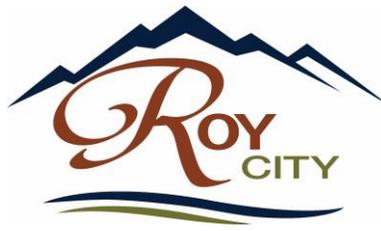


Chair

• Lindsey Ohlin

Vice Chair

• Douglas Nandell



Planning Commission Members

- Leland Karras
- Gennie Kirch
 - Joe Paul
- Claude Payne
- Jason Sphar

PLANNING COMMISSION

AMENDED AGENDA

June 14, 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 May 10, 2016 regular meeting minutes
3. 6:00 p.m. – PUBLIC HEARING – Request to amend the General Plan (Master Land Use Map) and the Zoning Map for the property approximately located at 4465 S 1900 W:
 - a. General Plan (Future Land Use Map) from Commercial to Very High Density, Multi-Family
 - b. Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-4 (Multi-Family Residential)
4. 6:00 p.m. – PUBLIC HEARING – Consider a request for Preliminary Subdivision approval for Roy Regency subdivision, located at 5600 S. 2700 W.
5. Consider a request for Site plan and Architectural approval for Bank of Utah a commercial development located at 5700 So. 1900 We.
6. Continuation of the discussion on a proposed amendment to the Zoning Code regarding Board of Adjustments
7. Discussion on a proposed amendment to the Sign Ordinance.
8. Commissioners Minute
9. Staff Update
10. 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 9th day of June 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 9th day of June 2016.

STEVE PARKINSON;
PLANNING & ZONING ADMINISTRATOR



1 ROY CITY PLANNING COMMISSION

2
3 May 10, 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 May 10, 2016, at 6:00 p.m.

7
8 The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting
9 was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was
10 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 Joe Paul
20 Claude Payne
21 Jason Sphar

22
23 Others present were: Greg Sagen; Dustin Kurns; Jason Kunzler; Ethan Webb; Amy Webb;
24 Jeremy Berger; Tim Higgs; Brenna Hay; Dale Davis; Doree Day; Bridget Kay; Nicole Fuhrmeister;
25 Becky Bluemel; Lorin Parks; Kent Hill; Clint Allen; Dax Barney; and Luis Quintana.

26
27 Pledge of Allegiance: Joe Paul

28
29 1. DECLARATIONS OF CONFLICT

30
31 There were none.

32
33 2. APPROVAL OF APRIL 26, 2016, MINUTES

34
35 **Commissioner Kirch moved to approve the April 26, 2016, minutes as written.**
36 **Commissioner Nandell seconded the motion. Commission members Karras, Kirch,**
37 **Nandell, Ohlin, Paul, Payne, and Sphar voted “aye.” The motion carried.**

38
39 3. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ZONING CODE
40 (SECTION 1111 AND TABLE 17-1) REGARDING THE ALLOWANCE OF
41 CHICKENS/RABBITS WITHIN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS

42
43 Steve Parkinson stated that since February the Planning Commission had discussed an
44 amendment to the Zoning Ordinance to allow chickens and rabbits in single-family residential
45 zones as directed by the City Council. The proposed regulations would allow a maximum of six
46 chickens or six rabbits, or a combination of the two, on lots with at least 8,000 square feet in the
47 R-1-6, R-1-7, R-1-8, R-1-10, and R-1-15 Zones. Roosters would not be permitted. Anyone that
48 wanted to have chickens or rabbits in single-family residential zones would be required to obtain
49 a permit. The permit would be renewed annually and could not be transferred from one person to
50 another. A site plan showing the location of the coop or hutch would be required with the permit
51 application. Adjoining property owners would be notified. Chickens or rabbits would only be

52 permitted in fenced back yards. Chickens would be able to roam free in fenced yards; rabbits
53 would have to remain in hutches. Mr. Parkinson said the proposed amendment would add Section
54 1111 – Supplementary Regulations allowing for the keeping of chickens/rabbits in the Single-
55 Family Residential Zones – to Chapter 11 and the use - Limited Domestic Livestock and Fowl –
56 to Table 17-1 in Section 1701 of the Zoning Ordinance.

57
58 Commissioner Nandell stated that the word *slaughter* needed to be removed from Section 2A.

59
60 Commissioner Kirch asked why the Use - Limited Domestic Livestock and Fowl was prohibited in
61 the RE-20 Zone. Mr. Parkinson said the regulations for limited domestic livestock and fowl were
62 different than the regulations for animals that already existed in the RE-20 Zone.

63
64 Commissioner Kirch felt the wording of the last sentence in the enclosure regulations for rabbits
65 was a little odd. It said, “*Do not put rabbits together after they are 3 months of age.*” Mr. Parkinson
66 said language could be added explaining that rabbits were old enough to breed at three months.
67 She suggested wording like *rabbits should not be housed in the same cage.*

68
69 **Commissioner Kirch moved to open the public hearing at 6:10 p.m. Commissioner Paul**
70 **seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and**
71 **Sphar voted “aye.” The motion carried.**

72
73 Chairman Ohlin opened the floor for public comments.

74
75 Dustin Kurns, 5687 South 2650 West, was pleased that the City was going to allow chickens and
76 rabbits in single-family residential zones. Most rabbits had litters that were larger than six. What
77 did homeowners do with litters that exceeded the maximum number of six? Commissioner Kirch
78 said the Planning Commission had discussed how to handle offspring. The City’s Animal Control
79 Ordinance did not county young until they were weaned. At that point, a homeowner would have
80 to make sure to comply with the limit of six.

81
82 Greg Sagen, 4027 West 4900 South, thanked and congratulated the Planning Commission. The
83 proposed ordinance looked good. However, he was concerned about the need to obtain a permit
84 and what the permit fee might be. The permit fee for bees was \$10. He felt the permit fee for
85 chickens and rabbits should be \$5.

86
87 Becky Bluemel, 3877 South 2225 West, stated that she almost didn’t move to Roy because of the
88 chicken issue. She used to live in Vancouver, Washington where chickens were allowed. She was
89 concerned about the amount of government oversight in the proposed ordinance. She did not see
90 the need for site plans or permits. She felt they would be deterrents. Vancouver did not require
91 permits. She asked Vancouver’s Animal Control if they received many complaints about chickens.
92 They got some but not many. The complaints were usually about roosters. It would be nice to be
93 able to do whatever she wanted in her own backyard. She hoped Roy City could lessen the
94 oversight.

95
96 Jeremy Berger, 3477 West 4975 South, was excited about the new regulations. He asked how
97 the enclosure standards would apply to commercial coops. Commissioner Kirch said the
98 ordinance listed minimum requirements.

99

100 **Commissioner Kirch moved to close the public hearing at 6:17 p.m. Commissioner Karras**
101 **seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and**
102 **Sphar voted “aye.” The motion carried.**
103

104 Commissioner Kirch asked for a clarification about the regulations for young. Steve Parkinson
105 said chicks and litters would be similar to dogs and cats. Young were not included in the Zoning
106 Ordinance. An animal was not considered an adult until it was weaned.
107

108 Commissioner Kirch stated that a site plan could be a simple drawing. She asked if the regulations
109 could specify that the site plan could be simple. Mr. Parkinson said the regulations would have to
110 define *simple*. He told people that the site plan did not have to be completed by a professional. It
111 simply needed to show dimensions.
112

113 Chairman Ohlin agreed that the proposed ordinance contained too much government oversight.
114 Farmington did not require a site plan or permit. Their ordinance simply stated the maximum
115 number allowed. She felt a permit was unnecessary. If a permit was required, the fee needed to
116 be a minimal as possible.
117

118 There was a discussion about permits and fees.
119

120 Commissioner Kirch felt the regulations needed some administration or chickens and rabbits
121 would become carte blanche. Chickens and rabbits were being allowed in residential areas where
122 housing was closer together. Permits would provide citizens with guidance.
123

124 Commissioner Paul stated that the City was going from nothing to free range chickens in back
125 yards. He felt the Council would have a problem with free range chickens. The ordinance originally
126 proposed by the Council allowed chickens in enclosures only. He agreed with all of the proposed
127 regulations but the free ranging. Some members of the Council supported chickens and rabbits
128 in single-family residential zones, but allowing chickens to roam free was swinging the pendulum
129 too far.
130

131 Commissioner Karras was comfortable with the proposed regulations. The City Council could
132 change anything they did not like.
133

134 **Commissioner Kirch moved to recommend that the City Council amend the Roy City**
135 **Municipal Code Title 10 by adding Section 1111 and a use category in Table 17-1 allowing**
136 **chickens and rabbits in single-family residential zones as discussed and based on the**
137 **staff’s findings and recommendations. Commissioner Karras seconded the motion. A roll**
138 **call vote was taken: Commissioners Nandell, Payne, Paul, Kirch, Sphar, Karras, and Ohlin**
139 **voted “aye.” The motion carried.**
140

141 4. CONTINUATION (FROM SEPTEMBER 8, 2015) OF A REQUEST FOR PRELIMINARY
142 SUBDIVISION APPROVAL FOR WARD ESTATES SUBDIVISION PHASE 3 AMENDED,
143 A TWO (2) LOT RESIDENTIAL SUBDIVISION LOCATED AT 5050 SOUTH 3500 WEST
144

145 Steve Parkinson stated that on September 8, 2015, the Planning Commission held a public
146 hearing to consider a request for preliminary approval of Ward Estates Subdivision Phase 3
147 Amended. The applicant proposed to divide Lot No. 26 into two lots with a shared driveway on

148 3500 West. At that time, the proposed subdivision did not meet the requirements for a shared
149 driveway because it had access onto 3500 West. The subdivision was tabled pending receipt of
150 a letter from UDOT either approving access onto 3500 West for the new lot or denying the second
151 access. On April 11, 2016, the City finally received a letter from UDOT stating that they would not
152 allow an additional access onto 3500 West. Due to UDOT's access denial, the new lot now met
153 the requirements for a shared driveway. Both lots met the minimum lot width and size
154 requirements of the R-1-8 Zone. The staff had found that the proposed subdivision complied with
155 the shared driveways requirements in the Zoning Ordinance. The public hearing held on
156 September 8, 2015, was closed.

