

**Syracuse City Planning Commission Meeting**  
April 20, 2010  
Minutes

1. Meeting called to Order, Adoption of Agenda, and Approval of Minutes

Planning Commission Chairman Robert Whiteley called the meeting to order at 6:09 p.m., indicating that City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Kenneth Hellewell offered the prayer, and Ben Hatch, from Troop 652, led the pledge of allegiance.

Members Present: Chairman Robert Whiteley, Vice Chairman Kenneth Hellewell, Nathan Miller, Tena Campbell, and Gary Pratt as well as City Planner Troy Moyes, Chief Building Official Jason Van Ausdal, and Administrative Assistant Judy Merrill

Excused: Eric Hazen

Visitors: Heather Naegle	Randy Miller	Dakotah Miller	Dean Kreger
Eric Drolling	Ben Olson	Peter Chambers	Ken Pearson
Tyler Bodrero	John Nelson		

Commissioners reviewed the April 20, 2010, Planning Commission meeting agenda.

NATHAN MILLER MOVED TO ADOPT THE APRIL 20, 2010, AGENDA AS OUTLINED, SECONDED BY GARY PRATT; ALL VOTED IN FAVOR.

2. Approval of Planning Commission Minutes

Commissioners reviewed the minutes of the April 6, 2010, Planning Commission work session.

KENNETH HELLEWELL MADE A MOTION TO ADOPT THE APRIL 6, 2010, PLANNING COMMISSION WORK SESSION MINUTES AS WRITTEN, SECONDED BY GARY PRATT; ALL VOTED IN FAVOR EXCEPT TENA CAMPBELL WHO ABSTAINED.

Commissioners reviewed the minutes of the April 6, 2010, Planning Commission meeting.

KENNETH HELLEWELL MOVED TO ADOPT THE APRIL 6, 2010, PLANNING COMMISSION MEETING MINUTES AS WRITTEN, SECONDED BY GARY PRATT; ALL VOTED IN FAVOR EXCEPT TENA CAMPBELL WHO ABSTAINED.

3. Public Hearing and Conditional Use for Awesome Achievers Preschool

Heather Naegle, 1418 West 2975 South, appeared before the Planning Commission requesting Conditional Use approval to conduct a preschool in the basement of her home for children 3 to 5 years of age from 9:00-11:30 a.m., Mondays through Fridays. City Planner Moyes reported that the preschool would have no more than 8 children per session, with one session per day, and that the requested use met all requirements of the Land Use Ordinance regarding off-street parking and fencing.

Chairman Whiteley moved into public hearing. No one came forward, so he closed public hearing.

Commissioner Miller asked about a traffic plan and whether the parents of her students would walk or drive them to school. Ms. Naegle said both and that she did not anticipate a lot of traffic. Planner Moyes verified that the applicant submitted a traffic plan and that staff received one email from an adjacent property owner with traffic concerns due to the location of the home occupation within a cul-de-sac. Based on the traffic plan and only 8 children per session, staff had no concerns with traffic in that area. Vice Chair Hellewell agreed since her hours of operation were during off-peak traffic times.

Commissioner Miller asked if she might consider adding more classes per day. Ms. Naegle told him not within the next five years. Planner Moyes advised her that she would need to come back through the process again if she ever needed to add more sessions.

NATHAN MILLER MADE A MOTION TO GRANT CONDITIONAL USE APPROVAL TO HEATHER NAEGLE FOR THE PURPOSE OF CONDUCTING A PRESCHOOL IN HER HOME, LOCATED AT 1418 WEST 2975 SOUTH, SUBJECT TO ALL REQUIREMENTS OF THE CITY LAND USE ORDINANCE SPECIFIC TO HOME OCCUPATIONS AND THE CONDITION THAT SHE HAVE A CITY BUSINESS LICENSE PRIOR TO HOLDING CLASSES. GARY PRATT SECONDED THE MOTION; ALL VOTED IN FAVOR.

4. Public Hearing and Conditional Use for Pearson Auto and Rick's Auto Cool for Signage

Ken Pearson, owner of the building, and Eric Drolling, of Rick's Auto Cool, came forward requesting Conditional Use approval for signage on their commercial building, located at 1586 West 1700 South. Mr. Pearson explained how a portion of the building's facade had indentations in the brick specifically for signage, which they intended to use for that intended purpose. Vice Chair Hellewell asked if the signs would have external or internal lighting. Mr. Pearson stated neither. Planner Moyes advised the Commission that the Architectural Review Committee recommended approval, although they advised caution to the applicant regarding painted signs, since paint tended to deteriorate over time. Mr. Pearson pointed out that the signs would be brushed aluminum Dibond and printed vinyl with laminate rather than paint.

Chairman Whiteley moved into public hearing. No one came forward so he closed public hearing.

NATHAN MILLER MOVED TO GRANT CONDITIONAL USE APPROVAL FOR THE PLACEMENT OF SIGNAGE ON A COMMERCIAL BUILDING, LOCATED AT 1586 WEST 1700 SOUTH, FOR PEARSON AUTO AND RICK'S AUTO COOL SUBJECT TO ALL REQUIREMENTS OF THE CITY LAND USE ORDINANCE SPECIFIC TO SIGNAGE. KENNETH HELLEWELL SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Public Hearing and Conditional Use for The Door Stop for Signage

Ben Olson, of Young Electric Sign Company, and Peter Chambers, of The Door Stop, stood before commissioners requesting Conditional Use approval for signage at 1089 West 1700 South Suite J in the Shadow Point Shopping Center. The sign materials included pan-channel letters with red vinyl attached to a fabricated raceway that matched the building's facade. Each letter would have full internal illumination using low-voltage LED lights. Planner Moyes reported that the Architectural Review Committee recommended approval and that the requested sign met all requirements of the Land Use Ordinance specific to signage.

Chairman Whiteley moved into public hearing. No one came forward, so he closed public hearing.

Commissioner Campbell asked Mr. Chambers to tell her a little about this business. Mr. Chambers explained that it was a show room for residential and garage doors as well as cabinets and trim. They were a general contractor with a little bit of everything. Chairman Whiteley asked if they ordered a lot of their inventory or if they stored it on site. Mr. Chambers stated that they currently built their products off site but would be looking for a place in Syracuse to relocate that portion of their business as well.

TENA CAMPBELL MADE A MOTION TO GRANT CONDITIONAL USE APPROVAL FOR THE PLACEMENT OF SIGNAGE ON A COMMERCIAL BUILDING IN THE SHADOW POINT SHOPPING CENTER, LOCATED AT 1089 WEST 1700 SOUTH SUITE J, FOR THE DOOR STOP SUBJECT TO ALL REQUIREMENTS OF THE CITY LAND USE ORDINANCE SPECIFIC TO SIGNAGE. NATHAN MILLER SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. Extension of a Conditional Use for the Syracuse West Commercial Subdivision Multi-Tenant Sign

Planner Moyes offered to represent the applicant on this request, since Braxton Schenk was unable to stay at the meeting long enough for the Commission to review his application. Planner Moyes reminded commissioners that they granted approval of this sign on January 20, 2009, subject to all requirements of the Land Use Ordinance specific to signage with an emphasis on the 10-foot clearance from the ground to the bottom of the sign. That approval expired January 20, 2010, and any approval at this time would be retroactive to that date. Although commissioners discussed proposed changes to Title X, this request was just for an extension of the original approval as granted with the 10-foot clearance.

KENNETH HELLEWELL MOVED TO APPROVE AN EXTENSION OF A CONDITIONAL USE GRANTED FOR THE PLACEMENT OF A MULTI-TENANT SIGN AT 2392 WEST 1700 SOUTH, FOR THE SYRACUSE WEST COMMERCIAL SUBDIVISION, FROM JANUARY 20, 2010, UNTIL JANUARY 20, 2011. TENA CAMPBELL SECONDED THE MOTION; ALL VOTED IN FAVOR.

7. Public Hearing for Proposed Amendments to Title X Land Use Ordinance

Chairman Whiteley stated the Commission tabled this item previously in order to research the affects of adjusted setbacks on different properties and various zones. Commissioners now believed the proposed setbacks to be reasonable. Planner Moyes reviewed the first proposed change in Chapter 2, as follows:

**10-2-040: DEFINITIONS.**

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

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

He explained that the reason for proposing this definition was due to an inquiry for locating an adult daycare in Syracuse. The proposal outlined the requirements, in Section 10-7-040(F), under a new section entitled "Major Home Occupations." After discussing this proposal during the April 6 meeting, staff made the following change as highlighted in yellow.

- (F) Adult Day Care Home Occupations. The number of adult participants in these residences shall be no more than six (6) at a time. The following standards shall apply:
1. Those residing in the home shall operate such adult day cares.
  2. An adult day-care participant, who is not mentally or physically capable of negotiating a normal path to safety, shall count as three adults. Business owners shall submit statements from physicians that testify to participants' mental and physical capabilities to negotiate their way to safety.

He then read proposed definitions for 'Reasonable Accommodations' and 'Structure.' The amendment to structures eliminated steps and ramps from setback requirements by deleting them from a structure's measurements. When Vice Chair Hellewell asked if this definition was due to existing non-conforming uses, Building Official Van Ausdal told him he was correct but that it also no longer required homes with higher elevations and egress components coming off the rear to eliminate a lot of such decks due to the steps or ramps, especially for residents requiring ADA accommodations. The current restrictions greatly limited homeowners as to what they could add to their homes, if anything at all. Excluding stairs and ramps by definition helped in these scenarios while still complying with applicable building codes for landings, etc.

Assistant Merrill then referred to the process for applicants to acquire reasonable accommodations to Ordinance requirements. She stated that the City would post a sign at their counters advising those coming in for any type of permit that they could apply for reasonable accommodations for ADA needs applicable to their type of request., whether it be a building permit, conditional use, site plan, etc. The application would outline all required information and the processes for approval and appealing, if denied. The City Council would designate an administrator for making those decisions as well as an appellate body. The application would also advise the public of the option to request reasonable accommodations to help them apply for a reasonable accommodation.

