



## ROY CITY COUNCIL MEETING AGENDA (ELECTRONIC)

**FEBRUARY 16, 2021 – 5:30 P.M.**

**No physical meeting location will be available.** This meeting will be streamed live on the Roy City YouTube channel. <https://www.youtube.com/channel/UC6zdmDzxdOSW6veb2XpzCNA>

**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)

1. Approval of the December 15, 2020 January 19, 2021 Roy City Council Meeting Minutes and Work Session Minutes

**E. Presentation**

- a. Y2 Analytics Survey Results

**F. Action Items**

1. Ordinance 21-3 to amend Roy City Municipal Code, Title 10- Zoning Regulations; amending Chapter 6 Establishment of Zoning Districts; Amending Chapter 10- General Property Development Standards; adding Chapter 13 Mixed Use; Amending Chapter 17 Table of Uses, Table 17-2 Non Residential Zoning Districts; amending Chapter 19 Off Street Parking and Loading, Table 19-1 Off Street Parking Requirements; and amending Chapter 31 Definitions
2. Ordinance 21-4 to amend the Zoning Map from R-2 Medium Density Residential, R-3 High Density Residential, R-4 High Density Residential and RC (Regional Commercial) to CC (Community Commercial), DT-E (Downtown East), DT-W (Downtown West) and DT-G (Downtown Gateway) for multiple properties located downtown
3. Ordinance 21-5 to Repeal Title 3 Chapter 1 and Reenact a New and Updated Title 3 Chapter 1 to the Roy City Code also Enacting a New Section Chapter 10 Title 3 Regarding Residential Solicitation and providing for an effective date

**G. Public Comments** *If you 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) to request access to the ZOOM chat. Otherwise please join us by watching the live streaming at <https://www.youtube.com/channel/UC6zdmDzxdOSW6veb2XpzCNA>*

*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 may 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](mailto:admin@royutah.org). Your information will be forwarded to all council members and a response will be provided.*

**H. City Manager & Council Report**

**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](mailto:admin@royutah.org) at least 48 hours in advance of the meeting.*

***Public meetings will be held electronically in accordance with Utah Code Section 52-4-210 et seq., Open and Public Meetings Act. Pursuant to a written determination by the Mayor finding that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present due to the infectious and potentially dangerous nature of COVID -19 virus appropriate physical distancing in City Council Chambers is not achievable at this time accordingly, the meeting will be held electronically with no anchor location.***

***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 11<sup>th</sup> day of February, 2021. A copy was also provided to the Standard Examiner and posted on the Roy City Website and Utah Public Notice Website on the 11<sup>th</sup> day of February, 2021.

Morgan Langholf  
City Recorder

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



**ROY CITY**  
**Roy City Council Work Session**  
**December 15, 2020 – 4:30 p.m.**  
Roy City Council Chambers  
5051 South 1900 West

Minutes of the Roy City Council Work Session held via ZOOM on December 15, 2020 at 4:30 p.m.

Notice of the meeting was provided to the Utah Public Notice Website at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Mayor Robert Dandoy  
Councilmember Jan Burrell  
Councilmember Joe Paul  
Councilmember Byron Saxton  
Councilmember Diane Wilson  
Councilmember Ann Jackson

City Manager, Matt Andrews  
City Attorney, Andy Blackburn  
City Planner, Steve Parkinson

Also present were: City Recorder, Morgan Langholf; Fire Chief, Craig Golden; Randy Sant,

**A. Welcome & Roll Call**

Mayor Dandoy welcomed those in attendance and noted Councilmembers Burrell, Paul, Saxton, Jackson, and Wilson were present.

**B. Discussion**

1. Proposed Mixed Use in Downtown District

Councilmember Saxton reported that he had been told that there were 1,000 planned residential units with 200 units per acre to be built along the 1900 West Corridor, and he thought that was too much residential space and that some of the area should be held for commercial use. City Planner Steve Parkinson clarified that just 250 units would be installed in phase one, and that the 1,000 units would be built across the entire downtown area, not on just the stretch near 1900 West and Riverdale Road. City Planner Steve Parkinson also stated that since it would be a mixed-use zone, the first floor of the buildings would have to be commercial, which would reduce the density of the residential units. Councilmember Saxton and City Planner Steve Parkinson discussed the layout of the buildings further, and Councilmember Saxton expressed concerns with the number of residential units. Mayor Dandoy noted that the document stated that they could not have residential without commercial spaces, and that Councilmember Saxton could dictate what specific sections of the City should be purely commercial with no residential spaces.

Randy Sant explained the many different iterations of how office, commercial, and residential spaces could be utilized and located in mixed use developments and discussed some of the reasoning behind where they had chosen to put certain businesses in the downtown area. He confirmed that the residential units would not be built at the expense of the commercial areas. He showed a working concept of the downtown area and reported that they anticipated they could include up 30,000 square feet of office space and 125,000 square feet of commercial downtown, as well as the 1,000 units. The only stipulation would be that the first floor of the buildings was commercial. He also discussed the importance that they discern how much sales and property tax would be brought in by all the businesses and units so that they could get an accurate sense of what the revenue from each building would be.

Councilmember Saxton reiterated his opinion that they reduce the number of residential units along the

1900 West Corridor. Mayor Dandoy explained that the question they needed to decide on was if they wanted to make it the prerogative of the individual property owner to allow mixed-use development or not. He stated that there was nothing in their current document that prohibited a business from doing single-story construction in Roy City, and that there were actually very few mixed-use zones in the City.

Mayor Dandoy pointed out that going forward, they would have to widen the road at 1900 West in 2021, which would result in the loss of businesses. He said that they needed to find options for those businesses for when the time came. Councilmember Wilson asked Randy Sant how they measured the impact of the elimination of certain businesses to residents, and Randy Sant explained they did an economic development analysis, which was a holistic view of the various costs and other impacts of the addition or elimination of a business service. He explained if the development were found to have a higher cost of services than what the incentive would be, they would adjust the price with the developer. He also stated that they could control how much retail space they wanted to have in the developer's agreement.

Councilmember Wilson also asked how they could ensure a location for destination retail spaces when other types of property, such as high-end residential buildings would be more profitable. Randy Sant explained that if they wanted to set aside land for a specific use then the City would need to purchase that land and specify to any developers what the land could be used for.

Councilmember Saxton asked what the Council could do to reassure long-time business that they would not be impacted. City Planner Steve Parkinson said that the property owners would be the ones who might chose to not renew the leases for some of those businesses, and it was not the prerogative of the Council or City to keep the business where it was if the property owner wished to do something else with their land. He explained that the City's role was simply to create a code that gave the property owners the option to change the uses for their land or not, and therefore they could not guarantee that some businesses would not be impacted. Mayor Dandoy added that the only way to ensure that nothing happened was if they elected not to adopt the code and keep things the same as they currently were. City Planner Steve Parkinson elaborated further and cited several cases in which business decisions had been made independently of the Council in order to illustrate the separation between what things private property owners had control over, and what things were under the Council's jurisdiction. Councilmember Saxton reiterated his opinion that there was something that the Council should do in order to assure people that their voices and opinions were being heard, and the Council discussed several options of how best to do this.

Councilmember Paul commented that mixed-use development was good for businesses, since the placement of residential units within walking distance to retail and dining establishments would bring in more foot traffic for them. City Planner Steve Parkinson said that he had spoken with several local business owners who were in favor of the proposed ordinance. Councilmember Wilson also suggested that given the current state of the economy, she did not anticipate any major retail box stores would move in. She imagined the stores that would come in would likely also benefit the nearby residents, such as a coffee shop or small boutique. Mayor Dandoy summarized for Councilmember Saxton that if businesses had concerns about the proposed ordinance that they should speak with City Planner Steve Parkinson personally.

Mayor Dandoy requested that the staff consider that they remove the word "residential" on the first floor and replace it with "retail" on page 13, section 7 of the working draft of the ordinance which discussed row homes. He explained his reasoning behind this request, and City Planner Steve Parkinson replied that row homes usually did not have very much commercial but agreed to consider the request. Mayor Dandoy reiterated that he only wanted this to impact the ground floor of the units, and City Planner Steve Parkinson pointed out that the area of 1900 West, where the row homes were located was already about 90% residential. They discussed the

Mayor Dandoy also requested that they include a mission statement to the beginning of the document. He

wanted readers to understand why the Council wanted to make the zoning change. Councilmember Wilson agreed, and added that she had in fact written a statement and sent it to City staff.

Mayor Dandoy read aloud the Mayor's Determination to Hold Electronic Meetings, which stated that the that there was not enough space in the City Council chamber to ensure the safety of those in attendance in light of the Covid-19 virus, so the work session meeting was held via a Zoom conference.

**C. Adjournment**

**Councilmember Burrell Motioned to Adjourn the City Council Work Session meeting at 5:30 p.m. Councilmember Jackson seconded the motion. All Councilmembers voted "aye". The motion carried.**

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Robert Dandoy  
Mayor

Attest:

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Morgan Langholf  
City Recorder

dc:



**ROY CITY**  
**Roy City Council Meeting Minutes**  
**December 15, 2020 – 5:30 p.m.**  
Roy City Council  
Electronic Zoom Meeting

Minutes of the Roy City Council Meeting held electronically via Zoom and YouTube on December 1, 2020 at 5:30 p.m.

Notice of the meeting was provided to the Utah Public Notice Website at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Mayor Robert Dandoy  
Councilmember Paul  
Councilmember Saxton  
Councilmember Wilson  
Councilmember Jackson  
Councilmember Burrell

City Manager, Matt Andrews  
City Attorney, Andy Blackburn

Also present were: Management Services Director, Camille Cook; Police Chief, Carl Merino; Parks and Recreation Director, Travis Flint; Public Works Director, Ross Oliver, Morgan Langholf, Brandon Edwards, Steve Parkinson, Randy Sant

**A. Welcome & Roll Call**

Mayor Robert Dandoy welcomed those in attendance, and noted that Councilmembers Jackson, Burrell, Paul, Saxton, and Wilson were present.

**B. Moment of Silence**

Councilmember Wilson invited the audience to observe a moment of silence.

**C. Pledge of Allegiance**

Councilmember Wilson lead the audience in reciting the Pledge of Allegiance.

Mayor Dandoy read the Mayor's Determination to Hold Electronic Meetings, which stated that the meeting would be held online due to concerns about the substantial health risk of the Covid-19 virus.

**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.)*

- 1. Approval of the November 5, 2020 Roy City Council Work Session Meeting Minutes**
- 2. Request for approval of an alcoholic beverage license for 7 Eleven Store #38870A, located at 3976 S Midland Dr.**

**Councilmember Jackson motioned to approve the Consent Items, with changes to minutes as noted. Councilmember Paul seconded the motion. All Councilmembers voted "aye". The motion carried.**

**E. Public Comments**

Mayor Dandoy opened the floor for public comments. There were no public comments.

**F. Action Items**

1. **Resolution 20-39** Approving an Agreement with CT Davis Excavation for the 2020 Waterline Replacement Project

Public Works Deputy Director Brandon Edwards requested that the City Council to approve the Waterline Project. He reported that the City had received eight bidders, and CT Davis had been the lowest bid at \$652,183.82. He noted that their engineer had requested approval of CT Davis as well. Public Works Deputy Director Brandon Edwards clarified that the area in question was located near a subdivision off of 2500 West, and that he had gotten good recommendations to use the CT Davis company from several neighboring towns.

**Councilmember Wilson motioned to approve Resolution 20-39 approving an agreement with CT Davis Excavation for the 2020 Waterline Replacement Project. Councilmember Jackson seconded the motion. A roll call vote was taken. All Councilmembers voted “Aye”. The motion carried.**

2. **Resolution 20-40** Approving a contract between Roy City Corporation and Bank of Utah for Financial Services

Management Services Director Camille Cook presented the Resolution to the City Council and recommended that the Council approve the item. She explained they had interviewed three different financial institutions and had concluded that they should partner with the Bank of Utah. She reported that they had found that the Bank of Utah would best suit the financial needs of the City and added that they had worked with the bank in the past. She also explained that their contract with Zions Bank had recently ended after seven years, and if the item were approved, they would enter into a five-year contract between the Bank of Utah and Roy City for financial services.

**Councilmember Jackson motioned to approve Resolution 20-40 approving a contract between Roy City Corporation and Bank of Utah for Financial Services. Councilmember Wilson seconded the motion. A roll call vote was taken. All Councilmembers voted “Aye”. The motion carried.**

3. **Ordinance 20-13 to amend the General Plan (Future Land Use Map) from mixed use to light industrial/warehouse.**

City Planner Steve Parkinson explained that this item had been previously discussed and tabled in December to allow time for a developer’s agreement to be drawn up. He said that a developer’s agreement had since been created and recommended that the item be approved. Police Chief Carl Merino answered the Councilmember’s questions about any current or potential safety concerns about the planned development, and commented he did not foresee any major issues, although there was a large number of homeless people who lived just south of the area in question. The Councilmembers also confirmed that the development agreement in the ordinance included language which specified that if the property were sold, the development agreement would be transferable and would still apply to any future owners. Several councilmembers also reported having received concerns from the nearby residents about the height of the buildings in the space, and City Planner Steve Parkinson explained that the storage units that the developer planned to install could not be more than 35 feet high per the development agreement. City Planner Steve Parkinson noted that this ordinance was simply a rezone, and that specific decisions about what would be done with the property was still a way down the road. Councilmember Wilson asked what jurisdiction the Council had over the layout of buildings on the property, and City Planner Steve Parkinson said that that

decision would be the prerogative of the developer, although the Council could dictate height restrictions or other parameters. He further explained that the developer wanted to use half of the space for closed storage units and use half of the space for open storage, and the closed storage units would be placed where they would not obstruct views from the resident's homes, and that the homes would overlook the open storage lot. He clarified that open storage referred to uncovered space that was typically used to house things such as RVs, boats, and motorhomes. If demand changed significantly, the developer might add more closed storage units in the future. Councilmember Wilson suggested this might cause traffic concerns as people would come frequently during the summer months to pick up and drop off their boat and RVs. It was the opinion of City Planner Steve Parkinson that traffic would not be significantly increased as he assumed the space would be used for long term storage. A councilmember also noted that at some point, the road would have to be developed and widened, but this stage would not take place until the business license was issued to the property. Councilmember Jackson asked if there would be somebody to monitor the units and ensure that no one who had a storage unit attempted to take up residence inside their unit. City Planner Steve Parkinson said that the property manager would be the one responsible for that. There was further discussion of what the traffic impacts might be, and City Planner Steve Parkinson said that a traffic study would be done before the business license was granted to determine what the actual volume and flow of traffic was. It was also mentioned that there had not been a significant impact to traffic in that area even during the annual Roy Days, when the lot was used for overflow parking.

**Councilmember Paul motioned to approve Ordinance 20-13 amending the General Plan (Future Land Use Map) from mixed use to light industrial/warehouse. Councilmember Jackson seconded the motion. A roll call vote was taken. All councilmembers voted "aye". The motion carried.**

1. **Ordinance 20-14** to amend the Zoning Map from RE-20 (Residential Estates) to LM (Light Manufacturing)

Mayor Dandoy prefaced this motion and stated that Ordinance 20-14 was similar to 20-13, and that City Planner Steve Parkinson would explain the key differences between the two. City Planner Steve Parkinson said that the two items were related in that 20-13 allowed the General Plan to be amended, and 20-14 specified what the rezone would be. He said that City ordinance required that no rezone could take place if it did not comply with the General Plan, so he explained that if they had not approved the amendment to the General Plan in 20-13, that 20-14 could not have been passed. Since the Council had chosen to amend the General Plan, the rezone request would be the next step to solve the issues associated with the land. Councilmember Byron Saxton commented that there had been several typos in the document that had been distributed to the Councilmembers and requested that better attention be paid to those documents in the future.

**Councilmember Wilson Paul motioned to approve Ordinance 12-14 to amend the Zoning Map from RE-20 (Residential Estates) to LM (Light Manufacturing). Councilmember Jackson seconded the motion. A roll call vote was taken. All Councilmembers voted "Aye". The motion carried.**

#### **G. Public Comments**

Mayor Dandoy opened floor for public comments. There was a woman introduced as Janet who was interested in making a public comment but was unable to do so due to technical difficulties on Zoom. A man named Kevin had sent an email to the Council in regard to the solicitation ordinance that was currently under review by City staff. Mayor Dandoy said that Kevin had expressed interest in knowing the status of the ordinance, and City Attorney Andy Blackburn replied he was in the process of doing a that the ordinance might take a while to come before the Council, due in part because solicitation tended not to become an issue until the weather got warm enough in the summer months.



## **H. Presentations**

### **1. Y2 Analytics- Survey**

City Manager Matt Andrews stated that the City had adopted a resolution for a contract with Y2 Analytics, and representatives of the company were present that evening to give a presentation that would outline where they currently were with the survey.

A representative of Y2 Analytics gave an overview of the process, and explained that they were currently working on drafting the questions, and wanted to ensure that the Council approved of the direction that the survey was going in. She said that Councilmembers could access an online link that would show them what the survey looked like from the participants side. She explained that once the survey questions were approved, the analytics team would finalize the survey and then begin to distribute it to randomly selected participants across the City. She also stated that they would take care to ensure that participants were chosen from different demographics, and they anticipated that it would take 10 days to two weeks to get results back from participants.

The representative then went through the survey section by section and explained what the intention was behind each section. The first section intended for residents to think about their overall quality of life in the City and was fairly introductory. The crux of the survey was to get residents opinions about downtown Roy City, and to discern how a potential mixed-use ordinance would be received. She commented that respondents typically did not have good answers to questions about specific policy questions, so their goal was to present residents with general questions about what downtown could potentially look like, rather than to ask them specific questions about policy. They would then use a statistical tool to match the resident's answers with what policies would have to be changed to align with their choices about what the downtown area would look like. The last section of the survey had demographic questions, to make sure that they were surveying a representative sample.

Councilmember Wilson asked if someone would be disqualified from the survey if they marked that they were not a resident of the City. She said that she wanted business owners in the City to be able to participate even if they did not also live in Roy City. The Y2 representative replied that if they were provided a directory of business owners in the City then they could set up a different kind of screening protocol for them in order to allow business owners to participate, and they could compare the responses from the business owners to those of the residents. Councilmember Wilson also asked if they could change some wording that might be confusing to residents, and she and the Y2 representative discussed what the survey would look like from the participant's perspective, and the Y2 representative said that she was willing to make changes to the language in the survey, and that there would be a section for participants to add additional comments at the end of the survey.

Mayor Dandoy and the Councilmembers commented that they wanted to see the final questions before they were distributed to the public, and City Manager Matt Andrews said that he could arrange that for them.

## **I. Discussion Items**

### **1. RAMP Grant Ideas**

Parks and Recreation Developer Travis Flint discussed the RAMP, or Recreation, Arts, Museums and Parks grant. He said that the City had received grants from the RAMP grant fund in the past, and he wanted to suggest a potential RAMP grant application for that year. He and the City staff had discussed needs of the City and suggested that Roy City apply for a renovation of the dog park. He said that the park that had not been significantly updated since it had been opened and did not offer very many amenities. Since it was in

a central part of the City and provided a significant service to the City it was the opinion of City staff that the dog park be renovated. He showed some photos of a city of comparable size that had recently had their dog park renovated for comparison and overviewed some of the logistics and costs of renovating the park. He also stated that the grant application would have to be submitted by January 15th and asked for the Council's approval that the City allocate \$44,000 to be used for improvements to the dog park. Parks and Recreation Developer Travis Flint added that the area was 2.3 acres, which was slightly larger than the average dog park. and that the City did not actually own the land that the park was on but was under a lease agreement and so it would be their property as long as they made lease payments on time. He also overviewed some potential liability issues with the park.

The Councilmembers discussed several other parts of the City that they thought might be suited for a RAMP grant and asked if the City would be able to sustain the improvements to the park. Parks and Recreation Developer Travis Flint expressed confidence in the ability of the City staff to maintain the park once it was updated. He explained further that he did not foresee the budget for maintenance would increase as a result of the grant, and that if the grant were approved, the funds from the grant would be received in April and the City would then have a calendar year to complete the project. He also commented that if the grant were approved for a lower amount than what was requested, he would lower the amount that the City would contribute accordingly. He acknowledged that construction costs were tentative at the moment, but once the funding for the park was secured, he would attempt to get bids locked down as soon as possible.

Parks and Recreation Developer Travis Flint also made some comments about the community that used the dog park and said that they were a growing and appreciative group of residents that he felt should have a nice dog park for their use. He explained to the Council that if the grant were not approved, he could come back to the Council to discuss other options to fund the park, or they could choose to discard the project.

The Councilmembers approved the decision for Parks and Recreation Developer Travis Flint to move forward with the RAMP grant application.

## 2. Gaming Devices- Councilmember Byron Saxton

Councilmember Saxton stated that there was an adult arcade that was in operation in Roy City's commercial district. He hoped that the Council could create an ordinance that would only allow such businesses to operate in the light manufacturing zone in the north end of the City. He said it was important to prohibit businesses like the adult arcade from the commercial zone as he felt they had a negative impact on nearby businesses.

City Attorney Andy Blackburn said that if the Council felt an illegal business was underway it should be brought to his attention, but he pointed out that all their SOB businesses were in fact located in the light manufacturing zone. City Planner Steve Parkinson commented that they had had to change the wording from "adult arcade" in the agenda to "gaming devices" only because their current zoning ordinance identified "adult arcade" in a way that left ambiguity as to what actually constituted a "gaming machine." He discussed that they needed to be careful with their wording so that a potential ordinance did not impact other arcades in the City.

City Attorney Andy Blackburn thought that they would need to investigate the issue further before they attempted to come to a decision in a City Council meeting, and invited Councilmember Saxton to speak with him privately. Mayor Dandoy also commented that even if they made a change to the ordinance, there was a grandfather clause that allowed businesses already in operation to remain where they were, so the current adult arcade would not be impacted by a change in ordinance. He agreed with City Attorney Andy Blackburn that they would need to get more information before they discussed the matter further.

Mayor Dandoy also asked the Council if they wanted to review all business licenses that were granted, so that the Council could be aware of what kinds of businesses were in operation in the City. Councilmember Wilson thought it would be helpful to know what types of businesses were in the City so that they could better understand the needs of both residents and business owners. Mayor Dandoy commented that this might delay the process of business license renewal, and they discussed that annual renewal time took a significant portion of the City staff's time. City staff provided some information on the process of obtaining or renewing a business license and based on their information Mayor Dandoy thought that the Councilmembers might burden the City staff if they wanted to view and approve each business license that was granted by the City. They discussed that the Council could review business licenses in the City at any time, but they should not be responsible for the approval or denial of each license that was granted in the City. Councilmember Saxton reiterated that he wanted the Council to at least be aware of what types of businesses came into the City. Mayor Dandoy concluded that they would work to find a means to make the licenses more visible to the Council in a way that did not impact staff.

**J. Reports**

**1. City Manager Report**

City Manager Matt Andrews reported that Reach Across America would hold a ceremony on December 19th at the cemetery to provide wreaths on the graves of the 608 veterans that were interred there. He also stated that the City had partnered with Microsoft Office 365, so they would move towards Microsoft products rather than Zoom. He said that the online meetings going forward would be held with Microsoft Teams. City Manager Matt Andrews also reported that the North Davis Sewer was doing construction on 5700, and the process of having the sewer relined was expected to take a while, although the impact on residents was minimal. He lastly mentioned that the City had several vacant positions that needed to be filled and asked the Council to pass the information on to anyone they thought might be interested in the roles.

**2. Mayor and Council Report**

Mayor Dandoy reported that the collected YCC donations given to the organization, and YCC had sent the City a thank you note. He also noted that he wanted the drinking water to be checked for the City. The Councilmembers had no comments.

The Council moved to go to a closed-door meeting. It was noted that the meeting would be held in another Zoom meeting.

**A. Motion to go into Closed Meeting to Discuss the purchase, exchange, or lease of real property.**

**The Council voted to enter into a Closed Session to discuss the purchase, exchange, or lease of real property.**

**A RECORDING WAS TAKEN OF THE CLOSED-DOOR MEETING.**

**The closed session was adjourned at the City Council returned to the regular session.**

**K. Adjournment**

**Councilmember Jackson motioned to adjourn the City Council meeting at 7:15 p.m. Councilmember Burrell seconded the motion. All Councilmembers voted "Aye". The motion carried.**

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Robert Dandoy  
Mayor

Attest:

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Morgan Langholf  
City Recorder

dc:



**ROY CITY**  
**Roy City Council Meeting Minutes**  
**January 19, 2021 – 5:30 p.m.**  
Roy City Council  
Electronic Zoom Meeting

Minutes of the Roy City Council Meeting held electronically via Zoom and YouTube on January 19, 2021 at 5:30 p.m.

