

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – October 27, 2009 – 6:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Scott Bolton - Chair
Ted Jensen
Nathan Murray
Garl Fink
Kristie Overson
Dan Fazzini, Jr. (Alternate)

Community Development Staff

Mark McGrath – Director – Community Development
Michael Meldrum – Principal Planner
Dan Udall – City Planner
Jean Gallegos – Admin Asst/Recorder

PUBLIC: Mike Hughes

[18:01:24](#)

WELCOME: **Commissioner Bolton** welcomed those present, explained the process to be followed this evening and opened the meeting at 6:00 p.m.

HOME OCCUPATION

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| 1. 13H09 <u>Michael J. Hughes – 3211 West 4960 South</u> – Home Occupation – Knife Sharpening.
(Dan Udall/City Planner) |
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1.1 **Mr. Udall** presented this item. The applicant is proposing to sharpen knives, drill bits and mower blades as a home occupation. He is proposing to have 2 to 8 clients a day. The property is a corner lot. There is a two-car driveway on site. The hours of operation are proposed to be from 8:00 a.m. to 5:00 p.m., Monday-Friday. The applicant currently lives in the home. Staff is concerned with the noise factor but is recommending approval.

Findings of Fact:

1. The applicant is proposing to sharpen knives, drill bits and mower blades as a home occupation.
2. The home occupation is allowed as a conditional use in the R-1-6 zone.

Staff Recommendation: Staff recommends approval with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That the use is reviewed upon substantiated and unresolved complaint, including any noise that is associated with the home occupation.
3. That the only signage allowed is a three square foot sign attached to the single-family home.
4. **[Removed by Motion]** ~~Business must be conducted on an appointment only basis.~~
5. That adequate parking be provided on site to accommodate the homeowner's vehicles and customer vehicles coming to the home.
6. **[Changed by Motion]** That customers can come to the home only between the hours of ~~6:00 a.m. to 8:00 p.m.~~, 8:00 a.m. to 5:00 p.m., Monday-Friday.
7. That a total of up to eight clients can come to the home per day as stated in the application.
8. That the applicant lives in the home and only the applicant residing in the home can be employed for the occupation.
9. That adequate outside lighting is provided.
10. That no other Class "C" home occupation is allowed while the blade sharpening home occupation is in operation.

1.2 **APPLICANT ADDRESS:** **Michael Hughes** was present. He advised that he would like to have an A frame sign, however, **Mr. McGrath** advised him that A frame signs were prohibited in Taylorsville. **Commissioner Overson** asked Mr. Hughes how long he had been doing this in his home and he replied that he had had the business for years and has had no problems so far. **Commissioner Overson** asked staff if the neighbors had been notified and **Mr. Udall** replied that they had and he had received no complaints nor questions from the neighbors.

[18:06:02](#)

1.3 **SPEAKING:** None.

1.4 **DISCUSSION:** **Commissioner Bolton** wanted to know why in Condition #4 it stipulated that this business is to be conducted by appointment only. **Mr. Udall** said that has always been a requirement for home occupations in the past. **Commissioner Fazzini** wanted to know the exact verbiage in the sign ordinance regarding whether or not the sign must be permanently affixed to the home. **Mr. Meldrum** read from that ordinance, which said that the signage must be attached to the main structure. **Mr. McGrath** added that meant that it cannot be an A Frame or free standing sign. **Commissioner Fazzini** wanted to know if it would suffice to place the sign on hooks which are affixed to the structure and **Mr. McGrath** said that it would.

1.5 **MOTION:** **Commissioner Fink** - I move for approval of File 24H09 with staff recommendations, changing #6, hours of operation, to be 8:00 a.m. to 5:00 p.m. instead of 6:00 a.m. to 8:00 p.m.
SECOND: **Commissioner Fazzini** 18:10:55

Commissioner Bolton restated the motion to approve File #24H09 with staff recommendations, amending the hours of operation to be 8:00 a.m. to 5:00 p.m. instead of 6:00 a.m. to 8:00 p.m. as had been requested by the applicant.

DISCUSSION: 18:11:57 **Commissioner Jensen** - If someone happens to go by this business with the intent of dropping off something to be sharpened and it turns out the owner can work on it right away, why not allow that? He said he understood why other home occupations do need to be by appointment only but did not see any reason for that with this one.

Commissioner Fink said that he would be willing to amend his motion to exclude the “by appointment only” condition. **Commissioner Fazzini** agreed to that change as Second.

