

TITLE X

SYRACUSE CITY LAND USE ORDINANCE

CHAPTER 1

GENERAL PROVISIONS

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- 10-1-1: TITLE.** This ordinance shall be known as the "Syracuse City Land Use Ordinance" and may be so cited and pleaded. (1991)
- 10-1-2: EFFECT OF CHAPTER.** The provisions of this chapter are general in nature and as applied affect this entire ordinance. (1991)
- 10-1-3: DECLARATION OF PURPOSE.** The purpose of this ordinance, and for which reason it is deemed necessary, and for which it is designated and enacted, is to preserve and promote the health, safety, convenience, order and the general welfare of the City of Syracuse, Utah, its present and future inhabitants and the public generally, and in particular, without limitation:
- (1) To encourage and facilitate orderly growth and expansion.
 - (2) To secure economy.

- (3) To provide adequate light, air, and privacy to meet the ordinary or common requirements of happy, convenient and comfortable living of the inhabitants of Syracuse and to foster a wholesome social environment.
- (4) To enhance the economic well-being of the City and its inhabitants.
- (5) To facilitate adequate provisions for transportation, water, sewage, schools, parks, recreation and other public requirements.
- (6) To prevent the overcrowding of land and the undue concentration of population.
- (7) To stabilize and improve property values.
- (8) To encourage the development of an attractive and beautiful community. (1991)

10-1-4: SCOPE OF ORDINANCE. This ordinance is designed and enacted in accordance with a master plan for Syracuse City and to designate, regulate and restrict:

- (1) The use of land;
- (2) Conditional Use;
- (3) The erection, construction, reconstruction, alteration, location and uses of buildings;
- (4) The height, size and bulk of buildings and other structures hereafter erected or altered;
- (5) The size of lots, courts, yards and other open spaces and the percentage of the lot that may be occupied;
- (6) The height, bulk and location of objects of natural growth where such objects are deemed hazardous to life or property;
- (7) The density and distribution of population.

10-1-5: INTERPRETATION. In interpreting and applying the provisions of this ordinance the requirements contained herein are declared to be the minimum requirements for the purposes set forth, unless otherwise specifically stated. If in the course of administration hereof, a question arises as to the meaning of any phrase, section, chapter, or zone boundary, the Land Use Administrator is empowered to interpret the ordinance. In the event that there is a need of further interpretation by any person, firm or corporation or official of Syracuse City, the applicant may either apply for an amendment to this ordinance to clarify the portion thereof in question or may file a petition with the District Court for final interpretation.

10-1-6: SEPARABILITY AND VALIDITY CLAUSE. If any chapter, section, subsection, sentence, clause, phrase, or part of this ordinance is for any reason held invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance but shall be confined in its operation to the specific chapter, section, sentence, clause, or part of this ordinance held invalid, and shall not affect the validity of the remaining portion of this ordinance in any other instance.

10-1-7: EFFECT OF OTHER ORDINANCES AND REGULATIONS. Wherever the provisions of any other applicable statute, ordinance, or regulation establish higher or more restrictive standards than are established by the provisions of this ordinance, the provisions of such other statute, ordinance, or regulation shall govern.

10-1-8: EFFECT OF PRIVATE COVENANTS AND AGREEMENTS. This ordinance shall not nullify the more restrictive provisions of private covenants and agreements entered into between private persons but shall prevail notwithstanding such provisions that are less restrictive. Enforcement of private covenants and agreements affects only the parties in

interest and the City or its agents may not assume the responsibility for enforcement.
(1991)

10-1-9: ESTABLISHMENT OF ZONES. The City is hereby divided into the following zones as shown on the map entitled "Syracuse City Zoning Map," which map and boundaries, notations, references, and other information shown thereon shall be as much a part of this ordinance as if the information and matters set forth by said map were all fully described herein.

A-1	Agriculture	(.5 dwellings per net acre)
R-1	Residential	(2.90 dwellings per net acre)
R-2	Residential	(3.79 dwellings per net acre)
R-3	Residential	(5.44 dwellings per net acre)
R-4	Residential	(14.52 dwellings per net acre)
PRD	Residential	(8.00 dwellings per net acre – (pending approval by the City Council of development agreement).
C-1	Commercial	
C-2	Commercial	
PO	Professional Office	
RP	Research Park	
ID	Industrial Development	

10-1-10: ZONING OF TERRITORY ANNEXED INTO THE CITY. All property hereafter annexed into Syracuse City shall be deemed to be zoned the most appropriate zone as recommended by the Planning Commission and approved by the City Council at the time of annexation.

10-1-11: REQUIREMENTS DECLARED AS MINIMUM. The uses and regulations which apply to each zoning district are established in accordance with a General Plan designed for the same purposes for which this Title is enacted. The requirements set forth herein are declared to be the minimums which are necessary to accomplish the purposes of this Title.

10-1-12: ADMINISTRATIVE LAND USE REVIEW OF PERIMTS. All applications for land use permits, rezone requests, conditional use permits, building permits or other land use permits shall be submitted to the Community Development Department for zoning review. Such review shall assure compliance with the requirements of this Code.

(1) Building permits review. The application for a building permit shall be accompanied by a plot plan showing lot lines and dimensions, setback distances, locations of structures, and improvements, building elevations, and all specification data necessary to insure provisions of this Code are met. The Community Development Department shall not issue any building permit until approved by the Syracuse City Building Official or his Agent.

(2) Site plan and architectural review. The Community Development Department shall receive all applications for Site Plan Review, as provided for in Chapter 7 of this Title. The Community Development Department shall receive all submittals, assure completeness, and prepare submittal for review by the appropriate reviewing body.

(3) Conditional use permit. Applications for a conditional use permit shall be submitted to the Community Development Department as provided for in Chapter 6. The Community Development Director shall assure completeness and prepare submittal for review and action by the Planning Commission. Permits approved by the Planning Commission shall be issued by the Community Development Director.

(4) Zoning amendments. Requests for amendments or changes to the zoning ordinance or zoning district map shall be initiated with the Community Development Director. The amendment process shall proceed as provided for in Chapter 4 of this Title.

(5) Home occupation permit. An application for a home occupation permit shall be presented for review and approval to the Community Development Director or if required, by this chapter approved by the City Council. Upon such approval, the Community Development Director is authorized to issue a permit, as described in Chapter 6 of this Title.

10-1-13:

LAND USE DECISIONS AND APPEAL PROCESS: This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws, but shall prevail over provisions which are less restrictive. Land Use decisions and appeals shall be governed as outlined in table 1 of this chapter. Land Use applicants shall have 15 days to appeal any decisions to the Appellate Body. If the applicant desires to continue the appeal beyond the decision of the Appellate Body, such appeal must be filed within 30 days to district court.

DECISION TO BE MADE	ADVISORY BODY	LAND USE AUTHORITY	APPELLATE BODY	EXTERNAL APPEAL
Adoption or Amendments to General Plan	Planning Commission (public hearing required)	City Council (public hearing optional)	District Court	30-days from decision by legislative body
Adoption of Land Use Ordinance/Amendment to Land Use Ordinance	Planning Commission (public hearing required)	City Council (public hearing optional)	District Court	30-days from decision by legislative body
Annexation Application	Planning Commission (recommend zoning designation)	City Council (public hearing and notice required)	(If petition or Ordinance is denied – process ends)	(If petition or Ordinance is denied – process ends)
Appeal of Administrative Decision	None	Land Use Administrator	City Council (appeal within 15 days of decision)	District Court (appeal within 30 days of City Council Decision)
Conditional Use Permit	Land Use Administrator	Planning Commission	City Council (15 days from decision by Land Use Authority)	District Court (30 days from decision by Appeal Authority)
Non-Conforming Uses and Non-Complying Structures	None	Planning Commission	Board of Adjustment	District Court (30 days from decision by Appeal Authority)
Subdivision Ordinance Approval/Amendments	Planning Commission (public hearing and 15-day notice required)	City Council	Board of Adjustment	District Court (30 days from decision by Appeal Authority)
Subdivision Application and Plat Approval	Planning Commission (public hearing required at review of sketch plan)	City Council	Board of Adjustment	District Court (30 days from decision by Appeal Authority)
Vacation or changing a Subdivision Plat	Planning Commission review not required	City Council (public hearing and 15 day-notice required)	Board of Adjustment	District Court (30 days from decision by Appeal Authority)
Amendment to Platted Street	Planning Commission	City Council (public hearing and 15 day-notice required)	Board of Adjustment	District Court (30 days from decision by Appeal Authority)
Zoning Variances	None	Board of Adjustment	District Court	30-days from decision by legislative body

Table 1 of chapter 1

10-1-14: COMPLIANCE REGARDING VIOLATION. Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and bases thereof shall be filed with the Land Use Administrator who shall record properly such complaint and timely investigate and take action thereof as provided by this ordinance.

10-1-15: PENALTIES. Any person, firm, corporation, whether as principal, agent, employee, or otherwise, violating any of the provisions of this ordinance or requirement or decision of the Land Use Authority, City Council, or Board of Adjustment shall be guilty of a Class C misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be punishable to the full extent allowed by law. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued by such person, firm, or corporation and shall be punishable as herein provided. (2001)

CHAPTER 2

DEFINITIONS

10-2-1: Purpose

10-2-2: Interpretation

10-2-3: General

10-2-4: Definitions

10-2-1: PURPOSE. This chapter is established to clarify and define certain terms and words as used in this ordinance. When a definition is not found in this chapter, the common meaning of the word shall be used. (1991)

10-2-2: INTERPRETATION. In the event it is unclear as to what the meaning of a word or term is, 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 ordinance to clarify the portion that is in question or file a petition with the District Court for final interpretation.

10-2-3: GENERAL. For the purposes of this ordinance 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 to be used or occupied. (1991)

10-2-4: DEFINITIONS.

- (1) **ACCESSORY USE OR BUILDING:** A use or structure on the same lot width 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.
- (2) **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.
- (3) **ALTERATION:** Any change in the construction of or addition to, a building which would permit an increase in capacity, or change of use.
- (4) **ASSISTED LIVING FACILITY:** A single-family residential dwelling unit, consistent with single family residential zoning and structural appearance, that is occupied on a 24 hour-per-day basis by eight or fewer elderly persons in a family-type arrangement under the supervision of one 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 must be licensed by the State of Utah Department of Health as an Assisted Living Type I facility and be operated as a Type I facility.
- (5) **BOARD OF ADJUSTMENT:** A group of five individuals residing in Syracuse and appointed by the Mayor to function as the Syracuse City Board of Adjustment.

- (6) **BUFFER YARD:** A portion of land together with structures and landscaping that are required to separate land uses so as to maintain the integrity of the proposed development of land.
- (7) **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.
- (8) **BUILDING HEIGHT:** As defined in the International Residential Building code adopted by Syracuse City, not to exceed a height of 45 feet.
- (9) **BUILDING PRINCIPAL:** The main or primary building upon a lot, or the building housing the main or primary use upon the lot. This includes all of the appendages to a principal building constructed as an architectural and integral part thereof.
- (10) **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
- (11) **CITY COUNCIL:** The elected city council of Syracuse, Utah. This term may also include the Mayor of Syracuse.
- (12) **CHILD-CARE, HOME:** A child care facility operated on residential premises.
- (13) **CHURCH, SYNAGOGUE, TEMPLES:** A building used primarily for public worship by any religious body.
- (14) **CLINIC, DENTAL AND MEDICAL:** A building in which a group of physicians, dentists, and allied professional assistants are associated for the carrying on of their professions including a dental or medical laboratory. Clinic does not include inpatient care or operating rooms for major surgery.
- (15) **CLUSTER SUBDIVISION:** Homes grouped together on at least 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 as allowed by zone.
- (16) **COMMON SPACE:** Land area within a development not individually owned or dedicated for public use, which is designed and intended for the use as an amenity for the direct benefit of the residents of a 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; nature trails; exercise trails and facilities; e.g. swimming pools, tennis courts; club houses, pavilions, and golf courses.
- (17) **COMMERCIAL VEHICLE:** A motor vehicle, trailer, or semi-tractor/trailer used or maintained for business, compensation or profit, to transport passengers or property, that has a manufacturers gross weight of 10,001 or more pounds.
- (18) **CONDITIONAL USE:** Uses, other than permitted uses, that may be allowed in a specific zone but may require conditions as set forth in the Land Use Ordinance for those uses.
- (19) **CONDOMINIUM:** The ownership of a single unit in a multi-unit residential, commercial, or industrial project together with an undivided interest in common in the common areas and facilities of the property.
- (20) **DAY CARE CENTER:** Any building or premises used for the care of children for more than four (4) hours per day for profit.

- (21) 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.
- (22) DEVELOPMENT REVIEW COMMITTEE (DRC): A group of appointed city officials or their designees given responsibility to review and advise concerning proposed development projects, including C-2 site plans and Private Residential Development subdivisions.
- (23) DWELLING, SINGLE FAMILY: A building designed with accommodations for and occupied by one family only.
- (24) DWELLING, TWO-FAMILY: A building containing two dwelling units, designated for occupancy by not more than two families.
- (25) DWELLING, MULTI FAMILY: A building containing not more than four dwelling units. (Ord. 03-08)
- (26) DWELLING GROUP: A group of two or more detached buildings used as residences located on a parcel of land in one ownership and having a yard or court in common.
- (27) DWELLING UNIT: A building or portion thereof providing separate and independent living, cooking, sleeping, eating and sanitation facilities for one family.
- (28) ELDERLY PERSON: means a person who is 60 years or older.
- (29) ELEVATION, BUILDING: An architectural rendering of the front, side, or rear façade of a building, including dimensions, features, materials and colors.
- (30) FAMILY: One or more persons related by blood, marriage, adoption, or guardianship or 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. (Ord. 04-12)
- (31) FARM ANIMAL KEEPING: The keeping of animals and fowl for family use.
- (32) FARM INDUSTRY: Includes 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, fur farms, livestock feed yards, pig farms, dairy farms and similar uses as well as any accessory uses thereto, except commercial slaughter.
- (33) FRONTAGE: Means the distance along the right-of-way line between the two side lot lines of a parcel measured along the street, or streets of a corner lot, which the parcel is allowed to access.
- (34) GENERAL PLAN: A document adopted by the city that sets forth general guidelines for proposed future development of the land within the city as set forth in Utah Code Annotated; also referred to as the "master plan".
- (35) 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 which guides zoning and development in the city.
- (36) GOVERNING BODY: The Syracuse City Council.
- (37) HOME OCCUPATION: The use of a portion of one's dwelling or accessory building, studio, or workroom to conduct business activity. (Ord 02-26)

- (38) HOUSEHOLD PETS: Animals and fowl which are 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.
- (39) IMMEDIATE FAMILY MEMBER: Father, Mother, Brother, Sister, Son, Daughter.
- (40) INTERMITTENT COMMERCIAL USES: The use of a dwelling or accessory building for the retail sales of arts and crafts items on a periodic basis (see section 10-6-9(B)). This definition does not in any way include the occasional sales of various used items in a garage or yard sale.
- (41) JUNK: Any scrap, waste, reclaimable material or debris whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal 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.
- (42) 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 dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof, provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.
- (43) KENNEL: Any lot or premises on which three (3) or more dogs at least four (4) months old, are kept.
- (44) 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.
- (45) LAND USE ADMINISTRATOR: That person designated by the Syracuse City Council to perform the duties and responsibilities as described in this Ordinance.
- (46) LANDSCAPING: The placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, along with vegetative plantings or trees, shrubs, grass, flowers, etc. This definition shall also include the designing of, and the placement of such materials.
- (47) 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 ordinance for area and width and depth where applicable in the zone in which it is located, and having frontage on a public street or approved private street.
- (48) LOT, CORNER: A lot situated at the junction of and abutting on two or more streets.
- (49) LOT LINES: The property lines bounding a lot. For purposes of establishing yard spaces all right-of-way lines for streets shall be considered the lot lines of abutting property.
- (50) LOT WIDTH: The width of a lot along a line parallel to the frontage thereof and measured at the minimum front setback line.
- (51) MANUFACTURED HOME: A single family dwelling unit which is fabricated in one 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 Chapter 5)
- (52) MASONRY: Stucco, brick or stone.

- (53) NET ACREAGE: The total land area available for development after 20% is excluded and assigned to the City in the form of roads and other public easements.
- (54) NET DENSITY: The number of allowable building lots in a zone per net acre. (Example: 8.3 net acres times 3.79 allowable lots in the R-2 zone equals the allowable lots, rounded down to the nearest whole number. $8.3 \times 3.79 = 31.46$ or 31 allowable lots)
- (55) NONCONFORMING USES: A use which lawfully existed prior to the adoption of this ordinance which does not meet the requirements set forth herein.
- (56) NONCONFORMING BUILDING LOT: A parcel of land of record that was held in separate ownership from adjacent property and which was a legal building lot on the effective date of this ordinance, the dimensions of which do not meet the requirements for a building lot in the zone in which it is now located. Adjacent properties in the same ownership, but described under separate deeds shall be deemed to be one property for the purpose of this ordinance.
- (57) NONCOMPLYING STRUCTURE: A structure which lawfully existed prior to the adoption of this ordinance which does not meet the requirements set forth herein.
- (58) OFFICE, PROFESSIONAL: A place intended primarily for the conduct of administration or services by a business enterprise and in which limited goods or merchandise are stored, displayed or sold as the secondary focus of business.
- (59) OPEN SPACE. Any area of land that provides for that portion of the human environment that is characterized by openness and is dedicated to being preserved or kept open in order to enhance urban, suburban, or rural areas and having important physical, recreational, conservation, aesthetic, or economic value or assets.
- (A) Functional Open Space. Any area of land improved and dedicated for public or private use, which is 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 that is 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.
- (60) ORDINANCE: Planning and zoning regulations or other laws and requirements adopted by the city which carry the force of law and are binding upon all who visit, reside in or own property in the city.
- (61) 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.
- (62) 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.

- (63) PERMITTED USE: Uses allowed as a matter of right and listed as permitted uses in the various zone specifications.
- (64) PLANNING COMMISSION: A group of seven individuals residing in Syracuse City and appointed by the Mayor of Syracuse with the advice and consent of the City Council, to function as the Syracuse City Planning Commission.
- (65) PRE-SCHOOL: Any building or premise used for the instruction and care for compensation of not more than sixteen (16) children at any one time from the age of three (3) through six (6) years for up to four (4) hours and where meals are not served.
- (66) PRINCIPLE OF REGRESSION: A standard property assessment valuation principle, as established by the International Association of Assessing Officers, which states that when there are dissimilar properties within the same general classification and in the same area, the better property will be adversely affected.
- (67) PRIVATE RESIDENTIAL DEVELOPMENT: A subdivision approved by the city as allowed within a particular zone which meets all of the requirements of Chapter 16 of this Title with other standards as determined by the city council by means of a development agreement.
- (68) 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.
- (69) RESEARCH PARK areas zoned for technology research, scientific development, and linked to business and academia collaboration research endeavors.
- (70) REASONABLE ACCOMMODATIONS: A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition:
- (a) "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.
 - (b) "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied 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.
- (71) RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: a residence in which more than one person with a disability resides and is licensed or certified by the Utah State Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- (72) SCREEN: Walls, fences, hedges, or plantings to insure harmony with adjacent development, or to conceal storage or parking areas, utility installations, or other unsightly development.
- (73) SETBACK: The shortest horizontal distance between the boundary lines of a lot and the building or structure or part thereof.
- (74) SEXUALLY ORIENTED BUSINESS: Any business as defined in Title V, chapter 4 of the business license ordinance of the Syracuse City Municipal Code.

