

## PLANNING COMMISSION

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

# AMENDED AGENDA

**April 26, 2016**

**6:00 p.m.**

The Roy City Planning Commission regular meeting will be held in the Administrative Conference 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 April 12, 2016 regular meeting minutes
3. Discussion on a proposed amendment to the Zoning Code regarding Chickens and Rabbits
4. Discussion on a proposed amendment to the Zoning Code regarding Board of Adjustments
5. Discussion on a proposed amendment to the Zoning Code regarding allowance of Farm Animals on large parcels along the Power Line Corridor.
6. Commissioners Comments
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](mailto: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 22<sup>nd</sup> day of April, 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 22<sup>nd</sup> day of April, 2016.

STEVE PARKINSON;  
PLANNING & ZONING ADMINISTRATOR



1 ROY CITY PLANNING COMMISSION

2  
3 April 12, 2016

4  
5 Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy  
6 City Municipal Building on April 12, 2016, at 6:00 p.m.

7  
8 The meeting was a regularly scheduled meeting designated by resolution. Notice of the  
9 meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the  
10 agenda was posted.

11  
12 The following members were in attendance:

13  
14 Lindsey Ohlin, Chairman Steve Parkinson, Planner  
15 Leland Karras Michelle Drago, Secretary  
16 Gennie Kirch  
17 Doug Nandell  
18 Lindsey Ohlin  
19 Claude Payne  
20 Jason Sphar

21  
22 Excused: Joe Paul

23  
24 Others present were: Phil Hancock; ChiLin Lee; NeiLin Lee; Kim Crittendon; Fred Brimhall;  
25 Gardner Crane; Greg Sagen; and Perry Martinez.

26  
27 Pledge of Allegiance: Doug Nandell

28  
29 1. DECLARATIONS OF CONFLICT

30  
31 There were none.

32  
33 2. APPROVAL OF MARCH 8, 2016, MINUTES

34  
35 **Commissioner Kirch moved to approve the March 8, 2016, minutes as written.**  
36 **Commissioner Sphar seconded the motion. Commission members Karras, Kirch,**  
37 **Nandell, Ohlin, Payne, and Sphar voted “aye.” The motion carried.**

38  
39 3. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION  
40 APPROVAL OF PREMIER FUNERAL HOLDINGS, A COMMERCIAL SUBDIVISION  
41 LOCATED AT 5355 SOUTH 1950 WEST

42  
43 Steve Parkinson stated that the City had received a request for preliminary approval of a  
44 subdivision for Premier Funeral Holdings. The subdivision was located across the street from  
45 the CVS Pharmacy on the west side of 1950 West. The site currently consisted of two separate  
46 parcels. The building was located on one parcel; the parking on another. The applicant was  
47 proposing to combine the two parcels into one lot. There would not be any physical changes to  
48 the property.

49  
50 Mr. Parkinson said the proposed subdivision complied with the zoning requirements of the  
51 Regional Commercial Zone in which it was located. The Development Review Committee had

52 found that the proposed subdivision met all the requirements of the Zoning and Subdivision  
53 Ordinances. The staff recommended that the Planning Commission recommend that the City  
54 Council grant preliminary approval of a subdivision for Premier Funeral Holdings.  
55

56 Commissioner Karras said this was just an administrative issue. Mr. Parkinson said it was.  
57

58 **Commissioner Karras moved to open the public hearing at 6:02 p.m. Commissioner**  
59 **Nandell seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin,**  
60 **Payne, and Sphar voted “aye”. The motion carried.**  
61

62 Chairman Ohlin opened the floor for public comments. There were none.  
63

64 **Commissioner Kirch moved to close the public hearing at 6:03 p.m. Commissioner**  
65 **Nandell seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin,**  
66 **Payne, and Sphar voted “aye.” The motion carried.**  
67

68 **Commissioner Kirch moved to recommend that the City Council grant preliminary**  
69 **approval of the subdivision for Premier Funeral Holdings located at approximately 5355**  
70 **South 1950 West based on the staff’s findings and subject to the conditions**  
71 **recommended by the Development Review Committee in its April 8, 2016, memo.**  
72 **Commissioner Sphar voted “aye.” The motion carried.**  
73

74 4. CONSIDERATION OF A REQUEST FOR SITE PLAN AND ARCHITECTURAL  
75 APPROVAL FOR ORIENTAL MARKET, A COMMERCIAL DEVELOPMENT LOCATED  
76 AT 1786 WEST RIVERDALE ROAD  
77

78 Steve Parkinson stated that the City had received a request for approval of a site plan and  
79 architectural details for the Oriental Market located at approximately 1786 West Riverdale Road.  
80 Last year the Oriental Market building burned. The owners wanted to rebuild. He asked that the  
81 Planning Commission address and approve the site plan and architectural details separately.  
82 The proposed site plan located the building toward the back of the lot. The owners wanted to  
83 take advantage of the fact that the back of the lot was lower than Riverdale Road by including a  
84 basement that would be used for storage. The market itself would be located on the main level.  
85 The exterior of the building would be stucco.  
86

87 Mr. Parkinson stated that the site was located in the Regional Commercial Zone and complied  
88 with the zoning requirements. The lot was accessible from both Riverdale Road and 5200  
89 South, but the main entrance would be on Riverdale Road. The proposed site plan complied  
90 with the 10% landscaping requirement. The Zoning Ordinance required one parking space for  
91 every 300 square feet of gross retail space. In this case, 65% of the building would be used for  
92 storage. It would not be accessible to the public. The staff felt the parking requirements should  
93 be based on the retail space itself. The site plan proposed a total of 22 parking spaces.  
94 However, some of those parking spaces were located in the setback area and needed to be  
95 eliminated. The remaining twelve parking spaces were sufficient to meet the parking needs for  
96 the retail space. There were three parking spaces located on the back side of the property for  
97 use by employees. The appearance of the site would be much better than it was and would help  
98 in the City Council’s efforts to beautify Riverdale Road and 1900 West.  
99

100 Mr. Parkinson stated that the staff had found that the building elevations and proposed materials  
101 met the Zoning standards, and that the site plan could meet all of the requirements of the  
102 Zoning Ordinance. The DRC did have some concerns about the site, but Mr. Parkinson felt they  
103 could be resolved.

104  
105 Commissioner Kirch asked if the eliminated parking could be replaced with some parallel  
106 parking spaces that wouldn't encroach into the setback area. Mr. Parkinson said he would look  
107 into whether parallel parking would fit.

108  
109 Commissioner Nandell asked about the elimination of the parking lot light. Mr. Parkinson said  
110 that if parking spaces were eliminated, the need for the light would go away. There would be  
111 lighting on the building.

112  
113 Steve Parkinson stated that the staff was concerned about the architectural details of the  
114 building itself. The building was longer than 30 feet without a vertical break in the façade. Other  
115 sides of the building had similar issues. An awning was proposed along part of the front façade.  
116 He asked if the Planning Commission felt the awning would suffice as a vertical break. It would  
117 be cosmetic, not structural.