Planner Moyes explained that most changes in Chapter 4 were grammatical clarifications, as follows:

**CHAPTER 4: ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES**

- 10-4-010: PURPOSE.** The purpose of this Chapter is to set forth procedures for considering various types of land use and development applications to assure that the City processes applications of the same type will be processed on a uniform basis consistent with applicable law.
- 10-4-020: SCOPE.** The City shall review and approve submitted applications for land use and development approvals shall be submitted, reviewed and approved as provided in this Chapter.
- 10-4-030:** (A) Application Forms. Submitted applications shall be submitted on forms provided by the Community Development Department and with required documentation in such numbers as reasonably required by the Community Development Department for a particular type of application. Applicants shall first submit all applications for land use permits, rezone requests, conditional use permits, building permits, or other land-use permits to the Community Development Department for zoning review. Such review shall to assure compliance with the requirements of this Title.
- (C) Development Review Sequence. No The City shall not consider any subdivision, site plan, or other development application shall be considered unless:
- The applicable zone of the subject property allows the requested approval which is requested in the application is allowed by the zone existing on the subject property; or,
  - Where permitted by this Title, the application is also submitted application for simultaneously with a proposed zoning map amendment that would if approved, allow the proposed request.
- (E) Determination of Complete Application. After receipt of an application, the Community Development Department shall determine whether the application it is complete. If the application is not complete, the Community Development Department shall notify the applicant in writing and shall: 1. specify

- ~~identify~~ the deficiencies, ~~of the application;~~ ~~2. state by specifying~~ the ~~additional required~~ information, ~~which must be supplied;~~ and ~~3. advise the applicant that the City will take no further action will be taken on the application request until submission of the deficiencies are corrected a complete application.~~
- (F) Fees. ~~When an application is filed~~ The applicant shall pay ~~to~~ the City a fee, as provided in the City's schedule of fees as adopted by the City Council, upon filing an application. Application fees shall be ~~in~~ amounts reasonably determined to defray actual costs incurred by the City to review plans and specifications, act upon ~~an~~ applications, and conduct inspections. The Department shall return any application as incomplete if not accompanied by a required fee ~~shall be returned to the applicant as incomplete.~~ ~~1. Fees shall be non-refundable except as provided in Subsection (G) below.~~ ~~3. Fees shall not be required for~~ Applications initiated by the City shall not require fees.
- (G) Remedy of Deficiencies. If an applicant fails to correct specified deficiencies within thirty (30) days after notification thereof, the City may deem the application ~~to be~~ withdrawn and shall return it to the applicant upon request. The Department shall refund application fees ~~shall be refunded~~ to the applicant, less any fee established to cover the cost of determining completeness of the application.
- (H) Decision Date. The date of a decision or recommendation shall be the date ~~when the decision or recommendation is made by~~ of the decision-making body or official.
- (I) Extensions of Time. Unless otherwise prohibited, upon written request and for good cause shown, any decision-making body or official having authority to grant approval of an application may, without any notice or hearing, grant extensions of any time limit imposed by this Title on such application, its approval, or the applicant, provided ~~a written~~ the Department receives such a request ~~for such extension has been received by the Community Development Department or initiates an extension prior to the date of expiration, or provided the City staff or Planning Commission has initiated an extension prior to the date of expiration.~~ The total period of time granted by any such extension or extensions shall not exceed half the length of the original time period.
- (J) Pending Ordinance Amendments.
- When the City ~~has~~ formally initiated ~~s~~ proceedings to amend the zoning map or text of this Title or Title 15, a person who thereafter files an application ~~which may be affected by that~~ the proposed amendment may affect shall not ~~be entitled to~~ rely on the existing zoning map or text ~~which may be amended under consideration.~~
    - A formal initiation for a proposed zoning map or text amendment shall be ~~deemed formally initiated when~~ the date of publication of amendment proposal first appears on a Planning Commission or City Council agenda, as the case may be, in a newspaper of general circulation in the area that notices said proposal and such agenda has been noticed as required in this Chapter.
    - The filing date of an application shall be ~~deemed filed~~ the submission date of ~~when~~ all materials required for the application, as set forth in this Title, ~~have been submitted.~~
  - An application affected by a pending amendment to the zoning map or text of this Title shall be subject to the following requirements:
    - The City shall not act upon such applications ~~shall not be acted upon~~ until six (6) months ~~from the date when after the noticing a proposed pending amendment to the zoning map or text of this Title was first noticed in~~ on a Planning Commission or City Council agenda, as the case may be, in a newspaper of general circulation in the area unless:
      - The applicant voluntarily agrees to amend ~~his~~ their application to conform to the requirements of the proposed amendment; or
      - The City enacts or defeats the proposed amendment ~~is~~ sooner ~~enacted or defeated, as the case may be.~~
    - If the City enacts a pending amendment to the zoning map or text of this Title ~~is enacted~~ within six (6) months ~~after being noticed of the publication date of~~ on a Planning Commission or City Council agenda, as the case may be, an affected application, ~~which was filed while during the pending amendment, was pending~~ shall conform to the enacted amendment.
    - If the City does not enact a pending amendment to the zoning map or text of this Title ~~is not enacted~~ within six (6) months ~~after being noticed from the publication date of~~ on a Planning Commission or City Council agenda, as the case may be, the ~~amendment~~ City shall no longer ~~be considered~~ the proposed amendment pending and shall consider any affected application may be approved without regard to the previously-pending amendment.
  - The Community Development Department, shall give written notice to an affected applicant ~~affected by~~ of a pending amendment to the zoning map or text of this Title, ~~written notice that:~~

~~informing them that their request~~ (a) ~~There is pending legislation;~~ (b) ~~The application~~ may require changes ~~in order~~ to conform to a ~~proposed~~ zoning map or text amendment ~~which may be enacted;~~ and ~~that~~ (e) copies of the pending legislation are available at the Community Development office.

4. All provisions herein ~~are intended to and~~ shall comply with the provisions of Utah Code Ann.10-9a-509, as amended.

- (K) Substantial Action Required. If ~~an applicant has not taken substantial action to obtain approval~~ within six (6) months after ~~filing an application has been filed the applicant has not taken substantial action to obtain approval thereof,~~ the application shall expire and any vested rights accrued thereunder shall terminate.

Vice Chair Hellewell asked about the reference to a Title 15, under Section J, and stated he was unaware of any such Title. Planner Moyes agreed and believed it to be an error from years past. He offered to look into it and make a correction.

**10-4-040: PUBLIC HEARINGS AND MEETINGS.** ~~The City shall schedule and hold~~ Any public hearings or meetings required under this Title, as the case may be, ~~shall be scheduled and held~~ subject to the requirements of this Section.

(A) Public Hearings:

1. Scheduling ~~a Public Hearing.~~ ~~An application requiring~~ The City shall schedule a public hearing ~~or meeting shall be scheduled~~ within a reasonable time, in light of: ~~(a) the complexity of the application submitted;~~ ~~(b) the number of other applications received which that~~ require a hearing; ~~(c) available staff resources;~~ and ~~(d) applicable public-notice requirements.~~
2. Public Hearing Procedures. The following procedures shall apply to a public hearing conducted pursuant to this Title.
  - (a). Any person may appear at a public hearing and submit evidence, either individually or as the agent of a person or an organization. Each person who appears at a public hearing shall state his or her name and, if appearing on behalf of a person or an organization, state the name of the person or organization ~~being they~~ represented.
  - (c). The body or official conducting a public hearing may, upon the body's or official's own motion, postpone the hearing ~~or meeting.~~ An applicant may request and ~~be granted~~ receive one (1) postponement. Thereafter, ~~any postponement shall be granted at the discretion of the body or official conducting the public hearing or meeting shall grant any postponements at their discretion.~~
3. Withdrawal of Application. An applicant may withdraw an application at any time prior to action on the application by the decision-making body or official. The City shall not refund application fees ~~shall not be refundable~~ if, prior to withdrawal, ~~staff already:~~ ~~(a) A Staff began a~~ reviewed of the application ~~has been undertaken;~~ or ~~(b) mailed, posted, or published a~~ notice for a public hearing on the application ~~has been mailed, posted or published.~~
4. Record of Public Hearing. Except where required otherwise by statute, the body or official conducting the public hearing shall record the proceedings thereof by any appropriate means. Anyone may receive a copy of the public hearing record ~~may be acquired~~ upon request and payment of a fee to cover the cost of duplication of the record. The minutes, tape recordings, all applications, exhibits, papers, and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official shall constitute the record thereof.
5. General Requirements for Findings and Decisions. The decision-making body or official shall take action ~~shall be taken~~ in compliance with any time limits established in this Title. Except for those public bodies whose make decisions ~~shall be made~~ by motion or ordinance, all decisions shall be in writing and shall include at least the following elements:
  - (c). A statement of findings of fact or other factors considered, including the basis upon which ~~the decision-making body determined~~ such facts ~~were determined~~ and specific references to applicable standards set forth in this Title or other titles of the Syracuse City Municipal Code; and
6. Notification. The City shall provide notice of a decision by the decision-making body or official ~~shall be provided~~ to an applicant within a reasonable time.

(B) Other Public Meetings

1. Scheduling ~~a Public Meeting.~~ The City shall schedule ~~an application requiring a~~ public meetings ~~shall be scheduled~~ within a reasonable time, in light of: ~~(a) the complexity of the application submitted;~~ ~~(b) the number of other applications received which require a hearing;~~ ~~(c) available staff resources;~~ and ~~(d) applicable public notice requirements.~~
2. Withdrawal of Application. An applicant may withdraw an application at any time prior to action on the application by the decision-making body or official. The City shall not refund application

fees ~~shall not be refundable~~ if, prior to withdrawal, ~~staff already:~~ (a) A staff ~~began a~~ review of the application ~~has been undertaken;~~ or ~~mailed, posted, or published a~~ (b) notice for a public meeting on the application ~~has been mailed, posted or published.~~

3. Record ~~of Public Meeting~~. Except where required otherwise ~~required~~ by statute, the body or official conducting the public meeting shall record the proceedings thereof by any appropriate means. ~~Anyone may receive~~ a copy of the public meeting record ~~may be acquired~~ upon request and payment of a fee to cover the cost of duplication of the record. The minutes, tape recordings, all applications, exhibits, papers, and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official shall constitute the record thereof.
4. Notification. ~~The City shall provide~~ notice of a decision by the decision-making body or official ~~shall be provided~~ to an applicant within a reasonable time.

- 10-4-050:** (A) Mailing List and Labels. The applicant for a conditional use ~~application~~ shall provide the Community Development Department with an approved list of all owners of real property located within three hundred (300) feet of the boundary of the subject property, as shown on the latest assessment rolls of the County Recorder. The applicant shall pay to the City a fee in the amount of the actual costs incurred by the City in providing the notice, and shall bear sole responsibility to ensure the accuracy of the property-owner list.
- (B) Applicant Notification. For all conditional use applications, the City shall ~~be required to~~ give notice to the applicant of the date, time, and place of each public hearing and public meeting to consider the application and of any final action on a pending application.
- (C) Notice to Third Parties. For site specific conditional use applications, the City shall mail notice to the ~~record~~ owners ~~of record for~~ each parcel within a ~~three hundred (300)~~ foot radius of the subject property, ~~including~~ third-party owners of property within the ~~three hundred (300)~~ foot radius but outside of Syracuse City boundaries ~~shall be sent notice equivalent to that sent to property owners within Syracuse City.~~
- (D) Intent to Prepare or Amend General Plan. Before preparing a proposed general plan or general plan amendment, the City shall provide ~~ten (10)~~ calendar days notice of its intent to prepare or amend the General Plan to the following listed entities or persons. Such notice shall comply with the requirements of Utah Code Ann. 10-9a-203, as amended. ~~This~~ ~~The City shall provide~~ notice of intent ~~is to be provided~~ to designated entities or persons before ~~preparing~~ the plan or amendment ~~is prepared~~ to allow those entities and persons to submit information to the City. ~~Notice of intent shall be provided to~~ ~~The entities or persons the City shall notify are:~~
- (E) 1. The City shall provide notice of the first public hearing to consider the adoption or modification of all or any portion of the General Plan at least ~~ten (10)~~ calendar days before the public hearing. Notice shall be:
- (c) Posted in at least three ~~(3)~~ public locations within the City and, if practical, on the City's website.
2. The City shall provide notice of each public meeting regarding the adoption or modification of all or any part of the General Plan at least ~~twenty-four (24)~~ hours before the meeting. Notice shall be:
- (b) Posted in at least three ~~(3)~~ public locations within the City and, if practical, on the City's website.
- (F) 1. The City shall provide notice of the first public hearing to consider the adoption of any modification of a land use ordinance at least ~~ten (10)~~ calendar days before the public hearing. Notice shall be:
- (c) Published in a newspaper of general circulation in the area or mailed at least ~~ten (10)~~ days before the public hearing to each property owner, whose land ~~is the ordinance change would~~ directly affected ~~by the land use ordinance change~~, and each adjacent property owner within ~~three hundred (300)~~ feet.
2. The City shall provide notice ~~of each public meeting~~, regarding the adoption or modification of a land use ordinance, at least ~~twenty-four (24)~~ hours before the meeting. ~~The City shall post such notices~~ ~~shall be:~~ (a) ~~posted~~ in at least three ~~(3)~~ public locations within the City and, if practical, on the City's website.
- (G) 1. The City shall mail notice, ~~of a public hearing to consider a proposed subdivision or an amendment to a subdivision not less than~~ ~~at least ten (10)~~ calendar days before the public hearing, ~~addressed~~ to the ~~record~~ owners ~~of record~~ of each parcel within ~~three hundred (300)~~ feet of the subject property; and
2. Not less than ~~ten (10)~~ calendar days before the public hearing, the applicant shall post on the property one (1) City-provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, ~~then~~ the ~~applicant shall post the~~ sign ~~should be~~

