



SYRACUSE CITY

Syracuse City Council Special Meeting Agenda

December 29, 2011 - 6:00 p.m.

City Council Chambers

Municipal Building, 1979 W. 1900 S.

1. Meeting called to order
Invocation or thought**
Pledge of Allegiance
Adopt agenda
2. Approval of Minutes:
 - a. Special Meeting of November 29, 2011.
3. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes. Groups wishing to address the Council during the public comment portion of the meeting should select a spokesperson, who will be asked to limit their comments to five minutes.
4. Proposed Resolution R11-40 appointing an Attorney for Syracuse City.
5. Proposed Ordinance 11-13 amending various provisions of Title Ten, Land Use Ordinance, relating to cluster subdivisions.
6. Councilmember Reports
7. Mayor Report
8. City Manager Report
9. Adjourn

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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 801-825-1477 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 28<sup>th</sup> day of December, 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 December 28, 2011.

CASSIE Z. BROWN, CMC  
SYRACUSE CITY RECORDER

\*\*Members of the public who desire to offer a thought or invocation at Syracuse City Council Meetings shall contact the City Administrator at least two (2) weeks in advance of the meeting. Request will be honored on a first come, first serve basis. In the event there are no requests to offer a comment or prayer, the Mayor may seek opening comment or prayer from those members of the public attending the meeting or from City Staff or City Council.



# COUNCIL AGENDA

## December 27, 2011

Agenda Item “2”

Approval of Minutes:

- a. Special Meeting of November 29, 2011.

***Factual Summation***

- Any questions regarding this item may be directed at City Recorder Cassie Brown
- Please see the attached draft minutes for November 29, 2011

Minutes of the Syracuse City Council Special Meeting, November 29, 2011.

Minutes of the Special Meeting of the Syracuse City Council held on November 29, 2011, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Alan Clark  
D. Matthew Kimmel  
Matthew Ocaña  
Douglas Peterson  
Larry D. Shingleton

Mayor Jamie Nagle  
City Manager Robert Rice  
City Recorder Cassie Z. Brown

City Employees Present:  
Police Chief Brian Wallace  
Information Technologies Director TJ Peace  
Finance Manager Steve Marshall  
Community Development Director Mike Eggett  
City Planner Kent Andersen

|                   |               |               |                 |
|-------------------|---------------|---------------|-----------------|
| Visitors Present: | Gary Pratt    | Jacob Briggs  | Amy Bean        |
|                   | Jordan Taylor | Gerald Jacobs | Matt Hartvigsen |
|                   | Scott Holt    | Greg Day      | Taggart Brewer  |
|                   | Davis Grubb   | Alma Denney   | Luke Snyder     |
|                   | Craig Johnson | Tyler Bodrero |                 |

1. Meeting Called to Order/Adopt Agenda

Mayor Nagle called the meeting to order at 7:00 p.m. as a specially scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. She asked all visitors present if any wished to provide an invocation or thought; Councilmember Shingleton provided an invocation. Councilmember Peterson then led all present in the Pledge of Allegiance.

COUNCILMEMBER CLARK MADE A MOTION TO ADD A PUBLIC COMMENT PERIOD TO THE AGENDA AND ADOPT THE AGENDA WITH THAT CHANGE. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

2. Approval of Minutes

The minutes of the Work Session Meeting of November 15, 2011 were reviewed.

COUNCILMEMBER CLARK MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION MEETING OF NOVEMBER 15, 2011 AS PRESENTED. COUNCILMEMBER PETERSON SECONDED THE MOTION. ALL VOTED IN FAVOR.

3. Public Comments

1 Matt Hartvigsen, 2384 S. 950 W., stated that the item he wanted to talk about is the proposed resolution creating  
2 new positions of City Engineer and City Attorney. He apologized if he is not completely informed about the issue, but he  
3 wanted to ask a couple of questions and share his feelings. He stated that he wanted to disclose that he is a licensed civil  
4 engineer and he works for a civil engineering firm with clients in Davis, Weber, and Box Elder Counties. He stated his  
5 company has five engineers, a draftsmen, and a few clerks. He stated the reason he wanted to speak about this issue is  
6 because he has seen other communities try to hire in-house engineers and it does not always work out the way they expect it  
7 to. He stated he is not sure how that would function in Syracuse City. He explained that some cities hire an engineer and  
8 expect them to function as the City's Public Works Director as well and if that is what the City is intending on doing he  
9 would like to express that one person can get "bogged down" doing one of the two jobs and it makes it difficult for them to  
10 do both jobs. He stated that he has heard people say that they can not do both jobs at the same time; there should be two  
11 separate jobs. He stated he does not know what the salary range is that the City is proposing, but typically the person ends up  
12 being very well paid for doing two jobs, but they can only do one. He stated that if the City has an in-house engineer the  
13 person needs to be licensed and be able to practice according to the Division of Licensed Contractors.

14 Mayor Nagle explained that the City will not combine the Public Works and City Engineer positions; she share's  
15 Mr. Hartvigsen's sentiments that it would be very difficult for one person to do both jobs well. She stated that the Council  
16 will discuss the issue further this evening and the proposed costs and pay ranges will be discussed. She added that the City is  
17 anticipating a dramatic increase in engineering costs as a result of a recently announced future development that will be in  
18 progress over the next ten years.

19 TJ Jensen, 3242 S. 1000 W., stated that he would like to thank the two outgoing Councilmembers for the great job  
20 they have done while they have been in office. He stated that in the past outgoing Councilmembers have been recognized for  
21 their work and he would encourage the City Council to do that for Councilmembers Clark and Ocana. He stated that one  
22 time in the past the Council failed to recognize outgoing Councilmembers and that was very unfortunate. He then stated that  
23 he wanted to talk about the potential creation of the Engineer and Attorney positions. He stated the City approximately  
24 halfway to the potential buildout and there are parts of the City that are not currently developed that will need to be  
25 developed in the future. He stated that he feels that in the short term the City might benefit very well by having a full time  
26 Engineer that can evaluate the current situation in the City, but he would encourage the Council to include a provision at the  
27 time of hiring the Engineer that if the City gets to the point that a full time Engineer is not needed the position can be  
28 eliminated. He stated he would recommend the same action relating to the creation of the City Attorney position. He stated

1 that the City is in the process of rewriting the Municipal Code and it is beneficial to have a full time Attorney throughout that  
2 process, but it may not be necessary to have a full time Attorney in the future. He stated that cost is always an issue and he  
3 asked the Council to take that into account.

4 Jacob Briggs, 2593 N. 2000 W., Clinton, stated that he is in his fourth year of practicing as an attorney and he has  
5 had his own practice for over a year. He stated that one option that the Council did not discuss during their work session  
6 meeting was hiring a part time Attorney or a reduced rate Attorney. He stated the City is an institutional client and they do  
7 not need to be paying the overhead of a law firm so it is wise to be looking for other options. He stated that in his personal  
8 experience attorney's like himself are willing to contract with clients, like a city, at a reduced rate; the City could potentially  
9 save a quarter to a third of the anticipated costs currently facing the City. He added that there is also the potential benefit that  
10 the City would gain by having the attorney act as a contracted agent rather than an employee. He stated that in his experience  
11 an attorney practices best when the agent relationship is in the forefront of his mind. He stated that he would be glad to  
12 discuss more details of his idea with the Council.

13

14 4. Proposed Resolution R11-37 adopting bylaws and rules of  
15 procedure for the Syracuse City Planning Commission.

16 Since August 2011, the Syracuse City Planning Commission has been discussing the potential adoption of Bylaws  
17 and Rules of Procedure to provide order and decorum for the Planning Commission. Policies and procedures for the  
18 Planning Commission are required by Syracuse City Ordinance Title III, Chapter 2, Section 040, which states that:

19 "...the (Planning) Commission shall adopt such policies and procedures for its own organization and for the  
20 transaction of business not in conflict with City ordinances or state laws, which policies and procedures  
21 shall be approved by the City council before taking effect."

22 The Planning Commission held a regular session meeting on November 1, 2011 and had a final discussion on the  
23 Bylaws. Planning Commission unanimously recommended City Council approval of the Syracuse City Planning  
24 Commission Bylaws and Rules of Procedure. The Bylaws were provided to each member of the Governing Body for review.

25 The City Council, as dictated in City ordinance, is expected to review the Bylaws and decide as to whether or not to  
26 approve the recommendation.

27 The Community and Economic Development Department recommends that the City Council review the Planning  
28 Commission Bylaws and Rules of Procedure for discussion purposes. Community and Economic Development Department

1 Staff hereafter recommend that the City Council, following the recommendation from the Planning Commission, approve  
2 Resolution R11-37 adopting Bylaws and Rules of Procedure for the Syracuse City Planning Commission.

3 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R11-37  
4 ADOPTING BYLAWS AND RULES OF PROCEDURE FOR THE SYRACUSE CITY PLANNING COMMISSION  
5 WITH THE FOLLOWING AMENDMENTS:

6 SECTION III. B. 2. CHANGE FROM “IS ENCOURAGED TO ABSTAIN FROM DISCUSSION AND VOTING  
7 ON THE ACTION, AND MAY CHOOSE TO REMAIN SEATED, SIT IN THE AUDIENCE, OR BE EXCUSED  
8 FROM THE ROOM DURING CONSIDERATION OF THE ACTION.” TO “SHALL ABSTAIN FROM  
9 DISCUSSION AND VOTING ON THE ACTION AND MAY SIT IN THE AUDIENCE OR BE EXCUSED  
10 FROM THE ROOM DURING CONSIDERATION OF THE ACTION.”

11 SECTION IV. E. CHANGE FROM “REQUEST OF THE MAYOR AND COUNCIL.” TO “REQUEST OF THE  
12 MAYOR AND/OR COUNCIL.”

13 COUNCILMEMBER OCANA SECONDED THE MOTION; ALL VOTED IN FAVOR.

14

15 5. Proposed Resolution R11-36 establishing the positions of Attorney and Engineer and amending the FY 2011-  
16 2012 wage scale accordingly.

17 City Administration is recommending the creation of new positions City Attorney and City Engineer. The purpose  
18 of the creation of these positions is to bring the services offered by these positions in house rather than contracting with  
19 private businesses or proprietors. After extensive research staff feels that moving in this direction will cut costs while  
20 providing a better level of service. In conjunction with the creation of the positions it is necessary to amend the wage scale in  
21 order to assign an appropriate wage scale to each of the new positions. Staff obtained wages paid by cities of similar sizes  
22 and budgets for the development of the wages for the new positions.

