, submit their recommendations to the City Council for approval. (Ord. 08-11)

## **CHAPTER 20 C-2 COMMERCIAL**

- 10-20-010: Purpose**
- 10-20-020: Permitted Uses**
- 10-20-030: Conditional Uses**
- 10-20-040: Minimum Lot Standards**
- 10-20-050: Residential Dwellings**
- 10-20-060: Development Theme**
- 10-20-070: Development Plan**
- 10-20-080: Architecture Review Committee**
- 10-20-090: Off-Street Parking and Loading**
- 10-20-100: Signs**
- 10-20-11:0 Special Provisions**

**10-20-010: PURPOSE.** The purpose of this Zone is to provide for a wide range of development opportunities that introduce a mixed-use concept. Mixing commercial and residential uses creates an environment where people can live, work, and access commercial and civic facilities, thus creating an activity nexus that promotes an urban environment.

**10-20-020: PERMITTED USES.** The following are permitted uses by right provided the parcel of land and structure(s) meet all other provisions of this Title or any other applicable ordinances of Syracuse City and receive site plan approval as provided in Section 10-4-10 of this Title. (Ord. 08-07)

- (A) Animal Clinics
- (B) Business Services and Professional Offices
- (C) Churches, Synagogues, and Temples
- (D) Community or Civic Services
- (E) Hotels and Motels
- (F) Public and Quasi-Public Buildings
- (G) Public Parks
- (H) Restaurants and Fast-Food Services
- (I) Retail Trade
- (J) Theaters and Amusement Facilities (Ord. 06-17) (Ord. 08-07)

**10-20-030: CONDITIONAL USES.** The following may be permitted as conditional uses after application and approval as specified in Section 10-4-9 of this Title. (Ord. 08-07)

- (A) Accessory Uses and Buildings
- (B) Day-Care Services (Ord. 03-08)
- (C) Intermittent Commercial Uses
- (D) Dwellings, Single-Family
- (E) Dwellings, Two- (2) Family
- (F) Medical and other Health Facilities (Ord. 08-07)
- (G) Professional Non-Retail Services, up to a maximum twenty-five (25) percent of the commercial subdivision

**Comment [JM135]:** Change to Professional Offices if this optional term eliminated

**10-20-040: MINIMUM LOT STANDARDS.** All lots developed and all structures and uses placed on lots shall be in accordance with the following lot standards:

- (A) Lot Area: No minimum required
- (B) Lot Width: As required by site plan review
- (C) Front Yard: As required by site plan review
- (D) Side Yards: As required by site plan review
- (E) Rear Yard: Ten (10) feet
- (F) Building Height: The height of buildings over thirty-five (35) feet may be equal to the horizontal distance from the nearest zone boundary line. Buildings thirty-five (35) feet high or less may be located within ten (10) feet of the zone boundary line.
- (G) The Planning Commission shall determine minimum lot standards for residential dwelling units as part of the site plan development.

**10-20-050: RESIDENTIAL DWELLINGS.** Development of Single and Two- (2) Family Dwellings shall conform to the provisions of the area's "Master Plan" and ensure compatibility with the overall theme of the development. In no case shall residential dwellings occupy more than twenty (20) percent of the total land developed. To determine the total number of allowable residential dwelling units, deduct twenty (20) percent from the gross acreage, for roads and other public spaces, and multiply the sum by nine and one-tenths (9.1). The Architecture Review Committee shall approve the site plan prior to its submittal to the Planning Commission for consideration. Residential development shall also be part of the twenty (20) percent permitted in conjunction with commercial structures allowed in the zone. (Ord. 08-07)