~~posted~~ on a nearby street as determined by the Community Development Department. The sign shall be of sufficient size, durability, print quality, and location ~~that it is as to~~ reasonably ~~calculated to~~ give notice to those passing by.

- (I) Notice of Land Use Applications. The City shall notice the following land-use applications ~~shall be noticed~~ at least ten (10) calendar days before the public hearing:
- ~~3. Conditional use permits;~~
  4. Site plans or site plan amendments; and
  5. Variances.
- (J) Challenge of Notice. If no one challenges a notice, given under authority of this Section, ~~is not challenged~~ in accordance with applicable appeal procedures within thirty (30) days after the meeting or action for which notice was given, all affected parties shall deem the notice ~~shall be deemed as~~ adequate and proper.
- 10-4-060:** (A) Purpose. The City Council ~~has~~ previously adopted the Syracuse City General Plan, This section which sets forth procedures for amending ~~the Syracuse City General Plan~~ same. For purposes of this Section, amendment shall include the addition of new elements to the General Plan and any comprehensive revisions to or adoption of ~~the~~ same.
- (B) Authority. The City Council, as the Land Use Authority, may from time to time amend the General Plan as provided in this Section. Such amendments may include any matter within the scope of the General Plan.
- (C) Initiation. Anyone may proposed amendments to the General Plan ~~may be initiated by any person, the City Council, Planning Commission, or authorized City staff~~ as provided in this Section.
- (D) Procedure. City staff shall process and consider General Plan amendments ~~shall be considered and processed~~ as provided in this Subsection.
1. An application shall ~~be~~ submitted a request to the Community Development Department ~~in on~~ a form established by the Department along with any fee established by the City's schedule of fees. The City Council, Planning Commission, or authorized City staff may initiate a General Plan amendment at any time without submittal of an application or payment of any fee. ~~2- Anyone~~ person proposing General Plan amendments shall do the survey and analysis work necessary to justify the proposed amendment. To ensure the Planning Commission and City Council have sufficient information to evaluate a proposed amendment, an applicant shall submit at least the following information:
    - (a) The name, address, and telephone number of ~~the~~ applicant, ~~the~~ applicant's agent, if any, and ~~the~~ name and address of every person or company the applicant represents;
    - (b) For map amendments:
      - i. An 8-1/2" x 11" map showing the area of the proposed amendment;
      - iii. Mapped inventory of existing land uses within the area of the proposed amendment and extending a half (1/2) mile beyond such area;
      - vii. Analysis of ~~the~~ potential impacts of the proposed amendment on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, and such other matters as the City may require from time to time; and
    - (c) For text amendments:
      - i. Written statement showing the desired language change; and ii. Written statement explaining why existing General Plan language is no longer appropriate or feasible;
      - iii. Analysis of ~~the~~ potential impacts of the proposed amendment; and
      - ~~iiiiv.~~ Map showing affected geographic areas if based on proposed text changes ~~will affect specific geographic areas.~~
  3. After City staff determine the completeness of an application ~~is determined to be complete~~ or prior to ~~the initiation of~~ a City-initiated General Plan amendment proposal, the City shall provide notice of intent to prepare or amend the General Plan in accordance with the provisions of Section 10-4-050. After providing notice of intent to prepare or amend the General Plan, the Community Development Department, as the Land Use Administrator, shall prepare a staff report evaluating the application proposed amendment.
  4. The Planning Commission, as the Advisory Body, shall schedule and hold a public hearing, on the proposed amendment, ~~Public notice of the public hearing and the public meeting shall be provided~~ in accordance with the provisions of Section 10-4-050. After the public hearing, the Planning Commission may modify the proposed amendment ~~General Plan. The Planning Commission shall then before~~ forwarding its recommendation ~~regarding the proposed General Plan amendment to the~~ City Council.

5. The City Council ~~shall~~ may schedule and hold a public hearing on the ~~proposed~~ recommended General Plan ~~recommended to it by the Planning Commission~~ public notice of the public hearing and the public meeting shall be provided amendment in accordance with the provisions of Section 10-4-050.
- (E) Approval Standards. A decision to amend the General Plan is a matter within the legislative discretion of the City Council. After the public hearing described in Subsection (d)(5) of this Section, the City Council may make any modifications to the proposed General Plan amendment that it considers appropriate. The City Council may then adopt or reject the proposed ~~General Plan~~ amendment either as proposed by the Planning Commission or after making ~~any revision that the City Council considers appropriate~~ said modifications. The City Council may also table the matter for further information, consideration, or action.
- (G) Effect of Approval. No one shall deem approval of an application to amend the General Plan ~~shall not be deemed~~ as an approval of any zone, conditional use permit, site plan, or other permit. Obtaining approval of a particular zone or permit shall be ~~obtained~~ in accordance with applicable provisions of this Title.
- (H) Effect of Disapproval. City Council denial of an application to amend the General Plan shall preclude a person from filing ~~of~~ another application covering substantially the same subject or property, or any portion thereof, for six (6) months from the date of the disapproval. This Section shall not limit the City Council, Planning Commission, or authorized City staff from initiating a General Plan amendment at any time.
- 10-4-070:** (B) Authority. The City Council, as the Land Use Authority, may from time to time amend the text of this Title and the zoning map as provided in this Section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations, or any other provision of this Title. The provisions set forth herein shall not apply to temporary zoning regulations ~~which that the Council may be enacted~~ without public hearing in accordance with Section 10-9a-504 of the Utah Code, as amended.
- (C) Initiation. The City Council, Planning Commission, or property owner may initiate proposed amendments to the text of this Title and the zoning map ~~may be initiated by the City Council, Planning Commission or a property owner affected by the proposed amendment~~ as provided in Subsection 10-4-070(d) below.
- (D) Procedure. The City shall process and consider zoning text and map amendments ~~shall be considered and processed~~ as provided in this Subsection.
1. An applicant shall submit a request ~~complete application shall be submitted~~ to the ~~office of the~~ Community Development Department in on a form established by the ~~Administrator~~ Department along with any fee established by the City's schedule of fees. The application shall include at least the following information:
    - (a) ~~The~~ Name, address, and telephone number of the applicant and ~~the~~ applicant's agent, if any.
    - (b) ~~The~~ Name and address of every person or company the applicant represents.
    - (c) ~~The~~ Requested amendment and reasons supporting the request.
    - (d) If the proposed amendment requires a change in the zoning map, the application shall include:
      - iii. an accurate legal description and an approximate common address of the area proposed to be for rezoning.
  2. After City staff determines completeness of the application ~~is determined to be complete~~, the ~~Zoning Administrator~~ Community Development Department, as the Land Use Administrator, shall prepare a staff report evaluating the application.
  3. The Planning Commission, as the Advisory Body, shall schedule and hold a public hearing on the application as provided in Sections 10-4-040 and 10-4-050 of this Chapter. Following the public meeting, the Planning Commission shall recommend approval, approval with modifications, or denial of the proposed amendment and ~~shall~~ submit its recommendation to the City Council for review and decision.
  4. The City Council ~~shall~~ may schedule and hold a public meeting on the application as provided in Sections 10-4-040 and 10-4-050 of this Chapter. At the public meeting, the City Council ~~may~~ shall approve, approve with modifications, or deny the proposed amendment.
- (E) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter ~~committed to the of~~ legislative discretion ~~of by the~~ City Council and ~~is~~ not controlled by any one standard. However, in making an amendment, the City Council should consider ~~the following factors~~:
1. Whether ~~the proposed amendment is~~ it would be consistent with goals, objectives, and policies of the City's General Plan;
  2. Whether ~~the proposed amendment is~~ it would be harmonious with the overall character of existing development in the vicinity of the subject property;

3. Whether ~~the proposed amendment is~~ it would be consistent with the standards of any applicable overlay zone.
  4. The extent to which ~~the proposed amendment~~ it may adversely affect adjacent property; and
- (G) Effect of Approval. Approval of an application to amend the provisions of this Title or the zoning map shall not ~~be deemed~~ constitute an approval of any conditional use permit, site plan, or other permit. Obtain-  
ing approval of such permits shall be obtained in accordance with applicable provisions of this Title.
- (H) Effect of Disapproval. City Council denial of an application to amend the provisions of this Title or the zoning map shall preclude the filing of another application covering substantially the same subject or property, or any portion thereof, for one (1) year from the date of the disapproval, except as follows:  
~~1. unless another application may be sooner considered if:~~ (a) the Planning-Commission determines a substantial change in circumstances ~~has~~ occurred to merit consideration of the application; or (b) the application is for a change to a different zone. ~~2.~~ The City Council or Planning Commission may propose any text or zoning map amendment at any time.

Planner Moyes explained that many of the changes in Section 10-4-080 would streamline conditional use approvals by allowing administrative processing of applications for requests, such as signs and minor home occupations, since the Ordinance clearly outlined the standards. The Commission would then become the appellate body for appeals to such administrative decisions.