Notice of the meeting was provided to the Utah Public Notice Website at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Mayor Robert Dandoy  
Councilmember Paul  
Councilmember Saxton  
Councilmember Wilson  
Councilmember Jackson  
Councilmember Burrell

City Manager, Matt Andrews  
City Attorney, Andy Blackburn

Also present were: Management Services Director, Camille Cook; Police Chief, Carl Merino; Parks and Recreation Director, Travis Flint; Public Works Director, Ross Oliver, Morgan Langholf, Brandon Edwards, Steve Parkinson, Randy Sant; Kevin Homer.

**A. Welcome & Roll Call**

Mayor Dandoy welcomed those in attendance and noted Councilmembers Jackson, Burrell, Paul, Saxton, Wilson was present.

**B. Moment of Silence**

Mayor Dandoy invited the audience to observe a moment of silence.

**C. Pledge of Allegiance**

Mayor Dandoy lead the audience in reciting the Pledge of Allegiance.

Mayor Dandoy read the Mayor's Determination to Hold Electronic Meetings.

**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.)*

- 1. Approval of the November 17, 2020 Work Session and December 5, 2020 Roy City Council Meeting Minutes**
- 2. City Council Liaison Assignments**

**Councilmember Paul motioned to approve the Consent Items, with changes to minutes as noted. Councilmember Wilson seconded the motion. All Councilmembers voted "aye." The**

**E. Action Items**

**1. Employee of the Month**

Ryan Britt presented the proposed Employee of the Month. He nominated Adam Taylor, Brandon Wallace, Lee Walstrom, John Nesbit, Preston Robinson, Jesse Sansberry, Carston Young, and Skylar Webster, also known as the Christmas light crew.

The Council expressed their gratitude to the nominees.

**Councilmember Burrell motioned to approve the Employee of the month. Councilmember Wilson seconded the motion. All City Councilmembers voted “Aye.” The motion carried.**

**Councilmember Paul motioned to approve Resolution 20-37 Approving 2021 City Council Meetings Dates. Councilmember Burrell seconded the motion. A roll call vote was taken. All Councilmembers voted “Aye.” The motion carried.**

**2. Public Hearing- Resolution 21-1 Adopting adjustment to the FY 2021 Budget.**

Management Services Director Camille Cook presented the resolution. This proposed the previously approved budget by \$9,000 for the information technology fund. All other amendments involved moving funds around departments not increasing budgets. This also proposed to increase to legislative employee program budget by \$210,842, distributing COVID hazard pay and benefits pay. It also proposed to raise the police budget by \$35,000 to fill a vacant police officer position and restore force to full staffing levels. CARES Act funding had been expended and this resolution would show how it was spent to adjust for costs. Also covered was the use of fund balance reserves for a new vehicle for the information and technologies department to be put into the service rotation.

No Comments were made at this time.

**Councilmember Paul motioned to go into Public Hearing. Councilmember Jackson seconded the motion. All Councilmembers voted “aye.” The motion carried.**

**Councilmember Paul motioned to go out of Public Hearing. Councilmember Jackson seconded the motions. All councilmembers voted “aye.” The motion carried.**

Clarification on vehicle maintenance was asked for. Ms. Cook replied that they typically sold vehicles after one year because they could get their money back and not have to do any maintenance except for oil changes which was what they wanted to do with the new IT vehicles.

**Councilmember Wilson motioned approve Resolution 21-1 Councilmember Jackson seconded the motion. A roll call vote was taken. All Councilmembers voted “Aye.” The motion carried.**

3. **Resolution 21-2** Designating individuals to act on behalf of Roy City in transactions concerning the Public Treasurers Investment Fund

Camille Cook presented this Resolution. This was to certify that individuals authorized to act on Roy City's behalf to access and transact in the Utah Public Treasurers Investment Fund (PTIF), the fund where most of the Fund Balance Reserves were kept. They transferred from this fund into the operating checking account to make transactions on behalf of Roy City. Signers had not changed but Council had approved a change to make their primary bank the Bank of Utah, so they needed to re-certify the authorized individuals to make transfers.

**Councilmember Wilson motioned to approve Resolution 21-2. Councilmember Burrell seconded the motion. A roll call vote was taken. All Councilmembers voted "Aye." The motion carried.**

4. **Resolution 21-3** Adding one Customer Services/Clerk position in the Management Services Department
5. **Resolution 21-4** Changing one Customer Service Clerk 1/Billing Assistant position into one Billing Assistant/Purchasing Clerk position in the Management Services Department

Camille Cook presented these Resolutions. In 2018, a second customer service clerk position was added and due to turnover one of those positions was vacant. Their recommendation was to approve this to create an entry level clerk position to allow for a tiered structure in the utility office. There were entry level positions in all other departments so this would align these positions more with other positions in the City. Resolution 21-4 retitled the current responsibilities of that position with the addition of purchasing responsibility. Approval was recommended as outlined in the Resolutions. This would be a full-time position. Mayor Dandoy asked what the cost would be to the City. Ms. Cook replied that the hourly wage for the clerk position was \$0.25/hr. less so it would be a slight savings for the City. There was no change in cost for the billing assistant.

**Councilmember Wilson motioned that we approve Resolution 21-3. Councilmember Burrell seconded the motion. A roll call vote was taken. All Councilmembers voted "Aye." The motion carried.**

**Councilmember Paul motioned that we approve Resolution 21-4. Councilmember Saxton seconded the motion. A roll call vote was taken. All Councilmembers voted "Aye." The motion carried.**

6. **Resolution 21-5** Approving an Interlocal Cooperation Agreement between Roy City and Weber County for Paramedic Services

Chief Craig Golden presented this Resolution. Paramedic services had been in Weber County for many years and an agreement had been in place for years. The County provided vehicles and certain equipment and they provided the staffing and training and anything else not included in the overall agreement. There had been an increase of \$45,000 allotted to Roy City starting in January of this year. This agreement changed the vehicles from 10-year replacement rotation to a five-year. Specialized equipment had also been entered into a replacement rotation. It was recommended this be approved.

**Councilmember Paul motioned that we approve Resolution 21-5. Councilmember Burrell seconded the motion. A roll call vote was taken. All Councilmembers voted “Aye.” The motion carried.**

7. **Resolution 21-6** Approving an Interlocal Cooperation Agreement between Roy City and Weber County for Urban Search and Rescue Team

Chief Craig Golden presented this Resolution. The 6 cities of Weber County had established a search and rescue team. These teams were specialty teams. The overall cost of \$285+ was split into multiple different areas: vehicles, annual allowances for training, and contractor and subcontractor stipend. The Commission would see this as a governing body. This was recommended for approval. There was little to no cost to the city except for some of their time. Mayor Dandoy asked if the training would cost the city. Chief Golden said the trainings rotated through and the recurring training costs covered instructors and overtime.

**Councilmember Paul motioned that we approve Resolution 21-6. Councilmember Jackson seconded the motion. A roll call vote was taken. All Councilmembers voted “Aye.” The motion carried.**

8. **PUBLIC HEARING-** to consider potential projects for which funding may be applied under the CDBG (Community Development Block Grant) Small Cities Program for FY 2021

Because this process would take up to three years it was suggested to table the item for a later date.

**Councilmember Jackson motioned to table item 8: PUBLIC HEARING to consider potential projects for which funding may be applied under the CDBG (Community Development Block Grant) Small Cities Program for FY 2021. Councilmember Wilson seconded. All Councilmembers voted “Aye.” The item was tabled.**

9. **Ordinance 21-1;** Consider a request to amend the General Plan (Future Land Use Map) from Medium Density, Single-Family Residential to Commercial at approximately 4398 West 5500 South.
10. **Ordinance 21-2;** Consider a request to amend the Zoning Map from R-1-8 (Single-Family Residential) to CC (Community Commercial) at approximately 4398 West 5500 South.

Steve Parkinson presented these Ordinances. He showed a map of the area being discussed. This area was denied an entry point by UDOT because of distance regulations and was unable to be developed as a residential zone. Approval was needed from the appropriate agency to develop along the stream. This item was related to only changing the map, not allowing for certain projects. Planning Commission had recommended approval for both items 7-0. A cross-axis agreement would be required between lots 2 and 3. Lots 1 and 2 were being looked at for a gas station and would not spill over into 3. The applicant was present for questions.

**Councilmember Wilson motioned that we approve Ordinance 21-1. Councilmember Jackson seconded the motion. A roll call vote was taken. All Councilmembers voted “Aye.” The**



**motion carried.**

**Councilmember Jackson motioned that we approve Ordinance 21-2. Councilmember Wilson seconded the motion. A roll call vote was taken. All Councilmembers voted “Aye.” The motion carried.**

**E. Public Comments**

Kevin Homer stated that he wanted an update on the proposal to enhance the Roy City ordinances relating to door-to-door sales in the City. Andy Blackburn replied that he had been working on it that day and it was a big project and hopefully he would have it ready within the next couple meetings. Mr. Homer said he would like to see the city provide a P&L from the businesses that had participated in loans from the City because he had remembered the City giving a loan to the thrift store that had gone out of business. Mr. Parkinson replied that it was a loan to a different clothing store near Harmon's, not the thrift store. Councilmember Saxton stated that there had been two loans that had went out and one had been paid off, and the other had been for the other store. Mr. Homer said this was a specific example, but he wanted to know if there was a P&L sheet for the city and if there was not one, could one be available. He would file a GRAMA request if necessary. Mr. Blackburn replied that he would have to make a GRAMA request as a matter of practice. Mr. Homer wanted to see this information on a regular basis. Mayor Dandoy said this dealt with two different entities, the Council, and the RDA Board. An RDA meeting was scheduled for the 2nd of February that Mr. Homer could attend and make his request for information at that meeting.

**A. Discussion Items**

**1. Holiday Home Contest Awards**

Morgan Langholf said they had 26 entries of those, Councilmembers submitted their top three votes and an honorable mention. Results were posted to Facebook on Christmas Eve. Winners were Jason Skeen, first place, Rhonda and Linnie Thorp, second place, and Edna Johnson, 3rd place. Honorable mentions went to Steve and Geri Grawlski, Lance Carter, and Stephanie Weir. Winning prizes would be received in the mail due to COVID.

**2. Utility Rates**

Matt Andrews said it was important to keep their utilities on during the COVID pandemic and he felt that times like these were what the Fund Balances were for. Each fund had a savings account and they thought each of the balances could help subsidize any losses at this time and requested to not ask for an increase in utility fees. There was discussion about fund balances and budgets. Councilmember Wilson asked if they had a fund to help struggling families due to COVID hardships. The City did not have one but there were agencies available for people to request assistance. The legalities of providing personal assistance to residents were discussed.

**F. Reports**

**1. City Manager Report**

- The DRNG crossing lights at 6000 were damaged but are on order to be replaced.
- The City was also replacing some soccer goals down at Emma Russel park.
- The Council was meeting on ZOOM today even though they were planning on going to TEAMS, but we will be staying on ZOOM due to streaming capabilities on YouTube.
- Recreation Basketball had started.
- With the CARES funding the City proposed doing something with nonprofits and most of their needs were really hard to come by at that time. Staff did come up with being able to disinfect large areas with a disinfecting gun. There were 150 of the sprayers and all Councilmembers volunteered to help.

## 2. Mayor and Council Report

There was discussion about City Buffet and Village Inn. There had been a request made to the Mayor to have the pedestrian crossings on 4400 re-stripped. The temperature needed to be above 55 degrees for seven consecutive days so once they reached that it would be re-stripped. A resident had written in a compliment to the police department for the handling of the runaway semi-tire incident. Vaccine appointments were available that week for individuals over the age of 70 in addition to essential workers and first responders at 3:00 on Thursday. Two requests had been made for a traffic speed check on 6000 South somewhere around 2700 West and 2275 West. This was due to the high school students driving faster than 25 mph.

Councilmember Sexton asked if they could get flashing lights from UDOT near the school where kids crossed. What needed to happen for that was a traffic study needed to happen and meet certain guidelines to approve a crosswalk because it was a state road. It was being watched closely in the spring but then winter hit. The state said it did not meet the requirements for a crosswalk.

Mayor Dandoy brought up forming a safety committee for the schools that could have a dialogue with Council. State law required schools to reach out to the city and they had not done so. A state law specified who had to be on the safety committee and they had never formed one.

No comments were made.

## G. Adjournment

**Councilmember Jackson motioned to adjourn the City Council meeting at 7:15 p.m. Councilmember Burrell seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

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Robert Dandoy  
Mayor

Attest:

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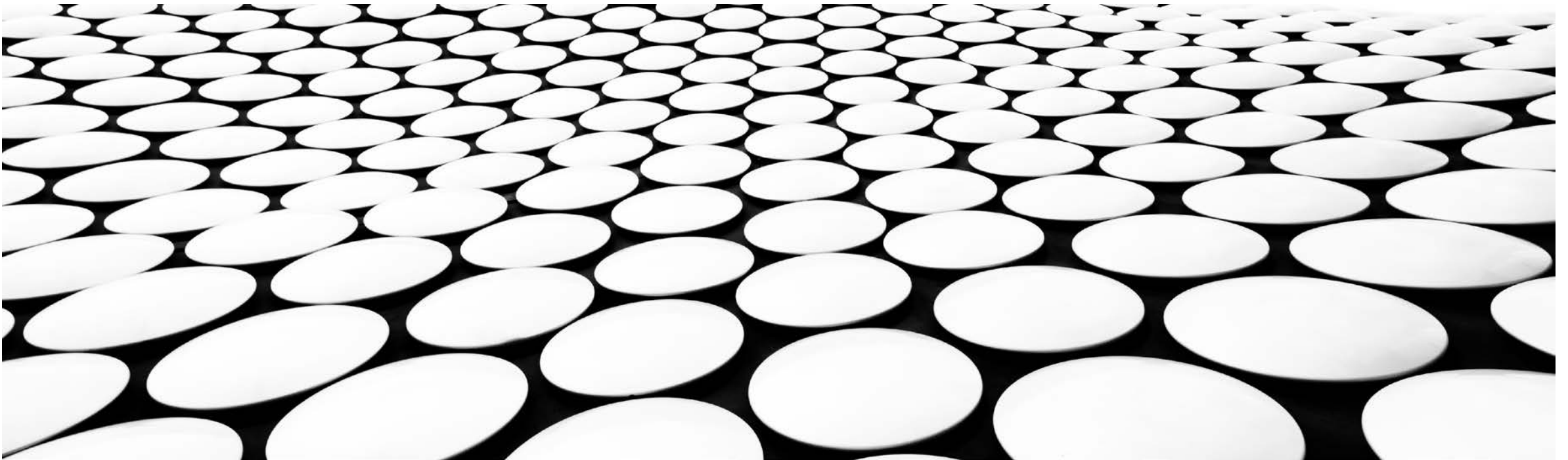
Morgan Langholf  
City Recorder

dc:

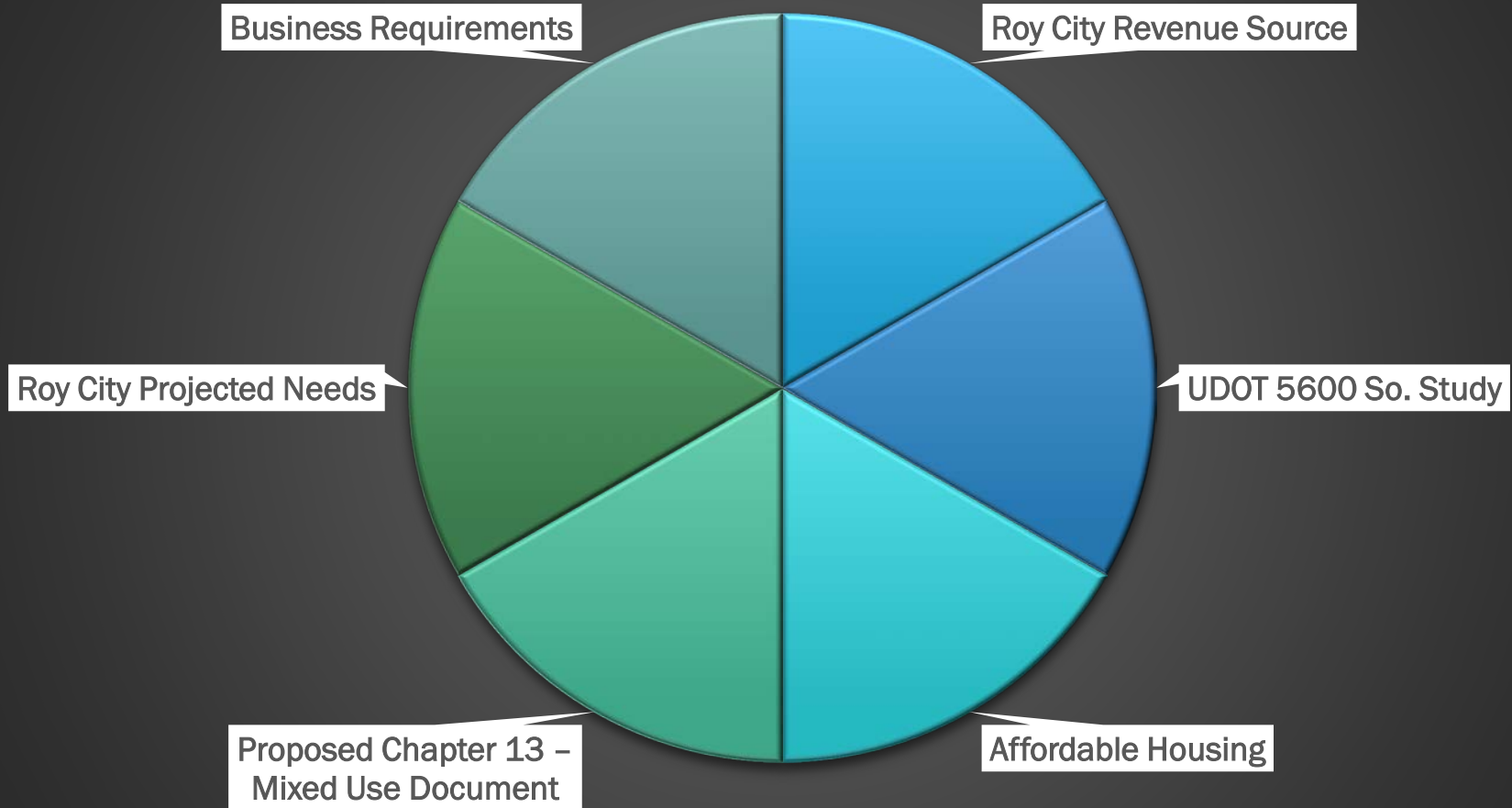
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# **ROY CITY DOWNTOWN BUSINESS DISTRICT ZONING ORDINANCE CHANGES**

FEB 2021



# ROY CITY DOWNTOWN BUSINESS DISTRICT ZONING ORDINANCE CHANGES



# BUSINESS REQUIREMENTS

A key question in determining economic development within a city, is better understanding “What Businesses Look For in a City”. There appears to be 11 components that are important.

- 1- Location
- 2- Taxes and Tax Incentives
- 3- Affordable Housing (Employees)
- 4- Commercial Property, Accessibility, Foot Traffic and Parking

City / Property Tax Rate	2016	2017	2018	2019	2020
Bountiful	.000890	.000832	.000880	.000814	.000789
Clinton	.002082	.001925	.001794	.001660	.001608
Clearfield	.001800	.001745	.001607	.001437	.001437
Farmington	.002132	.001942	.001765	.001640	.001491
Kaysville	.001717	.001589	.001589	.001589	.001589
Layton	.001805	.001635	.001521	.001616	.001645
Ogden	.003103	.003103	.003103	.002876	.002651
Riverdale	.001144	.001078	.001024	.000972	.000921
Roy	.002828	.002650	.002358	.002123	.001959
South Ogden	.002570	.002900	.002900	.002700	.002700

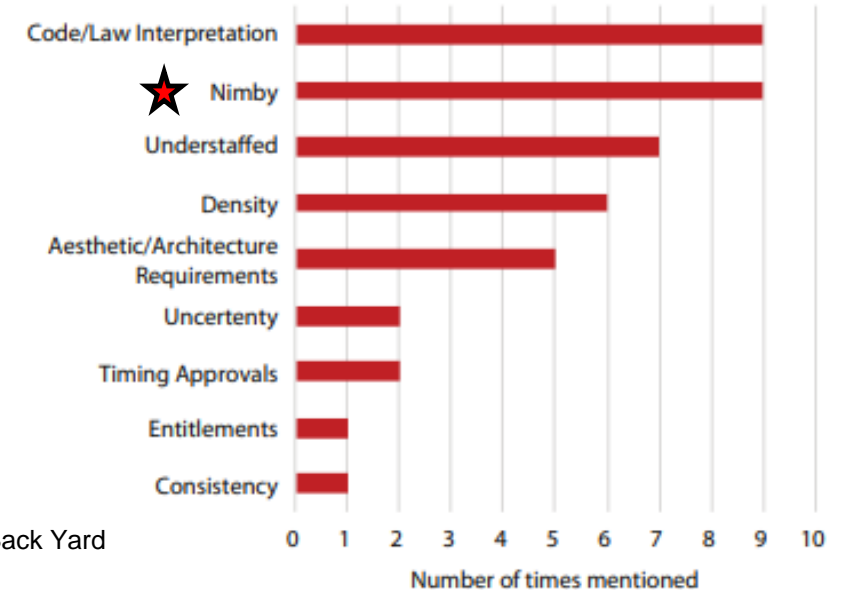
Note: Business Property Owners pay 100% of the Taxable Value of the property. Residents normally pay 55% of the Taxable Value of a home.

# BUSINESS REQUIREMENTS

- 5- Regulation (Ordinances) and Licensing
- 6- Demographics, and Skilled Labor
- 7- Quality of Life, i.e., Crimes Rates, Recreation
- 8- Transportation Connections, Infrastructure and Public Services
- 9- Utilities and other Costs

Survey of Utah's Top Homebuilders,  
Kern C. Gardner Policy Institute, U of U, Jan 2020

**Q: What are the most significant obstacles you face with city approvals?**



★ NIMBY: Not In My Back Yard

Demographics	Population	Utah Largest County/Cities By Population	Growth Rate	Ave (Mean) Household Income	Poverty Rate	Median Age	College Degrees	Average Earnings
Utah	3,282,120		1.88%	\$87,053	10.34%	30.7 Years	42%	\$39,240
Weber County	265,345	4 <sup>th</sup>	1.72%	\$76,945	11.34%	32.5 Years	34%	\$37,190
Roy City	39,779	22nd	1.28%	\$74,852	11.26%	30.5 Years	28%	\$38,254

Note: Unemployment Rate went from 3.8% in March 2020 to 10.4 in April 2020 in Utah. As of August 2020 the Rate is 4.1% in Utah and 8.4% in the United States.  
Source: Department of Workforce Services.

# BUSINESS REQUIREMENTS

- 10- Elected and Appoint Visionary Leaders
- 11- Local Businesses, and Traffic Count

Traffic Count	1900 West	1900 West	5600 South	5600 South	I-15
From / To	Riverdale Road to 5600 So.	5600 So. to Weber / Davis County Boarder	2500 West to 1900 West	1900 West to Freeway Park Drive	Near 5600 S
Average Annual Daily Traffic (AADT)	38,615	25,200	24,040	32,600	125,000

## The Role of Elected Officials in Economic Development

Source: Report by the National League of Cities – Center for Research and Innovation

“Sometimes, cities let politics and minor disagreements about the direction of economic development affect their city’s public image. This can detrimentally impact the confidence investors have in your community as a place to do business. Developers, business owners and others want to be assured that their investment in your community will have broad support among local leaders, residents and key partners.”

