

Mayor  
Robert Dandoy

City Manager  
Matt Andrews



Councilmembers  
Ann Jackson  
Diane Wilson  
Joe Paul  
Randy Scadden  
Sophie Paul

## ROY CITY COUNCIL MEETING AGENDA

APRIL 4, 2023 – 5:30 P.M.

ROY CITY COUNCIL CHAMBERS 5051 S 1900 W ROY, UTAH 84067

This meeting will be streamed live on the Roy City YouTube channel.

### 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 consent item, that item may be removed from the consent agenda and considered separately.

1. February 2023 Financial Statement

### E. Public Comments

If you are unable to attend in person and would like to make a comment during this portion of our meeting on ANY topic you will need to email [admin@royutah.org](mailto:admin@royutah.org) ahead of time for your comments to be shared.

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 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 more time to explain, then please email [admin@royutah.org](mailto:admin@royutah.org). Your information will be forwarded to all council members and a response will be provided.

### F. Presentation

1. Miss Roy's Year in Review – Macy McCormick
2. Recreation Award for Andrew Brown – Lizzy Badger

### G. Action Items

1. Consideration of Resolution 23-11; a Resolution approving the job description for a Seasonal Code Compliance Officer.

### H. Discussion Items

1. Roy Days
2. Schedule 2<sup>nd</sup> Work Session for Roy City 5-Year Strategic Plan
3. Update on 1969 W 6000 Sout – Lawn World
4. Update on 5561 & 5581 S 3100 W - Higgs

### I. City Manager & Council Report

### J. 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](mailto: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.

#### 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 31<sup>st</sup> day of March 2023. A copy was also posted on the Roy City Website and Utah Public Notice Website on the 31<sup>st</sup> day of March 2023.

Visit the Roy City Web Site @ [www.royutah.org](http://www.royutah.org)  
Roy City Council Agenda Information – (801) 774-1020

Brittany Fowers  
City Recorder

ROY CITY CORPORATION  
FUND SUMMARY  
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2023

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
PROPERTY TAX	875.04	4,222,889.19	4,330,100.00	107,210.81	97.5
SALES AND USE TAX	747,742.88	4,244,842.86	7,650,000.00	3,405,157.14	55.5
FRANCHISE TAX	253,628.51	2,008,344.49	3,204,675.00	1,196,330.51	62.7
LICENSES AND PERMITS	20,911.80	407,107.42	396,100.00	( 11,007.42)	102.8
INTERGOVERNMENTAL	70,312.50	2,653,889.68	908,125.00	( 1,745,764.68)	292.2
CHARGES FOR SERVICES	187,306.95	2,297,126.47	3,414,500.00	1,117,373.53	67.3
FINES AND FORFEITURES	45,769.34	460,141.34	563,000.00	102,858.66	81.7
MISCELLANEOUS REVENUE	94,459.20	485,728.59	149,380.00	( 336,348.59)	325.2
CONTRIBUTIONS AND TRANSFERS	0.00	24,490.00	1,220,145.00	1,195,655.00	2.0
	<u>1,421,006.22</u>	<u>16,804,560.04</u>	<u>21,836,025.00</u>	<u>5,031,464.96</u>	<u>77.0</u>
<u>EXPENDITURES</u>					
LEGISLATIVE	27,521.68	291,585.61	472,687.00	181,101.39	61.7
LEGAL	31,260.71	222,642.62	430,331.00	207,688.38	51.7
LIABILITY INSURANCE	17,126.75	137,014.00	205,521.00	68,507.00	66.7
JUSTICE COURT	30,862.77	265,426.76	446,093.00	180,666.24	59.5
FINANCE	27,366.11	263,271.93	481,648.00	218,376.07	54.7
TRANSFERS	114,112.00	591,736.00	1,009,164.00	417,428.00	58.6
BUILDING/GROUND MAINT DIVISIO	61,301.30	453,454.84	704,984.00	251,529.16	64.3
POLICE AND ANIMAL SERVICES	461,302.74	4,144,311.83	6,671,461.00	2,527,149.17	62.1
FIRE & RESCUE	326,562.97	3,304,252.01	5,437,109.00	2,132,856.99	60.8
COMMUNITY DEVELOPMENT	49,940.17	384,419.72	678,846.00	294,426.28	56.6
STREETS DIVISION	53,750.68	482,245.71	696,218.00	213,972.29	69.3
FLEET SERVICES DIVISION	14,003.32	132,691.79	228,208.00	95,516.21	58.2
PUBLIC WORKS ADMINISTRATION	32,196.92	227,564.61	415,707.00	188,142.39	54.7
RECREATION COMPLEX	54,853.61	360,024.13	1,287,192.00	927,167.87	28.0
AQUATIC CENTER	17,397.15	377,963.89	727,929.00	349,965.11	51.9
ROY DAYS	1,380.60	170,594.38	132,389.00	( 38,205.38)	128.9
PARKS & RECREATION	189,741.07	1,043,732.49	1,810,538.00	766,805.51	57.7
	<u>1,510,680.55</u>	<u>12,852,932.32</u>	<u>21,836,025.00</u>	<u>8,983,092.68</u>	<u>58.9</u>
	<u>( 89,674.33)</u>	<u>3,951,627.72</u>	<u>0.00</u>	<u>( 3,951,627.72)</u>	<u>.0</u>

ROY CITY CORPORATION  
FUND SUMMARY  
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2023

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
41 CAPITAL PROJECTS FUND	79,785.10	296,301.02	3,409,880.00	3,113,578.98	8.7
50 UTILITY ENTERPRISE FUND	825,164.30	6,821,029.18	9,780,760.00	2,959,730.82	69.7
51 STORM WATER UTILITY FUND	80,345.14	634,399.87	1,066,967.00	432,567.13	59.5
53 SOLID WASTE UTILITY FUND	248,762.67	1,949,400.37	2,678,278.00	728,877.63	72.8
60 INFORMATION TECHNOLOGY	65,967.08	527,736.64	807,605.00	279,868.36	65.4
63 RISK MANAGEMENT FUND	24,466.83	249,832.64	293,602.00	43,769.36	85.1
64 CLASS "C" ROADS	10,964.60	799,701.12	2,472,100.00	1,672,398.88	32.4
65 TRANSPORTATION INFRASTRUCTUR	70,723.11	402,884.57	555,000.00	152,115.43	72.6
67 STORM SEWER DEVELOPMENT	4,810.64	87,386.62	196,000.00	108,613.38	44.6
68 PARK DEVELOPMENT	858.56	105,042.20	186,667.00	81,624.80	56.3
71 REDEVELOPMENT AGENCY	9,678.56	407,259.07	1,609,356.00	1,202,096.93	25.3
75 CEMETERY FUND	40.00	160.00	0.00	( 160.00)	.0
	<u>1,421,566.59</u>	<u>12,281,133.30</u>	<u>23,056,215.00</u>	<u>10,775,081.70</u>	<u>53.3</u>
<u>EXPENDITURES</u>					
41 CAPITAL PROJECTS FUND	1,255,965.48	1,863,023.23	3,409,880.00	1,546,856.77	54.6
50 UTILITY ENTERPRISE FUND	963,254.19	5,667,718.67	9,780,760.00	4,113,041.33	58.0
51 STORM WATER UTILITY FUND	191,031.46	643,758.39	1,066,967.00	423,208.61	60.3
53 SOLID WASTE UTILITY FUND	209,240.31	1,432,202.70	2,678,278.00	1,246,075.30	53.5
60 INFORMATION TECHNOLOGY	90,993.98	583,421.93	807,605.00	224,183.07	72.2
63 RISK MANAGEMENT FUND	2,367.85	279,213.93	293,602.00	14,388.07	95.1
64 CLASS "C" ROADS	68,608.17	1,367,843.77	2,472,100.00	1,104,256.23	55.3
65 TRANSPORTATION INFRASTRUCTUR	6,160.13	69,150.80	555,000.00	485,849.20	12.5
67 STORM SEWER DEVELOPMENT	0.00	0.00	196,000.00	196,000.00	.0
68 PARK DEVELOPMENT	9.34	5,144.57	186,667.00	181,522.43	2.8
71 REDEVELOPMENT AGENCY	5,196.78	23,350.53	1,609,356.00	1,586,005.47	1.5
75 CEMETERY FUND	0.00	0.00	0.00	0.00	.0
	<u>2,792,827.69</u>	<u>11,934,828.52</u>	<u>23,056,215.00</u>	<u>11,121,386.48</u>	<u>51.8</u>
	<u>( 1,371,261.10)</u>	<u>346,304.78</u>	<u>0.00</u>	<u>( 346,304.78)</u>	<u>.0</u>

## **Roy City Council Agenda Worksheet**

**Roy City Council Meeting Date:** April 4, 2023

**Agenda Item Number:** Action Item #1

**Subject:** Seasonal Code Enforcement Officer Job Description

**Prepared By:** Brody Flint

**Background:** Every year during the late spring and summer months, the Community Development department receives numerous calls and reports of code violations. The main way code enforcement has been done is through reactive (responding directly to complaints) enforcement. The addition of a seasonal code enforcement officers would assist the City by having another person able to respond to the active complaints and also could spend time with proactive enforcement. A proactive approach to code enforcement should benefit the City as more people will communicate with code enforcement and will know of violations and the need to remedy any violation.