157
158 **Commissioner Nandell moved to grant preliminary of Ware Estates Subdivision Phase 3**
159 **Amended, a two (2) lot residential subdivision located at 5050 South 3500 West based on**
160 **the staff's findings and subject to the conditions recommended by the staff. Commissioner**
161 **Paul seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and**
162 **Sphar voted "aye." The motion carried.**

163
164 5. CONTINUATION OF A REQUEST FOR APPROVAL OF A CONDITIONAL USE FOR
165 BUILDERS ALLIANCE FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT
166 LOCATED AT 5629 SOUTH 2700 WEST

167
168 Steve Parkinson stated that on September 8, 2015, the Planning Commission considered a
169 request for approval of a conditional use and site plan for a multi-family development located at
170 5629 South 2700 West. The request was tabled as there were too many issues that had to be
171 resolved. The staff had been working with the applicant since September to resolve those issues.
172 The current site plan contained two fourplexes and one triplex. Due to the size of the property,
173 the maximum density was 11 units. Recreational amenities would actually be located inside one
174 of the buildings because there just wasn't room to locate them elsewhere on the site. Vehicular
175 access would be from 2700 West. UDOT would not allow access from 5600 South. The proposed
176 site plan met the requirements for uncovered, covered, and guest parking. There would be one
177 light pole located near the access on 2700 West which would have some light spill, but there was
178 a road between the development and the residential area across the street. The Multi-Family
179 Standards in the Zoning Ordinance required a base open space of 20%. Mr. Parkinson explained
180 that the site was surrounded by a variety of zones – RE-20 to the south; R-1-8 to the west and
181 east; there was an R-3 Zone to the northwest. Mr. Parkinson presented the proposing building
182 materials - brick and lap siding (cement hardy board).

183
184 Mr. Parkinson said there were still a few things the Planning Commission needed to consider.
185 The proposed site had 58% of impervious area. The maximum allowed by the Zoning Ordinance
186 was 55%. The Planning Commission needed to determine if the 58% of impervious area was
187 okay or if the site plan should be altered in order to comply with the Zoning Ordinance. The
188 Planning Commission needed to determine if the interior recreational facilities complied with the
189 intent of the ordinance. The City's architectural standards said a building had to provide
190 architectural relief every 30 feet. The front and back facades had bump outs. The sides of the
191 buildings were more than 30 feet in length, and the only architectural relief would be the vertical
192 siding. The Planning Commission needed to determine if the proposed vertical lap siding would
193 provide enough architectural relief.

194

195 Mr. Parkinson said the staff had found that the site plan and architectural design could meet all
196 aspects of the Zoning Ordinance. The staff recommended that the Planning Commission
197 recommend that the City Council approve the request conditional use permit and site plan with
198 the subject to compliance with all requirements of the DRC and the applicant receiving preliminary
199 and final subdivision approval.

200
201 Commissioner Kirch asked about a snow removal area. Steve Parkinson stated that the site plan
202 showed 6-foot sidewalks throughout the development. The wider sidewalks would provide place
203 to put snow. There was also a place provided at the north end of the parking lot to push snow.

204
205 Commissioner Kirch asked if the site contained the 20% of base open space required by the
206 Zoning Ordinance. Mr. Parkinson said if the site had 58% of impervious surface, it would have
207 42% of pervious area.

208
209 Commissioner Kirch stated that during her years on the Planning Commission, this was the fourth
210 site plan she had seen for this property. She liked this design. She asked if the site's grade
211 problem had been addressed. Mr. Parkinson said it had.

212
213 Commissioner Kirch stated that she had always been concerned about the safety of school
214 children. Children would choose the fastest and easiest route, which meant they would cut
215 through this site. She liked the sidewalk which would provide access to the trail and 5600 South.

216
217 Commissioner Nandell felt the site plan had completely evolved from the one proposed last
218 September. Was it a bait and switch? He was concerned about the interior amenities.
219 Commissioner Kirch felt the interior amenities would work due to the small number of residents
220 the development would have. Steve Parkinson said the site plan proposed last September
221 contained rear access to the units. When the buildings were pushed back to move the parking
222 out of the front yard setback, there was no longer room for the rear access. The building design
223 had to change.

224
225 Commissioner Paul asked if the applicant had considered putting the parking in the rear and the
226 buildings in front. Commissioner Kirch said that type of site plan had been proposed but didn't
227 work due to grading issues.

228
229 Commissioner Kirch stated that she recently attended a transportation open house held by
230 Wasatch Front Regional Council. She learned that 81% of the housing along the Wasatch Front
231 was single-family residential. There was a need for multi-family developments.

232
233 Chairman Ohlin asked how the Planning Commission felt about the amount of impervious surface,
234 interior amenities, and the architectural relief.

235
236 Commissioner Sphar felt the water detention area provided on the site made up for the increased
237 impervious area. Mr. Parkinson said all sites were required to provide onsite detention.

238
239 Commissioner Kirch felt the impervious area needed to drop to 55% to comply with the ordinance.
240 Mr. Parkinson felt reducing the width of the sidewalks from 6 feet to 4 feet would bring the
241 impervious surface area into compliance.

242

243 Commissioner Kirch felt regular architectural bump outs were more attractive on the front and
244 rear than the sides where they wouldn't be seen. She felt the vertical lap siding would provide
245 enough architectural relief on the sides of the buildings. Commissioner Payne agreed.
246

247 **Commissioner Kirch moved to recommend that the City Council approve a conditional use**
248 **and site plan for a multi-family development located at 5629 South 2700 West based on the**
249 **staff's findings and subject to the conditions recommended by the staff; the site complying**
250 **with the 55% impervious surface requirement; and the proposed vertical lap siding**
251 **providing the architectural relief needed on the sides of the buildings. Commissioner**
252 **Sphar seconded the motion. Commissioners Karras, Kirch, Ohlin, Payne, and Sphar voted**
253 **"aye." Commissioners Nandell and Paul voted "nay." The motion carried.**
254

255 6. CONSIDERATION FOR ARCHITECTURAL AND SITE PLAN APPROVAL FOR
256 WESTERN STATES VENTURES FOR AN EXISTING BUILDING LOCATED AT
257 APPROXIMATELY 1952 WEST 5600 SOUTH
258

259 Steve Parkinson stated that there was an existing building located at 1952 West 5600 South,
260 which was in front of Planet Fitness. The building was used as office space and currently had one
261 tenant. The owner was proposing to change the roof line and add some windows and doors on
262 the east and west facades. Landscaping would be introduced to the site. The DRC had some
263 concerns, but he felt they could be resolved without affecting the proposed site plan. The staff
264 had found that the site plan could meet the Zoning Ordinance and recommended that the Planning
265 Commission approve the site plan subject to meeting the requirements of the DRC and receiving
266 preliminary and final subdivision approval.
267

268 Commissioner Paul asked if the vacant property west of the building was part of this site. Mr.
269 Parkinson said it was not. It was a separate parcel.
270

271 Commissioner Nandell felt the proposed change would make the building look nicer and more
272 modern.
273

274 **Commissioner Sphar moved to approve the exterior architectural changes and amended**
275 **site plan for the building located at 1952 West 5600 South based on the staff's findings and**
276 **subject to the conditions recommended by the staff. Commissioner Paul seconded the**
277 **motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted**
278 **"aye." The motion carried.**
279

280 7. COMMISSIONER'S COMMENTS
281

282 Commissioner Kirch thanked Steve Parkinson for sending UDOT's diagram for the new
283 configuration of Midland Drive and 3500 West.
284

285 Commissioner Nandell asked about the status of the 4800 South roundabout. It looked like the
286 West Park Subdivision was ready for homes. Mr. Parkinson did not know when the project would
287 be bid. Hooper Water was installing a water line on 4800 South right now.
288

289 Commissioner Kirch asked when the amendment for agricultural use under the power lines would
290 come back to the Planning Commission. Mr. Parkinson did not know when the applicant would
291 bring it back.

292
293 Commissioner Payne reported on the WFRC transportation open house held on April 27th. It was
294 well attended. Roy had been represented by the Mayor, Councilman Dandoy, Commissioner
295 Kirch, and himself. He felt they had all pounded in the problems with 5600 South.

296
297 Commissioner Kirch felt the open house had provided information about housing, roads, and the
298 need for senior housing. There was a need for well-paying jobs to be located where people lived
299 so there wasn't a need for so much transit.

300
301 8. STAFF UPDATE

302
303 Steve Parkinson reported that 5600 South was under construction. UDOT planned to widen 5600
304 South to 2200 West; 3500 West had been closed at Midland Drive. Commissioner Nandell said
305 that drivers were ignoring the closure. They were driving their vehicles over the curb, gutter, and
306 landscaping to reach the road on the other side. He felt something needed to be done to stop
307 them.

308
309 Steve Parkinson stated that the City had received a site plan application from the Bank of Utah.
310 They planned to build a new building on the hard corner of 5700 South and 1900 West then tear
311 down their old one.