- 10-20-060: DEVELOPMENT THEME.** Development in this Zone shall conform to an approved development theme. The theme shall be approved by the City Council, and shall conform to the provisions outlined in the area's Master Plan. (Ord. 08-07)
- 10-20-070: DEVELOPMENT PLAN.** To ensure development conforms to the area's Master Plan, City staff shall review and approve all development plans. Drawings should include the placement of buildings and their uses, landscaping, parking, lighting, and design guidelines outlined in the area's Master Plan. The Architecture Review Committee shall likewise review and approve the plans prior to consideration and recommendation by the Planning Commission. (Ord. 08-07)
- 10-20-080: ARCHITECTURE REVIEW COMMITTEE.** This Committee shall consist of seven (7) members appointed by the Mayor, with the consent of City Council, to review development plans. Members shall be representatives of the community, City Council, Planning Commission, and City staff. The Committee shall be responsible to review the plan and make recommendations to the Planning Commission for consideration. The Planning Commission will, in turn, submit their recommendations to the City Council for approval.
- 10-20-090: OFF-STREET PARKING AND LOADING.** Off -street parking and loading shall be provided as specified in Chapter 7 of this Title. (Ord. 08-07)
- 10-20-100: SIGNS.** Signs permitted in this Zone shall be those allowed in commercial or residential areas by Chapter 8 of this Title. (Ord. 08-07)
- 10-20-110: SPECIAL PROVISIONS.**
- (A) All lots, parcels, or sites shall have a minimum fifteen (15) percent of the total area landscaped, including all required front yards, installed within four (4) months of occupancy and permanently maintained in good condition.
  - (B) Temporary buildings shall meet the provisions of the currently adopted editions of the International Building Code and must be sufficiently anchored to withstand a one-hundred (100) mile per hour wind.
  - (C) Commercial uses that require grease traps/interceptors shall locate such devices on the outside of the restaurant or food service building and frequently and effectively service such devices to maintain them in satisfactory working order to protect the sanitary sewer system from excessive contaminants. A licensed hauler shall dispose of all materials removed from a grease trap/interceptor at an approved disposal site in a lawful manner. Restaurant, food service businesses, or commercial uses of used-fryer oil shall dispose of such oil into a self-contained oil-rendering tank for disposal and transport. Outside or "refuse/dumpster" storage of oil-rendering barrels or other containers is prohibited. (Ord. 08-07)
  - (D) In order to minimize the possibility of commercial properties becoming blighted, retail establishments of forty thousand (40,000) square feet or greater shall enter into a Facility Use Agreement with the City prior to the issuance of a building permit. Additionally, the owner shall submit a facility maintenance plan as required in 10-20-11(D)3 thirty (30) days prior to the owner vacating the building. (Ord. 08-07)
    - 1. The terms "vacant" or "vacate" as used herein shall mean that no business activity is undertaken from the retail establishment for a period of one hundred eighty (180) consecutive days.
    - 2. The Facility Use Agreement shall outline the responsibility of the owner to remove the building, should it become vacant for more than three and one-half (3 ½) consecutive years, and shall provide legal remedies to enforce the terms of the agreement. In the event a building is vacant for more than three and one-half (3 ½) consecutive years, the owner shall remove the building and restore the property to a safe and compatible condition. The Facility Use Agreement shall be in substantially the following form, which form is hereby adopted as part of this Title.

## Facility Use Agreement

AN AGREEMENT BY AND BETWEEN \_\_\_\_\_,  
A \_\_\_\_\_, HEREINAFTER REFERRED TO AS  
OWNER, AND SYRACUSE CITY, A MUNICIPAL CORPORATION  
HEREINAFTER REFERRED TO AS CITY.

### Recitals

- 1) The Owner desires to construct a commercial facility, at approximately \_\_\_\_\_, in Syracuse City to conduct a business known as \_\_\_\_\_.
- 2) The City has adopted ordinances to govern the development of commercial property within Syracuse City designed to protect the health, safety, and welfare of the community.
- 3) The City has valid concern that blighted conditions might occur should said facility or structure become vacant for an extended period of time.
- 4) The Owner and City are desirous to minimize impact to the community should the building become vacant.