- (75) **SITE PLAN:** A schematic scaled drawing of a commercial, residential, industrial, office or institutional development which meets requirements of chapter 7 of this code.
- (76) **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 the same for profit.
- (77) **STABLE, PUBLIC:** A building for the keeping of animals for profit.
- (78) **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.
- (79) **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.
- (80) **STRUCTURE:** That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.
- (81) **SWIMMING POOL:** A structure for public or personal recreational purposes as defined by the International Residential Building Code.
- (82) **VARIANCE:** The relaxation of the strict application of the terms of this ordinance with respect to mechanical requirements such as setback requirements, yard requirements, 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 granted by the Board of Adjustment.
- (83) **YARD, FRONT:** An open space extending the full width of the lot adjacent to and measured perpendicularly from the front lot line.
- (84) **YARD, REAR:** An open space extending the full width of the lot adjacent to and measured perpendicular from the rear lot line. 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 feet.
- (85) **YARD, SIDE:** An open space extending from the front yard to the rear yard adjacent to and measured perpendicular from the side lot line.
- (86) **ZERO LOT LINE DEVELOPMENT:** Residential dwellings arranged on lots with one side wall of the building located on the property line.
- (87) **ZONE:** A portion of the City of Syracuse which has been given a zone designation which provides for the regulation of the location of heights, bulk and sizes of buildings and other structures, percentage of lots which may be occupied, the size of lots, courts or other open space, the uses of buildings and structures and the uses of land.

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

10-3-1: Effect of Chapter

10-3-2: Administration and Enforcement

10-3-3: Building Permits Required

10-3-4: Site Plan Required with Application for Permit

10-3-5: Certificate of Occupancy

10-3-6: Temporary Occupancy

10-3-7 License and Permits to Conform with the Land Use Ordinance

10-3-8: Powers and Duties of Land Use Administrator

10-3-1: EFFECT OF CHAPTER. This chapter affects the entire ordinance with respect to the Administration thereof and establishes the responsibility for such administration.

10-3-2: ADMINISTRATION AND ENFORCEMENT. The Land Use Administrator shall represent Syracuse City in carrying out the stated purposes of this ordinance and in so doing shall cause that all required permits be obtained by persons required to do so. The Land Use Administrator or his agent shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of this ordinance. It shall be his duty to inspect or cause to be inspected all buildings or structures in the course of construction, alteration or repair.

10-3-3: BUILDING PERMITS REQUIRED. No building or structure shall be commenced 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.

10-3-4: SITE PLAN REQUIRED WITH APPLICATION FOR PERMIT. All building permit applications for any structure shall be accompanied by a site plan in duplicate, signed and dated by the applicant, one of which shall be returned to the applicant with corrections or stipulations, if any, and one of which shall be for the use of the Building Department. Such site plan shall be drawn to scale and shall show the actual dimensions of the lot upon which it is to be built; the size of the existing buildings or structures, if any, the buildings to be erected; the location of driveways into the property; the location and plan for off-street parking facilities; the location, 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 to provide for the enforcement of this ordinance.

10-3-5: CERTIFICATE OF OCCUPANCY. No building shall be occupied until it is in full compliance with the requirements of this ordinance and a certificate of occupancy issued by the City.

- 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. Residential building occupancy shall be granted upon compliance with City Ordinance 8-2-18.

10-3-6: TEMPORARY OCCUPANCY. When circumstances or conditions preclude the completion of weather related items, the Land Use Administrator may issue a temporary occupancy for a period of time not exceeding six months to allow the completion of items identified by the City Building Department.

10-3-7: LICENSE AND PERMITS TO CONFORM WITH THE LAND USE ORDINANCE. All officials and employees of Syracuse City who are vested with the duty or authority to issue permits and licenses shall conform to the provisions of this ordinance and shall issue no permit or license for use, building, or purpose where the same would be in conflict with the provisions of this ordinance. 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.

10-3-8: POWERS AND DUTIES OF LAND USE ADMINISTRATOR. It shall be within the power and authority of the Land Use Administrator 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 of the provisions of this ordinance pertaining thereto, particularly with respect to the location requirements, to uphold and enforce any decision in the administration of this ordinance entering actions in the court when necessary; failure to do so shall not legalize any violation of such provisions. Also where any building, sign or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or where any building, structure, or land is used in violation of this ordinance or any amendment thereto, the Land Use Administrator, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct of business, or use in or about such premises. The Land Use Administrator may be designated by the City Council as a Land Use Authority and authorized to function as so directed.

CHAPTER 4

AMENDMENTS AND CHANGES

10-4-1: Amendments

10-4-2: Initiation of Amendment

10-4-3: Hearing for Amendment

10-4-1: AMENDMENTS. The City Council, in conformance with the City's General Plan, may from time to time amend the number, shape, boundaries or area of any zone, or any Land Use regulation of or within such zones, or any other provision of the Land Use Ordinance. However, the City Council may not make any amendments authorized by this ordinance unless the amendment was first proposed by, or submitted to the Planning Commission for its recommendation.

- A. The Planning Commission shall hold a public hearing on the proposed amendments or changes and prepare and recommend proposed changes to the City Council;
- B. The City Council may adopt or reject the ordinance or map either as proposed by the Planning Commission, or after making any revisions the City Council considers appropriate.
- C. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing temporary land use regulations for any area within the City if a finding is made of compelling countervailing public interest or the area is unregulated, for a period not to exceed six months.

10-4-2: INITIATION OF AMENDMENT. The City Council, Land Use Administrator, the Planning Commission, or property owners may initiate an amendment, supplement, or change to this ordinance.

10-4-3: HEARING FOR AMENDMENT. The Planning Commission shall consider any petition for amendment referred to it in a regularly scheduled meeting and shall hold a public hearing thereon. Notice of the time and place of the public hearing shall be given at least 10 days prior to the hearing date by publishing at least one (1) notice thereof in a newspaper of general circulation in the City, posting in at least three public locations within the City or on the City's official website, and mailing notice to each affected entity at least ten calendar days before the public hearing. At least three days before the public hearing notice shall be mailed to each property owner whose land is directly affected by the land use ordinance change. Notice shall also be mailed to each adjacent property owner, including those in adjacent jurisdictions, or posted on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by. Thereafter, the Planning Commission shall make its report and recommendation to the City Council.

Before finally adopting any such amendment to the Land Use Ordinance, the City Council shall consider the amendment in a public meeting, notice for which is given at least 24 hours before the meeting by posting in at least three public locations within the City or on the City's Official website. The City Council may adopt or reject the amendments as proposed by the Planning Commission or adopt an ordinance after making any revision the City Council considers appropriate.

CHAPTER 5

GENERAL LAND USE REGULATIONS

10-5-1: Effect of Chapter

10-5-2: Regulations for Building and Structures

10-5-3: Regulations for the Use of Land

10-5-4: Farm Animal Keeping

10-5-5: Lot and Yard Regulations

10-5-6: Miscellaneous Requirements and Provisions

10-5-7: Shade Trees

10-5-8: Buffer Yards

10-5-9: Agriculture Protection Areas

10-5-1: EFFECT OF CHAPTER. The regulations hereinafter set forth in this chapter are in addition to and supplement other regulations of this ordinance. 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. 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" which shall be designated and continuously maintained for principal buildings and their accessory buildings. Except for dwelling groups as specifically authorized in this ordinance, not more than one dwelling structure shall occupy any one building lot.

(1) Lot and Building Addressing. Each building in the city shall be identified with an address as approved by the Community Development Director or his designee. The City shall ensure all buildings are posted with and use the legally recorded lot and address building numbers to provide effective and timely emergency response. An address or lot number shall be prominently displayed on the building or on the premises during construction. The following standards shall be used in numbering lots and buildings effective upon adoption of this Title:

- (a) Lot and building numbers on the south or east side of a street shall end with an odd number.
- (b) Lot and building numbers on the north or west side of a street shall end with an even number.
- (c) Lot and building numbers will not end with a zero "0".
- (d) Lot and building numbers will not be duplicated on adjacent parallel streets.
- (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.

- (f) Residential building numbers shall be at least five inch (5") tall block letters. All building numbers shall be of sufficient size so as to be legible from the street or private road.
 - (g) Building numbers shall be of durable materials the colors of which contrast with the background material.
 - (h) Building numbers shall be mounted in a secure and permanent manner.
 - (i) Single-family and two-family building numbers shall be placed on a prominent portion of the front building facade a minimum of seven feet (7') above the finished elevation of the ground at the front building line.
 - (j) Multi-family, commercial, office, industrial or institutional building numbers shall be placed in a prominent location at the main entrance of such buildings.
 - (k) Interior suites, apartments, units or offices shall each be clearly identified in a logical numeric or alphabetic sequence.
- (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 design. All required street signs shall be installed in new developments at the developer's expense. Street signs may be installed by the city or the developer or owner as determined by the city.
- (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 percent (25%) 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 accessory building or structure may be located in a front or side yard. No accessory building may be located within a recorded easement unless authorized by the Land Use Authority.
 - (b) Side and rear yard setbacks may be reduced to three feet (3') provided said accessory buildings are located in the rear yard and at least six feet (6') from the principal building, not less than sixteen feet (16') from principal buildings on adjacent lots and further provided that accessory buildings must be eight feet (8') from adjacent vacant lots, except that accessory buildings and/or structures located in the street side of a corner lot shall comply with the front or side yard setback requirements of the adjacent building lot. Accessory buildings exceeding ten (10) feet in height, as measured from the main floor to the top exterior wall plate, shall increase the three foot minimum setback requirement two (2) feet for each one (1) foot of height above 10 feet.
 - (2) Accessory buildings or structures 200 square feet or greater.
 - (a) Building Permit Required. Accessory buildings of 200 square feet or greater shall require conditional use approval and issuance of a building permit. Such accessory building or structure shall conform to requirements of Section 10-5-1(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 for Conditional Use approval as outlined in Title 10 Chapter 6, Conditional Uses. Application shall include the following submittals:
 - (i) Site Plan showing the location of the home, property line setbacks, location of the proposed building, parking spaces, easements, and location of buildings on adjacent properties within 50 feet of the proposed accessory building.
 - (ii) Elevation drawings showing the roof structure, type of material and the design finish of the building, and building structure measurements.
- (c) Design. Accessory buildings shall be designed and sized in height and footprint to blend aesthetically with the principle building architecture and design materials.
- (D) Maximum Height Limitations. No maximum height regulations, as stated in this ordinance, except for stated 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 parapet 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 be allowed for the purpose of providing 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 foot (1') 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 ordinance satellite dishes shall be allowed 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 contains water over 24 inches deep shall require a building permit. The swimming pool shall be governed by the provisions of the adopted International Residential Building Code appendix (G) adopted by the City Council to control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one or two-family dwelling. No such pool shall be allowed in any residential zone except as an accessory use and unless it complies with the following conditions and requirements:

- (1) It may not be located closer than eight feet (8') to any property line.
- (2) The swimming pool shall be so walled or fenced to at least six feet (6') in height, to prevent uncontrolled access by children from adjacent properties.

10-5-2:

REGULATIONS FOR BUILDINGS AND STRUCTURES. Where buildings or structures are allowed, they 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 with said property and classified and taxed as real estate.
- (2) Permanent connections to all available utilities shall be made to each residential structure.

- (3) Any and all appendages or accessory uses such as steps, carports, garages, storage buildings, decks and awnings or additions and alterations shall be done in accordance with the adopted edition of the International Building Code.

(B) Regulations for New Residential Construction

- (1) A minimum of 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 38 percent coverage requirement shall be calculated by measuring all facades of the structure, from the foundation to the top plate line of the uppermost level, excluding openings for windows, doors, and trim, and by multiplying that figure by 38 percent. The builder of the structure shall be authorized to satisfy the 38 percent requirement by placing the brick, rock or stone on one or more facades of the structure, provided that the façade designated as the front of the structure shall have a minimum of 38 percent of that facade covered with brick, rock, or stone.
- (2) The requirement for brick, rock, or stone exterior wall construction shall apply to any single family detached, duplex, and single family attached town home that is to be constructed as part of a development for which a preliminary plat is approved after the effective date of this ordinance.
- (3) Every residential dwelling shall have a minimum fully enclosed two-car garage (attached or detached) having a minimum outside width of 20 feet (as measured from outsides of foundation) and having at least 400 square feet in total floor area. A building permit shall not be issued 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) All manufactured homes shall be certified by U.S. Department of Housing and Urban Development inspectors 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 shall be installed, with or without basement, 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 Building code as specified for foundation walls. (Ord. 03-08)
- (3) The manufactured home, when fully installed, must have the appearance of a site-built single family dwelling and meet the requirements of Section 10-5-2(A) and 10-5-2(B). (Ord. 03-08)
- (4) Towing hitches and running gear, which includes tongues, axles, brakes, wheels, lights and other parts of the chassis intended to be operated only during transport shall be removed.

10-5-3:

REGULATIONS FOR THE USE OF LAND. Where the following uses are allowed as permitted or conditional uses they shall be allowed provided they 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.

- (A) Dwelling Groups. No building permit for the erection of any dwelling group shall be issued unless it conforms to all the following conditions and requirements and the Planning Commission has recommended approval:

- (1) The area of the lot on which the dwelling group is to be erected 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 it is located. When the buildings in a dwelling group are arranged in a row, side by side, the distance between buildings shall be not 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 be not less than two (2) times the front yard requirements of the zone. ((Ord 05-12)
 - (3) Every dwelling in the dwelling group shall have an entrance within sixty feet (60') of an access roadway, or drive, or parking lot, and within two hundred feet (200'), 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 the requirements of this ordinance for the zone in which it is to be located.
 - (5) The width of the lot on which the dwelling group is to be erected shall be at least eighty feet (80'). The roadway or drive shall be at least twenty feet (20') in width. 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 as one of the group when recommended by the Planning Commission.
- (B) Multi-family Dwellings. No building permit for the erection of any multi-family dwelling shall be issued unless it conforms to all the following conditions and requirements and the Planning Commission has recommended approval:
- (1) All multiple-family dwellings shall conform to the requirements of Section 10-5-2(B) (1) and (2).
 - (2) Buildings in multiple-family dwelling developments shall have a minimum of 15-foot separation for single story buildings, 20-foot separation for two story buildings and 25-foot separation for 2.5 stories and above buildings. Multiple-family dwellings shall be located no closer than 50 feet from any single-family or two-family dwelling.
 - (3) All trash dumpsters, utility fixtures, power transformers and other appurtenances shall be screened with masonry fencing and solid iron metal gates and landscaping and identified on the approved site plan.
 - (4) Street, building, and parking illuminations within multi-family developments shall meet the following requirements. The spacing and arrangement of exterior lighting structures shall be designated during preliminary plat or site plan review phase of the development process. 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 that applicable provisions of this ordinance will be satisfied. The exterior lighting plan shall include the following:
 - (a) Site lighting projecting onto adjacent residential property shall not bleed onto adjacent property.
 - (b) Site lighting shall minimize light spill into the dark night sky.
 - (c) Where practical, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.

- (d) Fixtures and lighting systems used for safety and security shall be in good working order and shall be maintained in a manner that serves the original design intent of the system.
- (e) Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces. Landscaping information that indicates 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 shall be designated.
- (g) Building elevations shall be principal areas of illumination. Drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations or areas to be illuminated, the 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 24 hour-per-day basis by six or fewer residents requiring protected living arrangements and/or assistance with daily living activities. Such group home facilities for persons with a disability are permitted uses within residential and commercial zones where residential living is allowed, provided that a residential facility may be excluded if it would likely create a fundamental change in the character of a residential neighborhood. To ensure continuance of neighborhood character and compatibility, the applicant(s) for Group Home facilities shall submit and comply with the regulations established herein for each specific use and shall obtain site plan approval from the City Council. A Group Home facility shall not be denied where it meets all requirements set forth herein.

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.

(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, the Group Home Facility shall not be added to or enlarged in any manner.
- (b) In order to promote the integration of facilities, protect the residential character of the area, and enable Group Home Facilities to contribute to a residential neighborhood, such facilities shall not be located within three-fourths mile of another existing Group Home.
- (c) Facility shall comply with the requirements of Section 10-8-4, regulating Parking. No parking shall be permitted in the minimum front, side, or rear landscaped setback areas.

(2) Compliance and Licensure.

- (a) The facility must 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 ordinance is nontransferable and terminates if the structure is devoted 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 be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.
- (4) Requirement Standards for Assisted Living Facility or Elderly Residential Facility.
 - (a) Persons being treated for alcoholism or drug abuse shall not be placed in such facility. No person with a history of violent behavior or felony arrest history shall be placed in such facility.
 - (b) Placement in an Assisted Living Facility or Elderly Residential Facility shall be on strictly voluntary basis and not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional or mental institution.
 - (c) Discrimination against elderly persons and against Assisted Living facilities for elderly persons is prohibited. All decisions regarding applications for Assisted Living facilities or for Elderly Residential Facilities must be based on Chapter 7 Site Plan approval criteria set forth herein.
 - (d) Site Plan Approval for elderly residential facilities is not required if the facility meets the requirement of existing land use ordinances that allow a specified number of unrelated persons living together. See Section 10-2-4(30). Group facilities exceeding six unrelated persons shall require site plan approval by the City Council.
 - (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.
 - (f) In order to promote the integration of residential facilities, protect the residential character of the area, and enable a facility for elderly persons to contribute to a residential neighborhood, such facilities shall not be located within three-fourths mile of another such existing facility.

10-5-4:

FARM ANIMAL KEEPING.

Definitions

A. Livestock means any normally domesticated animal that is not a cat or dog, such as; cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc.

B. Adequate fencing means, at a minimum, mesh, barbed wire, chain link, rail, or post fencing or metal fence panels.

C. Farm Industry means 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.

D. Farm Animals means 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.

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 located not less than fifty feet (50') from dwellings on adjacent lots, not less than twenty feet (20') from a dwelling on the same lot and not less than one hundred fifty feet (150') from a public street, except on corner lots where such structures may be located not less than fifty feet (50') from a public street. In residential zones where animal keeping is permitted or allowed as a conditional use, there must be a minimum lot size of 21,780 square feet and all animal keeping guidelines must be in accordance with the provisions as outlined in this section of the ordinance. 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:

- (1) In residential zones where animal keeping is a permitted use, 40 points shall be allocated to each lot containing 21,780 square feet with an additional accrual of 10 points for each 10,890 square feet thereafter.
- (2) In residential zones where animal keeping is allowed as a conditional use, 20 points shall be allocated to each lot containing 21,780 square feet with an additional accrual of 10 points for each 10,890 square feet thereafter.

(3) Points are assigned to animals grouped as follows:

- (a) Large animals such as horses or cows 20 points each
- (b) Medium animals such as sheep, goats or llamas 10 points each
- (c) Large fowl such as emu or ostrich 5 points each
- (d) Small animals and fowl such as rabbits and chickens 2 points each
- (e) Pigs (provided the pens therefore are at least 200 feet from neighboring dwellings) 100 points each

(1) Exception: This provision shall not apply to certified breeds of pot belly pigs with the North American Pot Belly Pig Association. (1998)

- (4) Animal waste runoff water from paddocks or stables must be contained by the animal owner so not to contaminate residential water resources, public right of ways or adjacent property.

(E) Kennel Regulations. Kennels are considered conditional uses. Each request for a conditional use permit shall be reviewed separately for its own merits. Each request must be accompanied by written agreements for such use from all residential property owners adjoining the property for which the request is made. The permit requestor must submit a letter of agreement to control noise and correct all reasonable complaints. Kennel permits may be revoked by the decision of the City Council if the use is proven to be a nuisance.

Kennels in Agriculture and R-1 Residential Zones may be kept provided that all pens, runs, shelters or similar structures housing the dogs shall be located not less than 100 feet from neighboring or abutting dwellings. The number of dogs four months old or older kept on a residential lot shall be limited to three.

