

Mayor
• Robert Dandoy

City Manager
• Matt Andrews



Council Members
• Jan Burrell
• Joe Paul
• Bryon Saxton
• David E. Tafoya
• Karlene Yeoman

ROY CITY COUNCIL MEETING AGENDA

DECEMBER 3, 2019 – 5:30 P.M.

ROY CITY COUNCIL CHAMBERS – 5051 SOUTH 1900 WEST

A. Welcome & Roll Call

B. Moment of Silence

C. Pledge of Allegiance

D. Consent Items

(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately)

E. Action Items

1. Employee of the month- Kyle Curtis, Preston Jones, Cash Ricks, Zach Jones, and Ryan Estes
2. Resolution 19-35 Renewing a Contract with Waste Management
3. Ordinance 19-19 adopting an official plan for the D&RG Community Reinvestment Area, as approved by the Redevelopment Agency of Roy City.

F. Presentation

1. My Impact Program- Mandie Worton

G. Public Comments *This is an opportunity to address the Council regarding concerns or ideas on any topic. To help allow everyone attending this meeting to voice their concerns or ideas, please consider limiting the amount of time you take. We welcome all input and recognize some topics make take a little more time than others. If you feel your message is complicated and requires a lot of time to explain, then feel free to email your thoughts to admin@royutah.org. Your information will be forwarded to all council members and a response will be provided.*

H. City Manager & Council Report

RECESS TO WORK SESSION AND RDA MEETING

I. Adjournment

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) 774-1020 or by email: admin@royutah.org at least 48 hours in advance of the meeting.

Pursuant to Section 52-4-7.8 (1)(e) and (3)(B)(ii) "Electronic Meetings" of the Open and Public Meetings Law, Any Councilmember may participate in the meeting via teleconference, and such electronic means will provide the public body the ability to communicate via the teleconference. The anchor location shall be the Roy City Council Chambers located at 5051 South 1900 West, Roy Utah.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 26th day of November, 2019. A copy was also provided to the Standard Examiner and posted on the Roy City Website and Utah Public Notice Website on the 26th day of November, 2019.

Morgan Langholf
City Recorder



Mayor, Council it's great to be with you all this evening, I have the pleasure along with our Police Dept. Records Manager Jordan Schmidt to present to you the Roy City Police Dept. My Impact Program. The Chief approached Jordan and I about creating a non-profit organization for our department to be a part of. Jordan and I came up with The My Impact Program. The My Impact Program was established on July 9th, 2019. The main idea and focus of the My Impact Program are to help Officers with PTSD and allow them to give back to our community in cases where they may be involved in a life-changing call or just wanting to make a difference in our community.

The Roy City, My Impact Program, intends to foster a stronger bond between Roy City Police Dept. employees and citizens by encouraging employee participation in community outreach programs and sponsored community events. Oftentimes employees do not get the chance to interact with citizens outside of the roles they play while working for the city and don't feel as if we have a positive impact on our relationship with Roy City citizens. It is our hope that with this program we can facilitate opportunities for employees and citizens to come together to create a better community to live, work and play in, and to support our employees as they make their impact within the community.

Roy City Police Impact Program receives its funding from the following:

- Beards may be grown year-round, for a donation of \$20 per month. \$10.00 per pay period deducted from payroll.
- Personal, non-profit donations from employees and community members.
- All monies collected as part of this fundraiser will be used as determined by the staff of the "My Impact" fund.

Since July 9th, 2019, we have been able to help numerous community members, for example:

In July, The My Impact Program, with the help of Captain Hammon, was able to collect over \$300.00 in donations for a family who recently lost their husband & father to suicide due to PTSD. Jordan, our records manager, was able to get Minki Contour to donate three blankets to the wife, daughter, and son who were left behind to pick up the pieces. The My Impact program took the donations received and put together a gift basket for the family to enjoy a night out. It was indeed an honor to be a part of this outreach, and I can tell you we made a difference. The family couldn't thank the Roy City Police Dept. enough for their support.

Sergeant Gwynn came to the My Impact Program in August and wanted to create a Breast Cancer Awareness Police Badge for October. The idea behind creating the badge was so officers could show their support to a great cause we are all very aware of and donate the funds raised from purchasing these badges to a local organization. We were able to raise \$1,038.82 and donated all proceeds to Deborah Lynn's Mastectomy of Ogden. Debbie Carter is a breast cancer survivor who donates a lot of time and money to community members struggling with the diagnosis of breast cancer. She supplies them all sorts of needs from care package in the hospital, implants to reconstructive surgery. After the donation was made, Debbie was kind enough to let us know that in October, the My Impact Program donation helped five ladies.

The My Impact Program has been able to do a lot in the five short months we have been up and running. From helping a local boy who left the Boys and Girls Club and went missing to helping one of our own in a scary situation. Recently The My Impact Program also had the opportunity to team up with a local Boy Scout working on his Eagle Scout project. He was able to donate 20 Thanksgiving meals to The My Impact Program. We reached out to the Roy City Human Resources, Utilities, DV Advocate, Courts, Police Dept. and local schools to help 20 families within our community struggling to provide Thanksgiving for their family.

This program has already done more for our department and the community than we could have ever imagined it would. The support from the department, along with the community working together, we have been able to create a stronger relationship by working together and helping our officers.

Thank you for your time and for supporting the Roy City Police Department's My Impact Program.

ORDINANCE NO. _____

AN ORDINANCE OF THE ROY CITY COUNCIL ADOPTING AN OFFICIAL PLAN FOR THE D&RG COMMUNITY REINVESTMENT PROJECT AREA, AS APPROVED BY THE REDEVELOPMENT AGENCY OF ROY AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE.

WHEREAS the Board of the Redevelopment Agency of Roy (the “Agency”), having prepared a Project Area Plan (the “Plan”) for the D&RG Community Reinvestment Project Area (the “Project Area”), the legal description of which is attached hereto as **EXHIBIT A**, pursuant to Utah Code Annotated (“UCA”) § 17C-5-105, and having held the required public hearing on the Plan on December 3, 2019, pursuant to UCA § 17C-5-104, adopted the Plan as the Official Community Reinvestment Plan for the Project Area; and

WHEREAS the Utah Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the UCA (the “Act”) mandates that, before the community reinvestment project area plan approved by an agency under UCA § 17C-5-104 may take effect, it must be adopted by ordinance of the legislative body of the community that created the agency in accordance with UCA § 17C-5-109; and

WHEREAS the Act also requires that notice is to be given by the community legislative body upon its adoption of a community reinvestment project area plan under UCA § 17C-5-110.