Commissioner Pratt asked if the Commission had the authority then to amend the Ordinance when faced with an appeal. Planner Moyes explained how the Commission would change hats of authority in such instances from an administrative or legislative body to a quasi-judicial board, which involved following more requirements and could include proposed Ordinance changes to accommodate appeals. Commissioner Pratt asked if the Council would be the checks and balances, and Planner Moyes told him yes. He added that staff could also forward applications they were not comfortable approving in order to have the Commission interpret the Ordinance. Commissioner Pratt asked if the Commission then represented the City Council. Vice Chair Hellewell advised him that the Commission would become the judicial body and Council would not get involved unless it were an Ordinance change. Planner Moyes added that the Council or District Court could be appellate bodies for the Commission. Every single judicial body had to follow the same rules, so the Commission would need to change the way they acted for each applicable request before them. He offered to provide training regarding this issue, so the Commission was familiar with the requirements they had to follow in order to grant an appellant leeway or provide an interpretation of the Ordinance. Vice Chair Hellewell thought the training would be a good idea since this would be the first time the Commission had reason to act as a quasi-judicial body, normally reserved for legislative bodies or city councils. Official Van Ausdal pointed out that it also allowed a better process within cities to resolve appeals on lower, administrative or legislative levels without involving higher courts or processes with the added costs to both cities and affected appellants.

**10-4-080: CONDITIONAL USE PERMIT REVIEWS.**

- (B) Authority. The Community Development Department, as the Advisory Body and/or Land Use Authority, or Planning Commission, is authorized as the Land Use Authority, has the authorization to issue conditional use permits as provided in this Section.
- (D) Procedure. The City shall process and consider an application for a conditional use permit shall be considered and processed as provided in this Subsection.
1. An applicant shall submit ~~a complete application shall be submitted~~ request to the ~~office of the~~ Community Development Department in on a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information:
    - (a) ~~The~~ Name, address, and telephone number of the applicant and ~~the~~ applicant's agent, if any
    - (b) ~~The~~ Address and parcel identification of the subject property
    - (c) ~~The~~ Zone, zone boundaries, and present use of the subject property
    - (d) ~~A~~ Complete description of the proposed conditional use
    - (e) A plot plan showing the following:
      - v. adjoining property lines and uses within one hundred (100) feet of the subject property ~~and~~
      - vi. any other information determined to be necessary by the Land Use Administrator
    - (g) A statement by the applicant demonstrating how the conditional use permit requested use would meet the approval standards of Subsection (E) of this Section.

- (i) Such other ~~and further~~ information or documentation as the ~~Community Development~~ Department may deem necessary for a full and proper consideration and disposition of a particular application.
  2. If ~~the use would require~~ a variance ~~is required,~~ ~~the applicant shall submit~~ a variance application ~~shall be filed when an application for a~~ ~~with the~~ conditional use permit ~~is filed~~ ~~application.~~
  3. ~~The Community Development Department, as the Land Use Administrator, shall prepare~~ a staff report evaluating the application(s) ~~shall be prepared by the Community Development Department.~~
  4. ~~The Community Development Department, as the Land Use Authority, shall approve or deny applications for minor conditional uses.~~ The Planning-Commission, ~~as the Land Use Authority,~~ shall hold a public ~~hearing meeting~~ and thereafter ~~shall~~ approve, approve with conditions, or deny ~~the major conditional use permit~~ applications pursuant to the standards set forth in Subsection (E) below. ~~The Land Use Authority shall limit~~ any conditions of approval ~~shall be limited to~~ ~~conditions~~ ~~those~~ needed to ~~conform~~ ~~reasonably ensure~~ the conditional use ~~permit~~ ~~substantially~~ ~~complies with~~ ~~to~~ approval standards.
  5. After the ~~Planning Commission~~ ~~Land Use Authority~~ makes a decision, the Community Development Department shall give the applicant written notice of the decision.
  6. ~~The Department shall maintain~~ a record of all conditional use permits ~~shall be maintained in the office of the Community Development Department.~~
- (E) ~~Approval Standards.~~ The following standards shall apply to the issuance of a conditional use permit. ~~The Land Use Authority may:~~
1. ~~Issue~~ a conditional use permit ~~may be issued~~ for a use ~~to be~~ located within a zone ~~where that would allow, through regulations,~~ the particular conditional use ~~is allowed by the use regulations of the zone.~~
  2. ~~Impose~~ conditions ~~may be imposed~~ as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the conditional use, ~~upon~~ the City as a whole, or ~~upon~~ public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. ~~The Land Use Authority shall expressly set forth~~ such conditions ~~shall be expressly set forth~~ in the motion authorizing the conditional use permit.
  3. ~~Conditional use may be~~ Approved, approved with conditions, or ~~denied~~ ~~a conditional use but.~~ ~~A conditional use shall be approved~~ ~~it~~ if ~~they can impose~~ reasonable conditions ~~are proposed, or can be imposed,~~ to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. However, if ~~there are insufficient reasonable conditions~~ ~~the Land Use Authority could impose to substantially mitigate any~~ reasonably anticipated detrimental effects of a proposed conditional use ~~cannot be substantially mitigated by the proposal or the imposition of reasonable conditions in order~~ to achieve compliance with applicable standards, ~~they may deny the requested~~ conditional use ~~may be denied.~~
  4. The ~~Planning Commission~~ ~~Land Use Authority~~ may request additional information as ~~may be~~ ~~reasonably~~ needed to determine ~~whether~~ ~~the potential for compliance with~~ the requirements of Subsection (3), above, ~~can be met.~~
  5. The ~~Land Use Authority shall review and consider the~~ following factors ~~shall be reviewed and considered~~ in determining whether ~~to approve, approve with conditions, or deny~~ a conditional use permit application ~~should be approved, approved with conditions, or denied:~~
    - (a) ~~The~~ Compliance of the proposed use with ~~the~~ objectives and requirements of the City's General Plan and this Title;
    - (b) ~~The~~ Suitability of the specific property for the proposed use;
    - (c) ~~The~~ Present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area;
    - (d) ~~The~~ Safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
    - (e) ~~The~~ Safeguards provided or proposed to prevent noxious or offensive omissions, such as noise, glare, dust, pollutants, and odor from the proposed facility or use;
    - (f) ~~The~~ Safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
    - (g) ~~The~~ Impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.

6. When an applicant proposes a use, which requires a conditional use permit, ~~is proposed~~ on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit subject to the following requirements:
  - (a) ~~The Land Use Authority shall determine~~ A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Administrator shall consider the nature, characteristics, and impact of the existing and proposed uses and ~~the~~ compatibility and compliance of the proposed use with the factors set forth in Subsection (E) of this Section.
  - (b) Allowing nonconformance ~~shall be allowed~~ with respect to building setbacks, building height, landscaping, and parking space requirements.
  - (c) Meeting all current building, construction, engineering, fire, health, and safety standards ~~shall be met~~ as a condition of approval ~~of the conditional use permit~~.
  - (d) ~~Notice of an approval made hereunder shall be mailed to~~ Notifying the applicable neighborhood association by mail and posting a copy posted on the affected property or premises.
- (F) Appeal of Decision. Any person adversely affected by a decision of the Planning Commission Land Use Authority regarding the transfer, issuance, or denial of a minor conditional use permit may appeal such decision to the Planning Commission City Council by filing written notice of appeal stating the grounds therefore within ~~fourteen (14)~~ fifteen (15) days from the date of such final determination. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance, or denial of a major conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination.
- (G) 1. The owner of a conditional use permit may ~~be transferred~~ the use to another property so long as the use conducted thereunder conforms to the terms of the permit.
  2. Unless otherwise specified by the Planning Commission Land Use Authority, and subject to the provisions relating to amendment, revocation, or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and ~~shall~~ run with the land.
- (I) Revocation. The Planning Commission may revoke a conditional use permit ~~may be revoked~~ as provided in Section 10-3-080 of this Title.
  1. Any of the following shall ~~also~~ be grounds for revocation:
    - (a) The use, for which the City granted the permit, ~~was granted has~~ ceased for one (1) year or more;
    - (b) The holder or user of the permit ~~has~~ failed to comply with the conditions of approval or any City, State, or Federal law governing the conduct of the use;
    - (c) The holder or user of the permit ~~has~~ failed to construct or maintain the site as shown on the approved site plan or map; or
    - (d) The Planning Commission determined that operation of the use, or ~~the~~ character of the site, ~~has been found to be was~~ a nuisance, or ~~a public nuisance by~~ a Court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance.
  2. The Planning Commission shall not revoke ~~No~~ a conditional use permit ~~shall be revoked~~ against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and to show cause as to why they should not amend or revoke the permit ~~should not be amended or revoked~~. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- (J) 1. Conditional Use Permit approval issued by the City shall expire if any of the following occur:
  - (a) Applicant does not implement the granted conditional use granted by Planning Commission permit within one (1) year of the issued approval date; ~~or~~
  2. The holder or user of a permit may submit a written request ~~may be submitted~~ to the Community Development Department, prior to the expiration date of ~~the conditional use said~~ permit, for an extension of up to six (6) months, subject to approval of the Planning Commission Land Use Authority provided and meeting the requirements ~~for extension~~ under Section 10-3-040 of this Title are met. If the Commission Land Use Authority does not approve the application, no one shall reapply for the same purpose for a minimum period of twelve (12) months.

Planner Moyes referred to the table, summarizing how staff would process applications. The table was a decision matrix for the various applications. Staff proposed to strike the adoption of amendments to the Subdivision Ordinance, since Title VIII should outline that process and Title X should not dictate other titles. Under conditional uses, some applications would need approval from the Land Use Authority, or Commission, while others could receive administrative approval from staff. Since it would be difficult to differentiate the two

within the table, it simply included both and allowed the language within Chapter 4 to specify the appropriate body.

DECISION TO BE MADE	ADVISORY BODY	LAND USE AUTHORITY	APPELLATE BODY	EXTERNAL APPEAL
Adoption of or Amendments to General Plan	Planning Commission (public hearing <u>and notice</u> required)	City Council (public hearing optional)	District Court ( <u>appeal within thirty [30] days of decision</u> )	<u>Thirty (30) days from decision by legislative body</u>
Adoption of or Amendments to Land Use Ordinance	Planning Commission ( <u>public hearing required</u> )	City Council (public hearing optional)	District Court ( <u>appeal within thirty [30] days of decision</u> )	<u>Thirty (30) days from decision by legislative body</u>
Appeal of Administrative Decisions	None	Land Use Administrator	City Council <u>or Board of Adjustment</u> (appeal within fifteen [15] days of decision)	District Court (appeal within thirty [30] days from decision by Appellate Body)
Conditional Use Permits	<u>Land Use Administrator</u> None	Planning Commission <u>or Land Use Administrator</u>	<u>Planning Commission or</u> City Council (fifteen [15] days from decision by Land Use Authority)	<u>Civil or</u> District Court ( <u>thirty [30] days from decision by Appellate Body</u> )
Non-Conforming Uses and Non-Complying Structures	None	<u>Planning Commission</u> <u>Land Use Administrator</u>	City Council (fifteen [15] days from decision by Land Use Authority)	District Court (thirty [30] days from decision by Appellate Body)
<u>Adoption of or Amendments to Subdivision Ordinance</u>	<u>Planning Commission (public hearing and 15-day notice required)</u>	<u>City Council</u>	<u>District Court</u>	<u>Thirty [30] days from decision by Land Use Authority</u>

Vice Chair Hellewell asked if the Commission would always act as the Land Use Administrator for nonconforming uses and structures. If not, he suggested adding Planning Commission to the appellate body column. Commissioner Campbell pointed out that the Commission would never be the Land Use Administrator. Vice Chair Hellewell agreed and emphasized this as the reason it would make sense to have the Commission as the appellate body if staff were acting as the Land Use Administrator. Planner Moyes suggested changing the appellate body to both the Commission and Council, depending on the application. Chairman Whiteley asked if he understood correctly that the Land Use Administrator was different than the Land Use Authority. Planner Moyes told him yes and that the Council designated a Land Use Administrator to interpret the ordinances on a day to day basis, which was currently City Administrator Rodger Worthen. Commissioner Campbell stated that the Commission could never be the Land Use Administrator but could be the Land Use Authority.

