



SYRACUSE CITY

Syracuse City Council Work Session Notice

April 26, 2011 – 6:00 p.m.

Municipal Building, 1979 W. 1900 S.

Notice is hereby given that the Syracuse City Council will meet in a work session on Tuesday, April 26, 2011, at 6:00 p.m. in the Council Chambers of the Municipal Building, 1979 W. 1900 S., Syracuse City, Davis County, Utah. The purpose of the work session is to discuss/review the following items:

- a. Public Comments
- b. Report from attendees of ULCT Mid-Year Conference. (15 min.)
- c. Green Waste Recycling Update (10 min.)
- d. Utility Bill Update (10 min.)
- e. Discussion regarding disposal of surplus equipment (15 min.)
- f. Report from Police Chief re: police vehicles transition plan (15 min.)
- g. Report from Staff re: centralized fueling proposal (15 min.)
- h. Accept proposed rewrite of Title Three of the Syracuse City Code for a first reading (5 min.)
- i. Council Business

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

#### **CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 22<sup>nd</sup> day of April 2011 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on April 22<sup>nd</sup>, 2011.

CASSIE Z. BROWN, CMC  
SYRACUSE CITY RECORDER



# COUNCIL AGENDA

April 26, 2011

Agenda Item **b**

Report from attendees of ULCD Mid-Year Conference

***Factual Summation***

- Any questions regarding this item may be directed to City Manager Bob Rice.



# COUNCIL AGENDA

April 26, 2011

Agenda Item c

Green Waste Recycling Update

## *Factual Summation*

- Any questions regarding this item may be directed to City Manager Bob Rice.

## *Staff Memo*

- I am happy to report our green waste participation has grown to 807 customers as of Thursday, April 21<sup>st</sup>. We are striving to exceed the 1000 customer mark and are confident this program will be a success. We are receiving several calls from our customers inquiring about a “green can” that was dropped off at their neighbor’s house; this gives us the perfect opportunity to pitch the program. Thanks to all the staff for their contribution to this program.

Respectfully,  
Mike Waite  
Public Works Director



# COUNCIL AGENDA

April 26, 2011

## Agenda Item d                      Utility Bill Update

### *Factual Summation*

- Any questions regarding this item may be directed to City Manager Bob Rice.

### *Staff Memo*

- Reasons why we need to outsource the utility bills:
  - 1- Another rate (green waste) or any other rate added onto the bill cannot fit onto the postcard form.
  - 2- This bill would be on letter size form, so it cannot get lost in their junk mail. (as residences claim)
  - 3- More information can be posted: Our website, on where to pay on-line, services would be able to be spelled out so they would understand better, A message box, to put important information out to them directly, graphs on their water usage (it will help with finding water leak problems)

A return envelope will be included with the bill.  
This will include the postage to mail them out.  
They can have them out and delivered within two days.

We are one person short, now (it took 3 of us to get them out every month, in about two ½ days). We are taking more jobs on, in the utility Dept.  
There are around 6,700 bills now to send out. The city will grow from here (sometime)

Thanks,  
Janice Lansing  
Utility Supervisor



# COUNCIL AGENDA

April 26, 2011

Agenda Item e

Discussion regarding disposal of surplus equipment

***Factual Summation***

- Any questions regarding this item may be directed to City Manager Bob Rice or Police Chief Brian Wallace



# COUNCIL AGENDA

April 26, 2011

Agenda Item **f**                      Report from Police Chief re: police vehicles  
transition plan

***Factual Summation***

- Any questions regarding this item may be directed to Police Chief Brian Wallace

***Staff Memo***

- Please see attached memo provided by Police Chief Brian Wallace

**Brian N. Wallace**  
Chief of Police



April 22, 2011

ATTN: Mayor Jamie Nagle  
Syracuse Council Members

RE: Lease/Purchase Option

We have been working on pricing for a leasing option to finance the city's fleet of vehicle. Hinklease, Inc. And Ken Garff Fleet Sales have been looking at our surplus vehicles and well give us a bid on leasing vehicles for police, fire, public works and recreation. We hope to get more money off surplus vehicles and apply money generated to start a leasing program. We have the option to lease for two years or for 4-5 years and then purchase them for \$1.00.

All leased vehicles will have new equipment so the car and equipment will always be under warranty. This will eliminate maintenance costs. We are also looking at buying some hybrid police cars to save fuel and increase trade-in value.

A handwritten signature in black ink, appearing to read "Brian N. Wallace". The signature is fluid and cursive.

Chief Brian Wallace  
Syracuse Police



# COUNCIL AGENDA

April 26, 2011

Agenda Item g

Report from Staff re: centralized fueling proposal

***Factual Summation***

- Any questions regarding this item may be directed to City Manager Bob Rice



# COUNCIL AGENDA

April 26, 2011

Agenda Item **h**                      Accept proposed rewrite of Title Three of the  
Syracuse City Code for a first reading

***Factual Summation***

- Any questions regarding this item may be directed to City Recorder Cassie Brown
- Please see the attached proposed rewrite of Title Three

# TITLE III

## BOARDS AND COMMISSIONS

### CHAPTER 1: GENERAL

- 3.01.010 Intent and Purpose
- 3.01.020 Composition: Appointment
- 3.01.030 Rules of Procedure: Meeting
- 3.01.040 Compensation

### CHAPTER 2: PLANNING COMMISSION

- 3.02.010 Establishment
- 3.02.020 Term of Office
- 3.02.030 Compensation
- 3.02.040 Organization
- 3.02.050 Records
- 3.02.060 Expenses
- 3.02.070 Mandatory Referral
- 3.02.080 Scope
- 3.02.090 Time Limit
- 3.02.100 Failure to Act
- 3.02.110 Denial, Procedure
- 3.02.120 General Plan
- 3.02.130 Powers and Duties
- 3.02.140 Appointment of Zoning Administrator

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### CHAPTER 3: BOARD OF ADJUSTMENTS

- 3.03.010 Establishment
- 3.03.020 Term of Office
- 3.03.030 Organization
- 3.03.040 Powers of Board of Adjustment

### CHAPTER 3: CITY TREE BOARD

- 3.03.010 Establishment
- 3.03.020 Term of Office
- 3.03.030 Compensation
- 3.03.040 Duties and Responsibilities
- 3.03.050 Operation

Deleted: 3.03.050 . Procedure of Appeals¶  
3.03.060 . Variances of Official Map ¶  
3.03.070 . Special Permits¶  
3.03.080 . Judicial Review of Board's Decision¶

Comment [MW1]: Suggest that we move this section under a City Forrester.