NOW, THEREFORE, BE IT ORDAINED BY THE ROY CITY COUNCIL AS FOLLOWS:

- 1.** Roy City adopts and designates the Project Area Plan, as approved by the Agency Board, as the official community reinvestment plan for the Project Area (the “Official Plan”).
- 2.** City staff and consultants are authorized and directed to publish or cause to be published the notice required by the Act, at which time the Official Plan will become effective.
- 3.** The Agency may proceed to carry out the Official Plan upon its adoption.
- 4.** This ordinance takes effect immediately.

APPROVED AND ADOPTED this December 3, 2019.

Attest:

Council Chair

City Recorder

PROJECT AREA LEGAL DESCRIPTION

ROY CITY REDEVELOPMENT AGENCY AREA 3 BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 2, AND ALL OF SECTION 11 AND THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN U.S. SURVEY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 11;
RUNNING THENCE NORTH 89°41'13" EAST 139.37 FEET ALONG THE NORTH LINE OF SAID SECTION AS SHOWN IN THE ROY STATION SUBDIVISION AS RECORDED IN BOOK 66 AT PAGE 90 IN THE WEBER COUNTY RECORDER'S OFFICE; THENCE THE FOLLOWING THIRTEEN (13) COURSES AND DISTANCES ALONG SAID SUBDIVISION; (1) SOUTH 00°18'25" EAST 393.35 FEET; (2) SOUTH 02°27'54" WEST 80.14 FEET; (3) NORTH 89°11'40" WEST 303.67 FEET; (4) SOUTH 00°00'27" WEST 279.60 FEET; (5) SOUTH 59°11'41" WEST 225.96 FEET; (6) SOUTH 39°24'02" WEST 193.14 FEET; (7) SOUTH 36°16'07" WEST 183.08 FEET; (8) NORTH 53°43'54" WEST 32.22 FEET; (9) SOUTH 36°17'20" WEST 181.11 FEET; (10) NORTH 53°44'09" WEST 110.00 FEET; (11) NORTH 36°15'48" EAST 12.13 FEET; (12) NORTH 53°44'13" WEST 145.00 FEET; (13) SOUTH 36°15'48" WEST 210.00 FEET SAID POINT IS ALSO ON THE WEST LINE OF CEDAR RIDGE SUBDIVISION AS RECORDED IN BOOK 13 AT PAGE 014 IN THE WEBER COUNTY RECORDER'S OFFICE; THENCE THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG SAID WEST LINE; (1) SOUTH 30°51'48" WEST 85.61 FEET; (2) SOUTH 16°36'13" WEST 103.90 FEET TO THE NORTH LINE OF PARCEL NO. 08-052-0037; THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCE ALONG SAID PARCEL; (1) NORTH 78°29'40" WEST 124.74 FEET; (2) SOUTH 27°04'53" WEST 180.00 FEET TO A POINT OF NON-CURVATURE WITH A 458.00 FOOT RADIUS CURVE TO THE RIGHT; (3) 210.23 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26°17'57" (CHORD BEARS SOUTH 76°04'13" EAST 208.39 FEET) TO A POINT OF NON-TANGENCY; THENCE THE FOLLOWING THREE COURSES AND DISTANCE ALONG SAID CEDAR RIDGE SUBDIVISION; (1) SOUTH 00°46'48" WEST 485.35 FEET; (2) SOUTH 89°13'13" EAST 20.00 FEET; (3) SOUTH 00°46'48" WEST 290.08 FEET AND ITS SOUTHERLY EXTENSION TO THE NORTH LINE OF PARCEL NO. 08-052-0035; THENCE NORTH 89°44'13" WEST 27.79 FEET ALONG SAID NORTH LINE TO THE WEST LINE OF SAID PARCEL; THENCE SOUTH 00°15'48" EAST 24.00 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF PARCEL NO. 08-052-0036; THENCE NORTH 89°44'13" WEST 75.00 FEET ALONG SAID NORTH LINE TO THE WEST LINE OF SAID PARCEL; THENCE SOUTH 00°15'48" WEST 21.14 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF THE VALLEY VIEW ACRES SUBDIVISION NO. 3 AS RECORDED IN BOOK 15 AT PAGE 88 IN THE WEBER COUNTY RECORDER'S OFFICE; THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG SAID SUBDIVISION; (1) SOUTH 84°15'48" WEST 188.53 FEET; (2) SOUTH 56°54'38" WEST 72.01 FEET; (3) SOUTH 65°15'48" WEST 107.00 FEET; (4) SOUTH 55°45'48" WEST 48.80 FEET TO THE SOUTHEAST CORNER OF CEDAR RIDGE SUBDIVISION NO. 2 AS RECORDED IN BOOK 17 AT PAGE 33 IN THE WEBER COUNTY RECORDER'S OFFICE; THENCE NORTH 11°29'13" WEST 88.22 FEET ALONG THE EAST LINE OF SAID SUBDIVISION; THENCE NORTH 23°48'47" EAST 597.00 FEET ALONG SAID EAST LINE AND THE EAST LINE OF THE LOMA BONITA SUBDIVISION NO.1 AS RECORDED IN BOOK 20 AT PAGE 85 IN THE WEBER COUNTY RECORDER'S OFFICE; THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCE ALONG SAID SUBDIVISION; (1) NORTH 66°11'13" WEST 115.00 FEET; (2) NORTH 28°04'06" WEST 101.69 FEET; (3) NORTH 66°11'13" WEST 208.08 FEET, AND ITS WESTERLY EXTENSION TO THE EAST LINE OF THE UTAH TRANSIT AUTHORITY PARCEL NO. 08-007-0023 SAID POINT ALSO BEING A POINT OF NON-CURVATURE WITH A 8564.40 FOOT RADIUS TO THE LEFT; THENCE THE FOLLOWING NINE (9) COURSES AND DISTANCES ALONG SAID EAST LINE; (1) 43.08 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°17'18" (CHORD BEARS SOUTH 26°10'42" WEST 43.08 FEET) TO A POINT OF TANGENCY; (2) SOUTH 27°05'03" WEST 92.72 FEET; (3) SOUTH 27°13'07" WEST 46.47 FEET; (4) SOUTH 26°47'41" WEST 106.05 FEET; (5) SOUTH 26°08'06" WEST 37.65 FEET TO A POINT OF CURVATURE WITH A 5740.00 FOOT RADIUS CURVE TO THE RIGHT; (6) 274.53 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°44'25" (CHORD BEARS SOUTH 24°45'53"