312
313 ADJOURN

314
315 **Commissioner Karras moved to adjourn at 7:04 p.m. Commissioner Pauljm seconded the**
316 **motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted**
317 **“aye.” The motion carried.**

318
319
320

321 _____
322 Attest: Lindsey Ohlin
323 Chairman

324
325

326 _____
327 Michelle Drago
328 Secretary

329 dc:05-10-16



SYNOPSIS

Application Information

Applicant: Lou Brown; A&E Brown Development
David Altop; Altop Family Trust
Randy Galloway
Garrett Sealy; Double G Investments

Request: Requests to amend the

1. General Plan (Future Land Use Map) from Commercial to Very High Density, Multi-Family
2. Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-4 (Multi-Family Residential)

Approximate Address: 4465 South 1900 West

Land Use Information

Current Zoning: RE-20

Adjacent Zoning: North: R-4; Multi-Family Residential
South: R-4; Multi-Family Residential & CC; Community Commercial
East: CC; Community Commercial & R-1-8; Single-Family Residential
West: R-1-8; Single-Family Residential

Current General Plan: Commercial

Staff

Report By: Steve Parkinson

Staff Recommendation: Approval with conditions as outlined in this report

APPLICABLE ORDINANCES

- 1) Roy City Zoning Ordinance Title 10, Chapter 5 – Amendments to General Plan and Zoning Ordinance
- 2) Roy City Zoning Ordinance Title 10, Chapter 8 – Special Purpose District – Residential In-fill Overlay

CONFORMANCE TO THE GENERAL PLAN

- 1) Residential Development Goal 1; Policy D: *The City's policies should encourage the development of a diverse range of housing types, styles and price levels in all areas of the City.*
- 2) Residential Development Goal 3; Policy G: *The housing needs for low and moderate income families and senior citizens in Roy City shall be determined by the City on a regular basis, or as the need arises.*

ANALYSIS

Background:

These parcels are on the west side of 1900 West, SW of the Ogden Airport and across the street from Sparrow Furniture. Currently the majority of the property is an apple orchard, and belongs to Lou Brown and his family.

Amend Future Land Use Map:

Current Designation: The subject property currently has a land use designation as Commercial (see exhibit "B").

Requested Land Use Designation: The applicant would like to change the Future Land Use Map from the current Commercial designation to a Very High Density, Multi-family designation

Considerations: When considering a proposed amendment to the general plan the Commission and Council shall consider the following factors, as outlined in section 505 “Criteria for approval of General Plan Amendments” of the Zoning Ordinance:

- 1) The effect of the proposed amendment on the character of the surrounding area.
- 2) The effect of the proposed amendment on the public health, welfare, and safety of City residents.
- 3) The effect of the proposed amendment on the interests of the City and its residents.
- 4) The location of the proposed amendment is determined to be suitable for the uses and activities allowed by the proposed amendment, and the City, and all other service providers, as applicable, are capable of providing all services required by the proposed uses and activities in a cost effective and efficient way.
- 5) Compatibility of the proposed uses with nearby and adjoining properties.
- 6) The suitability of the properties for the uses requested.
- 7) The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the City’s Land Use Ordinances, this Ordinance, the Subdivision Ordinance, and any other Ordinances required to implement the amendment.
- 8) The community benefit of the proposed amendment.

The above section of the Zoning Ordinance asks some questions mostly looking at the effect the proposed land use designation and compatibility/suitability to the surrounding uses. Staff would like to comment on some these questions

The character of the surrounding areas –

- To the West, there is single-family residential homes.
- To the North, South and East there are Multi-family residential units.

Interests of the City & Residents –

- Having a variety of housing types helps the citizens of every City, stay within the community they have lived in.
- Not everyone wants, or can have a detached home with yard to maintain.
- Some want to downsize not just in home size but in the number of vehicles, thus being close to alternative transportation options gives them their desires.

Location – suitable for uses & activities –

- Transit is active along 1900 West and it is close to businesses and the Ogden Airport.
- The city is able to provide all of the services required for any type of development.

General Plan Goals, Objectives and Policies –

- Within the “Conformance to the General Plan” section of this report it lists two (2) goals and policies that this type of development would satisfy.

Amend Zoning Map:

Current Zoning: Currently majority of the properties are zoned R-4 with small sections zoned R-1-8 and CC. With the exception to two (2) front portions of currently used residential dwellings (non-conforming uses) the rest of the properties at the moment does not match that of the Master Land Use Map.

Requested Zone Change: The applicant would like to have the properties that are not currently zoned R-4 to be changed to R-4 to allow for a multi-family residential development. However the R-4 zone does allow for a mix-use development of allowing office space.

Considerations: When considering a Zoning District Map Amendment, the Commission and the Council shall consider the following factors, as outlined in section 509 “Criteria for Approval of a ... Zoning Map” of the Zoning Ordinance:

- 1) The effect of the proposed amendment to advance the goals and policies of the Roy City General Plan.
- 2) The effect of the proposed amendment on the character of the surrounding area.
- 3) The compatibility of the proposed uses with nearby and adjoining properties.
- 4) The suitability of the properties for the uses requested.
- 5) The overall community benefits.

No amendment to the Zoning Districts Map (rezone) may be recommended by the Commission nor approved by the Council unless such amendment is found to be consistent with the General Plan and Land Use Maps.

The above section of the Zoning Ordinance asks some questions mostly looking at the effect the proposed zone and compatibility/suitability to the surrounding uses. Staff would like to comment on some these questions

General Plan Goals, Objectives and Policies –

- Within the “Conformance to the General Plan” section of this report it lists two (2) goals and policies that this type of development would satisfy.

The character of the surrounding areas –

- To the West, there is single-family residential homes.
- To the North, South and East there are Multi-family residential units.

Compatibility with surrounding area –

- If you look at the current zoning map and look 500 feet in each direction from this property, there are three (3) different residential zones (R-1-6, R-1-7 & R-1-8) and a Manufacturing zone. Rezoning this property to R-3 and the uses allowed are more compatible with the R-1 zones than Light Manufacturing and its allowable uses.

Location – suitable for uses & activities –

- Transit is active along 1900 West and it is close to businesses and the Ogden Airport.
- The city is able to provide all of the services required for any type of development.

Some additional questions that the Commission and Council needs to reflect upon are:

- Does changing or not changing the zoning provide the best options for development of this property or area?
- How can this property best be developed? As single-family dwellings? As multi-family residential? OR as Commercial?

CONDITIONS OF APPROVAL

1. Apply and receive Conditional Use & Site Plan approval

FINDINGS

1. That it's the best use of the land.
2. Provides and supports Roy City Economic Development.

ALTERNATIVE ACTIONS

The Planning Commission can recommend Approval, Approval with conditions, Deny or Table.