### CHAPTER 4: HISTORIC PRESERVATION COMMISSION

- 3.04.010 Purpose
- 3.04.020 Historic Preservation Commission Provisions
- 3.04.030 Duties and Responsibilities
- 3.04.040 Syracuse Historic Site List
- 3.04.050 Syracuse Historic Landmark Register
- 3.04.060 Standards for Rehabilitation

### CHAPTER 5: EMPLOYEE APPEAL BOARD

- 3.05.010 Created

- 3.05.020 Members
- 3.05.030 Employee Appeals
- 3.05.040 Appeal Procedures

**CHAPTER 6: PARKS ADVISORY COMMITTEE**

- 3.06.010 Establishment
- 3.06.020 Members
- 3.06.030 Organization and Procedure
- 3.06.040 Duties and Responsibilities

**CHAPTER 7: MUSEUM AND CULTURAL CENTER BOARD**

- 2.07.010 Purpose
- 2.07.020 Historic Museum and Cultural Center Board
- 2.07.030 Organization and Procedures
- 2.07.040 Board Duties
- 2.07.050 Syracuse City Responsibilities

**CHAPTER 1**

**GENERAL**

- 3.01.010 Intent and Purpose**
- 3.01.020 Composition; Appointment**
- 3.01.030 Rules of Procedure; Meeting**
- 3.01.040 Compensation**

**3.01.010 INTENT AND PURPOSE**

A. It is the intent and purpose of this chapter to encourage citizen involvement and obtain citizen advice and input by creating certain committees, councils, and commissions of the city as hereinafter discussed. Any and all committees, councils or commissions established pursuant to this chapter have no authority to bind the city or impose any conditions on the city or its citizens, unless specifically authorized by law or ordinance.

B. Nothing in this chapter shall prevent or preclude the City Council from establishing or creating executive committees, task forces, etc., to give advice and recommendations to the office of the City Council.

**3.01.020 COMPOSITION; APPOINTMENT**

Unless otherwise specifically stated in a committee, council or commission enabling section, all committees, councils, and commissions established pursuant to the provisions of this chapter shall be composed of five (5) members, all of whom shall be appointed by the city administrator with the advice and consent of the city council. The five (5) members shall serve as the decision making body for the committee.

**Comment [TJG2]:** Mayor?

**Deleted:** Each committee may seek nonvoting members/volunteers who desire to participate consistent with the purpose and/or mission of the respective committee.

**3.01.030 RULES OF PROCEDURE; MEETING**

Unless otherwise specifically stated in a committee, council or commission enabling section, each committee, council and commission established pursuant to the provisions of this chapter shall formulate its own rules for the selection of a chairman, time, place and manner of calling of meetings and other procedural matters; provided, that there shall be at least one meeting of the committee, council or commission each quarter. Each committee shall prepare written minutes of all meetings which shall be approved by each committee at subsequent meetings. The original approved minutes shall be maintained in the office of the city recorder.

**3.01.040 COMPENSATION**

Members shall serve without compensation. The City Council, in its discretion, may authorize reimbursement of reasonable expenses incurred in performance of duties as members of the Commission. Appointments shall be non-political and appointees shall be selected from different vocational interests to provide benefit to the Commission and its purpose, insofar as possible. (1996)

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CHAPTER 1

PLANNING COMMISSION

- 3.01.010 Establishment
- 3.01.020 Term of Office
- 3.01.030 Compensation
- 3.01.040 Organization
- 3.01.050 Records
- 3.01.060 Expenses
- 3.01.070 Mandatory Referral
- 3.01.080 Scope
- 3.01.090 Time Limit
- 3.01.100 Failure to Act
- 3.01.110 Denial, Procedure
- 3.01.120 General Plan
- 3.01.130 Powers and Duties
- 3.01.140 Appointment of Zoning Administrator

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- Deleted: , whose primary duties shall be to act as an advisory commission to the Syracuse City Council on all matters pertaining to Planning and Zoning within and for the City, to be known as the Syracuse Planning Commission.
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¶
- Deleted: Members shall serve without compensation except for reasonable expenses incurred in performance of duties as members of the Commission, which shall be established by resolution of the City Council. Appointments shall be non-political and appointees shall be selected from different vocational interests insofar as possible. (1996)
- Deleted: Two members of said Commission shall be appointed during the month of July in 2003 and one member appointed in July 2004. Two members of said Commission shall be appointed in July 2005 and each succeeding two years with one member being appointed each succeeding fourth year thereafter. Term of Office for alternate Commission members shall be four years from the date of appointment or the date of resignation if such resignation is earlier than four years.
- Deleted: for good cause
- Deleted: solely
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3.01.010 ESTABLISHMENT

There is hereby created a Planning Commission pursuant to Section 10-9-201 of the Utah Code annotated 1953, as amended. The Planning Commission shall have and perform such duties as are assigned to it by law and/or ordinance relating to Planning and Zoning and land use administration. The Planning Commission shall consist of seven members appointed by the Mayor with the advice and consent of the City Council. Two alternate members may be appointed to act as a voting member of the Planning Commission in the absence of any regular voting member.

3.01.020 TERM OF OFFICE

The term of office for each voting member of such Commission shall be for four years and until his successor is appointed. Appointment may be for a term shorter than four (4) years if necessary to provide for an appropriate staggering of terms. The Mayor may remove any member of the Planning Commission as determined by the discretion of the Mayor and approved by a majority of the City Council. Any member of the Planning Commission so removed shall be entitled to a public hearing before the City Council if requested in writing by the member being removed within 5 days of a City Council vote. The purpose of the hearing is to allow the member being removed to be heard on the issue of good cause for the removal.

