

## Syracuse City Planning Commission Meeting

May 3, 2011

### 1. Meeting called to Order and Adoption of Agenda

Planning Commission Chair Kenneth Hellewell called the meeting to order at 6:03 p.m., indicating that City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Tyler Bodrero offered the prayer, and Gregory Day led the pledge of allegiance.

Members Present: Chairman Kenneth Hellewell, Vice Chairman Tyler Bodrero, Braxton Schenk, Gary Pratt, T.J. Jensen, Dale Rackham, and Gregory Day as well as City Manager Robert Rice, Community Development Director Michael Eggett, City Planner Kent Andersen, and Administrative Secretary Judy Merrill

Excused: Curt McCuiston

Visitors: Lora Nottingham	Bill Barr	Josh Hunter	Edwin Velez
Jerry Stoker	Robert Favero	Wade Stoker	Todd Dayley
Tevin Dayley	Clint Sherman	Mike Litster	Carter Haacke
Todd Weber	Craig Johnson	Carie Valentine	Elizabeth Dixon
Brian Chase	Robert Scott		

Commissioners reviewed the May 3, 2011, Planning Commission meeting agenda.

TYLER BODRERO MOVED TO ADOPT THE MAY 3, 2011, AGENDA AS OUTLINED, SECONDED BY BRAXTON SCHENK; ALL VOTED IN FAVOR.

### 2. Approval of Minutes

While reviewing the minutes, commissioners realized the Agenda published approval for the April 5, 2011, minutes instead of the April 19, 2011, minutes. Staff agreed to add the corrected set of minutes to the May 17, 2011, agenda for adoption.

### 3. Revocation of a Conditional Use Permit for Bill Barr and Lora Nottingham for Residential Kennel

Kent Andersen referred to the history of this item as outlined in the executive summary included in their packets: On October 10, 2005, the applicants submitted a request to convert an existing barn, with power and culinary water, into a dog kennel on their lot, located at 1475 South 4000 West, for the purpose of obtaining a kennel license from Davis County Animal Control. The site plan indicated the proposed kennel would be 50 feet from the home, 8 feet from the south-side property line, and over 170 feet from the street. The Planning Commission reviewed this request on November 1, 2005. Mr. Barr advised them that he currently had two male Alaskan Malamutes residing on the property and that breeding was his hobby. These dogs grew to approximately 90-100 pounds and had bred litters during the past few years, but he did not keep the offspring. They technically owned four dogs, but the two females lived with a friend in Layton. When either female mated, she remained at the subject property until giving birth, which took approximately 62 days, and then another 6-8 weeks until she weaned the litter. The barn already had water, and he would be installing a concrete floor with three individual 12-foot units constructed with 6x6-foot posts and panels with another enclosed area across from those for the mother dog's security with her puppies. He then presented a letter claiming they complied with all required conditions and standards of the Ordinance, that the use would be harmonious with neighboring uses and fit the goals of the community's master plan, impose no unusual demands for public services nor cause damage to property of anyone other than the dog's owners, cause no unreasonable odors or unsanitary conditions or create disturbing noises for extended periods of time. The letter also agreed to periodic inspections of their premises, upon advance notification, by Syracuse City in order to verify compliance with Zoning Ordinances. Three adjoining neighbors signed the letter as proof they were advised. The applicants' back yard was fully enclosed with a 5-foot chain-link fence. The barn was open in the back and probably used for farm animals by previous owners. The dogs were house dogs and came inside when the owners were home. They claimed that Davis County Animal Control had never been called to the home for excessive barking. Bruce Butters, the adjacent neighbor to the south, presented a petition that he and two other nearby property owners signed. He explained how Mr. Barr spoke to him about the fecal problem, and Mr. Butters was more concerned