EXHIBIT "B" – FUTURE LAND USE MAP

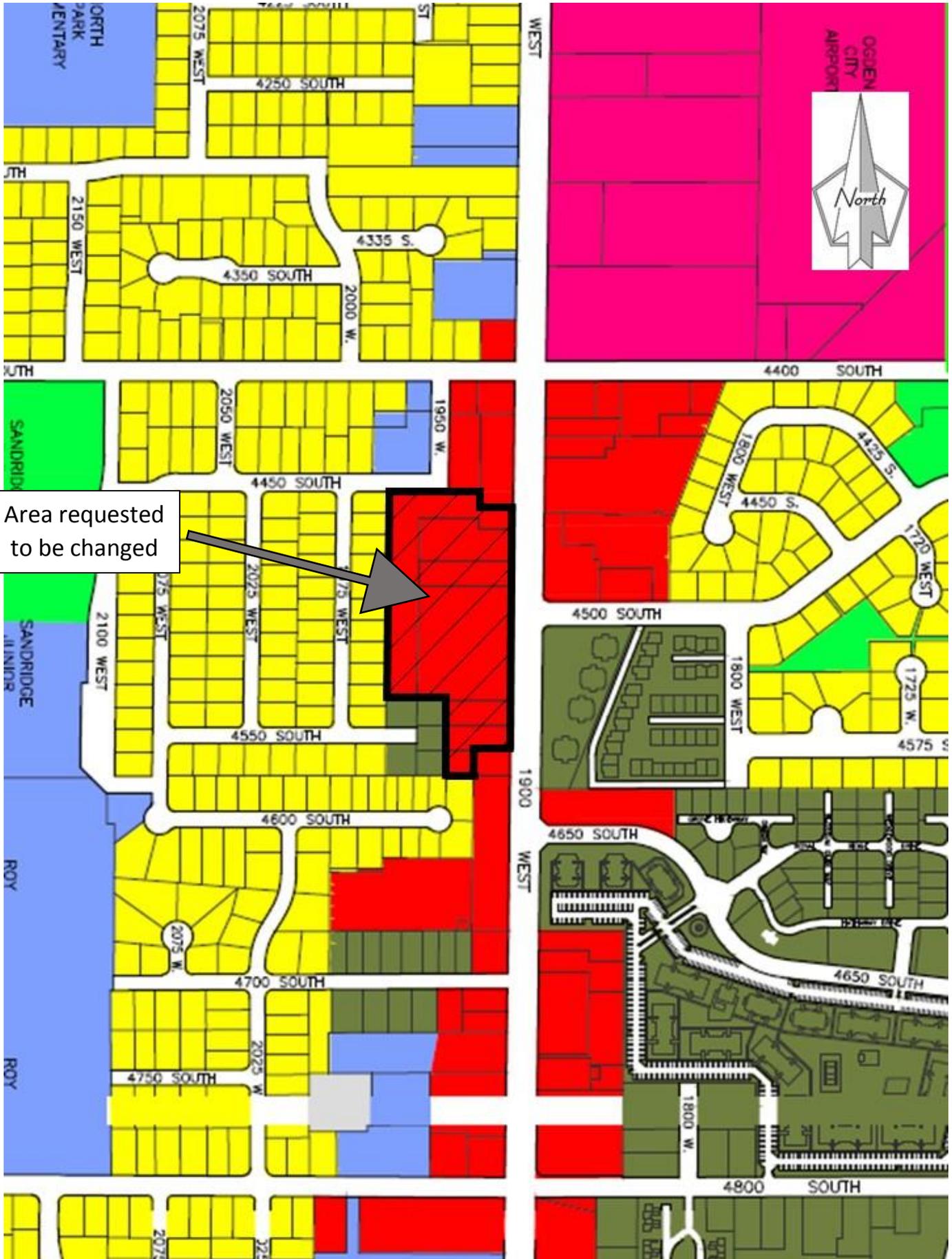
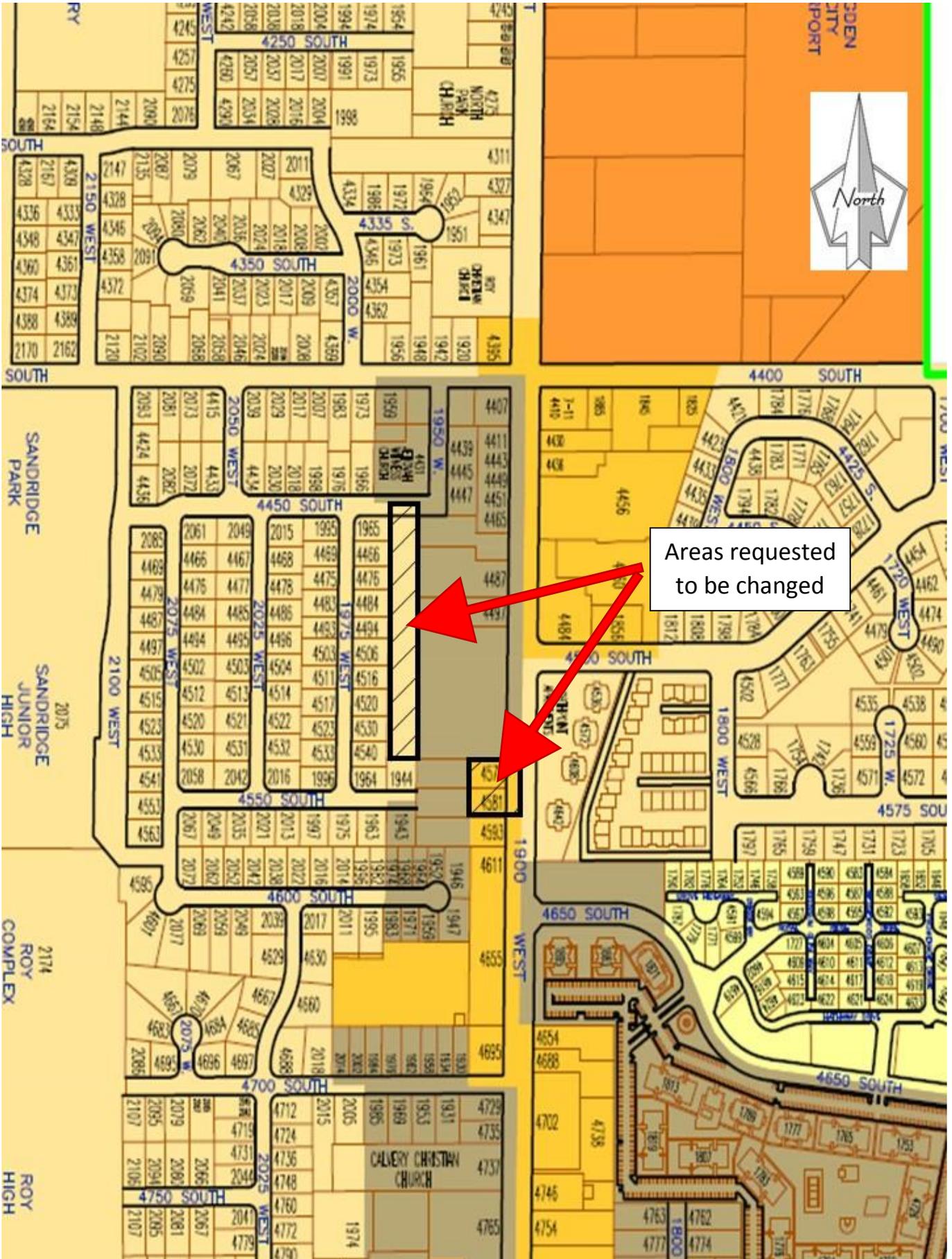
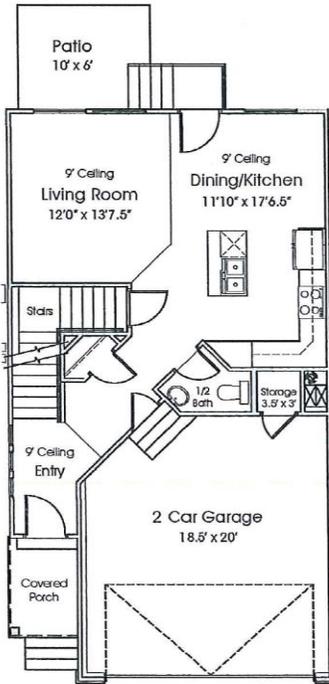


EXHIBIT "C" - ZONING MAP

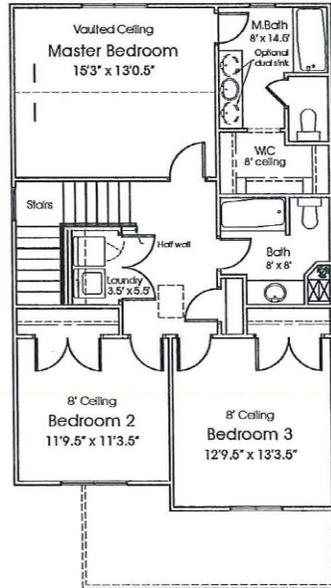


Type C Townhomes

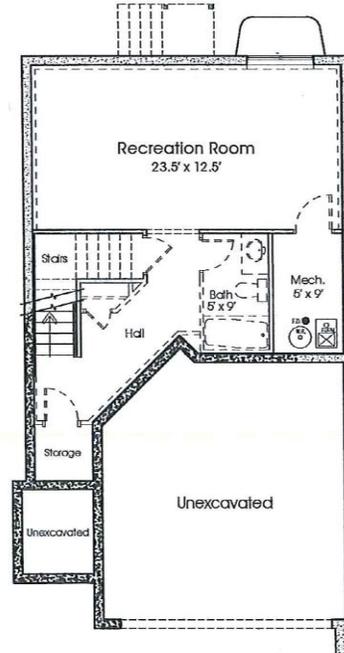
Outer Unit



MAIN FLOOR

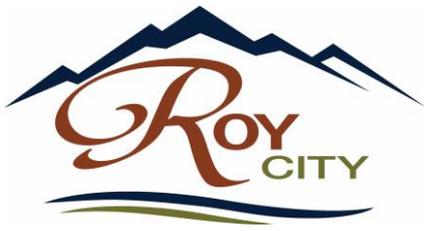


UPPER FLOOR



BASEMENT

Main Floor	641 sq. ft.
Upper Floor	880 sq. ft.
Basement	641 sq. ft.
Total Sq. Ft.	2,162 sq. ft.
Total Finished	1,521 sq. ft.



SYNOPSIS

Application Information

Applicant: Kent Hill; LKH Investments
Request: Request for Preliminary Subdivision approval for Roy Regency subdivision.
Address: Approximately 5600 South 2700 West

Land Use Information

Current Zoning: R-3; Multi-Family Residential
Adjacent Land Use: North: RE-20; Single-Family Residential and R-3; Multi-Family Residential
South: RE-20; Single-Family Residential
East: R-1-8; Single-Family Residential and R-3; Multi-Family Residential
West: R-1-6; Single Family Residential and R-3; Multi-Family Residential

Staff

Report By: Steve Parkinson
Recommendation: Approve with conditions

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 (General Property Development Standards)
- Roy City Zoning Ordinance Title 10, Chapter 11 (Supplementary Development Standards)
- Roy City Subdivision Ordinance Title 11, Chapter 3 (Preliminary Subdivision Application)
- Roy City Subdivision Ordinance Title 11, Chapter 9 (Subdivision Development Standards)

ANALYSIS

Background

This subdivision is a result of the applicant's approval of his Conditional Use, Site Plan and Architectural plans. The approval was based on conditions and one of the conditions was the combining three (3) existing parcels together forming a single parcel.

Description: Property is approximately 0.95 acres (41,382 sq.-ft.), and it is currently vacant. The D&RG trail goes along the eastern property line.

Subdivision: The proposed subdivision is to combine three (3) separate parcels of various sizes (12,196.8 sq.-ft.; 16,552.8 sq.-ft. & 12,632.4 sq.-ft) equaling .95 acres (41,382 sq.-ft.) of property into a single parcels.

Zoning: The property is zoned R-1-8 and according to table 10-1 of the Roy City zoning ordinance the R-1-8 zone requires that for single-family lots to be a minimum of 8,000 sq.-ft. which each lot exceeds this requirement, the smallest being 11,145 sq.-ft. and each lot also meets the lot area requirements. Lot width (which is along a public street) is not being met, but the applicant is looking to use a "shared driveway". If approved then the width of each lot would be measured at setback, which each parcel could meet.

Access: Will be off of 2700 South.

Improvements / Utilities: All utilities are within the roads abutting the property.

DRC Review: The DRC has reviewed the development, (see exhibit "C"). There are many issues that need to be resolved, but none of them would deter the subdivision from occurring.

Summary: The proposed subdivision meets all aspects of the subdivision and zoning ordinance.

CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed as Very High Multi-Family Density Residential.

CONDITIONS OF APPROVAL

1. Compliance to the requirements and recommendations as outline in this staff report.
2. Compliance to the requirements and recommendations as outlined in the DRC memo dated 9 June 2016 (Attached) and
3. Compliance to the requirements and recommendations to any additional comments that may come from additional DRC reviews.