### Agreement

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and conditions set forth herein, and other good and valuable consideration, the Owner and City agree as follows:

- 1) Owner will provide the City a written facility management plan thirty (30) days prior to vacating the building which outlines plans to maintain the property according to City Ordinance. Failure to do so will constitute a breach of this Agreement and entitle the City to injunctive relief to enforce the provisions hereof.
- 2) Should the building remain vacant for forty-two (42) consecutive months, the City shall provide written notice to the Owner, at the address as it appears on this Agreement, ordering Owner to remove the building and restore the property to a condition that does not distract from surrounding businesses.
- 3) Should the Owner fail to comply with the City's request to remove the building within thirty (30) days from the mailing date of said notice to the Owner, the City may file suit for specific performance to enforce the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

(Signed, witnessed, and/or attested)

3. In the event, for any reason, the retail establishment chooses to vacate the premises for a period of six (6) months or greater, the owner shall submit a facility maintenance plan to the city thirty (30) days prior to vacating. The maintenance plan shall include:
  - (a) The estimated time the facility will be vacant
  - (b) Detailed plans to maintain the property during the time it will be vacant
  - (c) Method of securing all entrances to the facility
  - (d) Plans to restrict access to off-street parking
  - (e) Plans to remove all advertisement and business signage
  - (f) Plans to market the property (Ord. 05-22) (Ord. 06-17)
- (E) Existing residential and accessory structures may remain in this Zone for commercial purposes if the property meets all the following conditions: (Ord. 08-07)
  1. The proposed use for the structure conforms with the permitted use for this Zone.
  2. The proposed use of the building does not adversely impact the surrounding area.
  3. The primary residential structure adds appeal and character to the area, and the property owner ensures appropriate maintenance of all existing

- structures on the property as well as the entire property itself in order to keep the appeal.
4. The lot size has a minimum of twenty-one thousand seven hundred eighty (21,780) square feet.
  5. The parcel has a minimum one hundred ten (110) feet of frontage on an existing public street.
  6. Setbacks comply with the established minimum requirements for this Zone and receive approval with site plan.
  7. The lot has an existing driveway access from a public street and receives approval with site plan for any proposed modifications to said driveway (The Utah Department of Transportation shall also approve any access located on a State road).
  8. All off-street parking complies with the requirements in Chapter 8 of this Title and receives approval with site plan.
  9. All signs and lighting complies with the requirements in Chapter 9 of this Title and receives approval with site plan.
  10. All landscape and buffering complies with the established requirements in Chapter 6 of this Title and receives approval with the site plan.
  11. The Building and Fire departments inspect and approve the use.

## CHAPTER 23 ID - INDUSTRIAL DEVELOPMENT

**0-23-010: Purpose**

**10-23-020: Permitted Uses**

**10-23-030: Conditional Uses**

**10-23-040: Minimum Lot Standards**

**10-23-050: Off-Street Parking and Loading**

**10-23-060: Signs**

**10-23-070: Special Provisions**

**10-23-010: PURPOSE.** The purpose of this Zone is to provide for industrial, manufacturing, and certain compatible commercial uses and to protect such uses from encroachment of uses adverse to their operation and expansion. (1991)

**10-23-020: PERMITTED USES.** The following uses, and no others, are appropriate to this Zone, compatible with each other, and a permitted right provided that the parcel and buildings meet all other provisions of this Title, or any other applicable ordinances of Syracuse City, and receive site plan approval as provided in Section 10-4-10 of this Title.

(A) Agriculture

~~(B) Automotive and Engine Repair Services (Ord. 08-11)~~

~~(C) Churches, Synagogues, and Temples~~

~~(D) Car Washes, self-service coin-operated style Car Washes and full-service tunnel style (Ord. 06-17) (Ord. 08-11)~~

~~(D) Full-service Tunnel Style Car Washes (Ord. 08-11)~~

~~(E) Chemicals and Allied Products Manufacturing~~

(E) Contract Construction Services

~~(F) Industrial Warehouse Storage Facilities~~

~~(F) Manufacturing, chemicals and allied products or plastic products~~

(G) Manufacturing, Compounding, Processing, Milling, Assembling, Testing, or Packaging (of the following products):

1. Apparel
2. Fabricated Metal Products (not including primary metals industries)
3. Food Products
4. Stone, Clay, and Glass

(H) Pawn Shops

(I) Payday Lending/Check Cashing Services (Ord. 10-02)