with reduced property values as predicted by a North Ogden City Attorney. Commissioner Hellewell realized the outbuilding was just under 60 feet from the nearest adjacent home and explained that the Ordinance required kennels in all zones to be at least 100 feet from dwellings on neighboring parcels. He suggested that this type of business, breeding dogs, would be better suited farther away from a neighborhood. After further discussion, commissioners suggested the applicants construct a separate building or dog run for the purpose of a kennel, or they would need to deny the request since the proposed location violated the Ordinance. The applicants were specifically advised in the meeting that the Ordinance only allowed three dogs, with the approval of a kennel, along with any dependent young. Commissioner Frazier then advised Mr. Butters that such licenses were subject to revocation upon complaints. Commissioners then recommended approval of the request subject to the conditions that the kennel be built according to City Ordinances and located more than 100 feet from any adjacent dwellings. City Council reviewed this request, and the Commission's recommendation, on November 8, 2005. Mr. Barr assured the Council that he would provide a fenced kennel on the north side of the barn that would be 100 feet away from the closest home on adjacent properties. He also claimed that he had two male dogs and, when he bred them, he brought one female down and kept it there until it littered and then returned her. Based on those claims, the Council approved a Conditional Use Permit for the applicants to purchase a kennel license for three dogs with the condition that the kennel be at least 100 feet from any adjacent dwelling. Since that time, Davis County Animal Control was called out for the following incidents: 1) October 18, 2006, too many animals—up to 4 Malamutes; 2) April 10, 2007, animals at large—2 Huskies chasing livestock; 3) February 24, 2009, animals at large—3 Huskies chasing cat; 4) February 24, 2009, animals at large—3 Huskies; 5) February 24, 2009, Malamute bite to Christal Russell's face at Freedom Park; 6) August 15, 2010, 3 Malamutes attacked Dachshund in their yard—placed on home quarantine; 7) November 1, 2010, Dachshund killed by Malamutes or Huskies—second time dogs have attacked adjacent property-owners' dogs. Officer Langford, with the Davis County Animal Control, wrote a letter to the City advising that Lora Nottingham bred and sold Malamutes. On February 24, 2009, they picked up three Malamutes for running at large (Kodi, Tikawna, and Sakari). They later determined that Denali had also been running loose that day and bit a woman at Freedom Park. On August 15, 2010, three Malamutes (Sakari, Kodi, and Denali) killed a neighbor's Dachshund, because it either got into their yard or was pulled into their yard and attacked. All three dogs were placed on quarantine. The neighbor had to fix the fence. Again, on November 1, 2010, two Malamutes (Sakari and Denali) killed the same neighbor's new Dachshund puppy they purchased to replace the last dog. The puppy apparently got too close to a small gap in the fence, and the Malamutes grabbed her and killed her. Both dogs were again placed on quarantine. The Officer talked with Lora about keeping better control of her dogs, but she told the Officer it was not her responsibility and there was nothing they could do. At that time, Lora hung up the phone on the Officer. The letter ended by stating that the County would not be renewing the kennel license or approving a regulatory permit for these applicants. Upon reviewing the conditions of approval from the City, Judy Merrill spoke with Officer Langham about the location of the dogs on their property. Officer Langham confirmed that there has been no fenced area to the north of the barn as promised by Mr. Barr. The applicants gave Officer Langham a tour of the large accessory building on their property, previously a barn, which the applicants modified into a kennel and used to quarantine the dogs after both bite incidents. The Officer stated that the dogs are normally running loose in the back yard, which is enclosed by a fence. The applicants' kennel license expired March 16, 2011, and the County denied them a renewal. However, they apparently returned at some later date and managed to renew with someone who did not check the records. Upon discovering the mistake, the County revoked the applicants' kennel license on April 4, 2011.

Planner Andersen then read the provisions in Section 10-6-040, which required licensing from Davis County Animal Control in order to have a Conditional Use Permit. Since the County revoked their kennel license, they no longer complied with the Ordinance.

Bill Barr and Lora Nottingham stepped forward, stating that Ms. Nottingham called the County Commission office to plead her case. They allowed her to schedule a meeting with Commissioner Petroff regarding the matter, which had not yet taken place. She claimed that the basis behind their revocation by Animal Control related to dogs they no longer owned at a previous address. There had not been a problem with her dogs being at large since 2009. Because their dogs had a tendency to push the chain-link fence or

dig under it, they asked officers what they could do to control their dogs. The County had them install an electric fence. Just recently, the neighbor's dog got through the fence while they were out of State, and, unfortunately, their dogs killed it. It happened twice. After the first incident, they did everything they could to keep the neighbor's dog out of their yard. Chairman Hellewell asked if that happened before they installed the electric fence. She told him no and that the neighbor's replaced their dog with another dachshund puppy. Again, this puppy got through, even though she tried to fix the fence by putting up wood where there was a gap. The new puppy apparently found another small gap and got through, which allowed their dogs to kill it.

Chairman Hellewell referred to one of her previous comments and asked if some of these incidents occurred at a previous location. Ms. Nottingham advised him that most happened before 2009. After the last at-large offense, she had no complaints from neighbors and no problems with dogs escaping. Chairman Hellewell referred to the six dates on which Animal Control officers were called out on their dogs since 2006. Mr. Barr explained that they installed the electric fence after 2009. Ms. Nottingham stated that the incident regarding too many animals was an error, since they were allowed to retain dependent young. When the officer came out, they explained the dog was still a puppy—even though it was quite large.

Chairman Hellewell advised them that, because the Ordinance required licensing from Davis County Animal Control, they were in violation of the Ordinance. Consequently, the Commission did not have leeway to allow the Conditional Use Permit to continue. He added that the situation might be different if they were able to acquire another kennel license from the County.