3.01.030: COMPENSATION

Members shall serve without compensation except for reasonable expenses incurred in performance of duties as members of the Commission, which shall be established by resolution of the City Council. Appointments shall be non-political and appointees shall be selected from different vocational interests insofar as possible. (1996)

3.01.040: ORGANIZATION

The Planning Commission shall elect one of its members to act as Chairman for a period of one year and a member to act as vice-Chairman. The Chairman and/or Vice Chairman may be elected for successive terms. The Chairman will preside at all meetings of the Commission unless absent, in which case the vice-Chairman will preside; and the Commission shall adopt such policies and procedures for its own organization and for the transaction of business not in conflict with City ordinances or state laws, which policies and procedures shall be approved by the City council before taking effect. Reports of official acts and recommendations of the Planning Commission shall be made by the Chairman in writing to the City Council and to such other municipal officials and persons as and in the manner the City Council may direct. The Mayor may appoint one member of the City Council to act as a liaison to, the Planning Commission. This member may participate with the Planning Commission duties but shall not vote.

**Deleted:** , and shall indicate how each member of the Commission voted with respect to such act or recommendation. Any member of the Commission may also make a concurring or dissenting report or recommendation to the City Council whenever he deems advisable. In January of each year t

**3.01.050: RECORDS**

All matters and requests to the Planning Commission shall be submitted to the Commission in writing on a form approved by the Commission. The minutes of each meeting of the Planning Commission shall be recorded and preserved in a permanent binder. Minutes of each meeting of said Commission shall bear thereon its approval as attested to by the Chairman. All official actions shall be recorded therein, and copies of all letters of approval or denial shall be preserved. All records of said Commission shall be made available for public inspection during reasonable hours.

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**3.01.060: EXPENSES**

The Planning Commission may requisition funds from the City Council for planning assistance or other services, or work, but it shall in no way obligate the City for any expense until or unless it is specifically authorized to do so by action of the City Council.

**3.01.070: MANDATORY REFERRAL**

In order to correlate plans for the orderly and economical development of Syracuse City, it is hereby required that any board, commission, committee, administrative officer, or other employee of the City, or any other person having jurisdiction over or responsibility for the development of or the carrying out of plans, or other matters relating to the physical development of the municipality, shall first refer such matters to the Planning Commission and receive its recommendation thereon before taking any action pertaining thereto.

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**3.01.080: SCOPE**

All matters pertaining to:

1. the physical development of the City, except as concerned with the Uniform Building Code
2. the use and zoning of land for private or public purposes
3. location, widening, narrowing, abandonment, extension or re-location of proposed or existing streets, also the acquisitions of land for new streets,

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for the acceptance of private streets for public use, and the sale of or lease of municipally-owned streets

4. the acquisition or acceptance of land for any public property, public way, ground, place, or structure, also the sale or lease of municipally-owned property, and the location of public buildings, parks or other open spaces,
5. the location and extent of public or private utilities, and
6. the subdivision of land, shall be submitted to the Planning Commission for consideration and recommendation before action is taken thereon by the City Council or other City official.

| **3.01,090:**     **TIME LIMIT**

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The Planning Commission shall submit its recommendation for approval or disapproval of any application or proposal in writing to the City Council after complying with all requirements regarding public hearings and notice to the necessary parties. Normally the Planning Commission should act within 30 days of a matter being submitted to it, but may extend this time by motion and vote of a majority of the Commission as necessary to obtain additional information or for other good reasons.

| **3.01,100:**     **FAILURE TO ACT**

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The failure of the Planning Commission to act within the maximum period of time granted shall be deemed approval. No action or vote by the Planning Commission shall be valid unless supported by four members.

| **3.01,110:**     **DENIAL, PROCEDURE**

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Upon approval or disapproval by the Planning Commission a proposal shall be referred to the City Council to be acted upon by that body, except that where the ordinances of Syracuse City so require, proposals shall be referred to the City Engineer for his approval before referral to the City Council. Where the Planning Commission sees fit to disapprove or deny any proposal, it shall communicate its reasons for such disapproval in writing to the City Council.

| **3.01,120:**     **GENERAL PLAN**

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It shall be the function and duty of the Planning Commission, to make and recommend to the City Council a proposed general plan for the physical development of the City, including other areas outside of its boundaries which, in the Planning Commission's judgment, bear relation to the planning of Syracuse. The Planning Commission may from time to time recommend to the City Council to amend, extend, added to or carry any part or subject matter of the general plan into greater detail. Where the plan involves territory outside of the boundaries of the City, action shall be taken with the concurrence of the county or other legislative body concerned. The general plan shall show the Planning Commission's recommendations and may include, among other things, the general location, character, and extent of streets, parks, parkways, playgrounds, airports, and other public spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned; the acceptance,

widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing; the general location, character layout, and extent of community centers and neighborhood units, and the extent and layout of the re-planning of blighted areas.

In the preparation of the general plan, the Planning Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of Syracuse and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City of Syracuse in accordance with existing and future needs.

No street, park or other public way, ground, place or space, no public building or structure, and no public utility, whether publicly or privately owned, shall be constructed or authorized until and unless the location and extent thereof shall conform to the master plan or shall have been submitted to and approved by the Planning Commission, with such exceptions as provided for in section 10-9-21 of the Utah Code Annotated, 1953, as amended.

**3.01.130: POWERS AND DUTIES**

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The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land at reasonable times to make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

The planning commission shall:

1. prepare and recommend a general plan and amendments to the general plan to the City Council as provided under state law;
2. recommend zoning ordinance and maps, and amendments to zoning ordinances and maps, to the City Council as provided under state law;
3. administer provisions of the zoning ordinance as specifically provided in the zoning ordinance;
4. recommend subdivision regulations and amendments to those regulations to the City council as provided under state law;
5. recommend approval or denial of subdivision applications as provided under state law;
6. advise the City Council on matters as directed by the City Council;
7. hear and decide conditional use permits;
8. exercise any other powers necessary to enable it to perform or function.

The Planning Commission may hold public hearings and shall do so as required by law. It may make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, other

organizations, and citizens. It may recommend to the executive or legislative officials programs for public improvements and the financing thereof.