Population  
Businesses  
Households  
Income  
Traffic Count



**ROY FREESTANDING RESTAURANT**  
 5698 SOUTH 1900 WEST, ROY, UTAH

**NEARBY TENANTS**

- Golden Bell
- Walgreens
- Taco Bell
- Wendy's
- Papa Murphy's
- Ocean Mart
- T-Mobile
- Circle K

**PROPERTY FEATURES**

- FOR SALE
- 2,000 SF
- \$300,000
- Restaurant Space
- Hood Installed
- Freestanding
- 23,000 AADT - 1900 West

**AREA DEMOGRAPHICS**

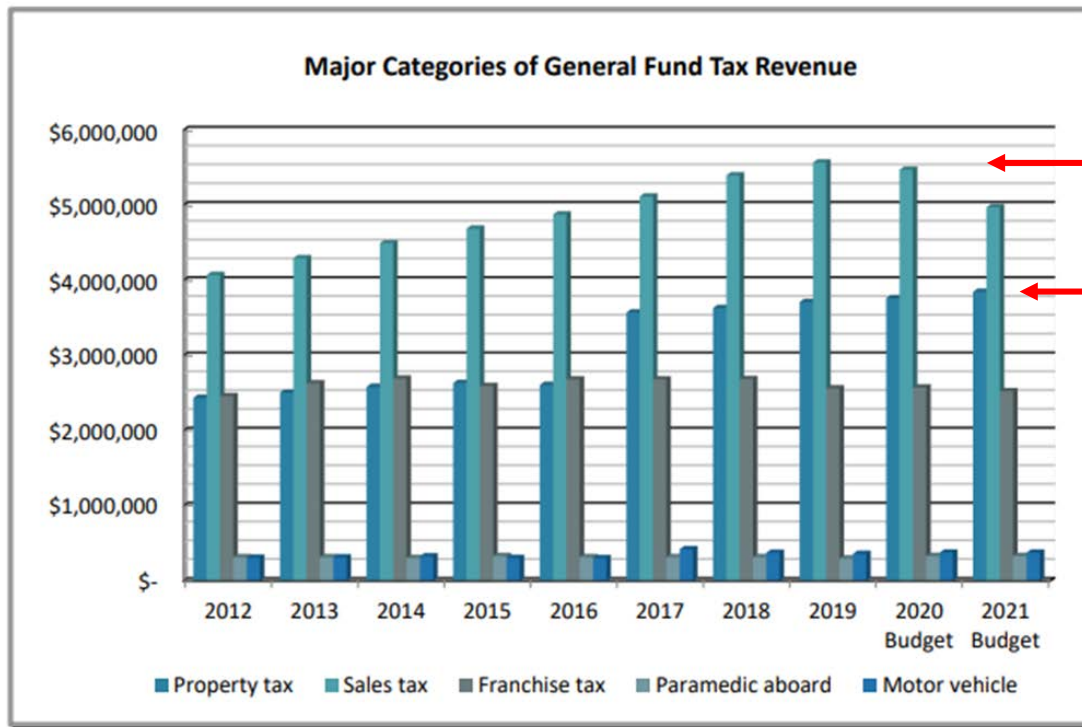
	1 MILE	3 MILE	5 MILE
Population	9,305	82,863	168,800
Households	3,410	27,466	55,738
Income	\$56,570	\$63,044	\$63,833



# REVENUE - TAXES

Most of the Roy City's revenue comes from taxes. The City receives tax revenue from property tax, sales tax, franchise tax and fees on utilities, paramedic service and motor vehicle.

- Tax revenue accounts for around 71% of the monies used to operate the General Fund.
- The property tax system is setup such that Roy City will receive the same amount of taxes it did in the prior year, if no tax increase is proposed. The actual tax rate will go down each year because new homes / businesses are added, and total property values increase.



Source: Roy City 2020/2021 Approved Budget

2020-2021 Budget Document	2018/19 Actual	2019/20 Budget	2020/21 Requested Budget
Property Tax	\$3,663,632	\$4,034,533	\$3,805,379
Sales Tax	\$5,569,396	\$5,472,921	\$4,972,921
Franchise Tax	\$2,566,480	\$2,578,700	\$2,528,700
<b>Total from Taxes</b>	<b>\$12,515,104</b>	<b>\$12,847,154</b>	<b>\$12,068,000</b>
<b>Grand Total</b>	<b>\$19,009,570</b>	<b>\$19,518,471</b>	<b>\$17,807,711</b>

Sales Taxes

Property Taxes  
*Note: In 2016 the City Council Approved a 37% Tax Increase which caused the bump between 2016 to 2017.*



AFCU Office, Roy Office Building (16.4 Acres)  
 2020 Taxable Value - \$20,921,995  
 Total County Property Tax - \$261,066  
 Roy City Property Tax - \$42,461



Harmon's – Roy City (6.45 Acres)  
 2020 Taxable Value - \$4,869,117  
 Total County Property Tax - \$59,515  
 Roy City Property Tax - \$9,537

## REVENUE - TAXES – PROPERTY TAX

Roy City's Certified Tax Rate (Property Tax Rate) is moving in the right direction. However, Roy City Property Tax Rate is higher than any City in Davis County and most of the cities in Weber County, with the exception of Ogden, South Ogden, Washington Terrace.

### Certified Tax Rate (Property Tax Rate) by City

	Davis County						Weber County			
	Bountiful	Clinton	Clearfield	Farmington	Kaysville	Layton	Ogden	Riverdale	Roy	South Ogden
2016	.000890	.002082	.001800	.002132	.001717	.001805	.003103	.001144	.002828	.002570
2017	.000832	.001925	.001745	.001942	.001589	.001635	.003103	.001078	.002650	.002900
2018	.000880	.001794	.001607	.001765	.001589	.001521	.003103	.001024	.002358	.002900
2019	.000814	.001660	.001437	.001640	.001589	.001666	.002876	.000972	.002123	.002700
2020	.000789	.001608	.001437	.001491	.001589	.001645	.002651	.000921	.001959	.002700
Direction	↓	↓	→	↓	Managed →	→	↓	↓	↓	Managed →

Source: Utah State Tax Commission

Note: It would appear Kaysville and South Ogden are controlling (Managing) their Certified Tax Rate rather than letting it automatically adjust. This approach can allow a moderate property tax increase by freezing the rate through a "Truth In Taxation" meeting process each year.

# REVENUE - TAXES – SALES TAX

## Total Taxable Sales by City -

This Chart shows a comparison of Taxable Sales between different cities.

- The data suggests that over this 10-year period, the second half of the decade the Taxable Sales is slowing down in Roy.

City / Population (2020)	Clearfield 31,967	Farmington 24,514	Kaysville 32,095	Layton 67,267	Ogden 87,773	Riverdale 8,426	Roy 39,613	South Ogden 17,199
2009	\$174,905,060	\$107,524,235	\$170,452,214	\$1,069,193,371	\$1,088,493,897	\$611,558,283	\$207,567,892	\$249,347,160
2010	\$198,717,620	\$118,534,250	\$179,426,850	\$1,131,895,968	\$1,219,335,249	\$616,079,898	\$228,048,557	\$240,995,531
2011	\$211,272,871	\$160,063,322	\$181,316,886	\$1,166,882,247	\$1,292,300,711	\$630,887,357	\$234,560,291	\$253,982,537
2012	\$204,136,009	\$196,298,262	\$195,696,885	\$1,233,537,229	\$1,371,148,283	\$674,205,134	\$243,420,874	\$277,286,604
2013	\$206,516,188	\$238,418,623	\$212,371,407	\$1,282,942,430	\$1,429,443,153	\$710,215,898	\$258,828,740	\$305,244,061
2014	\$223,976,505	\$299,275,281	\$221,056,615	\$1,335,994,038	\$1,495,305,081	\$727,004,009	\$269,242,333	\$328,350,502
2015	\$244,855,566	\$350,953,919	\$256,259,149	\$1,416,759,759	\$1,571,405,354	\$768,968,828	\$285,153,570	\$349,701,251
2016	\$245,385,913	\$419,392,009	\$300,815,387	\$1,471,997,203	\$1,570,168,784	\$792,691,046	\$295,576,105	\$367,431,324
2017	\$266,774,979	\$476,334,261	\$339,009,406	\$1,554,892,935	\$1,767,442,445	\$809,372,626	\$307,952,569	\$386,763,845
2018	\$273,362,743	\$508,172,311	\$337,954,435	\$1,610,148,135	\$1,927,965,683	\$851,578,437	\$318,880,941	\$402,819,153
2019	\$301,995,920	\$553,027,348	\$368,112,173	\$1,656,701,924	\$1,994,165,686	\$887,083,452	\$333,128,089	\$439,915,779
Difference Between 2009 and 2014 / % Change	\$49,071,445 28%	\$191,751,046 178%	\$50,604,401 30%	\$266,800,667 25%	\$406,811,184 37%	\$115,445,726 19%	\$61,674,441 30%	\$79,003,342 32%
Difference Between 2015 and 2019 / % Change	\$57,140,354 23%	\$202,073,429 58%	\$111,853,024 44%	\$239,942,165 17%	\$423,996,902 27%	\$94,392,406 12%	\$47,974,519 17%	\$90,214,528 26%

Source: Utah State Tax Commission – Taxable Sales Reports / Total Taxable Sales by City 1998 to 2019

Note: Kaysville's increases in Taxable Sales over the last 4 years could be influenced by increase business development on the west side of I-15.

Point of Interest: In CY 1998 Roy's Total Taxable Sales was \$161,653,206 and South Ogden's was \$129,987,226. Much different today.

## REVENUE - TAXES – SALES TAX

## ROY CITY RETAIL SALES LEAKAGE -

With exception of Food, Beverage, and Gas our residents are going elsewhere to shop. We are only capturing in the City 45% (Capture Rate) of the possible retail Sales. More than likely our residents are going to Ogden, Riverdale, Clinton and Layton for most of their purchases. It is projected that \$311,045,101 is going outside the City. Main reason, Roy City does not have the stores / businesses to provide products.

Retail	Roy Direct Taxable Sales	Per Capita Spending	Utah Income Adjusted Per Capita Spending	Per Capita	Total	Capture Rate
Building Material & Garden Equipment	\$1,551,327	\$40	\$1,075	(\$1,035)	(\$40,122,029)	4%
Clothing & Accessories	\$3,110,372	\$80	\$543	(\$463)	(\$17,948,594)	15%
Electrical & Appliance	\$2,229,680	\$58	\$318	(\$261)	(\$10,114,161)	18%
<b>Food &amp; Beverage</b>	<b>\$101,647,513</b>	<b>\$2,622</b>	<b>\$1,376</b>	<b>\$1,245</b>	<b>\$48,290,754</b>	<b>191%</b>
Furniture & Home Furnishing	\$4,750,000	\$123	\$315	(\$192)	(\$7,456,944)	39%
<b>Gas Station</b>	<b>\$16,336,485</b>	<b>\$421</b>	<b>\$364</b>	<b>\$57</b>	<b>\$2,206,595</b>	<b>116%</b>
General Merchandise	\$4,307,747	\$111	\$1,972	(\$1,860)	(\$72,133,785)	6%
Health & Personal	\$2,302,283	\$59	\$152	(\$93)	(\$3,597,092)	39%
Miscellaneous Retail Trade	\$5,717,630	\$147	\$480	(\$333)	(\$12,909,908)	31%
Motor Vehicle	\$37,704,301	\$972	\$2,006	(\$1,033)	(\$40,065,788)	48%
Non-Store Retailers	\$10,067,577	\$260	\$463	(\$203)	(\$7,890,012)	56%
Sporting Goods	\$1,371,950	\$35	\$302	(\$267)	(\$10,351,462)	12%
Wholesale Trade - Durable Goods	\$7,422,065	\$191	\$1,279	(\$1,088)	(\$42,173,784)	15%
Wholesale Trade – Electronics	\$25,000	\$1	\$15	(\$14)	(\$561,043)	4%
Wholesale Trade – Non-Durable Goods	\$1,547,493	\$40	\$226	(\$186)	(\$7,204,557)	18%
<b>Total</b>	<b>\$256,824,791</b>	<b>\$6,624</b>	<b>\$14,646</b>	<b>(\$8,022)</b>	<b>(\$311,045,101)</b>	<b>45%</b>

Source: Table A3-1 Proposed 2020 General Plan Amendment

## REVENUE - TAXES - SALES TAX DISTRIBUTION

The Table suggests that:

- Roy City Sales Tax revenue is still increasing but at a slower rate. Over the last 5 years, the rate of growth has slowed by 8%. This is supporting the previous data showing slow down of the Taxable Sales numbers within Roy (chart 11) .
- Local Trans tax to the City is new and has almost doubled in the last 4 years. Clearly the data indicates that the Local Transportation Infrastructure Tax has made a difference in helping bridge the gaps with Tax revenue reductions in other areas. However, this additional revenue is restricted on how it can be spent by the City.
- Liquor tax revenue has dropped 11% in the last 5 years.
- The Telecom Tax is less than half what it was 10 years ago. Residents are shifting from hardline telephones in homes and moving to cell phones.

												2010 to 2014	2015 to 2019
Roy City CY	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Grand Total	% Change	% Change
Sales Tax	\$3,706,040	\$3,884,724	\$4,222,767	\$4,394,644	\$4,572,184	\$4,761,063	\$4,931,578	\$5,194,242	\$5,483,243	\$5,638,498	\$46,788,987	23% ↑	15% ↑
Local Trans							\$218,335 NEW	\$377,260	\$397,452	\$435,652	\$1,428,701		99% ↑
Liquor	\$44,028	No Data	\$70,517	\$43,321	\$40,334	\$39,110	\$38,319	\$38,534	\$37,166	\$35,247	\$386,580		11% ↓
Telecom	\$561,900	\$450,040	\$569,514	\$490,412	\$455,807	\$367,487	\$341,716	\$300,790	\$262,803	\$200,865	\$4,001,339	23% ↓	83% ↓
E-911	0	0	\$7	\$197	0	0	0	0	0	0	\$205		
Energy	\$14	\$905	\$4,912	0	\$41	0	0	\$154	\$1,123	\$2,023	\$9,174		

Source: Utah Tax Commission – Sales Tax Distribution

# REVENUE - TAXES – SALES TAX REVENUE

Sales Tax is the single biggest revenue source for the City. How much the City gets is determine by public law.

- Utah Code 59-12-205 states:
  - 50% of each dollar collected from the sales and use tax authorized ... shall be distributed to each county, city, and town on the basis of the percentage that the population of the county, city, or town bears to the total population of all counties, cities, and towns in the state;
  - 50% of each dollar collected from the sales and use tax authorized ... shall be distributed to each county, city, and town on the basis of the location of the transaction.

Roy City FY 2020 Sales Tax (Actual) – Source: Utah Tax Commission		
Total Sales Tax Collected in Roy by the State - <b>\$3,501,352.68</b>		
Roy City's Portion of the Sales Tax from the State based on Population - <b>\$4,274,671.32</b>		
<b>50% Provided to Roy Based on Location of Transaction</b> Formula: <b>\$3,501,352.68 x .50 =</b>	<b>50% Provided to Roy Based on City's Population / State's Population</b>	<b>Total Sales Tax Provided to Roy City - (Before Fees)</b> Formula: <b>\$1,750,676.34 + \$4,274,671.32 =</b>
<b>\$1,750,676.34</b>	<b>\$4,274,671.32</b>	<b>\$6,025,347.66</b>
NOTE: Although the law states the distribution is 50/50 the actual percentage of Sale Tax the City receives from the State, is: <ul style="list-style-type: none"> <li>• 30% (Sales Tax Revenue received based on "Location of Transaction (Point of Sale)")</li> <li>• 70% (Sales Tax Revenue received based on "Population").</li> </ul>		

Population	2010	2020	% Increase 2020 - 2030	2030	2040	2050
Utah	2,774,283	3,309,234	18%	3,914,984	4,570,433	5,257,239
Weber County	231,236	258,423	16%	300,477	349,009	398,699
Roy	36,884	39,979	5%	41,890	43,876	44,739
West Haven	10,272	17,683	23%	21,731	32,674	44,760
Hooper	7,218	9,414	49%	13,989	21,640	28,691
Plain City	5,476	7,706	13%	8,727	10,694	13,492
Riverdale	8,426	8,823	6%	9,365	9,694	9,544
Clinton	20,426	23,097	13%	26,008	27,126	29,100
Ogden	82,825	88,061	14%	100,123	102,059	105,457
South Ogden	16,532	17,326	9%	18,885	19,387	19,387

Source: Governor's Office of Economic Development

Clearly the data indicates the City's population (22<sup>nd</sup> largest city in Utah) is providing the highest amount of Sales Tax received by the State 70%, rather than Sales Tax coming from businesses 30%. However, Roy City's population is slowing compared to neighboring cities.

# REVENUE TAXES – FY 2020 SALES TAX (ACTUAL) REVENUE – BY SOURCES IN ROY CITY

There is a few important pieces of information in this data.

- Column “C” shows a business in Roy that provided the highest Sales Tax Revenue, while column “D” shows a business that provided the lowest. The Average Sale Tax revenue received of all the businesses in that category is found in column “E”.
- Grocery Sales Tax Revenue is the top source for Roy City’s income from the Sale Tax.
- On-Line Sales Tax Revenue is also a strong second. These are Sales, on-line, somewhere in Roy City. The company providing these Sales Tax revenues must have a physical location (building) within the State. On-line Sales where there is no physical business location in the State, may not be paying Sales Tax.
- Column “G” (50% of Average) provides the average annual revenue the City could receive from a business in each category. To make a significant financial impact to the City’s revenue would require a sizable business development equal to or greater than the Grocery Store that is generating \$403,782 (column C) annually in Sales Tax.

		The Business that Pays the Most and Least in Sales Tax. The Average Sales Tax of All Businesses, Per Year				Roy’s Portion, Per Year, Based on Sales Tax “Point of Sale” Law	
A Category	B Number of Businesses	C High	D Low	E Average	F Total Sales Tax	G 50% of Average	H 50% of Total Sales Tax
Auto Repair	34	\$24,104.09	\$14.33	\$4,356.01	\$148,104.19	\$2,178	\$74,052
Auto Sales	12	\$117,758.84	\$665.03	\$31,583.71	\$379,004.54	\$15,791	\$189,502
Beauty	22	\$1,791.96	\$0.65	\$119.96	\$4,399.11	\$59	\$2,199
Construction / Retail	17	\$12,811.24	\$1.69	\$1,311.50	\$22,295.44	\$655	\$11,147
Convenience Store	22	\$38,338.94	\$6.06	\$10,269.84	\$225,936.57	\$5,134	\$112,968
Entertainment / Fitness	13	\$10,282.09	\$5.51	\$1,516.86	\$19,719.23	\$758	\$9,859
Fast Food	30	\$61,170.13	\$2.41	\$9,098.81	\$272,964.25	\$4,549	\$136,482
Grocery	11	\$403,782.18	\$3,975.01	\$101,799.45	\$1,119,793.96	\$50,899	\$559,896
Medical	28	\$3,527.75	\$2.16	\$452.14	\$12,659.84	\$226	\$6,329
Printing	12	\$3,362.84	\$11.72	\$802.64	\$9,631.65	\$401	\$4,815
Restaurant	18	\$17,953.91	\$120.00	\$5,400.06	\$97,201.04	\$2,700	\$48,600
Retail	122	\$34,655.93	(\$9.93)	\$2,023.54	\$246,872.22	\$1,011	\$12,436
Service	34	\$7,142.15	\$1.22	\$536.08	\$18,226.72	\$268	\$9,113
Tech Co.	11	\$2,542.65	\$1.80	\$644.31	\$7,087.39	\$322	\$3,543
On-line Sales	4,740	\$138,537.35	(\$373.42)	\$193.56	\$917,456.53	\$96	\$458,728
Total Sale Tax Revenue	5,126				\$3,501,352.68		\$1,750,676

Source: Utah Tax Commission – Restricted Data



## UDOT 5600 So. Study

The Study proposes the removal or partial remove of business structures along 5600 South and 1900 West to make way for the widening of those streets. **15 Business Properties Impacted**

Estimated Annual Revenue Reduction in City Property Tax (2019 Rates)

- **Roy City - \$20,476**
- **Total Weber County - \$123,077**

Well Fargo Bank  
City: \$1,857/ County: \$11,122  
Wendy's  
City: \$2,011/ County: \$12,045

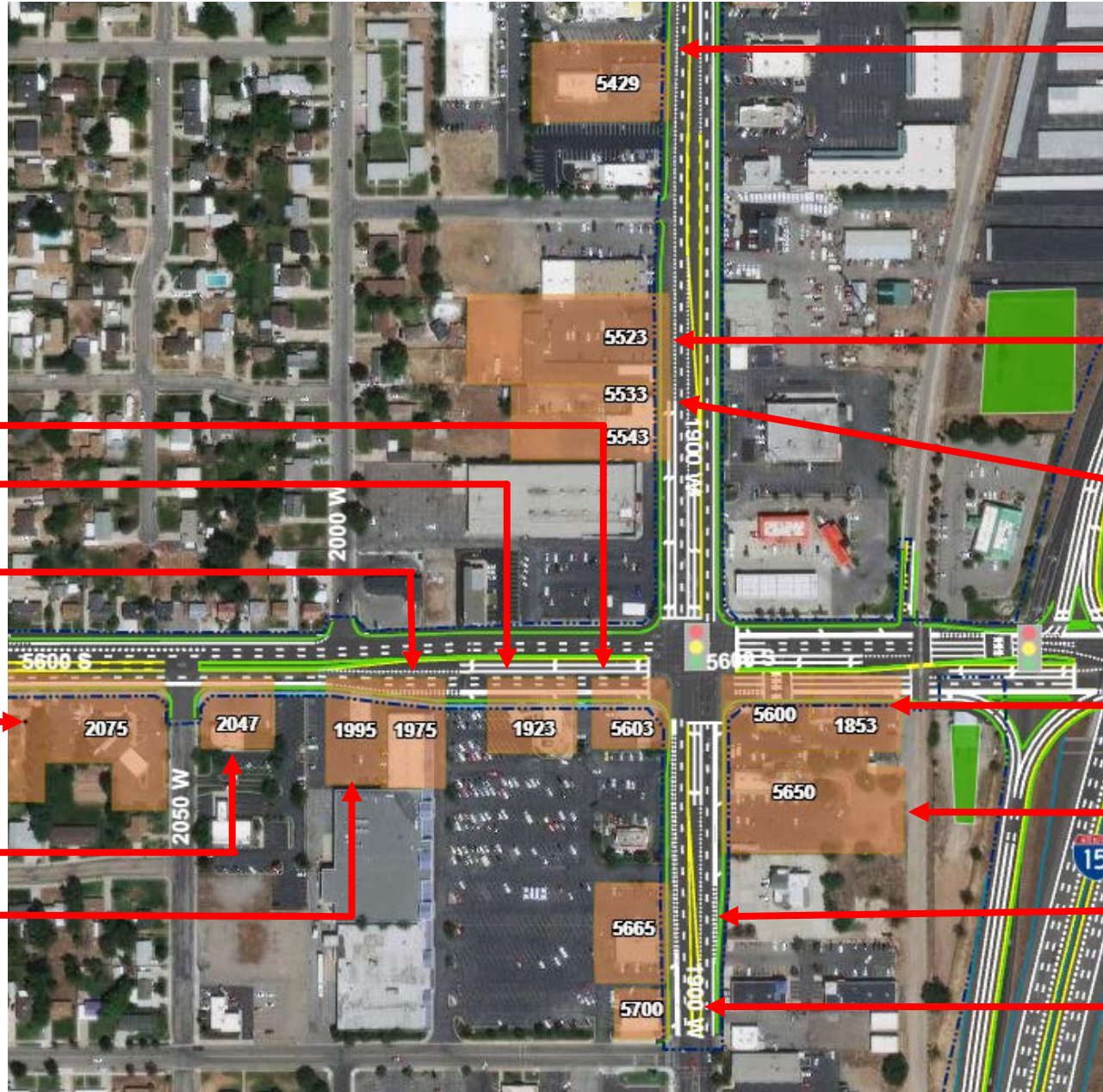
Recruiting Office  
Elite Spa Nails Salon  
Vintage Grind Coffeehouse  
City: \$1,665/ County: \$9,976

Golden West CU  
City: \$1,776/ County: \$10,949

7-11 Store  
City: \$1,483/ County: \$8,887

Dry Cleaner  
City: \$469/ County: \$2,813

Source: Weber County  
Parcel Search



Standard Optical and  
Lucky China Restaurant  
City: \$1,780/ County: \$10,663

Professional Plaza  
• Art of War Tattoo  
• Boost Mobile  
• H&R Block  
• Roxy's CBD & Wellness  
• Computer Service Ctr  
• Antiques  
• Pet Grooming  
• Skin & Lashes  
City: \$2,080/ County: \$12,460

Insurance Office and  
Dry Cleaners /  
Laundry  
City: \$1,287/ County: \$7,795

Japanese Wasabi  
Restaurant  
and Sinclair Station  
City: \$2046/ County: \$12,257

Rancheritos Restaurant  
City: \$1,827/ County: \$10,942

T-Mobile  
City: \$1,208/ County: \$7,236

Papa Murphy  
City: \$987/ County: \$5,912



## UDOT 5600 Study

The Study proposes the removal or partial remove of residential structures along 5600 South to make way for the widening of the street. **63 Residential Units Impacted**

**Estimated Annual Revenue Reduction to City property tax (2019 Rate)**

- Roy City - \$14,018
- Total Weber County - \$89,952



Home Address	Roy Tax	Total County Tax	Home Address	Roy Tax	Total County Tax	Home Address	Roy Tax	Total County Tax	Home Address	Roy Tax	Total County Tax
2093	\$224	\$1,551	2257	\$228	\$1,583	2799	\$207	\$1,440	3045	\$209	\$1,476
2115	\$233	\$1,607	2269	\$155	\$1,131	2843	\$252	\$1,700	3061	\$162	\$1,226
2123	\$532	\$3,398	2279	\$248	\$1,489	2865	\$225	\$1,589	3087	\$349	\$2,303
2133	\$228	\$1,619	2289	\$195	\$1,167	2875	\$247	\$1,700	3091	\$203	\$1,412
2145	\$204	\$1,432	2316 / 2320 / 2324 / 2328	\$296	\$1,788	2889	\$333	\$2,224	5611	\$434	\$2,797
2155	\$147	\$1,090	2334 / 2338 / 2342 / 2346	\$515	\$3,097	2899	\$165	\$1,183	3156	\$400	\$2,607
2167	\$219	\$1,314	2352 / 2356 / 2360 / 2364	\$558	\$3,349	2931	\$242	\$1,644	3166	\$339	\$2,230
2175	\$196	\$1,365	2370 / 2374 / 2378 / 2382	\$496	\$2,992	2937	\$241	\$1,637	3176	\$307	\$2,035
2183	\$235	\$1,625	5627	\$404	\$2,992	5605	\$219	\$1,505	3186	\$414	\$2,691
2191	\$192	\$1,362	2748	\$296	\$2,115	5606	\$282	\$1,692	3196	\$400	\$2,398
2197	\$197	\$1,390	2775	\$347	\$2,308	5616	\$241	\$1,637			
2199	\$245	\$1,319	2793	\$232	\$1,587	5607	\$268	\$1,798			
2235	\$226	\$1,570	2797	\$244	\$1,657	3013	\$200	\$1,411			
2251	\$196	\$1,370				3029	\$191	\$1,342			

## Traffic Gap Relief

### UDOT 5600 So. Study

The Study proposes the removal or partial remove of business structures along 5600 South and 1900 West to make way for the widening of those streets. Since it is not known at this time when this projected will be funded and started, the legislators authorized UDOT \$12M to make minor adjustments to 1900 West to ease current traffic issues.