Planner Andersen reminded commissioners of the original condition of approval that the applicants build a kennel at least 100 feet from adjacent dwellings, which would be the north end of the barn. When staff visited the site, the dogs were on the eastern end. Mr. Barr explained that the kennel described in the Ordinance did exist and that they attached it to the north side of the 36x36 barn, where the dogs actually lived. Planner Andersen advised him that the dogs were on the eastern side of the barn in a fenced-in area that allowed them access to fence lines along the rear property line. Mr. Barr believed the dogs could legally roam the property as long as they located the kennel on the north end of the property, and they kept the dogs in the house anyway.

Ms. Nottingham referred back to the Ordinance requirement of having to obtain licensing from Animal Control and pointed out that the County would not grant them another kennel license, even if Commissioner Petroff approved it, without the City first authorizing the proper permit. Commissioner Jensen asked if they had a timeframe for getting a new kennel license from the County. Ms. Nottingham told him it depended on Commissioner Petroff, who was their last resort. She then explained how the entire situation stemmed from a personality conflict between her and Officer Langham. Even if they did not get a new kennel license, they would still have two dogs, which would not change any of the issues much. Mr. Barr then assured Commissioner Jensen that they should know Commissioner Petroff's decision within the next two weeks. Commissioner Jensen then asked if they could find a temporary location for the third dog until they received the appropriate approvals, to which Ms. Nottingham told him yes.

Chairman Hellewell asked about their legal responsibilities if their dogs attacked a child who trespassed onto their property. Both applicants stated the responsibility would be on them and that they would accept that responsibility. She then claimed that their dogs had never hurt another person.

Commissioner Pratt advised them, based on their history, that he preferred revoking the Conditional Use Permit and requiring them to reapply if they received permission from the County to purchase a new kennel license. That way, the City could inspect the property under a new application without having to consider the history, which he believed spoke for itself. He did not appreciate the applicants' explanation that the situation would not change whether there were two or three dogs, and he did not consider dogs killing anything that trespassed into their property as an acceptable situation for neighbors. He did not believe tabling the item would do any good, since Davis County might decline to issue them another kennel license. He preferred to settle it that evening and clear their agenda.

GARY PRATT MADE A MOTION TO APPROVE THE REVOCATION OF A CONDITIONAL USE PERMIT GRANTED TO BILL BARR AND LORA NOTTINGHAM FOR A PRIVATE RESIDENTIAL KENNEL, LOCATED AT 1475 SOUTH 4000 WEST, ON NOVEMBER 1, 2005. DALE RACKHAM SECONDED THE MOTION. THE MOTION PASSED WITH GARY PRATT, KENNETH HELLEWELL,

DALE RACKHAM, AND GREGORY DAY VOTING IN FAVOR AND BRAXTON SCHENK, TYLER BODRERO, AND T.J. JENSEN VOTING AGAINST THE MOTION.

4. Public Hearing to Consider Amendments to Title X

Chairman Hellewell asked for a general overview of all the proposed changes before convening into a public hearing and going back through each change separately. Tex Couch, the City's Building Official, presented some pictures of houses with different types of exterior materials that represented the proposed change to the construction regulations for new residential homes. Chairman Hellewell asked about longevity of hardy board. Official Couch admitted that hardy board required more maintenance, since it needed to be repainted every 10-15 years, but homeowners liked to change the color and look of their home without much expense. Commissioner Braxton still thought the amendment was too strict, since he considered stucco just as appealing to him as hardy board. Official Couch reminded him of the importance of the City revisiting the ordinances every five years, because trends did change, and hardy board might not be a popular material of choice in the future. He expressed confidence that the current proposed language, however, was sufficient at this time:

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

(A) Regulations for All Residential Structures.

1. All residential structures shall be permanently affixed to the applicable property ~~on which they are sited~~ and held in common ownership and classification and taxed as real estate.

(B) Regulations for New Residential Construction must meet one (1) of these two (2) options:

~~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 facades 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 facade designated as the front of the structure has no less than thirty eight (38) percent of that facade covered with brick, rock, or stone. Measurements shall be made from the plans submitted for permit application as shown on the elevations. Hidden nooks and recesses shall only be computed if specifically identified on the plan. Gables having brick, stone, or natural rock may be credited towards satisfying the total wall area requirement. (Ord. 10-02)~~

Option 1. All single-family dwellings, duplexes, and detached and attached town homes shall have the front exterior walls constructed with a minimum seventy-five (75) percent of brick, rock, or stone. On corner lots, the street side of the structure shall have fifty (50) percent, or up to a maximum height of four (4) vertical-feet of wainscot, composed of brick, rock, or stone. These coverage requirements shall be calculated by first determining square footage of the total wall areas, based on measurements of the front and side elevations of the structure from foundation to top-plate line of the uppermost level, excluding openings for windows and doors, and multiplying that square footage by the applicable percentage. Homebuilders may only include brick, rock, or stone in these percentage requirements if clearly shown on the City-approved, stamped set of front and side elevations. Hidden areas, such as front porches, shall not qualify towards the percentage requirements; however, City staff may credit gables with brick, rock, or stone towards the percentage requirements. The installation of aluminum or vinyl siding shall only be allowed on the rear of homes.