**Comment [JM136]:** Rearranged alphabetically for ease in locating

**Comment [JM137]:** This would allow self-serve car washes, since it is the Industrial Zone

**Comment [JM138]:** Rearranged verbiage in description and rearranged alphabetically in list for ease in locating

~~(K) Plastic Products Manufacturing~~

(J) Printing and Publishing Industries

~~(K) Professional Non-Retail Services~~

(L) Public and Quasi-Public Buildings

(M) Public Parks

(N) Rehabilitation Centers

~~(P) Automotive and Engine Repair Services (Ord. 08-11)~~

(O) Restaurants and Fast-Food Services

(P) Retail, building materials, hardware, and farm equipment

~~(Q) Storage Facilities, industrial warehouse~~

(R) Tattoo and Body-Piercing Shops

(S) Uses Considered Similar and Compatible by the Planning Commission Land Use Administrator

(T) Welding or Machine Shop

(U) Wholesale Trade

**Comment [JM139]:** Changed to Manufacturing (see F above)

**Comment [JM140]:** Change to Professional Office if this optional term is eliminated

**Comment [JM141]:** Relocated above in alphabetical order for ease in locating

**Comment [JM142]:** Use is listed under permitted, so it should not require going before the PC (this will allow appropriate flexibility without encumbering our Ordinance with every possible use)

**10-23-030: CONDITIONAL USES.** The following, and no others, may be conditional uses permitted after application and approval as specified in Section 10-4-9 of this Title. (1991)

(A) Accessory Uses and Buildings

(B) Daycare Centers

(C) Sexually-Oriented Businesses

**10-23-040: MINIMUM LOT STANDARDS.** All lots developed and all structures and uses placed on lots shall be in accordance with the following lot standards:

(A) Lot Area: No minimum requirement

(B) Lot Width: As required by site plan review

(C) Front Yard: Thirty (30) feet

(D) Side Yards: As required by site plan review

(E) Rear Yard: As required by site plan review (Ord. 08-11)

(F) Building Height: Thirty-five (35) feet for buildings from zero (0) to one hundred (100) feet from the zone boundary; fifty-five (55) feet for buildings one hundred (100) to two hundred (200) feet from the zone boundary; one hundred (100) feet for buildings more than two hundred (200) feet from the zone boundary. (Ord. 08-07)

When an industrial lot is adjacent to or faces upon another non-industrial zone, the yards in the industrial zone that are adjacent to or face upon the other non-industrial zone shall be a minimum of twenty (20) feet on all sides. Exceptions to this requirement may be granted by the Land Use Authority for industrial zones that are adjacent to other industrial zones or agricultural zones if all proposed structures on the industrial property meet minimum fire protection requirements. Plans showing these fire protection requirements are to be subject to review and approval by both the Syracuse City Building Official and Syracuse City Fire Chief. (Ord. 08-11)

All lots shall be subject to the general landscape requirements as prescribed in the 'Buffer Classification Requirements' table found in the 'Buffer Yards' section of this Title. (Ord. 08-11)

**10-23-050: OFF-STREET PARKING AND LOADING.** Off -street parking and loading shall be provided as specified in Chapter 7 of this Title unless the Planning Commission requirements exceed those of Chapter 7.(1991) (Ord. 08-07)

**10-23-060: SIGNS.** Signs permitted in this Zone shall be those allowed in industrial zones by Chapter 8 of this Title.(1991)

**10-23-070: SPECIAL PROVISIONS.**

(A) Landscaping. All lots, parcels, or sites shall have a minimum ten (10) percent of the total area landscaped, including all required front yards, and permanently maintained in good condition.

(B) Industrial Performance Standards. The following performance standards shall ensure that all industries will provide necessary modern control methods to protect the City from hazards and nuisances; set objective, quantitative standards for the maximum tolerated levels of frequently-hazardous or annoying emissions; and protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past uncontrolled operation.

1. General

- (a) No one shall use or occupy any land or building devoted to uses authorized by this Chapter in any manner so as to create a dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical, or other disturbance; liquid or solid refuse or waste; or other substance, condition, or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements."
- (b) In addition to meeting other application requirements for site plan approval or a conditional use permit, parties seeking approval for an industrial use shall include in the application a description of the proposed machinery, products, and processes to be located at the development. The application shall include an investigation and report from a qualified consultant outlining all possible environmental impacts the industrial use may have. The cost of such expert report shall be borne by the applicant.
- (c) Within twenty (20) days after the Commission receives the aforesaid application and report, the Commission shall determine whether the plans would employ reasonable measures to assure compliance with the applicable performance standards. On such basis, the Commission may approve or refuse to approve the use or may require a modification of the proposed plans.