**Recommendation (Information Only or Decision):** Decision

**Contact Person / Phone Number:** Brody Flint or Mayor Dandoy



POSITION  
ANNOUNCEMENT

**POSITION TITLE:** Seasonal Code Compliance Officer  
**SALARY RANGE:** \$17.00  
**OPENING DATE:**  
**CLOSING DATE:** Open Until Filled

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Apply online at [www.royutah.org](http://www.royutah.org)

Roy City is an equal opportunity employer and does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services. If you have special needs please call (801) 774-1000. The Human Resource Office will provide reasonable accommodations for any applicant during the examination and selection process.

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DRUG FREE WORK PLACE / EOE / ADA

GENERAL PURPOSE

Performs a variety of working level technical duties related to enforcing the provisions of City laws, codes, ordinances, regulations, and other legal issues related to streets, sidewalks, parking strips, abandoned vehicles, snow, weeds, signage, and hazardous and nuisance abatement issues.

SUPERVISION RECEIVED

Works under the general supervision of the Community Development Director

SUPERVISION EXERCISED

None.

ESSENTIAL FUNCTIONS

Patrols the area of Roy City and conducts field investigations. Checks for violations of City ordinances, including "clear view" on corner lots, landscaping blocking regulatory and street signs, excessive weeds, issues related to proper snow removal, parking violations, abandoned vehicles, vehicles illegally displayed for sale, and other nuisance abatement issues.

Receives complaints and reports from citizens regarding alleged violations of City ordinances, codes, and regulations. Investigates said claims and determines the nature of the allegation and apprises complainants of possible solutions.

Issues citations for violations and keeps records of violations and follows up to secure correction of the situation. Prepares various investigative reports; initiates legal proceedings where appropriate and coordinates the same with City legal staff; administers preliminary sanctions as allowed by ordinance or code. Prepares court cases and testifies in court when required.

Advises property owners, businesses, builders, contractors, architects, or developers regarding code compliance issues established City codes, ordinances and related guidelines; determines options and obligations available according to codes and ordinances and makes recommendations; apprises public regarding concerns and potential violations; conducts research and obtains facts necessary to determine proper course of actions; coordinates and monitors solutions; compiles information and makes recommendations on special studies; answers questions and provides information to the public.

Maintains and monitors all code compliance records needed to document complaints, investigations, citations, and enforcement activities. Assists with the Roy community service program as needed.

Conducts regular review of codes, ordinances, and regulations; receives administrative and legal interpretation as needed to direct compliance; makes recommendation related to practical application of codes and ordinances; assists in adapting, modifying or rewriting codes and ordinances as needed.

Prepares and provides written and oral reports to supervisor, city council, planning commission, boards, committees, and public interest groups as required to explain code enforcement activities and program needs.

Maintains professional appearance and adheres to departmental dress code. Has a working knowledge of all department issued equipment and maintains the equipment in good working order.

Performs related duties as assigned to promote the overall goals and objectives of the department.

### MINIMUM QUALIFICATION

1. Education and Experience

A. Graduation from high school plus sufficient training to demonstrate an aptitude and ability to perform above and related duties;

OR

B. An equivalent combination of education and experience.

2. Essential Function, Knowledge, Skills, and Abilities

Working knowledge of: liability issues which arise out of investigative procedures; effective interpersonal communications; city and state codes and ordinances related to multiple aspects of planning and zoning , subdivision, signage, public works, property rights, boundaries, etc.; legal system and securing sanctions for violations; various investigative techniques methods, and procedures; procedures necessary in the development of ordinances and codes; report writing; public relations; modern office methods, practices, procedures and equipment including a computer; and computerized data bases and related software applications.

Skilled in using diplomacy, imagination, initiative and problem-solving capabilities to deal with a variety of code enforcement and community issues; skill in computerized record keeping and report writing.

Ability to: enforce regulations with firmness, tact, and impartiality; comprehend and interpret complex regulations related to planning and zoning, subdivision, signage and other city ordinances; keep operating records and maintain various written reports; read maps and locate property; learn

basic principles and practices of urban planning and development; learn laws underlying general plans, zoning, subdivision, signage and nuisance; establish and maintain cooperative working relationships with co-workers, various city departments, other agencies, and the public.

3. Special Qualifications

Must possess a valid Utah driver's license.

4. Work Environment

Tasks require variety of daily physical activities involving muscular strain. Physical demands may occur in activities related to walking, standing, stooping, sitting, reaching, or lifting. Talking, hearing and seeing required to perform essential job functions. Mental application utilizes memory for details, emotional stability and discriminating thinking, and creative problem solving. Frequent local travel required in course of performing portions of job functions.

**RESOLUTION NO. 23-11**

**A RESOLUTION OF THE ROY CITY COUNCIL APPROVING A JOB DESCRIPTION FOR A SEASONAL CODE COMPLIANCE OFFICER.**

**WHEREAS**, the Roy City Community Development Department desires to hire a Seasonal Code Compliance Officer to enhance operations; and

**WHEREAS**, the Roy City Council approved the creation of a Seasonal Code Compliance Officer position; and

**WHEREAS**, Roy City is required to maintain job descriptions on all employee positions; and

**WHEREAS**, each job description identifies title, supervision received, supervision exercises, essential functions, and minimum qualifications for the position; and

**WHEREAS**, the City uses job descriptions to determine the appropriate pay ranges for position; and

**WHEREAS**, the City uses the job description to advertise for and hire qualified individuals to fill open positions; and

**WHEREAS**, the Roy City Administration has prepared a job description for the Seasonal position and desires Roy City Council approval of the attached job description; and

**NOW THEREFORE**, be it resolved by the Roy City Council that the Seasonal Code Compliance Officer job description, which is attached hereto, is approved.

Approved and adopted this \_\_\_\_\_ day of April 2023.

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Robert Dandoy  
Mayor

Attested

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Brittany Fowers  
City Recorder

Councilmember Scadden \_\_\_\_\_  
Councilmember Wilson \_\_\_\_\_  
Councilmember Sophie Paul \_\_\_\_\_  
Councilmember Jackson \_\_\_\_\_  
Councilmember Joe Paul \_\_\_\_\_



## **Roy City Council Agenda Worksheet**

**Roy City Council Meeting Date:** April 4, 2023

**Agenda Item Number:** Discussion Item #1

**Subject:** Roy Days 2023.

**Prepared By:** Brody Flint

**Background:**

During previous Roy City Council Meetings, it has been discussed to move the location of Roy Days Vendor Booths from West Park to George Wahlen Park and possibly drop from two days of booths to one. It was also discussed to have Councilmembers spearhead the Parade and Salmon Bake alongside staff; Councilmember Sophie Paul and Councilmember Wilson both showed interest in this. As we head into Roy Days planning meetings, we need direction from Council to solidify the location change and express any concerns they would like to be considered by the planning committee.

**Recommendation (Information Only or Decision):**

Information / Direction

**Contact Person / Phone Number:**

Brody Flint

## **Roy City Council Agenda Worksheet**

**Roy City Council Meeting Date:** 2/21/2023

**Agenda Item Number:** Discussion Item #2

**Subject:**

Strategic Plan follow up.