Option 2. All single-family dwellings, duplexes, and detached and attached town homes shall have the front exterior walls constructed with a minimum thirty (30) percent of brick, rock, or stone and the remainder covered in hardy board or hardy plank. On corner lots, the street side of the structure shall have fifty (50) percent, or up to a maximum height of four (4) vertical-feet of wainscot, composed of brick, rock, or stone. These coverage requirements shall be calculated by first determining square footage of the total wall areas, based on measurements of the front and side elevations of the structure from foundation to top-plate line of the uppermost level, excluding openings for windows and doors, and multiplying that square footage by the applicable percentage. Homebuilders may only include brick, rock, or stone in these percentage requirements if clearly shown on the City-approved, stamped set of front and side elevations. Hidden areas, such as front porches, shall not qualify towards the percentage requirements; however, City staff may credit gables with brick, rock, or stone towards the

percentage requirements. The installation of aluminum or vinyl siding shall only be allowed on the rear of homes.

2. The requirement for brick, rock, or stone constructed on front and side exterior walls construction shall apply to any single-family dwelling, detached, duplex, or single family detached or attached town home planned as part of a development for which the City approved a preliminary plat after the effective date of this Title August 12, 2003.

Vice Chairman Bodrero did not think the proposed changes made building stricter. He believed it provided more latitude for home buyers than the current Ordinance. Commissioner Schenk agreed but preferred even more leniency. Official Couch pointed out that there would be too many people negative impacted by a more lenient ordinance, since they complied with the higher standard, and this compromise would protect their interests. Commissioner Day sided with Commissioner Braxton, because he did not agree with codifying an architectural style that appealed to one person and not another. He pointed out the different design themes represented by various cities in Utah, such as Park City with its cottage feel. Although he appreciated the effort to maintain a nice product, he just did not see hardy board as being representative of Syracuse, especially since they would probably be changing it to something else in five years. Chairman Hellewell pointed out that the design them for Syracuse was brick, rock, or stone. Commissioner Jensen reminded him that the brick, rock, or stone standard was fairly recent. Official Couch advised them that the City adopted it in 2003. Director Eggett added that a growing number of homes had already been putting up hardy board in the community. Official Couch agreed and stated that the concern for hardy board should not be an issue, since home builders could choose the other option instead. If they preferred stucco, they would go with less or equal cost in order to choose the other option. This proposed amendment provided consumers with plenty of flexibility.

Director Eggett went over the proposed changes for driveway approaches, explaining the addition of Option 2:

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

(A) Ingress and Egress. All uses shall provide adequate ingress and egress as follows:

Option 1. Residential driveway approaches shall have a maximum width of thirty-three (33) fifty (50) percent of the lot width. Measuring a driveway approach width shall be parallel with the street right-of-way boundary and at the trough of the cut. Property owners shall maintain a minimum five (5) feet of full height curbing between cuts. Where multiple cuts for frontages exist, the maximum of all cuts shall not exceed the total width allowed for the frontage of the lot. Where a proposed driveway approach and associated paving in the public right-of-way in asphalt, concrete or any other impervious surface will encase, cover or in any way come into contact with any public utility located in the public right-of-way the property owner shall provide adequate expansion joints in the paving surface as to allow ease of access to such public utilities. In such cases where this situation exists, in addition to the required excavation permit, the property owner shall submit a design detail for protecting the allowed access of any utilities that may be affected by the proposed excavation work.

Option 2 Residential driveway approaches shall have a maximum width of thirty-three (33) percent of the lot width. For lot widths measuring less than or equal to one hundred (100) feet, residential driveway approaches shall have a maximum width of thirty-three (33) percent of the lot width or twenty-five (25) feet of the lot width, based upon whichever of the two options measures larger. Measuring a driveway approach width shall be parallel with the street right-of-way boundary and at the trough of the cut. Property owners shall maintain a minimum five (5) feet of full height curbing between cuts. Where multiple cuts for frontages exist, the maximum of all cuts shall not exceed the total width allowed for the frontage of the lot. Where a proposed driveway approach and associated paving in the public right-of-way in asphalt, concrete or any other impervious surface will encase, cover or in any way come into contact with any public utility located in the public right-of-way the property owner shall provide adequate expansion joints in the paving surface as to allow ease of access to such public utilities. In such cases where this situation exists, in addition to the required excavation permit, the property owner shall submit a design detail for protecting the allowed access of any utilities that may be affected by the proposed excavation work.