It is expected that this “Gap Relief” **effort will start in 2021**. If so, UDOT will need to start acquiring business properties that will impact property and possibly sales tax revenues. Even if the actual construction doesn’t happen soon, once UDOT purchases the property, as a government agency, they don’t pay property tax.

**Additional Lane**



**Additional Lane**

**Additional Lane**

**Additional Lane**



# AFFORDABLE HOUSING

Affordable housing is a big issue in Utah. Latest report indicates the State is 41,132 homes short of the need. Less available homes / rental units drives higher costs! To rent a 2-bedroom apartment in Utah the family / individual needs a full time \$19.83 per hour income. Utah also has more young adults than the national average. A product of the state's high birth rate.

Out of Reach Document – *National Low-Income Housing Coalition, 2020*

## STATES RANKED BY TWO-BEDROOM HOUSING WAGE

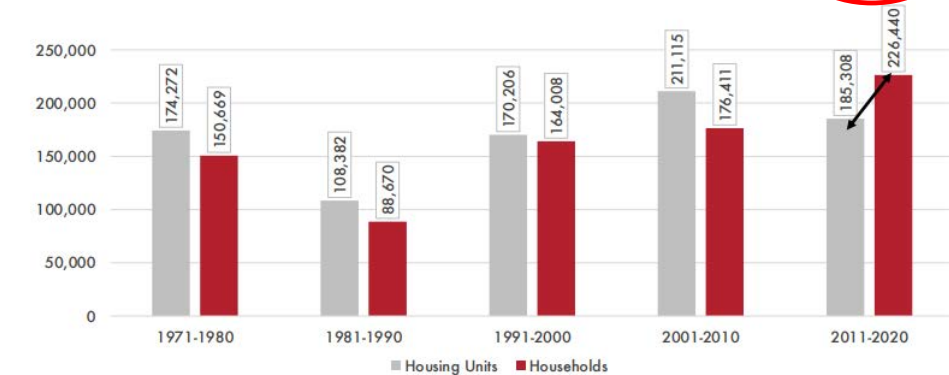
States are ranked from most expensive to least expensive.

Rank <sup>1</sup>	State	Housing Wage for Two-Bedroom FMR <sup>2</sup>	Rank <sup>1</sup>	State	Housing Wage for Two-Bedroom FMR <sup>2</sup>
1	Hawaii	\$38.76	28	North Carolina	\$17.67
2	California	\$36.96	29	Louisiana	\$17.48
3	Massachusetts	\$35.52	30	Michigan	\$17.42
5	New York	\$32.53	31	South Carolina	\$17.30
6	Washington	\$30.46	32	Wisconsin	\$17.27
7	New Jersey	\$29.69	33	Wyoming	\$17.15
8	Maryland	\$28.06	34	Tennessee	\$17.09
9	Colorado	\$26.45	35	Montana	\$16.88
10	Connecticut	\$26.42	36	Idaho	\$16.59
11	Alaska	\$25.07	37	Kansas	\$16.43
12	Florida	\$24.43	38	New Mexico	\$16.37
13	Oregon	\$24.37	39	Indiana	\$16.32
14	Virginia	\$23.64	40	Nebraska	\$16.27
15	New Hampshire	\$23.43	41	North Dakota	\$16.18
16	Vermont	\$23.36	42	Missouri	\$16.07
17	Delaware	\$21.96	43	Ohio	\$15.99
18	Illinois	\$21.30	44	Oklahoma	\$15.93
19	Rhode Island	\$21.16	45	Iowa	\$15.46
20	Arizona	\$21.10	46	Alabama	\$15.44
21	Texas	\$20.90	47	South Dakota	\$15.24
22	Minnesota	\$20.53	48	Kentucky	\$14.99
23	Nevada	\$20.48	49	West Virginia	\$14.97
24	Utah	\$19.83	50	Mississippi	\$14.89
25	Maine	\$19.79	51	Arkansas	\$14.19
26	Pennsylvania	\$19.23	OTHER		
27	Georgia	\$19.11	4	District of Columbia	\$32.83
			52	Puerto Rico	\$9.36

<sup>1</sup> Includes District of Columbia and Puerto Rico.

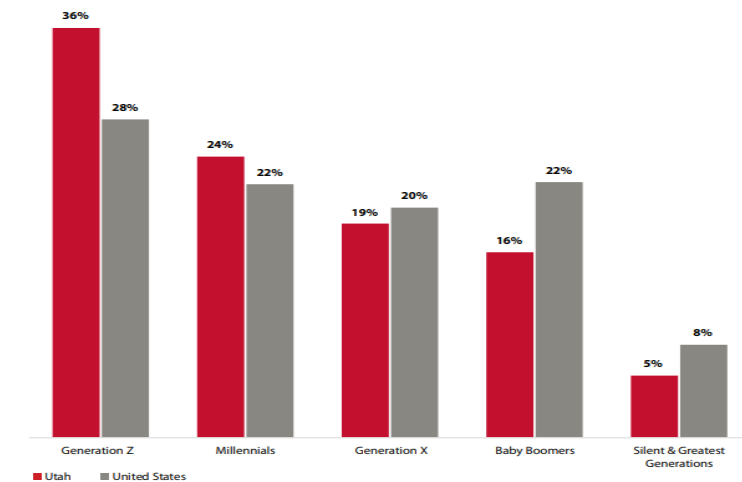
<sup>2</sup> FMR = Fair Market Rent.

## Ivory Homes Presentation, WACOG Mtg, Aug 2020 UTAH'S HOUSING GAP



## Utah Informed, Visual Intelligence for 2020

Generations in Utah and the United States  
Share of population from each generation



Note: 2018 data.  
Source: Ken C. Gardner Policy Institute analysis of U.S. Census Bureau and Utah Population Committee data



# AFFORDABLE HOUSING

## State Level

This report indicates that the average Utah renter's wage in a full-time job is \$14.94 per hour which is \$4.89 below what is needed to get a 2-bedroom unit.

Out of Reach Document – *National Low-Income Housing Coalition, 2020*

UTAH

#24\*

In **Utah**, the Fair Market Rent (FMR) for a two-bedroom apartment is **\$1,031**. In order to afford this level of rent and utilities — without paying more than 30% of income on housing — a household must earn **\$3,438** monthly or **\$41,251** annually. Assuming a 40-hour work week, 52 weeks per year, this level of income translates into an hourly Housing Wage of:

**\$19.83**  
PER HOUR  
STATE HOUSING  
WAGE

### FACTS ABOUT UTAH:

STATE FACTS	
Minimum Wage	\$7.25
Average Renter Wage	\$14.94
2-Bedroom Housing Wage	\$19.83
Number of Renter Households	288,634
Percent Renters	30%

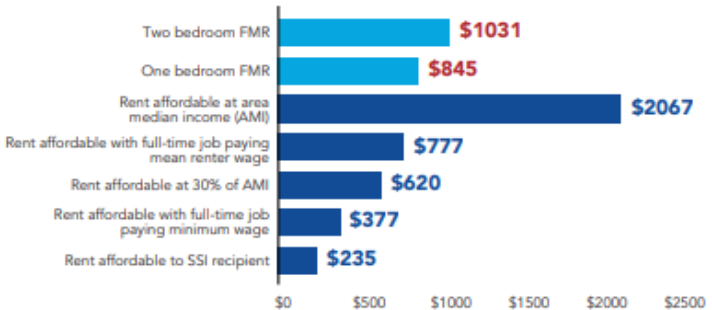
**109**  
Work Hours Per Week At  
Minimum Wage To Afford a 2-Bedroom  
Rental Home (at FMR)

**90**  
Work Hours Per Week At  
Minimum Wage To Afford a 1-Bedroom  
Rental Home (at FMR)

**2.7**  
Number of Full-Time Jobs At  
Minimum Wage To Afford a  
2-Bedroom Rental Home (at FMR)

**2.2**  
Number of Full-Time Jobs At  
Minimum Wage To Afford a  
1-Bedroom Rental Home (at FMR)

MOST EXPENSIVE AREAS	HOUSING WAGE
Summit County	\$24.15
Salt Lake City HMFA	\$22.62
Wasatch County	\$21.15
Ogden-Clearfield HMFA	\$19.69
St. George MSA	\$18.44



MSA = Metropolitan Statistical Area; HMFA = HUD Metro FMR Area.  
\* Ranked from Highest to Lowest 2-Bedroom Housing Wage. Includes District of Columbia and Puerto Rico.

OUT OF REACH 2020 | NATIONAL LOW INCOME HOUSING COALITION

UT-244

# AFFORDABLE HOUSING - Weber County Level

Based on these numbers in Weber County, the estimated hourly MEAN Renter wage of \$11.65 is not enough to afford a 2-bedroom apartment. The average renter needs at least two incomes to rent / live in Weber County.



Out of Reach Document – *National Low-Income Housing Coalition, 2020*

County	Hourly Wage Necessary to Afford 2 BR	2 Br	Annual Income needed to Afford 2 BR	Full Time Jobs at Minimum Wage to Afford 2 BR	Annual AMI	Monthly Rent Affordable at AMI	30% of AMI	Monthly Rent Affordable at 30% of AMI	Renter Households (2014 - 2018)	% of Total Households (2014 – 2018)	Estimated Hourly Mean Renter Wage (2020)	Monthly Rent Affordable at Mean Renter Wage	Full Time Jobs at Mean Renter Wage to Afford 2 BR
Weber	\$19.69	\$1,024	\$40,960	2.7	\$86,300	\$2,158	\$25,890	\$647	22,658	27%	\$11.65	\$606	1.7



# AFFORDABLE HOUSING – Roy City Level

Roy City 2012 - 2016

Income Level	Renter House Holds	Affordable Housing Vacancies	Affordable Housing Occupancy	Affordable Housing Total	Affordable Housing Surplus / Short
ELI (Less than \$16,864)	385	0	250	250	-135
VLI (\$16,864 to \$28,108)	285	0	785	785	500
LI (\$28,108 to \$44,972)	450	0	810	810	360
ELI + VLI	670	0	1035	1035	365
ELI + VLI + LI	1120	0	1845	1845	725

## KEY

- Extremely Low Income (ELI) less than 30% of AMI
- Very Low Income (VLI): 31 – 50% of AMI
- Low Income (LI): 50 – 80% of AMI

Area Median Income (AMI) is the household income for the middle household in a region.

- \$56,216 for Weber County
- \$53,482 for US

## Income Qualifications for HUD Rental Assistance in Roy City

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
<b>30% of Median</b>	\$18,150	\$20,750	\$23,350	\$26,200	\$30,680	\$35,160	\$39,640	\$44,120
<b>50% of Median</b>	\$30,250	\$34,550	\$38,850	\$43,150	\$46,650	\$50,100	\$53,550	\$57,000
<b>80% of Median</b>	\$48,350	\$55,250	\$62,150	\$69,050	\$74,600	\$80,100	\$85,650	\$91,150

The take-away here is, what can the city do to help make affordable housing available. No question the state legislators are pushing cities and counties to do just that.

## Roy Utah Affordable Housing Snapshot

Total Affordable Apartment Properties – 2  
 - Station Square 2350 West 4000 South  
 - Ladawn 1775 West 4800 South

Total Low-Income Apartments - 89

Total Housing Units with Rental Assistance - 64

Average Renter Household Size – 3.2

Average Household Size – 3.1

Median Rent - \$941 +/- \$103

# SENATE BILLS

State Legislators are continually approving laws to address Affordable Housing, with many directed at cities and counties.

2019 Senate Bill 34 states that on or before December 1, 2019 Roy City must amend our General Plan to include a Plan for Moderate Income Housing.

- The Plan for Moderate Income Housing will include:
  - **an estimate of the existing supply of moderate-income housing located within the municipality;**
  - **an estimate of the need for moderate income housing in the municipality for the next five years;**
  - a survey of total residential land use;
  - an evaluation of how existing land uses, and zones affect opportunities for moderate income housing; and
  - a description of the municipality's program to encourage an adequate supply of moderate-income housing.
- The municipalities, shall include, a recommendation to implement three or more of the 23 listed strategies, A thru W. (See Chart).
- In addition to the recommendations required under Subsection (2)(b)(iii), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement the strategies described in Subsection (2)(b)(iii)(G) or (H).
  - (G) **encourage higher density or moderate-income residential development near major transit investment corridors;**
  - (H) **eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;**
- State Transportation Investment Fund (TIF) or Transit Transportation Investment Fund (TTIF) funds may not be used in a municipality or unincorporated county that has failed to adopt a MIH plan or has failed to report on implementation of their MIH plan as determined by DWS.

## Listed Strategies

- (A) **rezone for densities necessary to assure the production of MIH**
- (B) **facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH**
- (C) **facilitate the rehabilitation of existing uninhabitable housing stock into MIH**
- (D) **consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city**
- (E) **create or allow for, and reduce regulations related to, accessory dwelling units in residential zones**
- (F) **allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers**
- (G) **encourage higher density or moderate-income residential development near major transit investment corridors**
- (H) **eliminate or reduce parking requirements for residential development where a resident is less likely to rely on their own vehicle, e.g. residential development near major transit investment corridors or senior living facilities**
- (I) **allow for single room occupancy developments**
- (J) **implement zoning incentives for low to moderate income units in new developments**
- (K) **utilize strategies that preserve subsidized low to moderate income units on a long-term basis**
- (L) **preserve existing MIH**
- (M) **reduce impact fees, as defined in Section 11-36a-102, related to low and MIH**
- (N) **participate in a community land trust program for low or MIH**
- (O) **implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality**
- (P) **apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH**
- (Q) **apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity**
- (R) **apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services**
- (S) **apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act [not in county list of recommendations]**
- (T) **apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH**
- (U) **apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance**
- (V) **utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency**
- (W) **any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income**



# SENATE BILLS

## 2020 SB 150 Transportation Governance

- Requires counties and municipalities to provide certain notifications to a large public transit district related to development that could impact public transit corridors;
- Eliminates the cap on the number of TODs UTA can participate in (was 8). Establishes requirements for UTA board of trustees when approving UTA participation in TODs, in addition to the requirements already in law. New requirements:
  - **The municipality or unincorporated county where the TOD is located must be in compliance with the requirements to develop and report on their moderate-income housing plan in their general plan** (pursuant to SB34 (2019)).
- The municipality where the TOD is located must have developed and adopted a “station area plan” that establishes and preserves a vision for areas within one-half mile of a UTA fixed guideway station, the development of which includes:
  - a) involvement of all relevant stakeholders who have an interest in the station area, including relevant metropolitan planning organizations;
  - b) identification of major infrastructural and policy constraints and a course of action to address those constraints; and
  - c) other criteria as determined by the board of trustees of the relevant public transit district.

Note: TOD stands for Transit Orientated Developments associated with Front-Runner Stations.





# ROY CITY RESOLUTION 19-3 HOUSING GAP COALITION

APPROVED JANUARY 15, 2019 CITY COUNCIL MEETING


- Section 1. Pledge of Support
  - Together with other Utah local governments and community stakeholders, we as a city are **committed to ensuring housing affordability is attainable for all Utah residents**, and we recognize our ability to implement various smart growth strategies to promote and maintain housing affordability.
- Section 2. Measures to be taken.
  - The City pledges to adopt and implement measures that are designed to:
    - Minimize barriers, including exercising restraint in impact and permit fee increases, to the provision of all housing and **provides housing opportunity for all incomes and life stages**;
    - Review and reform existing practices, including zoning, impact and other fees, and other **potential impacts that would negatively impact housing affordability**;
    - Plan and allow significant **housing opportunities near employment center, public transportation**, and other amenities;
    - Increasing public and government **awareness and understanding of the housing affordability** needs of our city, region and state;
    - Think and coordinate regionally about local land use decisions;
    - **Align housing, infrastructure, and economic development efforts**; and
    - Promote collaboration with other communities, elected officials, and stake holders on addition solutions.

**Mayor**

- Robert Dandoy

**City Manager**

- Jason Poulten



**Council Members**

- Jan Burrell
- Joe Paul
- Bryon Saxton
- David E. Taloya
- Karlene Yeoman

**ROY CITY COUNCIL MEETING AGENDA**  
**JANUARY 15, 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**- Troop 465

**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)

1. Approval of the December 18<sup>th</sup>, 2018 Roy City Council Meeting Minutes and January 8, 2019 Roy City Council Special Meeting Minutes
2. Request for approval of the sale of surplus.

**E. Action Items**

1. Appointment of City Manager
2. Approval of Mayor Pro-Tem and changes to the liaison assignments
3. Resolution 19-1 A Resolution Amending the Business Advisory Committee
4. Appointment of Business Advisory Committee Members
5. Resolution 19-2 A Resolution establishing the Roy City Adopt-a-trail program
6. Resolution 19-3 A Resolution of the City of Roy, Utah regarding Utah's housing needs

**F. 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](mailto:admin@royutah.org). Your information will be forwarded to all council members and a response will be provided.*

**G. Discussion**

1. Salary Survey

**H. City Manager & Council Report**

**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](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, Councilmember Joe Paul will 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 11<sup>th</sup> day of January, 2019. A copy was also provided to the Standard Examiner and posted on the Roy City

5051 South 1900 West

Roy, Utah 84067

Telephone (801) 774-1000

Fax (801) 774-1030



# 2019 ROY CITY GENERAL PLAN AMENDMENT TO SUPPORT SB 34 REQUIREMENTS –

APPROVED NOVEMBER 19, 2019 ROY CITY COUNCIL

Roy City Ordinance No. 19-16 an Ordinance Establishing Amendments.

- **Chapter 6 Residential Development - Goal 3: To meet existing and future moderate-income (affordable) housing needs of the City.**
  - **Objective 2: Apply for or Partner with an Entity that applies Affordable Housing Programs (M, R, S, T, U).**
    - Policy A: Apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;
    - Policy B: Apply for or partner with an entity that applies for programs administered by an association of governments established by an inter-local agreement under Title 11, Chapter 13, Inter-local Cooperation Act;
    - Policy C: Apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;
    - Policy D: Apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance;
    - Policy E: Reduce impact fees, as defined in UC 11-36a-102, related to low- and moderate-income housing
  - **Objective 3: Utilize a Moderate-Income Housing set aside from a Community Reinvestment Area (V)**
    - Policy A: Utilize a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; the City should find ways in which greater utilization of local, state, and federal funds could be used to promote the development of moderate-income housing.
  - **Objective 4: Allow for Higher Density and Mixed Use (F, G, H, J).**
    - Policy A: Allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers;
    - Policy B: Encourage higher density or moderate-income residential development near major transit investment corridors;
    - Policy C: Eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
    - Policy D: Implement zoning incentives for low to moderate income units in new developments.

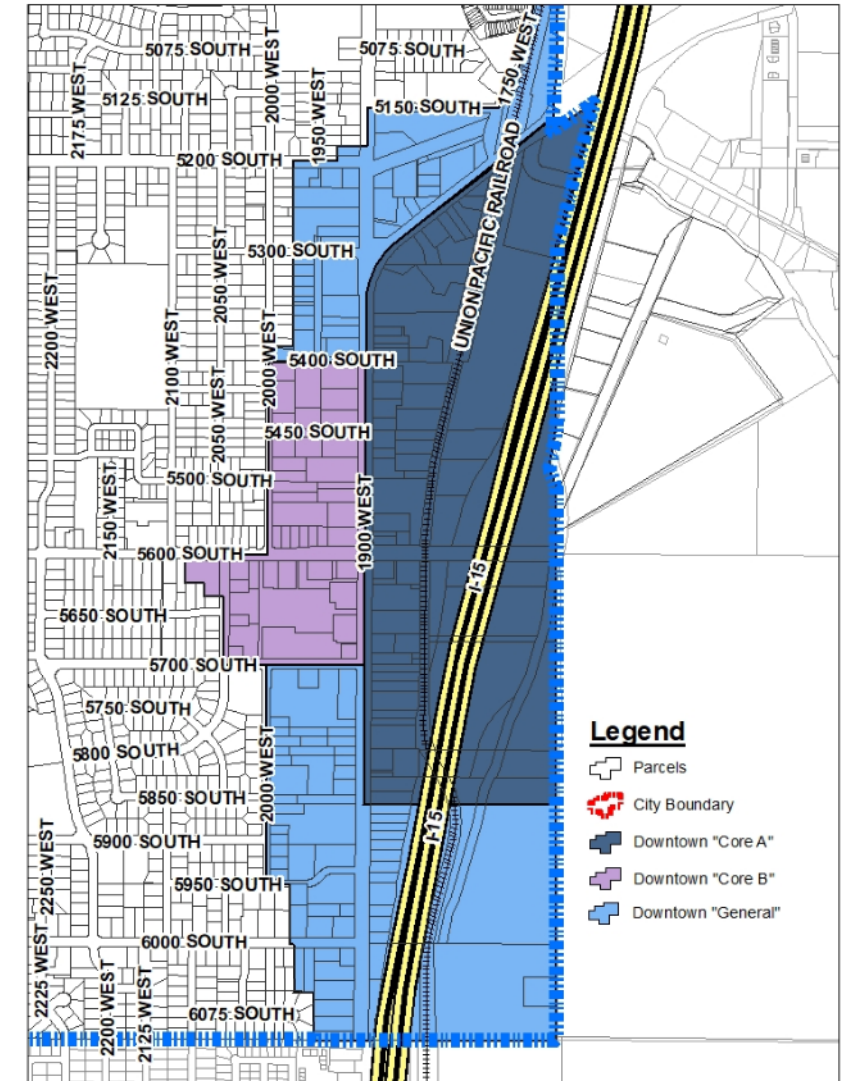
# PROPOSED TITLE 10, CHAPTER 13 – MIXED USE

## Main Highlights

- District Map (outlines the total area)
  - Breaks down the area into three Districts; Core A, Core B, and General. New NAMES proposed.
- Uses
  - Allows a building lot to contain more than one use; to include residential, commercial, office, service, and parking structures. NO LONGER INCLUDES ROW HOUSES (TOWNHOUSES)
- Building Types
  - Defines transition setbacks from single-family homes.
  - Identifies 5 building types. Maximum overall height at 80ft instead of 60ft.
  - No longer has 60 feet in Downtown General, only 40 feet.
  - Suggests an aerospace building design theme but does not require it.
- Open Space Types
  - Identifies 5 different configurations of recreational green space required for developments over 5 acres.
- Landscaping
  - Provides two site landscaping and screen treatment options.
- Parking
  - Outlines appropriate level of vehicle parking, loading and storage.