Kennels for commercial purposes may be kept provided that all pens, runs, shelters or similar structures housing the dogs shall be located not less than 200 feet from a public

street and 200 feet from all neighboring or abutting dwellings. Such kennels must be located on a minimum of 5 acres and must receive site plan approval.

- (F) Household Pets. Small animals and fowl may be kept as household pets in residential zones subject to the following conditions:
- (1) Animals or fowl must be kept in pens, or otherwise secured, unless housed within the dwelling unit.
 - (2) No more than two of the same species shall be kept, excluding dependent young.
 - (3) In no case shall there be more than four small animals or fowl kept as household pets.
 - (4) All pens, coops, and structures shall be kept clean and free from objectionable odor.
 - (5) Animals or fowl allowed shall be those species normally stocked and available at a State licensed pet store. (1999)
- (G) Vietnamese Pot Bellied Pigs. Vietnamese Potbellied Pigs shall be considered household pets for the purposes of this ordinance and shall be allowed in any residential or agricultural zone subject to the following conditions:
- (1) 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 must be purebred miniature Vietnamese potbellied pigs certified by the North American Pot Bellied Pig Association. Proof of certification records may be required as a condition of approval.
 - (3) The animals may not exceed 100 pounds in weight. (1994)

10-5-5: LOT AND YARD REGULATIONS.

- (A) Lot Standards. Except as may otherwise be permitted by this ordinance, every lot within the City shall have such area and width as is required by the zone in which it is located and shall have frontage upon a dedicated or public street before a building permit may be issued.
- (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 40 feet. If the home is otherwise positioned, the setback from the collector or arterial street shall be 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. No encroachments into minimum required yard space, other than the following shall be permitted.
- (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 feet (8') in width. Yard encroachments within Cluster subdivisions shall not be allowed within side yard setbacks that are less than seven feet, and in no instance shall the side yard distance between two structures be less than 10 feet.

- (2) Unsupported cornices, eaves and gutter, and terraces may be projected six feet (6') into any required front, rear, or side yard. Uncovered Porches, decks and steps may be projected six feet (6') into any required front or rear yard.
 - (3) Attached covered decks and patios will be allowed in rear yards providing that the total covered patio width does not exceed 33 percent of the total length of the principal structure it is attached to and that it is not constructed closer than twenty (20) feet to the required rear yard line.
 - (4) Fences as provided in Section 10-5-5(A); and signs and yard lights as provided in Chapter 11.
 - (5) Building accessories designed and intended to control light entering a building and being either a permanent or temporary part of such building may project three feet (3') into any required yard space provided that they are attached only to the wall of the main building.
 - (6) Gasoline pump islands where permitted, shall be setback twelve feet (12'). Pump island under roofs or canopies must comply with building setback requirements.
 - (7) Corner lots may have one yard fronting on a street reduced to twenty feet (20').
- (D) Yard Space for One Building Only. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance shall be considered as providing yard or open space for any other building; nor shall any yard or other open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established; nor shall side yards or required width of lot be acquired by purchase or other means by making substandard the side yards or width of any adjacent lot. No space needed to meet the width; yard, area, parking or other requirements of this ordinance for a lot or building may be sold or leased away from such lot or building.
- (E) Yards to be Unobstructed - 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 10-5-5(C).
 - (3) Fences and objects of natural growth except as stated in Section 10-5-6(A) and 10-5-6(B).
- (F) Reduction in Size of Lots Not Permitted.
- (1) No parcel of land, which has less than the minimum width and/or area requirements for a building lot for the zone in which it is located, may be cut off, placed under separate deed, or sold from a larger parcel of land for the purpose, whether immediate or future, of building development as a building lot.
 - (2) No building lot or parcel of land held under separate ownership at the time this Ordinance became effective, the width, depth, or area of which is less than that required by this ordinance, may be further reduced in any manner.

10-5-6:

MISCELLANEOUS REQUIREMENTS & PROVISIONS.

- (A) Height of Fences Walls and Hedges in Residential Zones. Fences, walls and hedges may be erected to the permitted building height in the same zone in which they are located provided they are not within any required yard space. Fences, walls or hedges

which are in any required yard may not exceed six feet (6') in height and must be constructed in a manner which will not impede visibility of sidewalks and streets from adjacent driveways and which will comply with the requirements of Section 10-5-5(B). Where a retaining wall is reasonable and necessary, and is located on the line separating lots, such retaining wall may be topped by a fence, wall, or hedge of the same height that would otherwise be permitted if no retaining wall existed.

- (B) Visibility at Intersections. Notwithstanding any provisions of this ordinance in any residential district, fences, walls, hedges, or other plantings may be permitted in any required yard provided that nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 1/2) feet and ten feet (10') above center line grades of the intersection streets and within the area bounded by right-of-way lines, forty feet (40') from the intersection of said right-of-way lines.
- (C) Water Supply and Sewage Disposal. If an approved public water or sewer system is within three hundred feet (300') of a proposed building lot or development, structures requiring sanitation facilities must be connected 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 the showing 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. Unless otherwise specifically permitted, no highly flammable or explosive liquids, solids, or gasses shall be stored in bulk 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 feet (6') in height and impervious to sight, adequate to conceal such facilities from adjacent property 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 materials or wastes shall be deposited upon any property in such form or manner that they may be transferred off such property by natural causes or forces. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by, or otherwise be attractive to rodents or insects may not be stored outdoors unless put in closed containers.

No yard or other open space around an existing building or which is hereafter provided around any building for the purposes of complying with the provisions of this ordinance, shall be used for the storage of junk, building materials, debris, junk vehicles, or commercial equipment, and no other land shall be used for such purposes 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.

10-5-7:

SHADE TREES.

- (A) City Forester. There is hereby created the position of City Forester. The Building Inspector shall be 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 streets or places within the City to insure safety or to preserve the beauty of such public places. When authorized by proper authority, it shall be his duty to have trees and other plants in public streets and on public property planted, trimmed, sprayed, preserved, and removed.

(B) Street Tree Species to be Planted. The following list constitutes the official species for trees to be planted on land lying between property lines on either side of all streets within the City. No species other than those included in this list may be planted as Street Trees without written permission of the City Forester. Other tree species may be planted at the written discretion of the City Forester. (2000)

Large 10' or greater parkstrip	Medium – 6' parkstrips	Small – 4' to 6" parkstrips
Common Hackberry	Japanese Pogoda	Golden Raintree
Thornless Honey Locust	Eastern Redbud	Lavelle Hawthorn
Chinese Pistache	Fruitless Mulberry	English Hawthorn
Bur Oak	Mountain Alder	Bechhtel Crabapple
Norway Maple	Hedge Maple	Redbud Crabapple
Red Maple	Callery Pear	Dorothea Crabapple
Littleleaf Linden	Varigated Box Elder	Japanese Crabapple
Crimean linden	Mountain Ash	Radiant Crabapple
Japanese Zelkova	Upright English Oak	Snow drift Crabapple
Ginko		Scarlet Hawthorn
Horse Chestnut		Golden Chain Tree
Northern Oak		Rocky Maple
Beech		Paperbark Maple
London Plain Tree		Bigtooth Maple
		Kwanzan Cherry

(C) Spacing. The spacing of Street Trees will be in accordance with the three species size classes listed above, and no trees may be planted closer together than the following: Small trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

(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 species size classes listed above, and no trees may be planted closer to any curb or sidewalk than the following: small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

(E) Distance from Street Corners and Fire Hydrants. No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No Street Tree shall be planted closer than 10 feet of any fire hydrant.

(F) Utilities. No Street Trees other than those species listed as Small Trees may be planted under or within 10 lateral feet of any overhead utility wire or over or within 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 or to require the property owner 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 of the public streets or on public property within this City where the same is dead, diseased, or for any reason whatsoever is deemed undesirable by the City Council. The City, through its City Forester, shall have authority to condemn and remove, or order to be removed, any tree, tree stump, shrub, or plant upon private property when the City Council shall find such action necessary to the public safety, to prevent the spread of disease or insects, or prevention of upheaval to the public street, curb, or sidewalk. The City Forester shall have the authority, at the direction of the City Council, after exercising due diligence to notify abutting property owners, to remove or order the removal of any tree, shrub, or plant which has been planted upon any public street 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 ordinance 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. Topping is defined as the severe cutting back of limbs to stubs larger than three 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 tree's under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance 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 clear space of eleven feet (11') above the surface of the street or sidewalk. Said owners shall remove all healthy, dead, diseased or dangerous trees, or tree limbs which 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 or sign.
- (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 that the top of the stump shall not project above the surface of the ground.

10-5-8:

BUFFER YARDS

- (A) Purpose. The buffer yard is a unit of land, together with the planting required thereon. Both the amount of land and type and amount of planting specified for each buffer yard required by this ordinance are designed to ameliorate nuisances between adjacent land uses or between a land use and a public road. The planting units required of buffer yards have been calculated to insure that they do, in fact, function as "buffers."

Buffer yards shall be required to 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 line except as described in paragraph (G).

(C) Determination and approval of Buffer Yards Required. To determine the type of buffer yard required between two 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. Agricultural determination need not directly relate to whether or not the adjacent property is being farmed.
- (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.

Buffer yard options contained in the Buffer Table shall be approved by the City Council upon recommendation of the Planning Commission.

- (D) Use of Buffer Yards. The buffer yard may be used for passive recreation; it may contain pedestrian, bike or equestrian trails, provided that: (1) no plant material is eliminated, (2) the total width of the buffer yard is maintained and (3) all other requirements of this ordinance are met. In no event, however, shall the following uses be permitted in buffer yards: 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 they may be subject to deed restrictions and subsequently freely conveyed, or they may be transferred to any consenting grantees, such as adjoining land owners, home owners' association, or deeded to the City provided that any such conveyance adequately guarantees the protection of the buffer yard for the purposes of this ordinance.
- (F) General Landscaping Requirements. Details for landscaping requirements are identified in Tables 3 thru 6, which specify the number and types of plants required in 100 foot increments. Any substitute plants require approval from the City Council.
- (G) Alternative to Fencing Requirements. When ownership of buffer yard identified in Tables D and E is transferred to adjoining property owner, the fence location may be shifted to the opposite side of the buffer area.

TABLE 1
Existing Land Use Classification

Classification	Existing Land Use	Classification	Existing Land Use
1	Agriculture Farm Industry	4	R-3 Residential R-4 Residential PRD Residential Commercial Pre-Schools
2	R-1 Residential Outdoor Recreational Parks	5	Churches Hospitals Medical Care Facilities Office Complex Professional Offices Nurseries Green Houses
3	R-2 Residential Indoor Recreation Day Care Centers Schools Cemeteries	6	Industrial Dog Kennels Commercial Commercial Entertainment Research Park

Table 2
Buffer Classification Requirements

	Buffer Classification Requirements	Existing Land Use Classification					
		1	2	3	4	5	6
Proposed Land Use	Industrial	—	C	D	E	D	—
	C-1 Commercial	—	C	D	E	D	—
	C-2 Commercial	—	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

NOTE: Any Residential use abutting agriculture or farm industry will require a five-foot non-climbable fence.

10-5-9:**AGRICULTURAL 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.
- (B) Proposal to Create. An applicant proposing to create an agriculture protection area within Syracuse City boundaries must submit an agriculture area request form and a submittal fee for processing. The submittal fee shall be established from time to time by resolution of the City Council.

The proposal shall identify the boundaries of the land proposed to become part of an agriculture protection area; any limits on the types of agriculture production to be allowed within the agriculture protection area; and, for each parcel of land, 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 10 acres to be considered for 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 a proposal for the creation of an agriculture protection area has been filed with the City; the proposal is open for public inspection; and any entity affected by the proposal may file objections to the proposal or modifications to the proposal.

- (C) Review and Approval. After 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 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; whether or not the land is currently being used for agriculture production; whether or not the land is zoned for agriculture; whether or not the land is viable for agriculture 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 the Planning Commission, or after 45 days have expired, 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.

CHAPTER 6

CONDITIONAL USES

10-6-1: Purpose and Intent

10-6-2: Conditional Use Permit

10-6-3: Application

10-6-4: Fee

10-6-5: Notification to Adjoining Property Owners

10-6-6: Approval by Land Use Authority

10-6-7: Conditional Uses

10-6-8: Appeal

10-6-9: Building Permit Required

10-6-10: Expiration of Permit

10-6-11: Revocations

10-6-1: PURPOSE AND INTENT. The purpose of conditional uses is to allow the integration of uses which are related to the uses by right of a particular zone, but which may be suitable and desirable only in certain locations in that zone, or only if such uses are designed, laid out and constructed on the proposed site in a particular manner.

10-6-2: CONDITIONAL USE PERMIT. A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations. A conditional use permit may be revoked by the City Council upon a finding of failure to comply with the conditions outlined in this Chapter.

10-6-3: APPLICATION. All applications for conditional use shall be made to the Land Use Authority. Applications shall include all documentation outlined in this chapter for the appropriate conditional use

10-6-4: FEE. The application for a Conditional Use Permit shall be accompanied by the appropriate processing fee, as specified from time to time by resolution of the City Council.

10-6-5: NOTIFICATION OF ADJOINING PROPERTY OWNERS. Upon receipt of the application for Conditional Use Permit, the City shall send written notice to each property owner adjacent to the property on which the conditional use has been requested. The notice shall contain the general description of the proposed use and when the conditional use will be reviewed by the Planning Commission.

10-6-6: APPROVAL BY THE LAND USE AUTHORITY. Upon receipt of the application for conditional use permit the Land Use Authority shall review all relevant information submitted to verify conformity with established City ordinances governing such use. The Land Use Authority shall approve or deny the conditional use application, subject to conditions outlined in this chapter.

10-6-7: CONDITIONAL USES. The following are identified as conditional uses and will be required to comply with applicable standards of use established herein.

A. Accessory Buildings: (See Section 10-5-1)

- B. Apiaries: Apiaries must be located on a minimum lot size of 1 acre and no closer than 200 feet from any adjoining residential structure.
- C. Cluster Subdivisions: Must comply with all conditions outlined in Chapter 17 of this ordinance.
- D. Public Stable:
 - (1) Stable shall require a minimum of 4 acres
 - (2) Number of animals shall be limited to 4 per each acre of property in the stable use.
 - (3) One-half parking space shall be required for each animal being housed at the facility.
 - (4) Toilet facility shall be provided and maintained and serviced in a sanitary condition.
 - (5) The applicant shall submit a plan to the Land Use authority showing how dust, odor, and insects will be controlled.
 - (6) A site plan shall be submitted showing the location of all existing and proposed structures and utilities and landscaping.
 - (7) All utilities servicing the stable shall be underground.
 - (8) Stable shall not be located within 200 feet from 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.
- E. Dog Kennels:
 - (1) Commercial Kennels shall not be located closer than 200 feet from any residential dwellings.
 - (2) Commercial Kennels shall require a minimum of 5 acres of property
 - (3) Number of dogs four months or older kept in a private kennel shall be limited to three.
 - (4) Private kennels shall not be located closer than 100 from any adjacent residential dwelling.
 - (5) Licensing must be obtained from Davis County Animal Control and applicant must comply with adopted animal control regulations.
- F. Dwelling Group: (See Section 10-5-3(A))
- G. Private Educational Services:
 - (1) A site plan shall be submitted identifying location of the building, parking, vehicular and pedestrian ingress/egress, landscaping, fencing, and lighting.
 - (2) One parking space shall be provided for every five students. No on-street parking shall be permitted.
 - (3) Normal school hours shall be limited to between 7 a.m. and 5 p.m.
 - (4) The structure shall comply with regulations of the International Building Code
 - (5) Minimum lot size shall be 15,000 sq. ft.
 - (6) Outdoor recreation areas shall be fenced with a minimum 5 foot non-climbable fence.
 - (7) Conditions shall be assigned that limit building height, bulk or building dimension to make the Private Educational Services building consistent with the surrounding area and to ensure that the new building or additions to existing buildings do not overwhelm adjacent buildings, add to overcrowding, or result in loss of privacy.
 - (8) Building materials, roof pitch, color and architectural style used shall match the predominant architectural theme of the area or neighborhood.
- H. Farm Animal Keeping: (See section 10-5-4)
- I. Home Occupation:
 - (1) Purpose. To encourage the majority of business activities to be conducted in appropriate commercial zones. Business activities may be conducted within a

residence on a limited basis if such activities comply with standards of this section. All home occupations shall be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a temporary privilege that can be revoked if disruption of the residential neighborhood occurs. (Ord. 02-26)

(2). Home Occupation Standards.

- (a) A home occupation shall not be permitted that changes the outside appearance of the dwelling. No exterior architectural modifications shall be made expressly to accommodate the commercial use in the home.
- (b) The home occupation may include the sale of commodities; however products should be delivered to customers. Retail sales of products and services are allowed at the home with a maximum of two customers per hour. The number of customers or patrons coming to the home per hour may be increased, provided sufficient off-street parking is provided and the use does not adversely affect the neighborhood.
- (c) The area of the home devoted to the home occupation and/or storage of stock in trade shall not occupy more than 30 percent of the area of any one floor. A larger percentage of the home may be used for child care.
- (d) The home occupation shall not involve the use of any yard space or activity outside of the residence, except where the use or activity is of the type that is customarily found in the residential neighborhood and where said use or activity does not adversely impact the residential nature of the neighborhood.
- (e) Storage within the garage or accessory building may be allowed as long as the garage still functions for parking as many vehicles as specified at the time of construction. No outside storage of any type of material used in the home occupation shall be permitted.
- (f) Advertising signs shall conform to the sign ordinance, Chapter 10-9, and shall be attached to the dwelling, except for minimum mailbox identification. Window displays or other exterior evidence is not allowed, except that which is customarily found in a residential area.
- (g) Only one vehicle or trailer may be used in association with the home occupation and shall be garaged or stored entirely on private property. Off-street parking for the residence must be preserved in addition to the commercial vehicle/trailer. The vehicle/trailer used for the home occupation shall be limited to a maximum size of one-ton gross vehicle weight. A maximum of four square feet of signage shall be allowed on the vehicle/trailer.
- (h) 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.
- (i) The home occupation shall generate no greater vehicular traffic or parking than commonly associated with the neighborhood in which it is located, i.e., heavy trucks, delivery or similar vehicles, etc. Vehicular parking shall be limited to those living at the dwelling.
- (j) Explosive or combustible materials shall not be stored for a home occupation. 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.

- (k) Promotional meetings for the purpose of selling merchandise or taking orders shall not be held more than once per month.
 - (l) Garage, basement, yard or other similar sales shall not be allowed more than four times each year, and each sale shall not last more than 72 hours.
 - (m) All home occupation shall be conducted only between the hours of 6 a.m. and 10 p.m.
 - (n) There shall be complete conformity with all City and State codes, including fire, building, plumbing, electrical and health codes and business license regulations. Periodic inspections, as required by these codes, will be made as required by the type of home occupation.
 - (o) 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.
 - (p) 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, excessive utility usage, excessive waste production, broadcast interruption, etc.
 - (q) Home occupation licenses may be reviewed and revoked upon a finding of noncompliance with this section. Inspections by the City may occur as necessary to assure conformance with these regulations.
 - (r) Handicap persons can obtain a waiver through the Land Use Administrator to allow such persons to become self sufficient.
 - (s) Day care home occupations shall be limited to eight (8) children unless a second adult will be working in the home occupation, in which case day care home occupation shall be limited to sixteen (16) children. All Day Care home occupations must have a fenced back yard.
 - (t) Preschool Home Occupation must have a fenced play area and be limited to 16 children per session.
- (J) Intermittent Commercial Uses. The occasional use of buildings or property for commercial purposes may be allowed provided the following conditions are met:
- (1) The display and sales of merchandise must be entirely contained within a building.
 - (2) The building proposed for the intermittent commercial use must comply with setback and visibility at intersection requirements of this ordinance and with applicable building and fire codes.
 - (3) The use shall be limited to five (5) times or events per year and no single event shall exceed three (3) days in length in residential zones and shall be limited to two times or events per year. Events in agriculture and commercial zones shall not exceed 45 days per event.
 - (4) A business license from Syracuse City is required to conduct an intermittent commercial use.
 - (5) Adequate off-street parking is provided to serve the commercial use, which does not create a parking shortage for other existing uses on 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 are approved by the City Council.