Commissioner Pratt pointed out that lots in cul-de-sacs had very little frontage but still had three-car garages. He voiced concern with using percentages rather than fixed widths based on those types of lots. He believed the sample houses shown in Official Couch's presentation for the design standard had driveway approaches in excess of 50% but looked nice. Homeowners simply needed room to drive into

their properties, and the City needed to ensure its standard was adequate. Official Couch agreed, since he was the person at the front counter trying to help people figure out creative ways to provide better access onto their lots. He recommended increasing the allowance to 50% of a lot's frontage. It would be easy to justify and bring a majority of the violators into compliance, and he preferred laws that made sense and were usable for the public so that he could more easily reason with residents. Commissioner Jensen asked if most violators owned the 85-foot lots. Official Couch told him it was the smaller lots that usually had an issue. Commissioner Jensen recommended increasing the standard to 50% for smaller lots and keeping it at 33% for larger lots. Official Couch preferred an increase to 50% for all lots and referred to the sample homes in his presentation, which were not aesthetically unpleasing because of larger driveway approaches. The access was more usable and residents were happier. Commissioner Day agreed, stating that this was a self-regulating issue.

Planner Andersen referred to a separate handout left on top of their packets regarding the proposed language changes to the apiary requirements. It highlighted two changes:

**10-6-100: CONDITIONAL USES.** The following conditional uses shall comply with the applicable standards established herein and may be subject to additional regulations specific to the applicable zone. The zone-specific provisions shall apply if a conflict exists between general and specific conditional use provisions.

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

2. Apiaries.

- (a) Unlawful Conduct. It shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.
- (b) Flyways. In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the apiary.
- (c) Water. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.
- (d) Beekeeping Equipment. Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a colony, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- (e) Number of Colonies. It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:
  - i. less than one-quarter half acre or less tract size – up to 2 5 colonies.
  - ii. more than one-quarter half acre but less than one half acre or larger tract size – up to 4 10 colonies.
  - iii. more than one half acre but less than one acre tract size – 6 colonies.
  - iv. one acre or larger tract size – 8 colonies. (Ord. 08-07)
  - iii. regardless of tract size, where all hives colonies are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
- (e) Compliance. Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the director shall cause an investigation to be conducted. If he finds that grounds exist to believe that one or more violations have occurred he shall cause a written notice of a nuisance to be issued to the beekeepers in accordance with Title VI of the Syracuse City Code.

**R-2 Residential**

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

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

(B) Apiaries

### **R-3 Residential**

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

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

(B) Apiaries

Commissioners discussed the proposed changes, and then Chairman Hellewell opened up the meeting to public hearing.

Craig Johnson, 2148 West 2375 South, approached the Commission to express his shock at how ridiculous it was to restrict what property owners could and could not place on the exterior of their homes. He appreciated the added flexibility but did not believe the City should promote such strong restrictions. Home builders would construct nice homes to their liking, and he did not believe it appropriate for government to dictate preferences. As for the driveways, he encouraged commissioners to be less restrictive there as well. He owned a three-car garage with an RV pad to the side, and having driveways that allowed homeowners to pull in straight without turning just made sense. Everyone wanted to live in good communities, which did not require government forcing opinions and preferences onto its residents. He referred to a comment made by Official Couch about not being able to afford to live in Syracuse, and Mr. Johnson believed that these restrictions were one of the reasons. He claimed that commissioners were not doing enough to lower current restrictions.

Clint Sherman, 2831 West 2700 South, stood before commissioners and explained that he built 24 homes in Syracuse. The reason the City incorporated the design standard in 2003 was because a few developers started building double-wides, which people feared would reduce property values. Syracuse adopted a roof pitch standard to keep them out of the City. When he built his twin homes, the 38% design standard cost him an additional \$105,000, which required him to increase the rental price. One councilmember really liked the design-standard ordinance until his son tried to rent one of the twin homes and could not afford it. Mr. Sherman told the young man that his father was the reason he could not live in Syracuse. The City was driving its children away. Mr. Sherman asked commissioners to think about where those people would live and why the City needed to dictate aesthetics for others. As a builder, he would need to incorporate repair costs into his prices in order to keep repainting hardy board. All-brick homes were too expensive. If the City's goal was to price homes high for property taxes, then this accomplished that purpose; however, he suggested reducing the cost of building homes in order to bring more to Syracuse. As for driveway approaches, he preferred the wider ones and suggested that 50% might even be too small.

Carie Valentine, 1603 West Ira Way, came forward next, stating that she supported the apiary changes. It was important to allow choices for homeowners to do things that would help them be self sufficient, such as raising bees, chickens, etc. She wholeheartedly supported the change that allowed smaller lots to have bee colonies. As for the building design standard, she did not believe the City should be legislating aesthetics on homes. She moved to Syracuse because she liked being away from the freeway and by the lake, and she preferred the freedom to choose. When the government denied citizens choices, they interfered with free enterprise, which impacted the economy of the area. Syracuse was struggling, and she suggested improving opportunities for people to come here rather than hindering them by legislating tighter restrictions. Allowing more choices was always a positive thing for communities and, therefore, recommended more leniency on driveways widths as well.