23 COUNCILMEMBER KIMMEL MADE A MOTION TO TABLE ADOPTION OF PROPOSED RESOLUTION  
24 R11-36 ESTABLISHING THE POSITIONS OF ATTORNEY AND ENGINEER AND AMENDING THE FY 2011-2012  
25 WAGE SCALE ACCORDINGLY. COUNCILMEMBER SHINGLETON SECONDED THE MOTION;

26 Councilmember Peterson asked Councilmember Kimmel why he wanted to table the item a second time.

27 Councilmember Kimmel stated that he has been looking at the new information provided by staff as well as the cities that  
28 staff used in wage comparisons and it comes to his mind that there is a lot that still needs to be discussed. He then stated that

1 two new Councilmembers that will be taking office in January have sent him emails and called him on the phone and let him  
2 know that they do not approve of this and would not vote for it. He stated he initially thought that those people are not in  
3 office yet and the current Council has business to do, but then he looked at the election results and they were clear and the  
4 outcome was not close and people wanted a change.

5 Mayor Nagle interjected and asked if the people want change. Councilmember Kimmel asked Mayor Nagle not to  
6 interrupt him. Mayor Nagle stated she will interrupt. Councilmember Shingleton stated that Mayor Nagle is out of order.  
7 Mayor Nagle stated she is not out of order. Councilmember Shingleton disagreed and Councilmember Kimmel stated that  
8 Mayor Nagle is violating the decorum section of the rules of procedure recently adopted by the City Council. Mayor Nagle  
9 stated that if the Council is going to engage in talking about votes outside of meetings, that is out of order.

10 Councilmember Kimmel stated that what he was going to say before he was interrupted was . . .

11 Councilmember Clark stated that he is still a Councilmember and his vote still counts. Councilmember Ocana stated  
12 he vote still counts as well. Councilmember Kimmel agreed, but asked Councilmembers Clark and Ocana if they believe that  
13 they should still cast votes even though they have not been chosen by the people to represent them any longer. Both  
14 Councilmembers Clark and Ocana answered yes. Councilmember Ocana stated his term does not expire until the end of the  
15 year. Councilmember Clark stated that he was chosen by the people to represent this City and Councilmember Kimmel can  
16 not take that away from him. Councilmember Kimmel stated he is not trying to take that away from Councilmember Clark.  
17 Councilmember Clark stated the Council still has work to do and he is not going to sit back for the next month and act like  
18 there is nothing that needs to be done. Councilmember Kimmel stated that Councilmember Clark can be full of pride and  
19 hate and get angry and emotional about the issue, but the people spoke and they want something different.

20 Mayor Nagle asked Councilmember if the people spoke and said that they want Councilmembers to negotiate  
21 outside of Council meetings and agree how to vote on an item before the Council meeting is held. She stated that kind of  
22 ‘crap’ put the City where it was two years ago. She stated it is unacceptable, unethical, and it is wrong. She stated that if the  
23 citizens did speak she is sure that they did not speak in favor of those kinds of ‘back-door’ meetings and she hoped that is not  
24 the practice the Council is going to revert to.

25 Councilmember Kimmel stated what he is trying to say is that he wants the item tabled because this is not what the  
26 people want. He stated the people spoke in a vote; they spoke against a bond; they spoke against the way government is  
27 running. He stated the City is not in a hurry to get an Attorney and Engineer on staff; there is no pressing need for this action  
28 to be decided upon tonight. He stated to do this tonight is irresponsible.

1 Mayor Nagle then called for a vote on the motion to table adoption of the proposed resolution.

2 Councilmember Shingleton asked the Mayor to wait. Mayor Nagle stated that she can call for a vote on the motion  
3 that has been made. Councilmember Shingleton stated the Mayor is taking away the Councilmembers' liberty to speak and  
4 have discussion. Mayor Nagle stated that is not what she is doing. She stated the Council discussed this item during the  
5 work session, which is the purpose of work session meetings, and now she is calling for a vote on the motion that has been  
6 made. Councilmember Kimmel stated the Mayor is stifling free speech and not allowing the citizens to have their voice  
7 heard.

8 Councilmember Clark asked why these issues were not raised during the work session. Councilmember Kimmel  
9 stated the work session discussion took place in a very quick fashion. He stated the Council was only reviewing numbers at  
10 that time.

11 Mayor Nagle reiterated she has called for a vote on the motion made to table adoption of the proposed resolution.  
12 COUNCILMEMBERS KIMMEL AND SHINGLETON VOTED IN FAVOR. COUNCILMEMBERS CLARK, OCANA,  
13 AND PETERSON VOTED IN OPPOSITION.

14 Mayor Nagle asked if there is an amended motion any Councilmember would like to make.

15 Councilmember Shingleton stated he has a problem with the way Mayor Nagle has 'ram-rodged this through'. He  
16 stated an attorney stood before the Council during the public comment portion of the meeting and suggested ideas such as  
17 contracting with an attorney on a part time or reduced rate basis. He stated the Council has not had the time to determine  
18 whether that is a viable action. Mayor Nagle stated this item has been on the Council's business agenda for the past two  
19 meetings and she sent an email to all Councilmembers asking them to contact City Manager Rice if they had any questions  
20 about any information included in the packet so that he could answer those questions prior to or during tonight's meeting.  
21 She stated she did that because the Council wanted more time to review information because they did not read the packet  
22 prior to the last meeting. Councilmember Shingleton stated 'I beg your pardon'. He told the Mayor not to accuse people of  
23 such things. Mayor Nagle stated she absolutely will accuse him of that because he said several times during the last meeting  
24 that he did not know that the City's Building Official had resigned, but that information was included in the packet for that  
25 meeting. Councilmember Kimmel asked if the Council was given information about Troy Moyes. Mayor Nagle stated Mr.  
26 Moyes was not the Building Official and was not a Department Head. She asked Councilmember Kimmel if he wanted to  
27 know when a public works or recreation department employee quits. She stated that there is a City Manager that oversees  
28 those types of things. She added that Department Heads are appointed by the Council and when one quit – the Public Works

1 Director – she emailed every Councilmember the night of his resignation to inform them of that. She stated the City has a  
2 City Manager who was appointed unanimously by this City Council, which communicated to him that he was chosen to run  
3 the day to day business of the City and make sure the City is operating efficiently. She stated that every recommendation Mr.  
4 Rice has brought to the Council has been fought against by Councilmember Kimmel. She stated that Councilmember  
5 Kimmel has said not to raise taxes or revenues and to look for efficiencies and so Mr. Rice came up with an idea to lease a  
6 portion of the City Hall building to create new revenues and Councilmember Kimmel was opposed to that. She stated that  
7 Mr. Rice has brought much data to the Council on ways to create new efficiencies in light of some costs that will be facing  
8 the City in the near future. She stated Mr. Rice has run a Marine base and she trusts him to run the City. She asked why the  
9 City is paying Mr. Rice to be the City Manager and oversee the day to day operations if the Council does not trust him. She  
10 then stated that she takes so much offense to two new Councilmembers calling Councilmember Kimmel and asking that this  
11 item be tabled so that they can all get together and vote against it. She stated that is ‘garbage’. Councilmember Kimmel  
12 stated the Mayor’s insinuation is highly presumptive. Mayor Nagle disagreed and stated that she is only repeating what  
13 Councilmember Kimmel already said. Councilmember Kimmel asked if should not voice the two new Councilmembers  
14 opinions since they have let him know what their thoughts are. Mayor Nagle asked why their opinion is more important to  
15 the currently seated Councilmembers. Councilmember Clark asked why their opinion, at this point in time, is more important  
16 than an opinion of another resident. He stated it is not; they are not sitting Councilmembers. Councilmember Kimmel stated  
17 they are elected to be. Councilmember Clark agreed, but added they are not sitting. Councilmember Kimmel stated that is a  
18 ‘huge stretch’; they have been elected by the people to take over two positions. Councilmember Clark stated they do not take  
19 over until January 1 and right now they are not different than any other person in attendance this evening. Councilmember  
20 Kimmel stated he believed that if the Council takes on this business that is not pressing and not needed at this moment and go  
21 against what the people have said, that action would be irresponsible. Mayor Nagle stated the people did not vote on whether  
22 the City should hire an Attorney and an Engineer. Mayor Nagle then stated she is going to ‘call’ Councilmember Kimmel on  
23 his comments about the bond because they are ‘garbage’. She stated that citizens, such as Gary Pratt, came to the City and  
24 said they wanted to the City bond to fix the roads in their neighborhoods rather than raise taxes or fees. She stated that some  
25 have ‘screwed’ that issue into something that it is not. She stated that every Councilmember agreed that the City has a lot of  
26 debt and if more debt was to be taken on they wanted the citizens to vote on that. She stated that Gary Pratt is in attendance  
27 this evening and she asked if it is true that he asked the City to bond. Mr. Pratt stated that is true. She stated the Council  
28 listened to the citizens that spoke and said that the City will not take on more debt unless the citizens have a say in it. She

1 stated that after that action ‘everyone’ wants to say that the current Councilmen that supporting placing the bond on the ballot  
2 was trying to grow government and increase the City’s debt. She stated it is ‘bull-crap’ and for Councilmember Kimmel to  
3 ‘throw them under the bus’ is unacceptable. Councilmember Kimmel stated he is not throwing anyone ‘under the bus’ and  
4 he is only doing what is responsible as an elected City official. Mayor Nagle disagreed and stated that he and others have  
5 said that the City is ‘cooking the books’ and John Lewis has gone to the former Public Works Director’s house and told him  
6 that the Mayor and City Manager are now disparaging him and blaming him for the condition of the roads. She stated that  
7 she finds that highly offensive; she considers Mike Waite (the former Public Works Director) a good friend and never has she  
8 said that he is responsible for the condition of the roads. She stated that regardless Mr. Lewis is going door to door and  
9 putting printed information on residents’ doors with misinformation. Councilmember Kimmel stated Mayor Nagle is out of  
10 order by ‘calling out’ residents when they have done nothing but sit and listen during this meeting. Mayor Nagle stated she  
11 has had a conversation with Mr. Lewis about his actions. Councilmember Kimmel stated it is fine to have those private  
12 conversations, but she should not be addressing Mr. Lewis during a public meeting. Mayor Nagle stated that she does not  
13 care and she believes Councilmember Kimmel is out of order.