**3.01.140: APPOINTMENT OF ZONING ADMINISTRATOR**

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The Mayor with the consent of the City Council shall appoint a Zoning Administrator to carry out the duties and responsibilities relative to zoning issues.

The Zoning Administrator shall enforce the provisions of the Syracuse City Zoning Ordinance or other ordinances affecting or regulating the physical development of the municipality which are now in effect or which may hereafter be adopted.

CHAPTER 2

BOARD OF ADJUSTMENTS

- 3.02.010 Establishment
- 3.02.020 Term of Office
- 3.02.030 Organization
- 3.02.040 Powers of Board of Adjustment
- 3.02.050 Procedure of Appeals
- 3.02.060 Variances of Official Map
- 3.02.070 Special Permits
- 3.02.080 Judicial Review of Board's Decision

3.02.010: ESTABLISHMENT

There is hereby created a Board of Adjustment, which shall consist of five members. The members of the Board of Adjustment shall be appointed by Mayor with the advice and consent of the City Council. The City Council may fix per diem compensation for the members of the Board of Adjustment, based on necessary and reasonable expenses and on meetings actually attended.

3.02.020: TERM OF OFFICE

Each member of the Board of Adjustment shall serve for a term of five years, and until his successor is appointed, provided that the length of terms may be staggered, such that the term of one member shall expire each year. One member shall be appointed in the month of July of each year. Any member may be removed for cause by the City Council. A member so removed shall be entitled to a public hearing before the City Council if requested in writing by the member being removed within five (5) days of a Council vote. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.

3.02.030: ORGANIZATION

The Board of Adjustment shall elect a chairman and may adopt such rules for its own proceedings as are consistent with law. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall comply with the Open and Public Meetings Act. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the Board and shall be a public record.

3.02.040: POWERS OF BOARD OF ADJUSTMENT

The Board of Adjustment shall have those duties, powers and authority as granted to it by the Land Use Ordinances of the City and by law.

**Deleted:** , that the term of the members of the first Board so appointed shall be

**Deleted:** upon written charges and after public hearing, if such public hearing is requested.

**Deleted:** be open to the public.

**Deleted:** the following

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**Comment [TJG3]:** Is this authorized in the Land Use Ordinance?

**Deleted:** <#>To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of any of the planning or zoning provisions of the Ordinances of this City. ¶

& ¶ <#>To hear and decide requests for special exceptions or for decisions upon other special questions, upon which such Board is authorized to pass.

**Deleted:** <#>¶

& ¶ <#>To authorize upon appeal such variances from the terms of the planning and zoning provision of the Ordinances of this City as will not be contrary to the public interest, where owing to special conditions a literal enforcement of such provisions will result in unnecessary hardship; provided, that the spirit of such provisions shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that: ¶

& ¶ <#>The variance will not substantially affect the comprehensive plan of zoning in the City and that adherence to the strict letter of the planning and zoning provisions of the Ordinances of this City will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan. ¶

& ¶ <#>Special circumstances attach to the property covered by the application which do not generally apply to the other property in th (... [1]

**Deleted: 3.02.050: . PROCEDURE OF APPEALS¶**

& ¶ <#>Initiation of Appeal. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board (... [2]



**Deleted:** <#>Decision by Board of Adjustment. In exercising the powers stated in Section 3.02.040, the Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass or to effect any such variation in the planning and zoning provisions of the Ordinances of this City.¶

**3.02.060: . VARIANCES OF OFFICIAL MAP¶**  
¶  
In order to preserve the integrity of the official map, no permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map. Any person aggrieved by his inability to obtain such a permit may ap... [3]

**Deleted: 3.02.070: . SPECIAL PERMITS¶**  
¶  
. The Board of Adjustment may, in appropriate cases, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the use district regulations herein established in harmony with their general purpose and intent as follows: ¶  
¶  
<#>Permit the extension of a use into a more restricted use district immediately adjacent thereto where the boundary line divides a lot in single ownership as shown of record at the time of the passage of this ordinance; such use may extend to the entire lot, provided that in no case shall the use be extended more... [4]

**Deleted: 3.02.080: . JUDICIAL REVIEW OF BOARD'S DECISION¶**  
¶  
. The City or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief there from in any court of competent jurisdiction; provided petition for such relief is presented to the Court within 30 days after the filing of such decision in the office of the Board.¶

**CHAPTER 3**

## CITY TREE BOARD

- 3.04.010 Establishment
- 3.04.020 Term of Office
- 3.04.030 Duties and Responsibilities
- 3.04.040 Operation

**Comment [MW4]:** After talking with Mike Eggett, it seems that the City Tree Board may be something better placed under the direction of a City Forester.

**Deleted:** 3.03.030 . Compensation¶

### 3.04.010: ESTABLISHMENT

There is hereby created and established a City Tree Board for the City of Syracuse, Utah, which shall consist of six members, five of whom shall be citizens and residents of Syracuse and, who shall be appointed by the Mayor with the advice and consent of the Council. The City Forester shall serve as one member of this board. (1997)

**Deleted:** approval

### 3.04.020: TERM OF OFFICE

The term of the five persons to be appointed by the mayor shall be three years, except that the term of two of the members appointed to the first board shall be for one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term. (1997)

### 3.04.030: DUTIES AND RESPONSIBILITIES

The Board shall serve in an advisory role to the City Council. It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive City Tree Plan for the City. The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of or question coming within the scope of its work. The City Council shall approve as part of its annual budgeting process any funds that shall be spent by the City to carry out the recommendations of the Board. (1997)

**Deleted:** ¶  
3.03.030: . COMPENSATION¶

¶  
. Members of the Board shall serve without compensation. (1997)¶

### 3.04.040: OPERATION

The Board shall operate in conformity with state open and public meeting laws. Each year in January the Mayor shall designate one member of the Board as chairman, another member as vice-chairman, and a third member as secretary. The Chair shall have the responsibility to see that regular meetings are held in an orderly manner, assignments are made and completed, agendas are prepared, and that the work of the Board fills the purpose for which the Board was established as set forth in this chapter. The vice-chairman shall act in the absence of the chairman. The secretary shall keep the minutes and records of the Board's meetings. A majority of the members shall be a quorum for the transaction of business. (1997)