K. Temporary Use of Buildings. A conditional use permit for temporary business buildings and model homes may be issued by the Land Use Authority and shall be valid for a period of 1 year. The Land Use Authority may grant a maximum of two (2) extension periods of six (6) months to the conditional use permit so long as all other provisions of the section are complied with and any associated building permit remains valid. Temporary business buildings in any zoning district that are used during construction of the permanent structure may be allowed if granted a conditional use permit by the Land Use Authority if the following conditions have been met:

- (1) The building permit for the permanent structure has been issued.
- (2) Temporary structures shall be completely skirted, provide adequate parking surfaces and furnish sanitary sewer facilities.
- (3) Temporary structures shall be located outside all clear view areas outlined in Section 10-5-5B.
- (4) A temporary structure shall comply with the setbacks for the zoning district in which it is located.
- (5) The temporary structure shall be removed from the premises within fourteen (14) days of occupancy of the permanent structure.
- (6) In the case of temporary sales offices in residential zoning districts, the sales office must be removed fourteen (14) days after occupancy of the model home, or (6) months after approval for the temporary sales office if the model home is not completed.
- (7) Model homes shall be used in residential zones for the display of home features and amenities offered by the developer and marketing of lots or structures in the subdivision in which they are located, with the following conditions:
 - (a) The model home must be converted to single-family use when the last phase within the subdivision is more than 80 percent developed.
 - (b) Four off street parking spaces shall be provided.
 - (c) An exterior lighting plan is provided indicating the location, direction and timing of all lighting on the site.
 - (d) A signage plan is provided indicating the size and location of all signs, flags, banners, etc.
 - (e) The hours of operation shall be between 8 a.m. and 8 p.m.
 - (f) A model home shall not be used as a general real estate office, construction management office, or administrative service office for offsite subdivisions or developments.

(L) Two-Family Dwellings

- (1) Two-family dwellings shall meet the International Building Code standards.

(2) There shall be a minimum of two off-street parking spaces per dwelling unit.

(3) Property owner shall be responsible for payment of all utilities.

10-6-8: **APPEAL.** Decision of the Land Use Authority may be appealed to the City Council by filing such appeal with the City Recorder within 15 days after the Land Use Authority decision. The City Council may uphold or reverse the decision of the Land Use Authority. A conditional use permit affirmed by the City Council shall be effective immediately.

10-6-9: **BUILDING PERMIT.** A building permit shall not be issued for any building or structure requiring a conditional use permit until the permit is approved. The Land Use Administrator or his designee shall review and approve the building permit. (Ord. 02-05)

10-6-10: **EXPIRATION OF PERMIT.** Unless the uses and conditions prescribed in a conditional use permit are implemented within a maximum period of one year of its issuance or changes in ownership of the land occur or if the original applicant/recipient of the conditional use relocates from the premise for which the conditional use was issued the permit shall expire. The Planning Commission may grant a maximum extension of six months under exceptional circumstances. If the application is not approved a reapplication shall not be submitted for the same purpose for a minimum period of twelve months.

10-6-11: **REVOCATIONS.** A conditional use permit may be revoked by the City Council if the conditions contained herein have not been met or by violation(s) of this chapter.

The City Council shall provide the property owner an opportunity for a hearing following adequate notice. Upon hearing, the City Council shall either sustain or revoke the permit. The City Council may grant a period in which the property may come into compliance with the conditions of the conditional use permit.

CHAPTER 7

SITE PLAN

10-7-1: Purpose

10-7-2: Approval Required

10-7-3: Application and Review

10-7-4: Fee

10-7-5: Site Plan Requirements

10-7-6: Considerations in Review of Applications

10-7-7: Provision of Curb, Gutter, and Sidewalks

10-7-8: Bonding

10-7-9: Expiration

10-7-10: Appeal

10-7-1: PURPOSE. A design review procedure is hereby established to assure that the general appearance of buildings and structures and the improvement of land shall contribute to an orderly and harmonious appearance and to safe, functionally efficient development, and therefore, to the stability of property values and the general welfare of the community.

It is not the purpose of this chapter that design should be so rigidly controlled so as to stifle creativity or individual expression, or that substantial additional expense is incurred; rather, it is the intent of this chapter that any control exercised be the minimum necessary to achieve the objectives as stated above. (1991)

10-7-2: APPROVAL REQUIRED. All principal uses except agriculture, farm industry, one and two family dwellings on individual lots, and uses requiring conditional use approval shall be required to have site plan approval before a building permit is obtained or any construction started. (1991)

10-7-3: APPLICATION AND REVIEW.

(A) When required by this title, architectural drawings and site plans shall be presented, drawn to scale in a workman like manner. The presentation shall also include scaled drawings of major exterior elevations and an indication of exterior building materials and proposed exterior color scheme.

(B) Land Use authority shall determine if the proposed architectural and site development plans submitted are consistent with this chapter and with the purpose and objectives of this title and other applicable regulations.

10-7-4: FEE. The application for site plan review shall be accompanied by the processing fee, as specified from time to time by resolution of the City Council.

10-7-5: SITE PLAN REQUIREMENTS. The requirements for the site plan and accompanying drawings or plans are as follows:

(A) A title block showing the name, address, and phone number of the applicant and the designer, and the name (if applicable) and address of the proposed project, and date of preparation. A general vicinity map shall be inset.

- (B) The location and width of existing and proposed abutting streets, property and lot lines, easements and holding strips.
- (C) 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.
- (D) The location of existing fencing and significant existing trees and shrubbery.
- (E) The location of off-street parking, driveways, loading facilities, and hard surfaced areas.
- (F) Location of existing and proposed curb, gutter, and sidewalk, curb cuts, and outdoor lighting. If property abuts a state highway, approval of the Utah State Department of Transportation Right-of-Way Engineer must be obtained for location of curb, gutter, and sidewalk. Location and number of curb entrances must also be approved by the Utah Department of Transportation.
- (G) The location of vehicular and pedestrian access and circulation.
- (H) The existing and proposed grades in contour intervals of two feet (2') or less.
- (I) The location and design of the surface and storm water drainage system, including on-site detention.
- (J) The location and size of all existing or proposed utilities that will provide service to the project (including the location of the nearest fire hydrant) consistent with design standards approved by the City.
- (K) The location of refuse container(s). Trash collection sites shall be within an area enclosed by a fence or wall at least six feet (6') in height and impervious to sight, adequate to conceal such facilities from adjacent property and the street.
- (L) A landscaping design plan shall indicate proposed landscaping, plant species identification and fencing in enough detail on the site plan that the screening qualities and the aesthetic quality of the landscaping can be reviewed by the Planning Commission. Except General Commercial zone a minimum of 10 percent of the total lot area shall be landscaped.
- (M) Location and design of all exterior lighting. Such lighting shall not be installed in any way or continued in operation which will permit the rays of light to penetrate beyond the property on which such light is located.
- (N) Data table showing parcel, building, landscaping, parking areas and percentages; number of parking stalls required and provided.
- (O) Required engineer drawings for on and off site improvements as directed by the City Engineer.
- (P) Traffic study and Geotechnical study as directed by the City Engineer.

10-7-6:

CONSIDERATIONS IN REVIEW OF APPLICATIONS. City staff may provide advisory comments to the applicant prior to scheduling the site plan on the Land Use Authority agenda. The city engineer's review and approval must be obtained before the site plan application may be scheduled on the Land Use Authority agenda. Staff comments and recommendations will not guarantee or imply approval of any portion of the site plan. All ordinance requirements must be satisfied in the site plan submittal prior to scheduling. The Land Use Authority shall consider the following matters, and others when applicable, in their review of applications, and may refer the plans to one or more expert consultants if deemed necessary: building design, site layout, drainage, parking, landscaping, outdoor

advertising, traffic flow and safety. The Land Use Authority may prepare, and the City Council adopt by resolution, Architectural Design Guidelines to be used in the review of architectural drawings and site plans. If adopted, design guidelines shall also be followed.

- 10-7-7: PROVISION OF CURB, GUTTER, AND SIDEWALK.** The applicant for site plan approval for multiple dwellings, commercial or industrial structures and all other business, 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)
- 10-7-8: BONDING.** A guarantee of installation and construction of all off-site improvements required by this ordinance or as required by the Land Use Authority shall be provided prior to issuance of any building permits or commencement of any work. The guarantee shall be in a form acceptable to the City and in an amount equal to 110% of the estimated cost of the improvements. The guarantee shall assure the installation of improvements within one year of the date of site plan approval. The City shall give up any rights to the guarantee upon satisfactory completion and inspection of the required improvements. It shall be the responsibility of the developer to notify the City when improvements are complete and ready for inspection. Failure to do so within 13 months of site plan approval shall constitute a forfeiture of the guarantee to the City. The Land Use Authority may grant an extension under exceptional circumstances.
- 10-7-9: EXPIRATION.** The approval of a site plan shall be valid for twelve (12) months during which time the developer must obtain a building permit or the approval expires. Where cause can be shown the Land Use Authority may extend the approval for an additional six (6) month period.
- 10-7-10: APPEAL.** Decisions of the Land Use Authority may be appealed by any person aggrieved by the decision, to the Board of Adjustment by filing an appeal with the City within 15 days after the date of the meeting at which the Land Use Authority renders its decision. The filing of an appeal stays the issuance of any permits in connection with the proposed use. After hearing the appeal the Board of Adjustment may uphold, or reverse the decision of the Planning Commission and impose any conditions they deem necessary.

CHAPTER 8

OFF STREET PARKING

10-8-1: Purpose

10-8-2: Effect of Chapter

10-8-3: General Provisions

10-8-4: Minimum Parking Spaces Required

10-8-5: Off-Street Loading

10-8-6: Access to Off-Street Parking and Loading Spaces

10-8-7: Parking Development, Standards, and Maintenance

10-8-8: Other Parking Provisions

10-8-1: PURPOSE. The purpose of this Chapter is to provide regulations for off-street parking and loading, and access to such facilities, sufficient for each type of land use so as to reduce street congestion and traffic hazards, and the need to park on public streets. (1991)

10-8-2: EFFECT OF CHAPTER. The regulations as contained in this chapter shall apply and govern in all zones. (1991)

10-8-3: GENERAL PROVISIONS. Off-street parking shall be provided in accordance with the following requirements:

- (A) Off-Street Parking Space Required. The minimum and maximum 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 shall be provided for any use of land or main building or structure in the City. These facilities shall be provided at the time the use is established or the building erected.
- (B) Location of Off-Street Parking. Parking areas as required by this chapter shall be 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 required parking cannot be provided on-site, it may be located on other property not more than 300 feet from the nearest point of the main parcel, provided persons would not be required to cross a public street.
- (C) No Parking Reduction. Space for off-street parking being used in connection with an existing building shall not be reduced in the number or size of parking spaces, nor shall it be utilized for any other purpose than off-street parking, but shall be maintained in perpetuity as long as the requirement for said off-street parking is needed.
- (D) Tandem Parking. Tandem parking shall not be allowed except for single-family and two family dwellings. In this case, the parking space may be within the driveway area in the required front yard.
- (E) Enlargements, Change of Use, Etc. No building or structure shall be enlarged, altered, converted, or changed in use, unless there is provided and thereafter maintained for such building and its use, a minimum number of parking spaces as hereinafter required. Provided, however, that if such alteration, enlargement, conversion or change does not increase the number of required parking spaces by more than 15%, no additional parking spaces need be provided.
- (F) Uses not Mentioned. In the case of a use not specifically mentioned herein, the requirements for the most nearly similar use which is so mentioned shall apply. The

decision of the Land Use Authority as to what is the most nearly similar use shall apply. (1991)

10-8-4: MINIMUM AND MAXIMUM PARKING SPACES. Required off-street parking shall be provided for each land use as listed below. For any use not listed, the requirements for the most nearly similar use listed shall apply. The Land Use Authority shall determine which listed use is most nearly similar. In special cases where it is determined that 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, which shall be issued upon the following conditions: 2 off-street parking spaces per single family residence, plus an additional .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-Family Dwellings	Per Dwelling Unit	2	N/A
Three-Family Dwellings	Per Dwelling Unit	2	NA
Four-Family Dwellings	Per Dwelling Unit	1.5	NA
Hotel and Motel	Per room or suite	1	2
Intensive Commercial Business, Stores and Shops	per 1,000 Retail square feet of floor area	3	4.5
Less Intensive Commercial businesses, including Auto, Lumber, Appliances Sales, etc.	per 1,000 square feet of floor area	1.5	2.5
Convenience Store, Service Station, Mini-mart	Per 1,000 gross sq. feet	2	3.5
Commercial Recreation, such as Golf Course, Bowling Alley, Indoor Soccer, etc.	Per 1,000 sq. ft.	2	4.5
Daycare, Preschools, Nursery Schools	Per teacher, plus drop off loading area per 7 students	.05	2
Offices and Personal Services	Per 1,000 square feet of floor area	2.5	3.5
Fast-Food or Drive-In Restaurants, Sit-Down Restaurants and Bars	Per 100 sq. ft. of dining area	1.5	3.5
Auditoriums, Assembly Halls, Theaters, Churches, Funeral Homes	Per every 5 seats	1	3.5
Dental and Medical Clinics	per 1,000 square feet of floor area	2.5	4.5
Hospitals	Per every patient bed	1	2.5
Nursing Home	Per every 5 beds	1	1.5
Manufacturing Uses, Research Testing, Wholesale	per 1,000 sq. ft. of floor area (excluding floor space used exclusively for storage)	1.25	3

10-8-5: OFF-STREET LOADING

(A) Off-Street Loading Required. For every building or part thereof having a floor area of 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, there shall be provided and maintained on the same lot with the building at least 1 off-street loading space. In buildings larger than 10,000 square feet there shall be provided a second loading

space for the next 30,000 square feet or fraction thereof plus 1 additional loading space for each increment of 40,000 square feet thereafter.

- (B) Size of Off-street Loading Space. Each loading space shall be not less than 14 feet wide, 25 feet long and 14 feet high.
- (C) Location of Loading Space. Required loading spaces may occupy any required yard except the front yard. The loading space shall be designed and arranged so 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 50 feet to a residential boundary except when it is screened by a 6-foot wall or solid fence.

10-8-6: ACCESS TO OFF-STREET PARKING AND LOADING SPACES.

- (A) Ingress and Egress. Adequate ingress and egress to all uses shall be provided as follows:
 - (1) Residential driveway approaches shall have a maximum width of 25 feet for lots up to 99 feet in width, and shall have a maximum width of 40 feet for lots which are 100 feet or more in width. Driveway approach width shall be measured parallel with the street right-of-way boundary.
 - (2) A maximum of 1 driveway approach for each 100 feet of public street frontage shall be allowed for commercial and industrial uses. Said driveway approaches shall be no more than 35 feet in width nor less than 16 feet (for one-way traffic).
- (B) Spacing. Driveway approaches shall not be located closer to each other than 12 feet in all commercial and industrial zones.
- (C) Distance from Intersections. No residential driveway approach shall be located closer than 20 feet to the intersection of two streets. This measurement shall be made along the front property lines/street right-of-way lines to the point of intersection of the two lines. For commercial and industrial uses and apartments with 17 or more parking spaces, the driveway approach shall be no closer than 40 feet to the intersection of two streets.

10-8-7: PARKING DEVELOPMENT, STANDARDS, AND MAINTENANCE.

- (A) Size. Each off-street parking space shall be not less than 9 feet by 20 feet except as otherwise provided.
- (B) Small Car Parking Spaces. In all parking areas containing 25 or more parking spaces, a maximum of 25 percent of the required parking spaces may be reduced in size for use by small cars except for residential uses where the parking spaces are assigned to specific dwelling units. Small car parking spaces shall be clearly marked with "Compact Only" or "Small Car Only" and shall be a minimum of 9 feet by 15 feet in dimension.
- (C) Handicapped Parking. All buildings and uses on the site shall be equipped with appropriate means of access for disabled persons. Said access shall meet requirements of the building code. Standards of the Americans with Disabilities Act should be followed to provide safe and convenient access for the disabled. Failure to comply with any of the requirements of the Americans with disabilities act does not constitute a violation of this chapter.
- (D) Surfacing. All public parking areas, private multi-family residential parking areas for five or more vehicles, and private industrial parking areas with 3 or more parking spaces (including driveways and loading spaces) shall be paved with asphalt or concrete, shall have appropriate bumper guards so that cars do not project across sidewalks or property lines, and shall be marked so as to provide the orderly arrangement and movement of vehicles.

- (E) Drainage. All parking areas as described in Section 10-8-7(D) above shall be graded for proper drainage and provisions made for curb, gutter and waterways as submitted in an accepted site plan and approved by the City Engineer
- (F) No Backing onto Public Streets. All parking areas described in Section 10-8-7(D) above shall be so designed so that vehicles would not be required to back out into a public street.
- (G) Screening and Landscaping. All public and private parking areas except single-family and two-family dwellings may be required to be effectively screened by fencing or landscaping. The screening and landscaping plan shall be approved by the Planning commission in a Site Plan Review.
- (H) Lighting. Lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from the adjoining property in residential districts as per Chapter 7 of this Title.
- (I) Design of Parking Area. All parking areas shall meet the standards shown in the Table of Parking Standards at the end of this Chapter.

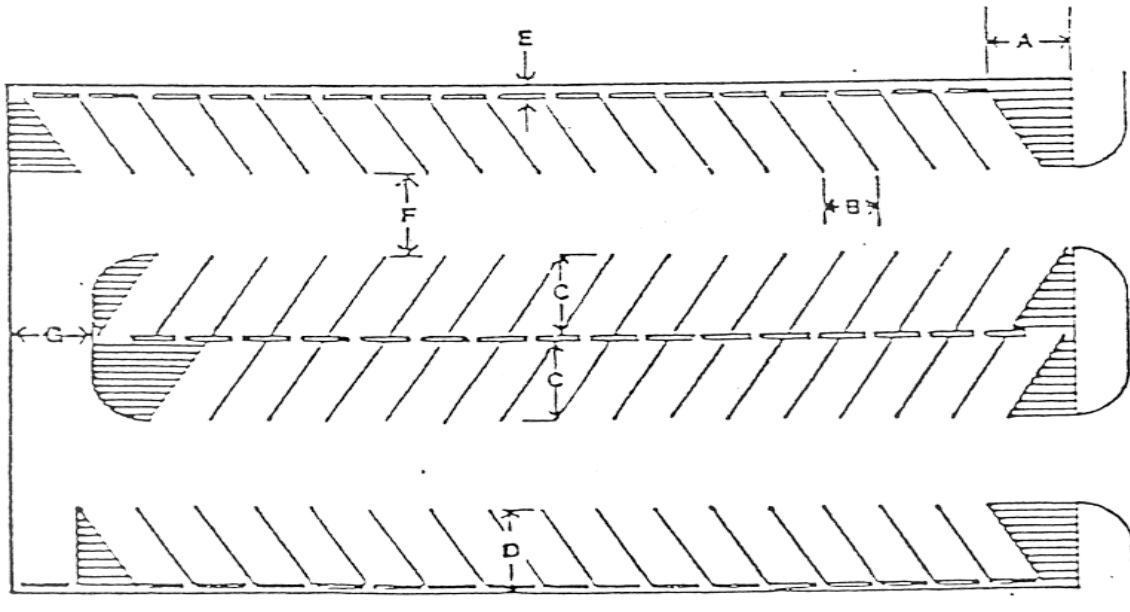
10-8-8:

OTHER PARKING PROVISIONS.