WEST 274.50 FEET) TO A POINT OF COMPOUND CURVATURE WITH A 6585.54 FOOT RADIUS CURVE TO THE RIGHT; (7) 301.12 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°37'11" (CHORD BEARS SOUTH 21°32'22" WEST 301.09 FEET) TO A POINT OF COMPOUND CURVATURE WITH A 7525.11 FOOT RADIUS CURVE TO THE RIGHT; (8) 100.12 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°45'44" (CHORD BEARS SOUTH 19°57'05" WEST 100.12 FEET) TO A POINT OF COMPOUND CURVATURE WITH A 8571.16 FOOT RADIUS CURVE TO THE RIGHT; (9) 760.76 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°05'08" (CHORD BEARS SOUTH 17°00'20" WEST 760.51 FEET) TO THE EASTERLY EXTENSION OF THE NORTH LINE OF WEST PARK SUBDIVISION PHASE 3 AS RECORDED IN BOOK 85 AT PAGE 88 IN THE WEBER COUNTY RECORDER'S OFFICE; THENCE NORTH 89°36'48" WEST 657.70 FEET ALONG SAID NORTH LINE AND ITS WESTERLY EXTENSION TO THE CENTER LINE OF THE UTAH TRANSIT AUTHORITY PARCEL NO. 08-052-0038 SAID POINT IS A POINT OF NON-CURVATURE WITH A 5729.65 FOOT RADIUS CURVE TO THE RIGHT; THENCE 1596.23 FEET ALONG THE ARC OF SAID CURVE AND SAID CENTER LINE THROUGH A CENTRAL ANGLE OF 15°96'21" (CHORD BEARS NORTH 26°22'08" EAST 1591.07 FEET) TO A POINT OF TANGENCY; THENCE NORTH 34°21'00" EAST 4097.94 FEET ALONG SAID CENTER LINE AND EXTENDED THROUGH PARCEL NO. 08-052-0023 TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTH 00°27'29" WEST 770.65 FEET ALONG SAID EAST LINE TO THE WEST LINE OF THE UTAH TRANSIT AUTHORITY PARCEL NO. 08-007-0023; THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG SAID WEST LINE; (1) SOUTH 42°52'08" WEST 425.79 FEET; (2) SOUTH 42°54'42" WEST 75.64 FEET TO A POINT OF CURVATURE WITH A 8875.17 FOOT RADIUS CURVE TO THE LEFT; (3) 373.47 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°24'40" (CHORD BEARS SOUTH 41°30'34" WEST 373.44 FEET) TO A POINT ON THE SOUTH LINE OF SAID SECTION 2; THENCE SOUTH 89°53'20" EAST 583.49 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

CONTAINS 83.12 ACRES MORE OR LESS.

ROY CITY COUNCIL WORK SESSION

DECEMBER 3, 2019 – 5:30 P.M.

ROY CITY BASEMENT CONFERENCE ROOM – 5051 SOUTH 1900 WEST

J. Welcome & Roll Call

K. Discussion Items

1. Noise Ordinance
2. Outside storage of recreational vehicles
3. Fencing and setback ordinance changes
4. Proposed changes to the Roy City code on solicitation

L. Adjournment

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Morgan Langholf
City Recorder

Point Paper on Auxiliary Power Generator Buffer Zone Ordinance

ISSUE:

The Assisted Living Facility placed an Auxiliary Power Generator within 9 feet from a property line and the ordinance states it should have been 50 feet.

BACKGROUND:

Roy City Ordinance states:

- o **Title 4: Noise Control**

- 4-4-2: Maximum Noise in Different Zones

Unless otherwise established in this chapter, it shall be unlawful and considered a public nuisance for any person, business, corporation, association or agency to create or cause to be created noise levels in excess of the following dB(A) criteria:

A. Maximum Limits: Maximum permissible decibel limits on noise emitting source or sources not on public right of way in residential, commercial and manufacturing districts. Noise will be measured at the boundaries of the lot. Noise radiating from properties or buildings in excess of the dB(A) established for the districts and times herewith listed shall constitute prima facie evidence that such noise is a public nuisance.

Districts	6:00 am to Next 11:00 PM	11:00 PM to Next 6:00 AM
Residential, Agricultural, Mobile Home Park	55 dB(A)	50 dB(A)
Commercial, Planned Commercial	60 dB(A)	55 dB(A)
Manufacturing	80 dB(A)	75 dB(A)

B. Boundaries Between Zones: At boundaries between zones, there shall be a **buffer zone of fifty feet (50')** and the higher dB(A) level of the adjacent zones shall be applicable.

- o **Title 10-14-11** Additional Site and Building Design Standards for New Construction or Structural Modification to an Existing Building(s)

- A. Building Design Standards:

7. Mechanical Equipment. Air conditioning units, generators and other auxiliary equipment shall be placed at locations where they will be least intrusive in terms of **noise**, appearance, and odors, particularly for adjacent properties and public rights-of-way. Screening walls, landscaping, and other screening treatments shall be used so all required mechanical equipment is **screened from public streets and adjoining properties**.