Major changes to the proposed City's Title 10, Chapter 13 Zoning Ordinance are:

- The area outlined in the District Map.
- Allowing residential development to combined with commercial – Mixed-Use.
- The height of the buildings.



# PROPOSED TITLE 10, CHAPTER 13 – MIXED USE

## Things to Consider:

- Allowing residential development to combined with commercial – Mixed Use.
  - Roy City is only one of a few large population cities left in Weber / Davis Counties that doesn't have a Mixed-Use Ordinance (see chart).
- The Height of the buildings.
  - This Chapter 13 document authorizes building heights up to 80 feet. The Downtown “Core A” area is the only place this could happen. The proposal is only authorizing a 20-foot increase in building height. This increase is restricted to a limited area in the Downtown “Core A”, not currently surrounded by residential units.
    - Harmon’s Grocery Store is a single story 40 feet tall.
  - The Downtown “Core B” area is already authorized under current zoning ordinance to have 60 feet buildings. No change!
  - The Downtown “General” is currently authorized 60 feet buildings but under this proposal will be dropped to 40 feet maximum heights. 40 Feet is only 5 feet higher than the current zoning ordinance authorizes for a residential unit.
- The latest Downtown Business District review of this proposed Chapter 13 document by the subcommittee, was able to mitigate most if not all the issues received by residents and business owners.

City	Population 2019	Mixed Use Development Ordinance
Ogden	87,773	YES
Layton	67,267	YES
Bountiful	43,981	YES
Roy	39,613	NO
Kaysville	32,095	NO
Clearfield	31,967	YES
Syracuse	30,400	YES
Farmington	24,514	YES
* Clinton	23,097	YES
North Ogden	20,009	NO
Centerville	17,587	YES
South Ogden	17,199	YES
Riverdale	8,426	YES
Sunset	5,451	YES

\* Performance Standard Zone

### Property Owner will have the RIGHT to CHOOSE

- Whether or not to re-develop property.
- The height of the Building.
- Whether Mixed-Use or Not.

**This proposal provides options for property owners to consider.**

# ROY CITY PROJECTED NEEDS

Roy City needs to generate a conservative estimate of \$443,000 additional Revenue each year to meet basic requirements that are impacted by a 2.49% inflation factor.

- Labor Costs Keep Going Up
  - Annual Merit Increases 2.0 to 2.5% Public Employees / 3.75% for Public Safety Employees (FY2021 Budget includes \$178,845 to cover Merit increases this year)
  - Benefit Increases - FY2021 Budget includes 4.5% Increase in health insurance premiums and 2% URS Rate increase to Public Safety Personnel
- Materials / Supplies Costs on the Rise
  - UDOT reported inflation per year in construction costs was between 8 to 10%. Some steel products are up 22% in one year. Lumber prices have soared over 160% since April.
- Vehicle and Equipment Replacement Must Continue with Costs Increasing
  - Normally \$150,000 to \$180,000 for Police Vehicles per year and funds needed to replace old Fire Department vehicles and equipment. Vehicle / equipment costs increase every year.
- Capital Assets Purchases / Projects Slowing Down in the General Fund
  - Capital Asset purchases mostly funded by Class C, Trans Infrastructure, Grants and Enterprise Funds. These funds are restrictive on how they are used.
- Operations Budget Reductions over the Last Few Years in Many Areas except Enterprise Funds.



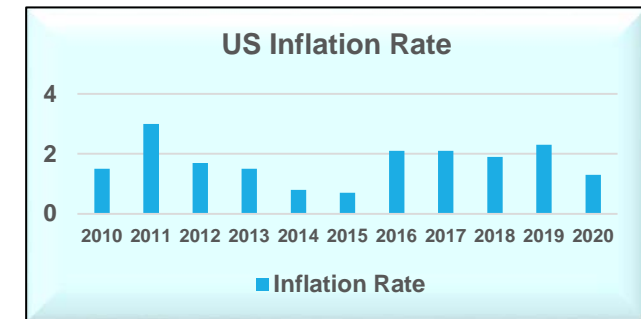
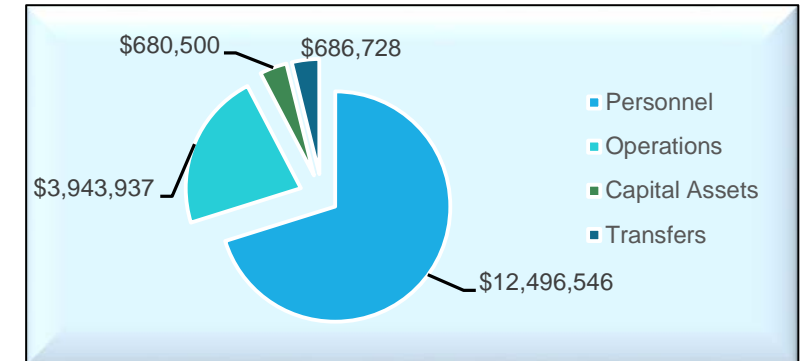
1 each 6 Story Office Building placed on 1900 West, sitting on 2.05 Acres  
2020 Taxable Value - \$22,827,000  
Total County Property Tax - \$338,821

**1 Building would  
Equal the Property  
Tax Revenue of:**

**237 Roy City Residential Units**  
Sitting on 79 Acres (1/3 acre per house)  
Or  
Sitting on 59 Acres (1/4 acre per house)



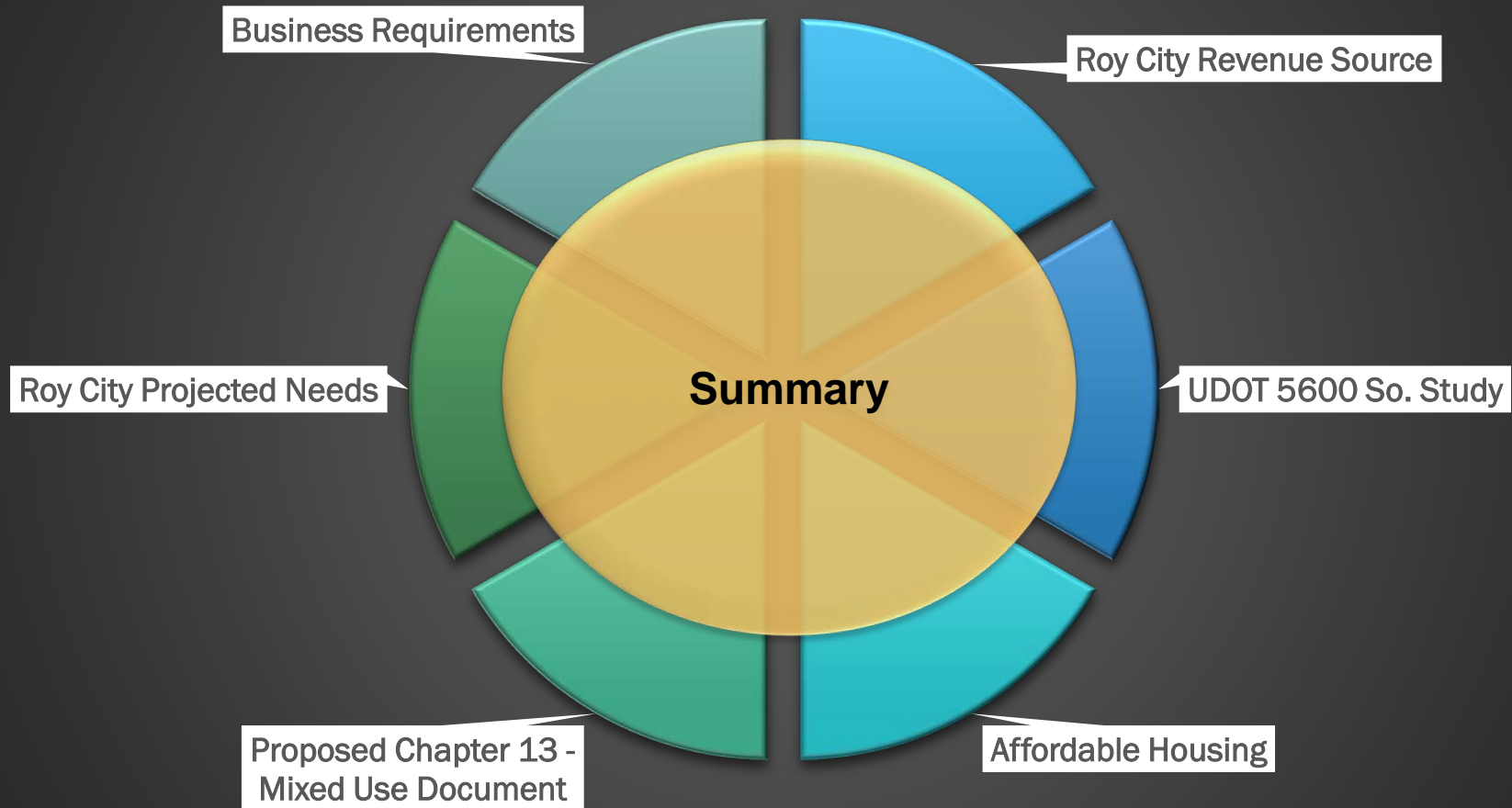
**FY2021 Budget - General Fund Expenditures**  
**Total - \$17,807,711**  
**Personnel Cost is 70% of the Budget**



US Inflation Rate / CPI – 1.3  
Utah (Western Region) Inflation Rate / CPI – 2.1  
Source: BLS – August 2020



# ROY CITY DOWNTOWN BUSINESS DISTRICT ZONING ORDINANCE CHANGES



# SUMMARY - THE NEED FOR APPROVAL OF CHAPTER 13 - MIXED USE

## Roy is a Great Place to Do Business

- Great Location, Demographics, Traffic Count, Low Property Tax, Tax Incentive Framework In-Place, Great Quality of Life Requirements, Redevelopment Opportunities
- We Need to Updated the Zoning Ordinance

## Property Owner will have the RIGHT to CHOOSE

- Whether or not to redevelop property.
- The height of the Building.
- Whether Mixed-Use or Not.

## Sale Tax Revenue Stability

- 70% of the Sales Tax revenue generated is based on the City's Population. The City is built-out and population growth is stabilizing.
- Only 30% of the Sales Tax revenue comes from "Point of Sale" at the business location.
- Revenues must keep pace with Inflation.
- Without additional revenue, the City will have to Cut Services and/or raise Property Taxes.

## Revenue Needed to Sustain Current and Planned Services / Projects

- Although there has been a few new businesses coming into Roy recently, based on the Sale Tax Revenue by Category (Chart page 14), it would take a significantly large Development to generate the needed \$443,000 per year.
- New / Modern Mixed-Use projects can provide the Commercial space for Businesses Impacted by UDOT.

## Title 10 Chapter 13 Mixed-Use Document

## The City has the Right to Choose Who Gets CRA Tax Incentives

## UDOT Widening of 5600 South will Impact Businesses and Residents

- Need a Plan to Recover Lost Sales and Property Tax Revenue. Projected Property Tax Reduction to the County alone is \$213,000. The Purchasing of Land will Start in 2021 (THIS YEAR).
- Need to provide Commercial Properties to those Impacted.

## Heard the Voices of Business Owners and Residents

- The requested changes have been made. No Longer a FORM BASE CODE Document. Issues with Signage, Streets, 12 Story Buildings gone.
- Only Mixed-Use and Taller Buildings Changes on East Side of 1900 West.

## Affordable Housing

- Must comply to Senate Bills 34 and 150 Requirements
- Need to update the 19-Year-Old General Plan
- Need to implement State Law housing requirements under the approved CRAs



## SYNOPSIS

### Application Information

Applicant: Roy City

Request: Consider a request for the following:

- Ord. No. 21-3; To amend Roy City Municipal Code, Title 10 – Zoning Regulations; Amending CH 6 - Establishment of Zoning Districts; Amending CH 10 - General Property Development Standards; Adding CH 13 - Mixed Use; Amending CH 17 - Table of Uses, Table 17-2 Non-Residential Zoning Districts; Amending CH 19 - Off-Street Parking and Loading, Table 19-1 Off-Street Parking Requirements; and Amending CH 31 – Definitions
- Ord. No. 21-4; To amend the Zoning Map from R-2 (Medium Density Residential), R-3 (High Density Residential), R-4 (High Density Residential) & RC (Regional Commercial) to CC (Community Commercial), DT-E (Downtown – East), DT-W (Downtown – West) & DT-G (Downtown – Gateway) for multiple properties located Downtown

### Land Use Information

Current Zoning: RC (Regional Commercial)

Current General Plan: Mixed Use

### Staff

Report By: Steve Parkinson

Staff Recommendation: Approval

## APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10,
  - Chapter 6 - Establishment of Zoning Districts
  - Chapter 13 - Mixed Use
  - Chapter 17 - Table of Uses
  - Chapter 19 - Off-Street Parking and Loading
  - Chapter 31 - Definitions

## CONFORMANCE TO THE GENERAL PLAN

- Economic Development Goal 1; Objective 1; *To promote and encourage commercial, industrial and other economic endeavors to strength and improve the city's tax base and quality of life.*
- Residential Development Goal 1; Policy D: *The City's policies should encourage the development of a diverse range of housing types, styles and price levels in all areas of the City.*
- Residential Development Goal 3; Objective 4; Policy A: *Allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;*
- Residential Development Goal 3; Objective 4; Policy B: *Encourage higher density or moderate income residential development near major transit investment corridors;*
- Residential Development Goal 3; Objective 4; Policy C: *Eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;*
- Urban Growth Goal 1; Objective 5; *To allow development to occur on parcels of land most suitable for and capable of supporting the kind of development being proposed.*
- Focus Roy Recommendation 1.2; *Create and adopt ne mixed-use zoning designations for both the Downtown and FrontRunner TOD Area Activity Centers with appropriate design and development standards*





- Focus Roy Recommendation 2.1; *Ensure that zoning accommodates vertical mixed-use development, and allows retail, dining, and entertainment uses that support the development of a regional destination in the Station Area.*
- Focus Roy Recommendation 3.1; *Change parking standards to reduce the amount of parking required in the Downtown Area. Require parking predominately on the side or rear of buildings. Parking areas should comprise 40% or less of street frontage, and no more than 50% of total project parking should be located between the building's front façade and the primary street.*
- Focus Roy Recommendation 3.2; *At the Roy FrontRunner Station Area, implement transit friendly parking standards that are less than or equal to the UTA and WFRC Station Community recommendations.*
- Focus Roy Recommendation 3.4; *Create building frontage standards for major streets in activity centers. Along primary frontages, 50% of street frontages should have buildings within ten feet of the front property line. Fifty percent of side and rear frontages should have buildings, walls, or hedges at least four feet in height within ten feet of the property line.*
- Focus Roy Recommendation 3.5; *Require ground floor transparency on key shopping streets in activity centers. Fifty percent of primary frontage building facades within ten feet of frontage lot lines should be made of transparent windows and doors. All other building frontages should require 30 percent transparency.*
- Focus Roy Recommendation 3.7; *Require a ten-foot pedestrian activity zone to expand sidewalks on key streets. These activity zones allow for a range of active uses, such as sidewalk cafes, and amenities such as public art, street furniture, street trees, bus shelters, pavement patterns, and human scale lighting.*
- Focus Roy Recommendation 4.1; *Establish setback and step-back standards for multifamily and/or commercial buildings adjacent to single family zones, and include these standards in the zoning code. Step-backs will minimize adverse impacts on adjacent single family homes, such as shading, and will provide a visual transitional buffer between areas of more- and less-intense uses.*

## **CITY COUNCIL ACTION**

The City Council has had this topic on their Agenda nine (9) times not including today [February 4, 2020, February 18, 2020, March 3, 2020, November 3, 2020, November 17, 2020, December 1, 2020, December 15, 2020, January 19, 2021, and February 2, 2021]. Six of these meetings were Work-Sessions where we discussed questions by Mayor and Council members along with proposed changes to the proposed Code.

There were also nine (9) Sub Committee meetings [May 7, 2020, May 26, 2020, June 9, 2020, June 30, 2020, July 14, 2020, July 28, 2020, August 4, 2020, August 25, 2020 and September 22, 2020] and during these meeting we discussed concerns from the public, Mayor and Council members.

## **PLANNING COMMISSION ACTION**

The Planning Commission held three (3) Public Hearings on January 14, 2020, January 28, 2020 and February 11, 2020.

See Exhibit "A" for Planning Commission minutes showing all comments.

The Commission voted 7-0; to forward to the City Council a recommendation to approve Ord. No 21-3 to amend the Roy City Municipal Code, Title 10 – Zoning Regulations; Amending CH 6 - Establishment of Zoning Districts; Amending CH 10 - General Property Development Standards; Adding CH 13 - Mixed Use; Amending CH 17 - Table of Uses, Table 17-2 Non-Residential Zoning Districts; Amending CH 19 - Off-Street Parking and Loading, Table 19-1 Off-Street Parking Requirements; and Amending CH 31 – Definitions

The Commission voted 7-0; to forward to the City Council a recommendation to approve Ord. No 21-02 to amend the Ord. No. 21-4; To amend the Zoning Map from R-2 (Medium Density Residential), R-3 (High Density Residential), R-4 (High Density Residential) & RC (Regional Commercial) to CC (Community Commercial), DT-E (Downtown – East), DT-W (Downtown – West) & DT-G (Downtown – Gateway) for multiple properties located Downtown

## **ANALYSIS**

### **Background:**

Within the "Focus Roy" which was adopted in December of 2017, being adopted as part of the General Plan, it made reference to creating a mixed use zone for both the Downtown area and the Front Runner Station

area. In 2018 Roy City was awarded a grant to not only to update our current General Plan but also to write the mixed use ordinance.

Landmark Design was awarded the contract to write both documents, they hired IBI Group to write the actual mixed use ordinance. Staff and IBI have been working hard to develop the ordinance. What is before you is actually the 4<sup>th</sup> draft of the ordinance.

The Commission has had several meetings going over the ordinance, including a work-session where IBI Group, Lance Tyrell, came and explained the code and each chapter of the code.

## **FINDINGS**

1. The proposed amendments are consistent with the General Plan.
2. Is consistent with previous discussions with the Planning Commission.

## **ALTERNATIVE ACTIONS**

The City Council can recommend Approval, Approval with conditions, Deny or Table.

## **RECOMMENDATION**

- Staff recommends approval of Ord. No. 21-3: to consider the proposed amendments to the Roy City Municipal Code, Title 10 – Zoning Regulations; Amending CH 6 - Establishment of Zoning Districts; Amending CH 10 - General Property Development Standards; Adding CH 13 - Mixed Use; Amending CH 17 - Table of Uses, Table 17-2 Non-Residential Zoning Districts; Amending CH 19 - Off-Street Parking and Loading, Table 19-1 Off-Street Parking Requirements; and Amending CH 31 – Definitions
- Staff recommends approval of Ord. No. 21-4: to amend the Zoning Map from R-2 (Medium Density Residential), R-3 (High Density Residential), R-4 (High Density Residential) & RC (Regional Commercial) to CC (Community Commercial), DT-E (Downtown – East), DT-W (Downtown – West) & DT-G (Downtown – Gateway) for multiple properties located Downtown

## **EXHIBITS**

- A. Planning Commission Meeting Minutes
  - January 14, 2020
  - January 28, 2020
  - February 11, 2020
- B. Ord No. 21-3
- C. Ord No. 21-4

5. CONSIDER A REQUEST FOR SITE PLAN & ARCHITECTURAL APPROVAL FOR HEAD START LOCATED AT APPROXIMATELY 5400 SOUTH 1900 WEST

Brandon Lundeen, the applicant, gave his address as 6236 South Turpin Street. Head Start wanted to remodel the old Discount Tire building and site into Head Start School. He presented the site plan and the modifications to the building. The access from 1900 West would be closed, per UDOTs request. A playground would be built on the site.

Steve Parkinson, City Planner, reiterated the applicants request. This item was coming before the Planning Commission because they were the land use authority for site plan approval. Regarding the building modifications, Mr. Parkinson said that they would be removing the overhead doors and putting in brick and windows. Staff recommended approval of the site plan and the architecture.

**Commissioner Cowley moved to APPROVE the Site Plan for Head Start located at approximately 5400 South 1900 West, with the conditions and facts as stated in the staff report. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted "aye". The motion carried.**

**Commissioner Brand moved to APPROVE the Architectural for Head Start located at approximately 5400 South 1900 West, with the conditions and facts as stated in the staff report. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted "aye". The motion carried.**

3. PUBLIC HEARING – CONSIDER AMENDING TITLE 10 – ZONING REGULATIONS; CH 6 - ESTABLISHMENT OF ZONING DISTRICTS; CH 13 - DOWNTOWN & STATION AREA FBC; CH 17 - TABLE OF USES "TABLE 17-2"; AND CH 19 - REQUIRED OFF-STREET PARKING

*NOTE: Items 3 and 4 were discussed simultaneously.*

Steve Parkinson, City Planner, explained that the City did a study called Focus Roy in 2017. That study looked the future of the Downtown area and the property around the Front Runner station. There were multiple public meetings about this. The first thing the study addressed were land uses, including where businesses should be located, and where multi-family or single-family residential were appropriate. He presented a map showing these locations. Roy and the General Plan have recommendations, goals, and policies to help the City move toward this plan. One of the recommendations of Focus Roy was to update the General Plan, which was currently in the works. Focus Roy also recommended the creation and adoption of a mixed-use zoning district designation for both the Downtown area and the Front Runner Station. That zoning ordinance was before the Planning Commission for review today. Staff had been working on drafting this ordinance for about a year, and the Planning Commission had discussed this ordinance in more than eight work sessions. In those meetings, they discussed what they wanted the areas to look like, appropriate setbacks, parking requirements, and building heights. They intent was to promote the Front Runner Station as a Transit-Oriented Development, with vertical mixed-use developments. The new mixed-use ordinance would encompass the current regional commercial area, so they wouldn't need that ordinance anymore. The new Form Based Code would become Chapter 13.

Lance Tyrell of IBI Group, said that he had been contracted to work on the Form Based Code and the General Plan Update. He explained that traditional zoning focused on density and uses, while form based zoning focused on building types. The Form Based Code included a regulating plan, public street standards, building standards, administration, architectural standards, parking requirements, open space, and signage. He presented some examples of buildings under traditional zoning and under a form based code. They had created two areas for the Form Based Code: the Downtown Place-Type and the Stationary Place-type. There were smaller districts within each of those place-types that would allow difference development. In the Downtown, they intended to create a more walkable area, with additional streets to increase connectivity. Mr. Tyrell presented a map of the area and showed where additional streets would be located upon redevelopment. Primary streets had been identified, and the Form Based Code addressed how buildings should look along these roadways. Additional restrictions were placed on developments that abut existing residential neighborhoods, including limited heights and setbacks requirements. The Stationary Place-Type was located around the Front Runner station, and it would include the existing Business Park zone. A map was presented, and Mr. Tyrell identified potential street connections within this area. With both of these place-types, more intense uses and heights were allowed near the center, and then became less intense as they extended out toward the existing residential developments. With the Stationary Place-Type, buildings were limited to three stories where adjacent to existing residential, and then limited to five stories closer to the Trax line.

Commissioner Brand said that there were many homeowners near the Stationary Place-Type that were concerned about their views being diminished by these potential developments. Mr. Tyrell said that they were aware of this concern. Because the homes were on a ridge, having three-story buildings down the hill from them shouldn't block too much of their view. This was the reason they decided to limit the height to three stories in this area. The Code also limited uses in this area to be less intense, so as to have a lower impact on the neighbors. Mr. Parkinson noted that the area in question was currently zoned R-1-8, which allowed for homes up to 35 feet tall, which was roughly three stories. Essentially, the proposal wouldn't change the building heights that were currently allowed.

It was noted that building height in the Downtown Place-Type could be up to 12-stories, but building height was limited when near residential.

Mr. Parkinson suggested having the public hearing for Items 3 and 4 simultaneously. He explained that Item 4 would be a recommendation to rezone these areas to the new mixed-use designation. He presented a map and identified the properties that would be rezoned. Staff recommended approval of both applications.

Chair Sphar went over the rules of the public hearing.

**Commissioner Ashby moved to open the public hearing for Items 3 and 4. Commissioner Brand seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted "aye." The motion carried**

Chairman Sphar opened the floor for public comments.