Brian Chase, 1681 West 1375 South, approached commissioners as the resident who initiated some of the changes before them and stated that he believed the City was heading in the right direction. The amendment reduced the tier structure and brought it more in line with other communities. If commissioners looked over apiary requirements of other cities, they would notice that the ordinances did not address lot size much and usually based it on lots 5,000 square feet and larger. Flyways were important, which they already had in this Section. He appreciated the concession for allowing apiaries in the higher-density zones but would appreciate it more if it did not require conditional use permits. As for the hardy board and driveway discussions, he agreed with the concerns that government was placing too many

controls on its citizens, which prohibited people's choices for their properties, and with Commissioner Schenk's and others' desires in wanting the City to reduce such restrictions.

Elizabeth Dixon, 2533 West 1700 South, stood to ask for clarification on the apiary changes. She lived in an R-2 zone and was not sure if the amendment would or would not allow hives in that zone. Chairman Hellewell explained that the amendment, if adopted by City Council, would allow apiaries in the R-2 zone with approval of a conditional use permit. Ms. Dixon then expressed her preference in approval of the amendment. She had a small family with boys. She wanted to acquire a hive for her property in order to help with their garden and to teach her boys to work. They loved Syracuse and its cultural experiences and the farming feel. Due to the increase in diseases to bees and the decline in colonies, she felt it important to have bees.

No one else came forward, so Chairman Hellewell closed the public hearing.

Commissioner Pratt preferred to keep apiaries as conditional uses in order to maintain some control over monitoring them. The added cost for the permits was the result of being able to know locations of apiaries in the City and the densities of colonies. The City did not want 20 hives on one small lot due to an irresponsible beekeeper. They were not trying to be a big legislative hammer over residents' heads. He believed these provisions were within reason and pointed out that some cities were more restrictive. It made sense to put these kinds of controls in place for the benefit of citizens to protect them from those with a propensity to abuse such rights. The Commission learned that there were over 20 apiaries in Syracuse but did not know how many for sure and the number of colonies involved, because there were no conditional use permits to provide that information. The City would not be monitoring apiaries, just issuing permits with guidelines. As for driveways, he drove around and decided that the only issue concerned lots fronting cul-de-sacs, which typically had wider approaches. For him, 50% made more sense. Regarding the design standard, Syracuse had a homebuilder who used all siding on the homes in his development out west, which did not represent Syracuse well. This led to discussions of the current minimum standard. He suggested introducing additional verbiage, such as, "or like products," because there was a plethora of nice finishes for houses other than stucco and hardy board. He believed the City should allow builders more options, based on styles of homes and locations, after meeting a minimum standard rather than specifics. Adding "like-quality products" would give the parameters necessary to allow architects to present what homeowners wanted to build. The market came up with new products all the time that made houses look nicer and were easier to install. He did not agree with the argument that Syracuse was pushing builders away because of this standard. People were building houses like crazy before the economy dropped, and Syracuse needed to maintain some standard.

Commissioner Schenk became more agreeable with the amendment for apiaries as long as they were minor conditional uses. Although he believed in less government, he had apprehensions about apiaries due to his deathly allergy to bees. He agreed with Official Couch regarding the driveway approaches and predicted the public would celebrate the 50% standard as more than fair. He also predicted the market as having something preferable to hardy board as early as 2013 and still considered the proposed standard as too restrictive by making an exception just for hardy board. Because he understood the motivation and importance of resolving this issue in a timely manner, he supported the proposed amendment. Official Couch reminded commissioners that every development in cities had covenants that developers put in place. Under most circumstances, in Syracuse, a lot of subdivisions would require homes to meet an 80% standard, even though the City would be lowering its standard. This amendment was much less restrictive and would bring Syracuse very much equal to neighboring communities. Instead of driving future residents away, they would have an equal playing field.

Commissioner Day worried about discouraging beekeepers from complying with the requirements even more by making apiaries conditional uses, since the City only had one conditional use permit on record for an apiary in the City. It costs about \$100 to buy a hive, so he resisted the idea of having to pay another \$50 for a permit. Regarding construction standards, he also struggled with the new option, since it dictated what people put on their homes. He wondered if this would open up the City to future lawsuits. Director Eggett explained that the City already had an existing standard that did not allow much flexibility with different building materials. This added option provided consumers and builders with more choices than before. Those who did not like Option 2 could comply by choosing Option 1. Vice Chair Bodrero

believed the amendment took the City from a stringent code to allowing whatever product homeowners wanted on the other three sides of their houses while keeping the front, and side for corner lots, at a higher standard. He did not believe hardy board limited the architectural capabilities of homes. The amendment only added another element into the mix to promote curbside appeal, and builders often went above and beyond required standards.