Planner Moyes then reviewed proposed amendments to Chapter 6 from the previous meeting, regarding heights and setback requirements for accessory buildings and structures. Other changes included:

- 10-6-010:** (C) 1. General Requirements. ~~(a)~~ No one shall erect, locate, use, or occupy an accessory building or structure ~~shall be erected, located, used or occupied~~ until commencing the erection of the principal use ~~has commenced~~. No more than two (2) accessory buildings shall be on any lot. No one shall locate an accessory building ~~may be located~~ within a recorded easement unless authorized by the Land Use Authority. All accessory buildings located in the street sides of corner lots shall comply with Section 10-6-050 regarding lot and yard regulations for corner lots. No one shall locate an accessory building or structure ~~may be located~~ in a front or side yard unless the structure is:
- ~~iv.~~ (d) located at least ~~ten (10)~~ six (6) feet from the primary structure and ~~located~~ at least three (3) feet from any property lines.
2. (c) Design. The design, height, and footprint of accessory buildings shall blend aesthetically with the principle building's architecture and/or design materials.
- 10-6-020:** (A) 1. Builders shall permanently affix all residential structures ~~shall be permanently affixed~~ to the property on which they are sited and held in common ownership and classification and taxed as real estate.

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

Official Van Ausdal introduced the proposed amendment regarding new residential construction as it related to the current 38% façade requirement for brick, rock, or natural stone, as follows:

(B) Regulations for New Residential Construction.

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

Syracuse adopted a 38% facade requirement of brick, rock, or natural stone on all new residential construction. It created some enforcement issues for the Building Department as far as applications for permits. In the past, they received some administrative direction as to how they should tabulate those percentages on a consistent basis. Based on concerns and suggestions from individuals who recently acquired permits, staff proposed the Ordinance amendments as presented, which he believed was a good standard to follow. Because staff was having to make compromises by giving credit towards the 38% for various items not seen on the plans, it made sense to clarify the Ordinance so that anyone could understand the method used by City staff to calculate those measurements. Commissioner Pratt appreciated the proposal due to the confusion he witnessed in the construction field. Some builders became so frustrated that they eventually just threw up their hands and put brick all up and down the walls to make sure they complied, which far exceeded this requirement and added substantial cost to the home.

Official Van Ausdal explained that the original intent of this requirement was to have no less than 38% brick, rock, or stone on the front of homes. A builder could eliminate the need for it on the rear of a home by putting a higher percentage on the front and sides. Commissioner Pratt asked if the Ordinance allowed siding or other materials on the remaining portions of homes. Official Van Ausdal advised him that the Ordinance only regulated the 38% brick, rock, or stone, so builders could add stucco, siding, or even more brick or rock on the rest of the home as they so desired.

Chairman Whiteley asked for clarification as to the nooks, recesses, and gables. Official Van Ausdal stated that the plans City staff reviewed were only elevations that did not show recesses hidden by extending garages or bedrooms that offset porch areas in front. Consequently, staff could not measure those at the plan review stage to total actual square footage and calculate the correct 38%. Oftentimes, it was not until final inspection that staff was able to determine noncompliance, which led to an administrative decision to eliminate nooks and crannies from any measurements. However, staff then offset that by crediting brick or stone gables. This compromise allowed some homes to meet the letter of the law at the final stages even though they did not comply with the 38% requirement at the time of plan review. This additional verbiage would resolve those problems by requiring plans to specifically designate or identify such areas in order to receive credit towards the 38%. This would provide staff with direction and eliminate any confusion at final inspections as to whether homes complied.

Commissioner Pratt asked if there were any advantages to requiring composite materials on remaining exterior square footage for fire protection or long-term aesthetics. Official Van Ausdal advised him that the market as well as subdivision CC&Rs usually regulated those standards. Residential construction did not require much in the area of fire-resistant materials, since zoning ordinances normally provided proper separations between structures to protect one home from another. If allowed to breach that separation, fire code would then require fire-resistant materials. Government needed to be careful not to overregulate, which impacted home costs to the point of being cost ineffective. One example he gave regarded fire-sprinkler

requirements the State actually adopted. Syracuse amended that out of its municipal code because it added between \$5-15,000 more to home prices and left them vulnerable to leaks and other problems. Home buyers purchased the kinds of homes they wanted. If they preferred more fire-resistant materials, they willingly paid the extra costs for the incorporation of such above and beyond the standards.

Planner Moyes asked if commissioners had any questions or concerns with the proposed changes to yard encroachments with regard to stairs and ramps, in Section 10-6-050. They had none, so he moved on to conditional uses, saying he moved all home occupations into its own chapter, titled Chapter 7.

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

~~(B) Animal Hospitals. (Ord. 08-07) [see Section 10-4-090(C)1 requiring Site Plan approval]~~

~~(E) Churches or Religious Service Buildings. (Ord. 08-07) [see Section 10-4-090(C)1]~~

~~(L) Greenhouses. [regulated under accessory structures]~~

~~(I) Dwellings, Two- (2) Family. (See Section 10-6-030(B) (Ord. 08-07) [duplication; see below]~~

~~(M) Home Occupations. (See Section 10-7-040)~~

~~(N) Intermittent Commercial Uses. (See Section 10-7-050)~~

~~(O) Optical Shops. (Ord. 08-07) [see Section 10-4-090(C)1]~~

~~(R) Sewage Treatment Plants. (Ord. 08-07)~~

~~(V) Temporary Use of Buildings. The Land Use Authority or his designee may issue a grant conditional use permit approvals for temporary business buildings and model homes, which said approvals shall be valid for a period of one (1) year. The Land Use Authority or his designee may grant extension periods, not to exceed six (6) months, to the a conditional use permit approval so long as the applicant applies prior to the expiration date and ensures the building complies with all other provisions of this Section and any associated building permit remains valid. The Land Use Authority or his designee may grant a conditional use permit approval for a temporary business buildings, in any zoning district, used during construction of the permanent structure if the site meets the following conditions:~~

~~(VO) Two- (2) Family Dwellings Under Single Ownership [versus townhomes w/separate ownership]~~

- ~~1. Two- (2) family dwellings shall meet the International Building Code standards.~~
- ~~2. There shall be a minimum of two (2) off-street parking spaces per dwelling unit.~~
- ~~3. The property owner shall be responsible for payment of all utilities.~~
- ~~4. The utility services for each dwelling unit shall be installed and situated as provided in State law.~~
- ~~5. Comply with all requirements of the International Residential Code as adopted by the State of Utah for two-family dwellings.~~

Staff decided to specify vertical and horizontal separations for two-family dwellings to avoid arbitrary and capricious decisions. Vice Chair Hellewell asked staff to create a table of content for Title X as they amended and added new chapters. Planner Moyes stated that he would break up each chapter into its own .pdf on the City website, so the public could open it to their specific topic of interest. With that new feature, he could index the Title. He then referred to the following proposed amendments. Highlighted changes were new since the previous public hearing on April 6.

#### HOME OCCUPATIONS AND INTERMITTENT COMMERCIAL USES

10-7-010: Purpose

10-7-020: License Required

10-7-030: Application and Fee

10-7-040: Home Occupation

10-7-050: Intermittent Commercial Uses

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

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

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

10-7-040: (B) 7. Residents may have one occupational vehicle and trailer, associated with the home occupation, that does and not exceed~~ing~~ ten thousand (10,000) pounds gross vehicle weight for minor home

occupations and twenty thousand (20,000) pounds gross vehicle weight for major home occupations, on site provided they park said vehicles off the street, in compliance with residential off-street parking standards, and not on any street adjacent to or near their premises. By way of illustration and not limitation, this Subsection prohibits the storage or parking of business vehicles, such as limousines, service or work vehicles (snowplows, landscape and maintenance trucks, etc.), and similar vehicles as well as delivery and contractor's vehicles, equipment, and trailers used to transport same. Business owners may not intentionally station, position, or park an occupational vehicle or trailer in any manner on private property so as to advertise, promote, or draw attention to products, services, events, or other similar purposes while parked at the home owner's residence while parked thereon.

8. The home occupation shall not allow employees, other than those living in the dwelling, to come to work at the home or to park vehicles at the home to go to a job site, except in the case of daycare occupations that require a second adult for the supervision of children. The only exception would be for one (1) additional person employed as a required second adult for a daycare, or as a secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation, and the homeowner provides an additional off-street parking space.

(C) Minor Home Occupations: This Section shall deem businesses conducted on residential properties, which meet the standards outlined above, as Minor Home Occupations. The Land Use Administrator shall review and approve all Minor Home Occupations. The Land Use Administrator may refer a home occupation application to the Land Use Authority for the imposition of additional requirements as deemed necessary in order to mitigate potential impacts on the neighborhood and the City in general. Minor Home Occupations shall include, but not be limited to, the following:

(D) Major Home Occupations:

1. The definition of a major home occupation shall include any business within a residential zone that meets the standards listed in Section 10-7-040(B) above but requires additional conditions of approval imposed by the Land Use Authority, as provided herein, to mitigate the increased impact of such home occupations on the neighborhood and City in general. Major home occupations shall be conditional uses, in all residential zones, with the potential to increase their impact on a residential zone as allowed by the following:

(a) One (1) larger commercial vehicle, not exceeding twenty thousand (20,000) pounds, provided the business owner parks it off street to the side or rear of the home, on a hard surface, and screens it adequately.

(b) A second employee, as required for daycares when the number of children is greater than eight (8).

(c) More than four (4) sessions of preschool per week.

(d) The use of a larger percentage of the home or an accessory building. The Land Use Authority may only consider the use of an accessory structure or attached or detached garage or yard space for a home occupation if it finds:

(i) The proposed business will be clearly accessory and subordinate to the principal use of the property for dwelling purposes; and

(ii) The proposed business will not adversely affect the residential nature and aesthetic quality of the neighborhood; and

(iii) That the business owner will be able to relocate any off-street parking, displaced by the home occupation, elsewhere on the lot or parcel in compliance with setback and off-street parking standards for the applicable zoning; and

(iv) That appropriate conditions, as deemed necessary, will mitigate potential impacts of the business on the neighborhood and City in general.

(F) Adult Day Care Home Occupations.

(sG) Preschool Home Occupations: Home preschools shall have a back yards fully enclosed with a secure fenceing and shall be limited the number of students to sixteen (16) children per session. (Ord. 08-07)

Home occupations and intermitten commercial uses were new chapters that used to be at the end of Chapter 6. Planner Moyes believed they needed to be in their own chapter because of the length of information. The proposal defined major and minor conditional uses, which a lot of other cities already defined in this way. Many city ordinances he read used the same universal list, so he did not believe he needed to modify it at all for Syracuse.