**Comment [TJG5]:** Why does the Mayor designate the Chair of this Board as opposed having the Board chose its Chair?

**Deleted:** '

## CHAPTER 4

### HISTORIC PRESERVATION COMMISSION

**Comment [TJG6]:** Appointment of Chair, Vice-Chair, Secretary?

- 3.04.010 Purpose
- 3.04.020 Historic Preservation Commission Provisions
- 3.04.030 Duties and Responsibilities
- 3.04.040 Syracuse Historic Site List
- 3.04.050 Syracuse Historic Landmark Register
- 3.04.060 Standards for Rehabilitation

#### 3.04.010: PURPOSE

The City of Syracuse recognizes that the historical heritage of the community is among most valued and important assets, and it is, therefore, the intent of the City to identify, preserve, protect, and enhance historic areas and sites lying within the City limits. (1990)

#### 3.04.020: HISTORIC PRESERVATION COMMISSION PROVISIONS

A Historic Preservation Commission is hereby established by the City with the following provisions:

1. The Commission shall consist of a minimum of five members, with a demonstrated interest, competence, or knowledge in historic preservation, appointed by the City Council for terms of not less than two years.
2. To the extent available in the City, two Commission members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture, or architectural history.
3. The Commission shall meet at least twice each year and conduct business in accordance with the Open Public Meeting laws of Utah. This includes public notification of the meeting place, time, and agenda items.
4. Written minutes of each Commission meeting shall be prepared and made available for public inspection. (1990)

#### 3.04.030: DUTIES AND RESPONSIBILITIES

The Historic Preservation Commission shall have the following duties:

1. The Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten years.
2. Review Proposed Nominations to the National Register of Historic Places. The Historic Preservation Commission shall review and comment to the State Historic Preservation Officer on all proposed National Register

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nominations for properties within the boundaries of the City. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission shall seek expertise in that area before providing its impact and comments.

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3. Provide advice and information:
  - a. The Historic Preservation Commission shall act in an advisory role to other officials and departments of government regarding the identification and protection of local historic and archaeological resources.
  - b. The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and community history.
4. Advise and assist in the maintenance and rehabilitation of city owned historic buildings and sites.
5. Apply for and administer grants and other financial aid for historic preservation projects in the city.
6. Enforcement of State Historic Preservation Laws. The Commission shall support the enforcement of all State laws relating to historic preservation. These include, but are not limited to: U.C.A. 11-18-2, "The Historic District Act"; U.C.A. 63-18-25, 27, and 30 regarding the protection of Utah antiquities; and U.C.A. 63-18-37 regarding notification of the State Historic Preservation Office of any known proposed action which will destroy or affect a site, building, or object owned by the State of Utah and included on or eligible for the State of National Registers. (1990)

#### 3.04.040: SYRACUSE HISTORIC SITE LIST

The Historic Preservation Commission may designate historic properties to the Historic Sites List as a means of providing recognition to and encouraging the preservation of historic resources in the community, in accordance with the procedure set forth below.

1. Criteria for Designating Properties to the City Historic Sites List. Any building, structure, object, or site may be designated to the Historic Sites List if it meets all the criteria outlined below:
  - a. It is located within the official boundaries of the City.
  - b. It is at least 50 years old.
  - c. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features of the resource. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials,

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moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way.

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- d. It has been documented according to the Utah State Historic Preservation Office standards for intensive level surveys (March 1987 version or subsequent revisions) and copies of that documentation have been placed in the local and State historic preservation files.
2. Designation Procedures. Any person, group, or government agency may nominate a property for listing in the City Historic Sites List. The nomination and listing procedures are as follows:
    - a. Completed Intensive Level Survey documentation for each nominated property must be submitted in duplicate to the Historic Preservation Commission.
    - b. The Commission will review and consider properly submitted nominations at its next scheduled meeting. The Commission will notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one-week notification may be waived at the property owner's option in order to accommodate "last-minute" submittals, though no nomination will be reviewed if it is submitted to the Commission less than 48 hours prior to the meeting.
    - c. The Historic Preservation Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Historic Properties to the Syracuse Historic Sites List".
  3. Results of Designation to the Historic Sites List.
    - a. Owners of officially designated historic sites may obtain a historic site certificate from the Historic Preservation Commission. The certificate contains the historic name of the property, the date of designation, and signatures of the Mayor and the Chairperson of the Historic Preservation Commission.
    - b. Proposed exterior work on historic site register structures requiring a building permit, sign permit or demolition permit is subject to the commission's prior review in order to ensure the preservation of such structures to the greatest degree possible.
    - c. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
      - i. The City will delay issuing a demolition permit for a maximum of one week and will notify a member of the Historic Preservation Commission, which will take responsibility for the documentation.

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- ii. Documentation will include, at minimum, exterior photographs (both black-and-white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor-plan drawing of the building.
- iii. The demolition permit will be issued after one week of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the Commission completes its documentation before the one-week deadline.
- iv. The documentation will be kept in the Commission's historic site files, which are open to the public.

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- 4. Removal of Properties from the Historic Sites List. Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility may be removed from the Historic Sites List after review and consideration by the Commission. (1997)

**3.04.050: SYRACUSE HISTORIC LANDMARK REGISTER**

Significant historic properties may be designated to the Historic Landmark Register in accordance with the procedure set forth below for the purposes of recognizing their significance and providing incentives and guidelines for their preservation.

- 1. Criteria for Designating Properties to the City Historic Landmark Register. Any building, structure, object, or site may be designated to the Historic Landmark Register if it meets all the criteria outlined below:

- a. It is located within the official boundaries of the City;

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- b. ~~It is at least fifty (50) years old;~~

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- c. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6 (s). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity, meet at least one of the following National Register criteria:

- i. Associated with events that have made a significant contribution to the broad patterns of our history; or
- ii. Associated with the lives of persons significant in our past; or
- iii. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

- iv. Have yielded, or may be likely to yield, information important in prehistory or history (archaeological sites, for example);  
and

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- d. The owner of the property approves of the action to designate his/her property to the Historic Landmark Register and has submitted to the Commission a written statement to that effect.