- B. Site Design Standards

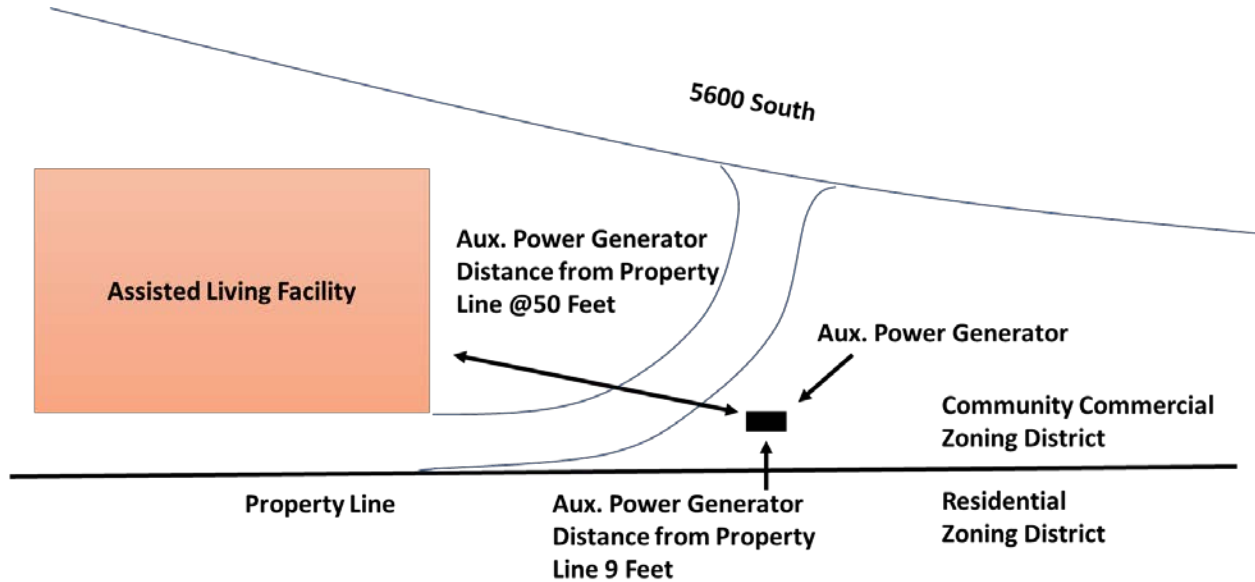
6. **Noise Impact**. Site design shall include provisions and strategies for limiting noise, particularly to adjacent property. The occupants of a proposed development should be protected from noise from both outside and within the site through screening, setbacks, and building materials. Noise generating equipment shall be located and buffered to minimize potential on-site and off-site impacts.

- o **Title 10-10-31** Required Compatibility Transitioning Between Residential and Non-Residential Districts

8. Mechanical Equipment. All mechanical equipment (including swamp coolers) shall be screened entirely from view from adjacent public rights-of-way and residentially zoned properties by using one (1) or more of the following techniques;

- a. A screening system of all ground mounted mechanical equipment with an architecturally designed screen that blends with the architectural design and materials of the proposed building.

- b. Use of ground berming and evergreen landscape and other planting materials sufficient to provide a year-round screen all ground mounted mechanical equipment.
- c. Extension of the building's parapet wall to screen all roof mounted mechanical equipment.
- d. Other screening system of equal or greater value and sufficient to screen all mechanical equipment, as determined appropriate and necessary by the use and site plan approval authority, as applicable



- o **Measurement:** Emergency Power Generator to Property Fence Line – 9 feet

DISCUSSION:

- o Recently the City has received complaints that the emergency generator at the Assisted Living Facility created significant high noise levels. It is assumed the noise came from the testing of the mechanical equipment since the facility doesn't normally operate the generator all the time. Not knowing the specific KW rating of the installed generator, the manufacture specification chart below shows a sampling of three. All three KW(s) listed, plus others not listed, exceed the established standards of Title 4-4-2 at 23 feet. With the generator at 9 feet from the boundary property line, it is expected the noise level dB(A) is much higher. It is assumed the screening device placed around the generator will reduce the noise level below nuisance levels.

GENERAC Emergency Generator Specifications

Sound Emissions *	70 KW	100 KW	150 KW
Sound Output in dB(A) at 23 feet with Generator in Exercise Mode	64	68	66
Sound Output in dB(A) at 23 feet with Generator at Normal Mode	72	72	79

* Source levels are taken from the front of the generator. Sound levels from other sides of the generator may be higher depending on installation parameters.

- o The Title 4 Noise Control ordinance clearly states that the Generator placement should have been at least 50 feet from the property line. Title 4 ordinances are found in the Public Health and Safety Code and not in Title 10 Zoning Regulations. Title 10-14-11(B) does not provide a buffer zone distance requirement therefore, it should not be expected that our Planning Commission would be aware of regulation requirements outside of the Land Use ordinances. Yet when the Site Plan was approved by

the Planning Commission, close attention to that plan, clearly shows the generator placement was in violation of the Title 4 ordinance.

RECOMMENDATION:

- Request the City Council to direct the Planning Commission to review Title 10-14-11(B) and consider adding a requirement to review the Title 4 ordinance and / or requiring a 50 feet buffer zone when the development chooses to place noise generating equipment on a Site Plan.
- Once the Planning Commission determines the appropriate recommendation, the City staff will bring it back to the City Council for consideration and approval.

Point Paper on Fencing and Facility Setbacks

ISSUE:

During the 15 Oct 2019 Roy City Council meeting it was decided to “TABLE” the proposed Ordinance No. 19-14 change and address it again during a Council Workshop.

BACKGROUND:

Fencing / Screening

General Information

It is assumed that fencing/wall/screen issue began with the approval on 7 March 2017 of Ordinance No. 17-1, An Ordinance Amending Title 10 of the Roy City Municipal Code by Establishing Changes Regarding Conditional Uses. Highlights of this ordinance changes are provided.

- The 24 pages of changes outlined in Ordinance No. 17-1 were required since there were changes to the State’s Land Use Development Management Act (LUDMA) regarding Conditional Use. A presentation / training was presented to the Planning Commission / City Council by Paul Johnson from URMMA on Dec 13, 2016. It simply indicated that the City Council needed to shift “Conditional Use authority from the Council to the Planning Commission.
- In addition, there were some clean-up changes needed in the Title 10 Ordinance associated with replacing Board of Adjustment (BOA) with Hearing Office wording as the appeal source.
- Included in this Ordinance No. 17-1 on page 4 of 24 pages of changes, was a little un-noticed change to Section 1031 – Required Compatibility Transitioning Treatments Between Residential and Non-Residential Districts which states:
 - When any nonresidential zones, including all commercial and industrial zones, is located adjacent to any residential zoning district the following requirements shall apply to all proposed uses, buildings and activities located in the non-residential zone district, in addition to the development requirements and standards of general applicability:
 - 3) Screen Walls.
 - b) The opaque wall shall be ~~a minimum of~~ six (6) feet in height ~~but not more than eight (8) feet.~~ A lower height wall may be required to a front property line for sight distance and traffic safety. ~~Walls higher than eight (8) feet shall be reviewed and approved by the identified approving body for the non-residential use and site plan, as applicable.~~
 - 3) Screen Landscaping
 - c) The types, sizes and amount of landscaping materials sufficient to protect residential properties shall be determined by the Commission ~~or Council~~ when approving a Site Plan.
 - **Note:** The changes in the height of walls occurred just prior to the formal notification in June 2017 to residents that an assisted living facility was being considered at this location.
- **Note:** Ordinance No. 17-1 changes were official on 7 March 2017 and the final approved Assisted Living Site Plan occurred on 8 Feb 2018.