**Prepared By:**

Matt Andrews

**Background:**

A discussion on how to move forward to update the Roy City Strategic Plan.

**Recommendation (Information Only or Decision):**

Information Only

**Contact Person / Phone Number:**

Matt Andrews

## **Roy City Council Agenda Worksheet**

**Roy City Council Meeting Date:** April 4, 2023

**Agenda Item Number: Discussion Item #3**

**Subject:**

Public Comment from March 7, 2023 Follow-up – Lawn World.

**Prepared By:**

Matt Andrews

**Background:**

During the public comment period on March 7, 2023 Paul Wilson, owner of Lawn World requested we look into our City ordinance and current use of the property to build a new building that does not comply with current design standards. This discussion is to provide feedback to the Mayor and City Council.

Please see the attached memo.

**Recommendation (Information Only or Decision):**

Information / Direction

**Contact Person / Phone Number:**

Matt Andrews/Brody Flint



Date: 24 March 2023  
To: Matt Andrews  
From: Steve Parkinson – Planning & Zoning Administrator  
Subject: 1969 West 6000 South – Lawn World

You wanted me to provide you with what it would take to allow the current use of the property to build a new building without complying with current design standards.

However, first I feel I need to provide the history of the area.

A building permit was issued in 1951 for a single-family residence for Melvin Udy.

On January 31, 1992, the City received a petition to Rezone the property from C-2 to R-3, but no action was taken. There are no notes on this, so it must have been withdrawn shortly afterwards.

On February 12, 1992, the City received a Conditional Use Permit application for Lawn World. The Planning Commission reviewed the project on February 25, 1992, the minutes are below:

I. PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT FOR A LAWN CARE SERVICE AT 1969 WEST 6000 SOUTH

John Cordova moved to open the public hearing at 7:01 p.m. Tommy Smith seconded the motion. All voted “aye”. The motion carried.

Bruce Talbot stated that the petitioner Leslie Ingram had expressed an interest in the purchasing the property at 1969 West 6000 South, which was located in a C-2 Zone, for use as a lawn care service, which was a conditional use in the C-2 Zone.

Larry Bouwhuis arrived at 7:02 p.m.

Leslie Ingram stated that the name of his company was Lawn World Inc. He needed office space and a place to park his trucks. The property at 1969 West 6000 South was a good location for him.

Norvell Thompson asked if any of the chemicals Mr. Ingram used were hazardous. Mr. Ingram indicated the pesticides he used were approved by the EPA; they were the same pesticides used by home-owners and farmers. They were dangerous if not used or stored properly. Mr. Ingram said he would store his chemicals properly and provide a list of the chemicals he used to the Fire Department. He indicated he was also inspected by the State once a year.

Tommy Smith asked if the garage located on the property would be used to store the pesticides. Mr. Ingram said his pesticides and fertilizer would be stored in the garage. The garage would be locked, and a sign would be posted on it to indicate it was a storage area for pesticides and fertilizer.

Al Poppell asked if a business had ever been operated from this location. Leslie Ingram stated that the property was currently being used as a residence. Bruce Talbot stated that the property had a residential use, but it was located in a C-2 Zone and had been for several years.

Tommy Smith asked where Mr. Ingram would dispose of his chemicals. Mr. Ingram said he always used all his chemicals. However, if he had to dispose of any, there a disposal site in Salt Lake which was approved by the EPA.

Al Poppell asked if there would be any traffic problems. Leslie Ingram stated he had a total of five trucks. There would be no walk-in business. Al Poppell asked if the vehicles would enter and exit from the same driveway. Leslie Ingram said they would.

John Cordova asked if the empty chemical containers had to be disposed of in a special manner. Leslie Ingram said they did and explained that method to the Commission. He said all of his empty containers were disposed of properly.

Tommy Smith asked if any chemicals would be left inside the trucks. Leslie Ingram stated that sometimes chemicals were left in the trucks, but his vehicles would be secured.

There was a discussion regarding fencing. Leslie Ingram said there was a 6-foot fence on the west side of the property, a 4-foot in the rear, and no fence on the east side. The fence in the rear would have to be raised, and a fence would have to be installed on the east side.



Al Poppell asked if the parking area for the trucks would be hard-surfaced. Leslie Ingram stated that he planned to put road base in the area where his vehicles would be parked.

Norvell Thompson asked about the location of the dumpster. Leslie Ingram indicated it would be located inside the locked, fenced area.

Larry Bouwhuis asked if the fence would be childproof. Leslie Ingram didn't know if a 6-foot chain link fence was childproof. He asked if the City would allow 6-foot shrubs in place of a chain link fence with slats. Bruce Talbot said the City had allowed shrubbery in lieu of fences in the past. As this was a conditional use, that was something the Planning Commission could consider. Mr. Ingram would have to submit plans indicating the type of shrubbery which would be planted and that it would be maintained at the proper height.

Larry Bouwhuis asked what was located directly south of this property. Randy Sant said there was a residential neighborhood to the south and also to the west.

Larry Bouwhuis asked if a lawn care service would be totally com-patible with the neighborhood. Randy Sant stated that a lawn care service was a conditional use in a C-2 Zone, and the use could not be denied. However, because the use was conditional, restrictions could be placed on it to make it compatible. The staff had reviewed the site plan and recommended some conditions to try and make the use as compatible as possible. One of the recommendations was a 6-foot screen fence on all sides of the property to screen the use from the residential area.

Norvell Thompson asked for comments from the audience.

Linda Shendow expressed concern about the chemicals to be used and asked if any were in powder form. Mr. Ingram said they were not. He also said all his trucks were equipped with anti-syphon devices. Linda Shendow asked if Mr. Ingram would be doing any repair work on the site, especially late at night.

Mr. Ingram said he was not a mechanic. Linda Shendow asked if any vehicles would back out onto 6000 South. Mr. Ingram said there was plenty of room for his trucks to turn around in the back. For safety purposes, his trucks would not be allowed to back out onto 6000 South. Linda Shendow stated that the Perry's, neighboring property owners, were out of town and were not represented at the hearing. Randy Sant said he had tried to contact the Perry's, but they were out of town.

Anita Brooks asked if any vehicles would be parked on the front lawn or on the street. Mr. Ingram stated that his vehicles would be parked in the back area where they would be screened. Ms Brooks asked if the front lawn would be maintained. Mr. Ingram said he planned to maintain the lawn area. Ms. Brooks wanted to see the area remain as livable as possible. She asked what would happen to broken equipment. Would it sit around and rust? Mr. Ingram said he wanted to keep his business establishment looking nice. Randy Sant stated that the Commission could place restric-tions on the conditional use that no equipment be left lying around. If that became a problem, the conditional use could be revoked.

Anita Brooks asked if anyone would live in the house. Leslie Ingram said the house would be used as an office. He also said the business would not be run late at night, and that any noise generated by his equipment would be no louder than a lawnmower. Anita Brooks asked if the property would be maintained in the winter. Mr. Ingram said it would. Ms. Brooks was concerned that the neighborhood would not "go to pot".

Rosera Varney stated that this was an older residential neighbor-hood, and that 6000 South was a busy street. She hated to see businesses encroaching into the residential area, particularly when there were vacant buildings in the commercial zone. Randy Sant stated that commercial businesses could not encroach into residen-tial areas. The property location in question was located in a commercial zone which abutted a residential area. There was a discussion about the boundaries of the commercial zone in the area. Randy Sant said it was not the City's intention to allow commercial uses to erode into the residential areas.

Norvell Thompson stated that a conditional use in a commercial zone allowed the City to place restrictions on the use to offset some of its effects.

Randy Sant stated that some of the staff's recommendations included no lighting, no business operations after 9:00 p.m., that the front yard be maintained, and that the business be screened.

Ernest Smith felt that shrubbery in place of a fence would be fine as long as the shrubs didn't take ten years to grow.

Al Poppell asked if drainage from the parking area would be a problem. Leslie Ingram said he would have to do some grading when the road base was installed. Al Poppell felt the grading should be sloped toward the street.