118  
119 Commissioner Nandell felt the appearance of the building was okay. The Planning Commission  
120 agreed that the proposed awning would provide a sufficient break in the front façade.

121  
122 Steve Parkinson stated that the staff recommended that the Planning Commission approve a  
123 site plan for the Oriental Market subject to compliance with the DRC memo dated April 28,  
124 2016, and any comments from future reviews. The staff recommended that the Planning  
125 Commission approve the architectural details

126  
127 Commissioner Kirch stated that the City was trying to improve the appearance of the  
128 community. She asked if a vertical structural break could be made at the end of the front  
129 window.

130  
131 Phil Hancock, representing the applicant, said the owners planned to add four feet of stone to all  
132 four facades of the building. They were asking the Planning Commission to reconsider the  
133 parking in the setback area. Convenient parking was crucial for this area. He felt convenient  
134 parking in this area was more important than parking that conformed to the setback  
135 requirement. The HiFi Shop to the east did not have additional parking. The front landscaping  
136 could be bermed to screen the parking. The site had been carefully designed to allow vehicles  
137 to get off of Riverdale Road.

138  
139 Commissioner Kirch asked if the parking could be angled. Mr. Parkinson said it could not  
140 because the site had reciprocal access with the adjoining properties. The parking needed to be  
141 accessible from either direction. Angled parking was accessible from only one direction.  
142 Commissioner Kirch sympathized with the applicants, but they had to comply with the setback  
143 requirement.

144  
145 Chairman Ohlin asked if the Planning Commission needed to direct the staff to look at whether  
146 parallel parking would fit on the site. Mr. Parkinson said he would look at it. Any additional  
147 parking would be good for the applicant and the City.

148 **Commissioner Kirch moved to approve a site plan for the Oriental Market located at**  
149 **approximately 1786 West Riverdale Road based on the staff's findings and subject to the**  
150 **conditions listed in the DRC's April 8, 2016, memo and any future findings.**  
151 **Commissioner Karras seconded the motion. Commission members Karras, Kirch,**  
152 **Nandell, Ohlin, Payne, and Sphar voted "aye." The motion carried.**  
153

154 **Commissioner Kirch moved to stipulate that the awning, windows, and arch proposed on**  
155 **the front façade would provide the vertical break on the front façade required by the**  
156 **Zoning Ordinance. Commissioner Sphar seconded the motion. Commission members**  
157 **Karras, Kirch, Nandell, Ohlin, Payne, and Sphar voted "aye." The motion carried.**  
158

159 5. CONSIDERATION OF A REQUEST FOR APPROVAL OF BUILDING MATERIALS FOR  
160 THE ADERRA LUXURY APARTMENT DEVELOPMENT LOCATED AT  
161 APPROXIMATELY 4600 SOUTH 3500 WEST  
162

163 Steve Parkinson stated that when the building elevations for the Aderra Luxury Apartment  
164 development were approved the exterior materials consisted of hardy board planks and rock.  
165 The developer wanted to introduce brick to the façade as well. The material complied with the  
166 Zoning Ordinance and would add one more detail to the façade. The staff recommended that  
167 the Planning Commission approve the addition of brick to the exterior.  
168

169 Gardner Crane, Uinta Land Company, stated the goal of an apartment community was to make  
170 it look like anything but apartments. They had found that the more components they introduced,  
171 the more an apartment development felt like a neighborhood. In the Aderra development, each  
172 building would have hardy board, stone, and brick but would be subtly different. The subtle  
173 differences would help the development look more like a village.  
174

175 **Commissioner Nandell moved to approve the addition of brick to the building materials**  
176 **for the Aderra Luxury Apartment development located at approximately 4600 South 3500**  
177 **West. Commissioner Sphar seconded the motion. Commission members Karras, Kirch,**  
178 **Nandell, Ohlin, Payne, and Sphar voted "aye." The motion carried.**  
179

180 6. CONSIDERATION OF A REQUEST FOR APPROVAL OF BUILDING MATERIALS FOR  
181 JAMESTOWN MULTI-FAMILY DEVELOPMENT LOCATED AT APPROXIMATELY 5000  
182 SOUTH 1750 WEST  
183

184 Steve Parkinson stated the Jamestown was a 6-unit multi-family development located at  
185 approximately 5000 South 1750 West. The applicant was requesting approval of the building  
186 materials, which consist of hardy board plank and vinyl siding. Although each unit would be  
187 slightly different in color, the same building materials would be used.  
188

189 Commissioner Karras felt the proposed colors would blend well with the neighborhood.  
190

191 **Commissioner Karras moved to approve the building materials of hardy board plank and**  
192 **vinyl siding for the Jamestown multi-family development located at approximately 5000**  
193 **South 1750 West. Commissioner Payne seconded the motion. Commission members**  
194 **Karras, Kirch, Nandell, Ohlin, Payne, and Sphar voted "aye." The motion carried.**  
195

196 7. COMMISSIONER'S COMMENTS

197  
198 Commissioner Kirch asked if the Planning Commission would discuss the chicken ordinance at  
199 the next meeting. Mr. Parkinson said it would.

200  
201 8. STAFF UPDATE

202  
203 Steve Parkinson stated that the Planning Commission members were invited to attend the Small  
204 Area Meeting being held by Wasatch Front Regional Council on Tuesday, April 27<sup>th</sup>. The  
205 meeting would be held in the Clinton City Recreation Building from 3:00 to 5:00 p.m. The  
206 purpose of the meeting was to discuss the 2019-2050 Regional Transportation Plan.

207  
208 Commissioner Kirch asked if a definite location had been identified for the Legacy Highway. Mr.  
209 Parkinson was aware the UDOT was purchasing land, but he did not know where.

210  
211 Commissioner Karras stated that UDOT had started work on the Midland Drive/3500 West cul-  
212 de-sac.

213  
214 Steve Parkinson reported that the City Council had approved the new Sign Ordinance after it  
215 made a few changes to the temporary sign regulations. The Council felt each business should  
216 be allowed to have one temporary sign all year and one A-frame sign. The Sign Ordinance  
217 would go into effect on July 1<sup>st</sup>.

218  
219 Steve Parkinson stated that he and the Management Services Director just finished interviews  
220 for a new Code Enforcement Officer. He hoped to have the position filled within the next day.

221  
222 Steve Parkinson stated that Clint Drake, City Attorney, had accepted a position with Bountiful  
223 City.

224  
225 Steve Parkinson stated that the City Council wanted the staff to amend the Zoning Ordinance to  
226 replace the Board of Adjustment with a single hearing offer. Other cities that had made that  
227 change found there was more consistency. He would discuss the amendment with the  
228 Commission at their next work session.