FINDINGS

1. The proposed subdivision can meet the all aspects of the Zoning Ordinance.
2. The proposed subdivision can meet the all aspects of the Subdivision Ordinance.

ALTERNATIVE ACTIONS

The Planning Commission can recommend Denial, Approval, Approve with conditions, or Table.

RECOMMENDATION

Staff recommends approval of the Preliminary Subdivision of Roy Regency subdivision located at approximately 5600 South 2700 West with the conditions as discussed and as outlined within the staff report.

EXHIBITS

- A. Aerial Map
- B. Preliminary Subdivision plat
- C. DRC Memo dated 9 June 2016

EXHIBIT "A" – AERIAL MAP

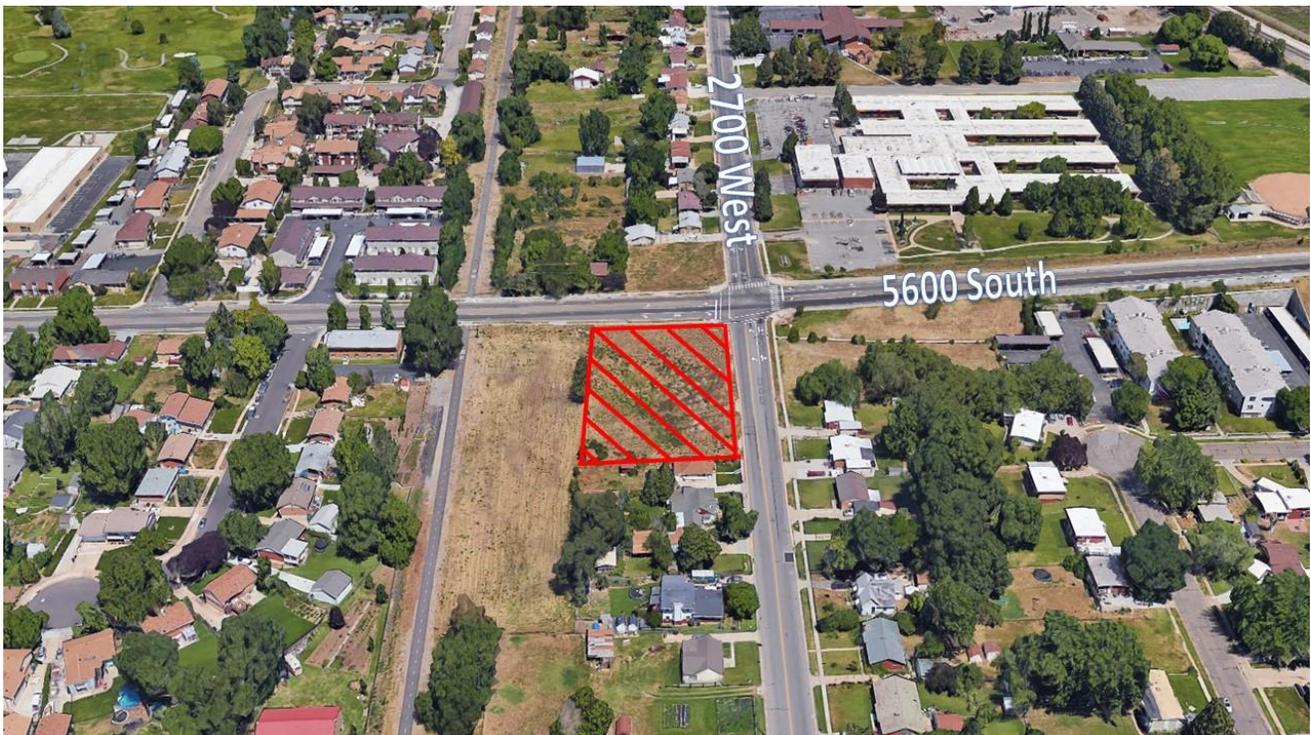
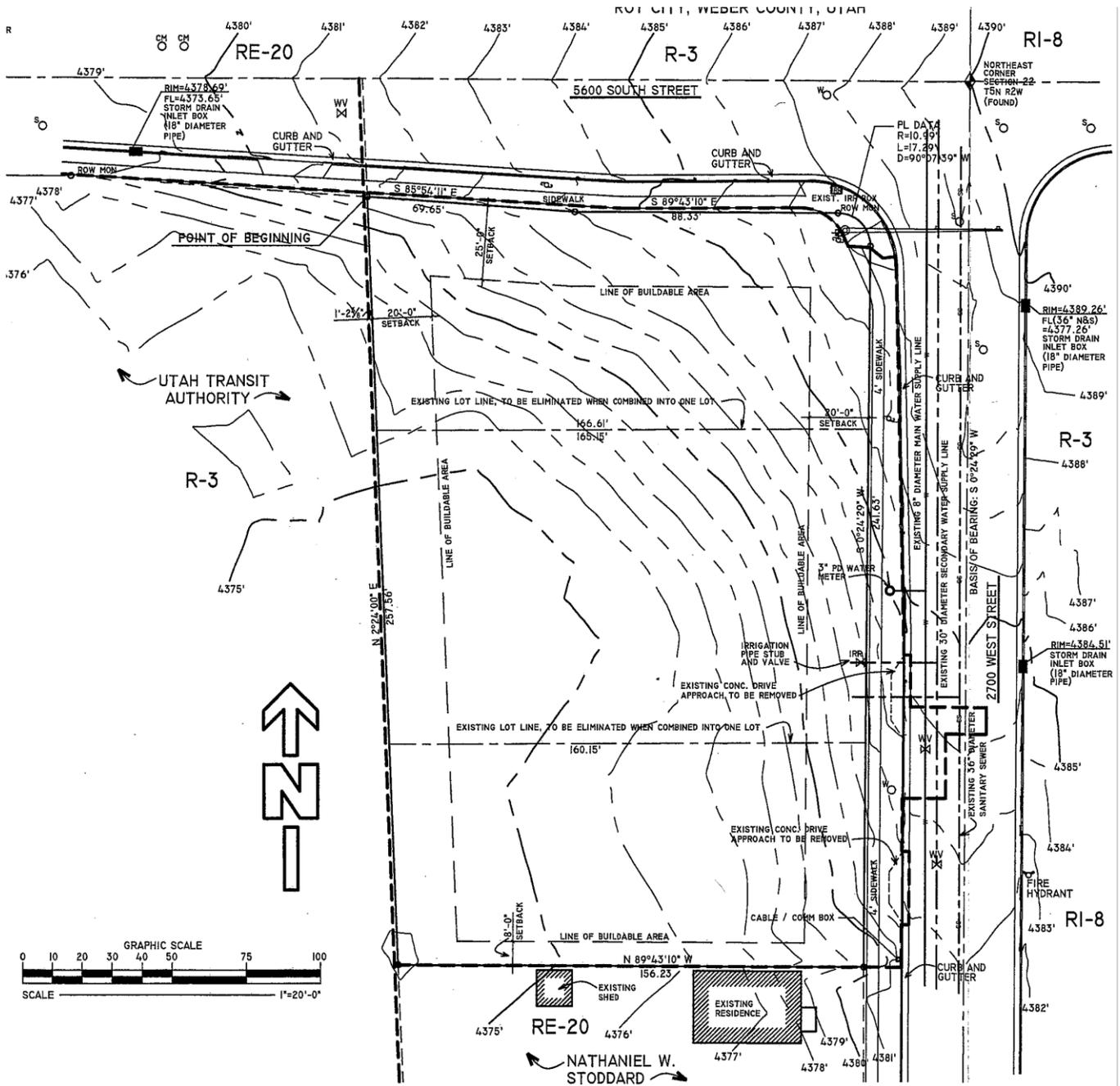


EXHIBIT "B" - PRELIMINARY SUBDIVISION PLAT





DEVELOPMENT REVIEW COMMITTEE
REVIEW MEMO

Date: 9 June 2016
To: Kent Hill; LKH Investments
From: Steve Parkinson – Planning & Zoning Administrator *SEP*
Mark Miller – City Engineer
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Ross Oliver – Public Works Director
Andy Blackburn – City Attorney
Subject: Roy regency Apartments preliminary Subdivision (dates May 16, 2016)

If there are comments below that require corrections OR changes to plans, resubmittal of plans is required.

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering –

- 1. Comments to come shortly.

Building – Fire - Legal – Public Works -

- 1. No comments regarding the combining of three (3) parcels into one.

Planning -

- 1. A financial guarantee is required for all on-site and off-site improvements. This will be required prior to the issuance of building permits.
- 2. Application is incomplete, missing the following items:
 - a. Title Report,
 - b. Tax Clearance
- 3. Final Plat must have the surveyors stamp and signature.
- 4. Notary Public doesn't have to reside in Weber County, remove that language
- 5. All of the city signature blocks are incorrect (included in this memo). They are not needed on preliminary subdivision drawings, but need to appear on the Final plat.
- 6. The property owner's signature needs to be a part of the "Owners dedication" portion of the final plat

Signature blocks

PLANNING COMMISSION
This is to certify that this subdivision plat was duly approved by the Roy City Planning Commission on the _____ day of _____, 20____.

Chair, Roy City Planning Commission

ROY CITY ENGINEER

I hereby certify that the requirements of all applicable statues and ordinances prerequisite to approval by the Engineer of the foregoing plat and dedications have been complied with. Signed this ____ day of _____, 20____.

Roy City Engineer

ROY CITY ACCEPTANCE

This is to certify that this subdivision plat was duly accepted by the City Council of Roy City and approved by the Mayor, on the ____ day of _____, 20____.

Roy City Mayor

Attest

ROY CITY ATTORNEY

Approved as to form this ____ day of _____, A.D. 20____.