- (A) Joint Use Parking Areas. When two dissimilar uses are located adjacent 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. Joint use of parking areas for similar adjacent uses may be provided as long as the total off-street parking spaces are equal to the minimum requirement for each individual use. If the common facilities are located on more than one lot, a covenant for the preservation of the parking facilities must be filed with the City.

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'	1.5'
Car Space	B	12'	10'	8.5'
Stall Depth	C	16'	18'	18.5'
Stall Depth	D	18'	19'	19'
Overhang	E	2'	2.5'	2.5'
Driveway	F	13'	17.5'	25'
Turnaround (1991)	G	17'	14'	14'



CHAPTER 9

SIGN AND LIGHTING REGULATIONS

- 10-9-1: Purpose
- 10-9-2: Effect of Chapter
- 10-9-3: Definitions
- 10-9-4: General Limitations
- 10-9-5: Signs Allowed by Zone
- 10-9-6: Enforcement

10-9-1: PURPOSE. The purpose of the sign regulations set forth in this title shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs, which, by their good design, are aesthetically pleasing and integrated with and harmonious to the buildings and sites which they occupy, and which eliminate excessive and confusing sign displays; to 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; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; to 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 to 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 the zones are established and designated by the Land Use Ordinance of Syracuse City.

10-9-2: EFFECT OF CHAPTER. The regulations herein set forth shall apply and govern all zones as set forth in this ordinance. (Ord. 02-18)

10-9-3: DEFINITIONS. For the purpose of this chapter, certain words and terms are defined in addition to the definitions stated in Chapter 2 as follows:

- (A) **SIGN.** Any device for visual communication to the general public to be viewed from out of doors, including inflatables, wind flags and vehicle advertising, but not including any flag, badge or ensign of any government or governmental agency.
- (B) **SIGN, ANIMATED.** A sign that involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights.
- (C) **SIGN, AREA.** The area of a sign that is used for display purposes including the minimum frame and supports. In computing sign area, only one side of back-to-back signs covering the same subject shall be computed, when signs are parallel or diverge from a common edge by an angle of not more than 45 degrees. In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.
- (D) **SIGNS, LIGHTED TYPE.** A categorical rating given to a sign according to the type of illumination that is permitted as follows:
 - (1) Direct Lighted. An illuminated sign, the light source of which is a visible part of the sign or which projects light upon the sign.
 - (2) Indirect Lighted. An illuminated sign, the light source of which is not visible from any angle but which is incorporated in the structure of the sign.

- (E) SIGN, TYPE. A categorical rating given to a sign according to its type of written message as follows:
- (1) Sign, Advertising. A sign which directs attention to a use, product, commodity or service, not related to the premises.
 - (2) Sign, Business. A sign which directs attention to a use conducted, commodity sold or service performed upon the premises.
 - (3) Sign, Identification. A sign displayed to indicate the name or nature of buildings or use including home occupations but not commercial or industrial uses located upon the premises.
 - (4) Sign, Political. A sign displayed to inform the public of a candidate running for public office or an issue to be decided in a legal election by public vote.
 - (5) Sign, Property. A sign related to the property upon which it is located and erected within the interior of the property boundaries offering such property for sale or lease, advertising completed improvements, announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing.
 - (6) Sign, Seasonal Produce. A sign which directs attention to produce or other agricultural products grown and sold on the premises, which is displayed only during the season of the produce sold.
 - (7) Sign, Service. A sign which is incidental to a use lawfully occupying the property upon which the sign is located, and which sign is necessary to provide information to the public, such as direction to parking lot, location of rest rooms, sale of agriculture products produced upon the premises, and which may bear as an incidental part of the sign the name, address or trade mark of persons furnishing such sign to the owner of the premises or such other pertinent facts.
 - (8) Sign, Temporary. A temporary sign shall include any sign, banner, pennant, valance or advertising display intended to be displayed for a period no longer than five days to advertise special events, i.e., yard sales, promotions, etc.
 - (9) Sign, Temporary Subdivision. A sign advertising lots in a subdivision displayed for a specific period of time erected within the interior of the subdivision boundaries as indicated by permit, not to exceed two years or the time when all lots or units are sold, whichever comes first.
 - (10) Sign, Window. A sign erected in, attached to, painted on or pasted on a window.
 - (11) Sign, Community Directory. Identification signs that serve as directional guides to areas of community importance or businesses within the City, controlled, maintained and erected by the City, and located within the street right-of-way, such as, recreational or historical areas, City or State parks, public safety facilities, municipal services, schools, community development projects or major business entities.
- (F) STRUCTURAL TYPE. A categorical rating given to a sign according to its structure as follows:
- (1) Sign, Billboard. Any sign designated or used for the posting of bills or temporary messages and is over 100 square feet in area.
 - (2) Sign, Flat. A sign erected parallel to and attached to, or painted on, or pasted on the outside wall or roof of a building and projecting not more than 18 inches from such wall or roof.

- (3) Sign, Ground. A sign placed upon the ground or supported by a frame or multiple supports placed in or upon the ground, and which has less than four feet (4') clearance between the sign and the ground.
- (4) Sign, Pole. A sign which is attached to or supported by one or more poles, or a pilaster or similar structure which is supported by the ground, including any such sign that also rests on or overlaps the roof of a building 12 inches or less.
- (5) Sign, Projecting. A sign attached to a building and extending in whole or in part more than 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 12 inches or more.
- (6) Sign, Roof. A sign 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 12 inches or less or signs which are painted on or designed as a part of the roofing materials.

10-9-4:

GENERAL LIMITATIONS. The following provisions affect signs in all zones. No sign shall be erected, replaced or reconstructed, maintained, enlarged, or moved to a new location unless it complies with all of the following conditions.

- (A) Lights or Lighted Signs. No spot light, flood light or any type of lighted or animated sign shall be installed in any way or continued in operation which will permit the rays of light to penetrate beyond the property upon which such light or lighted sign is located in a manner constituting a nuisance or hazard.
- (B) Projection of Signs. No part of any sign shall be attached to any building or other structure or otherwise located in such a way as to project across any property line.
- (C) Lights and Signs Prohibited on Public Property. No sign or light standard or pole shall be erected on publicly owned land, inside street right-of-ways 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 authorized representative.

- (E) Signs and Lights not to Constitute Traffic Hazard. No light, sign or other advertising structure as regulated by this ordinance shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location where by reason of the 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 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.
- (F) Maintenance. Every sign shall be kept in good condition as to maintenance and repair. The Land Use administrator may require dilapidated and/or unsafe signs to be put in good condition and upon failure of the owner to do so after 5 days written notice, the City may order such signs removed or demolished.
- (G) Clearance. There shall be a minimum clearance of ten feet (10') between the ground or sidewalk and any part of a projecting sign or pole sign, excepting where there is less than eighteen inches (18") projection from its support. Ground signs shall have a maximum clearance of four feet (4').
- (H) Ownership. The identity of the owner of all off-premises signs shall be in plain and public view.

- (l) Political Signs. Political signs shall be allowed in all zones provided they comply with the following regulations:
- (1) They shall comply with the requirements of section 10-9-3(E) of this ordinance.
 - (2) Political signs shall not be erected or placed in any publicly visible location prior to 30 days before an election at which an issue will be decided. (Ord. 04-20)
 - (3) Political signs shall be removed within three days after the election at which an issue is decided. (Ord. 02-18)

10-9-5: LOCATION AND APPROVAL: Signs allowed in any zone shall comply with the regulations shown on the following table. No advertising sign in agriculture or residential zones shall be located within 660 feet (1/8 mile) of another sign of any type.

Sign Type and Zone	Maximum Size Allowed	Approval Required
Advertising		
Agriculture, Residential	24 sq. ft	Conditional use
Commercial	2 sq ft for each lineal foot of frontage on a public street	Conditional Use
Industrial	3 sq ft for each lineal foot of frontage on public street	Conditional Use
Business		
Agriculture, Residential	2 signs not to exceed 4 sq ft each	Home Occupation Approval
Commercial	2 sq ft for each lineal foot of frontage on a public street	Site Plan Approval; otherwise, Conditional Use
Industrial	3 sq ft for each lineal foot of frontage on a public street	Site Plan Approval; otherwise, Conditional Use
Identification		
Agriculture	2 signs not to exceed 32 sq ft total	No approval required
Residential	2 signs not to exceed 4 sq ft each	No approval required
Commercial	2 sq ft for each lineal foot of frontage on a public street	Site Plan Approval; otherwise, conditional use
Industrial	3 sq ft for each lineal foot of frontage on a public street	Site Plan Approval; otherwise, Conditional Use
Political		
All zones	32 sq ft – no limit on quantity	No approval required
Agriculture, Commercial & Industrial	Over 32 sq ft	Conditional Use
Property		
Agriculture, Commercial & Industrial	32sq ft	No approval required
Residential	24 sq ft	No approval required
Seasonal Produce		
All Zones	32 sq ft	No approval required
Service		
Agriculture	2 signs not to exceed 32 sq ft total	Home Occupation Approval
Residential	2 signs not to exceed 4 sq ft each	Home Occupation Approval
Commercial	2 sq ft for each lineal foot of frontage on a public street	Site Plan Approval; otherwise, Conditional Use
Industrial	3 sq ft for each lineal foot of frontage on a public street	Site Plan Approval; otherwise, Conditional Use
Temporary		
All Zones (limited to 5 days)	16 sq ft	No approval required
Temporary Subdivision		
All Zones	32 sq ft	Subdivision Approval or Conditional Use
Window, Advertising		
Agriculture, Residential	2 signs not to exceed 4 sq ft each	Home Occupation Approval
Commercial, Industrial	Not regulated	No approval required

(Ord. 03-08)

10-9-6:

ENFORCEMENT. The Land Use Administrator or his authorized representatives shall be vested with the duty of enforcing the chapter and in performance of such duty, shall be empowered and directed to:

- (A) Determine conformance. To ascertain that all signs, constructions, and all reconstructions or modifications of existing signs are built or constructed conformance with the ordinances of Syracuse City.
- (B) Legal action. The Land Use Administrator shall be empowered to institute any appropriate action or proceeding in any case where any sign is illegally erected, constructed, reconstructed, altered, repaired converted, or maintained, or in any case where any sign is 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 an unsafe or dangerous sign is not repaired or made safe within five working days after giving notice, the Administrator or his designee may at once abate and remove said sign, and the person having charge, control, or benefit of any such sign shall pay to Syracuse City within 30 calendar days after written notice is mailed to such person the costs incurred in such removal. A sign subject to removal is deemed to be a structure as that term is used 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.
 - (3) Abate and Remove Illegal sign. 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 any handbill or sign found posted or placed upon any public property contrary to the provision of this section. The Building Official shall make reasonable effort to determine the owner of the sign and give notice of its removal either by personal notice by telephone, or by sending written notice to the owner, if known, by first class mail, postage prepaid. The owner shall be given 14 days from the date of notice to retrieve the sign from the Building Official and pay costs of removal.
 - (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 an historical, cultural, 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 a governmental or public entity for the benefit of the public.
 - (4) Enforcement Costs and Removal Fee. Costs associated with removal and detention of illegally posted signs shall be paid to the City by the person having charge or benefit of the illegal sign upon repossession of said sign from the City. The removal fee will be established from time to time by resolution of the City Council.

CHAPTER 10

NONCONFORMING LOTS, USES

- 10-10-1: Intent**
- 10-10-2: Determination of Non Conformance**
- 10-10-3: Nonconforming Lots of Record**
- 10-10-4: Nonconforming Uses of Land**
- 10-10-5: Nonconforming Structures**
- 10-10-6: Nonconforming Uses of Structures**
- 10-10-7: Repairs and Maintenance**

10-10-1: INTENT. Within the zones established by this ordinance or amendments thereto there exist building lots, structures, and/or uses of land and structures which were lawful before this ordinance was adopted or amended, but which would be prohibited, regulated or restricted under terms of this ordinance. It is the intent of this ordinance to permit these nonconformities to continue until they are removed.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the zone involved. However, to avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this ordinance and which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

10-10-2: DETERMINATION OF NON CONFORMANCE. All matters regarding the nonconforming use of lots, buildings and land shall be determined by the Land Use Authority. The Land Use Authority shall determine if the use is nonconforming with respect to the current provisions of this Chapter.

10-10-3: NONCONFORMING LOTS OF RECORD. In any zone, notwithstanding other limitations imposed by this ordinance, structures permitted in said zone may be erected 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 ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the zone.

If two or more lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this ordinance, and if all or part of each lot does not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. Where lots are larger than required by this ordinance, said lots may be subdivided into smaller lots except no parcel may be divided so as to create a lot smaller in lot width or lot area than required by this ordinance.(1991)

10-10-4: NONCONFORMING USES OF LAND. Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance the use may be continued so long as it remains otherwise lawful, provided:

- (A) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- (B) No such nonconforming use shall be moved in whole or in part 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 ordinance.
- (C) If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the zone in which such land is located.
- (D) No additional nonconforming structure in connection with the requirements of this ordinance shall be erected in connection with such nonconforming uses of land.

10-10-5: NONCOMPLYING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance 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 be continued so long as it remains otherwise lawful, subject to the following provisions:

- (A) No such nonconforming structure may be altered or enlarged in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (B) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (1991)

10-10-6: NONCONFORMING USES OF STRUCTURES. lawful use of a structure, or of structures and premises exist at the effective date of adoption or amendment of this ordinance that would not be allowed in the zone under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful providing that:

- (A) No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, or structurally altered, unless the use is changed to a permitted use.
- (B) Any nonconforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
- (C) Nonconforming use of buildings, structures, or premises may be changed to another nonconforming use, provided that approval is obtained from the Planning Commission. In determining whether or not to grant approval, the Planning Commission shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
- (D) Any structure, or structure and land, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed.
- (E) Whenever a nonconforming use of a structure or a premises ceases for one (1) year, the structure or premises shall not thereafter be used except in conformity with the regulations of the zone in which it is located. The term "ceases" as used in this subsection shall mean that the activity in question has not been in operation for a period of one (1) year.
- (F) Where nonconforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

10-10-7: **REPAIRS AND MAINTENANCE.** The City may prohibit the reconstruction or restoration of a non-complying structure or terminate the nonconforming use if a structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the non-complying structure or non conforming use will be lost if the structure is not repaired or restored to original condition.

CHAPTER 11

A-1 AGRICULTURE (.5 lots per net acre)

10-11-1: Purpose

10-11-2: Permitted Uses

10-11-3: Conditional Uses

10-11-4: Minimum Lot Standards

10-11-5: Off-Street Parking & Loading

10-11-6: Signs

10-11-7: Special Provisions

10-11-1: 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. (1991)

10-11-2: PERMITTED USES. The following uses are permitted by right provided the parcel and buildings meet all other provisions of this ordinance or any other applicable ordinances of Syracuse City.

- (1) Accessory Uses and Buildings under 200 square feet (Ord. 03-18)
- (2) Agriculture
- (3) Apiaries
- (4) Aviaries
- (5) Churches, synagogues & Temples
- (6) Dwellings (Single-Family)
- (7) Educational Services
- (8) Farm Animal Keeping {see section 10-5-3(B)}
- (9) Farm Industry on parcel of 5 acres or more
- (10) Fruit and Vegetable Stands
- (11) Public Parks
- (12) Stable, private
- (13) Residential Facility for Persons with a Disability
- (14) Veterinary Clinics

10-11-3: CONDITIONAL USES. The following uses may be permitted as conditional uses after application and approval as specified in Chapter 6 of this ordinance.

- (1) Cemeteries
- (2) Commercial Stables
- (3) Day Care Centers
- (6) Dog Kennels
- (7) Greenhouses
- (8) Home Occupations
- (9) Intermittent Commercial Uses
- (10) Private Parks
- (11) Pre-Schools
- (12) Public and Quasi-Public Buildings
- (13) Recreational Activities
- (14) Sewage Treatment Plants
- (15) Stable, Public (1991)
- (16) Cluster Subdivision
- (17) Accessory uses and buildings over 200 square feet

10-11-4: 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. 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 21,780 square feet, but in no case shall the density exceed .5 lots per net acre. |
| (B) Lot Width: | 100 feet |
| (C) Front Yard | 25 feet (Ord. 03-08) |
| (D) Side Yards: | 10 feet (both sides) |
| (E) Rear Yard: | 30 feet (Ord. 03-08) |
| (F) Building Height: | as allowed by current building code. (Ord 02-16) |

10-11-5: OFF-STREET PARKING & LOADING. Off-street parking and loading shall be provided as specified in Chapter 8 of this ordinance. (1991)

10-11-6: SIGNS. The signs permitted in this zone shall be those allowed in agricultural zones by Chapter 9 of this ordinance. (1991)

10-11-7: SPECIAL PROVISIONS. All pens, corrals, barns, coops, stables and other similar enclosing structures to keep animals or fowl shall be located not less than one hundred fifty (150) feet from a public street and not 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)

10-12-1: Purpose

10-12-2: Permitted Uses

10-12-3: Conditional Uses

10-12-4: Minimum Lot Standards

10-12-5: Off-Street Parking & Loading

10-12-6: Signs

10-12-7: Special Provisions

10-12-1: PURPOSE. The purpose of this zone is to promote and preserve, where conditions are favorable, areas for large lot development where families may engage in food production and it may, provided adequate lot area exists, include keeping a limited number of farm animals and fowl. (1991)

10-12-2: PERMITTED USES. The following uses are permitted by right provided the parcel and/or building meets all other provisions of this ordinance or any other applicable ordinances of Syracuse City.

- (1) Accessory Uses and Buildings under 200 square feet
- (2) Agriculture
- (3) Aviaries
- (4) Churches, Synagogues & Temples
- (5) Dwellings (Single-Family)
- (6) Educational Services
- (7) Farm Animal Keeping {see section 10-5-3(B)}
- (8) Fruit and Vegetable Stands (for sale of products produced on owner's premises)
- (9) Public and Quasi-Public Buildings
- (10) Public Parks
- (11) Stable, Private (1991)
- (12) Residential Facility for Persons with a Disability

10-12-3: CONDITIONAL USES. The following uses may be permitted as conditional uses after application and approval as specified in Chapter 6 of this ordinance.

- (1) Apiaries
- (2) Cemeteries
- (3) Day Care Centers
- (4) Dog Kennels
- (5) Dwellings (Two-Family)
- (6) Dwelling Group
- (7) Greenhouses
- (8) Home Occupations
- (9) Intermittent Commercial Uses {see section 10-6-8(B)}
- (10) Private Parks and Recreational Activities
- (11) Pre-Schools
- (12) Accessory uses and buildings over 200 square feet

10-12-4: 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 10,000 square feet, but in no case shall the density exceed 2.90 lots per net acre.
- (B) Lot Width: 100 feet
- (C) Front Yard: 25 feet
- (D) Side Yards: 10 feet (both sides)
- (E) Rear Yard: 30 feet
- (F) Building Height: as allowed by current building code.

10-12-5: OFF-STREET PARKING & LOADING. Off-street parking and loading shall be provided as specified in Chapter 8 of this ordinance.

10-12-6: SIGNS. The signs permitted in this zone shall be those allowed in residential zones by Chapter 9 of this ordinance.