Chairman Hellewell provided a different perspective given from a friend who was trying to sell his house in Clinton. Although the home was one of the biggest in the neighborhood, his realtor told him it would not sell for their desired amount, because Clinton had a standard price range just barely over \$200,000. The realtor mentioned that Syracuse was one of the few cities that did things right by requiring a design standard, which created a much greater variation in home prices. This friend was a former Clinton councilmember who wished his city had done the same thing as Syracuse when he was on the council. Chairman Hellewell understood why they were reducing the standard and worried that maybe they were reducing it too much. He ended by voicing his preference for the 50% standard on driveway approaches.

Commissioner Jensen questioned the need to make apiaries conditional rather than permitted uses. Since the City permitted household pets with guidelines, he believed the same could be done for apiaries through the language currently proposed. Chairman Hellewell disagreed, because the City would not know the apiaries existed if there were no conditional use permits to ensure compliance. Commissioner Jensen continued, by stating that the 50% standard for driveway approaches was good enough, though he still wanted a minimum width for cul-de-sacs. He took pictures of a neighbor's house that would not meet the current design standard due to siding on all sides. However, the front of the house looked very nice, because they put in a great yard. That was their dream home, which took a few extra years to finish because they spent so much money on the yard. He questioned the need to require brick, rock, and stone when siding was a perfectly fine product. He did not believe the current standard promoted homes that created the desired farm feel for the City. Children were unable to live here due to the costs of building covenants and City requirements. He agreed with regulating materials, just not the look of homes.

Commissioner Rackham voiced concern with Commissioner Pratt's suggestion of "like materials," because it opened the door too wide for personal interpretations. He preferred the existing requirements on apiaries for the number of colonies.

Commissioner Pratt again argued the claim that the City was pushing its children away. Syracuse was a top city in Utah, made up of families with median incomes. His children lived here in decent neighborhoods, and he believed that if residents' children wanted to live here, they would be able to find a home based on the wide variety of prices. Syracuse was certainly within the realm of looking the way its citizens desired.

TJ JENSEN MOVED TO APPROVE THE FOLLOWING CHANGES TO SECTION 10-13-030 AND 10-14-040 OF THE LAND USE ORDINANCE, TITLE X, REGARDING APIARIES BY ADDING THEM AS MINOR CONDITIONAL USES IN THE R-2 AND R-3 ZONES, AND TO SECTION 10-6-100 BY ADDING ANOTHER RESTRICTION FOR BEEKEEPING EQUIPMENT AND ALLOWING UP TO 5 COLONIES ON PARCELS LESS THAN HALF AN ACRE AND UP TO 10 COLONIES ON PARCELS OVER HALF AN ACRE. GARY PRATT SECONDED THE MOTION; ALL VOTED IN FAVOR.

GARY PRATT MADE A MOTION TO ADOPT OPTION 1 OF THE PROPOSED CHANGES TO SECTION 10-8-060 OF THE LAND USE ORDINANCE, TITLE X, REGARDING ACCESS TO OFFSTREET PARKING AND LOADING SPACES. BRAXTON SCHENK SECONDED THE MOTION; ALL VOTED IN FAVOR.

TYLER BODRERO MOVED TO RECOMMEND ADOPTION OF THE PROPOSED CHANGES TO SECTION 10-6-020 OF THE LAND USE ORDINANCE, TITLE X, REGARDING REGULATIONS FOR BUILDINGS AND STRUCTURES, AND FORWARD THEM TO CITY COUNCIL, SECONDED BY GARY PRATT; ALL VOTED IN FAVOR BUT TJ JENSEN, WHO ABSTAINED.

Commissioners realized they failed to include language in their motions to forward the recommendations to City Council.

TJ JENSEN MOVED TO RESCIND HIS MOTION AND AMEND IT TO RECOMMEND APPROVAL OF THE FOLLOWING CHANGES TO THE LAND USE ORDINANCE, TITLE X,

REGARDING APIARIES BY ADDING THEM AS MINOR CONDITIONAL USES IN THE R-2 AND R-3 ZONES, ADDING ANOTHER RESTRICTION FOR BEEKEEPING EQUIPMENT, AND ALLOWING UP TO 5 COLONIES ON PARCELS LESS THAN HALF AN ACRE AND UP TO 10 COLONIES ON PARCELS OVER HALF AN ACRE, AND FORWARD IT TO CITY COUNCIL. DALE RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

GARY PRATT MOVED TO RESCIND HIS MOTION AND AMEND IT TO RECOMMEND APPROVAL OF OPTION 1 OF THE PROPOSED CHANGES TO SECTION 10-8-060 OF THE LAND USE ORDINANCE, TITLE X, REGARDING ACCESS TO OFFSTREET PARKING AND LOADING SPACES, AND FORWARD IT TO CITY COUNCIL. BRAXTON SCHENK SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Consideration of Amendments to PRD Zone in Title X