Roy City Attorney



STAFF REPORT

Planning Commission

May 10, 2016

Agenda Item # 5

SYNOPSIS

Application Information

Applicant: Tony Pantone; Bott Pantone Architects
Request: Site Plan and Architectural Approval
Address: 5741 South 1900 West

Land Use Information

Current Zoning: RC; Regional Commercial
Adjacent Land Use: North: RC; Regional Commercial South: RC; Regional Commercial
East: RC; Regional Commercial West: RC; Regional Commercial

Staff

Report By: Steve Parkinson
Staff Recommendation: Approval with conditions

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 – General Property Development Standards
- Roy City Zoning Ordinance Title 10, Chapter 14 – Permitted Uses
- Roy City Zoning Ordinance Title 10, Chapter 19 – Off-Street Parking and Loading

CONFORMANCE TO THE GENERAL PLAN

- Residential Development Goal 1; Policy D: *The City's policies should encourage the development of a diverse range of housing types, styles and price levels in all areas of the City.*
- Residential Development Goal 3; Policy G: *The housing needs for low and moderate income families and senior citizens in Roy City shall be determined by the City on a regular basis, or as the need arises.*

ANALYSIS

Background:

The applicant is looking to demo and build a new building on the SW corner of 5700 South and 1900 West. More or less where the Sonic building once sat. The use is permitted within the RC zone, and the application is only for Site Plan and Architectural approval. As mentioned earlier the existing building will be torn down.

The overall site currently consists of three (3) separate parcels, and the applicant understands that all three will need to be combined. The overall site will be 42,870 sq.-ft. (.984 acres).

Zoning: As mentioned above the zoning for this site is RC; Regional Commercial. The proposed use as a Bank is a permitted use in the zone. The application is appropriate for Site Plan and Architectural approval. The zoning of this site is surrounded by Regional Commercial.

Elevations: The building will be visible mainly from 1900 West and 5700 South. The Elevations of the proposed building are attached to this report as Exhibit "C". There is one issue with the building elevations that is mentioned in the DRC memo (Exhibit "D") that will need to be addressed by the Planning Commission.

Landscaping: The current site has little landscaping, the proposed new site plan has much more. The exact square footage is known at this time because the civil drawings do not provide such information. It does appear

that the proposed site plan meets the required 10% of overall site landscaping as well as the required 5% landscaping within the parking area.

Vehicle Access/Circulation: There are currently three (3) points of access to the site from 1900 West and one (1) from 5700 South. UDOT is requiring that the two (2) furthest north on 1900 West be removed, as per their standards.

Parking: Parking requirements for this use is 1 stall per 400 square feet of gross floor area, there is approximately 3,730 sq.-ft of building thus requiring (10) stalls, the proposed site plan shows 19 stalls.

Lighting: There appears to be five (5) light poles throughout the proposed site plan. No information was provided to determine height and type of fixture.

Summary: The DRC has several concerns with the proposed site, however none of the concerns are such that would make it difficult to comply with applicable codes

CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed as Regional Commercial.

CONDITIONS OF APPROVAL

- Compliance to all requirements per DRC memo dated 10 June 2016, including any comments from future reviews.

FINDINGS

1. The Building elevations and proposed materials can meet the Zoning standards.
2. The site plan can meet all of the requirements of the ordinance.

ALTERNATIVE ACTIONS

The Planning Commission can Approve, Approve with conditions, Table or Deny.

RECOMMENDATION

Staff recommends approving the Site Plan and Architectural review for Bank of Utah located at approximately 5741 South 1900 West with the conditions as discussed and as outlined within the staff report.

EXHIBITS

- A. Aerial Map
- B. Proposed Site Plan
- C. Proposed Elevations
- D. DRC Memo dated 10 June 2016

EXHIBIT "A" – AERIAL MAP

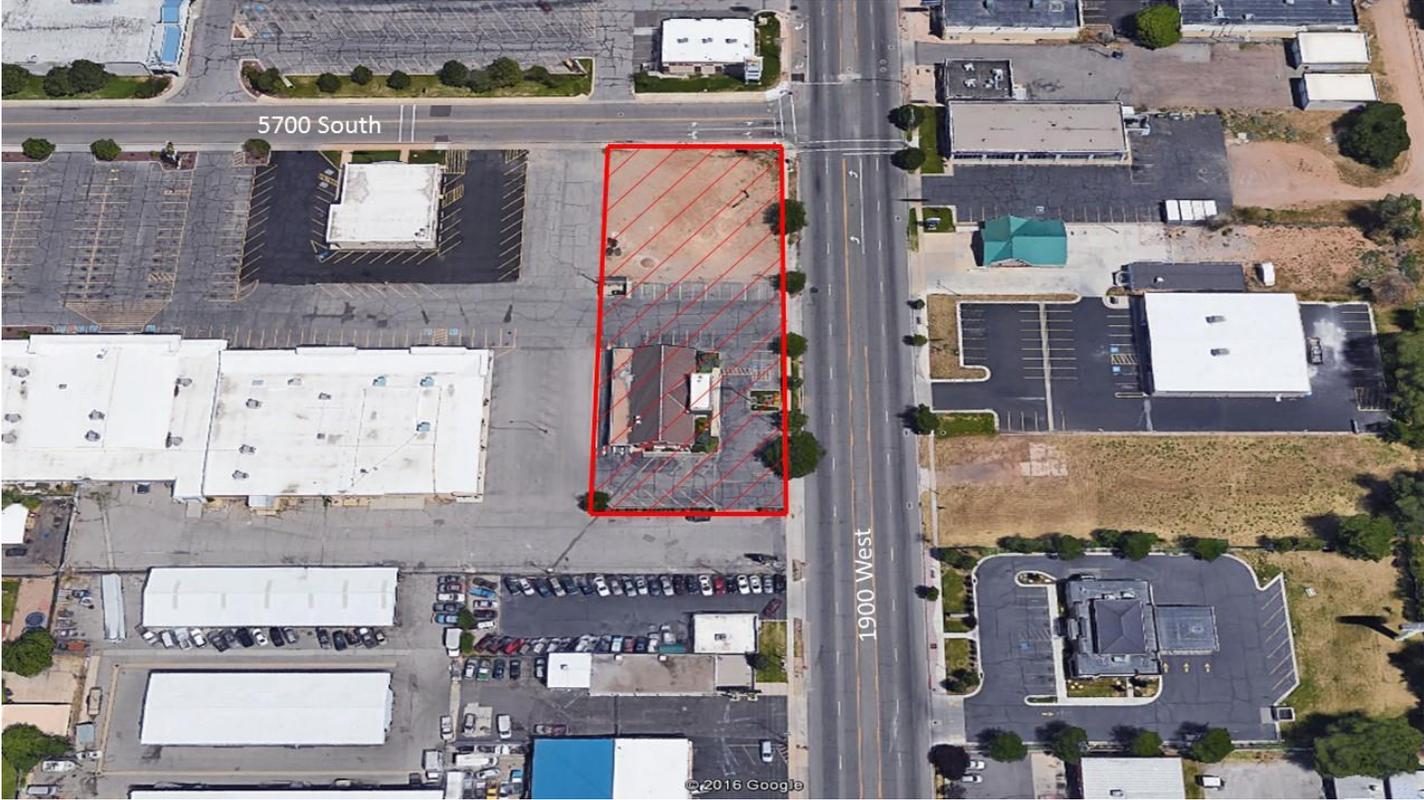


EXHIBIT "B" – PROPOSED BUILDING ELEVATIONS



WEST ELEVATION
A 3/16" = 1'-0"



EAST ELEVATION
B 3/16" = 1'-0"