229  
230 ADJOURN

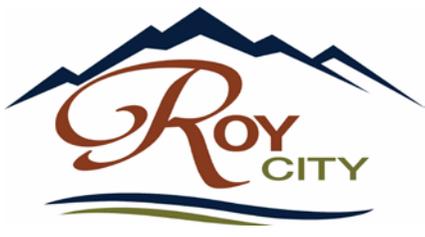
231  
232 **Commissioner Karras moved to adjourn at 6:43 p.m. Commissioner Nandell seconded**  
233 **the motion. Commission members Karras, Kirch, Nandell, Ohlin, Payne, and Sphar voted**  
234 **“aye.” The motion carried.**

235  
236  
237 Attest:

\_\_\_\_\_  
Lindsey Ohlin, Chair

238  
239  
240  
241 \_\_\_\_\_  
Michelle Drago, Secretary

242  
243 dc:parp1216



## COMMUNITY DEVELOPMENT DEPARTMENT

MEMO

Date: 22 April 2016  
To: Planning Commission  
From: Steve Parkinson – Planning & Zoning Administrator   
Subject: Agenda Items # 3 & # 4

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**Item # 3** – Discussion on a proposed amendment to the Zoning Code regarding Chickens & Rabbits

I have attached the proposed ordinance that we went over during our last work-session, along with some clarification notes (in red). I have attached research materials that Commissioners Kirch and Karras found online. I have also attached the minutes from our last work-session (February 23, 2016)

**Item # 4** – Discussion on a proposed amendment to the Zoning Code regarding Board of Adjustments

The Council has directed staff to look to remove the Board of Adjustments from the Zoning Code and replace it with a Hearing Officer. There are four (4) sections within our Zoning Code that has reference to the Board of Adjustments. Words, phrases or paragraphs that are struck through are to be deleted and those which are bolded are to be added.



## Proposed Ordinance for Chickens/Rabbits in Roy City

The purpose of this section is to provide supplementary regulations for the keeping of Chickens/Rabbits in the single family zoning districts of the city. It shall be unlawful to keep Chickens/Rabbits in the R-1-6, R-1-7, R-1-8, R-1-10 and R-1-15 zones except as provided in this section.

- A) Allowance- All single-family residential properties in the R-1-6, R-1-7, R-1-8, R-1-10 and R-1-15 zones that have 8,000 square feet on their property, shall be allowed to have up to six (6) Chickens (excluding roosters and crowing hens), or six (6) rabbits, or a combination of Chickens or Rabbits not to exceed six (6). This would exclude dependent young.
- B) Permit required- A city permit is required for the keeping of any animal or animals under this section. Permits may only be issued to the property owner of record.
  - a) Fee. The permit fee shall be set forth in the adopted Fee Schedule of the City.
  - b) Renewal. All permits issued under this section are subject to annual inspection and renewal.
  - c) Inspection. Inspections related to a permit issued under this section must be permitted as deemed necessary by the City. (Similarly to Bees, the City inspects upon application, upon renewal of license and when there is a complaint)
  - d) Revocation. A permit may be revoked by the City for any violation of this section at any time.
  - e) Transfer of Permits. Permits under this section are issued to property owners of specific lots and may not be transferred or assigned to other persons or properties when ownership or residency changes.
  - f) Notice to Adjacent Neighbors. Upon receiving an application under this section, the Zoning Administrator shall cause notice of the application to be sent by mail to all owners of property immediately adjacent to the subject property. (Similarly to Bees, the neighbors are notified of the use, they may call but cannot supersede the ordinance)
  - g) Site Plan. An application for a permit under this section must be accompanied by a site plan indicating the lot, the primary residence, and the proposed placement of the structures in compliance with the requirements of this section. (Similarly to Bees, it's to identify where the coop/run will be located on the property)
  - h) Zoning Administrator. The Zoning Administrator or his or her designee shall be responsible for the review of applications, issuance or denial of permits, inspections, renewals, investigation of complaints, and revocation of permits when necessary.
- C) Regulations for the keeping of Chickens and Rabbits –
  - 1) Chickens: The issuance of a permit for the keeping of non-crowing, egg-laying Hens under this section shall be predicated upon compliance with the following.
    - a) Roosters. Roosters and crowing hens of all kinds are prohibited
    - b) Personal Use Only. The keeping of hens is intended only for pleasure or family food production (eggs/meat). No sale of any kind or slaughter is permitted.
    - c) Enclosure Standards. All animals must be contained within an enclosure or fenced area at all times. Such an area shall be entirely with the rear yard. No enclosures will be permitted in the front or side yards.
      - 1. Structure- All animals kept under this section shall be housed within a covered, predator proof and well ventilated coop or hutch. The structure must provide a minimum of three square feet per animal, with a minimum of six (6) square feet of floor area per chicken to allow for free movement inside the coop. No coop or hutch may exceed seven (7) feet in height. Coops, hutches and enclosures shall have solid walls on all sides, except for opening for access, must have a solid roof, and built to prevent intrusion, including burrowing of all types of rodents, vermin, and predatory animals. (It was discussed to require the coop to be 2 sq.-ft. per chicken and allow a maximum of 150 sq.-ft run)
      - 2. Location- All structures provided under this section shall be located a minimum of thirty (30) feet from any dwelling on an adjacent lot, ten (10) feet from any property line and ten (10) feet from any dwelling on the same lot.
      - 3. Maintenance- Coops, hutches and enclosures shall be cleaned and maintained as necessary to prevent detectable odor at the property line. All coops or hutches must be maintained in good repair and painted or stained annually.

4. Screening- Hens shall not be permitted to roam outside the screened yard area of the coop.  
(If it is required that chickens be within a coop/run then this item isn't an issue. It would only be an issue if they are allowed to roam around the yard, outside of their coop)
  5. Feed- Feed for animals kept under this section must be stored and dispensed in rodent proof, predator-proof containers.
  6. Wastewater- Wastewater from the use of the animals or related to the maintenance of the structure shall be retained or disposed of entirely on the property.
  7. Disposal of Animals-
- 2) Rabbits: The issuance of a permit for the keeping of Rabbits under this section shall be predicated upon compliance with the following.
- a) Personal Use Only. The keeping of rabbits is intended only for pleasure. No sale of any kind or slaughter is permitted.
  - b) Enclosure Standards. All animals must be contained within an enclosure or fenced area at all times. Such an area shall be entirely with the rear yard. No enclosures will be permitted in the front or side yards.
    1. Structure-
    2. Location-
    3. Maintenance-
    4. Screening-
    5. Feed-
    6. Wastewater-
    7. Disposal of Animals-

**Rabbit research:**

Commissioner Kirch provided the following:

After looking around for information concerning pen size and other requirements, it might be best if we just put limitations on where they could be and minimum requirements (not maximum, other than height). Below is a link to a PDF with great information. However, according to breed rabbits need more or less space.

Also, we need to address litters of rabbits. Rabbits usually have large litters, so in the ordinance how long will they be permitted to keep the young. And a litter could possibly exceed the number of rabbits allowed. They reproduce well. We might want to limit bucks to does.

I think part of the Proposed Ordinance applies to both chickens and rabbits, but when it gets into the Regulation details, they are dynamically different and will probably warrant their own section.