10-12-7: SPECIAL PROVISIONS. All pens, barns, coops, stables and other similar enclosing structures to keep animals or fowl shall be located not less than one hundred fifty (150) feet from a public street and not 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)

10-13-1: Purpose

10-13-2: Permitted Uses

10-13-3: Conditional Uses

10-13-4: Minimum Lot Standards

10-13-5: Off-Street Parking & Loading

10-13-6: Signs

10-13-1: 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)

10-13-2: PERMITTED USES. The following uses are permitted by right provided the parcel and building meets all other provisions of this ordinance and any other applicable ordinances of Syracuse City.

- (1) Accessory Uses and Buildings under 200 square feet (Ord. 03-18)
- (2) Agriculture
- (3) Churches, Synagogues & Temples
- (3) Dwellings (Single-Family)
- (4) Educational Services
- (5) Public and Quasi-Public Buildings
- (6) Public Parks
- (7) Residential Facility for Persons with a Disability

10-13-3: CONDITIONAL USES. The following uses may be permitted as conditional uses after application and approval as specified in Chapter 6 of this ordinance.

- (1) Day Care Centers
- (2) Dwellings (Two-Family)
- (3) Dwelling Groups
- (4) Farm Animal Keeping
- (5) Home Occupations
- (6) Intermittent Commercial Uses {see section 10-6-8(B)}
- (7) Pre-Schools
- (8) Farm Animal Keeping
- (9) Accessory uses and buildings over 200 square feet

10-13-4: 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 10,000 square feet, but in no case shall the density exceed 3.79 lots per net acre |
| (B) Lot Width: | 85 feet |
| (C) Front Yard: | 25 feet |
| (D) Side Yards: | 8 feet (both sides) |
| (E) Rear Yard: | 30 feet |

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

10-13-5: **OFF-STREET PARKING & LOADING.** Off-street parking and loading shall be provided as specified in Chapter 8 of this ordinance

10-13-6: **SIGNS.** The signs permitted in this zone shall be those allowed in residential zones by Chapter 9 of this ordinance

CHAPTER 14

R- 3 Residential (5.44 lots per net acre)

10-14-1: Purpose

10-14-2: Permitted Uses

10-14-3: Conditional Uses

10-14-4: Minimum Lot Standards

10-14-5: Off-Street Parking & Loading

10-14-6: Signs

10-14-1: PURPOSE. The residential R-3 zone (single-family residential, 5.44 dwelling units per net acre), is established to provide areas for medium density single-family housing in the city.

10-14-2: PERMITTED USES. The following uses are permitted by right provided the parcel and building meets all other provisions of this ordinance and any other applicable ordinances of Syracuse City.(1991)

- (1) Accessory Uses and Buildings under 200 square feet (Ord. 03-18)
- (2) Agriculture
- (3) Churches, Synagogues & Temples
- (4) Dwellings, (Single Family)
- (5) Educational Services
- (6) Public and Quasi-public buildings
- (7) Public Parks
- (8) Residential Facility for Persons with a Disability (Ord 04-12)

10-14-3: CONDITIONAL USES. The following uses may be permitted as conditional uses after application and approval as specified in Chapter 6 of this ordinance.(1991)

- (1) Day Care Centers
- (2) Dwellings (Two Family)
- (3) Home Occupations
- (4) Intermittent Commercial Uses {see section 10-6-8(B)}
- (5) Pre-school (1994)
- (6) Accessory uses and buildings over 200 square feet

10-14-4: 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 8,000 square feet, but in no case shall the density exceed 5.44 lots per net acre, |
| (B) Lot Width: | 80 feet |
| (C) Front Yard: | 25 feet |
| (D) Side Yards: | 8 feet both sides |
| (E) Rear Yard: | 20 feet |
| (F) Building Height: | as allowed by current adopted building code. |

- 10-14-5:** **OFF-STREET PARKING & LOADING.** Off-street parking and loading shall be provided as specified in Chapter 8 of this ordinance.(1991)
- 10-14-6:** **SIGNS.** The signs permitted in this zone shall be those allowed in residential zones by Chapter 9 of this ordinance.(1991)

CHAPTER 15

R-4 RESIDENTIAL (14.52 lots per net acre)

10-15-1: Purpose

10-15-2: Permitted Uses

10-15-3: Conditional Uses

10-15-4: Minimum Lot Standards

10-15-5: Off-Street Parking & Loading

10-15-6: Signs

10-15-7: Special Provisions

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

10-15-2: PERMITTED USES. The following uses are permitted by right provided the parcel and building meets all other provisions of this ordinance or any other applicable ordinances of Syracuse City.(1991)

- (1) Accessory Uses and Buildings under 200 square feet (Ord. 03-18)
- (2) Agriculture
- (3) Dwellings (Single-Family)
- (4) Dwellings (Two-Family)
- (5) Dwellings (Multi-Family)
- (6) Group Homes
- (7) Medical and other Health Services
- (8) Public and Quasi-Public Buildings
- (9) Public Parks

10-15-3: CONDITIONAL USES. The following uses may be permitted as conditional uses after application and approval as specified in Chapter 6 of this ordinance.(1998)

- (1) Home Occupations
- (2) Pre-Schools
- (3) Accessory uses and buildings over 200 square feet

10-15-4: 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 | 6,000 square feet for one unit plus 2,000 square feet for each additional unit in the structure. The maximum number of dwelling units per net acre shall not exceed 14.52 |
| (B) Lot Width: | 80 feet |
| (C) Front Yard: | 25 feet |
| (D) Side Yards: | 8 feet (both sides) |
| (E) Rear Yard: | 30 feet |
| (F) Building Height: | as allowed by current building code. |

- 10-15-5:** **OFF-STREET PARKING & LOADING.** Off-street parking and loading shall be provided as specified in Chapter 8 of this ordinance.
- 10-15-6:** **SIGNS.** The signs permitted in this zone shall be those allowed in residential zones by Chapter 9 of this ordinance.
- 10-15-7:** **SPECIAL PROVISIONS.** All multi-family residential uses in this zone shall require site plan approval as specified in Chapter 5 and Chapter 7 of this Ordinance. (1991)

CHAPTER 16

PRD - PLANNED RESIDENTIAL DEVELOPMENT ZONE (UP TO 8.0 DWELLING UNITS PER NET ACRE)

- 10-16-1: Purpose
- 10-16-2: Permitted Uses
- 10-16-3: Conditional Uses
- 10-16-4: Minimum Lot Standards
- 10-16-5: Development Plan and Agreement Requirements
- 10-16-6: Design Standards
- 10-16-7: Street Design
- 10-16-8: Off Street Parking & Loading
- 10-16-9: Signs

10-16-1: PURPOSE. The purpose of the Planned Residential Development zone is to allow diversification in the relationship of residential uses to their sites and permit directed flexibility of site design. Also, it's 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 may otherwise be provided in other residential zones and to encourage a variety of dwelling unit types that allow imaginative concepts of neighborhood and housing options and provide 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.

This zone is intended 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.

10-16-2: PERMITTED USES. The following uses are permitted by right provided the parcel and building meet all other provisions of this ordinance and any other applicable ordinances of Syracuse City

- (1) Accessory Uses and Buildings under 200 square feet
- (2) Churches, Synagogues & Temples
- (3) Single Family dwelling units, no more than four units attached
- (4) Educational Services
- (5) Public and Quasi-public buildings
- (6) Private Parks
- (7) Residential Facilities for Persons with Disability and Assisted Living Centers Ord 04-12

10-16-3: CONDITIONAL USES. The following uses may be permitted as conditional uses after approval as specified in Chapter 6 of this ordinance.(1991)

- (1) Day Care Centers
- (2) Home Occupations
- (3) Intermittent Commercial Uses

10-16-4: 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: Dwelling unit density, building setbacks and minimum lot size shall be determined by a development plan with the City. Condominium developments shall comply with the Utah Condominium Act, but in no case shall the overall density of the development exceed 8 dwelling units per net acre. Dwelling unit density shall be approved by the City based on the specific merits of the proposed development, 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.
- (B) Lot Width: Determined by development plan
- (C) Front Yard: Determined by development plan
- (D) Side Yards: A minimum of 16 feet between attached units.
- (E) Rear Yard: Determined by development plan
- (F) Building Height: as allowed by current building code.

10-16-5: DEVELOPMENT PLAN REQUIREMENTS.

- A. Subdivision Ordinance requirements shall generally apply to Residential Planned Communities. The developer shall submit a residential development plan of all project phases for City consideration and approval. The proposed development plan shall be integrated into a development agreement between the developer and the 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's property shall be developed in accordance with the development agreement and City ordinances which are in effect on the date of the agreement, together with the requirements set forth in the agreement, except when future modifications are required under circumstances constituting a rational public interest by federal, state, county and/or City laws and regulations promulgated to protect the public's health, safety, and welfare. The Land Use Authority will use the submitted development plan and agreement with the design amenities, 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.
- B. A minimum of 10 acres is required for Planned Residential Development with a minimum of 20% of the acreage in common space area excluding required roadways, curbs, and other City infrastructure.
- C. All open or common space around or adjacent to building lots shall be landscaped by the developer and maintained through a lawfully organized home owner's association, residential management company, or similar organization.

- D. The location, building elevations with exterior building materials, size and general footprint of all dwelling units and other main buildings and amenities shall be shown on the development plan submitted for review.
- E. Landscaping, fencing, and other improvement plans for common or open spaces shall be included in the development plan submitted for review. Landscaping shall be designed in accordance with an approved theme, which provides 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 made the focal point for the overall design of the development. Various community facilities should be grouped in places well related to these open spaces and easily accessible to pedestrians.
- F. It must be shown that the proposed development 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. It shall be managed by a legally established owners' association and governed by enforceable, duly recorded CC&Rs.

10-16-6: **DESIGN STANDARDS.** A common building theme shall be required and approved by the Land Use Authority. The design shall show detail in the unification of exterior architectural style, building materials, 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 10-5-2.

10-16-7: **STREET DESIGN.** Alternative street designs may be approved by the Land Use Authority so long as the City's minimum right-of-ways are maintained. The street right of way shall be dedicated to the City.

10-16-8: **OFF-STREET PARKING & LOADING.** Off-street parking and loading shall be provided as specified in Chapter 8 of this ordinance. The City may limit or eliminate street parking or other use of City Rights of Way with the employment of limited or alternative street designs. (1991)

10-16-9: **SIGNS.** The signs permitted in this zone shall be those allowed in residential zones by Chapter 9 of this ordinance.(1991)

CHAPTER 17

CLUSTER SUBDIVISION CONDITIONAL USE

10-17-1: Purpose.

10-17-2: Development Requirements

10-17-3: Permitted Uses

10-17-4: Bonus Density Incentives

10-17-5: Design Standards

10-17-6: Approval

10-17-1: PURPOSE. Cluster subdivisions may be approved by conditional use application in the Agriculture zone. The Cluster subdivision zone 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. No such conditional use shall be granted unless the cluster subdivision meets the regulations of the Agriculture zone in which it is located 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. (Ord. 03-08)

10-17-2: DEVELOPMENT REQUIREMENTS

- (A) A minimum of ten (10) acres of land area is required for development of a cluster subdivision.
- (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 to assure that adjacent properties will not be adversely affected.
- (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 a bonus density is approved by the Land Use Authority. Density is calculated after discounting 20% of the property as that which would be dedicated as public street rights-of-way.
- (E) Lot area, lot width, setbacks and lot coverage regulations shall be determined by approval of the development plan. 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 be as shown on the Standard Roadway Section in the Syracuse Subdivision Ordinance Typical Details, provided that if the sidewalk is not located completely within the street right-of-way, it shall be located within a public use easement.

- (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. No streets, driveways, common space, or parking areas will be included as part of the required open space. The open space must be totally landscaped or be utilized as agricultural or recreation areas.
- (I) All common space around or adjacent to building lots shall be landscaped by the developer and maintained from the onset through a lawfully organized and fully functional home owners' association.
- (J) Preservation, use thereof, 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 by 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, and after approval by the City Engineer shall be included in bonding requirements for the development.
- (M) The proposed development will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity.

10-17-3: PERMITTED USES

Uses permitted in the cluster subdivision shall be those uses that are permitted in the zoning district in which it is located; provided that for the purposes of this section, single family attached dwellings such as town houses and row houses or zero lot-line dwellings shall be considered single family dwellings. No more than four (4) dwelling units may be attached to form a single structure.

10-17-4: BONUS DENSITY INCENTIVES

- (A) Bonus Density. Additional units per acre will be considered for a development that complies with the Bonus Density Requirements; in no case shall the bonus density exceed the maximum allowed for the zone. The bonus calculation is determined by adding the incentive density to the standard density to which the proposed project is located. The awarded incentive is figured below:

ZONE DENSITY	INCENTIVE DENSITY	STANDARD DENSITY	MAXIMUM DENSITY
A-1zone	1.3	0.5	1.8

- (B) Bonus Density Calculations. If a project is allowed to develop with a density greater than that permitted in each zone, the density incentives must be accrued in numerical order as outlined below:

1.	Open Space Preservation	Bonus
	A-1 Zone 50% of the Land being developed	.75
2.	Building Design Standards <i>The placement of restrictive covenants within the subdivision requiring a minimum of 70% brick or rock on exterior finishes for homes within the development (.05 will be added if standards include the construction of front porches that accommodate seating)</i>	.15
3.	Landscaping of Park Strips <i>Planting approved trees species (min 2"Caliper) every 50 feet in park strips together with moving the sidewalk 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>	.095
4.	Home Owners Association <i>Creating a Home Owners Association to maintain landscaped entrance ways and common space</i>	.05
5.	Landscaped Entrance Ways <i>The development of entranceways to the subdivision development including subdivision identification signs.</i>	.05
6.	Amenities to Open Space <i>The funding and placement of approved amenities to open space or common areas.</i>	.025

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

- (1) Landscaping Plan. A conceptual landscape plan shall be submitted for review to the Land Use Authority. Landscaping shall be designed in accordance with an approved theme, which provides unity and aesthetics to the project. The landscape 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 is intended for the use and enjoyment of the residents or community. Open Space not in the ownership of the City and shall be developed and improved by the developer or maintained as agriculture use or grazing. Open space landscaping must be completed prior to approval of the next consecutive phase of subdivision development.
- (3) Common Space. The property within the development that surrounds the dwelling structures may be identified as common space. Developer shall be responsible for developing and maintaining all common space.

10-17-5: 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.

10-17-6: 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 ZONE

10-18-1: Purpose

10-18-2: Permitted Uses

10-18-3: Conditional Uses

10-18-4: Minimum Lot Standards

10-18-5: Distance Between Buildings

10-18-6: Off-Street Parking and Loading

10-18-7: Signs

10-18-8: Special Provisions

10-18-1: Purpose.

The purpose of the Professional Office (PO) zone is to provide appropriate locations where professional and administrative office zones may be established, maintained and protected. The regulations of this zone are designed to 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 as an area that provides a buffer or transition area 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 residents of the area. The intensity of development of such a district is intended to reflect its environmental setting with building height and coverage generally similar to and harmonious with those of neighboring residential districts.

10-18-2: PERMITTED USES. The following uses are permitted by right provided the parcel and building meets all other provision of this ordinance or any other applicable ordinances of Syracuse City and is granted site plan approval as provided in Chapter 7 of this Ordinance.

- (1) Medical, health therapy offices and dental offices
- (2) Administrative and executive offices
- (3) Professional offices, for lawyers, engineers, and architects
- (4) Financial planning and investment planning offices, real estate and general business offices
- (5) Marriage and family counseling services
- (6) Assisted Living Centers

10-18-3: CONDITIONAL USES. The following uses may be permitted as conditional uses after application and approval as specified in Chapter 6 of this Ordinance.

- (1) Accessory Buildings greater than 200 square feet
- (2) Animal Hospitals
- (3) Optical Shop
- (4) Churches or religious service buildings
- (5) Public and Quasi-Public Buildings

10-18-4: 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 in this

zone shall front existing minor or major collector streets of the City and shall include all property as described on the most recent plat of record.

(A) Lot Area: Minimum of .50 acre to maximum of 10 acres

(B) Lot Width: 100 Feet

(C) Front Yard: 15 Feet

(D) Side Yard: as required by site plan review

(E) Rear Yard: as required by site plan review

(F) Building Height: The height of buildings over 35 feet may be equal to the horizontal distance from the nearest zone boundary line. Buildings 35 feet high or less may be permitted within 10 feet of the zone boundary line. Chimneys, flagpoles, church towers and similar structures not used for human occupancy are excluded in determining height.

10-18-5: DISTANCE BETWEEN BUILDINGS. In the (PO) Zone, where more than one office building is constructed on a site, there shall be a minimum distance between structures of at least twenty (20') feet.

10-18-6: OFF STREET PARKING & LOADING. Off street parking and loading shall be provided as specified in Chapter 8 of this ordinance.

10-18-7: SIGNS. Signs allowed in the (PO) Zone shall be spot lit Ground Signs as identified in Chapter 9 of this ordinance. Prohibited marketing or devices within this zone shall be:

1. Flags, pennants, streamers or other decorative material used for commercial advertising purposes or to direct attention to a place of business.
2. Hot or cold air balloons, inflatables, or spotlights directed into the night sky.
3. No flashing, running, scintillating or similar lights or lighting is permitted. There shall be no excessive light, glare or reflection from signs into pedestrian or traffic ways; nor permitted animation or motion.
4. No portable signs or banners are permitted.

10-18-8: SPECIAL PROVISIONS.

A. Landscaping. In the (PO) 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 planted 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 and must be permanently maintained by the owner or occupants.
3. Shall have a minimum buffer of ten 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 a landscaping shall be according to buffering requirements per chapter 5 of this ordinance.
5. Landscaping installed in all park strips to the same standards as other on-site landscaping. Asphalt, paving stones or brick or concrete paving in place of landscaping between the sidewalk and curb is prohibited. A minimum of two (2)

trees per every 50 feet of frontage shall be installed within the landscaped park strip area(s).

6. Landscaping covering at least fifteen (15%) percent of development site. Landscaping shall be installed within four 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 5 of this ordinance.
- C. Trash Storage. The following provisions shall apply to storage and disposal of trash and other used materials and debris in the (PO) Zone:
1. A screened or otherwise enclosed area will be provided as an integral part of the on-site buildings or an outside area designated for a trash dumpster or other trash control device to keep the trash out of public view and controlled to keep litter from scattering throughout the area. Dumpster enclosures shall be constructed of building materials similar to the primary use building.
- D. Lighting. The following provisions shall apply to installation, maintenance and operation of outdoor lighting in the (PO) Zone:
1. All lights shall be shielded in such a way as to direct all light toward the earth's surface and away from reflective surfaces.
 2. Light fixtures or lamps shall be shielded/shaded in such a manner as 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. Any light fixture must be placed 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 0.5 foot-candles at any residential property line or 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 which 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 non protruding diffusor.

CHAPTER 19

GC - GENERAL COMMERCIAL

10-19-1: Purpose

10-19-2: Permitted Uses

10-19-3: Conditional Uses

10-19-4: Minimum Lot Standards

10-19-5: Off-Street Parking & Loading

10-19-6: Signs

10-19-7: Special Provisions

10-19-1: PURPOSE. The purpose of this zone is to provide for a broad range of retail, service and entertainment functions.(1991)

10-19-2: PERMITTED USES. The following uses are permitted by right provided the parcel and building meets all other provisions of this ordinance or any other applicable ordinances of Syracuse City and are granted site plan approval as provided in Chapter 7 of this Ordinance. (1991)

- (1) Agriculture
- (2) Amusement and Recreational Activities
- (3) Hotels and Motels
- (4) Public Parks
- (5) Restaurants and Fast Food Services
- (6) Retail Trade
- (7) Dwellings which were completed or under construction at the time of adoption of this ordinance. Such dwellings, if converted to any other permitted or conditional use allowed in section 10-19-2 or 10-19-3, may not thereafter be converted back to residential use without first obtaining a conditional use permit.
- (8) Public and Quasi-Public Buildings
- (9) Automotive Services
- (10) Professional Office buildings of 1 acre or less

10-19-3: CONDITIONAL USES. The following uses may be permitted as conditional uses after application and approval as specified in Chapter 6 of this ordinance.