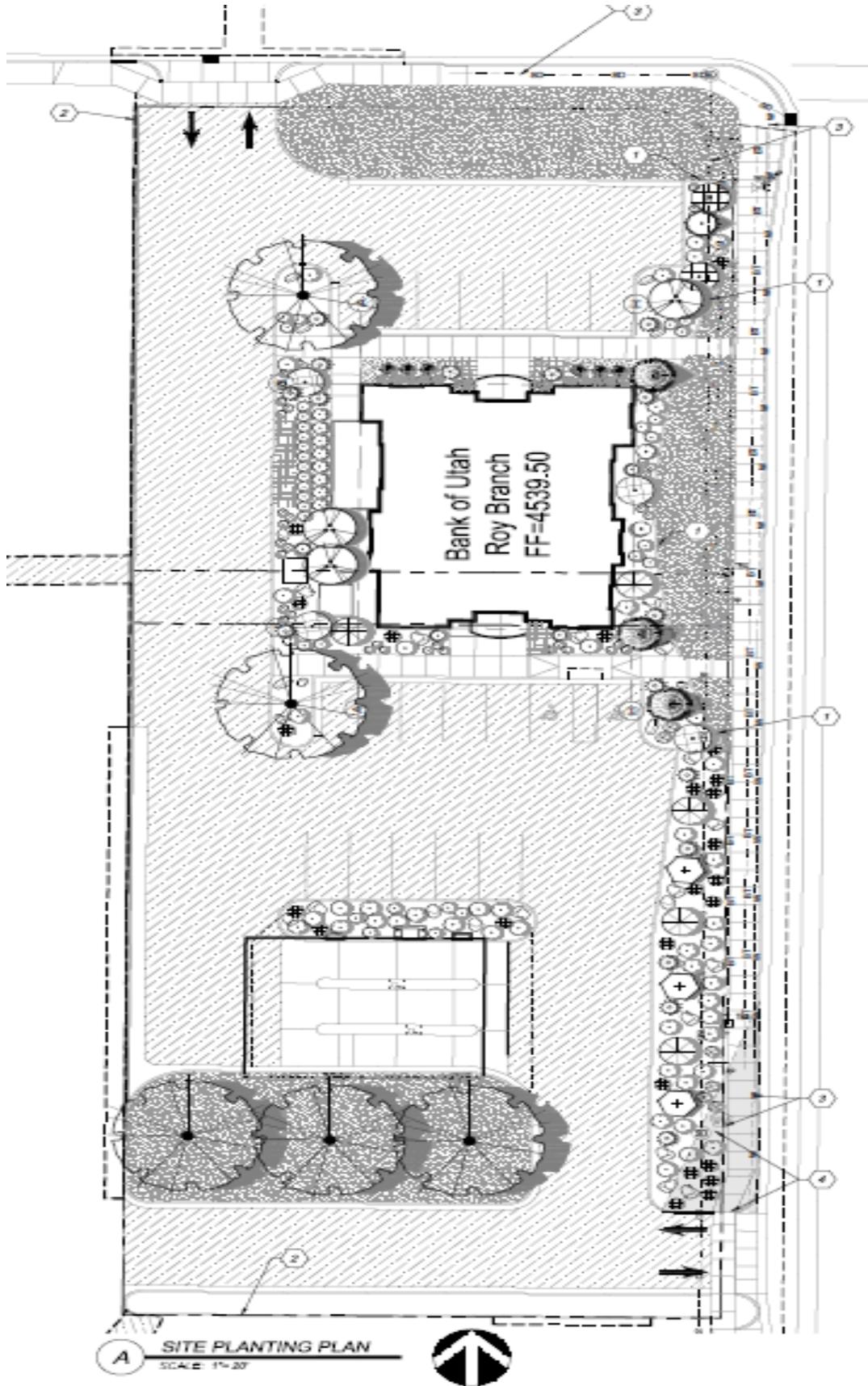


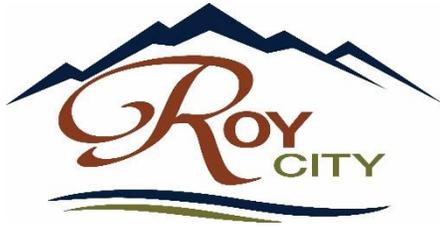
NORTH ELEVATION
C 3/16" = 1'-0"



SOUTH ELEVATION
D 3/16" = 1'-0"

EXHIBIT "C" – PROPOSED SITE PLAN





DEVELOPMENT REVIEW COMMITTEE
REVIEW MEMO

Date: 10 June 2016
To: Tony Pantone; Bott Pantone Architects
Randall Vickers; meridian Engineers
From: Steve Parkinson – Planning & Zoning Administrator *SP*
Mark Miller – City Engineer
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Ross Oliver – Public Works Director
Andy Blackburn – City Attorney
Subject: Bank of Utah Site Plan 5741 S 1900 W (submitted May 9, 2016)

If there are comments below that require corrections OR changes to plans, resubmittal of plans is required.

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering –

1. No comments received at this time, will be sent once received.

Fire -

Concerns as they relate to the site plan for fire protection are allowed per the International Fire Code and Authority Having Jurisdiction. These are site plan comments only and are based on the Occupancy Classification being a class B occupancy with type VB construction as determined per building code official.

1. Contractor is required to prove hydrant fire-flow per IFC Appendix B of 1750 GPM for two hours calculated at 20psi. This report will need to be submitted to the AHJ.
2. A 20 foot road width is acceptable with the AHJ and with IFC requirements.
3. No parking/fire lane signs will be required on all access/turnaround dead end roads per IFC.

Building -

1. There shall be a geotechnical sub surface investigation performed on the site prior to any further design or plan submittal for permits. Borings shall be performed by a Geotechnical Engineer to evaluate conditions below the surface. The number of borings required shall be at the discretion of the Geotechnical Engineer, but should be able to cover the entire site. All findings shall be submitted to the City and to the design professional of record to be incorporated into the design of the building. All recommendations made in the Geotechnical Report shall be followed.
2. The building shall be designed and built under the current codes that are in effect at time of submittal for a building permit.
3. All slopes for accessibility shall be followed.
4. The slope for direction of travel on the accessible route on the exterior of the building shall not exceed 5%.
5. The parking stalls shall not exceed 2% slope in any direction.
6. Curb ramps shall have a slope not greater than 8.3% in the direction of travel with a slope of the adjoining surface not greater than 5% and flares not to exceed 10%.

7. There shall be a landing that measures a minimum of 44" in the direction of travel and a slope not greater than 2% in any direction, at each exit that is used as an accessible means of egress.

Public Works -

1. Need to plug and cap existing sewer line at main line per Roy City standards when existing building is demolished.

SWPPP

2. Need a copy of your N.O.I
3. Need to fill out and submit the SWPPP form (contact Public Works to get it)
4. Need a "Fugitive Dust Control Plan"

Legal -

1. No comment at this time.

Planning -

A. General Comments

1. A financial guarantee is required for all on-site and off-site improvements. This will be required prior to the issuance of building permits. An engineer's estimate is required to be submitted.
2. Currently there are three separate parcels that will need to be combined into one. A Final subdivision plat will need to be submitted, approved and recorded.

B. Building Design Standards

1. Need to submit a materials and color board of the building for approval.

C. Site Design Standards

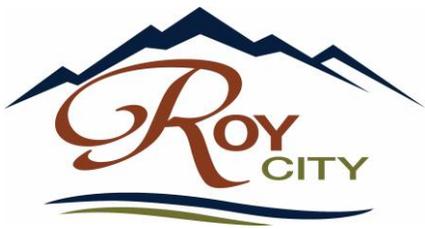
1. Setbacks along 1900 West and 5700 South are 20 feet. This area needs to be landscaped, exceptions to the setback include drive access points from 1900 West or 5700 South, and/or backup areas from parking stalls, however these don't need to be any deeper than 5 feet.
2. For the drive-up window bays, our ordinance requires a minimum distance for three (3) vehicles of stacking plus the vehicle at the window. How will this be accomplished?
3. What is the percentage of landscaping versus hardscape? This type of information needs to be within the civil plans.

D. Site Lighting Standards

1. Site plan indicates that there will be five (5) parking lot light poles. No information was provided. Need to know overall height of pole with fixture. What type of fixture is being proposed?

E. Site and Building Sign Standards

1. Signs are approved through a separate permit.



COMMUNITY DEVELOPMENT DEPARTMENT

MEMO

Date: 10 June 2016
To: Planning Commission
From: Steve Parkinson – Planning & Zoning Administrator 
Subject: Agenda Items # 6

Discussion on a proposed amendment to the Zoning Code regarding Board of Adjustments

During the April 26, 2016 Work-session the Commission discussed this item. Staff was directed to look at the qualifications for the Hearing Officer. In discussing the item with Andy Blackburn; City Manager, it was decided to put the qualifications of the hearing officer in the job description rather than within the Zoning Ordinance.

Next Step will be to hold a Public Hearing and forward a recommendation to the City Council.



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. ~~The Members of the BOA~~ **HO** shall be appointed by the **City Manager 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.~~
- 5) Recording Secretary. The City Manager 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.”

- l) 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 HO** finds that an unreasonable hardship, as defined herein, will result from the strict compliance with the provisions of this Ordinance, the **BOA HO** 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 (as per UC 10-9a-702);

- 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.~~ **that is not necessary to carry out the general purpose of the land use ordinance.**
- ~~2) The identified hardship is not self-imposed.~~
- ~~3) The identified hardship is not economic in nature.~~
- 4) **2) There exist are** special circumstances attached to the property that do not **generally** apply to other properties in the same zoning district. ~~The BOA 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) **3) Granting** ~~t~~The variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district. ~~The BOA 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) **4) The granting of the variance will not substantially affect the general plan and will not be contrary to the public interest;; and**
- 5) The spirit of the land use ordinance is observed and substantial justice done**

Section 2505—Conditions:

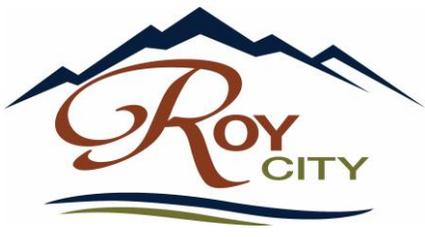
In approving any Variance Application, the ~~BOA~~ **HO** may require such conditions that in the judgment of the ~~BOA~~ **HO** are necessary to mitigate any negative effects of granting the variance and to secure the purposes of this Ordinance.

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: 10 June 2016
To: Planning Commission
From: Steve Parkinson – Planning & Zoning Administrator 
Subject: Agenda Items # 7

Discussion on a proposed amendment to the Sign Ordinance.

Please see attached “White Paper”



WHITE PAPER ON Roy City Title 13 Sign Ordinance

PROBLEM / ISSUE

The current Roy City Sign Ordinance, specifically the section located in the 13-4-3-4, Electronic Message Center Signs, limits business owner's options in modernizing to state-of-art electronic messaging capabilities.