Commissioner Bolton restated the amended motion to approve File #24H09, amending Item #6, changing the hours of operation from 8:00 a.m. to 5:00 p.m. and removing Item #4, the requirement for “by appointment only”. 18:13:14

VOTE			
Commissioner	Vote	Commissioner	Vote
Murray	AYE	Bolton	AYE
Fink	AYE	Fazzini	AYE
Jensen	AYE	Overson	NAY
Commissioner Overson explained her NAY vote was because she felt the “by appointment only” condition would have been better left in.			

Motion to approve passes 5 to 1.

WORK SESSION

2. Discussion of the Planning Commission By-Laws. (Mark McGrath/Director of Community Development)

18:13:44

2.1 **Mr. McGrath** presented this item, saying that he wanted to discuss several sections, for example: Page 1, Section 3 – Appointment of Commissioners – He would like to change that paragraph to read that the length of terms would be four years instead of three and to eliminate term limits. That will make the By-laws consistent with City Ordinances. With regard to Section 1: Elections, it may be better to change the election date for Chair and Vice Chair from the first meeting in July to perhaps the first meeting in January of each year. Then if there are any new Commissioners coming on in July, it would give them more time to become acquainted with those Commissioners already in place. **Commissioner Murray** agreed, saying that would make for a more informed vote. On Page 3, Section 4 – annual Meetings, **Mr. McGrath** suggested changing the word “shall” in the first and second sentences to read “may”. Page 5 - Section 4 Voting: The paragraph reads “An affirmative vote of the majority of voting Commissioners present at the meeting shall decide all matters under consideration unless otherwise provided for in these policies and procedures. The procedure for voting is that all Commissioners shall vote verbally and simultaneously. If the vote is not unanimous, there will be a roll call vote with the Chair voting last. **Mr. McGrath** advised that this document is still in the draft stage and if Commissioners have anymore suggestions, to let him know. He added that perhaps the prohibition of Commissioners communicating with applicants before the hearing should also be included in the By-laws. He would also like to tighten up procedures during the pre-meeting as well. He will bring this back for further review in the near future.

3. Discussion Regarding Setbacks in Residential and Agricultural Zones. (Michael Meldrum/Principal Planner)

[18:47:42](#)

3.1 **Mr. Meldrum** presented this item. He said that the majority of housing in the City of Taylorsville was built during the 1970's and 1980's. At that time, the area now incorporated as the City of Taylorsville was under the governance of Salt Lake County. Setback requirements have been modified over the years, generally increasing in size. This created numerous non-conforming properties, albeit, legal non-conforming. These properties are considered to be legal non-conforming because when the homes were built, they were compliant with the required setbacks in ordinance at that time. In an effort to eliminate the non-conformity of some housing setbacks, the Community Development Department proposes a text amendment to modify the and clarify Sections 13.10.040-A, 13.20.060 and 13.22.060 of the Zoning Ordinance regarding front yard and side yard setbacks in residential and agricultural zoning districts. There are two parts to this proposal.

- The first part is for front yard setbacks. In many other municipalities around the Salt Lake Valley, Staff has found that there are provisions in ordinance that allow a front yard setback to be modified from the otherwise required standard. It is staff's proposal that the City of Taylorsville consider an ordinance that would accommodate a modification of the front yard setback in areas that are more than 50% developed and allow the front setback of a new home to be the average of the front yard setbacks of the existing homes. The proposed language would be as follows:

In blocks with more than fifty percent (50%) of the buildable lots already developed, the minimum front yard setback requirement for new construction shall be equal to or greater than the average of the front yard setbacks of existing homes. However, this regulation shall not be interpreted to require a front yard setback greater than that required in the underlying zoning district.

- The second part is regarding the side yard setbacks. As described previously, there are many homes in Taylorsville that have a legal non-conforming status for side yard setback requirements. The current standard for an interior side yard setback varies depending on where the garage or driveway is located. Staff proposes that the City of Taylorsville consider an ordinance that would accommodate a modification of the side yard setback. The proposed language would be as follows:

The minimum side yard setback shall be no less than 5 feet from an interior side yard property line, with the two side yards totaling not less than 16 feet. The distance of the side yard shall be determined by measuring from the property line to the closest point of a dwelling unit.

DISCUSSION: **Commissioner Overson** wanted to know if this, in any way, would help a developer; because if they hold back until the 50% number is attained, they can get what they want. **Mr. Meldrum** said that conceivably could happen and **Mr. McGrath** advised that staff will tighten up that language to prevent that as much as is possible. [18:56:06](#) Staff received numerous minor suggestions from the Commissioners, which **Mr. McGrath** said he would incorporate into another draft for further review.