Letter was sent to neighboring residents on June 1 2017, outlined a 55 unit, (41 assisted living, 14 memory care) approx. 45,000 sq ft facility.

- Note: The actual facility built has 68 units (53 assisted living, 15 memory care apartments) estimated at 48,500 sq ft. It is unclear why there was a decision to increase the size of the facility. Had the facility been built to its original 55 units, many of the concerns raised by residents may not have happened.

Planning Commission held a Public Hearing on June 13, 2017 with resident supporting the development but concerns about wall/fence, ground grade difference, and setbacks.

Approved Site Plan indicates:

- City Engineer Acceptance of Site Plan Stamp on the approved Site Plan states; "The improvement plans for this site have been reviewed by the city engineer for general conformance with requirements of the city Public Works Standards. This set of city approved drawings shall be used for construction of the required site improvements. **The developer's engineer whose stamp is on these drawings, is responsible for the accuracy of engineering design, drafting and related field information. Plan approval shall in no means be construed to indicate city acceptance for responsibility of engineering design.** The construction contractor is responsible for dimensions, which shall be confirmed and correlated at the job site; fabrication process and techniques of construction; coordination of his or her work with that of all other trades; and the satisfactory performances of his or her work ."

- **Policy:** 10-10-31 Required Compatibility Transitioning Between Residential and Non-Residential Districts

2. Screen Walls.

- a. An opaque wall shall be installed and maintained along all lot lines that coincide with a residential zoning district boundary.
- b. The opaque wall shall be six (6) feet in height. A lower height wall may be required adjacent to a front property line for sight distance and traffic safety.
- c. Where there is a difference in elevation on opposite sides of the wall, the height of the required wall shall be measured from the highest elevation.
- d. The opaque wall shall be constructed of stone, brick, or colored block masonry.

3. Screen Landscaping.

- a. All nonresidential uses located adjacent to any residential zoned property shall provide a minimum of a ten feet (10') landscaped buffer adjacent to the residential zoning district boundary.
No off-street parking, driveways, accesses, or any hard surfaced areas shall be permitted to be located within the required ten feet (10') landscaped buffer area.
- b. The landscaping provided within the required ten feet (10') landscaped buffer area, as identified in (a) above shall meet or exceed the minimum requirements for landscaping in nonresidential areas, as provided herein.
- c. The types, sizes, and amount of landscaping materials sufficient to protect residential properties shall be determined by the Commission when approving a Site Plan.

- **Policy:** TABLE 17-3 - TABLE OF ALLOWED SCREENING

A minimum 6-foot-tall solid fence of either wood, vinyl or chain-link with interlocking opaque vinyl or a minimum 6 foot tall decorative masonry wall with textured surfacing facing the street

- Screens ground level lights, noise, objectionable views, provides privacy and access restriction, and texturing provides aesthetic relief.
- "Decorative masonry" shall include split face block or brick, brick, fluted block, or masonry wall with stucco finish, but shall not include openings in the wall surface below a height of 6 feet. Bumper guards set back a minimum of 2 1/2 feet from the fence shall be required when fence abuts parking.

- **Policy:** 10-10-36 REQUIREMENTS FOR FENCES AND WALLS

1. Height.

- a. Unless required for Site Plan Approval no fence, wall, hedge, or similar structure shall be erected on any required rear or side yard to a height in excess of six (6) feet, except fences located on the front property line or on the side property line within the front yard shall not be a height in excess of 48 inches.
- b. A fence or wall located along a property line with a grade difference, the fence or wall may be erected to the maximum fence height permitted by the highest grade at the property line. No ground shall be bermed to exceed the maximum allowed height of fences or walls.
- c. Solid, sight-obscuring fences and walls, separating commercial and industrial zoning districts from all other zones, may be required as a buffering and screening treatment with a maximum height of six (6) feet, except for required clear view areas. Additional fence height may be required, including the provision of a three (3) feet of open fence, such as wrought iron, to the top of any fence along rear property boundaries for safety and security purposes.

2. Compatible Design.

All walls and fences shall be compatible with the surrounding landscape and the architecture and building materials of buildings on and adjacent to the property.

3. Quality of Construction.

All walls and fences shall be constructed in a workman-like manner according to industry standards.

4. Maintenance of Fences and Walls.

All fences and walls shall be maintained in good repair. Areas adjacent to the wall or fence shall be maintained by the property owner.

- **Policy:** 10-19-7 Maintenance of Parking Spaces and Areas

Every parcel of land used as a public or private off-street parking area shall be constructed and maintained in compliance with the following requirements:

2. Screening. The sides and rear of any off street parking area that adjoins a residential zone shall be screened by a masonry wall or solid visual barrier fence not less than four (4) feet, or more than six (6) feet in height, as required for Site Plan Application approval.

- **Assisted Living Approved Site Plan** indicates:

- o Scope of Work

- Coordinate with property owners to remove and replace existing fence along the south and west property lines with a new 6-foot vinyl fence as required by city ordinance.

- **Note.** The developer did not coordinate with property owners and simply placed the 6-foot vinyl fence on his side of the development.

