



• Chair – Lindsey Ohlin • Vice Chair – Douglas Nandell Members: • Leland Karras • Gennie Kirch • Joe Paul • Claude Payne • Jason Sphar

AGENDA

February 23, 2016

6:00 p.m.

The Roy City Planning Commission regular meeting will be held in the City Council Chamber / Court Room in the Roy City Municipal Building located at 5051 South 1900 West. The meeting will commence with the Pledge of Allegiance, which will be appointed by the Chair.

Agenda Items

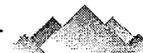
1. Declaration of Conflicts
2. Approval of February 9, 2016 minutes
3. 6:00 p.m. – PUBLIC HEARING – Consider an amendment to the Roy City Municipal Code. Removing sections of the Code dealing with the Sign Ordinance, from Title 9, Chapter 4 and Title 10, Chapter 20 and then the creation of a new Title 13 – Sign Ordinance.
4. 6:00 p.m. – PUBLIC HEARING – Consider a request for Conditional Use approval to allow a Café business on property located at approximately 2039 W. 4000 S.
5. Discussion on a proposed amendment to the Zoning Code regarding Chickens and Rabbits
6. Commissioners Minute
7. Staff Update
8. Adjourn

In Compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1040 or by email: ced@royutah.org at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 19th day of February 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 19th day of February 2016..

STEVE PARKINSON;
PLANNING & ZONING ADMINISTRATOR



ROY CITY PLANNING COMMISSION

February 23, 2016

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on February 23, 2016, at 6:00 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:

Lindsey Ohlin, Chairman
Leland Karras
Gennie Kirch
Doug Nandell
Joe Paul
Claude Payne
Jason Sphar

Steve Parkinson, Planner
Michelle Drago, Secretary

Others present were: Mayor Willard Cragun; Cathy Spencer, Management Services Director; Greg Sagen; Jason Kunzler; David Webb; Emma Raven; Amy Webb; Scott Jones; Emily Bati; and Dale Hansen.

Pledge of Allegiance: Gennie Kirch

Chairman Ohlin welcomed Jason Sphar, the newest member of the Planning Commission. He represented the Herefordshire area of Roy.

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF FEBRUARY 9, 2016, MINUTES

Commissioner Kirch moved to approve the February 9, 2016, minutes as written. Commissioner Paul seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER AMENDING THE ROY CITY MUNICIPAL CODE BY REMOVING SECTIONS OF THE CODE DEALING WITH THE SIGN ORDINANCE FROM TITLE 9, CHAPTER 4, AND TITLE 10, CHAPTER 20, AND CREATING A NEW TITLE 13 – SIGN ORDINANCE

Steve Parkinson stated that after several months of discussion and debate it was time for the Planning Commission to hold a public hearing to consider amending the Roy City Municipal Code by removing sections of the code dealing with the Sign Ordinance from Title 9, Chapter 4, and Title 10, Chapter 20, and creating a new Title 13. The staff felt the sign regulations were large

enough to have its own title. The staff had made all of the modifications the Planning Commission had previously discussed and recommended that the new Sign Ordinance be approved.

Commissioner Kirch moved to open the public hearing at 6:01 p.m. Commissioner Nandell seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

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

Commissioner Paul moved to close the public hearing at 6:02 p.m. Commissioner Karras seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Commissioner Paul moved to recommend that the City Council amend the Roy City Municipal Code by removing sections of the code dealing with the Sign Ordinance – Title 9, Chapter 4, and Title 10, Chapter 20 – and creating a new Title 13 as presented by staff. Commissioner Payne seconded the motion. A roll call vote was taken: Commission members Karras, Nandell, Sphar, Ohlin, Kirch, Paul, and Payne voted "aye." The motion carried.

Commissioner Kirch thanked Mr. Parkinson for his work on the Sign Ordinance. It was a beautiful document.

4. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW A CAFÉ BUSINESS ON PROPERTY LOCATED AT APPROXIMATELY 2039 WEST 4000 SOUTH

Steve Parkinson stated that the Weber County Library was requesting that the City approve a conditional use for a café in the new library located at 2039 West 4000 South. The café was overlooked when the Weber County Library requested approval of a conditional use and site plan. The Planning Commission considered the site plan and site improvements, but it did not consider internal uses other than the library itself. The Building Inspector and Fire Marshal knew about the proposed café, so all of the inspections had been conducted. The Weber County Library planned to have a small café where sandwiches would be sold. The sandwiches would not be prepared on site. The request met all aspects of the General Plan and Zoning Ordinance. The staff recommended that the conditional use be approved subject to the applicant obtaining and maintaining a Roy City business license and obtaining inspections from the Weber/Morgan Health Department, Roy City Fire Department, and the Roy City Building Department.

Commissioner Karras moved to open the public hearing at 6:05 p.m. Commissioner Sphar seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Chairman Ohlin opened the floor for public comments.

Scott Jones, Hooper, Assistant Library Director, invited the Planning Commission members to attend the open house for the new Southwest Branch of the Weber County Library on Saturday, February 27th, from 3:00 to 6:00 p.m. The dedication would be held at 2:00 p.m. The first day of operation would be Monday, February 29th.

Commissioner Kirch asked if the café would be similar to the one in the Pleasant Valley Branch. Mr. Jones said it would as the same proprietor had won the bid. The proprietor was anxious to obtain a business license. They wanted to be able to operate during Saturday's open house and dedication.

Commissioner Kirch asked if the café at the Southwest Branch would be larger than the one in the Ogden Region Branch. Mr. Jones felt it would be larger as the Southwest Branch would have a larger clientele.

Commissioner Kirch asked about the feature in the children's area. Mr. Jones said it was a secret. He invited Commissioner Kirch would have to come and see.

Commissioner Kirch moved to close the public hearing at 6:09 p.m. Commissioner Paul seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council approve a conditional use for a café to be located in the Southwest Branch of the Weber County Library located at 2039 West 4000 South based on the staff's findings and subject to the conditions recommended by the staff. Commissioner Karras seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Steve Parkinson stated that the City Council would hold a special meeting on Thursday, February 25th, to approve the conditional use.

5. DISCUSSION REGARDING A PROPOSED AMENDMENT TO THE ZONING CODE TO ALLOW CHICKENS AND RABBITS

Commissioner Nandell asked about the history behind this issue. Commissioner Kirch stated that the Planning Commission originally considered a request to amend the Zoning Ordinance to allow chickens and bees in residential zones on October 26, 2010. At that time the Planning Commission recommended that the request be denied. The Planning Commission was asked to consider the issue again in 2012. The Planning Commission spent more time on the chicken issue than it had on the Sign Ordinance.

Steve Parkinson stated that on February 2nd the City Council directed the staff to prepare an amendment to the Zoning Ordinance to allow chickens and rabbits in residential zones. The ordinance proposed by Councilman Hilton was similar to the one the Commission prepared in 2012, except for the point system. It allowed six chickens or six rabbits or a combination of the two regardless of zone or lot size. The staff had researched and provided copies of ordinances

regulating chickens from the cities surrounding Roy. Some allowed chickens; some did not. Clinton City provided an information packet to anyone who applied for a chicken permit. A copy of that packet was provided as well. If the Planning Commission liked the amendment prepared in 2012, it could direct the staff to place it on an agenda and schedule a public hearing.

Commissioner Kirch asked if the Planning Commission would have to hold a public hearing. Mr. Parkinson said it would. This time the applicant was the City itself.

Commissioner Kirch stated that when the Planning Commission received the first request to allow chickens in residential zones in 2010, there weren't a lot of cities that had similar uses. There wasn't anything like it. The Planning Commission was asked to write an ordinance about something so new other cities didn't have anything like it. In a chance with Roy's Code Enforcement Officer last year, she asked about problems with chickens. The Code Enforcement Officer said the problems with chickens were minimal compared to cats and dogs.

Commissioner Kirch didn't have a problem with the proposed amendment. With all of the information now available she felt comfortable moving forward. She said Item 1 of the proposed amendment was different from the 2012 version. It removed the point system and set the maximum number of chickens at six. The Planning Commission had spent a lot of time on the point system, but the proposed amendment was simple. It would be easier to enforce. She felt the Planning Commission needed to consider the size of the structure stipulated in 3-C-1; whether chickens should be free roaming; how to dispose of dead animals; and how far a heated coop should be from an adjoining structure.