Bryon Burnett, 4375 South 2675 West, said that the proposal would allow three- and five-story buildings to the east and north of his home, essentially putting him and his neighbors in a canyon. He was certain that such high buildings would block his views, even with the hill. In this area, there were five dead-end streets, and pushing those streets through would only increase the traffic and speeds that they already experience. Traffic was already a problem in Roy City, and allowing more residential homes would only increase the problem. Staff said that they needed to meet state requirements for affordable housing, but the plan proposed was more than necessary to meet those requirements. Affordable housing was an issue all over Weber County, and he wondered why Roy had to take on most of the growth. Mr. Burnett talked about the Residential Inlay, which was a protection to the existing residents. This proposal would do away with that inlay and allow much more dense development to happen. He thought that development around transit was a good idea, but not in Roy City.

Ed Weakland, 2449 West 4000 South, said that he was a property owner in the Light Manufacturing zone. He asked how this rezone would impact him, financially. He was concerned that this change would affect the value of his property and/or his property taxes. He also was unclear about what mixed-used development was, and he requested more information about it.

William Norseth, 2525 West 4400 South, commented on the current state of traffic and was concerned that the problem would only increase with this proposal. He was also concerned about the loss of his views.

Charles Ivester, 4299 South 2675 West, said he was the owner of Ivester Transportation. Currently, Roy City didn't allow him to park his business trucks on the street, even though they are for a Roy-based business. On-street parking was a nightmare. He was opposed to the high-density proposal and asked that they reconsider townhomes.

Diane Wilson, 4302 South 2675 West, asked for clarification on the definition of "residential" and "lots", building types, roof pitch, and non-conforming uses. She requested that the peach orchard be excluded from the rezone because of a preexisting ordinance protecting the property. Other property owners should also have the option of keeping their property as it is, and not be included in this rezone. The Council should consider the existing residents.

Mike Buckley, 4297 South 2675 West, said that his home would also be in a "canyon" with this kind of development. By approving this plan, the City would be taking his view and affecting his property value. He felt that the Planning Commission and City Council didn't care about the residents that would be hurt by this kind of development. He opined that Roy City didn't need six story buildings. Apartments would bring in non-permanent residents, who didn't care about their properties. He wanted a community. Mr. Buckley also expressed concerns about safety, increased crime, and parking.

Lynn Colvin, 4325 South 2400 West, said that she purchased her home at the end of a dead-end street for the safety of her kids. If the City approved this plan, it would pave the way for her dead-end to be opened up. The neighborhood didn't need that street to connect.

Cathy Rogers, 4376 South 2675 West, agreed with the comments that had already been made and stated that the increase in traffic would be detrimental to the entire City. The increase in high-density housing would also increase the crime rate. Ms. Rogers purchased her home to live in a

small community where she knew all of her neighbors. She was sure that the City wouldn't listen to their concerns, but she wanted to say that they were against the plan.

Ryan Doll, 1879 West 5075 South, expressed concerns about the setback requirements on 1900 West and 5600 South. Those roads were already congested and probably needed to be widened. If the buildings were pushed up against the street, there would be no room to expand those roads. He was also concerned about property values and increased crime.

Stephen Sparrow, 4412 South 2750 West, said that his back yard abuts the walking trail. He commented that people utilize the trail in all seasons. If six-story buildings were constructed along the trail, the sun wouldn't be able to reach the trail to melt the snow and ice, which would be a hazard to those using the trail. It seemed that the City was making a big shift in planning with this new code, and he hoped that they had a good reason for doing so.

Kelly Call, 4141 South 2300 West, built his home 26 years ago, and he has enjoyed the views. A few years ago, UTA came in with the Trax Station and the property around it looks awful. UTA has not been a good neighbor. Mr. Call recently had his home appraised, and the appraisal was down \$50,000, partially because of the state of the neighboring property.

Leon Wilson, 4302 South 2675 West, commented that being a Planning Commissioner was a tough job. Change was difficult for people to accept, especially when it's at an accelerated pace. Some of the citizens may not have been as involved as they should have during this process. Now the process is coming to an end, and people were alarmed. He strongly suggested that the citizens obtain a copy of the proposed ordinance and review it. There was room for refinement. He requested that the item be tabled.

Dan Little, 5482 South 2000 West, said that his home was located in the area that would potentially have 10-story buildings. He was opposed to the plan.

Josh Wilson, 1572 Woodland Drive (Layton), commented that the City was trying to control the development that would inevitably happen by creating this plan. Getting rid of some of these dead end roads would actually help traffic flows, which would benefit the citizens of Roy City.

Jed Harris, 4410 South 2450 West, said that others had addressed traffic, but no one had mentioned that there were three schools along 4400 South. He was concerned about the safety of the kids if this high density housing went in.

Paul Sorensen, 4176 South 2400 West, thanked the Commission for making hard decisions for the community. He felt that this was being driven by UTA, an entity that hadn't fulfilled their promises before, and they were not the best stewards of taxpayer money. The community didn't have much reason to listen to them now. He was concerned about property values, the loss of views, traffic, and the trains blocking roadways. Mr. Sorensen asked how this related to the CRA that the City Council recently discussed. Regarding density, he said suggesting sending higher density to West Haven. Roy City didn't need to be the champion of Weber County when it comes to affordable housing.

Brandon Woffinden, 4301 South 2675 West, agreed with the comments shared by his neighbors and requested that this proposal be tabled for further consideration.

Stan Hoellein, 4307 South 2675 West, said that he was a former Planning Commissioner for Roy City. The presentation given tonight made it seem like this situation was black and white, but it wasn't like that for the residents who live in these areas. He addressed the loss of views and over-development. He suggested that the small strip of land near the railway be used as a cemetery rather than houses.

Ed Weakland said that he wasn't a resident of Roy, but a resident of Layton. When the city decided to allow high-rise developments around the Layton station, it totally changed the fabric of the City as a whole. The long-time residents of Layton now avoid that part of the city.

Wallace Rogers, 4376 South 2675 West, echoed the comments that had been shared about safety concerns, existing and potential traffic, and noise. He commented that the City could grow, but they also needed to maintain the feel of Roy City.

Zach Colohen, 2401 West 4250 South, said that he enjoyed his view, but he wasn't overly concerned about losing it. However, he was concerned about the children going to the three surrounding school. He worried about the people these developments would attract.

Lacey Socwell, 4298 South 2675 West, agreed with everyone's comments and asked that the item be tabled.

Glen Jacobson, 4170 South 2400 West, stated that UTA hadn't been the best neighbors. He questioned bringing new people into the City with high-density housing. This proposal could be scaled back quite a bit.

Austin Gonzalez, 5382 South 2000 West, moved to the area about six months ago, so he didn't know all of his neighbors yet. Even though the City has been working on this for a year, this was the first time he and many others had heard of it. He asked that the item be tabled so that the citizens had more time to research and understand the proposal.

David Parker, 2484 West 4400 South, said that he had been a resident of Roy for most of his life. No one seemed to care about the residents' views, but the residents certainly did. He asked that they reconsider this plan.

Ann Huskinson, 4164 South 2400 West, said that she moved to Roy from Salt Lake City two years ago. She enjoyed the pleasant atmosphere and the neighbors here. Traffic was already a concern, as well as safety. She commented on the difficulty the schools had of keeping crossing guards at the crosswalks because they were so dangerous.

Brayden Buckley, 4297 South 2675 West, echoed his neighbors comments and concerns. Roy was heading in a direction where he didn't feel comfortable staying and raising a family. Although none of the Commissioners cared about the residents, he wanted to voice his concerns.

Commissioner Brand said that the residents were wrong in assuming that the Planning Commission and City Council didn't care about their opinions. They very much value the input from residents, and they take it very seriously. This was the best meeting they had had for public comments. Commissioner Brand said that he was inclined to vote in favor of this before, but after hearing all of the citizens' concerns he wasn't comfortable with that.

Wayne Wurth, 5065 South 1850 West, was worried about the values of properties downtown.

Milagro Ivester, 4299 South 2675 West, said that she moved to Roy 16 years ago because of the family-centered community, the neighborhood, and the safety she felt here. She was opposed to the high-density proposal.

Joe Tovar, 4309 South 2450 West, had only lived in his current home for two years, but he grew up in Roy. His primary concerns were traffic and views.

No further comments were made

**Commissioner Ashby moved to close the public hearing. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted “aye”. The motion carried.**

Assistant City Attorney Brody Flint briefly went over the legal process of adopting an ordinance and rezone. The Planning Commission could vote to table the item, or they could make a recommendation to the City Council for denial, approval with conditions, or approval as-is. The City Council would also review the proposal, and they could opt to make changes as well.

Mr. Parkinson addressed the concerns and questions raised during the public hearing. He first stated that UTA had nothing to do with this proposal. Although UTA wanted higher density along their stations, they did not participate in this ordinance draft or contact the City regarding this in any way. This process began two years ago with the adoption of Focus Roy, which called for the creation of a mixed-use designation for the Downtown and Front Runner Station areas. Staff and the Planning Commission had heavily discussed building types, architecture, setbacks, open space, and other requirements that they felt were appropriate for these areas. They began drafting the ordinance when the City received a grant from Wasatch Regional. Mr. Parkinson stated that he was the only professional planner in the room. The other Commissioners had other professions, and they were not paid for their service on the Planning Commission. The citizens received notice of this meeting because of the rezone request, but Mr. Parkinson posted all meeting notices and agendas, and the meetings were always open to the public. Staff and the Planning Commission do appreciate public comment.

One concern that was brought up several times was the loss of views. Mr. Parkinson said that this was a matter of property rights. All property owners had the right to develop their properties within the zoning ordinance set by the City. If the residents wanted to retain their views, they could purchase the adjacent properties and never develop them. The current zoning next to these homes allowed for three-story buildings, which was comparable to the proposal. The really tall buildings would be allowed only in the Downtown area. He agreed that Senate Bill 34 didn't require cities to have high-density housing, but they were still required to have affordable housing in the City. They would not be able to push the density to a neighboring city. Affordable housing had to go somewhere in Roy, and Focus Roy had determined that the best locations for affordable housing were downtown and by the Front Runner. The rest of the City would be left alone. There had also been comments about owner-occupied townhomes being preferred over rental apartments. The City had not power to determine whether a developer built rentals or owner-occupied units.



Mr. Parkinson commented that 90% of Roy City was built out. They had not more land to build on, so any growth must be vertical. Regarding property values and taxes, that was difficult to say at this point. Regarding the Infill zone, Mr. Parkinson clarified that its purpose was not to protect the neighbors, but rather to help development occur. There was only one area in the City currently had had that zoning.

Mr. Parkinson said that a copy of this ordinance proposal was available to citizen. The ordinance was not finalized, and the Council still had time to refine the language and determine if it was right for the City. In order for their children to stay in Roy, they needed to provide appropriate housing for them. Luckily, Roy was very affordable compared to the rest of the region. Regarding traffic, Mr. Parkinson said that the City was well aware of the issues. The main problem was that Roy was essentially a pass-through city for those living in Hooper and West Haven. That problem would continue until the West Davis Corridor was built. If the rezone were approved, all existing uses would be grandfathered in. Owners and subsequent owners could continue those uses until they discontinue that use for one year or more. Mr. Parkinson stated that roads like 4000 West and 4800 West couldn't be widening any more than they are today because of the location of the railroad tracks.

Chair Sphar thanked the citizens for participating in the meeting. The Commission truly valued their input.

The Commission discussed the motions and determined to table Items 3 and 4 for further consideration. It was noted that an ordinance could still be modified after it had been adopted.

**Commissioner Brand moved to TABLE the request to amend the Title 10 – Zoning Regulations; CH 6 - Establishment of Zoning Districts; CH 13 - Downtown & Station Area FBC; CH 17 - Table of Uses “Table 17-2”; and CH 19 - Required Off-Street Parking. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted “aye”. The motion carried.**

4. CONSIDER AMENDING THE ZONING MAP FROM RC, R-1-8, R-2, R-3 & R-4 TO DOWNTOWN; BP TO INNOVATION DISTRICT; AND LM, RE-20 & R-1-8 TO STATION AREA.

*NOTE: Items 3 and 4 were discussed simultaneously.*

**Commissioner Brand moved to TABLE the request to amend the Zoning Map from RC, R-1-8, R-2, R-3 & R-4 to Downtown; BP to Innovation District; and LM, RE-20 & R-1-8 to Station Area. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted “aye”. The motion carried.**

## 6. COMMISSIONERS MINUTE

Commissioner Brand thanked the citizens for coming to the meeting and sharing their concerns. He explained that the Planning Commission met every second and fourth Tuesday of the month, and all meetings were open to the public. He invited them to return to future meetings and stay involved in the planning process.

*commissioners who see their roles as representing special interests or specific neighborhoods are not as helpful in the planning process and may actually hinder good planning.*

He continued, it's important to remember that the Planning Commission is here to think things through regarding Land Use issues and recommend things to City Council. Rarely does the Planning Commission make a final decision but they still need to put the work into it so that the City Council has the best version we can give them. Now what they do with it is on them as elected officials.

In the Planning Commission we have the Rules and Regulations, these are on our website under the Planning Commission and were adopted on July 12, 2017. These are the rules that the Planning Commission function under and what we abide by.

Commissioners were asked to turn to page 5 where it says "Order and Decorum" this is the procedures that have been adopted for a meeting. In E 1 d: "Planning Commission members may questions of applicant or staff". Your questions are valid items when we have public comment or meetings, if you have them let's talk about them. After a Public Hearing the applicant has some rebuttal time. This is not the end of it, this is when it turns into your time. Under "J" it states: Motion is made and seconded; the Planning Commission discusses the item and votes. Members are allowed to openly discuss the proposal and may further question any party appearing for or against the proposal as necessary, but generally questions should asked while the public hearing is open. The Chair outlines possible actions: approval, disapproval, continue, or approval with conditions.

The Commission discussed taking public comment and answering questions from the public. Staff explained the difference between a public meeting and a public hearing. The Commission stressed the importance of hearing public input.

**3A.CONTINUATION – TO CONSIDER AMENDING TITLE 10 – ZONING REGULATIONS; CH 6 - ESTABLISHMENT OF ZONING DISTRICTS; CH 13 - DOWNTOWN & STATION AREA FBC; CH 17 - TABLE OF USES "TABLE 17-2"; AND CH 19 - REQUIRED OFF-STREET PARKING**

*NOTE: Items 3A and 3B were discussed simultaneously.*

Steve Parkinson, City Planner,

Commissioner Bills asked if it was the purpose of the Commission or the Council to decide what was appropriate for Roy City. Staff clarified that it was the Commission's duty to follow the laws that were already in place and make recommendations to the City Council. The Council was able to make political decisions based on the desires of the citizens.

The Commission thought it might be more appropriate for the Council to work through some of the issues, like the two continued items on the agenda.

**Commissioner Cowell moved to recommend that the City Council approval of amending Title 10 – Zoning Regulations; CH 6 - Establishment of Zoning Districts; CH 13 -**

**Downtown & Station Area FBC; CH 17 - Table of Uses "Table 17-2"; and CH 19 - Required Off-Street Parking. Commissioner Bills seconded the motion. Commissioners Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted "aye," The motion carried.**

3B.CONTINUATION – TO CONSIDER AMENDING THE ZONING MAP FROM RC, R-1-8, R-2, R-3 & R-4 TO DOWNTOWN; BP & R-1-8 TO INNOVATION DISTRICT; AND LM, RE-20 & R-1-8 TO STATION AREA.

*NOTE: Items 3 and 4 were discussed simultaneously.*

**Commissioner Payne moved to recommend that the City Council approval of amending the Zoning Map from RC, R-1-8, R-2, R-3 & R-4 to Downtown; BP & R-1-8 to Innovation District; and LM, RE-20 & R-1-8 to Station Area. Commissioner Cowley seconded the motion. Commissioners Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted "aye," The motion carried.**

4. COMMISSIONERS MINUTE

5. STAFF UPDATE

Steve Parkinson provided an update on various projects in the City.

6. ADJOURN

**Commissioner Brand moved to adjourn at 6:46 p.m. Commissioner Payne seconded the motion. Commissioners Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted "aye." The motion carried.**

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Jason Sphar  
Chair

Attest:

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Morgan Langholf  
City Recorder

dc: 01-28-20

Stanley Walters, 5261 South 2690 West, staff had received the following email from Mr. Walters: *Concerning the proposal to approve High Density Housing at 5154 South 2700 West I would like to vote NO! I cannot attend the meeting but I would still like for my voice to be heard and my vote to count. Again I vote NO!*

No further comments were made.

**Commissioner Payne moved to close the public hearing. Commissioner Ashby seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.**

Staff noted that Mr. Terry was just requesting a rezone at this time. It was a cost to developers to create a site plan. If the rezone were approved, the applicant would come back to staff with a site plan, which would need to be approved by the Planning Commission.

The Planning Commission again discussed the slide showing potential densities of the property under different zoning. Mr. Parkinson stated that there was no zoning in the City Code that would allow more than 12 units per acre at this time. The Commission agreed to include a stipulation prohibiting apartments from being developed.

**Commissioner Ashby moved to recommend that the City Council APPROVE the request to amend the General Plan (Future Land Use Map) from Medium Density Single-Family Residential to Very High Density Multi-Family Residential for property located at approximately 5154 South 2700 West, with the conditions and facts as stated in the staff report. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.**

**Commissioner Ashby moved to recommend that the City Council APPROVE the request to amend the Zoning Map from R-1-6 & R-1-8 (Single-Family Residential) to R-3 (Multi-Family Residential) for property located at approximately 5154 South 2700 West, with the condition that only Townhomes can be built along with the conditions and facts as stated in the staff report. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.**

3. CONTINUATION – TO CONSIDER AMENDING TITLE 10 – ZONING REGULATIONS; CH 6 - ESTABLISHMENT OF ZONING DISTRICTS; CH 13 - DOWNTOWN & STATION AREA FBC; CH 17 - TABLE OF USES “TABLE 17-2”; AND CH 19 - REQUIRED OFF-STREET PARKING

*NOTE: Items 3 and 4 were discussed simultaneously.*

Mr. Parkinson said that Items 3 and 4 were discussed during a work session and the Commission voted on the matter; however, action cannot be taken during a work session. Staff put these items back on today’s agenda for a proper vote.

Commissioner Cowley felt like the Planning Commission had carried these items as far as they could, and it was time to pass them on to the City Council. Commissioner Brand disagreed. After the last public hearing and the City Council meeting he attended, he didn’t feel like the

train station area had been fully vetted. The downtown area was ready to be discussed by the City Council, but the train station area needed more work. After some discussion, the Planning Commission agreed to continue working on the train station area of the form-based code.

**Commissioner Ashby moved to recommend that the City Council APPROVE of amending Title 10 – Zoning Regulations; CH 6 - Establishment of Zoning Districts; CH 13 - Downtown & Station Area FBC; CH 17 - Table of Uses “Table 17-2”; and CH 19 - Required Off-Street Parking, with the condition they review Wilson property if it should be within the area, or maybe split the property, possibly splitting the Downtown & Innovation Areas from the Station area be better evaluate the area, along with evaluating the height of buildings between the tracks and trail. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.**

4. CONTINUATION – TO CONSIDER AMENDING THE ZONING MAP FROM RC, R-1-8, R-2, R-3 & R-4 TO DOWNTOWN; BP & R-1-8 TO INNOVATION DISTRICT; AND LM, RE-20 & R-1-8 TO STATION AREA.

*NOTE: Items 3 and 4 were discussed simultaneously.*

**Commissioner Cowley moved to recommend that the City Council APPROVE the request to amend the Zoning Map from RC, R-1-8, R-2, R-3 & R-4 to Downtown; BP & R-1-8 to Innovation District; and LM, RE-20 & R-1-8 to Station Area. Commissioner Brand seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.**

5. COMMISSIONERS MINUTE

At the Commission's request, Assistant City Attorney Brody Flint spoke about appropriate ex parte communications.

6. STAFF UPDATE

Jason Felt was introduced as a new Planning Commission member.

7. ADJOURN

**Commissioner Brand moved to adjourn at 7:33 p.m. Commissioner Cowley seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.**

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Jason Sphar  
Chair

ORDINANCE No. 21-3

AN ORDINANCE AMENDING THE ROY CITY MUNICIPAL CODE TITLE 10 – ZONING BY THE CREATION OF A NEW ZONE “MIXED USE” AND ADDING IT AS CHAPTER 13 – MIXED USE ALONG WITH SEVERAL OTHER CHAPTERS AS DESCRIBED BELOW

WHEREAS, the Roy City Council finds that it is advisable and beneficial to make an update to CH 6 – Zoning by Districts; CH 10 - General Property Development Standards – Table 10-2; CH 13 – Mixed Use; CH - 17 Table of Uses – Table 17-2; CH 19 - Off-Street Parking and Loading; CH 31 - Definitions

WHEREAS, the Roy City Council finds that the modifications regulating the proposed changes will be of benefit and use in enhancing and increasing long-term viability of development within residential, commercial and manufacturing areas which is important to the City; and

WHEREAS, the Roy City Planning Commission held a public hearing as required by law and has favorably recommended amendments to the City Council; and

WHEREAS, the Roy City Council has received and reviewed the recommendation of the Planning Commission and City Staff, finding it to be consistent with the goals and policies of the Roy City Zoning Ordinance and General Plan, and has reviewed and considered the same in a public meeting.

NOW, THEREFORE, Be it hereby ordained by the City Council of Roy City, Utah, that CH 6 – Zoning by Districts; CH 10 - General Property Development Standards – Table 10-2; CH 13 – Mixed Use; CH - 17 Table of Uses – Table 17-2; CH 19 - Off-Street Parking and Loading; CH 31 - Definitions, as attached:

Note - Language to be added has been **bolded** and language to be removed has been ~~struck~~ through.

This Ordinance has been approved by the following vote of the Roy City Council:

Councilmember Burrell	_____
Councilmember Jackson	_____
Councilmember Paul	_____
Councilmember Saxton	_____
Councilmember Wilson	_____

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Robert Dandoy; Mayor

Attested and Recorded:

\_\_\_\_\_  
Morgan Langholf; City Recorder

10-6-1 Zoning by Districts

In accordance with the requirement of the Utah Code, as amended, that zoning within municipalities be by districts, Roy City, as shown on the Roy City Zoning Districts Map, is divided into zoning districts that govern the use, intensity and other requirements for the use of all lands located within the City. The map accompanying this Ordinance, the Roy City Zoning Districts Map (Zoning Map), and incorporated herein by reference, identifies the location and distribution of each zoning district provided by the City. All use, activity, and all required approvals, permits, and licenses shall be found to conform to the provisions, standards, and requirements of the applicable zoning district.

To achieve the purposes of this Ordinance, the following zoning districts are provided:

6) Commercial Districts

a) Community Commercial (CC)

~~b) Regional Commercial (RC)~~

**10) Mixed Use Districts**

**a) Downtown**

**i. Downtown – East (DT-E)**

**ii. Downtown – West (DT-W)**

**iii. Downtown – Gateway (DT-G)**

10-6-2 Zoning Districts Purposes:

The Roy City Zoning Districts are formulated to provide and achieve the following purposes:

- 7) The purpose of the Community Commercial (CC) District ~~and the Regional Commercial (RC) District~~ is to provide suitable areas for the location of various types of commercial activity needed to serve the people and commerce of the city, at appropriate locations. The development standards provided for ~~these~~ **this** Districts ~~are~~ **is** intended to minimize any adverse effect of commercial areas on adjoining areas by achieving maximum compatible integration of land uses, by preserving the aesthetic qualities of the area, while providing safe and efficient commercial uses.

**10) The Mixed Use (MU) zoning district is intended to provide a variety of land uses that are purposely combined. Mixed use areas are intended to support a broad range of commercial, office, entertainment, recreational, civic and residential uses within a single building. It is intended to transform the area into an attractive and active area with a sense of place that is unique to Roy.**

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

**TABLE 10-1 - MINIMUM LOT AND SETBACK REQUIREMENTS FOR PRIMARY BUILDINGS IN RESIDENTIAL ZONES**

Site Requirements:	CC	RC	LM	M	BP	R	DT-E; DT-W; DT-G
Maximum Building Heights	40 Feet	<del>60 feet</del>	60 feet	60 feet	60 feet	40 Feet	See 13-3 of this Title
Minimum Landscaping Required	15% of Total Site	<del>10% of Total Site</del>	10% of Total Site	10% of Total Site	10% of Total Site	20% of Total Site	
Minimum Yard Setbacks:							
Front	20 feet						
Side	As required for Site Plan Approval. A side setback facing a street is a minimum 20 feet.						
Rear	As required for Site Plan Approval.						
Minimum Yard Setbacks – Adjacent to any Residential Zone:							
Front	As required by the adjacent residential zone for a minimum distance of 100 feet.						
Side & Rear	Depth (feet)	Fence/Wall Type					
	20' up to 30'	Stone, Brick, Colored Block, masonry or Precast Concrete					
	30' or more	Vinyl, Wood, Stone, Brick, Colored Block, masonry or Precast Concrete					
Note: See 10-10-31 for additional requirements							



**10-13-1 Purpose:**

- 1) Purpose of this Chapter provides guidance for how Roy City should grow in the future and sets forth the opportunities and actions needed to address the challenges. The purposes of this Chapter are to:
  - a) To assist in the fulfillment of the goals, objectives and policies of the Roy City General Plan and any amendments thereto.
  - b) Stimulate the economy and City revenue by attracting, encouraging and incentivizing, new and existing business, investments, and redevelopment.
  - c) To provide a maximum choice in the types of environments for commercial, employment, and residential uses and facilities.
  - d) To recognize the existence of areas with unusual development needs or opportunities requiring unique development standards;
- 2) Graphics. The graphics, tables, and text utilized throughout this chapter are regulatory. In case of a conflict, text shall control over tables and graphics and tables shall control over graphics.