- (1) Accessory uses and buildings
- (2) Intermittent Commercial Uses

10-19-4: 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:

- (A) Lot Area: No minimum required
- (B) Lot Width: As required by site plan review
- (C) Front Yard: 15 feet
- (D) Side Yards: As required by site plan review
- (E) Rear Yard: 10 feet
- (F) Building Height: The height of buildings over 35 feet high may be equal to the horizontal distance from the nearest zone boundary line. Buildings 35 feet high or less may be permitted within 10 feet of the zone boundary line.

10-19-5: OFF-STREET PARKING & LOADING. Off-street parking and loading shall be provided as specified in Chapter 8 of this ordinance.(1991).

10-19-6: SIGNS. The signs permitted in this zone shall be those allowed in commercial zones by Chapter 9 of this ordinance.(1991)

10-19-7: SPECIAL PROVISIONS.

- (A) All lots, parcels or sites shall have a minimum of 15% of the total area landscaped and all required front yards shall be part of the landscaped area. All required landscaping shall be installed within four months of occupancy and permanently maintained in good condition. (2001)
- (B) Temporary buildings for intermittent commercial uses must meet the provisions of the currently adopted edition of the International Building Code and must be sufficiently anchored to withstand a 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. All grease traps/interceptors must be serviced effectively and frequently to maintain traps in satisfactory working order to protect the sanitary sewer system from excessive contaminants. Materials removed from a grease trap/interceptor shall be disposed of at an approved disposal site in a lawful manner by a licensed hauler.
 - (1) 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.
- (D) In order to minimize the possibility of commercial properties becoming blighted, retail establishments of 40,000 square feet or greater will be required to 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 10-17-7 (C) (3) thirty (30) days prior to the owner vacating the building.
 - (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 180 consecutive days.
 - (2) The Facility Use Agreement will 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 will provide legal remedies to enforce the terms of the agreement. In the event a building is vacated 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 ordinance.

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 that will be used 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 is concerned 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 it 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 the city agree as follows:

- 1) Owner will provide the city a written facility management plan 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 42 consecutive months the city will provide written notice to the owner at the address as it appears on this agreement, ordering that the building be removed and the property restored 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 30 days from the date said notice is mailed to the owner, the city may file suit for specific performance to enforce the terms of this agreement.

IN WHITNESS 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 months or greater, the owner must submit a facility maintenance plan to the city 30 days prior to vacating. The maintenance plan shall include:
 - (i) The estimated time the facility will be vacant.
 - (ii) Detailed plans to maintain the property during the time it will be vacant.
 - (iii) Method of securing all entrances to the facility.
 - (iv) Plans to restrict access to off street parking.
 - (v) Plans to remove all advertisement and business signage.
 - (vi) Plans to market the property.

CHAPTER 20
C-2 COMMERCIAL

- 10-20-1: Purpose**
- 10-20-2: Permitted Uses**
- 10-20-3: Conditional Uses**
- 10-20-4: Lot Standards**
- 10-20-5: Residential Dwellings**
- 10-20-6: Development Theme**
- 10-20-7: Development Plan**
- 10-20-8: Architecture Review Committee**
- 10-20-9: Off-Street Parking & Loading**
- 10-20-10: Signs**
- 10-20-11: Special provisions**

10-20-1: **PURPOSE.** The purpose of this zone is to provide for a wide range of development opportunities that introduces a mixed-use concept. Mixing commercial and residential uses creates an environment where people can live, work, and have access to commercial and civic facilities, thus creating an activity nexus that promotes an urban environment. (Ord. 03-08)

10-20-2: **PERMITTED USES.** The following uses are permitted by right provided the parcel of land and structure(s) meets all other provisions of this ordinance or any other applicable ordinances of Syracuse City and are granted site plan approval as provided in Chapter 7 of this Ordinance.

- (1) Business Services and Professional Offices
- (2) Medical Facilities
- (3) Hotels and Motels
- (4) Public Parks
- (5) Restaurants and fast food services
- (6) Retail Trade
- (7) Single Family Residential
- (8) Two Family Residential
- (9) Community or Civic Services
- (10) Public and Quasi-public Buildings

(11) Theaters and Amusement facilities

10-20-3: CONDITIONAL USES. The following uses may be permitted as conditional uses after application and approval as specified in Chapter 6 of this ordinance.

(1) Intermittent Commercial Uses

(2) Day Care Services (Ord. 03-08)

(3) Accessory uses and buildings

10-20-4: 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:

(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: 10 feet

(F) Building Height: The height of buildings over 35 feet high may be equal to the horizontal distance from the nearest zone boundary line. Buildings 35 feet high or less may be permitted within 10 feet of the zone boundary line.

(G) Minimum lot standards for residential dwelling units shall be determined by Planning Commission as part of the site plan development.

10-20-5: RESIDENTIAL DWELLINGS. Development of Single and Two Family Dwellings shall conform to the provisions of the "Town Center Master Plan" and shall be compatible with the overall theme of the development. In no case shall residential dwellings occupy more than 20% of the total land being developed. The total number of dwelling units shall be determined by taking the acreage for residential development less 20% for roads and other public spaces, multiplied by 9.1. The Architectural Review Committee shall approve the site plan prior to it being submitted to the Planning Commission for consideration. Residential development shall also be permitted in conjunction with commercial structures as part of the 20% allowed in the zone.

10-20-6: 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 provisions outlined in the Town Center Master Plan.

10-20-7: DEVELOPMENT PLAN. To assure that development conforms to the Town Center Master Plan, development plans shall be submitted to the city for review and approval. Drawings should include the placement of buildings and their uses, landscaping, parking, lighting, and design guidelines outlined in the town center plan. The plan will be forwarded to the Architecture Review Committee for their consideration prior to being considered by the Planning Commission.

10-20-8: ARCHITECTURE REVIEW COMMITTEE. Committee shall consist of 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 will 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.

10-20-9: OFF-STREET PARKING & LOADING. Off-street parking and loading shall be provided as specified in Chapter 8 of this ordinance.

10-20-10: SIGNS. Signs permitted in this zone shall be those allowed in commercial or residential areas by Chapter 9 of this Ordinance.

10-20-11: SPECIAL PROVISIONS.

(A) All lots, parcels or sites shall have a minimum of 15% of the total area landscaped and all required front yards shall be part of the landscaped area. All required landscaping shall be installed within four months of occupancy and permanently maintained in good condition.

(B) Temporary buildings must meet the provisions of the currently adopted editions of the International Building code and must be sufficiently anchored to withstand a 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. All grease traps/interceptors must be serviced effectively and frequently to maintain traps in satisfactory working order to protect the sanitary sewer system from excessive contaminants. Materials removed from a grease trap/interceptor shall be disposed of at an approved disposal site in a lawful manner by a licensed hauler.

(1) 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.

(D) In order to minimize the possibility of commercial properties becoming blighted, retail establishments of 40,000 square feet or greater will be required to 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 10-19-7 (C) (3) thirty (30) days prior to the owner vacating the building.

(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 180 consecutive days.

(2) The Facility Use Agreement will 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 will provide legal remedies to enforce the terms of the agreement. In the event a building is vacated 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 ordinance.

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 that will be used 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 is concerned 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 it 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 the city agree as follows:

- 1) Owner will provide the city a written facility management plan 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 42 consecutive months the city will provide written notice to the owner at the address as it appears on this agreement, ordering that the building be removed and the property restored 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 30 days from the date said notice is mailed 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 months or greater, the owner must submit a facility maintenance plan to the city 30 days prior to vacating. The maintenance plan shall include:
 - (i) The estimated time the facility will be vacant.
 - (ii) Detailed plans to maintain the property during the time it will be vacant.
 - (iii) Method of securing all entrances to the facility.
 - (iv) Plans to restrict access to off street parking.
 - (v) Plans to remove all advertisement and business signage.
 - (vi) Plans to market the property. (Ore. 05-22)

Chapter 21

Research Park Zone

10-21-1: Purpose

10-21-2: Permitted Uses

10-21-3: Conditional Uses

10-21-4: Lot Standards

10-21-5: Off Street Parking

10-21-6: Signs

10-21-7: General Provisions

10-21-1: Purpose. The purpose of the Research Park (RP) zone is to provide and establish areas designed for technology research, scientific development, and business and academia collaboration research endeavors. All uses in the RP zone should be conducted in well-designed, architecturally appealing buildings surrounded with abundant landscape. The RP zone uses shall promote a place where businesses and academia will collaborate to succeed and prosper through research and development. Uses in the zone should not have characteristics of heavy manufacturing such as excessive noise, light, pollution and numerous heavy vehicles. This zone should act as a suitable and compatible buffer to adjoining residential and agriculture areas of use.

10-21-2: Permitted Uses. The following uses are considered appropriate to the zone and compatible with each other and are permitted by right provided the parcel buildings meet all other provisions of this ordinance or any other applicable ordinances of Syracuse City and are granted site plan approval by the Syracuse City Council as provided in Chapter 7 of this ordinance.

- A. Agriculture
- B. Non-hazardous Laboratories; testing, experimental and scientific
- C. Non-hazardous environmental and educational research facilities
- D. Environmental Enhancement facilities: (i.e. Composting, wetland biology, green waste recycling)
- E. Sewage and water treatment facilities
- F. Public and Quasi Public Buildings, Public Utilities
- G. Uses considered similar and compatible by the Planning Commission

10-21-3: Conditional Uses. The following uses may be permitted as conditional uses after application and approval as specified in Chapter 6 of this ordinance.

- A. Accessory Buildings greater than 200 sq. feet
- B. Public Parks
- C. Wireless Communication Towers

10-21-4: 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.

- (A) Lot Area: Minimum 1 acres
- (B) Lot Width: 150 feet
- (C) Front Yard: As required by the site plan review
- (D) Side Yard: 30 feet
- (E) Rear Yard: 50 feet
- (F) Building Height: Building height shall be limited to forty five feet (45'). Building heights in excess of forty five (45') may be equal to the horizontal distance from the nearest zone boundary line. Buildings within this zone may be no closer than fifteen feet (15') from the zone boundary.
- (G) Minimum distance between multiple structures on the same parcel of land shall be 30 feet.

10-21-5: OFF STREET PARKING. Off-street parking and loading shall be provided as specified in Chapter 8 of this ordinance.

10-21-6: SIGNS. Signs shall be those allowed in Research Park areas by Chapter 9 of this ordinance.

10-21-7: SPECIAL PROVISIONS. In addition to the foregoing regulations, all uses shall comply with the following requirements.

- (A) Landscaping. All lots, parcels or sites shall have a minimum of 10% of the total area landscaped. All required landscaping shall be installed and permanently maintained in good condition. Landscape buffering shall be provided in conformance with the requirements of Syracuse City ordinance 10-5-7.
- (B) Enclosed Operations. All principal uses shall take place within entirely enclosed buildings unless environmental enhancements uses permitted herein are approved via site plan approval by the Land Use Authority.
- (C) Outdoor Storage. No outdoor storage shall be permitted except for environmental enhancement uses permitted herein.
- (D) Buffering of differing land uses shall be provided as specified in Chapter 5 if this ordinance.

CHAPTER 22

ID - INDUSTRIAL DEVELOPMENT

10-22-1: Purpose

10-22-2: Permitted Uses

10-22-3: Conditional Uses

10-22-4: Minimum Lot Standards

10-21-5: Off-Street Parking & Loading

10-22-6: Signs

10-22-7: Special Provisions

10-22-1: PURPOSE. The Industrial Development Zone is established to provide for industrial, manufacturing and certain compatible commercial uses in Syracuse and to protect such uses from encroachment of uses adverse to their operation and expansion.(1991)

10-22-2: PERMITTED USES. The following uses are considered appropriate to the zone and compatible with each other and are permitted by right provided the parcel and buildings meet all other provisions of this ordinance or any other applicable ordinances of Syracuse City and are granted site plan approval as provided in Chapter 7 of this Ordinance.(1991)

- (1) Agriculture
- (2) Welding or Machine Shop
- (3) Contract Construction Services
- (4) Manufacturing, Compounding, Processing, Milling, Assembling, Testing or Packaging of the following products:
 - (a) Apparel
 - (b) Fabricated Metal Products (not including primary metals industries)
 - (c) Food Products
 - (d) Stone, Clay, and Glass
- (5) Printing and Publishing Industries
- (6) Repair Services
- (7) Restaurants and Fast Food Services
- (8) Retail Building Materials, Hardware and Farm Equipment
- (9) Public Parks
- (10) Industrial Warehouse Storage Facilities
- (11) Wholesale Trade
- (12) Uses considered similar and compatible by the Planning Commission

- (13) Public and Quasi-Public Buildings
- (14) Rehabilitation Centers
- (15) Chemicals and allied Products Manufacturing
- (16) Plastic Products Manufacturing
- (17) Tattoo and Body Piercing shops
- (18) Pawn shops
- (19) Car washes

10-22-3: CONDITIONAL USES. The following uses may be permitted as conditional uses after application and approval as specified in Chapter 6 of this ordinance. (1991)

- (1) Day Care Centers
- (2) Accessory uses and buildings
- (3) Sexually Oriented Businesses

10-22-4: 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:

- (A) Lot Area: No minimum requirement
- (B) Lot Width: As required by site plan review
- (C) Front Yard: 30 feet
- (D) Side Yards: As required by site plan review
- (E) Rear Yard: No minimum requirement
- (F) Building Height: 35' from 0' to 100' from zone boundary; 55' from 100' to 200' from zone boundary; 100' in height for more than 200' from zone boundary.

When a lot is adjacent to or faces upon another zone, the yard which is adjacent to or faces upon the other zone shall be a minimum of thirty (30) feet. When a lot abuts on a street or either side or the rear, a yard of not less than 30 feet shall be provided on the street side.

10-22-5: OFF-STREET PARKING & LOADING. Off-street parking and loading shall be provided as specified in Chapter 8 of this ordinance unless the Planning Commission requirements exceed those of Chapter 8.(1991)

10-22-6: SIGNS. Signs permitted in this zone shall be those allowed in industrial zones by Chapter 9 of this ordinance.(1991)

10-22-7: SPECIAL PROVISIONS

- (A) Landscaping. All lots, parcels or sites shall have a minimum of 10% of the total area landscaped and all required front yards shall be part of the landscaped area. All required landscaping shall be installed and permanently maintained in good condition.
- (B) Industrial Performance Standards. The following performance standards are intended to ensure that all industries will provide necessary modern control methods to protect the City from hazards and nuisances; to set objective, quantitative standards for the

maximum tolerated levels of frequently-hazardous or annoying emissions; and to 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 land or building devoted to uses authorized by this chapter shall be used or occupied in any manner so as to create 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 of the 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 has received the aforesaid application and report the Commission shall determine whether reasonable measures are being employed 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, that exceeds by 6dba or more, the one hour equivalent sound level (L_{eq}) cause 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 the measurement procedure shall be compatible with that, 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 if the sound has an audible cyclic variation in sound level such as beating or other amplitude modulation, 5 db shall be added to the measured sound level to allow for increased subjective response to the sound.
 - (ii) Quasi-Steady Impulsive Sound. Where the sound is of a repetitive impulse nature so that a steady reading is obtained using the "slow response" setting on the sound level meter, then 10 db shall be added to the measured value to allow for the increased subjective response to the sound.

An adjustment may be made under only one of the paragraphs (i) and (ii). In a case where both paragraphs apply, then paragraph (ii) takes precedence.

No use shall emit or 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}) cause 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 vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the points of measurement specified in Subsection 10-22-7(B) (l) (f).
 - (c) Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the points of measurement specified in Subsection 10-22-7(B) (l) (f) or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
 - (d) Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted which penetrates beyond the property upon which the light source is located in a manner constituting a nuisance or hazard.
 - (e) Fire and Explosion Hazards. All activities involving, and all storage of flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point.
 - (f) Air Pollution. No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.
 - (g) Liquid or Solid Wastes. No discharge at any point into a public sewer, public waste disposal system, private sewage system, or stream, or into the ground shall be allowed 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 that the Planning Commission employ qualified experts. If, after public hearing and due notice, the Planning Commission finds that a violation has 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 be shut down. 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 services of any qualified experts, employed by the Planning Commission to advise in establishing a violation, shall be paid by the violator if said violation is established, otherwise by the City. The determination of the existence of dangerous and objectionable elements shall be made at any point; provided, however, that the measurements having to do with noise, vibration, odors, or glare, shall be taken at the lot line of the establishment or use.

CHAPTER 23

SENSITIVE AREA OVERLAY ZONE

10-23-1: Purpose

10-23-2: Preliminary Requirements

10-23-3: Development Requirements

10-23-4 Construction Requirements

10-23-5: Approval

10-23-1: PURPOSE. The Sensitive Area Overlay Zone is the land area within the Syracuse City corporate boundary west of Bluff Road. The General Plan identifies this as an area and future annexation areas where soil and water conditions may impact, prohibit, or limit the development. In addition to requirements outlined in the City's subdivision ordinance, more detailed and specific information and construction standards shall be required to insure that soil and water conditions can be adequately addressed prior to approval and construction of development within the area. These are minimum requirements; additional measures may be required where soil and water conditions warrant them.

10-23-2: PRELIMINARY REQUIREMENTS. Any proposed development within a sensitive area overlay zone as identified will be required to have the following items completed before submitting plans to the City for sketch plan or site plan approval:

- (A) Wetland delineation approved by the Army Corps of Engineers of all the property within the ownership or control of the developer within the proposed development area.
- (B) A detailed soil analysis completed by a licensed geotechnical engineer, which must include soil types and conditions, together with ground water level test results, which have been monitored for not less than six months.
- (C) A geotechnical engineered plan for construction and installation of all off site improvements including, but not limited to, ground and road stabilization, together with design standards for all structure development within the overlay zone.
- (D) Proposed method of routing irrigation or drainage water that is currently being collected from the property.
- (E) Proposed lot drainage plan as required by Section 10-22-4.

10-23-3: DEVELOPMENT REQUIREMENTS.

- (A) For residential development, density will be calculated by taking the gross acreage, deducting 20 percent for roads, other public rights-of-way or easements to arrive at a net density, then deducting from that acreage the total acreage identified by the Army Corps of engineers as wetlands without regard as to whether mitigation will be addressed on-site or off-site. The adjusted net acreage shall then be multiplied by the density factor for the appropriate residential zone.
- (B) The determination as to whether to mitigate wetlands on-site or off-site shall be at the discretion of the City in cooperation with the Army Corps of Engineers and other wetland conservation entities.
- (C) Calculations for determining open space under provisions outlined in Chapter 17 will not include any areas previously identified as wetlands.

- (D) The City will require the developer to submit a soil report prepared by a licensed geotechnical engineer for all development within the overlay zone. The soil report shall include a unified classification of all soils with an estimate of susceptibility to erosion, plasticity index, liquid limit, shrink-swell potential, general suitability for development, and an estimate of the likely highest level of the sub-surface water table considering the long-term effects of development and irrigation.
- (E) The developer will be required to submit load designs for all roadways together with a de-watering plan within the proposed development area. The load design and dewatering plan must be prepared, stamped and signed by a licensed geotechnical engineer at the time drawings are presented to the City for final review of the subdivision.