14 Councilmember Ocana stated he knows there is a lot of emotion and several members of the Council have strong  
15 feelings about this and other issues, but he thinks the Council can talk about the issue hand tonight. He addressed  
16 Councilmember Kimmel and stated that he understands that he has strong feelings about the recommendation from staff and  
17 that he has received emails from the Councilmembers-elect, but the item is on the agenda for tonight’s meeting and there are  
18 sitting Councilmembers that are prepared to have a discussion and consider the proposal. He stated the current Council is  
19 still allowed and able to make a decision whether Councilmember Kimmel likes that decision or not. He stated he wants to  
20 talk about the facts and numbers that have been provided to the Council; that information warrants a discussion at the very  
21 least. He stated he would like to know why Councilmember Kimmel feels that it is not appropriate to adopt the resolution  
22 even though he has seen all the information that has been provided by staff. He stated the Council has been told that  
23 contracting with outside entities for legal and engineering services costs the City approximately \$252,000 annually. He  
24 stated that Mr. Rice has told the Council over the course of the last two meetings that hiring in-house personnel to handle  
25 those responsibilities will cost less the City for that amount or less. He stated that \$252,000 is the status quo; the City will  
26 pay that much or more over the course of the next several years. He stated that if it is possible to get full time employees  
27 working for the City for less than that amount that sounds like a good idea. He then stated that he appreciates the comments  
28 made by the engineer and attorney that addressed the Council during public comments, but contracting with a part time

1 engineer or engineer or hiring part time employees would not be much different than what the City is currently doing. He  
2 stated that contract employees are not dedicated to Syracuse City alone; rather, they are dedicated to all of the agencies that  
3 they represent. He stated a full time employee would be dedicated to Syracuse City and would know the ‘ins and outs’ of  
4 Syracuse City specifically. He stated that is appealing to him. He stated that he feels it would be possible to contract with  
5 another legal or engineering firm, but that would be no different than what the City is doing now. He stated the bottom line is  
6 that he feels it is a good idea to hire the two full time employees if the employees will accept a pay rate within the wage range  
7 that has been recommended to the Council. He stated that he understands that over the long term the costs may fluctuate and  
8 in the future it may not be necessary for the City to have a full time engineer, but right now the City does need a full time  
9 engineer and he is trying to do what is right for the City right now.

10 COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED RESOLUTION R11-36  
11 ESTABLISHING THE POSITIONS OF ATTORNEY AND ENGINEER AND AMENDING THE FY 2011-2012 WAGE  
12 SCALE ACCORDINGLY. COUNCILMEMBER OCANA SECONDED THE MOTION.

13 Councilmember Clark stated he wants to explain why he made the motion. He stated that in his private profession  
14 he works for a public accounting firm as a consultant and he charges a significant amount of money to assist clients with their  
15 accounting. He stated not every company will pay his hourly wage to get his services because some companies can not  
16 afford him. He stated there is a ‘window’ of companies that can afford his services and will pay for them and then there are  
17 companies that are larger and can afford to hire their own accountants. He stated those companies have the need and have the  
18 means to bring those services in-house. He stated he has worked as an in-house employee and he has worked as a consultant  
19 and there is time and place for both options. He stated he feels that at this point in time, based on the information the Council  
20 has been given and based on the direction from Mr. Rice, that it is time to bring the engineer and attorney positions in-house.  
21 He stated the City will be provided with better service, information, in-house functions, institutional knowledge, access to the  
22 expertise by City staff, and at the same time it will save the City money. He stated he feels this will be a ‘win-win’ situation  
23 on both counts. He stated he understands the concern about growing government, but the goal of the City and one issue that  
24 has been discussed at length during the recent election process is how to reduce the expenses currently being incurred by the  
25 City. He stated this is an option that has been provided by the City Manager that does just that and he feels this is the right  
26 direction for the City at this point in time. He stated that saving the City money and providing better services is the right  
27 thing to do at this time. He stated he understands there are options when someone is considering outsourcing a service and  
28 one benefit of outsourcing is that there may be more knowledge available to the client because several different types of

1 employees work for the company that is being hired as a contractor for the City, but he does not feel the institutional needs of  
2 the City change on a regular basis and the people working in the engineering and legal professions for the City will typically  
3 be doing the same things on a fairly regular basis.

4 Councilmember Peterson stated he has two thoughts about this issue. He stated the reason he would support this is  
5 because it will save the City, and in turn the taxpayers, money. He stated if the numbers are wrong the Council can move in a  
6 different direction in the future. He stated he does not think that will be necessary because he believes that staff has  
7 researched this idea extensively and compared costs to actual budget data. He stated he feels bringing the positions in-house  
8 is a good decision. He then stated the thing that concerns him somewhat is a point that was raised by Councilmember Clark.  
9 He stated that the legal firm currently working for the City has a number of attorneys that specialize in different areas of law  
10 and they are all available to assist the City. He stated the same is true for the engineering firm that works for the City. He  
11 stated that his only worry is that the City will not have access to those different areas of expertise. He asked to hear Mr.  
12 Rice's thoughts on that issue. Mr. Rice stated he understands Councilmember Peterson's concern and he explained that  
13 typically when the City contacts its legal firm (Mazuran and Hayes) the response that is provided is that they will need to  
14 research the subject the City is inquiring about and then respond back. He stated that if the City hires an experienced in-  
15 house attorney it is his hope that they will have the same knowledge base as is available through Mazuran and Hayes. He  
16 stated an in-house attorney will have access to the same resources that Mazuran and Hayes has. He stated the other resource  
17 the City has that does not cost any money is free access to legal counsel at the Utah League of Cities and Towns (ULCT). He  
18 stated he is always available to consult with the City because the City is a member of the ULCT. He stated the City does not  
19 pay for additional services over and above the cost of membership. He then added that the City has a very experienced  
20 Justice Court Judge. He explained that if the City hires a City Attorney, that employee will handle the prosecution of all  
21 Justice Court cases and the City's Judge has offered to mentor, if necessary, the new City Attorney on any criminal law  
22 issues. He stated the City has 'reach-back' in a way that is different than what is currently available through the City's  
23 contract with Mazuran and Hayes, but it is still effective. City Recorder Brown added that when the City considered  
24 contracting with Mazuran and Hayes one thing that was very attractive to the City was the fact that there were several  
25 attorneys on staff and many of them had expertise in different areas of law. She stated that at that point in time the City was  
26 interested in rewriting its Personnel Policy Manual and Mazuran and Hayes had a lawyer that specialized in personnel and  
27 human resources law. She stated the rewrite of that Manual is now complete and since that time there have only been a  
28 handful of times that the City has had to work with the human resources attorney. She stated the bulk of the work from the

1 City is handled by one attorney at the firm. She then added that throughout the State of Utah there are professional  
2 associations for various different types of municipal employment positions. She stated that she belongs to the Utah  
3 Municipal Clerks Association (UMCA); and Mr. Rice belongs to the Utah City Managers Association (UMCA). She stated  
4 there is a Utah Municipal Attorney's Association (UMAA) that the Syracuse City Attorney would gain membership in and he  
5 could use the other members of that association for networking or as research resources. She stated through her membership  
6 in the UMCA she has access to at least 90 people that she can send an email to and receive a very fast response. Mr. Rice  
7 added that he sees the City Attorney providing a direct benefit for any Councilmember; he or she will be someone that  
8 Councilmembers could consult with on any issue they may have concerning the City. He stated the person will be available  
9 to staff, Council, and the Mayor at all times and will attend all City Council meetings. He then stated the engineer situation is  
10 somewhat different. He stated the engineering costs currently being paid by the City are much more significant and that is  
11 where the City has the opportunity to save the most money. He stated that he hopes to hire a Public Works Director with a  
12 Public Engineering certification. He stated he recognizes that person can not handle both public works and engineering, but  
13 it would be possible to hire more of a staff engineer that could handle much of the engineering work to be done by the City.  
14 He stated there would be two professional engineers on staff to assist in the development of projects. He stated that he talked  
15 with the City's engineering contractor; they are in a tough position because they know that if they give the City data proving  
16 that engineering costs may 'skyrocket' over the next several years they may be in jeopardy of losing their contract. He stated  
17 the City will not terminate the contract with JUB Engineers because there may be instances where the City still needs their  
18 assistance, though he does not anticipate that happening in the short term. He stated that a Public Engineer that is also the  
19 Public Works Director and his staff engineer could handle the majority of the engineering needs of the City, such as road  
20 projects and other infrastructure projects. He stated more specific projects, like building a water tower, may require more  
21 specialized engineering skills and in that case the City could still utilize JUB Engineering. He stated that he does not  
22 anticipate contracting any engineering services in the near future and he does not anticipate contracting any legal services.  
23 He stated he also believes that the actual costs to be paid to JUB Engineers will be higher than \$151,000, which is the number  
24 included in the current Fiscal Year (FY) budget. He stated that in future years those costs will only increase due to various  
25 projects. He then stated he wanted to reference the Mayor's point about the fact that he oversaw the operations at a Marine  
26 Base in his previous employment. He stated that he was responsible for 1,100 employees and he assured the Council that he  
27 is not 'padding his resume' by adding two positions at the City so that he can say that he managed 72 employees rather than  
28 70. He stated that what he does every single day since he started working for the City is find ways to do things more

1 efficiently and provide better services to the citizens of Syracuse City. He stated he added this item to his 'to do' list after the  
2 first Department Head meeting he held as the City Manager. He stated that meeting was held in February 2011. He stated  
3 that he looked at what other cities are doing and he talked to some of his mentors, who are also retired military members that  
4 now run cities, and one of the things they emphasized was that it is important for a city to have in-house legal and  
5 engineering services because they prove to be very beneficial to the city. He stated he did not want to make the change right  
6 away, but he asked the Department Heads to start really thinking about it. He stated that 'thinking' process has been taking  
7 place over the last several months. He addressed Councilmember Kimmel and stated it is not that the action needs to happen  
8 tonight or tomorrow, but its time has come. He reiterated that he has been 'stewing' about it since February 3, 2011. He  
9 stated his gut feeling has been that the services need to be brought in-house because of the size of the City and some of the  
10 things that are happening in the City as well as the projected buildout population of the City. He stated that the cost benefit  
11 analysis proved that feeling is correct; the City will get better services for less money. He stated that he has provided a high  
12 or worst-case scenario projection of what the two employment positions will cost the City and at the maximum salary rate for  
13 both positions the City will break even when compared to the costs being spent on the two contracts. He stated that if  
14 employees are hired at the middle salary range the City will save at least \$30,000. He stated it is a misnomer to say that the  
15 City is growing government; he believes that he is actually shrinking government because the City will be paying less money  
16 and getting a human resource versus a contract resource. He stated the money saved can be put towards real things, such as  
17 road projects. He stated that the Council heard a report during the work session meeting that the City's fund balance has  
18 greatly increased; the City has done exceptionally well over the last several months and he expects that after the first of the  
19 new year the City will be able to open the budget and add funding for another needed road project. He stated that he  
20 provided some data to the Mayor this afternoon showing that the City's sales tax revenues have increased \$81,000 for the  
21 first three months of the FY compared to the same time last year. He stated that he believes that is largely due to the efforts  
22 of City staff in marketing the City as well as the City assigning Councilmember Ocana to work with the Antelope Island  
23 Tourism Board, which includes representation from Davis County Chamber of Commerce and Davis County Economic  
24 Development. He stated that he is trying to grow revenue and decrease expenses and provide better services. He stated that  
25 he is fairly confident that he will be able to close the gap on the amount of B&C Road Monies that are still being dedicated to  
26 salaries. He stated that amount has already been cut in half and he hopes to be able to eliminate the remainder very soon. He  
27 stated that a lot of progress is being made and he believes that this issue is key to continue that progress and he thinks the  
28 better service that will be provided by staff alone are worth the cost. He stated that even if the proposal were revenue neutral,

1 but he had the understanding that there would be someone that staff could go to for either legal or engineering services, he  
2 would recommend approval. He stated that the Council does not see the behind the scenes work on developments or any type  
3 of legal negotiations; having in-house legal and engineering services would be well worth the cost to aid in that work. He  
4 stated that even if the cost to provide the in-house services were a couple thousand dollars more than the City is currently  
5 spending he would still recommend approval of the proposal.