**10-13-2 Uses:**

- 1) General Requirements.
  - a) General Provisions. The following general provisions apply to the uses outlined in this section.
    - i) A lot may contain more than one use.
    - ii) Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
    - iii) Uses are either permitted by-right in a district, permitted by-right with specific development or design parameters, or require a Conditional Use Permit (refer to 10-15) in order to be developed.
    - iv) Each use shall be located within a permitted Building Type (Refer to 10-13-2 Building Types), unless otherwise specified.
    - v) Each use may have both indoor and outdoor facilities, unless otherwise specified. (see 10-10-31 12)
  - b) Organization. The uses are grouped into general categories, which may contain lists of additional uses or clusters of uses.
    - i) Unlisted Similar Use. If a use is not listed but is similar in nature and impact to a use permitted within a zoning district, the Zoning Administrator may interpret the use as permitted. (see 10-3-5)
      - (1) The unlisted use will be subject to any development standards applicable to the similar permitted use.
      - (2) If the unlisted use is similar in nature and impact to a use requiring a Conditional Use Permit, the Zoning Administrator may interpret the use as also requiring a Conditional Use Permit.
    - ii) Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a zoning district that is either permitted or requires a Conditional Use Permit, the use is not permitted and may only be approved through an amendment of this article.
  - c) Use Table. Table 1.1 (1). Uses by District outlines the permitted uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted.
    - i) Permitted (“P”). These uses are permitted by-right in the districts in which they are listed.
    - ii) Permitted in Upper Stories Only (“U”). These uses are permitted by-right in the districts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least 30 feet from the front facade.
    - iii) Permitted with Development Standards (“D”). These uses are permitted by-right in the

districts in which they are listed, provided that they are developed utilizing the listed development standards. These standards are intended to alleviate any negative impacts associated with the use, making it appropriate in a district where it otherwise might not have been appropriate.

- iv) Requires a Conditional Use Permit (“C”). These uses require administrative review and approval (refer to 10-15) in order to occur in the districts in which they are listed and must follow any applicable development standards associated with the use as well as meet the requirements of the Conditional Use.
- v) Listed uses that are not permitted in the district are indicated by a blank space.
- d) Building Types. The uses permitted within the district may be further limited by the building types permitted. Refer to 10-13-3 Building Types.
- 2) Definition of Uses.
  - a) Residential and Lodging Uses. A category of uses that include several residence types.
    - i. Residential. One or more dwelling units located within the principal structure of a lot, in which the units may or may not share a common wall with the adjacent (horizontally or vertically) unit or have individual entrances from the outside.

Uses	Districts		
	DT-E	DT-W	DT-G
<b>Residential &amp; Lodging</b>			
Residential	P	P	P
Hotel & Inn	P	P	P
Residential Care	P	P	P
<b>Civic</b>			
Assembly	P	P	P
Transit station	P	P	P
Hospital & Clinic	P	P	P
Library/Museum/Post Office (no distribution)	P	P	P
Police & Fire	C	C	C
School	P	P	P
<b>Retail</b>			
Neighborhood Retail	P	P	P
General Retail	P	P	P
Outdoor Sales Lot			C
<b>Service</b>			
Neighborhood Service	P	P	P
General Service	P	P	P
Vehicle Service			C
<b>Office &amp; Industrial</b>			
Office	P	P	P
Craftsman Industrial			P
<b>Infrastructure</b>			
Parking Lot	D	D	D
Parking Structure	D	D	D
Utility & Infrastructure	C	C	C
Open Space	D	D	D
<b>Accessory Uses</b>			
Home Occupation	P	P	P
Outdoor storage of Goods			D
Parking Lot	P	P	P
Parking Structure	D	D	D

## Key

P Permitted

D Permitted with Development Standards

Table 1.1 (1). Uses by District.

U Permitted in Upper Stories Only

C Requires Conditional Use Approval

- ii) **Hotel & Inn.** A facility offering temporary or permanent lodging to the general public consisting of sleeping rooms with or without in-room kitchen facilities. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms shall be accessed from the interior of the building. In the districts where a Hotel or Inn is permitted with development standards (“D”), the following applies:
    - (1) Bed and Breakfasts are permitted.
  - iii) **Residential Care.** A facility offering temporary or permanent lodging to the general public consisting of an unlimited number of sleeping rooms with or without in-room kitchen facilities. Residential care includes such uses as independent and assisted living facilities, nursing homes, residential care homes, and transitional treatment facilities. Assistance with daily activities may be provided for residents. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms shall be accessed from the interior of the building. In the districts where a residential care facility is permitted with development standards (“D”),
- b) **Civic Uses.** A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, and hospitals.
  - i) **Assembly.** A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Assembly includes such uses as a community center, house of worship, and private clubs and lodges. In the districts where an outdoor sales lot is permitted with development standards (“D”), the following applies:
    - (1) Parking shall be limited to an area less than the total building footprint area.
    - (2) The facility shall primarily serve the adjacent neighborhood.
  - ii) **Hospital & Clinic.** A licensed institution providing medical care and health services to the community. These services may be located in one building or clustered in several buildings and may include laboratories, in- and out-patient facilities, training facilities, medical offices, staff residences, food service, pharmacies, and gift shop.
  - iii) **Library/Museum.** A structure open to the general public housing educational, cultural, artistic, or historic information, resources, and exhibits. May also include food service and a gift shop.
  - iv) **Police and Fire.** A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included. Police and fire facilities require a Special Use approval. The facilities shall be housed in a permitted building, but shall have the following additional allowances:
    - (1) Garage doors are permitted on the front facade.
    - (2) Exempt from maximum driveway widths.
  - v) **Post Office.** A publicly accessed facility for the selling of supplies and mail related products and the small scale collection and distribution of mail and packages. Large-scale postal sorting and distribution is not permitted.
  - vi) **School.** An education facility with classrooms and offices, that may also include associated indoor facilities such as ball courts, gymnasium, theater, and food service.
- c) **Retail Uses.** A category of uses involving the sale of goods or merchandise to the general public for personal or household consumption.
  - i) **Neighborhood Retail.** A use in this category occupies a space of less than 12,000 square feet. Neighborhood retail includes such uses as those listed in Table 1.2 (1). Typical Retail Uses.
  - ii) **General Retail.** A use in this category includes all Neighborhood Retail uses occupying a space of greater than 12,000 square feet and such uses as those listed in Table 1.2 (1). Typical Retail Uses.
  - iii) **Outdoor Sales Lot.** A use involving the sale of goods or merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors. Outdoor sales lots include such uses as the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the sale of building materials, landscape materials, and garden supplies. In the districts where an outdoor sales lot is

permitted by Special Use (“C”), the following applies:

- (1) Not permitted on corner parcels.
  - (2) Includes permanent construction of a building utilizing one of the permitted Building Types in the district.
- d) Service. A category of uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these uses, as most patrons do not utilize scheduled appointments.
- i) Neighborhood Service. A use in this category occupies a space of less than 12,000 square feet. Neighborhood service includes such uses as those listed in Table 1.2 (2).
  - ii) General Service. A use in this category includes all Neighborhood Service uses occupying a space of greater than 12,000 square feet and such uses as those listed in Table 1.2 (2).
  - iii) Convenience store. A use that stocks a range of everyday items such as coffee, groceries, snack foods, confectionery, soft drinks, tobacco products, over-the-counter drugs, toiletries, newspapers, and magazines. If Gasoline is also sold the use can only be within the “General” district
- e) Vehicle Service. A business involving the servicing of vehicles and/or the distribution of fuel to residents of the community and region. A convenience store may also be included as a secondary use, as well as the sale of propane and kerosene. Vehicle service includes such uses as automotive filling stations, vehicle repair, and tire sales and mounting. In the districts where vehicle service is permitted with development standards (“D”), the following apply:
- i) Use Limitation. Repair and wash facilities for semi-trucks, recreational vehicles, boats, and other oversized vehicles are not permitted.
  - ii) Service Bays. Vehicular service bays, including garages and car wash bays, shall not be located on the front facade, unless otherwise permitted by the Building Type.
  - iii) Outdoor Storage. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if:
    - (1) The vehicles that are being repaired or are in queue for repairs longer than 72 hours must be screened.
    - (2) The storage area is located in the rear yard screened from view of the front lot line.
    - (3) The storage area is screened using the Side & Rear yard buffer outlined in 7.0 Landscape, regardless of the adjacent land uses.
  - iv) Outdoor Activities
    - (1) All repairs must occur inside a structure.
    - (2) Vacuuming or washing activities may occur in open air, but must be located in the side or rear yards, screened from the front lot line.
    - (3) Temporary outdoor display of seasonal items, such as windshield wiper fluid or salt, is permitted during business hours under the canopy and adjacent to the principal structure.
- f) Office Uses. A category of uses for businesses that involve the transaction of affairs of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers. Office uses include those listed in Table 1.2 (3). In the districts where an office use is permitted with development standards (“D”), the use is considered a home occupation and shall meet the following standards:
- i) In a live/work building, the use is exempt from the following standards.
    - (1) Hour of Operation. Permitted hours of operations are 6:00 AM to 9:00 PM.
    - (2) Residence. The operator of the business shall reside in the dwelling unit.
    - (3) Vehicles. Parking of a vehicle associated with the business must be accommodated on site.
- g) Craftsman Industrial. A use involving small scale manufacturing, production, assembly, and/or repair with little to no noxious by-products that includes a showroom or small retail outlet. Craftsman industrial includes such uses as those found in Table 1.2 (4). This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited. The maximum overall gross floor area is limited to 20,000 square feet, unless

otherwise noted. In the districts where a craftsman industrial use is permitted with development standards (“D”), the following apply:

- i) A minimum 20% of gross floor area shall be dedicated to a showroom located at the front of the space.
- ii) Outdoor activities are not permitted.
- iii) Outdoor Storage to follow requirements found within 10-17-2 2.
- h) **Parking Lot.** A lot that does not contain a permitted building or Open Space Type and is solely used for the parking of vehicles. In the districts where a parking lot is permitted with development standards (“D”), the following apply:
  - i) **Corner Lots.** A corner lot shall not be used as a parking lot.
  - ii) **Adjacent Parking Lots.** Two parking lots cannot be located directly adjacent to one another, unless associated with a building.
  - iii) **Single Family.** Parking lot cannot be associated with a single family use.
  - iv) **Distance.** Parking lot must be within 660 feet of the principal entrance to the associated use unless:
    - (1) At least 75% of the spaces are dedicated for public use.
    - (2) An approved parking agreement is in place (refer to 10-13-2 Parking).
  - v) **Pedestrian Access.** Must be connected to associated use by a dedicated, public pedestrian pathway.
  - vi) **Commercial Vehicles.** Parking lots for the sole purpose to park commercial vehicles that are not associated with a building are not permitted in these districts.
- i) **Parking Structure.** A parking structure on a lot that does not contain a permitted Building Type and is solely used for the parking of vehicles. In the districts where a parking structure is permitted with development standards (“D”), the following apply:
  - i) **Corner Lots.** A corner lot shall not be used for a parking structure.
  - ii) **Adjacent Parking Lots.** Two parking facilities (lots or structures) cannot be located directly adjacent to one another.
  - iii) **No facade of the Parking Structure** shall be located on, 5600 South, 1900 West or Riverdale Road unless the ground floor of the parking structure contains an active use or the structure is Architecturally treated.
  - iv) **Distance.** Parking lot must be within 660 feet of the principal entrance to the associated use unless:
    - (1) At least 75% of the spaces are dedicated for public use.
    - (2) An approved parking agreement is in place (refer to 10-13-2 Parking).
  - v) **Pedestrian Access.** Must be connected to associated use by a dedicated, public pedestrian pathway.
  - vi) **Commercial Vehicles.** Parking structures for commercial vehicles are not permitted in these districts.
- j) **Utility and Infrastructure.** A lot that is primarily utilized for the City’s infrastructure needs. Utility and infrastructure includes such uses as electric or gas services, sewage treatment, water treatment and storage, and energy conversion systems. In all districts, utilities and infrastructure require a Conditional Use Permit (“C”).
- k) **Open Space.** A use of land for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, or community gardens. Refer to 10-13-3 Open Space Types for permitted forms of open space. Open space uses may also be utilized to host temporary private or community events, such as a farmer’s market or art fair. In the districts where open space is permitted with development standards (“D”), the following apply:
  - i) **Parking.** Parking lots are not permitted in open space in any district unless otherwise specified by the Open Space Type.
  - ii) **Stormwater Accommodations.** Open space that incorporates stormwater management on a site or district scale is encouraged.
    - (1) Stormwater facilities shall be designed to accommodate additional uses, such as an amphitheater or a sports field.
    - (2) Stormwater facilities shall be designed not to be fenced and shall not impede public

- use of the land they occupy.
- iii) This use may involve small scale food and beverage service, no more than 200 square feet in space, located in a kiosk,
  - iv) Buildings located directly adjacent to an open space use shall treat facades facing this use with street facade requirements.
- l) Accessory Uses. A category of uses that are not permitted to serve as the principal use on a zoning lot.
- i) Home Occupation. An occupational use that is clearly subordinate to the principal use as a residence and does not require any alteration to the exterior of a building.
  - ii) Parking Lot. An uncovered paved surface used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking lot locations are regulated by Building Type. Refer to 10-13-2 Building Types.
  - iii) Parking Structure. A structure used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking Structures within the buildings are regulated per Building Type. Refer to 10-13-2 Building Type. Separate structure locations are also regulated by Building Type, but shall also meet all of the requirements of 10-13-1 (i) Parking Structure.
  - iv) Outdoor Storage of Goods. Permanent outdoor storage of goods not typically housed or sold indoors, such as large scale materials and building and landscape supplies. In the districts where outdoor storage of goods is permitted with development standards (“D”), the following development standards apply:
    - (1) Outdoor storage areas shall be located in the rear or side yard of the lot.
    - (2) Loose materials shall not be stacked higher than the screening fence.
    - (3) Loose materials shall at a minimum be stored in a three-sided shelter
    - (4) Materials shall be set back a minimum of five feet from any lot line.
    - (5) All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the heavy side or rear buffer, refer to 10-13-1 Landscape Requirements for Side and Rear Buffer.

**Neighborhood Retail**

Antique Shop  
 Apparel & Accessory Store  
 Art & Education Supplies  
 Bakery, Retail  
 Bicycle Sales & Repair  
 Book, Magazine & Newspaper Store  
 Building Materials, Hardware, and Garden Supply  
 Camera & Photo Supply Store  
 China & Glassware Shop  
 Drug Store/Pharmacy  
 Medical Cannabis Pharmacy\*  
 Fabric & Craft Store  
 Florist  
 Gift, Novelty & Souvenir Shop  
 Grocery Store  
 Hardware Store  
 Hobby Shop  
 Jewelry Sales & Repair  
 Luggage & Leather Goods  
 Music Store  
 Musical Instrument Repair & Sales  
 Office Supply  
 Optical goods  
 Paint & Wallpaper  
 Party Supply Shop  
 Pet & Pet Supply  
 Specialty Food Market (Butcher, Candy, Fish Market, Produce, etc.)  
 Sporting Good Sales & Rental  
 Stationary & Paper Store  
 Toy Shop  
 Video/Game Sales & Rental

\* - refer to chapter 17 of this Title for regulations

\*\* - refer to Title 3, CH 2 in Roy City Code for Alcoholic Beverage regulations

Table 1.2 (1) Typical Retail Uses

**General Retail**

All Neighborhood Retail Uses  
 Appliance & Electronic Sale & Service  
 Automotive Supply (No service)  
 Cabinet Supply (Display only)  
 Computer Software Sales & Service  
 Department Store  
 Electrical Supplies  
 Gun Shop  
 Home Furnishings & Accessories Sales & Rental  
 Liquor Store – State Owned\*\*  
 Medical Supply Store, Sales & Rental  
 Merchandise Vending Machine Operators  
 Motorcycle & Scooter Sales & Rental

**Neighborhood Service**

Arcade  
 Bank or other Financial Service  
 Barber Shop, Beauty Salon & Spa  
 Ballard Hall  
 Catering  
 Convenience Store  
 Day Care, Adult & Children  
 Dry Cleaning & Laundry  
 Emergency Care Clinics  
 Fitness, Dance Studio & Gym  
 Framing  
 Locksmith  
 Mailing Services  
 Mobile Food Trucks \*  
 Pet Grooming  
 Photocopying & Printing  
 Photography Studio & Supplies (on-site processing permitted)  
 Restaurants \*\*  
 Shoe Repair  
 Tailor & Seamstress  
 Tanning Salon  
 Theater  
 Training Center  
 Travel Agency & Tour Operator  
 Veterinarian

\* - refer to chapter 17 of this Title for regulations

\*\* - refer to Title 3, CH 2 in Roy City Code for Alcoholic Beverage regulations

Table 1.2 (2) Typical Service Uses

**General Service**

All Neighborhood Service Uses  
 Animal Boarding (Interior Only)  
 Aquatic Facilities  
 Baiting Cages  
 Bowling Alley  
 Concert Hall  
 Exterminating & Disinfecting Service  
 Funeral Home  
 Miniature Golf Course  
 Recreation, Commercial Indoor  
 Repair of Small Goods & Electronics  
 Shooting & Archery Ranges (Indoor Only)  
 Skating Rinks  
 Microbrewery\*\*  
 Tavern\*\*  
 Nightclub\*\*

**Craftsman Industrial**

Agriculture Equipment & Supply  
 Apparel & Finished Fabric Products  
 Bakery & Confections  
 Beverage, including Beer, Wine, Liquor, Soft Drinks Coffee  
 Botanical Products  
 Brooms & Brushes  
 Canning & Preserving Food  
 Check Cashing \*  
 Commercial Scale Copying & Printing  
 Construction Special Trade Contractors  
 Cut Stone & Cast Stone  
 Dairy Products  
 Electronics Assembly  
 Engraving  
 Electrical Fixtures  
 Fabricated Metal Products  
 Film Making  
 Furniture & Fixtures  
 Glass  
 Heating, Air Conditioning & Plumbing Supplies, Sales & Service  
 Home Furniture & Equipment Repair

\* - refer to chapter 17 of this Title for regulations

Table 1.2 (4) Typical Craftsman Uses

Household Textiles  
 Ice  
 Jewelry, Watches, Clocks & Silverware  
 Leather Products  
 Machine Sales & Rental  
 Meat & Fish Products (no processing)  
 Musical Instruments & Parts  
 Pasta  
 Pawn Shop \*  
 Pottery, Ceramics & Related Products  
 Printing, Publishing & Allied Industries  
 Shoes & Boots  
 Signs & Advertising  
 Small Goods Manufacturing  
 Smithing  
 Smoke Shop \*  
 Tattoo/Piercing Parlor \*  
 Taxidermy  
 Textile, Fabric, Cloth  
 Toys & Athletic Goods  
 Upholstery  
 Woodworking

**Office**

Architecture/Engineering/Design  
 Building Contractor (office only)  
 Business Consulting  
 Charitable Institutions  
 Computer Programming & Support  
 Detective Services  
 Educational Services (tutor & testing)  
 Employment Agency  
 Financial & Insurance  
 Governmental Offices  
 Legal Services  
 Management Services  
 Physical Therapy / Physical Rehabilitation  
 Medical & Dental with Laboratory  
 PR & Advertising  
 Property Development  
 Radio & TV Studio  
 Real Estate  
 Recording & Sound Studio  
 Research & Development  
 Surveying

Table 1.2 (3) Typical Office Uses



### 10-13-3 Building Types:

- I) Introduction to Building Type Standards.
  - a) Introduction. The Building Types detailed in 10-13-2 Building Types outline the required building forms for new construction and renovated structures within the Districts
  - b) General Requirements. All Building Types must meet the following requirements.
    - i) Zoning Districts. Each Building Type shall be constructed only within its designated districts. Refer to Table 2.1 (1) Permitted Building Types by Districts.
    - ii) Uses. Each Building Type can house a variety of uses depending on the district in which it is located. Refer to 10-13-1 Uses for uses permitted per district. Some Building Types have additional limitations on permitted uses.
    - iii) No Other Building Types. All buildings constructed must meet the requirements of one of the Building Types permitted within the zoning district of the lot.
    - iv) Permanent Structures. All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.
    - v) Accessory Structures.
      - (1) Attached accessory structures are considered part of the principal structure.
      - (2) Detached accessory structures are permitted per each Building Type and shall comply with all setbacks except the following:
        - (a) Are not permitted in the front yard.
        - (b) Shall be located behind the principal structure in the rear yard.
        - (c) Shall not exceed the height of the principal structure

Building Types by District				
		Districts		
		Downtown "East"	Downtown "West"	Downtown "Gateway"
Building Types	Storefront	P	P	P
	General Stoop	P	P	P
	Limited Bay			P
	Large Format	P	P	P
	Civic Building	P	P	P
P Permitted				

Table 2.1 (1). Permitted Building Types by District.

- 2) Explanation of Building Type Table Standards. The following explains and further defines the standards outlined on the tables for each Building Type, refer to 10-13-2 3) through 10-13-2 8).
  - a) Building Siting. The following explains the line item requirements within the first section of each Building Type Table entitled "Building Siting".
    - i) Multiple Principal Structures. The allowance of more than one principal structure on a lot.
    - ii) Front Property Line Coverage. Refer to Figure 2.2 (1). Measuring Front Property Line Coverage. Measurement defining the minimum percentage of street wall or building facade required along the street. The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front build-to zone (BTZ).
      - (1) Certain buildings have this number set to also allow the development of a courtyard along the front property line.
      - (2) Some frontage types allow side yard parking to be exempted from the front lot line coverage calculation. If such an exemption is permitted, the width of up to one double loaded aisle of parking, located with the drive perpendicular to the street

and including adjacent sidewalks and landscaping, may be exempted, to a maximum of 72 feet.

- iii) Occupation of Corner. Occupying the intersection of the front and corner build-to zones with a principal structure.
- iv) Front Build-to Zone. The build-to zone or setback parallel to the front property line. Building components, such as awnings or signage, are permitted to encroach into the build-to zone
  - (1) All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.
- v) Corner Build-to Zone. The build-to zone or setback parallel to the corner property line.
  - (1) All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.
- vi) Minimum Side Yard Setback. The minimum required setback along a side property line.
- vii) Minimum Rear Yard Setback. The minimum required setback along a rear property line.
- viii) Minimum & Maximum Lot or Building Width. Depending on the Building Type, either the minimum or maximum building or unit width will be noted or the minimum and maximum width of a lot, all measured at or parallel to the front property line.
- ix) Parking & Loading Location. The yard in which a surface parking lot, detached garage, attached garage door access, loading and unloading, and associated drive is permitted.
- x) Vehicular Access. The permitted means of vehicular ingress and egress to the lot.
- b) Height. The following explains the line item requirements for each Building Type Table

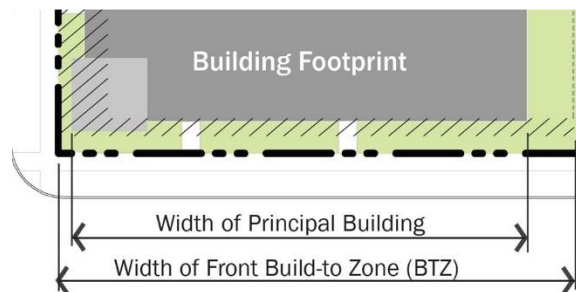


Figure 2.2 (1). Measuring Front Property Line Coverage

within the second section entitled “Height”.

- i) Minimum Overall Height. The minimum overall height for the building shall be located within the build-to zone; stories above the required minimum height may be stepped back from the facade.
- ii) Maximum Overall Height. The sum of a building’s total number of stories.
  - (1) Half stories are located either completely within the roof structure with street-facing windows or in a visible basement exposed a maximum of one half story above grade.
  - (2) A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one full story.
  - (3) Some Building Types require a building facade to step back as its height increases. If required, the upper stories of any building facade with street frontage shall be setback a designated amount beyond the building facade of the lower stories.
- iii) Ground Story and Upper Story, Minimum and Maximum Height. (Refer to Figure 2.2 (2). Measuring Height). Each frontage type includes a permitted range of height in feet for each story. Additional information is as follows:
  - (1) Floor height is measured in feet between the floors of a story to the floor of the story above it.
  - (2) Floor height requirements apply only to street facing facades.