DISCUSSION:

- The issue here seems to center on Title 10-10-31, the approved Site Plan, Table 17-3, Title 10-19-7 and Title 10-10-36. 10-10-31 states that an opaque wall shall be installed and maintained along all lot lines that coincide with a residential zoning district boundary and the wall shall be constructed of stone, brick, or colored block masonry. The Assisted Living Site Plan states and shows a 6 ft vinyl fence will be installed. 10-19-7 states a masonry wall or solid visual barrier fence. Table 17-3 allows a solid fence of either wood, vinyl or chain-link or decorative masonry wall. 10-10-36 states the solid, sight-obscuring fences and walls, separating commercial and industrial zoning districts from all other zones, may be required as a buffering and screening treatment with a maximum height of six (6) feet, except for required clear view areas. The questions are simple, does the ordinance allow a 6-foot vinyl fence as stated in the approved Site Plan, 10-19-7, Table 17-3, and 10-10-36! If not, then 10-10-31 requires that a masonry wall should have been installed. Clearly, the policies create confusion on whether a masonry wall or vinyl fence will meet the requirement.

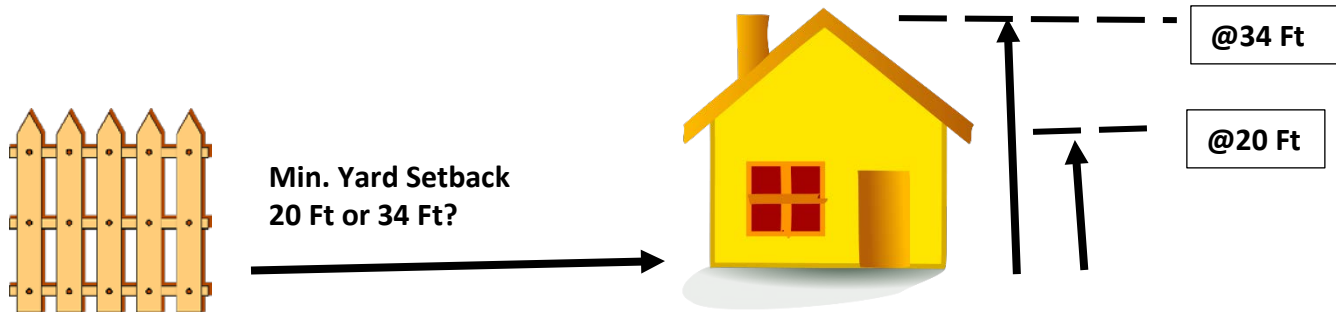
- On a broader note, this issue seems to also involve why the property was zoned Community Commercial since the ordinance in Table 17-1 would allow for Assisted Living facility as a Permitted Use in Residential R-3 and R-4. This development is residential and is closer to compatibility with the neighboring community than a department store typically found in Community Commercial district. The only reason the City needed to consider Title 10-10-31 and the associated wall, was because of compatibility transitioning between residential and non-residential districts. Had the development been establish in a R-3 or R-4 zone and not Community Commercial, there would be no issue here as to whether there should have been a masonry wall or 6 foot vinyl fence. .
- Finally, the cost to place an engineered 6-foot masonry wall along the 1138 feet property line around the Assisted Living Facility could cost anywhere from \$200,000 to \$400,000. The harder question is, if the ordinance does require a masonry wall according to 10-10-31, why did the developer’s engineering firm place a 6-foot vinyl fence on the Site Plan. Did the other ordinances 10-19-7, Table 17-3, and/or 10-10-36, that allows either a masonry wall or any solid visual barrier fence, mistakenly leave the developer with a perception of options. Should there not be consideration in the City Engineer’s signed Site Plan statement that reads “**(Site) Plan approval shall in no means be construed to indicate city acceptance for responsibility of engineering design**”.
- Some tough questions for the Council to consider. If the Council demands that a masonry fence be installed:
 - What happens now after the development is complete, if some residents don’t want heavy equipment tearing up their backyards to install a masonry wall?
 - What happens now if the assisted living facility owner refuses to remove the existing 6-foot vinyl fence?
 - Should not the developer/property owner be held responsible to build the masonry wall or provide some compensation if deemed by the Council?
 - What obligation or liability, if any, does the City play in this process!
- Regardless in the outcome of this current assisted living facility fence issue by the Council, the current ordinance must be adjusted so that there are no future episodes of this confusion in City ordinance. The Planning Commission has proposed some changes listed under the Recommendation portion of the paper.

Setbacks

- **Title 10-10-24 Table of Lot and Setback Requirements for Primary Buildings**
 The Tables of Lot and Setback Requirements identify the lot size and building location requirements for Primary Buildings in each Zoning District provided by this Ordinance. The lot and building standards applicable to each Zoning District are identified and included in the Tables of Lot and Setback Requirements to promote usability and administrative efficiencies. General Development Standards and Site Plan Requirements shall also be considered and are provided in RZC 10-11, RZC 10-14, RZC 10-15, and RZC 10-19.

Table 10-2 – Table of Required Lot and Setback Requirements for Non-Residential Zoning Districts for Primary Buildings

Site Requirements	CC (Community Commercial)
Maximum Building Heights	40 Feet
Minimum Yard Setbacks – Adjacent to any Residential Zone	
Side	20 feet or one (1) foot for every one (1) foot of building height , whichever is greater.
Rear	20 feet or one (1) foot for every one (1) foot of building height , whichever is greater.



- Actual Measurement:**
 Highest point on the facility – @34 feet.
 Assisted Living Facility (West Side) to Fence line – 24 feet
 Assisted Living Facility (South Side) to Fence line – 21 feet

DISCUSSION:

- The City’s position is that the Side/Rear Setback distance is measured from the property line to the nearest vertical wall. The actual measurement of the Assisted Living Facility setback appears to be in-line with the City’s position. Based on the City’s position that the setback measurement is taken from the property line to the nearest vertical wall and Table 10-2 setback measurement states “20 feet or one (1) foot for every one (1) foot in building height whichever is greater”, we have ambiguity in our ordinance. It is unclear whether the setback measurement should be 20 feet or 34 feet!

RECOMMENDATION:

The Planning Commission has chosen to bundle their change recommendations on the Fence / Wall ordinances and the Setback ordinance into one overall proposal. Their recommendations are outlined below.