American Rabbit Breeders Association

Here is a link to a pdf document with recommendations for pen size etc.

<https://www.arba.net/PDFs/CAW.pdf>

After reviewing the information at this website, rabbits might be more interesting to write recommendations for.

Found this blurb looking around the net:

Wire cages of at least six square feet in area are preferable for breeding does and weaned litters. Bucks' cages should have at least five square feet of floor space. Cage height should be about 18 inches to allow animals to stretch upwards. All cages should be cleaned on a regular basis and those kept outside should be well protected from the weather.

Commissioner Karras provided the following:

America Rabbit Breeders Association

Cage Requirements

All rabbits should be raised in hutches that have 1/2" x 1/2" or 1/2" x 1" galvanized wire mesh bottoms. This will allow their droppings to fall through. If they stay on any other type of surface that allows their feces to accumulate, it will cause disease because of the bacterial and possible parasitic build up. It is usually best to surround the rabbit with wire or metal because the rabbit will chew threw wood or plastic that they can get at. Be sure to protect the rabbit from the sun, wind, rain, and extremely hot or cold temperatures. Use an automatic feeder that can be filled without opening the cage. Also, I like to use feeder bottles with nipples pointing into the cage. This type prevents contamination and overturning that bowls experience. It's also OK to use large tin cans tied with wire to the sides of the hutch.

I find that it's better to purchase cages from a cage maker. They usually do a good job for not much more than the materials would cost you. But if you want to make your own cages, allow 0.75 square feet of space for each pound of adult weight. For instance, if a rabbit's adult weight is 10 pounds, multiply 0.75 by 10. This gives 7.5 sq. ft. This can be attained by building a cage 3 ft. x 2.5 ft. (3 x 2.5 = 7.5). The height should be 18 Inches. If the adult's weight is 3 pounds, multiply 0.75 by 3. This gives 2.25 sq. ft. You can build the cage 1.5 ft x 1.5 ft. (18" x 18"). Its height, because it is a small rabbit, can be 15".

Never make the hutch more than 3 ft. deep or the sides more than 3 feet from your grasp. Otherwise,, you'll have trouble getting the rabbit out when you need to.

Do not put rabbits together after they are 3 months of age. The ones of the same sex are territorial and will fight. The ones of opposite sex will attempt to breed. This can lead to unexpected results.

**Suggested Space and Housing Guidelines for Fully Mature Farm Animals**

| Animal                               | Horse  | Beef Cow   | Dairy Cow   | Dairy Goat   | Pig  | Sheep                                  | Hen                          | Broiler                      | Turkey                   |
|--------------------------------------|--|--|---|--|--|--|------------------------------|------------------------------|--------------------------|
| Unit                                 | 1 horse  | 1 cow  | 1 cow   | 1 goat   | 1 pig  | 1 sheep                                | 1 hen                        | 1 broiler                    | 1 turkey                 |
| Enclosed Housing Area/Animal         | -Tie stalls 45 sq. ft.; 5' x 9' - Box stall 12' x 8' or 10' by 10' | 75-100 sq. ft.   | 75-100 sq. ft.  | 20-25 sq. ft.  | 48 sq. ft. with exercise yard; 100 sq. ft. without exercise yard | 20-25 sq. ft.                          | 3-4 sq. ft.                  | 3-4 sq. ft                   | 6 sq. ft.                |
| Exercise Yard Area /Animal           | 200 sq. ft   | 100-125 sq. ft   | 100-125 sq. ft  | 50 sq. ft  | 200 sq. ft   | 50 sq. ft                              | 10 sq. ft                    | -----                        | 20 sq. ft                |
| Pasture Area /Animal                 | 1-2 acres  | 1-2 acres  | 1-2 acres   | 0.2-0.3 acres  | 12-14 sows/ acre/ rotational pasture                             | 0.2-0.3 acres                          | -----                        | -----                        | 100 sq. ft               |
| Type of Housing and Boundary Setback | Enclosed ventilated barn or open 3-sided barn Setback 50 ft.       | Open front 3-sided barn Setback 50 ft.                             | Open front 3-sided barn, free-stall or enclosed stanchion barn Setback 50 ft. | Enclosed barn with removable side panels or windows Setback 50 ft. | Enclosed barn, huts, shed, hutches or lean-to Setback 50 ft.     | Open front 3-sided shed Setback 50 ft. | Enclosed barn Setback 50 ft. | Enclosed barn Setback 50 ft. | Enclosed barn Setback 50 |
| Fencing                              | Electric<br>Wooden rail<br>Woven wire                              | Barbed wire<br>Electric<br>Woven wire                              | Barbed wire<br>Electric<br>Woven wire   | Electric<br>Woven wire   | Electric<br>Plank rail   | Electric<br>Woven wire                 | Chicken wire                 | -----                        | Chicken wi               |
| Family Needs                         | 1 horse per family member  | ½ - 1 beef animal/year; raise 2 animals/yr to provide cont. supply | 1-2 cows  | 2-3 goats  | 2 pigs per yr.   | 6 sheep                                | 6 hens                       | 24 broilers                  | 12 turkeys               |

**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 2<sup>nd</sup> 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 was 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 animal. 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.

Here are the different sections of the Zoning Code dealing with Board of Adjustments (BOA):

**Section 304—Board of Adjustment: Hearing Officer**

There is hereby created and established a Roy City ~~Board of Adjustment (BOA)~~: **Hearing Officer (HO)**