10-23-4: CONSTRUCTION REQUIREMENTS.

- (A) Prior to issuance of building permits the City will require the developer or his selected contractor to perform a CCTV video inspection of all gravity initiated utilities to confirm pipe workmanship meets City and American Society of Testing and Materials (ASTM) requirements. The City may require follow-up video inspections to confirm necessary repairs have been completed from previous inspections.
- (B) The developer will be required to construct all (including residential dwellings) improvements based upon the submitted design standards of the project soils engineer report and comply with design recommendations from the City Engineer and Syracuse City Code, Title VIII. The design requirement submitted by the project soils engineer cannot be less in scope and consistency than the requirement in Syracuse City Code, Title VIII, and Title VIII Construction Appendix.
- (C) Surface water drainage must be directed from all sides of residential structures per the International Residential Building Code. Walks, driveways, retaining walls and other landscape improvements shall be constructed so as not to interfere with protected public utility and drainage easements. Roof water shall be directed to a downspout and away from foundation walls toward a suitable swale or drainage ditch. Surface drainage design shall follow the minimum guidelines set forth in the international residential building code. Surface drainage grades shall be maintained by the property owner to ensure proper storm water conveyance. In cases where minimum slopes or distances cannot be attained, paved gutters or other drainage structures acceptable to the Building Official shall be installed.
- (D) Residential dwelling structures shall be constructed with roof drainage systems (gutters, downspouts, channels, etc.) and appurtenances contiguous to the entire zone of collection from said roof surface and to direct the roof/drainage water away from such structures and foundation walls.
- (E) Construction of drainage fields, French drainage systems or de-watering stations shall comply with design standards submitted by a licensed Geotechnical Engineer as approved by the City.

10-23-5: APPROVAL. The City Engineer will be required to review and approve preliminary requirements outlined in Section 10-22-2 prior to sketch plan submittal to the Land Use Authority.

CHAPTER 24

WIRELESS TELECOMMUNICATIONS

- 10-24-1: Purpose
- 10-24-2: Definitions
- 10-24-3: Site Plan
- 10-24-4: Building Permit
- 10-24-5: Antenna Site Locations
- 10-24-6: Co-Location Requirement
- 10-24-7: Lease Agreements For Use of City Land
- 10-24-8: Standards for Antennas and Antenna Support Structures
- 10-24-9: Conditional Use Permit Considerations
- 10-24-10: Additional Requirements For Monopoles and Towers
- 10-24-11: Safety Requirements
- 10-24-12: Abandonment
- 10-24-13: Required Site Requirements

10-24-1: PURPOSE

(A) The purposes of the Wireless Telecommunications Ordinance are:

- (1) to minimize the impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity and area compatibility;
- (2) to encourage the location and co-location of wireless communication equipment on existing structures, thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment, and to reduce the need for additional antenna-supporting structures;
- (3) to encourage coordination between suppliers of wireless communication services in the City;
- (4) to respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as to not unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit personal wireless services in the City;
- (5) to protect the neighborhood character and values of the City's residential zoning districts, while meeting the needs of its citizens to enjoy the benefits of wireless communication services;
- (6) to encourage the use of public lands, buildings, and structures as locations for wireless telecommunications infrastructure as a method to establish a precedence of quality concealment products that will minimize the aesthetic impact of related infrastructure that generates beneficial revenue to the city and its citizens.

(B) Siting Alternatives Hierarchy. Siting of a Wireless Communications Facility shall be in accordance with ordinance 10-21-5 and the following siting alternatives hierarchy:

- (1) Concealed Attached Wireless Communications Facility
 - (a) On City Owned property.
 - (b) On other publicly owned property.
 - (c) On privately owned property.
- (2) Co-location or combining on existing antenna supporting structure facility.
 - (a) On City owned property
 - (b) On other publicly owned property.
 - (c) On privately owned property.
- (3) Freestanding concealed or non-concealed Wireless Communications Facility.
 - (a) On City owned property
 - (b) On other publicly owned property.
 - (c) On privately owned property.

The order of ranking preference, from the highest to lowest, shall be 1, 2 and 3, and within each of these preferences, a, b, and c. Where a lower ranked alternative is proposed, the applicant must file relevant information by affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the Syracuse City boundaries, higher ranked options are not technically feasible, practical or justified given the location of the proposed wireless communications facility and the existing uses for the subject and surrounding properties within 330 feet of the subject property. Where a free standing Wireless Communication Facility is permitted, the applicant must file a written report providing relevant information that demonstrates higher ranked locations are not technically feasible, practical or justified given the location of the proposed wireless communications facility, and the existing land uses of the subject and surrounding properties within 500 feet of the subject property.

(C) Exemptions. Non-commercial amateur radio antennas, ham radio, or citizen's band antenna supporting structures, satellite dish antennae, government owned wireless communications facilities upon declaration of a state of emergency by federal, state or local government, and antenna supporting structures, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the FCC. (Ord. 04-20)

10-24-2:

DEFINITIONS. The following words shall have the described meaning when used in the ordinance, unless a contrary meaning is apparent from the context of the word. (2001)

- (1) **ANTENNA.** Any apparatus designed for the transmitting and/or receiving of electromagnetic waves to include but not be limited to telephonic, radio, internet, or television communications. Types of elements include, but are not limited to: omnidirectional antennas, sectorized (panel) antennas, multi or single bay, yagi, or parabolic dish or ball antennas. (Ord. 04-20)
- (2) **ANTENNA SUPPORT STRUCTURES.** Any structure that can be used for the purpose of supporting antenna(s).
- (3) **CITY.** Syracuse City, Utah.
- (4) **CITY-OWNED PROPERTY.** Real property that is owned, leased or controlled by or for the City.
- (5) **CO-LOCATION.** The location of an antenna on an existing structure, tower or building that is already being used for personal wireless services facilities.
- (6) **GUYED TOWER.** A tower that supports an antenna or antennas and requires guy wires or other stabilizers for support.

- (7) LATTICE TOWER. A self-supporting, three or four-sided, open steel or wood frame structure used to support telecommunications equipment.
- (8) MONOPOLE. A single, self-supporting, cylindrical pole, constructed without guy wires or ground anchors, that acts as the support structure for antennas.
- (9) MONOPOLE ANTENNA WITH PLATFORM. A monopole, which includes antennas and antenna support structure that exceeds three feet (3') in width or ten feet (10') in height.
- (10) MONOPOLE ANTENNA WITH NO PLATFORM. A monopole, which includes antennas and antenna support structure that do not exceed three feet (3') in width or ten feet (10') in height.
- (11) PERSONAL WIRELESS SERVICES. Commercial mobile telecommunications services, unlicensed wireless telecommunications services, common carrier wireless telecommunications exchange access services, and commercial wireless computer Internet services provisions. (Ord. 03-08)
- (12) PERSONAL WIRELESS SERVICES ANTENNA. An antenna used in connection with the provision of personal wireless services.
- (13) PERSONAL WIRELESS SERVICES FACILITIES. Facilities for the provision of personal wireless services, which include transmitters, antennas, structures supporting antennas, associated wiring and connections, and electronic equipment that is typically installed in close proximity to a transmitter or receiver. (Ord. 03-08)
- (14) PRIVATE PROPERTY. Any real property not owned by the City, even if the property is owned by another public or governmental entity.
- (15) ROOF MOUNTED ANTENNA. An antenna or series of individual antennas mounted on a roof, mechanical room or penthouse of a building or structure.
- (16) STEALTH FACILITIES. Personal wireless services facilities which have been designed to be compatible with the natural setting and surrounding structures, and which camouflage or conceal the presence of antennas and/or towers. The term includes, but is not limited to, clock towers, church steeples, light poles, flag poles, signs, electrical transmission facilities and water tanks.
- (17) TOWER. A freestanding structure, such as a monopole tower, lattice tower, or guyed tower, which is used as a support structure for antenna(s).
- (18) WALL MOUNTED TOWER. An antenna or series of individual antennas mounted on the vertical wall of a building or structure.
- (19) WHIP ANTENNA. An antenna that is cylindrical in shape. Whip antennas can be directional or Omni directional and vary in size depending on the frequency and gain for which they are designed.
- (20) WIRELESS COMMUNICATIONS. Any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR) enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet) and paging.

10-24-3: SITE PLAN REQUIREMENTS. Any person desiring to develop, construct, or establish a personal wireless service facility in the City shall submit a conditional use application and site plan for approval to the City. The City shall not consider the application until all required information has been included. The application shall include the following:

- (A) The fee for conditional use and site plan review shall be \$50.00

- (B) Site plan as described in City chapter 7 of this title. In addition, the plan must include the following:
- (1) Vicinity map containing sufficient information to accurately locate the property shown on the plan.
 - (2) Footprints of existing and proposed buildings and structures, including a notation of each unit's height above the grade.
 - (3) Location and size of existing and proposed buildings and structures, including notation of each unit's height above the grade and dimensions of space, cabinets, or rooms within residential structures used to provide computer Internet service provisions or equipment.
 - (4) Location and size of existing and proposed antennas, with dimensions to property lines.
 - (5) Location of existing or proposed fire protection devices.
 - (6) Location and description (height, materials) of existing and proposed fences.
 - (7) Location and description of (dimensions, distance to property lines and type of lighting (direct or indirect).
 - (8) A security lighting plan, if proposed.
 - (9) A signed lease agreement with the City if the site is located on City property.
- (C) Written descriptions to be included with application:
- (1) Maintenance. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic ingress and egress points for the facility.
 - (2) Service Area. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
 - (3) Location. A map showing the site and the nearest telecommunications facility sites within the network, a description of the distance between the telecommunications facility sites, and a description of how this service area fits into the service network.
 - (4) Liaison. The name, address, telephone number and fax number of a contact person who can respond to questions concerning the application and the proposed facility. (Ord. 03-08)

10-24-4: BUILDING PERMITS.

- (A) General Requirements. No tower or antenna support structure shall be constructed until the applicant obtains a building permit from the City. No building permit shall be issued for any project for which a site plan, amended site plan, or conditional use permit is required, until the site plan, amended site plan, or conditional use permit has been approved by the appropriate authority.
- (B) Requirements for Monopoles and Towers. If the applicant is constructing a monopole or other tower type structure, the applicant shall submit a written report from a qualified, structural engineer licensed in the State of Utah, documenting the following:
- (1) Height and design of the monopole or tower, including technical and engineering factors governing the selection of the proposed design.

- (2) Seismic load design and wind load design for the monopole or tower.
- (3) Total anticipated capacity of the monopole or tower, including number and type of antennas that can be accommodated.
- (4) Structural failure characteristics of the monopole or tower and a demonstration that the site and setbacks are of adequate size to contain debris.
- (5) Soil investigation report, including structural calculations. (2001)

10-24-5: ANETNNA SITE LOCATIONS. The City Council shall authorize the location of Wireless Service Antennas on public or private property within designated industrial, commercial, agricultural or open space zones of the City at said site as indicated in the Siting Alternatives Hierarchy section contained herein. (Ord 04-20)

10-24-6: CO-LOCATION REQUIREMENT. Unless otherwise authorized by the City Council for good cause shown, every new monopole shall be designed and constructed to be of sufficient size and capacity to accommodate at least one additional wireless telecommunications provider on the structure in the future. Any conditional use permit for the monopole may be conditioned upon the agreement of the applicant to allow co-location of other personal wireless providers on such terms as are common in the industry. (2001)

10-24-7: LEASE AGREEMENT. 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 is hereby authorized to execute the standard lease agreement on behalf of the City. The Lease shall contain the condition that the site plan and/or conditional use permit must first be approved by the City Council before the lease can take effect, and that failure to obtain such approval renders the lease null and void. (2001)

10-24-8: STANDARDS FOR ANTENNA SUPPORT STRUCTURES. Personal wireless services facilities are characterized by the type or location of the antenna structure. There are five general types of antenna structures contemplated by this ordinance: wall mounted antennas; roof mounted antennas; monopoles with no platform; monopoles with a platform; and stealth facilities. If a particular type of antenna structure is allowed by this ordinance as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

(A) Wall Mounted Antennas.

- (1) Maximum height. Wall mounted antennas shall not extend above the roof line of the building or structure or extend more than for (4) feet horizontally from the face of the building.
- (2) Setback. Wall mounted antennas shall not be located within one hundred feet (100') of any residence.
- (3) Mounting Options. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room. Whip antennas are not allowed on a wall mounted antenna structure.

(B) Roof Mounted Antennas

- (1) Maximum height. The maximum height of a roof mounted antenna shall be ten feet (10') above the roof line of the building
- (2) Setback. Roof mounted antennas shall be located at least five feet (5') from the exterior wall of the building or structure, and at least fifty feet (50') feet from any neighboring residential structure.

- (3) Mounting Options. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room. Whip antennas are not allowed on a wall mounted antenna structure.

(C) Monopoles with no platform.

- (1) Maximum Height and Width. The maximum height of the monopole antenna shall be seventy-five feet (75'), although the approving body may allow an antenna or antenna support structure up to 110 feet in height, if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or to allow co-location, and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The entire antenna structure mounted on the monopole shall not exceed three (3') feet in width. The antenna itself shall not exceed ten (10') feet in height.
- (2) Setback. Monopoles shall be set back a minimum of 110% of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.

(D) Monopoles with Platform.

- (1) Maximum Height and Width. The maximum height of the monopole antenna shall be seventy-five feet (75'), although the approving body may allow an antenna or antenna support structure up to 110 feet in height, if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or to allow co-location, and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The antennas and antenna mounting structures on the monopole shall not exceed eight (8') feet in height or fifteen (15') feet in width. The antenna itself shall not exceed ten (10') feet in height.
- (2) Setback. Monopoles shall be set back a minimum of 110% of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.

(E) Stealth Facilities.

- (1) Maximum Height. The maximum height of a stealth facility shall be the maximum structure height in the zoning district in which the stealth facility is located. The applicant may exceed the maximum structure height if allowed pursuant to a conditional use permit. Ord. 03-08)

10-24-9: **ADDITIONAL CONDITIONAL USE PERMIT CONSIDERATIONS.** In addition to the City's standard conditional use permit considerations, the City shall consider the following factors when deciding whether to grant a conditional use permit for a personal wireless services facility:

- (A) Compatibility. Compatibility of the facility or antenna with the height, mass and design of buildings, structures, neighborhood aesthetics and uses in the vicinity of the facility.
- (B) Screening. Whether the facility or antenna uses existing or proposed vegetation, topography or structures in a manner that effectively screens the facility.
- (C) Disguise. Whether the facility or antenna is disguised in a manner that mitigates potential negative impacts on surrounding properties.
- (D) Parcel Size. Whether the facility or antenna is located on a parcel of sufficient size to adequately support the facility.

- (E) Location on Parcel. Whether the structure or antenna is situated on the parcel in a manner that can best protect the interests of surrounding property owners, but shall still accommodate other appropriate uses of the parcel.
- (F) Co-location. The willingness of the applicant to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry. (Ord. 03-08)

10-24-10: ADDITIONAL REGULATIONS FOR MONOPOLES AND TOWERS.

- (A) Distance from other Monopoles. Monopoles and towers shall be located at least one thousand (1,000') feet from each other, except upon showing of necessity by the applicant, or upon a finding by the City that a closer distance would adequately protect the health, safety, and welfare of the community. This distance requirement shall apply to stealth facilities or to antennas attached to lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.
- (B) Location on Parcel. Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area, or parking area. (2001)

10-24-11: SAFETY REQUIREMENTS.

- (A) Regulation Compliance with FCC and FAA regulations. All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.
- (B) Protection Against Climbing. Monopoles shall be protected against unauthorized climbing by removing the climbing pegs from the lower twenty (20') feet of the monopole.
- (C) Fencing. Monopoles and towers shall be fully enclosed by a minimum six (6') foot tall fence or wall, as directed by the City.
- (D) Security Lighting Requirements. Monopoles and towers shall comply with the FAA requirements for lighting. As part of the conditional use permit consideration, the City may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate. (2001)

10-24-12: ABANDONMENT. The City may require the removal of all antennas and monopoles if the facility has been inoperative or out of service for more than twelve (12) consecutive months.

- (A) Notice. Notice to remove shall be given in writing by personal service, or by certified mail addresses to the operator's last known address.
- (B) Violation. Failure to remove the antennas and monopoles after receiving written notice to remove is a violation of the terms of this chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this Chapter. Any lease agreement with the City shall also stipulate that failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this Chapter automatically transfers ownership of the antennas, monopoles, support buildings and all other structures on the site to the City. (2001)

10-24-13: SITE REQUIREMENTS.

- (A) Regulations for Accessory Structures.
 - (1) Storage Areas and Solid Waste Receptacles. No outside storage of solid waste receptacles shall be permitted on the site.
 - (2) Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures in the zone in which the facility is located.
 - (3) Accessory Buildings. Freestanding accessory buildings used with a personal wireless services facility shall not exceed four hundred fifty (450') square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.
- (B) Parking. The City may require a minimum of one (1) parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.
- (C) Landscaping. All sites with a personal wireless services facility shall be landscaped per City Planning Commission.
- (D) Maintenance Requirements. All personal wireless services facilities shall be maintained in a safe, neat and attractive manner. (2001)

CHAPTER 25

LOCATION OF SEXUALLY ORIENTED BUSINESSES

10-25-1: Purpose

10-25-2: Definitions

10-25-3: Locations of Business Restrictions

10-25-4: Signs

10-25-1: PURPOSE. The purpose and objective of this Chapter is 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 is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the United States and Utah Constitutions.

10-25-2: DEFINITIONS. The terms involving sexually oriented businesses which are not defined in this Title shall have meanings set forth in Title V, chapter 4 of the business license ordinance of the Syracuse City Municipal Code.

10-25-3: LOCATION OF BUSINESS - RESTRICTIONS. Except as provided in this Chapter, no building, structure, or land shall be used 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.
- B. All sexually oriented businesses shall be subject to the following restrictions:
- (1) No sexually oriented businesses shall be located within 1000 feet of:
 - (a) A church, synagogue, mosque, or building which is 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 which has been designated for park or recreational activities including, but not limited to a park, playground, nature trails, city path ways or trails, swimming pool, athletic field, basketball or tennis courts, pedestrian/bicycle paths, or other similar public land within the City which is under the control, operation, or management of the City Park and Recreation authorities;
 - (d) An entertainment business which is oriented primarily towards children or family entertainment;

- (e) A boundary of a residential (R-1, R-2, R-3, R-4, PRD zone) or agriculture (A-1 zone) district as defined in the Syracuse City Land Use code; or
 - (f) The property line of a lot devoted to a residential use as defined in the Syracuse Land Use code.
- (2) A person commits a misdemeanor if that person causes or permits
- (a) The operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand feet (1000') of another sexually oriented business.
 - (b) Within 1000 feet of any gateway corridor or major roadway entry into Syracuse City. The 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 where a sexually oriented business is conducted, 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 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 in which each business is located.

10-25-4:

SIGNS. Notwithstanding anything contrary contained in Title 10, chapter 9, Sign Regulations, of the Syracuse City Municipal Code, the more restrictive requirements for signs shall prevail. Signs for sexually oriented businesses shall be limited as follows:

- A. No more than one exterior sign shall be allowed.
- B. No sign shall be allowed to exceed eighteen 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 allowed on any sign. Said signs shall contain alphanumeric copy only.
- E. Only flat wall signs and/or awning signs shall be permitted.
- F. Painted wall advertising shall not be allowed.
- G. Other than signs specifically allowed by the Chapter, sexually oriented businesses shall not attach, construct or allow to be attached or constructed any temporary signs, banner, light, or other device designed to draw attention to the business location.