Chairman Ohlin felt the language about inspections in 2-C was vague. She was uneasy about an inspection that would be conducted when the City 'deemed it necessary.' Steve Parkinson said an applicant would be required to submit a simple site plan with their application. If the City received a complaint about the chickens, an inspection would be conducted to determine if a change was needed. Chairman Ohlin felt 2-C should be clarified.

Chairman Ohlin asked about 2-F – Notice adjacent neighbors. Was the City notifying the neighbors for their information only? Mr. Parkinson said it was. Commissioner Kirch said the notification would simply notify neighboring property owners about what was going on. Mr. Parkinson said the bee regulations had the same requirement.

Chairman Ohlin felt the site plan required in 2-G was unnecessary as long as the regulations were clear. Mr. Parkinson said the site plan did not have to be to scale. It would have to have dimensions, and it could be hand-drawn. It was easier to erase a line on paper than to move a coop after a violation was discovered.

Chairman Kirch said the Planning Commission felt a site plan was needed to make sure the applicant did not put a coop in the wrong place. The requirement was meant to help the applicants, not hinder them.

Commissioner Karras stated that the intent of the site plan requirement was to make sure applicants knew what they could and could not do. Chairman Ohlin felt that could be handled with a clearly written permit.

Commissioner Paul asked who would review and approve the site plan. Mr. Parkinson said as the Zoning Administrator he would.

Chairman Ohlin asked where the size requirement for the coop came from. Commissioner Kirch said the Planning Commission had looked at size requirements for different cities and made a composite.

Chairman Ohlin asked if a coop could be attached to a detached garage. Mr. Parkinson said it could as long as it was ten feet away from a property line.

Chairman Ohlin asked about the square footage of the coop. Commissioner Kirch said it was three square feet per animal, which was what Utah State and the Department of Agriculture recommended.

Commissioner Paul asked if an applicant could apply for a variance. Steve Parkinson said an applicant would have to prove something about his land prevented him from complying with the requirements of the ordinance. He felt it would be difficult for an applicant to prove such a hardship.

Chairman Ohlin stated that 3-C-1 required a coop to have solid walls on all sides. Most coops had sides made of chicken wire. Commissioner Karras said the coop itself had to have solid walls. A run would be constructed of chicken wire.

Chairman Ohlin questioned the use of the word 'screening' in 3-C-4. In other places in the Zoning Ordinance 'screening' meant making something non visible. She felt different wording should be used. She asked if a run had to be covered.

Commissioner Paul felt the maximum size of a coop should be stipulated. If it wasn't, a homeowner could make his entire backyard a chicken run. Clinton City stated that the maximum size of a coop and run combined could not be larger than 150 square feet.

Chairman Ohlin felt the requirement in 3-C-3 to paint or stain the coop annually should be removed. A lot of coops were constructed of material besides wood. Mr. Parkinson felt the first sentence about maintenance should be retained. He would take out the sentence about annual staining.

Commissioner Sphar stated that chicks could be sold according to sex. A homeowner might purchase all hens, but occasionally one ended up being a rooster. How would a homeowner dispose of an unwanted animal, such as a rooster or older hen? The chicken regulations prohibited sales or slaughter. Commissioner Kirch pointed out that the City did not tell a homeowner how to dispose of dogs or cats. Why should the chickens be any different? It would

be up to the homeowner. Commissioner Nandell said small animals were considered waste and could be placed in garbage cans.

Chairman Ohlin asked about fees. Steve Parkinson said fees would be determined by the City Council. The Planning Commission could make recommendations if it wanted to.

Chairman Ohlin asked about a onetime application. Was there really a need for a permit to be renewed annually? Commissioner Kirch said the Planning Commission felt the annual renewal fee should be less than the original permit fee. Commissioner Paul felt renewing the permit would help the City know who still had coops and who did not. He felt it was important for the City to have current information. Consistent information was beneficial. It wouldn't be any different than renewing a dog or cat license.

Commissioner Kirch stated that raising chickens wasn't cheap. Those who wanted to have chickens were dedicated to the lifestyle and the finances involved. It wasn't fair to those who wanted to have chickens to have others who purchased chicks for Easter, put them out, and did not follow the rules.