## 2. Designation Procedures

- a. Official designation proceedings must begin with the submittal of a written request for designation by the property owner to the Commission Chairperson. The letter must identify the property by its address and historic name, give the date the property was listed in the National Register or officially determined eligible, and include a statement verifying that the property owner is indeed the owner of legal record of the property proposed for designation. This official request may be preceded by informal contacts with the property owner by Commission members, private citizens, local officials, or others regarding designation of the property.
- b. Upon receipt of the written request for designation, the Commission Chairperson shall arrange for the nomination to be considered at the next Commission meeting, which shall be held at a time not to exceed 30 days from the date the request was received.
- c. The decision by the Commission shall be based on the eligibility of the property in terms of meeting the "Criteria for Designating Properties to the Syracuse Historic Landmark Register". The Commission shall forward its recommendation in writing to the City Council within 14 days.
- d. The City Council may, by approval and passage of an appropriate resolution, designate properties to the Historic Landmark Register. Following designation, a notice of such shall be mailed to the owners of record, together with a copy of this Ordinance.
- e. After a property has been formally designated to the Historic Landmark Register, the designation may be amended or rescinded in the same manner as the original designation was made.
- f. Upon official designation, the Commission shall record the designation with the County Recorder's Office to indicate such designation on the official title thereof.

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## 3. Results of Designation to the Historic Landmark Register.

- a. Properties designated to the Historic Landmark Register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.
- b. In the event of rehabilitation of the property, local building officials may consider waiving certain code requirements in accordance with uniform code for building structures, which governs historic buildings.

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c. Owners of Historic Landmarks may seek assistance from the Historic Preservation Commission in applying for grants or tax credits for rehabilitating their properties.

d. Proposed repairs, alterations, or additions to any structure on the Historic Landmark Register are subject to review of the Historic Preservation Commission and the subsequent review and approval of the City Council. The purpose of this review is to ensure the preservation of historic materials and features to the greatest degree possible.

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i. Applications for permits pertaining to Historic Landmark properties shall be forwarded by the Building Inspector to the Historic Preservation Commission prior to their issuance.

ii. At its next scheduled meeting, the Commission shall review the application and proposed work for compliance with the Secretary of the Interior's "Standards for Rehabilitation", hereafter referred to as the "Standards" (see Section 9-5-6).

iii. The Commission's recommendation shall be forwarded within 3 days to the City Council for its consideration in reviewing the applications. The recommendation must indicate which of the "Standards" the Commission's decision was based on and, where appropriate, a brief explanation. Copies of the recommendations shall be sent to the Building Inspector and the property owner at the same time.

iv. The City Council shall schedule the matter for its next meeting and, upon review of the Historic Preservation Commission's recommendation and other comments given at the meeting, make a decision regarding the appropriateness of the proposed action. Approved projects will be issued a "Certificate of Historical Appropriateness" which authorizes the Building Permit to be issued.

e. Claims Of Economic Hardship: The commission may approve issuance of a certificate of appropriateness for rehabilitation or demolition of a landmark property if the owner has presented compelling, substantial evidence demonstrating that unreasonable economic hardship will result from denial of the certificate of appropriateness.

(1) Economic Hardship Criteria: In order to sustain a claim of unreasonable economic hardship, the commission may require the owner to provide evidence from a qualified third party regarding whether the property is capable of producing a reasonable economic return for the owner.

(2) Demonstration Of Economic Hardship: Demonstration of economic hardship by the owner shall not be based on conditions resulting from willful or negligent acts by the owner, purchasing the property for substantially more than market value at the time of purchase, failure to perform normal maintenance

and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.

- f Appeal: An applicant who has been denied any permit by the city's community development department or planning commission, based on the commission's refusal to issue a certificate of historic appropriateness, may appeal that decision to the city council at any time within thirty (30) days after the decision.

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4. Removal Of Properties From Historic Landmark Register: Properties which, in the opinion of the commission, no longer meet the criteria for eligibility may be removed from the city's historic landmark register after review and consideration by the commission and affirmative vote of the city council.

5. Amendment To Historic Landmark Register: The city council may amend the city's historic landmark register from time to time, including deleting sites or adding additional sites.

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6. Enforcement. The provisions of this Section are subject to the enforcement provisions established in the Revised Ordinances of the City pertaining to non-compliance with Building Codes of the City, and to other applicable provisions of City Ordinances relating to Ordinance violations. (1990)

### 3.04.060: STANDARDS FOR REHABILITATION

The following "Standards for Rehabilitation" shall be used by the Historic Preservation Commission and City Council when determining the historic appropriateness of any application pertaining to Historic Landmark properties:

1. Every reasonable effort shall be made to provide a compatible purpose for a property which requires minimal alteration of the building, structure, or site and its environment.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All building, structures, and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of

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missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any rehabilitation project.
9. Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
10. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were removed in the future, the essential form and integrity of the structure would be unimpaired. (1990)

## CHAPTER 5

### EMPLOYEE APPEAL BOARD

|          |                          |
|----------|--------------------------|
| 3.05.010 | <b>Establishment</b>     |
| 3.05.020 | <b>Members</b>           |
| 3.05.030 | <b>Employee Appeals</b>  |
| 3.05.040 | <b>Appeal Procedures</b> |

#### 3.05.010: ESTABLISHMENT

There is hereby created an Employee Appeal Board as required by Utah Code Ann. ' 10-3-1106, as amended, to hear appeals of covered employees who have been terminated, suspended without pay for more than two days, or involuntarily transferred to a position with less remuneration.

#### 3.05.020: MEMBERS

The Appeals Board shall consist of five (5) members, three (3) of whom shall be chosen by and from the appointed officers and employees of the City and two (2) of whom shall be members of the City Council.