- 1) Powers and Duties. The ~~BOA~~ **HO** shall hear and decide:
  - a) Variances from the terms of this Ordinance, with a finding of unreasonable hardship as required by Chapter 10-9a U.C.A., as amended, and as provided by Chapter 25, herein.
  - ~~b) Render decisions on determinations of nonconforming uses and noncomplying structures as provided by Chapter 23, herein. (To be included within the duties of the Zoning Administrator)~~
  - ~~c) Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion, or enlargement of a noncomplying building or structure, as provided by Chapter 23, herein. (To be included within the duties of the Zoning Administrator)~~
  - d) Recommend to the Commission revisions to the Roy City General Plan, this Ordinance, and the Subdivision Ordinance.
  - e) To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the **BOA HO**, for the consideration of applications and for any other purposes deemed necessary by the **BOA HO** provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which bylaws, policies, and procedures shall first be approved by the Council before taking effect.
- 2) The ~~BOA~~ **HO** shall have no power, jurisdiction, or authority to consider any of the following:
  - a) Any variances or waivers to any of the standards governing the approval of a General Plan Amendment Application, Zoning Ordinance Amendment Application, Zoning Districts Map Amendment Application, Subdivision Ordinance Amendment Application or any other approval, permit or license.
  - b) Amendments to the General Plan, any element or map thereof, or any provision, requirement or map of this Ordinance, or any provision or requirement of the Subdivision Ordinance.
  - c) Make any decisions or determinations that would have the effect of authorizing a use, which is not identified in Table 17-1 and Table 17-2, Table of Uses, herein.
- 3) Qualifications for Membership. Members of the BOA shall be appointed by the Mayor, with advice and consent of the Council.
- 4) ~~Membership: Appointment, Removal, Terms, and Vacancies.~~
  - ~~a) The BOA shall be composed of five (5) members with two (2) alternates.~~
  - ~~b) The members of the BOA shall be residents of Roy. No member of the BOA shall be an elected or appointed official, or employee of Roy City.~~
  - ~~c) The Mayor, with advice and consent of the Council, may remove any member of the BOA for violation of this Ordinance or any policies or procedures adopted by the BOA following receipt of a written complaint filed against the member.~~
  - ~~d) A BOA member shall be automatically removed if three (3) consecutive or twenty-five (25) percent of the BOA meetings in a calendar year are missed. If the absence of a BOA member is due to an extended illness or vacation, the BOA member is responsible to provide written notice to the City Manager prior to the time the absence will occur. If such notice is given, the removal requirements do not apply.~~
  - ~~e) Members of the BOA shall serve with compensation, as adopted by the Council, and the Council shall provide for reimbursement to BOA members for approved actual expenses incurred, upon presentation of proper receipts and vouchers.~~
  - ~~f) All members shall serve a term of five (5) years, provided that the term of one (1) member shall expire each year. No member shall serve more than two (2) consecutive terms.~~
  - ~~g) At an annual organizational meeting, held the first regular meeting of the year, and at other times as required, the members of the BOA shall recommend one (1) of their members as chair and one (1) of their members as vice chair to the Council. The Mayor with advice and consent of the Council shall appoint the BOA chair and vice chair. The chair and vice chair shall serve a term of~~

- one (1) year. In the absence of the chair, the vice chair shall act as chair and shall have all powers of the chair.
- ~~h) The chair, or in the chair's absence, the vice chair of the BOA shall be in charge of all proceedings before the BOA, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the BOA.~~
- ~~i) BOA vacancies occurring for any reason shall be filled by appointment by the Mayor with advice and consent of the Council. Vacancies of the BOA occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term. (The Hearing Officer would need to meet certain qualifications, would be provided a compensation, appointed by the Council)~~
- 5) Recording Secretary. The ~~City Manager~~ **Zoning Administrator** shall assign the City Recorder or other Staff member to act as the recording secretary to serve the **BOA HO**. The Recording Secretary shall keep the minutes of all proceedings of the **BOA HO**, which minutes shall be the official record of all proceedings before the **BOA HO**, attested to by a majority vote of the members of the **BOA HO**. The minutes of all meetings of the **BOA HO** shall be filed in the office of the City Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act, §63-2-101 et. seq. U.C.A., as amended. The Recording Secretary shall be compensated as approved by the Council.
- 6) Quorum and Necessary Vote. ~~No meeting of the BOA may be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the BOA. All decisions and recommendations by the BOA shall require a minimum of three (3) votes. The BOA shall transmit reports of its decisions and recommendations to the Council. Any member of the BOA may also make a concurring or dissenting report or recommendation to the Council. (Since there is only one person, this subsection isn't necessary)~~
- 7) Decisions Final on Meeting Date, Exceptions. All decisions of the **BOA HO** shall be final and shall take effect on the date of the meeting when the decision is made, unless a different date is designated at the time the decision is made.
- 8) Meetings, Hearings, and Procedure.
- a) ~~Regular meetings of the BOA HO shall be held as required~~ **needed:**
  - b) ~~Special meetings may be requested by a majority vote of the BOA, or the chair of the BOA.~~
  - c) When a matter is postponed due to lack of a quorum, the chair of the **BOA HO** shall reschedule the matter to at the next available meeting time. The recording secretary shall notify all interested parties and all members of the **BOA HO** of the date when the rescheduled matter will be heard.

### Section 305—Zoning Administrator:

The Council shall designate a person to carry out the administrative responsibilities of this Ordinance, and the Subdivision Ordinance. The person so designated is referred to herein as the “Zoning Administrator.”

- 1) Powers and Duties. It is the responsibility of the Zoning Administrator to ensure all administrative processes, procedures and other provisions of this Ordinance and the Subdivision Ordinance are consistently and equitably applied. The Zoning Administrator shall have the following powers and duties:
  - a) To render final Administrative Decisions and Interpretations of this Ordinance in compliance with the requirements provided by Section 402.
  - b) To provide a determination of all Permitted, Conditional, and Temporary Uses.
  - c) To approve, approve with revisions, or deny all Site Plan Applications to establish a Permitted Use proposing to occupy an existing building(s) or proposing to modify or remodel the interior of an existing building(s).
  - d) To approve, approve with revisions, or deny the establishment or expansion of a Single-Family or Two-Family Dwelling, including Residential Accessory buildings.
  - e) To approve, approve with revisions, or deny a Temporary Use Application.

- f) **Render decisions on determinations of nonconforming uses and noncomplying structures as provided by Chapter 23, herein. (this came from 304 I b)**
- g) **Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion, or enlargement of a noncomplying building or structure, as provided by Chapter 23, herein. (this came from 304 I c)**

#### Section 307—Support:

The officers and staff of the City shall provide support and assistance to the Council, Commission, ~~BOA~~ **HO**, DRC, and Zoning Administrator, as required to effectively implement the General Plan, this Ordinance, and the Subdivision Ordinance.

#### Section 2302 – Approval Authority:

As provided for by the Act, the ~~BOA~~ **Zoning Administrator (ZO)** is authorized by the Council as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity,

#### Section 2303—Application Initiation and Application Completeness:

- 1) Requests for a determination by the ~~BOA~~ **ZO** of the existence of a legal nonconforming use, legal noncomplying structure, or other legal nonconformity shall be made on the applicable application form.
- 2) An Application for a Determination of a Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity shall be determined complete by the Zoning Administrator, as provided herein.

#### Section 2304—Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application Review Procedures and Approval Standards:

- 1) The procedures for the approval or denial of the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity are identified by Figure 23-1, herein.
- 2) The ~~BOA~~ **ZO** shall review the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity and determine if the application:
  - a) From the evidence presented by the applicant, who shall have the burden of establishing the legal existence of a nonconforming use, noncomplying structure, lot, sign, or other nonconformity, as provided by the Act, that sufficient information, documentation and other materials have been presented to clearly establish that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance.
- 3) Upon a finding by the ~~BOA~~ **ZO** that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance, the applicant may present any other necessary applications that may be required by this Ordinance, or the Building Codes, as adopted, as provided by Section 2308 below.
- 4) Upon a finding by the ~~BOA~~ **ZO** that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, did not legally exist on the date of adoption of this Ordinance, and did not legally comply with all prior enactments of this Ordinance, the applicant shall present an application to correct the illegality. No other action shall be taken by the City until the use, structure, lot, sign, or other nonconformity complies with the requirements of this Ordinance, as adopted.