The Commission then discussed the approval process for signage. Planner Moyes pointed out that the proposed changes, as follows, would require only three types of signs to go before the Commission: Electronic message centers, benches, and monolithic signs. This proposal included a definition for monolithic signs, which were not common. Some cities referred to them as high-rise signs, covered from top to bottom, such as the IHC in Syracuse. Chairman Whiteley referred to them as more of a column rather than pole sign. Planner Moyes indicated his preference for these to come before the Commission, because they were hard to regulate. The City had an applicant waiting for an approved definition, because he needed this unique type of sign due to frontage issues of his commercial lot. He could not install a pole sign, and there was not enough room for a monument.

#### CHAPTER 8 9

- 10-9-030:** (H) 7. Sign, Temporary. Any sign, banner, pennant, valance, or advertisement intended for display over a period no longer than ~~thirty (30)~~ one hundred eighty (180) days to advertise special events, i.e., yard sales, promotions, etc. (Ord. 10-02)
- (I) 9. Sign, Monolithic. A high profile sign not exceeding fifteen (15) feet in height, where the face and supports are within the same cabinet structure independent of any building or any other structure.

Chairman Whiteley asked about the terminology for a monolithic sign. Planner Moyes stated his research found only two cities using this term, and that he had no success finding any other definition for this type of sign, except in Layton. They used the term high-rise. This proposed definition came from Draper. Monolithics were not a typically-requested sign. Chairman Whiteley wondered if the proposed term could refer to anything other than the proposed definition, since it made him think of concrete. He did not prefer high rise either. Vice Chair Hellewell suggested using the term columnar. Commissioner Miller believed monolithic signs to be basically 15-foot tall monument signs. Planner Moyes referred to the approved IHC monolithic sign with a height of 20 feet due to the brick base. It did not comply with the 15-foot limit and was therefore nonconforming.

- 10-9-040:** (B) Lights or Lighted Signs. No one shall install a spot light, flood light, or any type of lighted or animated sign, or otherwise permit such lights to continue in operation, where the rays of such light penetrate beyond the property on which the light is located in a manner constituting a nuisance or hazard. All single tenant monument signs and multi-tenant monument signs with two (2) or less tenants shall only be illuminated through means of ground illumination or overhanging down-lighting fixtures. Internal or back-lighting systems are permitted for multi-tenant pole or pylon signs or multi-tenant monument signs with three (3) or more tenants only in Commercial (GC and C-2) and Industrial Zones. All signs are subject to approval by the Land Use Authority with a recommendation from the Architectural Review Committee.
- (G) Clearance. There shall be a minimum clearance of ~~ten (10)~~ eight (8) feet between the ground or sidewalk and any part of a projecting sign or pole sign, except where there is less than an eighteen (18) inch projection from its support.
- (K) 1. 'Freestanding Pole or Pylon Signs shall not exceed ~~twenty-five (25)~~ thirty (30) feet in height. The bottom of such signs shall be no less than ~~ten (10)~~ eight (8) feet from the ground, but in no case shall they create a traffic hazard. The height of pole or pylon signs shall be measured from the top of the curb adjacent the nearest public street or nearest public street pavement to the top of the highest point on the sign or sign structure. All structural elements, whether for support or ornamentation, shall be measured as a part of the sign as set forth in Section 10-8-050.

Vice Chair Hellewell asked about a definition for message centers and whether the City would differentiate them at all or just consider anything electronic as message centers. Planner Moyes indicated that all electronic signs would be message centers and reminded him that the proposed amendments were simply bandaids due to pending needs. He would be creating a committee, which included commissioners, to help rewrite Chapter 9 so it would work well enough, and have more and better definitions, to not need further amending for many years. Another change proposed was the height limitation for freestanding poles. In looking at sign requirements of many other cities, the standard seemed to be 30 feet, so he did not understand the reason for the 25-foot limit in Syracuse. Also, staff proposed a change from 10 to 8 feet for clearance on such signs since the Ordinance did not allow them in the clearview areas anyway.

Chairman Whiteley referred to a sign, significantly taller than its building, that he noticed a year earlier during his research. It looked unusual, although they were probably trying to catch visibility from the

freeway, so he preferred a maximum height for signs. Commissioner Miller asked about the number of 25-foot signs in the City. Planner Moyes referred to Lakeview Plaza and Shadow Point while Vice Chair Hellewell mentioned the theater's they just approved again. Commissioner Miller worried about increasing the height limit that would leave existing signs at a disadvantage. Vice Chair Hellewell emphasized the benefit it would provide the theater. Planner Moyes admitted the theater had been the driving force behind this specific change. Keeping the 10-foot clearance required the tenant portions to be very small due to the number of businesses in that commercial subdivision. Vice Chair Hellewell preferred the taller sign to allow the theater to flash one or two names of movies rather than scrolling through a list. Planner Moyes stated he understood that changing the Ordinance now would not be fair but that it happened every time the City changed the Ordinance. Commissioner Miller explained that his concerns were not just the issue of fairness but with appearance as well, since taller signs gave more of a highway feel. He was not necessarily opposed to the amendment but worried about some signs extending higher than others. Planner Moyes advised him that the Design Standards to which the Architectural Review Committee adhered would address those concerns and that 25 to 30 feet was not that much of a difference. After his research, he concluded that the 25-foot limit had been just a random number chosen by the City. He preferred to match the 30-foot height of other cities. Commissioner Miller asked why other cities chose 30 feet and that it could be just as random a number. Official Van Ausdal advised him that the common heights of commercial buildings was 30-35 feet.

Vice Chair Hellewell wondered if they could craft the Ordinance in a way that allowed certain signs to be taller than others. Official Van Ausdal believed they could set such guidelines and regulate the size of signs as far as square footage if they really believed 30 feet was too tall. The Ordinance could limit the actual square footage or maximum dimension of signs. Planner Moyes pointed out the Ordinance already limited the square footage to 300 square feet. Vice Chair Hellewell did not mind the theater sign being that tall but did not believe a 30-foot single-tenant pole sign for a gas station would look as nice and preferred creating design standards. Planner Moyes advised him that the Ordinance already had a good start. He used Tanner Clinic's pole sign as an example. The applicant had to revise the plan several times in order to comply with the required brick, stone, ceramic tile, or masonry materials. The Ordinance would not allow anyone to install just a metal pole. He again stressed that these proposed amendments were just a bandaid, and his goal was to propose more that made the requirements clear and produced exactly what the City wanted as a whole. The current amendments were just a start and not something he wanted the Commission to sit on for a year. Because the Ordinance prohibited single-tenant pole signs in the Town Center, commissioners did not need to worry about such differences.

Commissioners asked Official Van Ausdal if he recommended the increase to 30 feet. He stated that the maximum height for commercial buildings was 35 feet without additional setbacks, so he believed 30 feet to be appropriate. If they worried about a sign not matching its building or a nearby sign, 30 was still a good height. It was a norm industrywide as far as neighboring communities. Chairman Whiteley still worried about the height of signs in relation to their buildings, since short buildings with tall signs looked out of place; however, the theater was certainly tall enough. Official Van Ausdal advised them the theater was either 45 or 50 feet tall with its facade, so such a sign would not tower that building. Commissioner Miller agreed but pointed out that the sign would be out front, abutting 1700 South, and would not mean such tall signs worked everywhere. He asked what they would allow in front of 20-foot tall buildings. Official Van Ausdal suggested they craft the language to require detached on-premise signs to relate appropriately to their building heights. Chairman Whiteley agreed. Commissioner Miller compared that suggestion with the amended Ordinance limiting square footage for signage in relationship to the sizes of buildings. Official Van Ausdal agreed but added that his suggested language would also limit the height of signs to either 90 or 100 percent of building heights.

Planner Moyes proposed that Commissioner Miller join the committee to revise the Ordinance chapter for signage. Commissioner Miller told him he would be happy to help.

Commissioner Pratt explained how some signs had very elaborate boxes and/or elaborate tops that matched the building architecture. The previous commission on which he served looked at signs in terms of actual display areas, or fields, because encompassing the total square footage of such elaborate signs, from a space-consumptive standpoint, in a broad sign ordinance put them at a disadvantage. He did not believe this should be the City's intent. He preferred an ordinance that provided allowances for nice signs versus those with metal boxes and just brick underneath. Planner Moyes believed they could consider such language. He

pointed out that the theater sign actually incorporated a roof pitch that matched the development’s theme. The applicants could eliminate that in order to comply with the sign requirement and have it not look as nice, but he did not believe that to be the direction the City wanted to take. Syracuse just needed a good, solid sign ordinance to help address those issues. Commissioner Pratt added that conforming with neighboring cities made it easier for architects designing such signs, because they were familiar with the normal standard of 30 feet. They would consider Syracuse abnormal from their standpoint with the current limit at 25 feet. At that point, commissioners were all satisfied with the proposed changes to 30 feet with an 8-foot clearance.

**10-9-050: LOCATION AND APPROVAL.** Signs allowed in any zone must comply with the regulations shown on the following table. No advertising sign in an agricultural or residential zone shall be displayed within six hundred sixty (660) feet, or one-eighth (1/8) mile from another sign of any type. However, notwithstanding the foregoing distance criteria, a property owner has the right to erect one sign on their parcel of property. Only one (1) sign per lot is allotted in agricultural and residential zones. Signs requiring conditional use approval from the Planning Commission shall be: 1) Electronic message centers, 2) Monolithic Signs, 3) Bench Signs

SIGN TYPE AND ZONE	MAXIMUM SIZE ALLOWED	APPROVAL REQUIRED
<b>Off-Premise Permanent</b>		
Agriculture, Residential	Twenty-four (24) square feet (or as directed by the Land Use Authority for bench signs)	<u>Conditional use Administrative Review.</u> Permanent signs require a building permits
Commercial	The remainder of allowable sign area calculated using the corresponding On-Premise formula set forth below (or as directed by the Land Use Authority for bench signs)	<u>Conditional use Administrative Review.</u> Permanent signs require a building permits
Industrial	The remainder of allowable sign area calculated using the corresponding On-Premise formula set forth below (or as directed by the Land Use Authority for bench signs)	<u>Conditional use Administrative Review.</u> Permanent signs require a building permits
<b>On-Premise Permanent</b>		
Commercial	Fifteen (15) percent of building’s frontage (width x height) on primary side plus five (5) percent of frontage on the secondary side(s) of the building. Total square footage allotment shall not exceed three hundred (300) square feet and may be apportioned between attached and detached signs.	Site Plan; otherwise, <u>Conditional use Administrative Review.</u>
Industrial	Fifteen (15) percent of building’s frontage (width x height) on primary side plus five (5) percent of frontage on the secondary side(s) of the building. Total square footage allotment shall not exceed three hundred (300) square feet and may be apportioned between attached and detached signs	Site Plan; otherwise, <u>Conditional use Administrative Review.</u>
<b>Realty</b>		
Agriculture, Commercial, and Industrial	Thirty-two (32) square feet	Site plan; otherwise, <u>Conditional use Administrative Review.</u>
<b>Temporary</b>		
All Zones (limited one hundred eighty [180] days)	Sixteen (16) square feet	No approval required
	One Hundred Fifty (150) square feet	<u>Conditional use Administrative Review.</u>
<b>Subdivision</b>		
All Zones	Thirty-two (32) square feet	Final Plat; otherwise <u>Conditional use Administrative Review.</u>