2. Dangerous and Objectionable Elements

- (a) Noise. No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level  $L_{eq}$  of resultant sound measurement, at the lot line of the establishment or use, exceeds, by 6dba or more, the one hour equivalent sound level ( $L_{eq}$ ) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 Highway Traffic Noise Prediction Model; or by other techniques at least as accurate. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 Type 1 and compatible measurement procedures, according to ANSI S1.13-1971, with the following adjustments:
  - i. Adjustment for Temporal and Tonal Characteristics of Sound. If the sound has a pronounced audible-tonal quality, such as a whine, screech, buzz, or hum, or an audible cyclic variation in sound level, such as beating or other amplitude modulation, the measured sound level shall increase by 5 db to allow for more subjective response to the sound.
  - ii. Quasi-Steady Impulsive Sound. Where the sound is of a repetitive impulse nature, providing a steady reading using the "slow response" setting on the sound level meter, the measured value shall increase by 10 db to allow for more subjective response to the sound. Only one of the paragraphs (i) or (ii) may apply to qualify for an adjustment. In a case where both paragraphs apply, paragraph (ii) takes precedence.

No use shall emit, cause, or permit the emission of sound of an impulsive nature from a stationary source such that it results in an impulsive sound

level at a point of measurement in excess of 80 db or, in a one hour equivalent level ( $L_{eq}$ ), exceeding that one hour equivalent level ( $L_{eq}$ ) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWARD-77-108 or equivalent method.

- (b) Vibration. No use shall create or permit a vibration (other than from transportation facilities or temporary construction work) that is discernible without instruments at the points of measurement specified in Subsection 10-21-7(B)2(a). (Ord. 08-07)
  - (c) Odors. No use shall emit odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one (1) volume of odorous air to four (4) volumes of clean air at the points of measurement specified in Subsection 10-21-7(B)2(a) or at the point of greatest concentration. Any process that may involve the creation or emission of any odors shall provide a secondary safeguard system in order to maintain control should the primary safeguard system fail. (Ord. 08-07)
  - (d) Glare. No use shall permit direct or sky-reflected glare that penetrates beyond the property upon which the light source is located, whether from flood lights or from high-temperature processes such as combustion or welding or otherwise, in a manner constituting a nuisance or hazard.
  - (e) Fire and Explosion Hazards. All activities and all storage of flammable and explosive materials shall include adequate safety, fire-fighting, and fire-suppression equipment and devices standard in the industry to protect against the hazard of fire and explosion. No use shall permit the burning of waste materials in open fires at any point. (Ord. 08-07)
  - (f) Air Pollution. No use shall emit particulate or gaseous pollutants into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.
  - (g) Liquid or Solid Wastes. No use shall discharge, at any point, into a public sewer, public waste-disposal system, private sewage system, or stream, or into the ground contrary to the Utah State Water Pollution Control Act, its amendments, the subsequent Wastewater Disposal Regulations, or the Utah Code of Solid Waste Disposal Regulations. (1991)
- (C) Enforcement. The Land Use Administrator shall investigate any purported violation of performance standards; and, if necessary for such investigation, may request the Planning Commission to employ qualified experts. If, after public hearing and due notice, the Planning Commission finds that a violation existed or does exist, it shall order the Land Use Administrator to serve notice that compliance with the performance standards must be achieved within a specified period of time or the plant will be closed. Should the violation of performance standards threaten the public health, convenience, or welfare, the Planning Commission may order the offending plant to cease operation until proper steps are taken to correct the conditions which cause the violation. The violator shall pay for services of any qualified experts, employed by the Planning Commission to advise in establishing a violation, upon establishment of said violation or the City shall pay otherwise. The determination of the existence of dangerous and objectionable elements shall be made at any point provided, however, the measurements of the noise, vibration, odors, or glare, are taken at the lot line of the establishment or use.