Commissioner Sphar felt an annual renewal would give both the applicant and the City the opportunity to update numbers and site plans.

Commissioner Kirch stated that the staff and Planning Commission spent a lot of time on this issue several years ago. Circumstances had changed since then. The use was more common. There was a lot of data available. Some of the Planning Commission's original concerns had been mitigated by evidence. Would this ordinance be fair to citizens who wanted to have fowl and those who did not want to be bothered? She felt the proposed ordinance would allow both to co-exist.

There was a discussion about what size the coop and run should be.

Chairman Ohlin asked members of the audience about the size of a typical run.

David Wells, 6074 South 2900 West, stated that homeowners wanted their chickens to be free to roam all over their back yards. The run was only for use when a homeowner was not at home. Chickens reduced the amount of insects and field mice in a yard. He did not feel 150 square feet was large enough.

Greg Sagen, 4027 West 4900 South, agreed that the run was for keeping chickens in when a homeowner wasn't home. Keeping chickens in a run was not normal for the animal. When chickens were cooped up, they became mean with each other.

Jason Kunzler, 5446 South 4125 West, stated that he had been in contact with Utah State Department of Agriculture. They recommended eight square feet per bird for a healthy bird. Six chickens would mean 48 square feet of run. They recommended 1.5 square feet of coop space per bird, or a total of 9 square feet.

Steve Parkinson stated that chickens did fly, which was the reason behind the requirement for a coop and covered run. Chairman Ohlin felt the chicken ordinance should require wings to be clipped.

David Wells stated that more space was needed in the run than in the coop. If a coop as too large, chickens could not keep themselves warm.

Commissioner Kirch felt the staff should research how much square footage was needed per bird.

Steve Parkinson pointed out that the regulations needed to address rabbits as well. He did not know how much room a rabbit needed. He would have to do some research. He suggested that the regulations break out the requirements for chickens and rabbits.

Steve Parkinson stated that he would make the changes discussed and bring the proposed ordinance back for the Planning Commission to review. Commissioner Kirch said the Commission had concerns about 2-C, 2-G, 3-C-1, 3-C-3, and 3-C-4. She felt it would be easier to lessen restrictions once the ordinance was adopted rather than try to make it more restrictive. She said the Planning Commission would have to discuss whether to allow chickens to roam free. She proposed that the square footage in the coop be changed to 2 square feet per animals. More research was needed to determine if that number was definitive.

Commissioner Kirch asked if a coop needed to be ten feet away from another structure if it was heated. Mr. Parkinson said he would ask the building inspector.

Commissioner Kirch felt Roy's proposed ordinance was simple and to the point. At the time it was written she wasn't sure about it. After reading ordinances from other cities, she realized that Roy's was well written.

Commissioner Kirch knew that members of the audience had a special interest in this issue. It was uncommon for the public to be invited to make comments outside of a public hearing. The minutes of February 2013 reflected that the Planning Commission forwarded a proposed ordinance regulating chickens and bees to the City Council without a recommendation. At that time allowing fowl in residential areas had many unknowns. She felt it behooved the Commission members to conduct research to see if any municipalities had experienced negative impacts from fowl in residential areas.

6. COMMISSIONER'S COMMENTS

Commissioner Paul asked when the roundabout on 4800 South would be started. Cathy Spencer, Management Services Director, stated that construction would begin on the roundabout when the school year ended. Commissioner Paul asked if homes in the West Park Subdivision would be occupied before the roundabout was finished. Steve Parkinson stated that the subdivision had not been recorded yet. The City could not issue building permits until it was.

7. STAFF UPDATE

Steve Parkinson stated that he did not have information about the completion of Midland Drive. Commissioner Kirch stated that UDOT's website said they were supposed to start crack sealing on February 20th. Commissioner Nandell said UDOT had sealed Midland Drive and was currently striping it.

Steve Parkinson stated that construction had started on Station Square.

Commissioner Nandell asked if the meeting on March 22nd would be cancelled due to caucus meetings. Mr. Parkinson said it would.

8. ADJOURN

Commissioner Paul moved to adjourn at 7:11 p.m. Commissioner Nandell seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Attest:

Lindsey Ohlin
Chairman

Michelle Drago
Secretary

dc:pfeb2316