**CHAPTER 101**  
**A-1 AGRICULTURE**

- 10-11-020: PERMITTED USES.** The following, and no others, are ~~permitted~~ uses permitted by right provided the parcel and buildings meet all other provisions of this Title and any other applicable ordinances of Syracuse City.  
(L) Minor Home Occupations
- 10-11-030: CONDITIONAL USES.** The following, and no others, may be ~~permitted~~ conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title.  
(H) Major Home Occupations  
~~(J) Pre-Schools~~
- 10-11-040: MINIMUM LOT STANDARDS.** Developers shall improve all lots ~~shall be developed~~ and place all structures and uses ~~shall be placed~~ on lots in accordance with the following lot standards. Lot areas for properties fronting existing streets shall include all property as described on the most recent plat of record.  
~~(B) Lot Width: One hundred (100) feet~~  
(G) Lot Width: Variation of Lot: One hundred (100) feet. However, the Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence that they acquired the land in good faith and, by reason of size, shape, or other special condition(s) of the specific property, application of the lot width requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or that a reduction of the lot width requirement would alleviate a clearly demonstrable hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that:

**CHAPTER 112**  
**R-1 RESIDENTIAL**

- 10-12-020: PERMITTED USES.** The following, and no others, are ~~permitted~~ uses permitted by right provided the parcel and/or building meet all other provisions of this Title and any other applicable ordinances of Syracuse City.  
(J) Minor Home Occupations
- 10-12-030: CONDITIONAL USES.** The following, and no others, may be ~~permitted~~ conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title.  
(I) Major Home Occupations  
~~(K) Pre-Schools~~

**CHAPTER 123**  
**R-2 RESIDENTIAL**

- 10-13-020: PERMITTED USES.** The following, and no others, are ~~permitted~~ uses permitted by right provided the parcel and buildings meet all other provisions of this Title and any other applicable ordinances of Syracuse City.  
(G) Minor Home Occupations
- 10-13-030: CONDITIONAL USES.** The following, and no others, may be ~~permitted~~ conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title.  
(F) Major Home Occupations  
~~(H) Pre-Schools~~

**CHAPTER 134**  
**R-3 RESIDENTIAL**

- 10-14-020: PERMITTED USES.** The following, and no others, are ~~permitted~~ uses permitted by right provided the parcel and buildings meet all other provisions of this Title and any other applicable ordinances of Syracuse City.  
(G) Minor Home Occupations
- 10-14-030: CONDITIONAL USES.** The following, and no others, may be ~~permitted~~ conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title. (1991)  
(D) Major Home Occupations  
~~(F) Pre-Schools~~

**CHAPTER 145**  
**R-4 RESIDENTIAL**

- 10-15-020: PERMITTED USES.** The following, and no others, are ~~permitted~~ uses permitted by right provided the parcel and buildings meet all other provisions of this Title and any other applicable ordinances of Syracuse City.  
(G) Minor Home Occupations
- 10-15-030: CONDITIONAL USES.** The following, and no others, may be ~~permitted~~ conditional uses permitted after application and approval as specified in Section 10-4-080 of this Title. (1998)  
(B) Major Home Occupations  
~~(C) Pre-Schools~~

**CHAPTER 223**  
**ID - INDUSTRIAL DEVELOPMENT**

**10-22-020: PERMITTED USES.** The following uses, and no others, are appropriate to this Zone, compatible with each other, and a permitted by right provided that the parcel and buildings meet all other provisions of this Title, or any other applicable ordinances of Syracuse City, and receive site plan approval as provided in Section 10-4-10 of this Title. (1991)

(G) Payday Lending Services

(GH) Manufacturing, Compounding, Processing, Milling, Assembling, Testing, or Packaging (of the following products):

1. Apparel
2. Fabricated Metal Products (not including primary metals industries)
3. Food Products
4. Stone, Clay, and Glass

**10-22-030: CONDITIONAL USES.** The following, and no others, may be ~~permitted as~~ conditional uses permitted after application and approval as specified in Section 10-4-9 of this Title. (1991)

Commissioner Campbell voiced concern over the possibility of the term ‘Payday Lending Services’ being a proprietary name. Vice Chair Hellewell remembered the legislature having a name for it. Planner Moyes explained that other cities used this term, but he would research it more. Vice Chair Hellewell suggested he call the State legislator who helped write bills to get the specific title for this type of industry.

Chairman Whiteley opened up the meeting to public hearing.

Dean Kreger and John Nelson, of Benchmark Real Estate, approached the Commission expressing appreciation to Official Van Ausdal for spending time with them earlier that week regarding the 38% requirement. Their company had an issue with one of their homes meeting the requirement based on how they calculated it. The proposed amendment helped clarify what the City needed, since plans were not 3D. Trying to measure a piece of paper was difficult, so anything homebuilders could do to eliminate these problems would be helpful to both sides. Mr. Kreger explained that the Homebuilders Association was a frustrated bunch with costs soaring and profits dwindling. Anything cities could do to level the playing field helped, so this amendment was important. As a supervisor on a project, he preferred seeing such clarifications on the set of plans. Mr. Nelson referred to Commissioner Pratt’s comments about the gables. He sometimes ran across homes in Syracuse with lots of brick on the sides and just a little stucco. It did not flow well or look particularly nice. He then asked for clarification as to where on the plans the City wanted these details. Official Van Ausdal told him it would make more sense to have them on the elevations, but it did not matter.

Randy Miller, 1531 West 2175 South, came forward asking for an explanation of the approval steps for these amendments and how soon the City would adopt them. He attended this public hearing in hopes to review the proposals, only to discover they were not available on paper or overhead screen. It did not make sense to him to hold a public hearing and expect the public to comment on something they could not review. Chairman Whiteley advised him that the Commission already held a public hearing on these amendments on April 6, 2010, but they decided to clarify and add more proposals. Therefore, they decided to hold another public hearing. He agreed that such amendments needed to be available to the public for review and was unsure whether the Commission felt comfortable enough yet to make a motion to recommend approval or if they preferred to table this item. There were a few issues discussed that Planner Moyes would be researching, so the Commission could table some of the proposed changes, like the sign ordinance. Vice Chair Hellewell agreed with Mr. Miller and suggested that all proposed amendments be made available on the City website or at City Hall for the public, so they could attend public hearings and comment. Planner Moyes assured the Commission that City staff followed State code. All documents going before the Commission became public record, and anyone could submit a request to the City by phone or email for those records if they so desired. City staff, however, would not publish applications on the City website, although they were available upon request. Commissioner Campbell reiterated Planner Moyes’ statement by saying that everyone had a right to request a copy of the agenda items, such as these proposed amendments, but they had to make the request. Planner Moyes told her she was correct. The public did not have to submit an official Request for Public Records and could simply call. Staff did not typically post proposed amendments on the website because they were usually still working on the changes. Mr. Miller indicated there was a lot of talk about specific procedures laid down by the State legislature, and he understood the City’s obligation to meet the minimum

standards but requested that Syracuse routinely exceed those standards by making information and notifications more accessible. The City was not trying to hide anything and had no need to slide anything through like the legislature, so he asked that the City make such information easily available and out in the open. He also understood that sometimes it was not so timely but pointed out the difficulty in having a public comment period without affording the public the opportunity to review the information. As for Payday Lenders, he suggested placing them next to the Sewer District. He then referred to the 38% requirement and pointed out its preclusion of log homes. He asked for a better lighting ordinance to darken Syracuse a bit, especially given its proximity to Antelope Island, and that it would be nice to protect that economic treasure. He referred to a website called [www.darksbies.org](http://www.darksbies.org), which advocated less light pollution and reasonable lighting standards that required lights to only illuminate needed areas rather than adjoining properties, such as Antelope Island. Light pollution was a waste of City resources and taxpayer dollars and did not serve its intended purposes in many cases. Residents often said that having a well-lit city reduced crime, but he assured the Commission that such claims were untrue. He had a streetlamp right across the street that poured light into his front-room window. However, he had been victim of four property crimes in the past three years, including two windows that vandals shot out. Lights only helped criminals see better. He was also able to tell them, from his ten-years experience in the army that law enforcement could spot those sneaking around in the dark much easier when everything was uniformly lit. Street lamps created shadows and light, making it difficult to notice movement. Chairman Whiteley assured Mr. Miller that Syracuse already implemented a dark sky requirement so that light fixtures were always downcast. Mr. Miller stated the last item he wished to share in order to tie all of it together was the Ordinance language. He explained that he was a surveyor who sometimes provided assessments of zoning ordinances applicable to properties for which his clients were considering loans. One of those properties surveyed was in Snyderville Basin. He considered their zoning ordinance the best he ever read. It did not have a lot of rigid rules. He understood the need to avoid situations that would be unsightly, but their very short ordinance basically asked for good plans for them to review, discuss, and consider. It left the door open for flexibility. Rigid rules still led to unattractive situations, but the City could not do anything about them if they complied with the letter of the law. He suggested adding some flexibility to the City's Ordinance along with all these proposed amendments. Commissioner Pratt advised him that he would agree as a citizen but not from a legal standpoint. When cities did not adopt boundaries in their ordinances by making them specific, they opened themselves up to lawsuits. If enough cities did so, the State would step in and require such changes. Commissioner Campbell then pointed out that she did a lot of work in Snyderville Basin and knew it was a county, not city, regulated area. She attested to the frustrations resulting from their vague ordinance, which tended to require different things in every circumstance. There were a lot of arbitrary and capricious lawsuit cases there, which caused many problems for those trying to develop. Mr. Miller appreciated the need for boundaries in the Ordinance but pointed out that the public was not in attendance that evening to weigh in on such points, so he was the lone voice and asked that they not drown him out.

Chairman Whiteley closed the public hearing.

Vice Chair Hellewell indicated he had not seen their agenda in the paper. Planner Moyes advised him that City staff sent it to the same employee at the Standard Examiner as in the past. Vice Chair Hellewell stated he had not seen the Council agenda in the paper either. Planner Moyes agreed to look into the matter.

Chairman Whiteley asked the commissioners if they were ready to make a recommendation on the proposed amendments or if they preferred to break it up into sections and approve only portions or table it for staff to clean up some of their concerns. Planner Moyes asked the Commission to list their concerns that staff needed to address, besides the payday lending companies. Chairman Whiteley mentioned the chapter on signs. Commissioner Campbell pointed out that staff hoped to get just these proposed changes to the sign chapter adopted for now before they tackled the entire rewrite. Vice Chair Hellewell agreed and stated he would recommend approval of the current proposed changes in anticipation of the major amendments in the future. Commissioner Miller disagreed and preferred to think things through rather than apply just a bandaid and realize later they needed to change it back. Band-aids would not help the City in the long term. Chairman Whiteley asked if any of the proposed amendments were time sensitive. Planner Moyes advised him that the theater was hoping for the lower clearance and 5 feet of added height, along with Mr. Peck who needed a sign at his professional office.