6 Councilmember Kimmel stated he has a couple of follow up questions. He stated he has reviewed the data that staff  
7 provided relative to the wages that are being recommended for the two employment positions. He stated that staff  
8 communicated that they researched the wages being paid for the same positions in cities of similar size and budget, but not all  
9 of the cities that were used meet that criteria. He stated that regardless of that, the report includes the average wage that is  
10 paid for the employment position being considered. He stated the actual average starting salary for an engineer is \$82,000.  
11 He stated the average for an attorney is \$99,000. Mr. Rice stated that the wages being recommended by staff are less.

12 Councilmember Kimmel stated that is correct, but the data proves that the cities that were used for comparison are paying  
13 much more than what staff is recommending. He asked Mr. Rice if he believes that he can hire employees at a lesser rate of  
14 pay than is being paid in other cities. Mr. Rice stated that he does believe that will be possible, especially when discussing  
15 the engineering position. He stated that the engineering position is more of a staff engineer position. He stated that he  
16 believes that he can fill both positions with very qualified employees and not pay them any more than the mid-range salary  
17 that is being proposed. Councilmember Kimmel stated he would share Mr. Rice's optimism if he did not see that the facts  
18 state differently. He stated it may be that the engineers and attorneys working in the comparison cities are very tenured and  
19 have worked their way up to the top of their pay scales, but he does not know if that is the case and it is alarming to see the  
20 actual averages being paid. He then asked why neither of the positions will be Department Heads. Ms. Brown stated that the  
21 City Attorney is a Department Head. Councilmember Kimmel asked why the draft job description states that the attorney  
22 will report to the City Manager. Mayor Nagle stated that all Department Heads report to the City Manager. Mr. Rice added  
23 that the engineer is more of a staff engineer and he will report to the Public Works Director. Ms. Brown clarified that is  
24 because the City is trying to hire a Public Works Director that has the Public Engineer certification and that person will  
25 essentially be called the City Engineer; he or she will have a staff engineer that will report to him. She stated that is why staff  
26 decided on a lower wage range for that position and it is also why the position is not designated as a Department Head.

27 Councilmember Kimmel then stated that the way he sees it is that staff collected wage data, but they did not use that data in  
28 their proposal; instead they included the wage range that they thought they could hire an employee within. Mr. Rice stated he

1 is confused by Councilmember Kimmel's point. Councilmember Kimmel explained that staff said during the work session  
2 that they obtained wages paid in other cities for the positions of attorney and engineer and that is how the proposed wage  
3 scale was determined. He stated the cities that were used for comparison actually have much higher wages. Mr. Rice stated  
4 that rather than using the data in the average ranges he decided to use wage ranges that he thought would work for Syracuse  
5 City. He then stated that if the Council votes to create the positions with the associated wage ranges he can not hire someone  
6 and pay them more than is designated by their wage range. Councilmember Peterson stated that some of the cities have more  
7 than one attorney and when the salaries for the numerous positions are averaged the City is close to that average wage.  
8 Councilmember Kimmel stated he disagrees with that way of thinking and he added that during the work session it was  
9 clearly stated that staff compared wages of the cities included on the report and that is how the proposed wage range for the  
10 two positions were determined. After a short discussion about when the Council received the data used to create the wage  
11 ranges Mr. Rice stated that staff arrived at the proposed wage scaled by reviewing all of the data used in the document.  
12 Councilmember Kimmel stated that for the position of Deputy Attorney there are only two cities to compare to and the wages  
13 for both of those cities is much more than is being recommended by staff. Mayor Nagle referred to a comment made by  
14 Councilmember Clark during tonight's work session when he said that it does not matter what is good for other cities; what is  
15 important is what is good and right for Syracuse City. She stated that the City knows that expenses will increase in the very  
16 near future, but even at the current status quo staff is recommending using money more wisely, which is what the tax payers  
17 have asked the City to do. She stated that the announcement of the Ninigret development near Syracuse High School the  
18 costs for engineering and legal services will greatly increase due to that project. She added that earlier this year the Council  
19 had to vote to pay a settlement agreement as a result of a document that was signed by the City that did not properly protect  
20 the City's interest. She stated that was not done out of malfeasance, but the staff decided not to seek legal counsel regarding  
21 the agreement because the costs to do so were so high. She stated that staff has been so judicious in their use of the City  
22 Attorney who charged upwards of \$160 per hour for service. She stated the settlement agreement cost the City  
23 approximately \$180,000 because there was an ambiguous word in the original agreement that was not reviewed by legal  
24 counsel. She stated that she thinks that hiring a City Attorney is the right thing to do for the City right now.

25 Mr. Rice asked Ms. Brown to provide background regarding the wage analysis that was done for the two positions.  
26 Ms. Brown stated that her understanding is that Councilmember Kimmel is asking why the City did not simply use the  
27 average wage range that was provided after researching salaries paid for various City Attorney positions throughout the State.  
28 Councilmember Kimmel stated that there are some cities that are not similar in size and budget to Syracuse City, but he

1 would like to know why the average wage range for cities that closely compare to Syracuse City were was not used. Ms.  
2 Brown explained that staff reviewed the data that was returned and the average wage range was higher than staff felt  
3 Syracuse City should be paying for City Attorney and City Engineer positions. She stated that staff then focused more  
4 closely on a couple of cities that did more closely compare with Syracuse City's population and budget and then found a  
5 wage scale that currently exists in the City's salary schedule that most closely matched the wages being paid by those similar  
6 sized cities. She stated that is why the proposed wage scale is not an exact match to any wage scale that was identified in  
7 other cities; rather staff chose existing wage ranges that they felt comfortable with. Councilmember Kimmel stated he agrees  
8 with that process and he agrees that the current labor market is favorable and it make sense to try to offer lower wages and  
9 still get qualified, educated people to apply. He stated, however, that he thinks that there is another "side of the coin"; if  
10 someone is hired at a rate of pay that they feel is too low they will be more eager to look elsewhere for employment as quick  
11 as they can. He stated that it is important to guard against that; the empirical data shows that if the City pays up to \$20,000  
12 less per year than what other cities are paying it may be difficult to retain those employees for a long period of time. He  
13 added that he wanted to respond to the Mayor's comments regarding the potential Ninigret development in the City. He  
14 stated that the project is not finalized and only a letter of intent has been signed to this point. He stated that there are many  
15 things that could go wrong with a development like that and the Council needs to be careful when considering that project is  
16 a "done deal". He stated he likes the idea of hiring a City Engineer, especially if the City Engineer is also the Public Works  
17 Director. He stated he would be more comfortable hiring a part time engineering assistant for that person. He stated he does  
18 not feel it is appropriate to hire a full time engineer when the City is going to have a Public Works Director that is also a  
19 licensed engineer.

20 Councilmember Clark stated that an engineer that spoke during the public comment portion of tonight's meeting  
21 stated that it would not be possible for one person to function as the Public Works Director and the City Engineer and do both  
22 jobs efficiently. Councilmember Kimmel stated that is why he is recommending hiring a part time engineer rather than  
23 another full time engineer. He stated that at the last meeting the contracted City Engineer Robert Whiteley was in attendance  
24 and he commented that there may be instances where the City does not need an engineer on a 40-hour per week basis. He  
25 stated the Council could consider contracting with an engineering firm for part time work. Councilmember Clark stated that  
26 if the City ended up paying the same amount of money for a part-time contract engineer as a full time City employee there is  
27 no benefit to the City. Councilmember Kimmel stated the City would need to research the rates charged for part time  
28 engineering work and see if that would be the case. He stated he believed the contracting with part time engineer would save

1 the City money, but that may not be the case. Councilmember Clark stated that the information that has been provided by  
2 staff is based on actual budget figures from the current year's budget and the past year's budget. He stated that staff knows  
3 what has actually been spent on engineering services. He stated the Ninigret project is not built into those budget figures.  
4 Councilmember Kimmel stated that the Ninigret project is not going to happen for a long time. Councilmember Clark stated  
5 he is not considering the Ninigret project; he is looking at current costs versus the cost of bringing the engineering and  
6 attorney positions in house. He stated the City will save money over what is currently being spent. He asked why that does  
7 not make sense and he asked what issues some Councilmembers have with saving money while increasing services.  
8 Councilmember Kimmel stated that no one knows that the proposal will save the City money. Mayor Nagle argued that "we"  
9 do know that the proposal will save the City money. Councilmember Kimmel stated that the savings have not been proven  
10 and no one knows if the City can actually hire employees at the wages that are being proposed. He added that no one knows  
11 what the City is actually going to expend in legal and engineer fees this year. Councilmember Clark stated that the staff and  
12 the Council know what was spent on legal and engineering services last year and the year before that and the proposal to  
13 bring the services in house is less than those actual expenditure amounts. He stated budgets are built on past actual expenses  
14 and revenues and that is not going to change; the City will still need a similar amount of legal and engineering services from  
15 this point forward. Mr. Rice added that he can not hire an employee and pay them more than the wage scale that the Council  
16 approves tonight and his plan is to not pay the successful candidate for either position more than the salary at the midpoint of  
17 each range. He stated he was somewhat surprised at how low the wage range was for the attorney position, but he has been  
18 told that there are some very successful and bright attorneys that are looking for work and would accept that rate of pay. He  
19 stated that even if he paid the successful candidate the highest wage allowed inside of the range being proposed the City  
20 would still be saving money when compared to the amount that has been spent on contract legal services. Councilmember  
21 Clark stated that when the City posts an open position the wage range associated with that position is also published. Mr.  
22 Rice stated that is corrects and people will apply knowing what the salary range is.