10-10-24 Tables of Lot and Setback Requirements for Primary Buildings:

TABLE 10-2 - TABLE OF REQUIRED LOT AND SETBACK REQUIREMENTS FOR NON-RESIDENTIAL ZONING DISTRICTS FOR PRIMARY BUILDINGS

Minimum Yard Setbacks – Adjacent to any Residential Zone:				
Front	As required by the adjacent residential zone for a minimum distance of 100 feet.			
Side	20 feet or one (1) foot for every one (1) foot of building height, whichever is greater.—			
Rear	20 feet or one (1) foot for every one (1) foot of building height, whichever is greater.—			
Depth (feet)	Fence Type (Height)	Required Plant Units per 100 feet	Plant Unit Multiplier	100 feet in Length
15'	M[S] (6')	2.5 – Canopy Trees 4 – Understory Trees 6 – Evergreen Trees 15 – Shrubs	CT = 1; UT = .75; E = .6; S = .5	
20'	V[S] (6'); M[PV] (6')		CT = .9; UT = .8; E = .8; S = .75	
25'	V[PV] (6'); M[V] (6')		CT = .75; UT = .9; E = 1; S = .1	
30'	V[V] (6'); CL[L] (6')		CT = .6; UT = 1; E = 1; S = 1.25	

Fence Types = M - Masonry, V - Vinyl, CL - Chain-link; [S] - Solid, [PV] - Partial View, [V] - View, [L] - Living
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10-10-31 Required Compatibility Transitioning Treatments Between Residential and Nonresidential Districts:

~~B. Screen Walls.~~

- ~~a) An opaque wall shall be installed and maintained along all lot lines that coincide with a residential zoning district boundary.~~
- ~~b) The opaque wall shall be six (6) feet in height. A lower height wall may be required adjacent to a front property line for sight distance and traffic safety.~~
- ~~c) Where there is a difference in elevation on opposite sides of the wall, the height of the required wall shall be measured from the highest elevation.~~
- ~~d) The opaque wall shall be constructed of stone, brick, or colored block masonry.~~

~~C. Screen Landscaping.~~

- ~~e) All nonresidential uses located adjacent to any residentially zoned property shall provide a minimum of a ten feet (10') landscaped buffer adjacent to the residential zoning district boundary. No offstreet parking, driveways, accesses, or any hard surfaced areas shall be permitted to be located within the required ten feet (10') landscaped buffer area.~~
- ~~f) The landscaping provided within the required ten feet (10') landscaped buffer area, as identified in (a) above shall meet or exceed the minimum requirements for landscaping in nonresidential areas, as provided herein.~~
- ~~g) The types, sizes, and amount of landscaping materials sufficient to protect residential properties shall be determined by the Commission when approving a Site Plan.~~

10-10-36 Requirements for Fences and Walls:

1) Height.

- a) Unless required for Site Plan Approval no fence, wall, hedge, or similar structure shall be erected on any required rear or side yard to a height in excess of six (6) feet, except fences located on the front property line or on the side property line within the front yard shall not be a height in excess of 48 inches.
- b) A fence or wall located along a property line with a grade difference, the fence or wall may be erected to the maximum fence height permitted by the highest grade at the property line. No ground shall be bermed to exceed the maximum allowed height of fences or walls.
- ~~c) Solid, sight-obscuring fences and walls, separating commercial and industrial zoning districts from all other zones, may be required as a buffering and screening treatment with a maximum height of six (6) feet, except for required clear view areas. Additional fence height may be required, including the provision of a three (3) feet of open fence, such as wrought iron, to the top of any fence along rear property boundaries for safety and security purposes.~~

~~2) Compatible Design.~~

~~All walls and fences shall be compatible with the surrounding landscape and the architecture and building materials of buildings on and adjacent to the property.~~

10-17-2 Exceptions to the Table of Uses:

2) Outdoor Storage: Permitted or Conditional uses within the CC, RC, BP, LM and M may include the outdoor storage as part of Site Plan approval, only if all of the following conditions are met:

b. All outdoor storage is screened from public view, using options within Table 17-3.

TABLE 17-3 - TABLE OF ALLOWED SCREENING (Ord. No 1071; 11/18/14)

These screening options are only available for the screening of "Outdoor Storage"	
A minimum 6 foot tall solid fence of either wood, vinyl or chainlink with interlocking opaque vinyl or a minimum 6 foot tall decorative masonry wall with textured surfacing facing the street	Screens ground level lights, noise, objectionable views, provides privacy and access restriction, and texturing provides aesthetic relief. "Decorative masonry" shall include split face block or brick, brick, fluted block, or masonry wall with stucco finish, but shall not include openings in the wall surface below a height of 6 feet. Bumper guards set back a minimum of 21/2 feet from the fence shall be required when fence abuts parking.
Minimum 6 foot chainlink fence with inserts in the fence fabric	Provides security and access restriction. Inserts help screen objectionable views. Inserts shall be of a durable opaque material and shall be kept in good repair. Bumper guards, set back a minimum of 21/2 feet from the fence, shall be required when fence abuts parking.
6 foot open fence with evergreen trees and shrubs	Screens ground level and higher level lights, provides security and access restriction. Vegetative screen provides additional noise mitigation and screens objectionable views. Trees and shrubs shall be of a locally adapted evergreen species such as arborvitae, juniper, pyracantha, evergreen euonymus, pines or spruces, with a planted size of at least 15 gallons for trees and 5 gallons for shrubs, and shall be expected to reach a height of at least 5 feet within 5 years of planting. Trees shall be planted at 20 feet on center and shrubs at 5 feet on center.

10-31-1 Purpose and Conflicts:

~~Fence, Open: A fence which permits vision through more than fifty percent (50%) of each square foot more than eight (8) inches above the natural or finished grade.~~

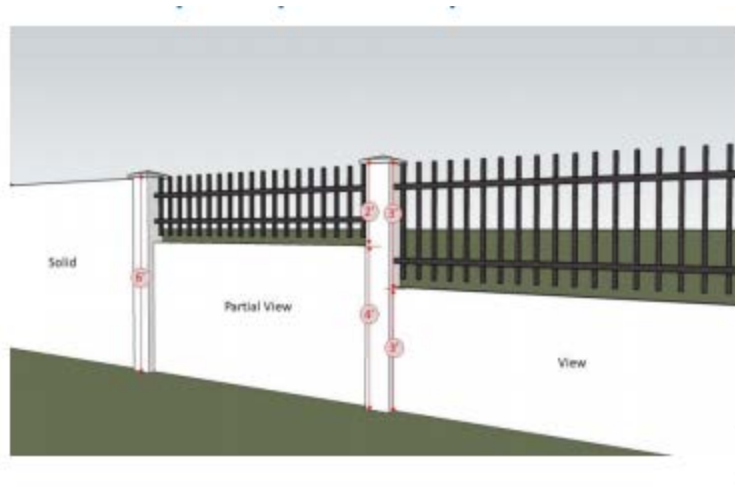
~~Fence, Sight Obscuring: A fence which permits no vision (0%) through any part of the fence at a more than eight (8) inches above the natural or finished grade.~~

Fence, Living – A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an “open: effect and would block the normal line of sight.