Bruce Talbot stated that the staff had reviewed Mr. Ingram's appli-cation for a conditional use permit and his site plan. Mr. Talbot said the staff recommended that the property be used strictly for commercial purposes and not for residential; that the driveway be asphalt or concrete and the parking area be hard surfaced; that a 6-foot fence be required on all sides of the property in accordance with the Zoning Ordinance, no barbed wire was allowed; that a list of chemicals to be stored on site and their location be provided to the Fire Department; that the Fire Department inspect the premises prior to the issuance of a business license; that the site be in-spected by the applicable State health and environmental agencies; that all chemicals be stored in a locked, covered area; that there be a fenced vehicle area; that no disposal of chemicals be allowed on site; that any renovation to the structure be done in compliance with building codes; that the area around the house be landscaped and maintained; that the dumpster location be shown on the site plan; that no broken equipment be stored on site; no lighting; and that no business operations be allowed after 9:00 p.m.

Linda Shendow asked where the employees would park. Leslie Ingram said there was plenty of room for them to park in the driveway, on the street, or in the back. Bruce Talbot said parking was allowed on the street, but the City preferred parking to be on site. Randy Sant said the City wanted to see as little on-street parking as possible. If on-street parking became necessary, the City needed to approve it. He felt there was plenty of parking areas available on site.

John Cordova asked if the lighting restriction referred to porch lights. Randy Sant said the staff was concerned that no lights other than those naturally found in a residential area, be installed. Porch lights or flood lights were found in residential areas. The staff was concerned about security lights or pole lights.

**Larry Bouwhuis moved to closed the public hearing at 7:49 p.m. John Cordova seconded the motion. All voted "aye". The motion carried.**

**Larry Bouwhuis moved to approve a conditional use for a lawn care service at 1969 West 6000 South subject to the recommendations of the staff, except that no business operations occur after 10:00 p.m. Tommy Smith seconded the motion. All voted "aye". The motion carried.**

Lawn World has had a Business license since March 1992.

Lawn World has had a Business license since March 1992.

Since 1992, they have taken out permits for Electrical upgrade in March 1999 and a Sign in April 1999.

In May 2018, Mr. Ingram submitted an application for a Building Permit for a 40'x60' building, that was a 100% metal building. At the time the Zoning was Regional Commercial (RC).

On May 10, 2018, I sent Mr. Ingram the following email:

From: Steve Parkinson  
Sent: Thursday, May 10, 2018 3:21 PM  
To: 'thezephyrguy@yahoo.com'  
Subject: Les Ingram property  
Attachments: PERMITTED USE APPLICATION – PLANNING COMMISSION.PDF

To whom it may concern

I am contacting you because you submitted a building permit application for a storage garage at the property located at 1969 West 6000 South in Roy.

I purpose of this email is to inform you that this property is a business within the Regional Commercial zone. All "New" buildings on Commercial properties must gain Planning Commission approval prior to approving of a building permit.

I have attached the appropriate Planning Commission application. Starting on page 3 it list items that need to appear on the set of Civil plans, as well as Building elevations and material/color board.

If you have any questions, concerns or comments, please do not hesitate to give me a call.

Thanks

Steve Parkinson | City Planner

Below is the listed items as mentioned in the email as an attachment.

**10-14-10 Application Requirements to Establish a Permitted Use Proposing New Construction of a Building(s):**

All applications to establish a Permitted Use proposing new construction of a building(s) shall include and provide the following information:

- 1) A completed Permitted Use Application, as provided by the City.
- 2) Six (6) 24" X 36: size copies, one (1) 11" X 17" size copy and one (1) digital copy of a Site Plan set, drawn at a scale as required by the City Engineer, prepared by a licensed engineer or architect identifying the following:
  - a) The location and dimension of the property and all proposed uses and buildings, existing buildings located on the property, and existing buildings located within one-hundred (100) feet of the property.
  - b) The location of any future buildings shall be shown, if applicable, to provide for the function and compatibility of the entire site at full build-out.

- c) Existing property lines and existing fence lines shall be shown.
  - d) The location of all zoning district boundaries.
  - e) The location and dimension of all existing and proposed natural features including drainage ways and flood plains.
  - f) Existing topography and the proposed finished grade of the site shown as required by the City Engineer.
  - g) The proposed setbacks and exterior dimensions of all proposed buildings and structures.
  - h) The location of roads and streets serving the site, or proposed to serve the site, and including any permits as required by Weber County or the Utah Department of Transportation, as applicable.
  - i) The location and dimension of all proposed ingress and egress points, off-street parking, and loading areas, including the total number of parking and loading spaces.
  - j) The location and dimension of all pedestrian and biking facilities, including sidewalks and trails, if any.
  - k) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
- 3) Located on the Site Plan sheet(s), or on separate sheets, as may be proposed by the applicant, or required by the Zoning Administrator for readability, the following information shall be provided:
- a) All existing and proposed culinary water, secondary water, sanitary sewer, storm drainage, power, gas, and telephone lines and facilities, streets and roads with design plans for any new water, sewer and storm drainage lines and facilities, as applicable, streets and roads, meeting the design and construction requirements of the City, or other agencies, as applicable, and prepared by a licensed engineer, at a scale acceptable to the City Engineer. Access to all utilities and points of utilities connections shall be shown.
  - b) A Landscape Plan(s). Landscape plan(s) shall be included with the Permitted Use Application, prepared by a registered landscape architect, identifying all proposed landscape, screening and buffering features, including all proposed plant materials, including their locations and sizes. All proposed plant materials should be drought tolerant. The following shall apply:
    - (1) Turf grass not to exceed 15% of the total landscaped area (designated recreational areas excluded).
    - (2) No turf grass in parking lot landscape islands, park-strips, buffer areas or any area less than eight (8) feet wide.
    - (3) An Irrigation System Design should be used for all areas to conserve water.
  - c) Fences and Walls. The location of all fences and walls, identifying proposed height, materials, and colors shall be shown.
  - d) Building Plans. The exterior elevations of every side of all proposed structures shall be provided, clearly showing proposed building materials and colors proposed for all exterior building facades. This information shall include a proposed building materials and colors board including color chips and material samples. The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed.
  - e) Site and Building Signage Plans. Information and plans shall be provided identifying all proposed site and building signage including the design, height, size, materials, and colors of all building and site signs.
  - f) Site and Building Lighting Plans. Information and plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting. A photometric plan of the site, including all site and building lighting, may be required by the Commission.
  - g) The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed method of screening.
  - h) A Construction Plan identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s), as applicable.
- 4) A narrative, accompanied by necessary tables and other information, describing the proposed Permitted Use Application, to assist the Staff and Commission in the review of the Permitted Use Application including:
- a) A calculation, identifying all pervious and impervious areas.
  - b) A description of all proposed uses and buildings, including the total site area and building square footage, by building.
  - c) Projected increase in traffic trips.
  - d) Projected water and sewer demand.
  - e) How the proposed Site Plan and proposed uses comply with the Roy City General Plan.

(Ord. 17-1, 3-7-2017; Ord 22-8, 7-5-2022)

#### 10-14-11 Additional Site and Building Design Standards for New Construction or Structural Modifications to an Existing Building(s):

To achieve the purposes of this Ordinance, Site and Building Design Standards or Design Guidelines are categorized as follows:

- 1) Site Standards related to buildings and structures including building design, location of buildings, access locations, parking and loading areas, landscaping treatments and buffer areas, signs and sign location, site and building lighting, and other features are required for all Site Plans. Building Design Standards are required in addition to standards set forth in this Ordinance and are indicated by the verb "shall".
- 2) Design Guidelines indicate additional actions that may be taken to enhance development design and achieve greater compatibility with adjacent land uses. Guidelines use the verb "should" (rather than "shall") signifying that the guidelines are desirable objectives. Application of the guidelines will depend on the nature of the proposed Site Plans and the surrounding area, as may be determined by the Zoning Administrator or Commission.

## A. Building Design Standards:

All Site Plan Applications shall balance the proportion and scale of all proposed buildings and structures to the project site, adjacent buildings and structures, and streets from which the building will be accessed or viewed. Building plans, elevations and cross-section drawings, photographs, or other studies or models may be required to illustrate or fully explain how a proposed buildings and structures will address these issues.