23 Mayor Nagle stated that the bottom line for her is that the Council voted to hand over day-to-day operations to Mr.  
24 Rice and he was informed that things in the City were in "pretty bad shape" and the Council wanted him to turn things  
25 around and create new efficiencies. She stated that he has had an amazing background of doing that same type of thing. She  
26 added that the Council has rewritten the administrative title of the City Code which clearly defines the responsibility of the  
27 City Council and the City Manager and if the City Manager does not perform he is responsible to the City Council. She  
28 stated that the Council needs to trust him to manage the City until he proves he can not do that. She stated that Mr. Rice,

1 over the past year, has shown over and over that he can create tremendous efficiencies. She stated that he is now coming to  
2 the Council and asking for something that he needs to be more efficient in his organization. She stated that this situation  
3 would be the same as someone coming to Councilmember Kimmel and telling him that he should not have two people  
4 working on cash registers at his store. She stated that no one has business doing that because they do not know what it takes  
5 for him to run his store. She stated that Mr. Rice has shown the Council that he is not trying to grow government; rather he is  
6 doing quite the opposite and the audit report that the Council received during the work session earlier tonight shows that  
7 tremendous things have been done in the City over the past two years and especially over the last year. She stated that at the  
8 end of the day the Council needs to ask themselves if they were wrong when they voted to select Mr. Rice to run the City and  
9 if they were not wrong in that decision then they need to decide to give Mr. Rice the tools that he needs to do his job. She  
10 stated that Mr. Rice is not asking to increase expenses; rather he is asking for the Council to approve something that will  
11 ultimately decrease the City's expenses. She stated she thinks the Council needs to trust Mr. Rice. Councilmember Kimmel  
12 stated that he understands the Mayor's position, but he pointed out that the Council has backed Mr. Rice one hundred percent  
13 and there is nothing that he has presented to the Council that has not been approved to date. Mayor Nagle stated that  
14 Councilmember Kimmel voted against leasing a portion of City Hall to a private business. Councilmember Kimmel stated  
15 the lease was approved. Mayor Nagle stated that Councilmember Kimmel voted against it. Councilmember Kimmel stated  
16 the point he is trying to make is that all of his proposals have been approved. He stated that to ask the Council blindly agree  
17 with everything Mr. Rice brings to the Council is wrong. Mayor Nagle stated it is improper to use the word "blindly".  
18 Councilmember Kimmel stated that he does trust Mr. Rice and he agreed that he has a fantastic track record, but he does  
19 think that it is up to the Council to make decisions that they have been elected to make. He stated that he expects that Mr.  
20 Rice will continue to bring great proposals to the Council, but in this instance he is not in agreement with Mr. Rice's proposal  
21 especially relative to the proposal to hire an in-house attorney. He stated that he could agree to make changes to how the City  
22 gains access to engineering services if there were some alterations to the proposal that has been provided.

23 There being no further discussion, Mayor Nagle stated there has been a motion and a second regarding the proposed  
24 resolution; she called for a vote. VOTING "AYE": COUNCILMEMBERS CLARK, OCAÑA, AND PETERSON.  
25 VOTING "NO": COUNCILMEMBERS KIMMEL AND SHINGLETON.

26

1 Councilmember Kimmel then stated that a resident has brought to his attention that there are some errors in the  
2 printed rules and orders of procedure to govern City Council meetings and he would refer the error to Ms. Brown for her to  
3 make the necessary corrections.

4

5

6 At 8:08 p.m. COUNCILMEMBER CLARK MADE A MOTION TO ADJOURN. COUNCILMEMBER OCANA  
7 SECONDED THE MOTION; ALL VOTED IN FAVOR.

8

9

10 \_\_\_\_\_  
11 Jamie Nagle  
12 Mayor  
13 Date approved: \_\_\_\_\_

\_\_\_\_\_  
Cassie Z. Brown, CMC  
City Recorder



# COUNCIL AGENDA

## December 27, 2011

Agenda Item “4”

Proposed Resolution R11-40 appointing an Attorney for Syracuse City.

***Factual Summation***

- Any questions regarding this item may be directed at City Manager Bob Rice
- Please see the attached proposed resolution appointing a City Attorney
- Please see the attached Resolution R11-40

**RESOLUTION NO. R11-40**

**A RESOLUTION OF THE SYRACUSE CITY COUNCIL APPOINTING A CITY ATTORNEY FOR SYRACUSE CITY.**

**WHEREAS**, the position of City Attorney was created by Section 2.06.050 of the Syracuse City; and

**WHEREAS**, Section 2.06.050 of the Syracuse City Code includes the Attorney position in the list of positions that must be appointed by the Mayor with advice and consent of the City Council; and

**WHEREAS**, William Carlson desires to work as the City Attorney of Syracuse City and the Administration, Mayor, and Council have found that he possesses the necessary skills, abilities and qualifications to do so.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Appointment:**

- The Syracuse City Mayor, with advice and consent of the Council, hereby appoints William Carlson to serve as the City Attorney, pursuant to the City's Ordinances, Rules and Regulations.

**Section 2. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 27<sup>th</sup> DAY OF DECEMBER, 2011.**

**SYRACUSE CITY**

ATTEST:

\_\_\_\_\_  
Cassie Z. Brown, City Recorder

By: \_\_\_\_\_  
Jamie Nagle, Mayor



# COUNCIL AGENDA

## December 27, 2011

Agenda Item “5”

Proposed Ordinance No. 11-13 amending various provisions of Title Ten, The Land Use Ordinance, relating to cluster subdivisions.

### ***Factual Summation***

- Any questions regarding this item may be directed at Community and Economic Development Director Mike Eggett.
- Please see the attached proposed changes to Title 10 Chapter 16 Cluster Subdivision
- Please see the attached Ordinance No. 11-13

### ***Background***

The Cluster Subdivision is a major conditional use overlay, allowing increased density in the A-1 Agriculture Zone to encourage open space conservation and creative land use. For a developer to achieve an increase in density, specific requirements must be met. Previously the Cluster Subdivision overlay was an eligible conditional use in A-1, R-1, R-2, and R-3 zones. At which time, based on concern of implementation of a development agreement, City Council reduced the eligibility to only the A-1 Zone.

A developer wishing to purchase and further develop Trailside Park by amending phase 2 and the development of a new concept for a phase 3 (a previously approved R-1 Zone with a Cluster Subdivision overlay, changed after the 2006 approval of Trailside Park) has approached the City requesting the ability to amend the originally approved plans to encourage the sales of homes at this development. But, as the R-1 Zone is no longer able to include a Cluster Subdivision overlay, the City is unable to meet this request.

It is staff’s recommendation, as well as the Syracuse City Planning Commission, that the City Council amend the Cluster Subdivision ordinance allowing the R-1 Zone be included as an overlay option. This increases the flexibility of land use decision, and is in the best interest of the future of Trailside Park and of future development within Syracuse City. The proposed amendment to the Cluster Subdivision ordinance would allow the R-1 Zone a 1.85 dwelling per net acre incentive density, resulting in a maximum density from 2.9 to 4.75 dwellings per net acre. Additional language is also recommended regarding development agreements to provide for additional ordinance strength. (See attached highlighted changes)

***Consideration of an Amendment to the Cluster Subdivision Ordinance***

On December 20<sup>th</sup>, 2011 the Syracuse City Planning Commission held a public hearing regarding the proposed amendments to the Cluster Subdivision, in which no comments were received. On December 20<sup>th</sup>, 2011 the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the attached amendments to Title Ten, Chapter 16, Cluster Subdivision within the Syracuse City Code. This amendment allows the option for areas zoned R-1 to apply for a major conditional use permit to allow a Cluster Subdivision and provides additional development agreement language.

***Recommendation***

The Community & Economic Development Department hereby recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council amend Title Ten, Chapter 16, Cluster Subdivision within the Syracuse City Code to reflect attached Ordinance No. 11-13.

# TITLE X

## CHAPTER 16

### CLUSTER SUBDIVISION (Major Conditional Use)

**10-16-010: Purpose.**

**10-16-020: Development Requirements**

**10-16-030: Permitted Uses**

**10-16-040: Bonus Density Incentives**

**10-16-050: Design Standards**

**10-16-060: Approval**

**10-16-010: PURPOSE.** Cluster Subdivisions may receive approval for a major conditional use permit in the Agriculture and R-1 Residential zones. The purpose of this ordinance is to encourage open space conservation and imaginative and efficient utilization of land by providing greater flexibility in the location of buildings on the land and the clustering of dwelling units. This will allow the developer to more closely tailor a development project to a specific user group, such as retired persons or equestrian-oriented development. The Land Use Authority shall not grant such a conditional use unless the Cluster Subdivision meets the regulations of the applicable zone in which it resides, except as may lawfully be modified by City Council approval. The application of cluster concepts is intended to encourage good neighborhood design and preserve open space while ensuring substantial compliance with the intent of the Subdivision and Land Use Ordinances. (Ord. 03-08) (Ord. 06-17)

Deleted: Agriculture

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#### **10-16-020: DEVELOPMENT REQUIREMENTS**

- (A) A Cluster Subdivision shall have a minimum of ten (10) acres of land area.
- (B) The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property.
- (C) The Land Use Authority shall require that the arrangement of structures and open spaces be developed in such a manner as to prevent any adverse affects on adjacent properties.
- (D) The density of dwellings in a Cluster Subdivision shall not exceed that allowed by the zone in which a project is located, except when the Land Use Authority approves a bonus density. Density is calculated after discounting twenty (20) percent of the property for dedication as public street rights-of-way.
- (E) Approval of the development plan shall determine lot area, lot width, setbacks, and lot coverage regulations. The minimum distance between any main buildings shall be ten (10) feet, and the minimum side yard for any single lot shall not be less than five (5) feet.
- (F) The design and location of public sidewalks within a Cluster Subdivision may deviate from the Standard Roadway Section in the Syracuse Subdivision

Deleted: need not meet the

Ordinance Typical Details if the sidewalk location is within a public use easement or completely within the street right-of-way per City approval. (Ord. 08-07)