#### Section 2305—Terms and Conditions for Nonconforming Uses:

Following a determination by the ~~BOA~~ **ZO** of the existence of a legal nonconforming use, the use shall comply with the following terms and conditions:

- 1) A nonconforming use may be continued by the present or future property owner.
- 2) As allowed by the Act, a legal nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purposes of the extension. For the purposes of this subsection, the addition of a solar energy device to a building is not a structural alteration.
- 3) Necessary maintenance and repairs may be made to a structure housing a legal nonconforming use by following the procedures for any approval, permit, or license, including the issuance of a Building Permit, for such maintenance and repairs.
- 4) The City may require the termination of a legal nonconforming use by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use.
- 5) The City may not terminate a nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the use has been abandoned.
- 6) A nonconforming use of a structure shall terminate if:
  - a) The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the Zoning Administrator or Building Official, that the structure is uninhabitable and that the nonconforming use will be lost if the structure is not repaired or restored within six (6) months.
  - b) The property owner has voluntarily demolished a majority of the building that houses the nonconforming use.
- 7) Change in Use. A nonconforming use may only be changed to a use allowed in the Table of Uses for the Zoning District in which the property is located by following the approval procedures for such new use, as required by this Ordinance.

#### Section 2306— Terms and Conditions for Noncomplying Structures:

Following a determination by the ~~BOA~~ **ZO** of the existence of a legal noncomplying structure, the structure shall comply with the following terms and conditions:

- 1) A noncomplying structure may be continued by the present or future property owner.
- 2) The City may not prohibit the reconstruction or restoration of a noncomplying structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure has been abandoned.
- 3) Necessary maintenance and repairs may be made to a legal noncomplying structure by following the procedures for any approval, permit, or license, including the issuance of a Building Permit, for such maintenance and repairs.
- 4) A noncomplying structure shall terminate if:
  - a) The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the Zoning Administrator or Building Official, that the structure is uninhabitable and that the noncomplying structure will be lost if the structure is not repaired or restored within six (6) months.
  - b) The property owner has voluntarily demolished a majority of the noncomplying structure.

#### Section 2307—Approved Determinations of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Applications to be on File:

The Zoning Administrator/~~BOA~~ Recording Secretary shall maintain all Determinations of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application approvals on file.

#### Section 2308—Effect of Approval:

- 1) A finding by the **BOA ZO** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall not authorize the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any nonconforming use, noncomplying structure, lot, sign, or other nonconformity.
- 2) Following a decision by the **BOA ZO**, the Recording Secretary shall provide the applicant with a written notice of the decision. The written record of all applications shall be maintained on file by the BOA Recording Secretary.
- 3) A finding by the **BOA ZO** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall not be deemed an approval of any application, permit, or license.
- 4) A finding by the **BOA ZO** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall allow the filing of an application for any necessary approval, permit, or license, as may be required by the City's Land Use Ordinances.

**Section 2309—Termination of a Nonconforming Use due to Abandonment:**

- 1) Any party claiming a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
- 2) Abandonment may be presumed to have occurred if:
  - a) A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the City regarding an extension of the nonconforming use.
  - b) The use has been discontinued for a minimum period of one (1) year; or
  - c) The primary building associated with the nonconforming use remains vacant for a minimum period of one (1) year.
- 3) The property owner may rebut the presumption of abandonment under this Subsection and shall have the burden of establishing that any claimed abandonment under this Subsection has not in fact occurred. The **BOA ZO** shall have authority to review and decide all disputes relating to abandonment of structures associated with a nonconforming use or noncomplying structures.
- 4) The City may terminate the nonconforming use status of a school district or charter school when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a minimum period of one (1) year.

**Section 2501—General:**

The ~~Board of Adjustment (BOA)~~ **Hearing Officer (HO)**, as provided by §10-9a et. seq. U.C.A., as amended, is hereby authorized to consider applications for variances, as defined. If the BOA finds that an unreasonable hardship, as defined herein, will result from the strict compliance with the provisions of this Ordinance, the BOA may approve a variance to the requirements of this Ordinance so that substantial justice may be done and the public interest secured, provided the variance shall not have the effect of nullifying in any way the intent and purpose of this Ordinance.

**Section 2503—Use Variance Prohibited:**

The **BOA HO** may not authorize the establishment of a use other than those uses as identified in the Table of Uses, Chapter 17.

**Section 2504—Standards:**

The **BOA HO** shall not approve a variance application unless, based upon the evidence presented, it finds that all of the following apply;

- 1) Literal enforcement of the provisions of this Ordinance would cause an unreasonable hardship for the applicant with the applicant providing evidence that the hardship is located on, or associated with the

subject property, for which the variance is sought, and is peculiar to the property rather than conditions generally existing on other properties in the in same zoning district or immediate area.

- 2) The identified hardship is not self-imposed.
- 3) The identified hardship is not economic in nature.
- 4) There exist special circumstances attached to the property that do not apply to other properties in the same zoning district. The **BOA HO** may find an unreasonable hardship exists only if the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- 5) The variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district. The **BOA HO** may find that special circumstances are attached to the property exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zoning district.
- 6) The granting of the variance will not be contrary to the public interest.

#### Section 2505—Conditions:

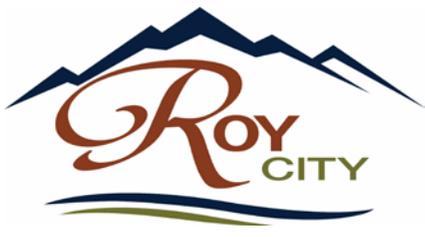
In approving any Variance Application, the **BOA HO** may require such conditions that in the judgment of the **BOA HO** are necessary to mitigate any negative effects of granting the variance and to secure the purposes of this Ordinance.

#### Section 2506—Effect of Granting a Variance:

Following a final decision of a Variance Application, the ~~BOA HO~~ Recording Secretary shall provide the applicant with a written notice of the decision. The record of all variance applications shall be maintained by the **BOA HO** Recording Secretary and the City Recorder. The granting of a variance shall not authorize the establishment or extension of any use, nor the development, construction, reconstruction, alteration or moving of any building or structure, but is a prerequisite to the preparation, filing, review, and determination of any approval, permit, or license that may be required by this Ordinance.

#### Section 2802—District Court:

- 1) Any person aggrieved by a decision of the Council in administering or interpreting this Ordinance may file a petition with District Court, as provided herein.
- 2) Any person aggrieved by a decision of the ~~Board of Adjustment (BOA)~~ **Hearing Officer (HO)** in administering or interpreting this Ordinance may file a petition with District Court, as provided herein.



## COMMUNITY DEVELOPMENT DEPARTMENT

MEMO

Date: 25 April 2016  
To: Planning Commission  
From: Steve Parkinson – Planning & Zoning Administrator   
Subject: Item # 5

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**Item # 5** – Discussion on a proposed amendment to the Zoning Code regarding allowance of Farm animals on large parcels along the Power Line Corridor between 3100 West and 3500 West.