Fence, Partial View – A fence constructed in such a manner as to achieve at least 33% openness overall.

Fence, Solid - A fence constructed in such a manner as to achieve 0% openness overall.

Fence, View – A fence constructed in such a manner as to achieve at least 50% openness overall



Request the City Council approve the Planning Commission's recommendations as written; modify the recommendations, or not change the current ordinances.

(Robert Dandoy, Mayor Roy City, Nov 24, 2019)

Point Paper on Outside Storage of Recreational Vehicles

ISSUE:

During the 15 Oct 2019 Roy City Council meeting it was decided to “TABLE” the proposed Ordinance No. 19-15 change and address it again during a Council Workshop.

BACKGROUND:

- The Municipal Code of Roy City (Zoning Code)
 - Title 10-17-1 TABLE OF USES
 - The Tables of Uses identify the uses allowed within each Zoning District and provides a definition for each use.
 - The Tables of Uses are provided as follows:
 1. Table 17-1 – Residential Zoning Districts
 2. Table 17-2 – Non-Residential Zoning District
 3. Table 17-3 – Allowed Screening
 - TABLE 17-1 - TABLE OF ALLOWED USES - RESIDENTIAL ZONING DISTRICTS
 - P = Permitted Use; C = Conditional Use; T = Temporary Use; X = Use Prohibited in the Zoning District (Zone)
 - A Use that is not identified in the Table of Uses is hereby determined to be a Prohibited Use within Roy City.

CURRENT WORDING of ORDINANCE

USE	Permitted (P) in the following zones
Outside Storage of Recreational Vehicles (Limited). The storage and parking of not more than two (2) recreational vehicles, including motor homes, boats, caravans, trailers, or similar, for a period exceeding forty-eight (48) hours, and owned by the property owner.	RE-20, RE-15, R-1-15, R-1-10, R-1-8, R-1-7, R-1-6, R-2, R-3, R-4, and RMH-1

- Title 9 – BUILDING AND CONSTRUCTION REGULATIONS
 - 9-3-3 Definitions
 - RECREATIONAL COACH: A vehicle such as a recreational trailer, tent camp trailer, truck camper, travel trailer, camp car, other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfares in accordance with the provisions of the Utah vehicle code, designed for use of human habitation.
 - 9-3-4: Rules, Regulations and Requirements
 - G. Mobile Homes And Recreational Coaches Placed In Parks:

- 2. Recreational coaches which do not include the facilities necessary to be a "mobile home", as defined herein, shall not be used as a place of abode at any place in the city, at any time, for living quarters except in designated camping areas or overnight trailer parks.

DISCUSSION:

- It is not clear as written of the intended purpose of the Table 17-1 Outside Storage of Recreational Vehicles ordinance. It appears that this ordinance is restricting the number of recreational vehicles that a resident can have, since there is no restriction in this or other City ordinances on how many other licensed vehicles or trailers that can legally be parked on a homeowner's property. Therefore, it is assumed that the City is not restricting residents from having recreational vehicles but rather establishing control over storage of RV(s) on the property! It would appear the intent of the ordinance, although not stated, is to control the unsightly collection of too many RV(s) parked and/or stored.
- Considering the broad spectrum of recreational vehicles, how does one determine which ones are permitted and which ones are not! Do the words "Recreational Vehicle" also include, all-terrain vehicles (ATV), snowmobiles, utility vehicle (UTV), truck campers...etc.? Does the words "trailers, or similar" included snowmobile trailers, ATV / UTV trailers, horse trailers, travel trailers, and vehicle transport trailers! All can be and are normally used for recreation. Some are enclosed trailers and others open by design.
- To further complicate the situation, the current ordinance does not address the fact that a couple communities, east of 1900 West, have designated recreational vehicle parking areas! At these locations there are numerous recreational vehicles consolidated and fenced at a single site. These locations are within the City's Permitted Zones, but clearly a violation of the current ordinance based on RV numbers located at a single location, how long they stay at the location, and they include mixed owners.
- The most difficult issue here is enforcement. The ordinance states: "The storage and parking of not more than two (2) recreational vehicles for a period exceeding forty-eight (48) hours, and owned by the property owner". Although the City has authority to inspect homeowner's property for code violations, there are challenges in determining violations that are locked up behind fences on private property. In addition, determining how long the vehicles sits at a specific location and/or if that vehicles are owned by the homeowner, is problematic.
- During the 15 Oct 2019 Roy City Council meeting the Council members commented on not being able to park closer than 5 feet from the sidewalk. There was also a discussion about family or friends visiting in a RV and the impact the current and proposed ordinance had on parking limits. It should be noted that under the Roy City Title 9 Code, the RV owner visiting would not be able to live in the vehicle while staying.
- It was decided to "TABLE" the proposed Ordinance No. 19-15 change and address it again during a Council Workshop.

RECOMMENDATION:

- The Roy City Planning Commission addressed this ordinance and submitted to the City Council their recommendation in Ordinance No. 19-15 on 15 Oct 2019 (see below).

USE	Permitted (P) in the following zones
<p>Storage of Recreational Vehicles. Storage and parking of recreational vehicles, including motor homes, boats, caravans, trailers, or similar, must be:</p> <ul style="list-style-type: none"> • Parked on an approved surfaces (asphalt, concrete or weed free gravel) • Cannot be parked closer than five (5) feet from sidewalk. • Cannot be parked in or block access to the required parking area. • All RV's parked on property must be owned by property owner or current lease (holder). 	<p>RE-20, RE-15, R-1-15, R-1-10, R-1-8, R-1-7, R-1-6, R-2, R-3, R-4, and RMH-1</p>

Recommend the Roy City Council either approve the Planning Commission recommendations as written, change the Planning Commission recommendations, or leave the current ordinance alone and make no changes.

(Robert Dandoy, Mayor of Roy City, Nov 24, 2019)