- (G) A clear area, thirty (30) feet wide, shall be maintained along both sides of all streets in a Cluster Subdivision for the location of utilities.
- (H) Every Cluster Subdivision shall provide open space within the development. Such required open space shall not include streets, driveways, common space, or parking areas, but shall be totally landscaped or utilized as agricultural or recreation areas.
- (I) The developer shall landscape all common space around or adjacent to building lots, and a lawfully organized and fully functional home owners' association shall maintain said common space from the onset.
- (J) Preservation, use, maintenance, and ownership of open space within the development shall be accomplished through a home owners' association, or, at the discretion of the City Council, deeding the open space to Syracuse City. Deleted:
- (K) Due to the nature of Cluster Subdivisions and the fact that most of the usual dwellings have site restrictions and because the placement of dwellings and other structures on the site may produce a negative impact to surrounding land uses, the location, size, and general footprint of all dwellings and other main buildings shall be shown on the plans submitted for review.
- (L) Landscaping, fencing, and other improvement plans for cluster development shall be presented to the Land Use Authority for approval along with other required plans for development. The estimated cost of these improvements shall be provided to the City by the developer, and, after approval by the City Engineer, such estimated costs shall be included in the bonding requirements for the development. (Ord. 08-07) Deleted: y  
Deleted: ,
- (M) The proposed development shall not be detrimental to the health, safety, or general welfare of persons residing in the vicinity. (Ord. 06-17)

**10-16-030: PERMITTED USES.** Uses permitted in the Cluster Subdivision shall be those uses permitted in the zoning district in which the Subdivision is located, provided that, for purposes of this Section, the single-family dwelling designation shall include single family attached dwellings such as town houses and row houses or zero lot-line dwellings. A single structure shall have no more than four (4) attached dwelling units. (Ord. 08-07)

**10-16-040: BONUS DENSITY INCENTIVES**

- (A) Bonus Density. The City shall consider additional units per acre for a development that complies with the Bonus Density Requirements. In no case shall the bonus density exceed the maximum allowed for the zone. To calculate the bonus density, add the incentive density to the standard density permitted in the proposed location. The awarded incentives are shown below: (Ord. 08-07)

| ZONE DENSITY | INCENTIVE DENSITY | STANDARD DENSITY | MAXIMUM DENSITY |
|--------------|-------------------|------------------|-----------------|
| A-1          | 2.0               | 0.5              | 2.5             |
| <u>R-1</u>   | <u>1.85</u>       | <u>2.9</u>       | <u>4.75</u>     |

- (B) Bonus Density Calculations. For a permitted project to develop with a density greater than the zone allows, the density incentives must accrue in numerical order as outlined below: (Ord. 08-07)

|    | <b>Open Space Preservation</b>                                                                                                                                                                                                                                                                                            | <b>Bonus</b> |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1. | <b>A-1 Zone</b><br><i>Fifty (50) percent of the developed land</i>                                                                                                                                                                                                                                                        | <b>.80</b>   |
|    | <b>R-1 Zone</b><br><i>Twenty-five (25) percent of the developed land</i>                                                                                                                                                                                                                                                  | <b>.65</b>   |
| 2. | <b>Building Design Standards</b><br><i>The placement of restrictive covenants within the subdivision requiring a minimum seventy (70) percent brick or rock on exterior finishes for homes within the development and the construction of front porches that accommodate seating.</i>                                     | <b>.35</b>   |
| 3. | <b>Landscaping of Park Strips</b><br><i>Planting approved trees species (min two- [2]" inch Caliper) every fifty (50) feet in park strips together with moving the sidewalk four (4) feet closer to the homes or by using serpentine sidewalks in a fashion to "meander" through the park strip and front yard areas.</i> | <b>.20</b>   |
| 4. | <b>Home Owners Association</b><br><i>Creating a Home Owners Association to maintain landscaped entrance ways and common space</i>                                                                                                                                                                                         | <b>.30</b>   |
| 5. | <b>Landscaped Entrance Ways</b><br><i>The development of entranceways to the subdivision development including subdivision identification signs.</i>                                                                                                                                                                      | <b>.15</b>   |
| 6. | <b>Amenities to Open Space</b><br><i>The funding and placement of approved amenities to open space or common areas.</i>                                                                                                                                                                                                   | <b>.10</b>   |
| 7. | <b>Trail System/Walking Paths</b><br><i>Development of walking paths connecting to the City's trail system</i>                                                                                                                                                                                                            | <b>.10</b>   |

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

1. Landscaping Plan. The Land Use Authority shall review the conceptual landscaping plan designed in accordance with an approved theme that provides unity and aesthetics to the project. The landscaping plan shall indicate all special features, such as ponds, fountains, signs, walking paths, plant species and size, etc., together with a planting plan.
2. Open Space. Property designated as open space on the landscaping plan shall be for the use and enjoyment of the residents or community. The developer shall develop and improve open space that is not in the ownership of the City or maintain it for agricultural use or grazing. The developer must complete the open space landscaping prior to approval of the next consecutive phase of subdivision development.
3. Common Space. The developer may identify property within the development that surrounds the dwelling structures as common space. The developer shall be responsible for developing and maintaining such common space. (Ord. 08-07)

**10-16-050: DESIGN STANDARDS.** A common building theme shall be required and approved by the Planning Commission. The design shall show detail in the unification of exterior architectural style, color, and size of each unit; however, the intent is not to have the design so dominant that all units are identical.

**10-16-060: APPROVAL.** A Cluster Subdivision is a special type of subdivision approved by major conditional use permit and, as such, shall meet design standards and be subject to all provisions of the Syracuse Subdivision Ordinance and submitted development plans. (Ord. 06-17)

**10-16-070: DEVELOPMENT PLAN AND AGREEMENT REQUIREMENTS.**

- (A) Subdivision Ordinance requirements shall generally apply to Cluster Subdivisions. The developer shall submit a residential development plan of all project phases for City consideration and approval and shall integrate the proposed development plan into a development agreement between the developer and City. The development agreement shall undergo an administrative review process to ensure compliance with adopted City ordinances and standards with approval by the City Council. The subdivider shall develop the property in accordance with the development agreement and current City ordinances, including the development requirements as identified within this Chapter, in effect on the approval date of the agreement, together with the requirements set forth in the agreement, except when Federal, State, County, and/or City laws and regulations, promulgated to protect the public's health, safety, and welfare, require future modifications under circumstances constituting a rational public interest. The Land Use Authority shall use the submitted development plan and agreement with the design amenities and unique development features and merits of the development to determine overall development dwelling-unit density up to a maximum as determined by the bonus density calculations.
- (B) The development plan submitted for review shall show the location and building elevations with exterior building materials, size, and general footprint of all dwelling units and other main buildings and amenities.
- (C) The development plan submitted for review shall include landscaping, fencing, and other improvement plans for common or open spaces, with the landscaping designed in accordance with an approved theme to provide unity and aesthetics to the project. The plan shall include all special features, such as ponds, fountains, signs, walking paths, inviting entryways, etc., together with a landscape planting plan. Open space and recreational areas should be the focal point for the overall design of the development, with various community facilities grouped in places well related to these open spaces and easily accessible to pedestrians.
- (D) The proposed development shall show it will not be detrimental to the health, safety, or general welfare of persons residing adjacent to the proposed development.
- (E) A Cluster Subdivision community shall be of sufficient size, composition, and arrangement to enable its feasible development as a complete unit, managed by a legally-established owners' association and governed by enforceable, duly recorded CC&Rs.

## CHAPTER 11

### A-1 AGRICULTURE (.5 Lots Per Net Acre)

**10-11-040: MINIMUM LOT STANDARDS.** Developers shall improve all lots and place all structures and uses on lots in accordance with the following lot standards. Lot areas for properties fronting existing streets shall include all property as described on the most recent plat of record. (Ord. 10-02)

- (A) Density: Minimum lot size twenty-one thousand seven hundred eight (21,780) square feet, but in no case shall the density exceed five tenths (.5) lots per net acre, unless the Land Use Authority grants additional density, per a major conditional use permit, up to a maximum of two and five tenths (2.5) lots per net acre.

## CHAPTER 12

### R-1 RESIDENTIAL (2.9 Lots Per Net Acre)

**10-12-030: 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. (Ord. 08-07) (Ord. 10-02)

- (A) Accessory Uses and Buildings (two hundred [200] square feet or greater) [Minor] (Ord. 11-10)
- (B) Apiaries [Minor] (Ord. 11-10)
- (C) Cluster Subdivisions [Major]
- (D) Day-Care Centers [Major] (Ord. 11-10)
- (E) Dog Kennels [Minor] (Ord. 11-10)
- (F) Dwellings, Two- [2] Family [Major] (Ord. 11-10)
- (G) Dwelling Groups [Major] (Ord. 11-10)
- (H) Greenhouses [Minor] (Ord. 11-10)
- (I) Home Occupations [Major] (Ord. 10-02) (Ord. 11-10)
- (J) Private Parks and Recreational Activities [Minor] (Ord. 11-10)
- (K) Temporary Commercial Uses (see Section 10-7-050) [Minor] (Ord. 11-10)
- (L) Temporary Use of Buildings (See Section 10-6-100)(A)(9) [Minor] (Ord. 11-02)  
(Ord. 11-10)

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**10-12-040: MINIMUM LOT STANDARDS.** All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

(A) Density:

Minimum lot size ten thousand (10,000) square feet, but in no case shall the density exceed two and ninety hundredths (2.90) lots per net acre, unless the Land Use Authority grants additional density, per a major conditional use permit, up to a maximum of four and seven and half tenths (4.75) lots per not acre.