It is the vision of the City that all buildings, and their associated facilities and improvements, will enhance the built environment of the City. To achieve this goal and to preserve and increase property values all Site Plans shall incorporate the following building design elements:

- 1) **Coherent Building Design.** All sides of a building shall include consistency of building materials, colors and shall provide architectural treatments and building features. A consistent level of detail and finish on all sides of a building shall be provided.
- 2) **Accessory structures.** All accessory structures shall take on the same character as the primary building, using the same colors, materials, shape, and style.
- 3) **Continuous building wall surfaces.** Continuous building walls longer than thirty (30) feet shall be relieved with variations of wall planes or overhangs that create shadow areas and add visual interest.
- 4) **Visual patterns.** Every building shall provide shadow relief created by recesses and projections. Recesses may include courtyards, entryways, or boxed window openings, along the exterior of the building. Projections may include stairs, balconies, entrances, or bays. Covered walkways, breezeways, patios, trellises, landscape areas, and wide roof overhangs are encouraged to produce shadow effects. Stepped structures may also be used to offset building massing.
- 5) **Architectural details.** Surface details, ornaments, and other building elements that enrich the character of a building shall be provided. Attention to detail, including all building and architectural design elements shall be required. The following architectural details are desirable and encouraged:
  - a) Stonework.
  - b) Exposed beams and columns.
  - c) Cornices, moldings, bands, pop-outs, decorative vents, cast or sculpted features.
  - d) Covered walkways, breezeways, bays, and balconies.
  - e) Courtyards and patios.
  - f) Wide roof overhangs.
  - g) Accessories such as art features, benches, pots, lamps, artwork, and sculptures.
- 6) **Building Additions.** All additions to existing buildings shall incorporate the predominant architectural features, materials, and colors of the existing building.
- 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. All building-mounted mechanical or communications equipment shall be a color to make it as unobtrusive as possible. If located on or adjacent to a building wall or on the roof, the color of all mechanical and communications equipment shall blend with the design details of the building or screened from view.
- 8) **Building Scale.** The size and scale of all buildings and structures shall be found to be compatible with, and not dominate, the surrounding buildings and structures and surrounding natural features.
- 9) **Pedestrian scale.** Regardless of overall building size, elements, such as windows, lighting, and facades, at the pedestrian level shall achieve a sense of human scale and create visual interest at eye-level.
- 10) **Building Materials.** Exterior building materials shall be compatible with those predominantly used in the surrounding area. The following materials shall be used on exterior walls:
  - a) Natural or cultured stone.
  - b) Stucco.
  - c) Masonry including integrally colored split faced block and brick.
  - d) Exposed aggregate or colored concrete with a stamped, pitted or other textured.

The following materials are prohibited for use on exterior walls.

- e) Unfinished block.
- f) Unfinished concrete.
- g) Materials not typical of buildings located within Roy City.

The use of metal materials for use on exterior walls:

- h) Metal buildings shall be prohibited in all commercial zones. Metal buildings in the manufacturing zone may be considered with the incorporation and addition of other building materials such as masonry, stone, stucco, or other non-metal treatments.

## B. Site Design Standards:

All Site Plan Applications shall provide site functionality for the integration of the proposed buildings with existing, or planned, pedestrian and vehicular circulation patterns and provides for a system of interconnected streets, walkways, trails, and parking areas.



- 1) **Building Location.** All buildings shall have an orientation to the street to encourage a pedestrian relationship. Building placement shall allow interconnected walkways and shared site accesses for increased convenience, accessibility, and enhanced safety for pedestrians. All Site Plan Application approvals shall provide agreements or easements to allow cross vehicle access, pedestrian connections and shared parking, as determined necessary by the Zoning Administrator, or Commission.
- 2) **Naturally Occurring Site Features.** All Site Plan Applications shall recognize and preserve, as practicable, the natural features and sensitive areas occurring on the site including areas of historic value, unusual or hazardous topography, or lands subject to flooding. All natural features shall be preserved, as practical, and integrated into the site plan design.
- 3) **Interconnected Open Space.** Provide an interconnected system of open space areas. The locations of all buildings and structures shall allow and provide an interconnected system of open space allowing open space and landscaping areas to connect with similar open spaces and landscaping areas existing, or planned to be located, on adjacent properties.
- 4) **Site Access.** The location and number of access points to the site, the interior circulation pattern, and the separation between pedestrians and vehicles shall be designed to maximize safety and convenience, and should be harmonious with proposed and neighboring buildings. Appropriate vehicular and pedestrian cross access agreements and easements shall be provided.
- 5) **Trash and Refuse Collection Areas.** All solid waste and refuse collection areas shall be located to minimize the impact on adjacent property owners or users. Such areas shall be screened from view. All dumpster and refuse enclosures shall be a minimum of six (6)-feet high, constructed of materials to match the primary buildings on the site, and provide latching gates for screening the opening to the enclosure.
- 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.
- 7) **Off-street Parking Areas and Loading Bays.** Off-street parking and loading docks/bays shall be screened by landscaped areas and walls. Loading bays and docks shall be separated from customer parking where possible. Loading bays shall be oriented away from neighboring residential areas and public streets. The number and dimension of required off-street parking spaces and loading bays shall be in accordance with the requirements of the Chapter 19, herein.
- 8) **Flood Channels and Drainage Ways.** Drainage ways shall be retained and protected in their naturally occurring condition, where possible, and integrated into the open space areas of the site and may include areas for use as trails or parks. Flood channels and drainage ways may be contoured to be gentle and rounded and may incorporate the use of rocks, boulders, and landscaping to increase interest.
- 9) **Site Landscaping and Screening Treatments.** Landscape improvements should mitigate building and parking lot impact, add aesthetic interest, and character. Landscaping is an integral element of site development. Landscaping should complement the architecture of the building and provide visual interest and variety, provide screening elements, add to year round site beautification, highlight building design features, and conserve water. The minimum landscaping requirement is based on the Zoning District in which the site is located, as provided in Table 10-2. Landscape designers shall recognize the following landscape design principles with the Landscape Plan(s) materials:
  - a) **Landscape Buffers.** Landscape buffers between dissimilar or conflicting land uses shall be provided. Landscape buffers shall be provided for off-street parking and service areas and streetscape landscape buffer areas shall be provided on the perimeter of all proposed Site Plans, as required by the Zoning Administrator or Commission.
  - b) **Internal Parking Lot Landscaping.** To minimize the environmental and visual impacts created by large areas of off street parking hard surfacing all off street parking areas shall be designed and constructed to meet the following minimum landscape requirements. Site Plan Application approval by the Zoning Administrator or Commission may require additional parking area landscaping to achieve the purposes of this Ordinance.
    - i) **Minimum Internal Parking Area Landscaping.** All off street parking areas, providing twenty (20) or more parking spaces shall provide a minimum of five percent (5%) of the total parking area as landscape treatments. Areas to be landscaped may include;
      - (1) Traffic islands separating adjacent parking spaces.
      - (2) Peninsulas parallel to individual parking spaces.
      - (3) Planter areas located at the ends of parking rows or other planter areas located within the off street parking area.
    - ii) The area provided for off street parking shall be the greatest area defined by the distance from the curb-lines or edges of the outermost parking space, aisle, or driveways.
    - iii) No required setback areas shall be included as meeting the required parking area landscaping as required by this Section.
    - iv) All required landscaped areas shall be provided with a permanent and adequate means of irrigation and regularly maintained, including weed control.
    - v) All parking lot hard surfacing shall provide a sufficient area around all trees and landscaping to permit water absorption and prevent soil compaction.
    - vi) Off-street parking areas shall be screened by landscaped areas and/or screening walls.
  - c) **Landscape Materials.** All proposed plants and landscape materials shall be consistent with (but not uniform)

and of a similar scale with existing natural landscape, neighboring landscape, and adjacent streetscape areas where appropriate. Drought tolerant plant materials are encouraged. Landscaping improvements may also include berming, contouring, rocks, and boulders.