CHAPTER 25  
WIRELESS TELECOMMUNICATIONS  
10-25-070: Lease Agreements for Use of City Land

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

**Comment [JM143]:** Planning Comm

## CHAPTER 26

# Location of Sexually-Oriented Businesses

10-26-010: PURPOSE

10-26-020: DEFINITIONS

10-26-030: LOCATION OF BUSINESS - RESTRICTIONS

10-26-040: SIGNS

**10-26-010: PURPOSE.** The purposes and objectives of this Chapter are to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses or their locations in areas deleterious to the City, regulate the signage of such businesses, control the adverse affects of such signage, and prevent inappropriate exposure of such businesses to the community. This Chapter shall be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the United States and Utah Constitutions.

**10-26-020: DEFINITIONS.** The terms involving sexually-oriented businesses that this Title does not define shall have the meanings set forth in Title V, Chapter 4, Business License Regulations, of the Syracuse City Municipal Code.

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

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

**Comment [JM144]:** If CC decides outcall services should be allowed elsewhere in the City, staff suggests allowing them conditionally in PO zones rather than GC

- (B) All sexually oriented businesses shall be subject to the following restrictions:
1. No sexually-oriented businesses shall be located within one thousand (1,000) feet of:
    - (a) A church, synagogue, mosque, or building used primarily for religious worship and related religious activities
    - (b) A public or private educational or learning facility including but not limited to child day-care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, libraries, and universities—(School includes the school grounds but does not include facilities used primarily for another purpose and only incidentally as school)
    - (c) A public park or recreational area designated for park or recreational activities including, but not limited to, a park, playground, nature trails, city path ways or trails, swimming pools, athletic fields, basketball or tennis courts, pedestrian/bicycle paths, or other similar public land within the City that is under the control, operation, or management of the City Park and Recreation authorities
    - (d) An entertainment business that is oriented primarily towards children or family entertainment

- (e) A boundary of a residential (R-1, R-2, R-3, R-4, or PRD) zone—or agriculture (A-1) zone district as defined in the Syracuse City Land Use Ordinance
  - (f) The property line of a lot devoted to a residential use as defined in the Syracuse Land Use Ordinance
2. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually-oriented business:
    - (a) Within one thousand (1,000) feet of another sexually-oriented business
    - (b) Within one thousand (1,000) feet of any gateway corridor or major roadway entry into Syracuse City. Such distance shall be measured from the right-of-way boundary
  3. For the purpose of this Section, measurements shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as part of the premises for a sexually-oriented business to the nearest property line of the premises of a use listed in Subsection 2. Presence of a City, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
  4. For the purpose of this Section, the distance between any two (2) sexually-oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure wherein each business will locate. (Ord. 06-17)

**10-26-040: SIGNS.** If any of the provisions of this Section conflict with the provisions set forth in Chapter 9 of this Title, the more restrictive requirements for signs shall prevail. Signs for sexually-oriented businesses shall be limited as follows: (Ord. 08-07)

- (A) The building shall have no more than one exterior sign.
- (B) No sign shall exceed eighteen (18) square feet.
- (C) No animation shall be permitted on or around any sign or on the exterior walls, doors, openings or roof of such premises.
- (D) No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be on or around any sign. Said signs shall contain alphanumeric copy only.
- (E) Signs shall be only flat wall signs and/or awning signs.
- (F) There shall be no painted wall advertising.
- (G) Other than signs specifically allowed by this Chapter, sexually-oriented businesses shall not attach, construct, or allow the attachment or construction of any temporary signs, banners, lights, or other devices designed to draw attention to the business location.



# COUNCIL AGENDA

## JANUARY 25, 2011

Agenda Item “E”

**Discussion regarding creation of policy governing the rental/use of City Hall facilities.**

***Factual Summation***

- Mayor Nagle requested that this item be added to the agenda.
- The Community Development Department will work to prepare a draft policy that will be provided to the Governing Body during the work session meeting.



# COUNCIL AGENDA

## JANUARY 25, 2011

Agenda Item "F"

### **Public Comments**

#### ***Factual Summation***

- No one has requested the opportunity to address the Council during the public comments portion of the meeting.