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# TITLE X

## CHAPTER 16

### CLUSTER SUBDIVISION (Major Conditional Use)

**10-16-010: Purpose.**

**10-16-020: Development Requirements**

**10-16-030: Permitted Uses**

**10-16-040: Bonus Density Incentives**

**10-16-050: Design Standards**

**10-16-060: Approval**

**10-16-010: PURPOSE.** Cluster Subdivisions may receive approval for a major conditional use permit in the Agriculture and R-1 Residential zones. The purpose of this ordinance is to encourage open space conservation and imaginative and efficient utilization of land by providing greater flexibility in the location of buildings on the land and the clustering of dwelling units. This will allow the developer to more closely tailor a development project to a specific user group, such as retired persons or equestrian-oriented development. The Land Use Authority shall not grant such a conditional use unless the Cluster Subdivision meets the regulations of the applicable zone in which it resides, except as may lawfully be modified by City Council approval. The application of cluster concepts is intended to encourage good neighborhood design and preserve open space while ensuring substantial compliance with the intent of the Subdivision and Land Use Ordinances. (Ord. 03-08) (Ord. 06-17)

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#### **10-16-020: DEVELOPMENT REQUIREMENTS**

- (A) A Cluster Subdivision shall have a minimum of ten (10) acres of land area.
- (B) The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property.
- (C) The Land Use Authority shall require that the arrangement of structures and open spaces be developed in such a manner as to prevent any adverse affects on adjacent properties.
- (D) The density of dwellings in a Cluster Subdivision shall not exceed that allowed by the zone in which a project is located, except when the Land Use Authority approves a bonus density. Density is calculated after discounting twenty (20) percent of the property for dedication as public street rights-of-way.
- (E) Approval of the development plan shall determine lot area, lot width, setbacks, and lot coverage regulations. The minimum distance between any main buildings shall be ten (10) feet, and the minimum side yard for any single lot shall not be less than five (5) feet.
- (F) The design and location of public sidewalks within a Cluster Subdivision may deviate from the Standard Roadway Section in the Syracuse Subdivision

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Ordinance Typical Details if the sidewalk location is within a public use easement or completely within the street right-of-way per City approval. (Ord. 08-07)

- (G) A clear area, thirty (30) feet wide, shall be maintained along both sides of all streets in a Cluster Subdivision for the location of utilities.
- (H) Every Cluster Subdivision shall provide open space within the development. Such required open space shall not include streets, driveways, common space, or parking areas, but shall be totally landscaped or utilized as agricultural or recreation areas.
- (I) The developer shall landscape all common space around or adjacent to building lots, and a lawfully organized and fully functional home owners' association shall maintain said common space from the onset.
- (J) Preservation, use, maintenance, and ownership of open space within the development shall be accomplished through a home owners' association, or, at the discretion of the City Council, deeding the open space to Syracuse City. Deleted:
- (K) Due to the nature of Cluster Subdivisions and the fact that most of the usual dwellings have site restrictions and because the placement of dwellings and other structures on the site may produce a negative impact to surrounding land uses, the location, size, and general footprint of all dwellings and other main buildings shall be shown on the plans submitted for review.
- (L) Landscaping, fencing, and other improvement plans for cluster development shall be presented to the Land Use Authority for approval along with other required plans for development. The estimated cost of these improvements shall be provided to the City by the developer, and, after approval by the City Engineer, such estimated costs shall be included in the bonding requirements for the development. (Ord. 08-07) Deleted: y  
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- (M) The proposed development shall not be detrimental to the health, safety, or general welfare of persons residing in the vicinity. (Ord. 06-17)

**10-16-030: PERMITTED USES.** Uses permitted in the Cluster Subdivision shall be those uses permitted in the zoning district in which the Subdivision is located, provided that, for purposes of this Section, the single-family dwelling designation shall include single family attached dwellings such as town houses and row houses or zero lot-line dwellings. A single structure shall have no more than four (4) attached dwelling units. (Ord. 08-07)

**10-16-040: BONUS DENSITY INCENTIVES**

- (A) Bonus Density. The City shall consider additional units per acre for a development that complies with the Bonus Density Requirements. In no case shall the bonus density exceed the maximum allowed for the zone. To calculate the bonus density, add the incentive density to the standard density permitted in the proposed location. The awarded incentives are shown below: (Ord. 08-07)

| ZONE DENSITY | INCENTIVE DENSITY | STANDARD DENSITY | MAXIMUM DENSITY |
|--------------|-------------------|------------------|-----------------|
| A-1          | 2.0               | 0.5              | 2.5             |
| <u>R-1</u>   | <u>1.85</u>       | <u>2.9</u>       | <u>4.75</u>     |

- (B) Bonus Density Calculations. For a permitted project to develop with a density greater than the zone allows, the density incentives must accrue in numerical order as outlined below: (Ord. 08-07)

|    | <b>Open Space Preservation</b>                                                                                                                                                                                                                                                                                            | <b>Bonus</b> |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1. | <b>A-1 Zone</b><br><i>Fifty (50) percent of the developed land</i>                                                                                                                                                                                                                                                        | <b>.80</b>   |
|    | <b>R-1 Zone</b><br><i>Twenty-five (25) percent of the developed land</i>                                                                                                                                                                                                                                                  | <b>.65</b>   |
| 2. | <b>Building Design Standards</b><br><i>The placement of restrictive covenants within the subdivision requiring a minimum seventy (70) percent brick or rock on exterior finishes for homes within the development and the construction of front porches that accommodate seating.</i>                                     | <b>.35</b>   |
| 3. | <b>Landscaping of Park Strips</b><br><i>Planting approved trees species (min two- [2]" inch Caliper) every fifty (50) feet in park strips together with moving the sidewalk four (4) feet closer to the homes or by using serpentine sidewalks in a fashion to "meander" through the park strip and front yard areas.</i> | <b>.20</b>   |
| 4. | <b>Home Owners Association</b><br><i>Creating a Home Owners Association to maintain landscaped entrance ways and common space</i>                                                                                                                                                                                         | <b>.30</b>   |
| 5. | <b>Landscaped Entrance Ways</b><br><i>The development of entranceways to the subdivision development including subdivision identification signs.</i>                                                                                                                                                                      | <b>.15</b>   |
| 6. | <b>Amenities to Open Space</b><br><i>The funding and placement of approved amenities to open space or common areas.</i>                                                                                                                                                                                                   | <b>.10</b>   |
| 7. | <b>Trail System/Walking Paths</b><br><i>Development of walking paths connecting to the City's trail system</i>                                                                                                                                                                                                            | <b>.10</b>   |

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

1. Landscaping Plan. The Land Use Authority shall review the conceptual landscaping plan designed in accordance with an approved theme that provides unity and aesthetics to the project. The landscaping plan shall indicate all special features, such as ponds, fountains, signs, walking paths, plant species and size, etc., together with a planting plan.
2. Open Space. Property designated as open space on the landscaping plan shall be for the use and enjoyment of the residents or community. The developer shall develop and improve open space that is not in the ownership of the City or maintain it for agricultural use or grazing. The developer must complete the open space landscaping prior to approval of the next consecutive phase of subdivision development.
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**10-16-050: DESIGN STANDARDS.** A common building theme shall be required and approved by the Planning Commission. The design shall show detail in the unification of exterior architectural style, color, and size of each unit; however, the intent is not to have the design so dominant that all units are identical.

**10-16-060: APPROVAL.** A Cluster Subdivision is a special type of subdivision approved by major conditional use permit and, as such, shall meet design standards and be subject to all provisions of the Syracuse Subdivision Ordinance and submitted development plans. (Ord. 06-17)

**10-16-070: DEVELOPMENT PLAN AND AGREEMENT REQUIREMENTS.**

- (A) Subdivision Ordinance requirements shall generally apply to Cluster Subdivisions. The developer shall submit a residential development plan of all project phases for City consideration and approval and shall integrate the proposed development plan into a development agreement between the developer and City. The development agreement shall undergo an administrative review process to ensure compliance with adopted City ordinances and standards with approval by the City Council. The subdivider shall develop the property in accordance with the development agreement and current City ordinances, including the development requirements as identified within this Chapter, in effect on the approval date of the agreement, together with the requirements set forth in the agreement, except when Federal, State, County, and/or City laws and regulations, promulgated to protect the public's health, safety, and welfare, require future modifications under circumstances constituting a rational public interest. The Land Use Authority shall use the submitted development plan and agreement with the design amenities and unique development features and merits of the development to determine overall development dwelling-unit density up to a maximum as determined by the bonus density calculations.
  
- (B) The development plan submitted for review shall show the location and building elevations with exterior building materials, size, and general footprint of all dwelling units and other main buildings and amenities.
  
- (C) The development plan submitted for review shall include landscaping, fencing, and other improvement plans for common or open spaces, with the landscaping designed in accordance with an approved theme to provide unity and aesthetics to the project. The plan shall include all special features, such as ponds, fountains, signs, walking paths, inviting entryways, etc., together with a landscape planting plan. Open space and recreational areas should be the focal point for the overall design of the development, with various community facilities grouped in places well related to these open spaces and easily accessible to pedestrians.
  
- (D) The proposed development shall show it will not be detrimental to the health, safety, or general welfare of persons residing adjacent to the proposed development.
  
- (E) A Cluster Subdivision community shall be of sufficient size, composition, and arrangement to enable its feasible development as a complete unit, managed by a legally-established owners' association and governed by enforceable, duly recorded CC&Rs.

## CHAPTER 11

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## CHAPTER 12

### R-1 RESIDENTIAL (2.9 Lots Per Net Acre)

**10-12-030: 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. (Ord. 08-07) (Ord. 10-02)

- (A) Accessory Uses and Buildings (two hundred [200] square feet or greater) [Minor] (Ord. 11-10)
- (B) Apiaries [Minor] (Ord. 11-10)
- (C) Cluster Subdivisions [Major]
- (D) Day-Care Centers [Major] (Ord. 11-10)
- (E) Dog Kennels [Minor] (Ord. 11-10)
- (F) Dwellings, Two- [2] Family [Major] (Ord. 11-10)
- (G) Dwelling Groups [Major] (Ord. 11-10)
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- (I) Home Occupations [Major] (Ord. 10-02) (Ord. 11-10)
- (J) Private Parks and Recreational Activities [Minor] (Ord. 11-10)
- (K) Temporary Commercial Uses (see Section 10-7-050) [Minor] (Ord. 11-10)
- (L) Temporary Use of Buildings (See Section 10-6-100)(A)(9) [Minor] (Ord. 11-02)  
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Minimum lot size ten thousand (10,000) square feet, but in no case shall the density exceed two and ninety hundredths (2.90) lots per net acre, unless the Land Use Authority grants additional density, per a major conditional use permit, up to a maximum of four and seven and half tenths (4.75) lots per not acre.