BACKGROUND

- The current Title 13 Sign Ordinance reads as follows:
 4. Electronic Message Center (EMC) Signs, include signs or portions of signs with changeable electronic copy or otherwise electronically animated display. The regulations and standards in this Section shall apply to all such signs, including public service, time and temperature signs. Simple digital copy which is included as a portion of a larger sign used for the sole purpose of indicating prices for various types and grades of gasoline shall not be considered an Electronic Message Center Sign.
 - a. General Requirements – The following regulations and standards shall apply to all Electronic Message Center Signs:
 - 2) Number Allowed. No site or development shall have more than one (1) Electronic Message Center Sign.**
 - i. Exception. Shopping Centers, as defined by Roy City Ordinance, of at least five (5) acres and with a minimum street frontage of one-hundred fifty (150) feet, may be allowed a maximum of two (2) Electronic Message Center Signs. Such signs must be separated by at least one-hundred (100) feet as measured at the closest points of the two sign cabinets.
 - b. Electronic Message Center Signs – In Regional Commercial, Community Commercial, Business Park and Manufacturing zoning districts, Electronic Message Center Signs shall be allowed as a permitted use with the following restriction:
 - 1) No EMC Sign shall be located within one hundred (100) feet of another EMC sign on the same property or adjacent to a residential zoning district as measured at the closest property lines.
- To the Business owner Electronic Message Center (EMC) signs offers benefits by providing:
 - Unlimited number of message changes that result in lower labor cost.
 - Variable messages as people pass by, allowing greater communication flexibility.
 - Flexibility by advertising specials and providing information to specific customers.
 - Marketing products and services at the location and prevent wasteful advertising expenses.
- To Roy City, EMC signs provides benefits by providing:
 - Reduce need for the use of temporary signs.
 - Possibility of increased sales tax revenues.
 - Cleaner more attractive modern appearance in the landscape.
 - Could easily be used to advertise political, social or community events.

DISCUSSION

- The problem that exists centers on this paragraph within the ordinance, specifically:
 - 2) Number Allowed. No site or development shall have more than one (1) Electronic Message Center Sign”.
- Simply put, the site or development is defined as a single owner / developer of the property.
- Commercial property could have 4.9 acres of land, with numerous businesses located on it, but if it is owned by a single owner / developer, it can only have one EMC.

- However, as written, if the commercial property was subdivided and has numerous owners, then the only restriction is that the EMC signs must be at least 100 feet from each other.
- Example of the issue:
 - Located on Midland Drive are two businesses, McDonalds and a Roy Dental Clinic.
 - Both of these businesses in Roy City have EMC monument signs (see Attachment 1).
 - The distance between signs is a little over 100 feet.
 - McDonald's property is owned by McDonald's Real Estate Company out of Chicago (Parcel # 085110013) and the Dental Clinic is owned by Roy Dental Building LLC (Parcel # 085110009) (see Attachment 2).
 - Perfectly legal, as interpreted, under the current Sign Ordinance.
- Specific example of the problem:
 - At the southwest corner of 4800 west and 1900 south there is a 1.9 acre site / development owned by Dawson Investment Limited Partnership. The address is 1925 west 4800 south. The plat parcel # 090010001. (See attachment 3)
 - Located on this parcel is a gas station, car wash, and credit union.
 - Located at the gas station is a pole sign indicating gas prices and it is currently exempt as a EMC sign based on the sign ordinance which states;
 - "Simple digital copy which is included as a portion of a larger sign used for the sole purpose of indicating prices for various types and grades of gasoline shall not be considered an Electronic Message Center Sign".
 - Over 100 feet west from the gas station pole sign is a Car Wash pole sign that is damaged (see attachment 4).
 - Further west of the damaged pole sign, over 100 feet away, is an EMC pole sign advertising for the credit union.
 - The only common link to these completely different businesses is that the site is owned by a single entity, the Dawson Investment Limited Partnership.
 - The owner of the property would like to replace and modernize the damaged pole sign at the Car Wash facility and replace it with an EMC sign.
- The problem
 - By having an already existing EMC pole sign more 100 feet away to the west, the owner cannot replace the damage pole sign with an EMC, because it violates the City's Sign Ordinance. Which states:
 - No site or development shall have more than one (1) Electronic Message Center Sign".
 - In addition, the current property violates the Sign Ordinance because it has three pole signs on the site / development. The ordinance states it can only have one (1) pole sign.
 - Reference 13-4-3: Signs that Require a Permit,
 - 3. Pole Signs;
 - a. General Requirements,
 - 5) Number of Signs. No site or development may have more than one (1) Pole Sign as defined herein.
 - Because the City has determine that the words "...site or development.." means one owner/developer, the only option would be for the current owner to subdivide the property into two or three parcels and, if necessary, sell the parcel with the car wash and credit union. By subdividing and, if necessary selling the parcel, the new owners could legally replace the damage sign with an EMC and be compliant with the current Sign Ordinance.

CONCLUSION

There is no fundamental difference between the McDonald restaurant, Roy Dental Clinic, the Car Wash, and the Credit Union, except that the first two businesses are under different owners, and the last two have the same property owner. It is very doubtful that the Dawson Investment company owns the Wasatch Credit Union. It is assumed therefore, that the credit union is simply leasing the property.

The fact that the gas station, car wash, and credit union each have pole signs, and the City has interpreted the words in the ordinance "...site or development..." to mean a single owner/developer, then the Dawson Investment Company would have to remove from the property, located at the

southwest corner of 4800 West and 1900 South, two (2) of the existing three (3) pole signs to be in compliance with the Sign Ordinance.

As stated in the Roy City Title 13 Sign Ordinance;

“ The purpose of this Title to promote short and long term beauty and order and providing for the health, safety and welfare of the public with Roy City by establishing standards and regulations for sign design, location, size, compatibility and aesthetics. It is the City’s desire to coordinate the type, placement, and physical dimensions of signs within the different land use zones; recognize the commercial communication requirements of the business community; encourage the innovative use of design; promote both renovation and proper maintenance; through the regulations of the display, construction use and maintenance of signs.

In order to effectively; “... recognize the commercial communication requirements of the business community; encourage the innovative use of design; promote both renovation and proper maintenance ...” the city should not penalize business owners and property owners for wanting to renovate to EMC signs. The ordinance is not about the property ownership but rather the placement of EMC signs. The City should provide every means possible to stimulate business, encourage innovation, promote renovation, and still maintain the beauty and order of the landscape.

RECOMMENDATION

It is proposed that the Roy City Council recommend changing the current Roy City Title 13 Sign Ordinance, specifically:

- 13-4-3: SIGNS THAT REQUIRE A PERMIT:
 3. Pole Signs:
 - a. General Requirements

Change to READ:

5) Number of Signs. No **business entity** may have more than one (1) Pole Sign as defined herein.

- i. Exception. Shopping Centers, as defined by Roy City Ordinance, of at least five (5) acres and with a minimum street frontage of one-hundred fifty (150) feet, may be allowed a maximum of two (2) Pole Signs. Such signs must be separated by at least one hundred (100) feet, as measured by the closest points of the two sign cabinets.

- 13-4-3-4 Electronic Message Center (EMC) Signs.
 4. Electronic Message Center (EMC) Signs
 - a. General Requirements –

Change to READ:

2) Number Allowed. No **business entity** shall have more than one (1) Electronic Message Center Sign.

- i. Exception. Shopping Centers, as defined by Roy City Ordinance, of at least five (5) acres and with a minimum street frontage of one-hundred fifty (150) feet, may be allowed a maximum of two (2) Electronic Message Center Signs. Such signs must be separated by at least one-hundred (100) feet as measured at the closest points of the two sign cabinets.

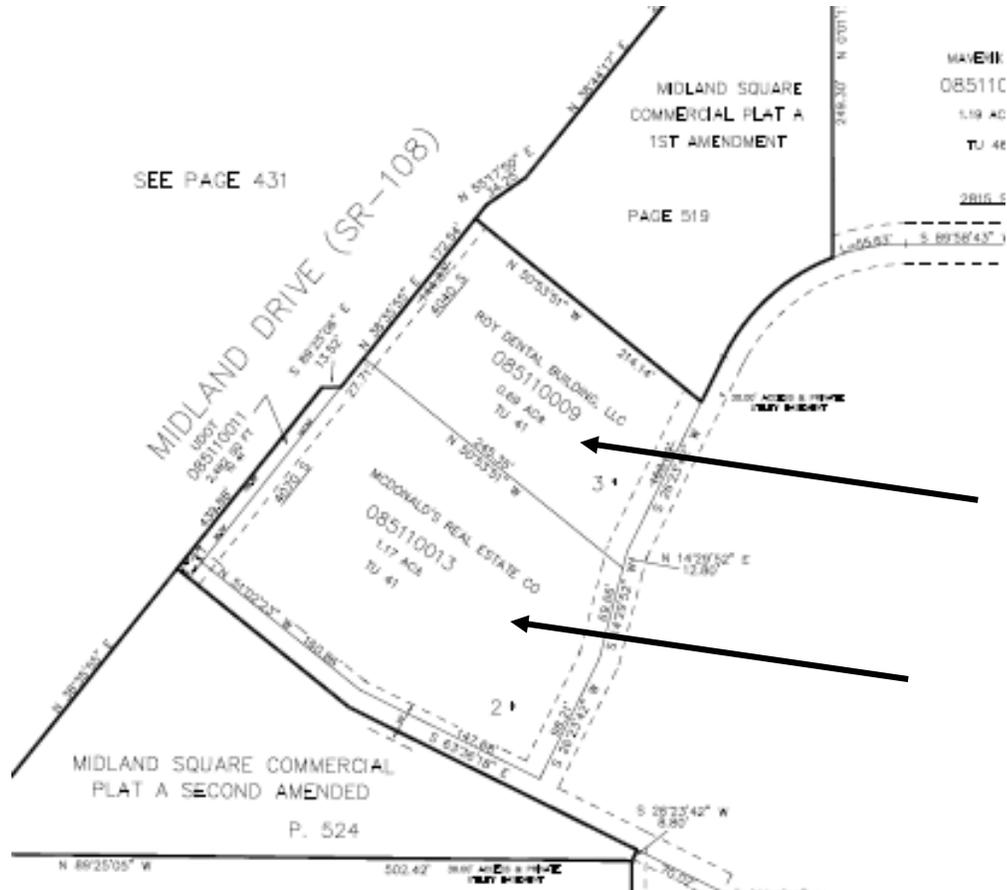
(Robert Dandoy, Roy City Council Member, 801-985-9220, rdandoy@royutah.org)

Attachment 1



EMC Signs

Attachment 2



Attachment 3



Attachment 4