- d) **Native Vegetation Materials.** All landscape plans are encouraged to use vegetation, native to northern Utah.
- e) **Plant Size, Spacing, and Scale.** The size and spacing of landscape elements shall be consistent and establish a coordinated relationship to any existing or proposed streetscape plantings. The size and spacing of landscape elements shall also be of appropriate scale and character to all proposed site structures and features.
- f) **Screening Walls, Fences, and Other Visual Barriers.** Walls, fences, and barriers that create a continuous surface greater than twenty (20) feet in length shall be softened visually with acceptable landscaping. All walls and fences shall conform to the major architectural style of the Site Plan.
- g) **Non-vegetative Ground Cover.** Non-vegetative ground cover treatments may include boulders, small stones less than ½ inch in diameter and bark and mulch. Areas of non-vegetative ground cover materials shall be broken up and interspersed with plant materials.
- h) **Landscape Maintenance.** All landscape plans shall include necessary irrigation plans and shall demonstrate that long-term landscape maintenance and water conservation has been considered in the landscape design.

(Ord. 22-8, 7-5-2022)

### C. Site Lighting Standards.

All outside lighting, including parking areas, shall be “down lighting” so that lighting does not trespass to adjoining properties. All exterior lighting shall provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be shielded or hooded so that light does not spill, or trespass, onto adjacent properties.

All exterior lighting shall be reduced to the minimum levels necessary for safety and security purposes. The use of motion sensors and timers is encouraged.

- 1) **Parking Lot Lighting.** All off street parking area lighting shall be designed and installed to meet the following minimum requirements.
    - a) All lighting fixtures and poles shall be a decorative nature and painted a color as approved with Site Plan Application.
    - b) The height of all lighting poles shall not exceed twenty (20) feet, measured to the top of the pole or luminary.
    - c) All light fixtures, including security lighting, shall be fully hooded or shielded and aimed and so that all direct illumination shall be confined to the property boundaries of the source. All motion sensing light fixtures shall be fully shielded and adjusted, according to the manufacturer’s specifications, to turn off when detected motion ceases.
  - 2) **Preferred Site and Building Lighting Types:**
    - a) Indirect Lighting.
    - b) Recessed Lighting.
    - c) “Shielded” or “hooded” Fixtures.
    - d) “Bollards” or other low-level walkway lighting.
    - e) Ground Lighting.
    - f) Decorative building and site lighting.
  - 3) **Prohibited Lighting Types:**
    - a) Exposed Bulb Fixtures.
    - b) Directional Floodlights.
    - c) Excessive or intense lighting of any kind.
  - 4) **Decorative poles.** Decorative poles used to mount light fixtures shall be painted a color to enhance the overall design of the project.
  - 5) **Indoor Lighting.** Indoor lighting shall not be provided or constructed to provide lighting for any outdoor areas.
- D. **Site and Building Sign Standards.** The placement and design of all allowed signs shall be found to be compatible with building design and architecture. All signs shall be provided as an integral site and building design element and shall be compatible with the style of the buildings in terms of location, scale, color, and lettering style.
- 1) **Sign Location.** Signs shall not create a sight line obstruction for pedestrians or vehicles at street intersections or driveways.
  - 2) **Sign Size.** The maximum size of all allowed and permitted signs shall be in accordance with the requirements of the Roy City Sign Ordinance.
  - 3) **Sign Materials and Colors.** All sign materials shall be compatible with the buildings materials and colors. The illumination of all signs shall be accomplished in a manner that focuses light on the sign and fully shields the light source.

As is mentioned within the code above 10-14-11 2) A 10) Building Materials, metal is a prohibited exterior material and the building would have needed to be covered in brick, stone, stucco or exposed aggregate or colored concrete.

No applications for Planning Commission approval was submitted and the permit was never issued.

February 2023, staff had another conversation with Mr. Ingram about building a 40'x60' structure and staff again informed him that it would need Planning Commission approval and that the building would need to meet today's standards. Which are:

- 10-13-3 11) Aerospace Design Theme Requirements. The following requirements apply to all of the Downtown Districts. The design theme and aesthetic for new buildings in the Downtown Core Districts should build off of the City's proximity and relationship to Hill Air Force Base and the Ogden-Hinckley Airport, and utilize materials and colors that reflect a modern, aerospace aesthetic. This theme should primarily be expressed through materials used and the articulation of the building mass and roof.
- a) Materials and Color.
    - i) Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.
      - (1) The primary materials that will result in the intended visual aesthetic are metal, including architectural metal panels and cladding, glass, brick, and natural stone. These materials should be prominently featured. Other permitted primary building materials include high quality, durable materials, such as stone, brick; fiber cement board, shingled, or panel siding; glass. Other high quality synthetic materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations.
    - ii) Secondary Facade Materials. Secondary materials are limited to details and accents and include concrete, wood, and EIFS.
      - (1) Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.

Today's Building design standards are actually less restrictive on materials and the previous code was.

Now that you understand the history of this parcel, and the code. Let's talk what it will take to allow new constructed buildings to be built with 100% corrugated metal panels.

As illustrated above our current code reads as follows:

- 10-13-3 11) Aerospace Design Theme Requirements. The following requirements apply to all of the Downtown Districts. The design theme and aesthetic for new buildings in the Downtown Core Districts should build off of the City's proximity and relationship to Hill Air Force Base and the Ogden-Hinckley Airport, and utilize materials and colors that reflect a modern, aerospace aesthetic. This theme should primarily be expressed through materials used and the articulation of the building mass and roof.
- a) Materials and Color.
    - i) Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.
      - (1) The primary materials that will result in the intended visual aesthetic are metal, including architectural metal panels and cladding, glass, brick, and natural stone. These materials should be prominently featured. Other permitted primary building materials include high quality, durable materials, such as stone, brick; fiber cement board, shingled, or panel siding; glass. Other high quality synthetic materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations.
    - ii) Secondary Facade Materials. Secondary materials are limited to details and accents and include concrete, wood, and EIFS.

Would need to change:

- 11) a) i) from 80% to 100%

AND/OR

- 11) a) i) (1) to allow corrugated metal as an approved primary material

Another way, and this is thinking outside the box. Amend the ordinance to allow buildings that are 100, 150 or 200 feet or so from the street is NOT required to meet 10-13-3 11) requirements on building materials and allow those buildings to be 100% of other types of materials, such as "corrugated metal", or something different.

## **Roy City Council Agenda Worksheet**

**Roy City Council Meeting Date:** April 4, 2023

**Agenda Item Number: Discussion Item #4**

**Subject:**

Public Comment from March 7, 2023 Follow-up – Tim Higgs.

**Prepared By:**

Matt Andrews

**Background:**

During the public comment period on March 7, 2023 Tim Higgs, owner of all of lot 2R Yoshimura Subdivision requested we look into our City ordinance and history of his building lot This discussion is to provide feedback to the Mayor and City Council.

Please see the attached memo.

**Recommendation (Information Only or Decision):**

Information / Direction

**Contact Person / Phone Number:**

Matt Andrews/Brody Flint



Date: 14 March 2023  
To: Matt Andrews  
From: Steve Parkinson – Planning & Zoning Administrator  
Subject: 5561 & 5581 South 3100 West

You wanted me to provide you with what it would take to allow the current use of the property.

However, first I feel I need to provide the history of the area.

Prior to 1999 the property consisted of two (2) single-family dwellings [3102 West & 3136 West 5600 South] and two (2) “Out Buildings” north of the two S-F dwellings.

The properties were within unincorporated Weber County until May 7, 1996, when it was annexed into Roy City (Ord No. 737)

The subdivision file doesn't have a lot of information of what transpired during the entire process other than the application, staff reports and meeting minutes.

On November 1, 1999, the property owners [Daighe & Sumi Yoshimura] submitted an application to subdivide their property into four (4) lots.

Below is the December 14, 1999, Planning Commission staff report, written by Michelle Drago Assistant Planner, for preliminary and final approval, she stated the following:

The lots in the subdivision comply with the size and width requirements of the R-1-8 Zone.

Dai Yoshimura would like to sell the storage facilities located on Lot Nos. 1 and 2. Once the property is subdivided, the storage facilities will be on separate lots from the permitted use of the property, which is Mr. Yoshimura's home.

An accessory building is a subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building (RCO 34-2-23). Permitted uses in an R-1-8 Zone are single-family dwellings, churches, educational institution, non-commercial greenhouse, public buildings, and accessory buildings customarily incidental to any permitted use.

The City cannot issue any land use permits for Lot Nos. 1 and 2 until the buildings are incidental to a permitted use.