I have attached to this memo the original proposed ordinance that Mr. Brigg wanted to get your feedback from on prior to making a formal applications.

I have also attached the minutes from the January 26, 2016 work-session where you had briefly discussed this proposal. Attached is also two other items that the Commission had requested to review.

1. Is the language that existed prior to 2007.
2. Is a map showing an Aerial of the area and the Zoning of the same area.



November 16, 2015

Roy City  
Attn: Planning Commission

RE: Potential Ordinance

Dear Roy City Planning Commissioners,

There is an opportunity to put unused land to beneficial use in certain portions of the Utah Power & Light Power Corridor (the "Corridor"), areas which are currently vacant with grass and weeds being periodically mowed.

The current Zoning Map, dated 3/3/15, has various zoning designations for the Corridor, including R-1-7, R-1-8, R-1-10, RE-20, and Unincorporated. The Future Land Use map, adopted 12/29/14, identifies a large part of the Corridor as Utilities, with a significant portion Medium Density Single Family Residential, and one small parcel as Parks and Greenspace. The General Plan, at page 35, also mentions the Corridor as a possible future location for recreational sites.

While the current zoning of the Corridor includes medium density residential zones, many of the parcels within the Corridor are of a size and character as would facilitate uses traditionally associated with larger acreage. Conceptually, there are probably various ways to implement zoning that would provide additional uses for the Corridor. The main reason we have brought this issue to the Commission work session (rather than applying for a specific ordinance change) is that we respect the Commission's superior understanding of the ordinances.

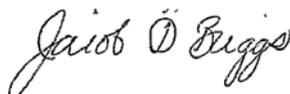
The Zoning Ordinance (Table 17-1, Table of Uses, Residential Zoning Districts) identifies the permitted or conditional uses within the various residential zones. One way to allow for additional uses within the Corridor would be to leave the Zoning Map unchanged, but include appropriate modifications to Table 17-1, specifying that the modifications are only applicable to parcels located within the Corridor.

This could be accomplished by including an asterisk (\*) next to the "X" identifying certain uses in a zone as Prohibited. The asterisk would lead to the end of Table 17-1, where it would state that the use is allowed on parcels located within the Corridor, e.g., *\* Conditional Use in parcels located within the Utah Power & Light Power Corridor and which otherwise meet the requirements of the use.*

Several of the uses in Table 17-1 which are currently not allowed in one or more of zones R-1-7, R-1-8, R-1-10, and RE-20 could appropriately be allowed uses in the Corridor. In particular, we would ask the Commission to consider the third and sixth uses of Table 17-1, Barn, Corral, Stable, Coop, Pen or Animal Run and Domestic Livestock and Fowl. Of course, allowance of these particular uses could also be facilitated by simply rezoning appropriate parcels to RE-20 on a case by case basis.

We believe beneficial use of vacant areas of the Corridor would be a substantial improvement for Roy City, and appreciate your willingness to consider this matter.

Respectfully,



January 26, 2016 Minutes

### 3. DISCUSSION REGARDING PROPOSED AMENDMENT TO THE ZONING ORDINANCE REGARDING ANIMAL RIGHTS ON THE POWER CORRIDOR

Steve Parkinson stated that Jacob Briggs was seeking feedback from the Planning Commission regarding the possibility of amending the Zoning Ordinance to allow animals on the power corridor between 3100 West and 3500 West.

Commissioner Paul asked who owned the power corridor. Mr. Parkinson stated that some of it was owned by Rocky Mountain Power. Other parcels were privately owned.

Commissioner Karras was concerned about how adjacent property owners would feel about the proposed amendment.

Commissioner Paul asked if there was access to the power corridor. Commissioner Karras said the power company had access.

Michelle Drago stated that prior to 2005 the Zoning Ordinance allowed animals on the power corridor and railroad rights-of-way as a conditional use. The applicant had to have a lease for 20,000 square feet and abide by all of the animal regulations contained in the RE-20 Zone.

Commissioner Paul stated that Steve Parkinson had worked for a city that had a power corridor. Did they allow animals on the power corridor? Mr. Parkinson stated that Clinton City did not allow animals in R-1-8 and R-1-10 Zones.

Commissioner Kirch wanted to see the zoning regulations referred to by Michelle Drago. She was amenable to allowing animals on the power corridor if an applicant could lease 20,000 square feet. There was quite a bit of land in the power corridor that was not being utilized. Another possible use for the Council to consider was a cemetery. The lack of horse property was becoming an issue. When Emma Russell Park was developed and the riding arena removed, it changed the dynamics for people who owned horses. She felt the Planning Commission should consider the request, but she wanted to study the issue before an application was filed.

Commissioners Karras and Paul agreed with Commissioner Kirch.

Commissioner Kirch stated that there were areas under the power lines that were not as open as others. She asked if the power corridor was a good nominee for an overlay zone.

Steve Parkinson stated that if the Planning Commission was interested, there were many ways to allow the use.

## CHAPTER 5

### RESIDENTIAL ZONES

#### ARTICLE A. RESIDENTIAL ESTATE ZONE (RE-20)

10-5A-2: **PERMITTED USES:** The following uses are permitted in the RE-20 zone:

Accessory building or use customarily incidental to a permitted use.

Agriculture.

Animals:

A. Equine animals; the keeping of not more than two (2) animals for private equestrian use only within any lot with a minimum of twenty thousand (20,000) square feet within the zone is permitted. In the event of reproduction, the offspring shall be counted upon attaining the normal age of weaning from the parent; or

B. Animals for family food production; the keeping of not more than two (2) pigs or two (2) sheep or two (2) cows or two (2) goats within any lot with a minimum of twenty thousand (20,000) square feet within the zone is permitted. In the event of reproduction, the offspring shall be counted upon attaining the normal age of weaning from the parent; or

C. Small animals and fowl for family food production; the keeping of not more than twenty (20) rabbits or fifty (50) chickens or fifty (50) pheasants or ten (10) turkeys or ten (10) ducks or ten (10) geese or ten (10) pigeons or five (5) beehives within any lot with a minimum of twenty thousand (20,000) square feet within the zone shall be permitted. Offspring shall be counted as adults.

D. Additional animals or fowl for larger lots; an additional number of animals or fowl equal to the numbers listed for each kind above may be kept for each one acre in the parcel over and above the minimum area of twenty thousand (20,000) square feet required for a single-family residential lot in the zone; however, not more than three (3) of the above listed kinds, i.e., pigs, rabbits, geese, etc., of animals and fowl may be permitted at any one time on any parcel smaller than one acre. Not more than five (5) times the allowable numbers listed above shall be permitted at any one time on any one parcel no matter how large.