Official Van Ausdal pointed out that his Department also had a home waiting for temporary occupancy that might have to add brick if the City did not adopt their proposed change to the 38% requirement. Staff also had several types of applications they hoped to streamline so that applicants no longer had to wait so long for approvals of their business licenses and other requests, which would be a positive direction. Planner Moyes added that the City also had a payday lending service on hold due to language in the current Ordinance requiring applicants to wait if their request applied to a pending amendment. The Ordinance also stipulated that the City would automatically approve such applications under the current language if the City did not adopt or deny such pending amendments within six months.

Commissioner Miller stated he was comfortable with all the changes but the sign section. He believed they needed to define monolythic signs better. Vice Chair Hellewell suggested approving all the proposed sign amendments but the monolythic sign. He then addressed Mr. Miller, advising him that their recommendation would go to Council the following Tuesday, which would give him an opportunity to request a copy of these proposed amendments any time before then. Planner Moyes pointed out that the Council, however, would not be holding a public hearing on the matter, so Mr. Miller would not be able to comment during their meeting. Vice Chair Hellewell disagreed, advising Mr. Miller that he could voice any suggestions or concerns during the public comment period at the beginning of the meeting. Chairman Whiteley directed staff to post the proposed amendments on the City website. Planner Moyes asked if they wanted to establish a policy of procedure requiring staff to post all pending applications on the City website. Chairman Whiteley told him no, just General Plan updates and Ordinance amendments. Planner Moyes then asked for their desired direction on monolythic signs. Vice Chair Hellewell and Commissioner Campbell were both fine with the current definition, knowing there were other revisions forthcoming. Commissioner Pratt agreed, stating the Commission needed to move it forward, that Planner Moyes thoroughly investigated monolythic signs, and that he did not need to spend any more time researching them further.

GARY PRATT MADE A MOTION TO RECOMMEND APPROVAL OF THE PROPOSED AMENDMENTS TO THE LAND USE ORDINANCE, TITLE X, AS DISCUSSED, AND FORWARD THEM TO CITY COUNCIL. KENNETH HELLEWELL SECONDED THE MOTION; ALL VOTED IN FAVOR, EXCEPT NATHAN MILLER WHO OPPOSED THE AMENDMENT FOR SIGN HEIGHTS FROM 25 TO 30 FEET AND THE DEFINITION OF A MONOLYTHIC SIGN, WHICH HE FELT WAS CONFUSING WHEN COMPARED TO MONUMENT SIGNS.

#### 8. City Council Report

Commissioner Pratt asked why commissioners needed to attend Council meetings and report on them during Commission meetings. Chairman Whiteley advised him that the Commission believed it to be a good method for providing continuity between the two bodies. Oftentimes, commissioners never learned the end result of recommendations forwarded to Council without these reports. He also believed it provided a good opportunity to understand the Council as well as the entire process and helped commissioners be aware of different issues that could arise. Many of the dynamics affecting the Council were helpful for commissioners to know and understand as they conducted meetings. Vice Chair Hellewell added that sometimes the Council asked questions of the commissioner present regarding applicable recommendations. Commissioner Campbell then explained how the Council used to have a member sitting with the Commission until LUDMA changes made them aware that doing so was a violation. Since the Commission no longer had that presence with the Council, commissioners decided to go to their meetings. Commissioner Pratt reiterated the benefits of attending the Council meetings on a regular basis as having an occasional interface with them. When Vice Chair Hellewell emphasized the information it provided the Commission, Commissioner Pratt suggested they simply read the minutes rather than making it a part of these public meetings. Chairman Whiteley pointed out that there were times the Council needed clarification on matters the Commission forwarded them, which helped both bodies. Commissioner Miller believed Commissioner Pratt's question was valid, since they had been attending and reporting on those meetings for three years. Chairman Whiteley referred to their rotating schedule that only required each commissioner to attend and report on three Council meetings throughout the year, which he assumed had not been too much of a burden on their schedules. Commissioner Pratt explained how he viewed the purpose of planning commissions from past experience and the efforts of the City staff to clean up the ordinances so commissioners could spend more time planning, especially since he was not aware

of any projects they had right now on the table. Vice Chair Hellewell reminded him of the Ordinance amendments they just recommended. Commissioner Pratt agreed but stated that, other than that, the Commission was not working proactively on any projects. Vice Chair Hellewell disagreed and referred to a previous discussion he had with the Chairman about reorganizing the group of citizens for the purpose of planning the 200 South area. A commissioner would head this committee that would then submit a recommendation to the Commission. However, the Commission lost several members, so they decided to wait until the Council filled every seat so leave the decision as to how to proceed to a full board. Chairman Whiteley added that the Commission wanted to get to the point where they could plan and had taken some opportunities to hold special sessions to discuss certain issues when the need arose and believed they were heading in that direction again. Vice Chair Hellewell mentioned the two years they spent working on the General Plan, which they just finished a year earlier. Commissioner Campbell agreed, adding that the 200 South planning efforts had not gone anywhere because nothing happened in the City during the past year due to the economy.

Planner Moyes believed the amendments they just recommended were the first step. By relieving a lot of the Commission's duties and allowing staff to approve signage over the counter, rather than spending countless hours overseeing the creation and proper posting of agendas, writing executive summaries, and creating and printing packets, he and his staff would now have time to organize citizen planners into groups and host more meetings to present findings. The Commission could plan the Syracuse Road commercial development uniformly instead of in a hodge-podge fashion, and they could expect some ideas from staff regarding planning for the City. They were aware of some movement on the market for commercial development on 1700 South that could happen quickly, which made him nervous since they did not have any good plans in place. Official Van Ausdal agreed, adding that if the City did not plan appropriately and timely enough, the City would continue playing catch up and have to settle for plans developers preferred instead of what the City preferred. Commissioner Miller pointed out that, up until a year ago, the Commission had been bombarded with reviewing the General Plan for build out and subdivisions at every meeting. They were no longer simply trying to keep up and needed to plan proactively now. Commissioner Pratt stated that he had been in the same boat while serving in Boise, and it took a mighty effort to move away from reacting to developing some direction. Syracuse did not have a direction right now, only ideas. They needed to create overlays. Even though they spent a lot of time on the General Plan, they now had corridor and special block issues that needed involvement of property owners to combine land in an effort to attract large commercial developers that would increase the City's tax base and make the City look nice for generations. Vice Chair Hellewell believed they had been proactive when they created and adopted regulations in Title X for commercial uses on lots along Syracuse Road using existing homes and that they had been moving in the right direction. Commissioner Pratt explained that he was the Council's representative for SBOSS, and the business owners were not happy with the City. They did not believe Syracuse had done enough to enhance the environment for businesses. If the City applied some overlays and enticed property owners to merge or sell their lands on a percentage basis of return, the City could approach some really good developers. There were several in the Salt Lake area with boatloads of money who developed many of those fully-rented strip centers all over the valley. They knew how to find businesses and usually had signed leases for every unit even before finishing construction of the buildings.

Planner Moyes interrupted and suggested he meet with the Chairman later that week, since they would probably not have items to prepare for the May 4 meeting date due to the Ordinance changes. He hoped to discuss goals to present to the Commission that would address these issues. He then encouraged commissioners to conduct such discussions in their work sessions rather than regular meetings. Chairman Whiteley agreed.

Commissioner Pratt then reported on the last City Council meeting.

#### 9. Planning Commission Business

Commissioner Pratt encouraged the Commission to spend their time more wisely by replacing the first regular meetings of each month with just work sessions and only holding regular meetings on the third Tuesdays of every month. That would give more time to build up their agendas and eliminate so much duplication. The Council would be adopting such a schedule, but their work sessions would still be held in the large conference room. He suggested the Commission relocate there as well to provide more room for com-

mittee members solicited into the planning efforts and to encourage more public attendance. Chairman Whiteley pointed out that the Commission already had citizens attend their work sessions, and City staff made it easy for them to find the conference room with all the directional signage. Commissioner Pratt agreed but stated the signs needed to be better. The Council suggested using theater ropes, more welcoming signs, and propping the doors open with a straight shot to the conference room to encourage people to come back and comment. Commissioner Pratt then suggested holding their work sessions in the chambers and adding a public comment period for citizens to provide input on specific issues or the meetings in general. Although less formal, work sessions in the conference rooms still gave the impression the public could not comment. Even with signs on doors directing people back to the work sessions, citizens felt more intimidated attending meetings in the conference rooms than in the more public venue of the chambers.

Planner Moyes again suggested that the Commission restrict such discussions to their work sessions, since the minutes for those meetings could be much more brief and vague. He offered to meet with the Chairman or any of the commissioners whenever they wanted to propose ideas. This would allow staff to present them in a work session for discussion. Chairman Whiteley agreed but asked if any commissioners had further comments or concerns.

Vice Chair Hellewell worried about the City's efforts to streamline everything at the expense of the public. He was unsure as to whether development would pick up at the same pace they faced years ago, and conceded that they could hold special sessions when necessary, but voiced concern with changing their regular meeting schedule to just once a month due to the potential for delaying applicants. He suggested allowing their work sessions to change to regular meetings should applicants need reviews more quickly. Commissioner Pratt agreed. Planner Moyes explained how they would simply open their work session as a regular meeting to take action and then close it again to resume the work session. Commissioner Campbell preferred their current work sessions and being able to converse in smaller groups and get organized. Although she did not want to add to the staff's burdens, she pointed out that oftentimes they received their packets just two days prior to the meetings, which did not give her enough time to visit the sites and prepare sufficiently. The work session discussions helped her increase that level of comfort so she did not feel as though she was doing the public a disservice. Planner Moyes advised her that their recommended changes to the Ordinance would allow staff to provide those packets in a timelier manner, since they might have only one site plan or electronic message center to review. Staff would have more time to help the commissioners prepare for their meetings. They could provide feedback during work sessions as to what they needed from staff. His frustration was that his Department did not know what to put in those packets since it did not appear the commissioners were reading them due to hearing the same questions of applicants that the executive summaries answered. Commissioner Campbell stated her preference for the work sessions was not due so much to the fact that they did not read their packets, it was more for the collaboration of opinions, which she was uncomfortable having during their regular meetings. They could always hold special sessions like they had in the past with the Council for specific planning. Vice Chair Hellewell pointed out that the work session also gave them the time they needed to make sure they had a quorum, rather than sitting in the chambers until everyone arrived, even if they read the packets and felt prepared. Commissioner Campbell agreed to listen to such an upcoming proposal and discuss it.

Planner Moyes advised the Commissioners that the vacant commission seat was still open and should close the first part of May. Chairman Whiteley referred to the City website, and they discussed the need to update the information on their terms. Planner Moyes agreed to take care of that update.

#### 10. Adjournment

NATHAN MILLER MOVED TO ADJOURN AT 8:37 P.M.; ALL VOTED IN FAVOR.

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Robert Whiteley  
Planning Commission Chair