##### 1. Selection of Members and Alternates:

- a. Councilmembers and Alternates. The City Council shall designate two (2) of its members to serve on the Appeals Board, hereinafter referred to as the "Councilmembers", and two (2) of its members to serve as alternate Councilmembers.
- b. Officer and Employee Members and Alternates. The appointed officers and employees of the City shall elect three (3) of its members to serve on the Appeals Board, hereinafter referred to as "Employee Members", and three (3) of its members to serve as alternate Employee Members in the following manner:
  - i. Nomination. The City Manager or his/her designee shall send written notice to all appointed officers and employees of the City that they may make written nominations for candidates to serve on the Appeals Board and the closing date for filing such nominations with the City Recorder. Nominations received by the City Recorder after the closing date will not be considered.
  - ii. Voting. Upon the closing of nominations, an election shall be held among all appointed officers and employees of the City to elect three (3) Employee Members of the Board and three (3) Alternate Employee Members. The election shall be by secret ballot. The three individuals receiving the highest number of votes shall be deemed elected as Employee Members, and the next three (3) individuals receiving the highest number of votes shall be deemed elected as Alternate Employee Members.

2. Limitation on Members. No person may sit on the Appeals Board who also sat on a Pre-Disciplinary Hearing of the appealing employee or whose employment with the City has been terminated.
3. Term. Councilmembers and Employee Members shall serve for a term of two (2) years from the date of their election or appointment. Members may serve additional terms in accordance with the election and appointment procedures set forth herein.
4. Vacancies. Any vacancy in an Employee Member position shall be first filled by an Alternate Employee Member by drawing lots; and if no Alternate Employee Members is available, by nomination and election as provided herein at the time such vacancy occurs. Any vacancy in a Councilmember position shall be filled first by an Alternate Councilmember as determined by the Council; and if no Alternate Councilmember is available, through appointment by the Council at the time such vacancy occurs.

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### 3.05.030: EMPLOYEE APPEALS

1. Except as provided in Subsection (B), each employee of the City shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided herein.
2. This Section shall not apply to:
  - a. Police Chief;
  - b. Deputy Police Chief;
  - c. Fire Chief;
  - d. Deputy or Assistant Fire Chief;
  - e. Department Heads;
  - f. Deputy of Department Head;
  - g. Superintendent;
  - h. Probationary Employee;
  - i. Part-Time Employee;
  - j. Seasonal Employee; or
  - k. Officer appointed by the Mayor or other person or body exercising executive power in the City.
3. Any employee, except those employees set forth in subsection B, above, who is discharged, suspended without pay for more than two days, or involuntarily transferred from one position to another with less remuneration for any reason, may appeal the discharge, suspension or involuntary transfer

to the Employee Appeal Board in accordance with and subject to the procedures and provisions set forth herein.

**3.05.040: APPEAL PROCEDURES**

1. Any appeal to the Employee Appeal Board shall be taken by filing a written notice of appeal with the City Recorder within ten (10) days after the discharge, suspension or involuntary transfer.
2. Appeals before the Employee Appeal Board shall be conducted in accordance with and subject to the procedures set forth Utah Code Ann. §10-3-1106, as amended.

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## CHAPTER 6

### PARKS ADVISORY COMMITTEE

|          |                                    |
|----------|------------------------------------|
| 3.06.010 | <b>Establishment</b>               |
| 3.06.020 | <b>Members</b>                     |
| 3.06.030 | <b>Organization and Procedure</b>  |
| 3.06.040 | <b>Duties and Responsibilities</b> |

#### 3.06.010: ESTABLISHMENT

There is hereby created a Parks Advisory Committee for Syracuse City to act as an advisory committee to the City Council regarding City parks, trails, and related facilities, programs, policies, and priorities.

#### 3.06.020: MEMBERS

1. Number. The Committee shall be comprised of seven (7) members who shall be appointed by the Mayor with the advice and consent of the City Council. All members shall be residents of Syracuse City.
2. Term. The members shall be appointed to staggered terms of three (3) years, provided that members may be appointed to terms shorter than three (3) years when necessary to provide for staggered terms. These terms are renewable.
3. Compensation. Committee members shall receive no compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of their duties.

#### 3.06.030: ORGANIZATION AND PROCEDURE

1. Chairperson. The members of the Parks Advisory Committee shall appoint one of the members as chairperson. The chairperson shall serve for a term of one year, which term may be renewed. The Chairperson shall oversee the proceedings and activities of the Committee.
2. Rules. The Committee may adopt reasonable rules and regulations in accordance with this Ordinance for governing the conduct of its business. Any such rules or by-laws shall be reviewed and adopted by resolution of the City Council.
3. Meetings. The Committee may hold meetings at such times as the Committee determines is necessary and as properly called with notice given to each Committee member.

#### 3.06.040: DUTIES AND RESPONSIBILITIES

It shall be the duty of the Parks Advisory Committee to act in an advisory and voluntary capacity to the City Council regarding the development of parks, trails and related facilities, programs, policies and priorities. The Parks Advisory Committee should periodically review the City's Parks Master Plan and make

appropriate recommendations to the City Council regarding the same. The Parks Advisory Committee should also recommend projects, policies, funding allocations, and other measures, programs, or activities for the development of parks, trails and related facilities within the City. The Parks Advisory Committee shall carry out projects, programs and activities as directed by the City Council.

|

## CHAPTER 7

### MUSEUM AND CULTURAL CENTER BOARD

|                 |                                                  |
|-----------------|--------------------------------------------------|
| <u>2.07.010</u> | <u>Purpose</u>                                   |
| <u>2.07.020</u> | <u>Historic Museum and Cultural Center Board</u> |
| <u>2.07.030</u> | <u>Organization and Procedures</u>               |
| <u>2.07.040</u> | <u>Board Duties</u>                              |
| <u>2.08.050</u> | <u>Syracuse City Responsibilities</u>            |

2.07.010: PURPOSE. The City of Syracuse recognizes that the historical heritage of the community is among its most valued and important assets, and it is, therefore, the intent of the City to identify, preserve, protect, and enhance historic artifacts associated with the City and its residents and other items of historical significance.