Below are the minutes from the December 14, 1999 Planning Commission meeting:

8. PRELIMINARY APPROVAL OF YOSHIMURA SUBDIVISION AT APPROXIMATELY 3100 WEST 5600 SOUTH

Mark Larson stated that Dai Yoshimura had requested preliminary and final approval of a four-lot subdivision on the corner of 5600 South 3100 West. There were four existing buildings on the site, two homes and two accessory buildings. The homes would be located on Lot Nos. 3 and 4. Mr. Yoshimura would be responsible to comply with the staff and engineering recommendations. Mr. Larson



said the staff's main concern about the subdivision was the existing accessory buildings that would be located on Lot Nos. 1 and 2. An accessory building was an incidental use to a permitted use. Once the property was subdivided, there wouldn't be permitted uses on Lot Nos. 1 and 2. Whoever purchased those two lots would not be able to use the buildings.

Chairman Watts asked what Dai Yoshimura planned to do with Lot Nos. 1 and 2. Doug Longfellow, speaking for Mr. Yoshimura, said someone wanted to purchase Lot No. 1 and use the building for a woodworking shop. Lot No. 2, with the smaller storage building, was not for sale.

Chris Davis stated that whoever purchased Lot Nos. 1 or 2 could not use the buildings even for personal use unless homes were built on the lots. The primary use of residential property lot was a home. Other buildings had to be incidental to the primary use. As long as the property was not subdivided, Mr. Yoshimura could store his own property in the accessory buildings, but he could not lease them out. If Mr. Yoshimura subdivided his property and kept ownership of Lot Nos. 1 and 2, he would not be able to use the accessory buildings.

Larry Peterson asked about the possibility of rezoning this property A-1. Chris Davis said the City did not have an A-1 Zone. Even if it did, rezoning Mr. Yoshimura's property to an A-1 Zone would be spot zoning.

Chris Davis responded to questions from Doug Longfellow.

**Ray Alvey moved to grant preliminary approval of the Yoshimura Subdivision subject to the City Engineer and staff recommendations and given Mr. Yoshimura time to decide what he wanted to do. Larry Brown seconded the motion. Commission members Alvey, Brown, Hall, Martinez, and Peterson voted "aye." The motion carried.**

The Planning Commission only gave "Preliminary" approval to the subdivision due to the issues of the buildings on Lots 1 & 2.

The subdivision was again on the Planning Commission's March 14, 2000 agenda, for Final approval (see exhibit "C"). The staff report doesn't provide any new information or concerns beyond what was mentioned within the December 14, 1999 report, except for one sentence which reads:

Mr. Yoshimura will be responsible to stub water and sewer to Lot Nos. 1 and 2 when the City issues land use permits for Lot Nos. 1 and 2.

Below are the minutes of that meeting:

8. FINAL APPROVAL OF YOSHIMURA SUBDIVISION AT APPROXIMATELY 3100WEST 5600 SOUTH

Mark Larson stated that the Yoshimura Subdivision was straight forward, except for the use of Lot Nos. 1 and 2. The City normally required developers to stub water and sewer utilities to each lot. Because of the existing storage building on Lot Nos. 1 and 2, the staff recommended that the utilities be required when the City issued legal land use permits-for those lots. The setbacks of the buildings on all four lots were okay.

Vice Chairman Hall asked what Mr. Yoshimura planned to do with Lot Nos. 1 and 2. Doug Longfellow, representing Mr. Yoshimura, said he did not know. Mr. Yoshimura had received several inquiries about the property. One was from a church.

Vice Chairman Hall felt it was important for Mr. Yoshimura to understand the restrictions on Lot Nos. 1 and No. 2.

Larry Peterson stated that he had a potential conflict of interest. His wife's employer was considering purchasing one of the lots.

Mark Larson said the City was aware of the possible purchase. The City Attorney was working on a letter that would clarify what the lot and building could be used for.

**Ray Alvey moved to grant final approval of the Yoshimura Subdivision subject to the staff's recommendations. Dean Martinez seconded the motion. Commission members Alvey, Brown, Martinez, and Peterson voted "aye." The motion carried.**

The Planning Commission again spoke about the restrictions on the two (2) storage buildings on lots 1 & 2.

The Subdivision was on the Council's March 21, 2000 agenda, but as a consent item, thus there was no discussion. Unfortunately, there is a staff report for this item during this meeting, thus it is unknown what knowledge the Council had regarding the issues.

However, when the plat was recorded Lots 1 & 2 have and "R" associated with each lot. Also on the recorded plat there is a "NOTE" that states:

"R" – designates restricted use of existing buildings to those allowed by the ROY CITY Residential Zoning Ordinance

This note references the zoning code at the time. "An accessory building is a subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building (RCO 34-2-23). Permitted uses in an R-1-8 Zone are single-family dwellings, churches, educational institution, non-commercial greenhouse, public buildings, and accessory buildings customarily incidental to any permitted use."

Notes and other items that are referenced on recorded plats don't show up on "Deeds", nor does any Zoning code, or allowed uses.

Up until now both lots 1R & 2R have had the same history with regards to how they were placed on separate lots. When I pull the "House" files additional information is provided. Though mostly for Lot 1R.

On January 16, 2001, Lot 1R was sold to Chris Hennefer and Curt Davis. The seller had the buyers sign an "Agreement of Understanding" which reads as follows:

The undersigned, as the seller and the buyer, of real property which is legally described as follows:

All Lot Lot 1R, YOSHIMURA 8U110rvISI0N, Roy City, Weber County, Utah, according to the official plat thereof.

1. Property as described is sold and purchased in its present condition.
2. The improvements made to the property by the seller are conveyed as part of the terms and conditions of sale.
3. The property is presently zoned as R1-8.
4. Buyer understands that in the event of any occurrence which may require a building permit to improve, alter or reconstruct. the present improvements on the subject property, that a rezoning of the property may be required. Seller makes no warranties as to the ability of the buyer to have the property rezoned to accommodate the present usage of the property.

It was signed by both the seller and buyers on January 16, 2001.

On July 5, 2001, the City received a petition for a Board of Adjustment variance from Mr. Hennefer requesting permission to use the storage building for storage without a primary residence on the property.

The case no was 163 and it was heard on July 31, 2001. The minutes of the meeting are below:

1. PUBLIC HEARING TO CONSIDER A VARIANCE REQUEST FROM CHRIS M. HENNEFER TO RCO 34-15-2 TO ALLOW A PERSONAL STORAGE FACILITY IN AN R-1-8 ZONE AT APPROXIMATELY 5561 SOUTH 3100 WEST

Karlene Yeoman moved to open the public hearing at 6:05 p.m. Darrell Thompson seconded the motion. Board members Evans, Thompson, and Yeoman voted "aye." The motion carried.

Mark Larson stated that Chris Hennefer was requesting a variance to RCO 34-15-2 to allow a personal storage facility in an R-1-8 Zone. The R-1-8 Zone required that there be a principle use on a lot before there could be an accessory building. Some of the principle, or permitted, uses in an R-1-8 Zone were churches, educational institutions, dwellings, golf courses, and noncommercial greenhouses. There was an existing accessory building on Mr. Hennefer's property, but there wasn't a principle use. Mr. Larson said the definition of an accessory building was: "A building customarily incidental to any permitted use." Chris Hennefer did not live on the property. He was asking the Board of Adjustment to allow him to use the existing accessory building as a personal storage facility.

Darrell Thompson asked if the City had any plans to rezone Mr. Hennefer's immediate neighborhood. Mark Larson said it did not. The Planning Commission had discussed the possibility of a neighborhood commercial use on the corner of 3100 West 5600 South when it updated the General Plan, but the Planning Commission decided not to pursue it. Mr. Thompson asked if rezoning could be pursued in the future. Mark Larson said that a property owner could request a rezone. The Planning Commission and City Council would compare the request with the City's General Plan.