4. Update of the "Good Landlord Program". (Mark McGrath/Director of Community Development)
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[19:04:17](#)

4.1 **Mr. McGrath** presented this item. [19:04:59](#) He said that the City Council is currently discussing a new ordinance, which is actually located in the Business License Section of the Code but it probably will eventually have some impact on the Zoning Code. He gave background by saying that when Mayor Wall was elected, one of the things he really wanted to do was to control single family homes in neighborhoods that are rentals, because the Code Enforcement data has illustrated over the years that there is a significant code enforcement issue typically or at least in many cases, with rental homes in neighborhoods and the negative impact those are having on neighborhoods with absentee land lords.

- One thing the Mayor wanted to do was to start licensing those homes, requiring a business license for single family home rentals. Then establishing some standards in which they were going to have to live with in order to stay licensed, in terms of property maintenance, etc. As Staff began working on that ordinance, a number of other cities started developing these so called "good land lord" programs, which were more geared towards all rentals but mostly towards apartment complexes. The thinking behind the good land lord program is, in the business license fees there will be a fee that the City charges or if as a land lord you are willing to participate in this program through a contractual agreement with the City, the business license fees would be greatly reduced.

- The way this would play out in Taylorsville, as proposed, is a study was completed by the firm of Lewis, Young, Roberts and Birmingham [19:06:35](#) regarding the impact of different types of businesses on the community in terms of police calls, fire calls, administrative costs to the City, etc., and the study indicated that the City of Taylorsville could justify, based on all their data, a business license fee of \$70.00 per rental unit in Taylorsville but, as it is proposed in Taylorsville, if land lords participate in the “good land lord program”, that fee will be reduced down to \$12.00 per unit. Thereby, in a very large apartment complex, there could literally be a savings of over \$10,000 per year on the business license fee. The thinking is as long as land lords adhere to all of these standards that are articulated in the ordinance and sign the contractual agreement, the business license fee will be greatly reduced. That is essentially how all of these programs work.
- So Staff began with Mayor Wall’s idea of getting control of the single family rental homes in neighborhoods and then some of the other communities, West Valley for example, passed their “good land lord program” over a year ago and one of the stipulations there were that a proposed renter must submit has to submit a criminal background check to the property owner. That means if applicants for rental units have certain offenses, typically violent offenses on their record, and the property owner is participating in the “good land lord program”, they cannot rent one of their units to somebody who has this criminal background check. So, the concern is that, well if they can’t rent in West Valley City, Murray City (which passed such an ordinance a month ago), South Salt Lake (recently passed this type ordinance) and Salt Lake City (in the process of writing this type of ordinance), where are they logically going to go if not to Taylorsville? That kind started the thought process along the lines that Taylorsville needs such an ordinance now. [19:08:10](#)
- The City expects at this point that the legislature is going to step in and end these individual city good land lord ordinances within the next couple of years but Taylorsville doesn’t want to be the City where everybody ended up there before the legislature does something. A big concern obviously is where these people are going to live if every single city has a “good land lord program”. [19:10:12](#)
- **Mr. McGrath** continued on to say that he was not going to read all the standards that are required to participate in the “good land lord program” but essentially when an owner of a rental comes in to get licensed with the City – this will be for all rental units. The Mayor wants Staff to even consider things such as mother-in-law apartments, however, allowing those only under certain circumstances. They would be licensed through this program as well. That is where it will impact zoning. Now under the current zoning standard, in an R-1 zone only one dwelling per property is allowed – no mother-in-law apartments, basements apartments, etc. The Mayor wants Staff to investigate allowing those uses under certain circumstances. It would probably be along the lines of limiting the size and that the main unit has to be owner-occupied, because that is where there is a problem, with someone coming in and turning a single family home into a duplex and the owner living somewhere else and not caring what happens on their property. If it is owner occupied, there generally are less of these type problems and Staff is going to investigate that possibility.
- He asked the Commissioners that during their review of this proposed ordinance to pay particular attention to paragraph 5.76.080 which lists the minimum requirements for participants in the good land lord program. He continued on to say that he is asking for Commissioners to read this proposal and furnish him with their input which he will then incorporate into a final copy for review at a future meeting. [19:12:17](#)

CITY COUNCIL MEETING DISCUSSION: **Mr. McGrath** advised that the only planning matter discussed at the last City Council meeting was about the zone change request for the sign on Atherton. [19:26:57](#)

OTHER BUSINESS: **Commissioner Overson** said she would attend the next City Council meeting. **Mr. McGrath** advised that the City Council has approved one new Commissioner and will interview another very soon, so the Commission should be fully staffed shortly.

ADJOURNMENT: By motion of **Commissioner Overson** the meeting was adjourned at 7:32 hours.

Respectfully submitted by:

Jean Gallegos, Admin Asst/Recorder for the
Planning Commission

Approved in meeting held on March 9, 2010