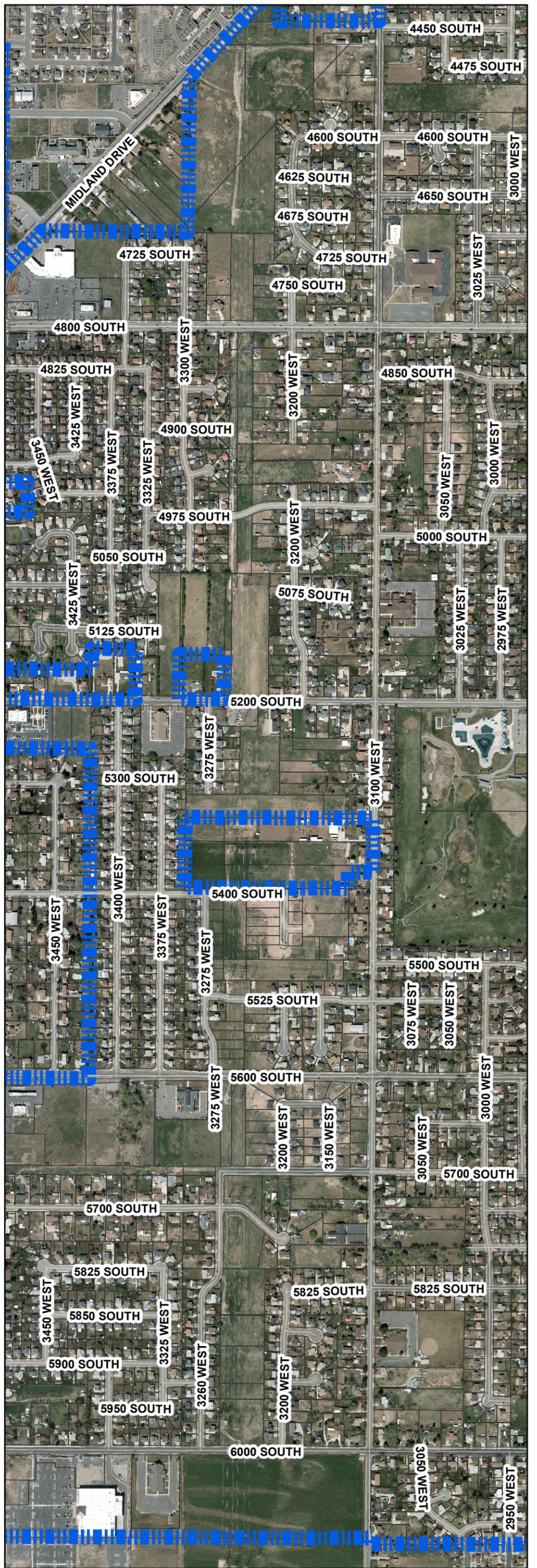
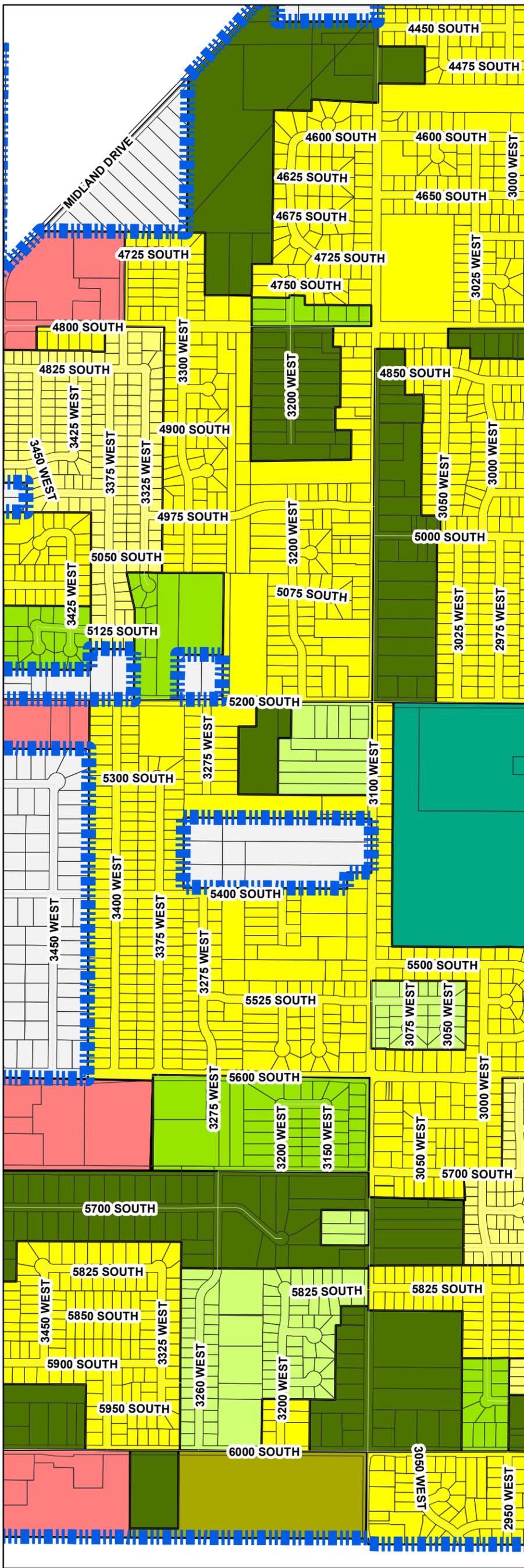
#### ARTICLE C. SINGLE-FAMILY RESIDENTIAL ZONES (R-1-10, R-1-8, R-1-7, R-1-6)

10-5C-3: **CONDITIONAL USES:** The following uses shall be permitted only when authorized by a conditional use permit as provided in chapter 13 of this title:

Animals. When it is determined by the city that physical or geographical impediments exist in an area which hamper the effective use of property, the city may approve a master site plan for that area, and upon approval of same, property owners may obtain ownership or lease rights to property adjoining that area owned by said owner and zoned for a building lot, and upon obtaining at least twenty thousand (20,000) square feet of total property, including the building lot, the owner of said lot may use said property, so far as keeping animals thereon is concerned, as though the property were in an RE-20 zone. If at any time the owner or his successor has legal control of less than the total amount of twenty thousand (20,000) square feet of property, the use rights revert to those of the established zone. All other uses and development shall be pursuant to the established zone for the property.

A. Physical or geographical impediments shall include utility lines, open or piped waterways, streams and sloughs, water retention ponds, substantially large easements, and such similar conditions.

B. Master site plan shall be a plan for the geographical area impacted by the physical or geographical impediments which shall include a projected layout of streets and necessary improvements, the location of the impediments, and so far as reasonable, the lots and land use within the area.



- Legend**
- |  |    |  |        |  |       |  |               |
|--|----|--|--------|--|-------|--|---------------|
|  | CC |  | R-1-6  |  | R-2   |  | City Boundary |
|  | RC |  | R-1-7  |  | R-3   |  | Parcels       |
|  | BP |  | R-1-8  |  | R-4   |  |               |
|  | M  |  | R-1-10 |  | RIO   |  |               |
|  | LM |  | R-1-15 |  | RMH-1 |  |               |
|  | R  |  | RE-20  |  |       |  |               |

# Zoning Map