Chris Hennefer, Riverdale, stated that he and Curt Davis jointly owned the building and property at 5561 South 3100 West. They purchased the building from Dai Yoshimura with the intention of using it as a storage facility. After they purchased the building, they came to the City office to request a water connection. At that point, they discovered that they could not use the building for storage. Mr. Hennefer said that Dai Yoshimura had owned the property since 1945. The building was built in 1968. It was a remnant of Mr. Yoshimura's farming operation. Mr. Yoshimura's realtor told them that the building could not be used for a commercial use. They didn't want a commercial use; they just wanted to be able to store their motor homes, boats, and classic cars. Mr. Hennefer said the property did not have water. They wanted to be able to do some landscaping. When they discovered there was a problem with the building, they stopped making improvements. Mr. Hennefer said the building was worth more than the property. It would be a shame to tear it down, and they could not afford to lose that kind of money. The building had been built to store farm equipment and onions. Mr. Hennefer felt it would be better for them to be able to use the building and improve it rather than have it empty. Mr. Hennefer felt that he and Curt Davis were innocent victims, and that they got stuck fighting Dai Yoshimura's battle.

Darrell Thompson asked what kind of improvements Chris Hennefer and Curt Davis intended to make. Chris Hennefer said they wanted to replace the garage door, paint the building, and do some general landscaping. Although they both lived in Riverdale, they came by the building a few times a week.

Darrell Thompson asked what they planned to do with the building in the future. Chris Hennefer said they wanted to keep the building for a long time. Ten years



from now they still planned to own it. If the property was ever worth more than what they paid for the building, they might consider selling it.

Dale Evans asked if there would be any outside storage. Mr. Hennefer said there would not.

Darrell Thompson asked if they planned to use the building for commercial purposes. Mr. Hennefer said they did not. Mr. Thompson asked if Mr. Hennefer had spoken with any of the neighbors. Mr. Hennefer said he had spoken with a few.

**Chairman Miller opened the floor for public comments.**

Patrick O'Leary, 5546 South 3100 West, understood Mr. Hennefer's plight, but he had some concerns. When they moved into their home, there was a mixed residential/agricultural use across the street; it was not a commercial use. Mr. O'Leary felt the area should remain residential. If the building became commercial, Mr. Hennefer might sell it to someone who would put in another type of business. Mr. O'Leary was concerned about how his property value would be affected by a commercial use. Would Roy City reimburse him for what he could possibly lose on his home? If Mr. Hennefer had a storage facility would he put up a sign? If the building had a commercial use, people would park in the street because there wasn't any parking on the lot. What recourse did he have if Mr. Hennefer began to run a business out of the building?

Chris Hennefer stated that he was not trying to rezone the property. He was trying to get a waiver to use the building for storage. The building would still be zoned R-1-8. It would not have a commercial zone. He couldn't be able to sell it as a commercial building. Mr. Hennefer said that he had signed an agreement when he purchased the property which said he understood he was buying the property "as is". However, he still felt he had been led astray.

Karlene Yeoman stated that a rezone would have to go through the Planning Commission and City Council. Mr. Hennefer could not sell the building as commercial without rezoning it.

Chairman Miller stated that the Board of Adjustment could not change the zoning of a property or the City ordinances.

Curt Davis, Riverdale, stated that Chris Hennefer and himself had drawn up some rules that would allow them to buy each other out so that half of the building wouldn't go up for sale. They didn't want the place to be an eyesore.

Jeri O'Leary, 5546 South 3100 West, felt that granting Mr. Hennefer a variance would be a gateway to something down the road. She felt the building should be knocked down, and that a home should be built on the lot. Mr. Yoshimura sold the whole subdivision. He couldn't be hurting for money.

Don Decker, 3129 West 5525 South, had the same concerns as the O'Leary's. Once the variance was granted, the use would remain with the property. Things changed, and the property could be sold to someone who would try to put in a commercial use. He felt Chris Hennefer had good intentions, but what would happen in the future?

Darrell Thompson asked if Don Decker would be in favor of a variance if the use would end if Chris Hennefer and Curt Davis sold the property. Mr. Decker said he might be. However, he felt granting a variance would be opening Pandora's box.

Chris Hennefer said Don Decker had tried to purchase the building. If he had, he would have been able to use it without a problem because it was in his backyard.

Michelle Drago stated that Don Decker would have had the same problems as Mr. Hennefer because the building was located on a separate piece of property. Mark Larson said Don Decker would have had to go through the process of combining two lots into one before being able to use the building.

Al Gibson, 3113 West 5525 South, felt the Zoning Ordinance was pretty clear. He asked if the Board could delay its decision to see if Chris Hennefer and Curt Davis would actually be the good neighbors they claimed they would be. Despite being at the building several times a week, they didn't seem to be cleaning up the property.

Chris Hennefer said Dai Yoshimura had left several items on the property. The realtor had never picked up his 'for sale' sign.

Don Decker asked if the Board could make stipulations on the variance. Mark Larson said the Board could place conditions on a variance. Mark Larson felt the Board had heard the issues related to having a storage use without a main use. The Zoning Ordinance stated that there could not be an accessory building without a principle use. The Board could not change the Zoning Ordinance. Mr. Larson said the Board needed to find something unique about the property that would allow Chris Hennefer and Curt Davis to have a use no one else could have.

Chris Hennefer appreciated the neighbors' concerns. He wasn't sure what recourse they might have if the Board did not grant them a variance. If they went back to Dai Yoshimura, there would still be a building that could not be used. The building was worth more than the property. He realized economics was not supposed to be a hardship, but it was in this case.

Mark Larson asked Chris Hennefer to narrow down his hardship. Why should he be allowed to have a use no one else could have? Mr. Larson said it seemed Mr. Hennefer's main hardship was economic, and the Board could not act on an economic hardship alone. The only other possible hardship was that the building was such a white elephant that no one knew what to do with it.

There was further discussion between the staff and the public.

**Darrell Thompson moved to close the public hearing at 7:05 p.m. Karlene Yeoman seconded the motion. Board members Evans, Thompson, and Yeoman voted "aye." The motion carried.**

Darrell Thompson felt for the petitioners. However, Dai Yoshimura knew that the building could only be used for certain purposes. The City had made that clear when the property was subdivided. He did not feel the Board would be observing the Zoning Ordinance if it granted the variance requested by Chris Hennefer. If the building were taken down, a nice home could be built on the lot. The Board could not act on economics alone. According to the Board's parameters it had to deny the variance.

**Darrell Thompson moved to deny the variance requested by Chris Hennefer because the answer to Question No. 5 on Chris Hennefer's petition was, "No. The spirit of the Zoning Ordinance would not be observed," and UCA 10-9-707 required that the answer be yes. Karlene Yeoman seconded the motion. Board members Evans, Thompson, and Yeoman voted "aye." The motion carried.**

Even though the variance request was for Lot 1R, the same concerns and issues can be found on Lot 2R. It is safe to assume that if a variance request was filed for Lot 2R the same results would have been given.

On November 13, 2014, a Warranty Deed was recorded conveying ownership from Blaine Yoshimura, Trustee of the Dai and Sumi Yoshimura Trust to Timothy Mark Higgs. "Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity and general property taxes for the year 2014 and thereafter."

Now that you understand the history of these parcels, let's talk what it will take to allow accessory buildings to be categorized as primary uses/buildings.

Currently an accessory building is defined (per 10-17-1; tables 17-1 & 17-2) as follows:

Accessory Building. A building customarily incidental and clearly subordinate to the existing primary building and located on the same lot as the primary building, and meeting all requirements of the International Building Code, Zoning Ordinance and Subdivision Ordinance, as adopted by the City.

The definition of an accessory building would need to change, making it no longer "incidental" or "subordinate."

OR

change the code to allow "Warehouse, Self-Service Storage" (definition below) as a primary use within the Residential Zones, either as a "Permitted" use or as a "Conditional" use.

Warehouse, Self-Service Storage. An enclosed storage facility of a commercial nature containing independent, fully enclosed bays, which are leased to persons exclusively for storage of their household goods or personal property.

Even this definition would need to be amended to include "Outdoor Storage of Vehicles" in order for what is happening on the property of 5581 S 3100 W to continue as is.

OR

Could create an exception to the Table of Uses as per 10-17-2, creating a 4<sup>th</sup> category for such a use within the Residential zones under very particular circumstances.

\* Everything stated above can be found within the Yoshimura Subdivision, the House files of Lot 1R [5561 S 3100 W] & Lot 2R [5581 S 3100 W] or the Roy City Zoning Code.