

ROY CITY PLANNING COMMISSION

February 12, 2013

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on February 12, 2013, at 6:04 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Lee Holt, Chairman
Blake Hamilton
Gennie Kirch
Joe Paul
Tom Stonehocker
Karlene Yeoman

Jared Hall, Planner
Michelle Drago, Secretary

Others present were: John Jett and Elizabeth Brown.

Pledge of Allegiance: Blake Hamilton

1. APPROVAL OF JANUARY 8, 2013, MINUTES

Commissioner Kirch moved to approve the January 8, 2013, minutes as corrected. Commissioner Paul seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE APPROVAL ALLOWING AN ELECTRONIC MESSAGE CENTER SIGN ON PROPERTY LOCATED AT APPROXIMATELY 4702 SOUTH 1900 WEST

Commissioner Yeoman moved to open the public hearing at 6:01 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Jared Hall stated that the City had received an application from Kapp Auto for a conditional use for an electronic message center sign located at 4702 South 1900 West. Kapp Auto was proposing to replace the reader board on the existing sign with an EMC. A conditional use permit was required for EMC signs in Community Commercial and Business Park Zones. The City had decided that it would allow EMC signs in Community Commercial Zones with certain restrictions. An EMC sign had to be located

at least 100 feet from another EMC sign and at least 100 feet from any residential zone. Mr. Hall said there weren't any other EMC signs near Kapp Auto. There was residential zoning in the area. The distance to residential zoning on the north, south, and east was over 100 feet. Kapp Auto was separated from the residential zoning to the west by 1900 West. The distance regulations were not typically imposed across significant rights-of-way, such as 1900 West. The staff felt the spacing requirements of the Zoning Ordinance had been met. Mr. Hall reviewed the other requirements for EMC signs which were intended to prevent the signs from becoming distracting nuisances.

Mr. Hall said the staff had found that the proposed conditional use and EMC sign complied with the intent and regulations of the Zoning Ordinance and with the goals of the General Plan. The application complied with the requirements for granting a conditional use permit as outlined by the Zoning Ordinance. The staff recommended that the Planning Commission recommend that a conditional use permit for an EMC sign at 4702 South 1900 West be approved subject to:

1. All requirements of Section 1020 of the Zoning Ordinance.
2. All items of the staff report.

Chairman Holt opened the floor for public comments. There were none.

Commissioner Kirch moved to close the public hearing at 6:06 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council approve a conditional use permit allowing an electronic message center sign at approximately 4702 South 1900 West based on the staff's findings and subject to the staff's recommendations. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

3. CONSIDERATION OF ADDITIONAL CHANGES TO PROPOSED SECTION 1111 AMENDING THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES

Jared Hall stated that the City Council had reviewed the Planning Commission's discussions and proposed draft regarding a proposed amendment to the text of the Zoning Ordinance which would allow domestic livestock and fowl in residential zones. The Council asked that the Planning Commission and staff consider methods to achieve quicker compliance. Council members were concerned about the overall idea of allowing livestock in residential zones, and specifically about code compliance. Mr. Hall said he had met with the City Attorney and the Code Compliance Officer to discuss what could be done and what was reasonable. He also spoke with other cities. Other cities were doing the same thing Roy was proposing to do – issue permits, issue warnings with threat to revoke permits, and finally revocation. So far other cities had not seen many grievous situations. Several indicated that they had found that having specific regulations in place regarding placement of coops and hives had helped. Applicants they had seemed to be more serious about the use, and complied with the regulations.

Mr. Hall said that the Council's concern was that having regulations wouldn't do any good unless the City could get people to comply with them. He reviewed the City's current compliance procedures with the Planning Commission. Almost all code compliance in Roy City was done on a complaint basis. After a complaint was filed, an inspection was made. If there was a code violation, a warning, or notice to correct was issued. If a warning did not resolve the problem, citations were issued. Inspections for domestic livestock and fowl would be made by the Zoning Administrator rather than the Compliance Officer. Code compliance for domestic livestock could follow the normal compliance route, or the City use alternative or emergency abatement. Alternative abatement meant the City would pay someone to clean up the problem if a notice to correct did not resolve the problem. The City had to be willing to fund the abatement because seeking reimbursement could take a long time. Alternative abatement had not been funded in the past. The ordinance allowed for emergency abatement if an inspection revealed there was a life safety issue.

Commissioner Kirch suggested increasing the cost of the permit and then offering a rebate when it was renewed if the property owner was in compliance. She suggested using some or all of the revenue received from the permits to fund the alternative abatement fund.

Jared Hall stated that the cost to remove a swarm of bees was \$100 to \$175. The cost would be higher if the swarm was located in a wall. The City would not remove animals

unless there was a life safety issue, or if the city had received a court order to remove them. Alternative abatement would mean if a notice to correct a problem was ignored, the city had the right to clean up, repair, etc. to correct the problem and then bill the property owner.

Commissioner Kirch felt that the City should charge a double permit fee to someone who needed alternative abatement. Mr. Hall said that if the City had to go onto a property and perform an alternative abatement, the city should have no interest in renewing that permit. If the city abated an issue, the permit was revoked. Then the city would order the property owner to remove the animals (since they no longer had permits). If the owner did not remove the animals, the city would issue a citation and refer the matter to the courts so that a court order to remove the animals could be obtained. In short, alternative abatement would mean that there would be no renewal for the offending property owner, and no new permits.

Commissioner Hamilton asked what was needed from the Planning Commission at this point. Mr. Hall said he wanted to update the Commission on the staff's discussion and find out if it had anything to add. If the Commission didn't have anything to add, then staff needed the Commission's directive to forward the proposal again with the understanding that alternative abatement would be the recommendation to answer the Council's concerns.

Commissioner Kirch asked if the proposed draft needed to state how compliance would be handled. Mr. Hall said the compliance pattern was already part of the City's ordinances. Commissioner Kirch felt information about compliance and enforcement should be part of the application process. Mr. Hall said the application form would address the nature of the permit, its cost, and the city's intentions for assuring compliance.

The Planning Commission agreed that proposed amendment to the Zoning Ordinance should be sent back to the City Council. Jared Hall stated that he would forward the suggestions about funding the alternative abatement fund to the Council. The proposed draft would be split into two sections - one for domestic livestock and fowl and one for bees.

Commissioner Kirch suggested that the ordinance clearly specify that a property owner did not receive points for fowl and points for bees. A lot would be awarded a certain number of points were based on its size. The use of those points would be determined by the property owner.

4. STAFF UPDATE

Jared Hall stated that there were several projects getting ready to come before the Planning Commission. There would not be another meeting in February, but there would be one in March.

Commissioner Kirch asked if the Council approved a conditional use permit for the pharmacy on the corner of 5300 South 1900 West. Mr. Hall said it did. The site was between entitlement and permit.

5. ADJOURN

Commissioner Hamilton moved to adjourn at 6:21 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.



Lee Holt
Chairman

Attest:



Michelle Drago
Secretary

dc:pfeb1213