2.07.020: MUSEUM AND CULTURAL CENTER BOARD. A Museum and Cultural Center Board is hereby established by the City with the following provisions:

- (A) Number and Qualifications. The Board shall consist of between five and nine members. Each Board member should demonstrate interest, competence, and knowledge in the operation and function of the Syracuse Museum and Cultural Center.
- (B) Term. Board members shall be recommended by the Museum and Cultural Center Board and appointed by the Mayor, with the advice and consent of the City Council, for staggered terms of not less than two (2) years provided that members may be appointed for terms shorter than two (2) years when necessary to provide for staggered terms.
- (C) Advisor. The City Council shall appoint one of its members to serve as an advisor of the Board. The advisor shall attend the meetings of the Board and serve only to advise and act as a liaison to the City Council regarding the Board with no power to vote thereon.
- (D) Removal. Members shall serve at the pleasure of the City and may be removed at any time by majority vote of the City Council.
- (E) Vacancy. Mid-term Vacancies on the Board occurring for any reason shall be filled by the Mayor, with the advice and consent of the City Council, in accordance with the procedures for appointment set forth herein, for the unexpired term of such member. The mayor may receive names for consideration for appointment to the Board from the Board Chair.
- (F) Compensation. Members shall serve without compensation and all services performed shall be deemed "voluntary services" for purposes of The Utah Governmental Immunity Act and Members shall be deemed "volunteers" for purposes of City ordinances, rules, regulations and policies concerning personnel, provided, members may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as determined appropriate and pre-approved by the City Council.

(G) Quorum. No official business of the Board shall be conducted except in the presence of a properly constituted quorum. The quorum shall consist of a majority of the appointed Members. All official business must be decided upon by majority vote of the quorum.

(H) Rules. The Board may adopt by-laws and/or reasonable rules and regulations in accordance with the provision set forth herein for governing the conduct of its business. All such rules and regulations shall be submitted to the City Council for review and approved by resolution of the City Council.

**2.07.030: ORGANIZATION AND PROCEDURE.** The organization and structure of the Museum and Cultural Center Board shall be as follows

(A) Chairperson and Co-Chairperson. The Board shall appoint one of its members as chairperson. The chairperson shall be a voting member of the Board and shall oversee the proceedings and activities of the Board. The Board shall also appoint one of its members as co-chairperson to act as chairperson in the event the chairperson is unable to attend the meeting.

(B) Other Officers. The Board may elect other members to act as other officers of the Board, and may appoint volunteers to work in and aid in the operation of the Museum and Cultural Center.

(C) Meetings. The Board shall meet at least twice each year. Meetings shall be conducted in accordance with the Open and Public Meetings laws of the State of Utah, including public notification of meeting place, time, and agenda items. The Board shall keep a public record of its proceedings, and all minutes of the meetings and decisions of the Board shall be filed in the office of the City Recorder as public records.

**2.07.040: BOARD DUTIES.** It shall be the duty of the Board to act in an advisory and volunteer capacity to the City Council regarding the administration and operation of the Museum and Cultural Center, including, but not limited to the following:

(A) Prepare and recommend for approval by the City Council a long-range plan, including goals, for the Museum and Cultural Center, review any adopted long-range plan on an annual basis, and recommend any updates or changes to the City Council;

(B) Recommend and implement programs, policies, financing, funding, legislation and other measures, programs or activities for the administration and operation of the Museum and Cultural Center consistent with the goals of the long-range plan;

(C) Manage the day-to-day operation of the Museum and Cultural Center, including the City's summer-time Farmers Market.

(D) Initiate, sponsor and promote involvement, activities and contributions by the public and private sectors in the Museum and Cultural Center and its facilities, artifacts, programs and activities;

(E) Prepare and recommend for approval by the City Council appropriate rules and regulations for the use, administration and operation of the Museum and Cultural Center and its facilities, artifacts, programs and activities;

(F) Submit an annual report to City Council regarding Museum and Board activities;

(G) Prepare recommendations for building repairs and renovations to the City.

**2.07.050: SYRACUSE CITY RESPONSIBILITIES**

(A) Syracuse City shall provide use of the City museum building for operations, displays, and events organized and administered by and behalf of the Museum and Cultural Center Board. The City shall provide building insurance, access to and payment of utilities (including the building security system and computer technical support), provide building maintenance, and landscape care.

(B) The City shall provide employee support in fulfilling the requirements of this Chapter. Use of City employees or other City resources beyond the requirements herein established shall be requested and approved by a majority vote of the City Council.

To authorize upon appeal such variances from the terms of the planning and zoning provision of the Ordinances of this City as will not be contrary to the public interest, where owing to special conditions a literal enforcement of such provisions will result in unnecessary hardship; provided, that the spirit of such provisions shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:

The variance will not substantially affect the comprehensive plan of zoning in the City and that adherence to the strict letter of the planning and zoning provisions of the Ordinances of this City will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

Special circumstances attach to the property covered by the application which do not generally apply to the other property in the same district.

That because of said special circumstances, the property covered by the application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

### 3.02.050: PROCEDURE OF APPEALS

Initiation of Appeal. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the office from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

Stay of Proceedings Pending Appeal. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by the district court on application and notice on due cause shown.

Decision by Board of Adjustment. In exercising the powers stated in Section 3.02.040, the Board of Adjustment may, in conformity with the provisions of

law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass or to effect any such variation in the planning and zoning provisions of the Ordinances of this City.

**3.02.060: VARIANCES OF OFFICIAL MAP**

In order to preserve the integrity of the official map, no permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map. Any person aggrieved by his inability to obtain such a permit may appeal to the Board of Adjustment. The Board of Adjustment shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or part thereof within any mapped-street location in any case in which the Board of Adjustment, upon the evidence, finds:

That the property of the appellant of which such mapped-street location forms a part will not yield a reasonable return to the owner unless such permit be granted; or

That, in balancing the interest of the City in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the Board of Adjustment shall hold a public hearing thereon. In the event that the Board of Adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.

**3.02.070: SPECIAL PERMITS**

The Board of Adjustment may, in appropriate cases, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the use district regulations herein established in harmony with their general purpose and intent as follows:

Permit the extension of a use into a more restricted use district immediately adjacent thereto where the boundary line divides a lot in single ownership as shown of record at the time of the passage of this ordinance; such use may extend to the entire lot, provided that in no case shall the use be extended more than 50 feet beyond the boundary line of such district in which such use is authorized.

Permit in a residential district a temporary building for commerce or industry which is incidental to the residential development, such permit to be issued for a period of not more than one year.