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**ORDINANCE NO. 11-13**

**AN ORDINANCE OF THE SYRACUSE CITY COUNCIL AMENDING  
VARIOUS PROVISIONS OF TITLE 10, THE LAND USE ORDINANCE,  
RELATING TO CLUSTER SUBDIVISIONS.**

**WHEREAS**, the Syracuse City Council has previously adopted the City Subdivision Ordinance and the City Land Use Ordinance for the purpose of regulating the use of land within the City; and

**WHEREAS**, the City Council hereby finds and determines that the use of subdivision and land use regulations is necessary to promote the public welfare by regulating the use of land in a manner that promotes sustainable development and preserves property values of both developing property and existing development; and

**WHEREAS**, the City Council hereby further finds that the City Subdivision Ordinance and the City Land Use Ordinance requires amendment to respond to current economic conditions by expanding flexibility to developers and establishing better development outcomes;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, DAVIS COUNTY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendment.** Section 10-16 of the Syracuse City Code is hereby amended to read in its entirety as follows:

**CHAPTER 16**

**CLUSTER SUBDIVISION  
(Major Conditional Use)**

**10-16-010: Purpose.**

**10-16-020: Development Requirements**

**10-16-030: Permitted Uses**

**10-16-040: Bonus Density Incentives**

**10-16-050: Design Standards**

**10-16-060: Approval**

**10-16-010: PURPOSE.** Cluster Subdivisions may receive approval for a major conditional use permit in the Agriculture and R-1 Residential zones. The purpose of this ordinance is to encourage open space conservation and imaginative and efficient utilization of land by providing greater

flexibility in the location of buildings on the land and the clustering of dwelling units. This will allow the developer to more closely tailor a development project to a specific user group, such as retired persons or equestrian-oriented development. The Land Use Authority shall not grant such a conditional use unless the Cluster Subdivision meets the regulations of the applicable zone in which it resides, except as may lawfully be modified by City Council approval. The application of cluster concepts is intended to encourage good neighborhood design and preserve open space while ensuring substantial compliance with the intent of the Subdivision and Land Use Ordinances. (Ord. 03-08) (Ord. 06-17)

#### **10-16-020: DEVELOPMENT REQUIREMENTS**

- (A) A Cluster Subdivision shall have a minimum of ten (10) acres of land area.
- (B) The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property.
- (C) The Land Use Authority shall require that the arrangement of structures and open spaces be developed in such a manner as to prevent any adverse affects on adjacent properties.
- (D) The density of dwellings in a Cluster Subdivision shall not exceed that allowed by the zone in which a project is located, except when the Land Use Authority approves a bonus density. Density is calculated after discounting twenty (20) percent of the property for dedication as public street rights-of-way.
- (E) Approval of the development plan shall determine lot area, lot width, setbacks, and lot coverage regulations. The minimum distance between any main buildings shall be ten (10) feet, and the minimum side yard for any single lot shall not be less than five (5) feet.
- (F) The design and location of public sidewalks within a Cluster Subdivision may deviate from the Standard Roadway Section in the Syracuse Subdivision Ordinance Typical Details if the sidewalk location is within a public use easement or completely within the street right-of-way per City approval. (Ord. 08-07)
- (G) A clear area, thirty (30) feet wide, shall be maintained along both sides of all streets in a Cluster Subdivision for the location of utilities.
- (H) Every Cluster Subdivision shall provide open space within the development. Such required open space shall not include streets, driveways, common space, or parking areas, but shall be totally landscaped or utilized as agricultural or recreation areas.
- (I) The developer shall landscape all common space around or adjacent to building lots, and a lawfully organized and fully functional home owners' association shall maintain said common space from the onset.
- (J) Preservation, use, maintenance, and ownership of open space within the development shall be accomplished through a home owners' association, or, at the discretion of the City Council, deeding the open space to Syracuse City.
- (K) Due to the nature of Cluster Subdivisions and the fact that most of the usual dwellings have site restrictions and because the placement of dwellings and other structures on the site may produce a negative impact to surrounding land uses, the location, size, and general footprint of all dwellings and other main buildings shall be shown on the plans submitted for review.

- (L) Landscaping, fencing, and other improvement plans for cluster development shall be presented to the Land Use Authority for approval along with other required plans for development. The estimated cost of these improvements shall be provided to the City by the developer and, after approval by the City Engineer, such estimated costs shall be included in the bonding requirements for the development. (Ord. 08-07)
- (M) The proposed development shall not be detrimental to the health, safety, or general welfare of persons residing in the vicinity. (Ord. 06-17)

**10-16-030: PERMITTED USES.** Uses permitted in the Cluster Subdivision shall be those uses permitted in the zoning district in which the Subdivision is located, provided that, for purposes of this Section, the single-family dwelling designation shall include single family attached dwellings such as town houses and row houses or zero lot-line dwellings. A single structure shall have no more than four (4) attached dwelling units. (Ord. 08-07)

**10-16-040: BONUS DENSITY INCENTIVES**

- (A) Bonus Density. The City shall consider additional units per acre for a development that complies with the Bonus Density Requirements. In no case shall the bonus density exceed the maximum allowed for the zone. To calculate the bonus density, add the incentive density to the standard density permitted in the proposed location. The awarded incentives are shown below: (Ord. 08-07)

| ZONE DENSITY | INCENTIVE DENSITY | STANDARD DENSITY | MAXIMUM DENSITY |
|--------------|-------------------|------------------|-----------------|
| A-1          | 2.0               | 0.5              | 2.5             |
| R-1          | 1.85              | 2.9              | 4.75            |

- (B) Bonus Density Calculations. For a permitted project to develop with a density greater than the zone allows, the density incentives must accrue in numerical order as outlined below: (Ord. 08-07)

|    |                                                                                                                                                                                                                                                                                                                          |              |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1. | <b>Open Space Preservation</b>                                                                                                                                                                                                                                                                                           | <b>Bonus</b> |
|    | <b>A-1 Zone</b><br><i>Fifty (50) percent of the developed land</i>                                                                                                                                                                                                                                                       | <b>.80</b>   |
|    | <b>R-1 Zone</b><br><i>Twenty-five (25) percent of the developed land</i>                                                                                                                                                                                                                                                 | <b>.65</b>   |
| 2. | <b>Building Design Standards</b><br><i>The placement of restrictive covenants within the subdivision requiring a minimum seventy (70) percent brick or rock on exterior finishes for homes within the development and the construction of front porches that accommodate seating</i>                                     | <b>.35</b>   |
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| 4. | <b>Home Owners Association</b><br><i>Creating a Home Owners Association to maintain landscaped entrance ways and common space</i>                                                                                                                                                                                        | <b>.30</b>   |
| 5. | <b>Landscaped Entrance Ways</b><br><i>The development of entranceways to the subdivision development including subdivision identification signs</i>                                                                                                                                                                      | <b>.15</b>   |
| 6. | <b>Amenities to Open Space</b><br><i>The funding and placement of approved amenities to open space or common areas</i>                                                                                                                                                                                                   | <b>.10</b>   |
| 7. | <b>Trail System/Walking Paths</b><br><i>Development of walking paths connecting to the City's trail system</i>                                                                                                                                                                                                           | <b>.10</b>   |

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**10-16-060: APPROVAL.** A Cluster Subdivision is a special type of subdivision approved by major conditional use permit and, as such, shall meet design standards and be subject to all provisions of the Syracuse Subdivision Ordinance and submitted development plans. (Ord. 06-17)

**10-16-070: DEVELOPMENT PLAN AND AGREEMENT REQUIREMENTS.**

- (A) Subdivision Ordinance requirements shall generally apply to Cluster Subdivisions. The developer shall submit a residential development plan of all project phases for City consideration and approval and shall integrate the proposed development plan into a development agreement between the developer and City. The development agreement shall undergo an administrative review process to ensure compliance with adopted City ordinances and standards with approval by the City Council. The subdivider shall develop the property in accordance with the development agreement and current City ordinances, including the development requirements as identified within this Chapter, in effect on the approval date of the agreement, together with the requirements set forth in the agreement, except when Federal, State, County, and/or City laws and regulations, promulgated to protect the public's health, safety, and welfare, require future modifications under circumstances constituting a rational public interest. The Land Use Authority shall use the submitted development plan and agreement with the design amenities and unique development features and merits of the development to determine overall development dwelling-unit density up to a maximum as determined by the bonus density calculations.
- (B) The development plan submitted for review shall show the location and building elevations with exterior building materials, size, and general footprint of all dwelling units and other main buildings and amenities.
- (C) The development plan submitted for review shall include landscaping, fencing, and other improvement plans for common or open spaces, with the landscaping designed in accordance with an approved theme to provide unity and aesthetics to the project.

The plan shall include all special features, such as ponds, fountains, signs, walking paths, inviting entryways, etc., together with a landscape planting plan. Open space and recreational areas should be the focal point for the overall design of the development, with various community facilities grouped in places well related to these open spaces and easily accessible to pedestrians.

- (D) The proposed development shall show it will not be detrimental to the health, safety, or general welfare of persons residing adjacent to the proposed development.
- (E) A Cluster Subdivision community shall be of sufficient size, composition, and arrangement to enable its feasible development as a complete unit, managed by a legally-established owners' association and governed by enforceable, duly recorded CC&Rs.

**Section 2. Amendment.** Section 10-11-040 of the Syracuse City Code is hereby amended to read in its entirety as follows:

## **CHAPTER 11**

### **A-1 AGRICULTURE (.5 Lots Per Net Acre)**

**10-11-040: MINIMUM LOT STANDARDS.** Developers shall improve all lots and place all structures and uses on lots in accordance with the following lot standards. Lot areas for properties fronting existing streets shall include all property as described on the most recent plat of record. (Ord. 10-02)

- (A) Density: Minimum lot size twenty-one thousand seven hundred eight (21,780) square feet, but in no case shall the density exceed five tenths (.5) lots per net acre, unless the Land Use Authority grants additional density, per a major conditional use permit, up to a maximum of two and five tenths (2.5) lots per net acre.

**Section 3. Amendment.** Section 10-12-030 and 10-12-040 of the Syracuse City Code is hereby amended to read in its entirety as follows:

## **CHAPTER 12**

### **R-1 RESIDENTIAL (2.9 Lots Per Net Acre)**

**10-12-030: 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. (Ord. 08-07) (Ord. 10-02)

- (A) Accessory Uses and Buildings (two hundred [200] square feet or greater) [Minor] (Ord. 11-10)
- (B) Apiaries [Minor] (Ord. 11-10)
- (C) Cluster Subdivisions [Major]

- (D) Day-Care Centers [Major] (Ord. 11-10)
- (E) Dog Kennels [Minor] (Ord. 11-10)
- (F) Dwellings, Two- [2] Family [Major] (Ord. 11-10)
- (G) Dwelling Groups [Major] (Ord. 11-10)
- (H) Greenhouses [Minor] (Ord. 11-10)
- (I) Home Occupations [Major] (Ord. 10-02) (Ord. 11-10)
- (J) Private Parks and Recreational Activities [Minor] (Ord. 11-10)
- (K) Temporary Commercial Uses (see Section 10-7-050) [Minor] (Ord. 11-10)
- (L) Temporary Use of Buildings (See Section 10-6-100)(A)(9) [Minor] (Ord. 11-02) (Ord. 11-10)

**10-12-040: MINIMUM LOT STANDARDS.** All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

- (A) Density: Minimum lot size ten thousand (10,000) square feet, but in no case shall the density exceed two and ninety hundredths (2.90) lots per net acre, unless the Land Use Authority grants additional density, per a major conditional use permit, up to a maximum of four and seven and half tenths (4.75) lots per not acre.

**Section 4. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 27<sup>th</sup> DAY OF DECEMBER, 2011.**

**SYRACUSE CITY**

ATTEST:

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Cassie Z. Brown, City Recorder

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Mayor Jamie Nagle