Commissioners reviewed the following revisions to the PRD Zone:

**CHAPTER 16**

**PRD - PLANNED RESIDENTIAL DEVELOPMENT**

**(Up To 8.0 Dwelling Units Per Net Acre; or up to 12.0 Dwelling Units Per Net Acre, subject to Approval by Planning Commission and City Council)**

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

(A) Density: The City shall determine the dwelling-unit density, building setbacks, and minimum lot size through a development plan based on the specific merits of the proposed development as well as on factors such as recreation facilities, greater open space, landscaping features, fencing type and design, signage, clubhouse provisions, homeowner-s' covenants, professional maintenance, trails/pathways, and quality of exterior-building materials. However, condominium developments shall comply with the Utah Condominium Act,

but in no case shall the overall density of the development exceed eight (8) dwelling units per net acre without the consent and approval of the Planning Commission and City Council. The overall density of the development may exceed eight (8) dwelling units per net acre and increase up to a maximum of twelve (12) dwelling units per net acre only by the consent and approval of the Planning Commission and City Council. The Planning Commission and City Council consent and approval in excess of eight (8) dwelling units per net acre shall be subject to the ability of the development plan to meet the following criteria:

1. The development area shall be a transitional residential buffer to commercial, industrial, and/or retail zones, as established in the General Plan;
2. The development shall provide a standard road right-of-way of sixty (60) feet, which shall include curb, gutter, and sidewalk improvements;
3. The development shall provide a minimum of thirty-five (35) percent of parks and/or functional open space within the development based on the net acreage of the proposed development;
4. The aesthetic and landscaping proposals shall provide a superior residential development and environment;
5. The development shall provide adequate off-street parking area(s), subject to requirements of this Chapter and off-street parking requirements as found in Chapter 8 of this Title; and
6. The development design shall include a direct connection to a major arterial, minor arterial, or major collector roadway.

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

(B) A Planned Residential Development must have a minimum of ~~ten (10)~~ five (5) acres with a minimum of twenty (20) percent of the acreage in common space area excluding required roadways, curbs, and other City infrastructure.

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

USES	Unit Measure	Min	Max
Single-, two-, and three-family dwellings	Per dwelling unit	2	N/A
Four- (4) family dwellings	Per dwelling unit	1.5	N/A
<u>Planned Residential Development (PRD) family dwellings</u>	<u>Per dwelling unit</u>	<u>2.5</u>	<u>N/A</u>

TJ JENSEN MADE A MOTION TO RECOMMEND APPROVAL OF PROPOSED CHANGES TO CHAPTER 16 OF THE LAND USE ORDINANCE, TITLE X, REGARDING THE PRD ZONE AND TO SECTION 10-8-040 REGARDING MINIMUM AND MAXIMUM PARKING SPACES, AND FORWARD IT TO CITY COUNCIL. BRAXTON SCHENK SECONDED THE MOTION; ALL VOTED IN FAVOR EXCEPT FOR DALE RACKHAM WHO VOTED IN OPPOSITION.

When asked why he voted against the motion, Commission Rackham explained that he considered 12 dwelling units per net acre too high. In talking with many residents living in these types of developments, they all felt too packed and wanted to relocate. Commissioner Jensen agreed but heard no outcry from the public during their hearing.

Chairman Hellewell asked when commissioners would be considering the repeal of the R-4 zone. Director Eggett told him it could be on their next agenda.

Commissioner Pratt expressed concerns for feeling pressed into approving the proposed changes to the PRD zone for one specific development on the Stoker property. In order for them to make the property financially viable as a PRD, they needed at least 12 units per acre, so it was not a matter of design but of financial requirement. He reminded the Commission that he tried to make that point previously. Director Eggett pointed out that the proposed changes allowed the City to move away from the R-4 zone and require more design standards. Vice Chair Bodrero agreed, stating that it answered the issues brought up in the past regarding the R-4 density. He thought it was a good change. Commissioner Pratt admitted that he did not support it originally until he realized that abandoning the R-4 zone gave the City greater control through the PRD, which did not exist in the R-4 zone, regardless of the reason it was before them for consideration.

Commissioner Pratt then asked when the Commission would be opening up the General Plan as a result of this proposed PRD change. Chairman Hellewell directed staff to put it on the next agenda. Commissioner Jensen suggested putting a notice in the City newsletter. Director Eggett promised to have it on the City's website.

6. Adjournment

TJ JENSEN MOVED TO ADJOURN AT 8:22 P.M.; ALL VOTED IN FAVOR.

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Kenneth Hellewell  
 Planning Commission Chair