- (3) For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.

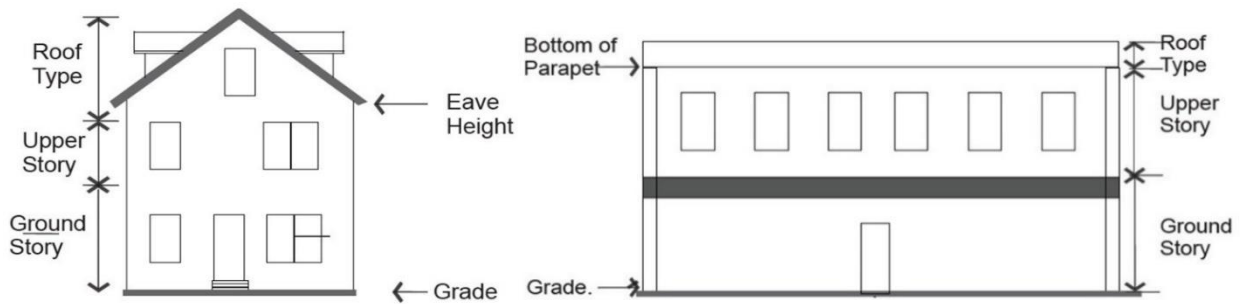


Figure 2.2 (2) Measuring Height

- iv) Existing Single Family Residential Buffer. In order to assure compatibility of new construction with adjacent single family neighborhoods.
- (1) Transitions for Single Family Homes Sharing a Property Line. A 20-foot setback is required from the property line adjacent to a single family detached home. At 20 feet, 25-foot building height is permitted in between the property line and 30 feet. After 30 feet, every 1 foot in additional horizontal distance from the property line permits 1 foot of additional vertical building height. After 40', building heights, as permitted in 5.0 Building Types, is allowed. See Figure 2.2 (3).

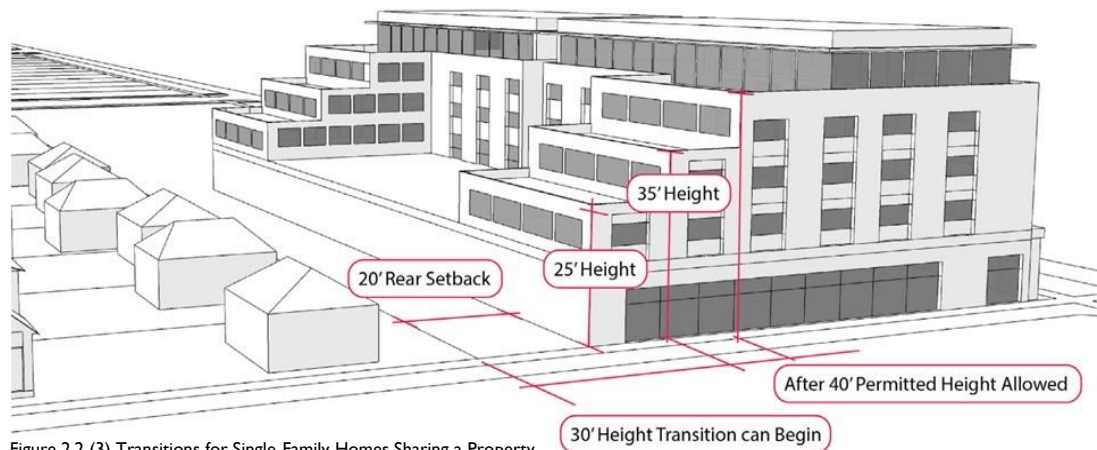


Figure 2.2 (3) Transitions for Single-Family Homes Sharing a Property

- (2) Transitions for Single Family Homes Across a Public Street. A 10-foot setback is required from the right-of-way line for any building directly across the street from an existing single-family or two-family zoned parcel. At 10 feet, a 35-foot building height is permitted in between the property line and 30 feet. After 30 feet, building heights, as permitted in 10-13-2 Building Types, is allowed. See Figure 2.2 (4).

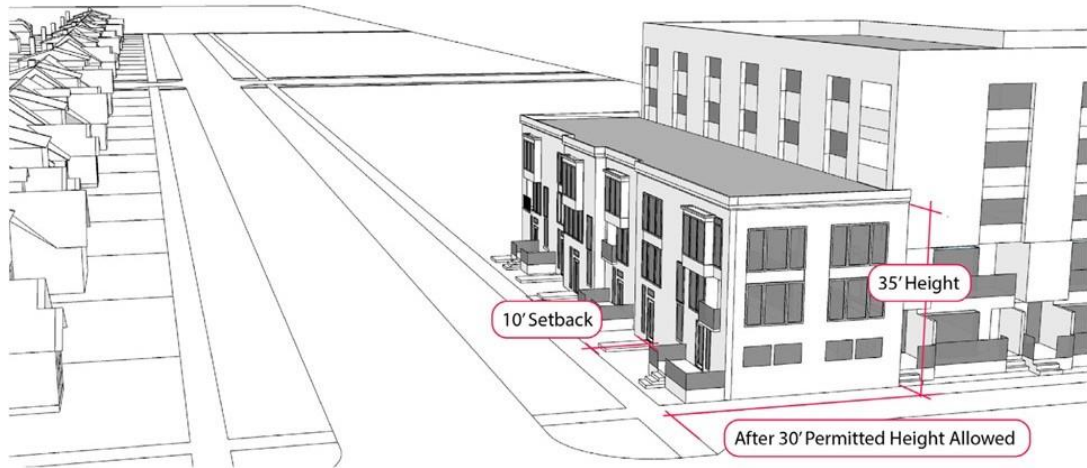


Figure 2.2 (4) Transitions for Single-Family Homes Across a Public

- c) **Uses.** The following explains the line item requirements for each Building Type Table within the third section entitled “Uses” Refer to Section 10-13-1. Uses for uses permitted within each Zoning District. The requirements in this section of the Building Type Tables may limit those uses within a specific Building Type. Table 2.2 (3), right, illustrates an example of the Uses table from a typical Building Type.
- i) **Ground and Upper Story.** The uses or category of uses which may occupy the ground and/or upper story of a building.
  - ii) **Parking Within Building.** The area(s) of a building in which parking is permitted within the structure.
  - iii) **Required Occupied Space.** The area(s) of a building that shall be designed as occupied space, defined as interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.
- d) **Street Facade Requirements.** The following explains the line item requirements for each Building Type Table 2.3 through 2.8, within the fourth section entitled “Street Facade Requirements.” Street Facade Requirements apply only to facades facing a public or private right-of-way. The rear or interior side yard facades are not required to meet these standards unless otherwise stated.
- i) **Minimum Ground Story and Upper Floor Transparency.** (Refer to Figure 2.2 (5), Measuring Transparency per Facade). The minimum amount of transparency required on street facades with street frontage.
    - (1) Transparency is any glass in windows and/or doors, including any mullions that is highly transparent with low reflectance.
    - (2) Ground Story Transparency, when defined separately from the overall minimum transparency, shall be measured between two feet and eight feet from the average grade at the base of the front facade.
    - (3) A general Minimum Transparency requirement shall be measured from floor to floor of each story.
  - ii) **Blank Wall Limitations.** A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall both be met for each story:
    - (1) No rectangular area greater than 30% of a story’s facade, as measured from floor to floor, may be windowless; and
    - (2) No horizontal segment of a story’s facade greater than 15 feet in width may be windowless.
  - iii) **Entrance Type.** The Entrance Type(s) permitted for the entrance(s) of a given Building Type. A mix of permitted Entrance Types may be utilized. Refer to 10-13-2 i Entrance Types for definition of and additional requirements for each Entrance Type.
  - iv) **Principal Entrance Location.** The facade on which the primary building entrance is to be located.
  - v) **Required Number of Street Entrances.** The minimum number of and maximum spacing

- between entrances on the ground floor building facade with street frontage.
- vi) Vertical Facade Divisions. The use of a vertically oriented expression line or form to divide the facade into increments no greater than the dimension shown, as measured along the base of the facade. Elements may include a column, pilaster, or other continuous vertical ornamentation a minimum of one and a half inch depth.
  - vii) Horizontal Facade Divisions. The use of a horizontally oriented expression line or form to divide portions of the facade into horizontal divisions. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of one and a half inch depth
- e) Roof Type. The following explains the line item requirements for each Building Type Table in Sections 10-13-2 3) through 10-13-2 8), within the fifth section entitled “Roof Types”.
- i) Permitted Roof Type. The roof type(s) permitted for a given Building Type. Refer to 10-13-2 10. Roof Types for more specific requirements.
  - ii) Tower. A vertical building extension that may be permitted in conjunction with another roof type on certain Building Types. Refer to 10-13-2 10 Roof Types.

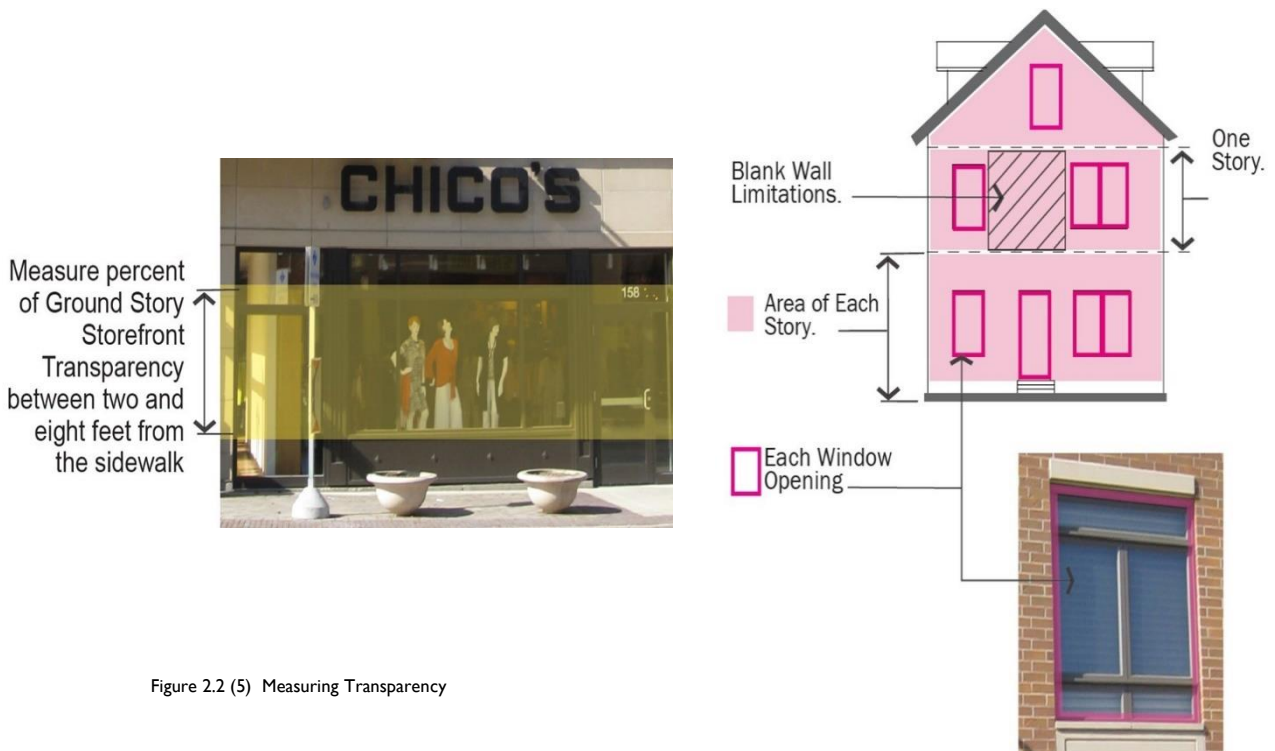


Figure 2.2 (5) Measuring Transparency



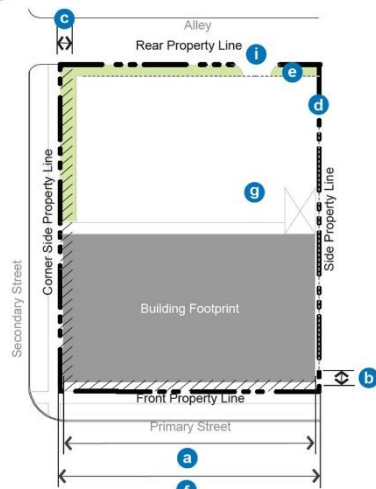
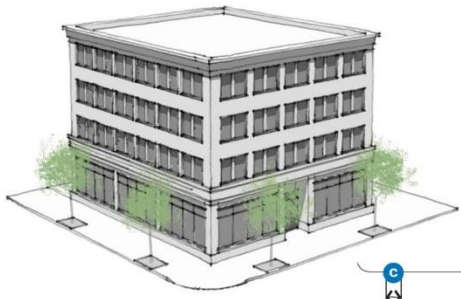
3) Storefront Building.

- a) Description & Intent. The Storefront Building is intended for use as a mixed use building located close to the front property line with parking typically in the rear or side of the lot.

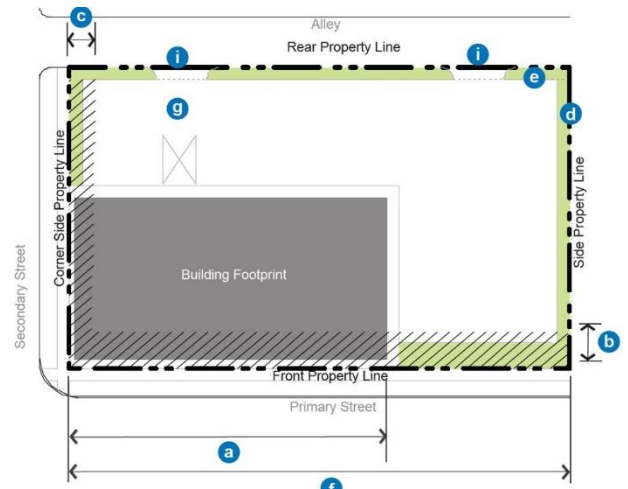
The key facade element of this Building Type is the storefront required on the ground floor front facade, with large amounts of glass and regularly spaced entrances.

This building type is adaptable to be used in a variety of intensities and heights, depending on the district within which it is located.

- b) Regulations. Regulations for the Storefront Building Type are defined in the adjacent table.



Typical Site Plan



Site Plan with Side Yard Parking

Figure 2.3 (1) Building Siting

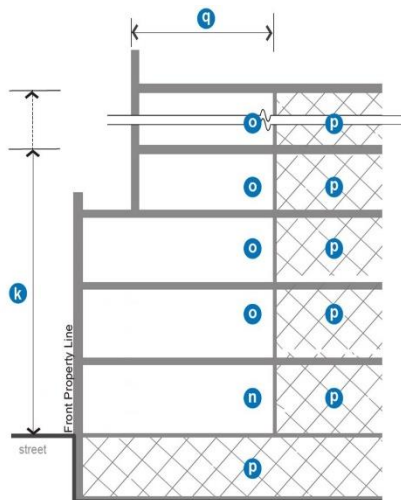


Figure 2.3 (2) Height & Use Requirement

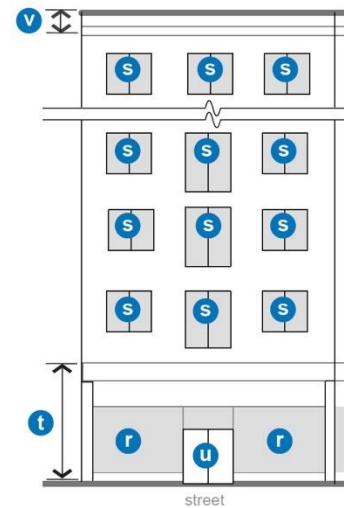


Figure 2.3 (3) Street Façade Requirements

STORE FRONT		Permitted Districts		
		DT-E	DT-W	DT-G
(1) Building Siting Refer to Figure 2.3 (1)				
	Multiple Principal Buildings	permitted	permitted	permitted
a	Front Property Line Coverage	80% <sup>1</sup>	80% <sup>1</sup>	80% <sup>1</sup>
	Occupation of Corner	required	required	required
b	Front Build-to Zone	0' to 10' <sup>2</sup>	0' to 10' <sup>2</sup>	0' to 10' <sup>2</sup>
c	Corner Build-to Zone	0' to 10'	0' to 10'	0' to 10'
d	Minimum Side Yard Setback	0'	0'	0'
e	Minimum Rear Yard Setback	0'	0'	0'
f	Minimum Lot Width	none	none	none
	Maximum Lot Width	none	none	none
g	Parking & Loading Location	rear & side yard <sup>1</sup>	rear & side yard <sup>1</sup>	rear & side yard <sup>1</sup>
(2) Height Refer to Figure 2.3 (2)				
i	Minimum Overall Height	1 story	1 story	1 story
k	Maximum Overall Height	80'	60'	40'
(3) Uses Refer to Figure 2.3 (2). Refer to 10-13-I Uses for permitted uses.				
n	Ground Story	retail, service, office	retail, service, office	retail, service, office
o	Upper Story	any permitted use	any permitted use	any permitted use
p	Parking within Building	permitted fully in any basement and in rear of upper floors		
q	Required Occupied Space	30' deep on all full floors from the front facade		
(4) Street Façade Requirements Refer to Figure 2.3 (3)				
r	Minimum Ground Story Transparency Measured between 2' & 8' above grade	60% front only	60% front only	60% front only
s	Minimum Transparency per each Story	15%	15%	15%
	Blank Wall Limitations	required per floor (refer to 5.2.4 (2))		
t	Front Façade Entrance Type	storefront, arcade	storefront, arcade	storefront, arcade
u	Principal Entrance Location	front or corner facade	front or corner facade	front or corner facade
	Required Number of Street Entrances	1 per each 100' of front facade	1 per each 100' of front facade	1 per each 100' of front facade
	Vertical Façade Divisions	every 50' of façade width	every 50' of façade width	every 50' of façade width
	Horizontal Façade Divisions	required within 3' of the top of the ground story, and every fifth floor above the first floor		
(5) Roof Type Requirements Refer to Figure 2.3 (3)				
v	Permitted Roof Types	parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat
	Tower	permitted	permitted	permitted

**Notes**

- 1 – Lots wider than 140' are permitted one double-loaded aisle of parking (maximum width of 72'), located perpendicular to the front property line, which is exempt from front property line coverage.
- 2 – Building along Riverdale Road, 1900 West and 5600 South are exempt from Front Build-to Zone requirements, and shall follow setback requirements:
  - a. A 10 foot setback is required on all new development along an Arterial Street
  - b. All setbacks areas must contain either landscape, trees, patio space, or sidewalk space
  - c. Trees, landscaping and other improvements should be used to mitigate the negative impacts from the heavy fast moving traffic
- 3 – As required for Site Plan approval



4) General Stoop Building.

- a) Description & Intent. The General Stoop Building Type is limited in terms of uses by the district within which it is located, generally housing office and/or residential uses. The General Stoop building is intended to be built close to the front and passing pedestrians and transit riders. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one double loaded aisle of parking is permitted in the interior or the side yard at the front property line.

This building is available in a variety of intensities and heights, depending on the district within which it is located.

- b) Regulations. Regulations for the General Stoop Building Type are defined in the adjacent table.

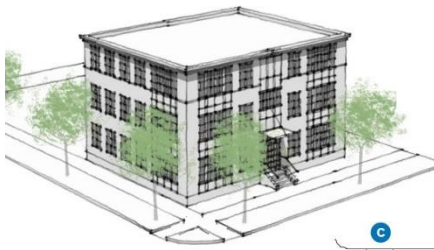


Figure 2.4 (1) Building Siting

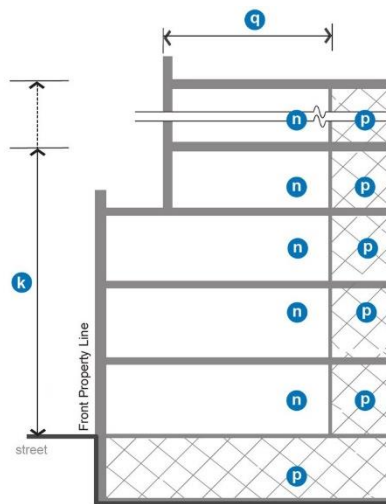


Figure 2.4 (2) Building Height & Use Requirement

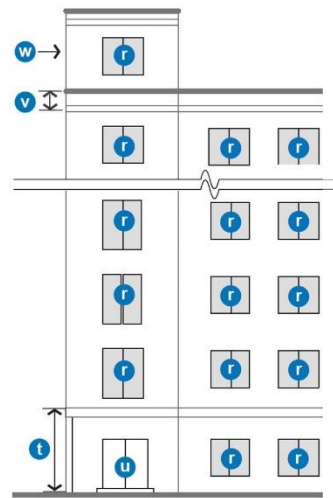


Figure 2.4 (3) Street Façade Requirements

GENERAL STOOP		Permitted Districts		
		DT-E	DT-W	DT-G
(1) Building Siting Refer to Figure 2.4 (1)				
	Multiple Principal Buildings	permitted	permitted	permitted
a	Front Property Line Coverage	80% <sup>1 &amp; 2</sup>	80% <sup>1 &amp; 2</sup>	70% <sup>1 &amp; 2</sup>
	Occupation of Corner	required	required	required
b	Front Build-to Zone	0' to 10' <sup>3</sup>	0' to 10' <sup>3</sup>	0' to 10' <sup>3</sup>
c	Corner Build-to Zone	0' to 10' <sup>3</sup>	0' to 10' <sup>3</sup>	0' to 10' <sup>3</sup>
d	Minimum Side Yard Setback	0' <sup>4</sup>	0' <sup>4</sup>	0' <sup>4</sup>
e	Minimum Rear Yard Setback	0' <sup>4</sup>	0' <sup>4</sup>	0' <sup>4</sup>
f	Minimum Lot Width	none	none	none
	Maximum Lot Width	none	none	none
g	Parking & Loading Location	rear & side yard <sup>2</sup>	rear & side yard <sup>2</sup>	rear & side yard <sup>2</sup>
(2) Height Refer to Figure 2.4 (2)				
i	Minimum Overall Height	1 story	1 story	1 story
k	Maximum Overall Height	80'	60'	40'
(3) Uses Refer to Figure 2.4 (2). Refer to 10-13-I Uses for permitted uses.				
	Ground Story	Retail, service, office		
n	All Upper Stories	any permitted use		
p	Parking within Building	permitted fully in any basement and in rear of upper floors		
q	Required Occupied Space	30' deep on all full floors from the front facade		
(4) Street Façade Requirements Refer to Figure 2.4 (3)				
r	Minimum Transparency per each Story	15%	15%	15%
	Blank Wall Limitations	required per floor (refer to 5.2.4 (2))		
t	Front Façade Entrance Type	stoop, porch, storefront	stoop, porch, storefront	stoop, porch, storefront
	Principal Entrance Location	front or corner facade	front or corner facade	front or corner facade
u	Required Number of Street Entrances	1 per each 100' of front facade	1 per each 100' of front facade	1 per each 100' of front facade
	Vertical Façade Divisions	every 40' of façade width	every 40' of façade width	every 50' of façade width
	Horizontal Façade Divisions	required within 3' of the top of the visible basement and of the ground story, and every fifth floor above the ground floor		
(5) Roof Type Requirements Refer to Figure 2.4 (3)				
v	Permitted Roof Types	parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat
w	Tower	permitted	permitted	permitted

#### Notes \_\_\_\_\_.

- 1 – A courtyard covering up to 35% of the front façade is permitted and may contribute to the Front Lot Line Coverage requirements.
- 2 – Lots wider than 140' are permitted one double-loaded aisle of parking (maximum width of 72'), located perpendicular to the front property line, which is exempt from front property line coverage.
- 3 – Building along Riverdale Road, 1900 West and 5600 South are exempt from Front Build-to Zone requirements, and shall follow setback requirements:
  - a. A 10 foot setback is required on all new development along an Arterial Street
  - b. All setbacks areas must contain either landscape, trees, patio space, or sidewalk space
  - c. Trees, landscaping and other improvements should be used to mitigate the negative impacts from the heavy fast moving traffic
- 4 – As required for Site Plan approval

- 5) Limited Bay Building.
- a) Description & Intent. The Limited Bay Building Type permits a lower level of ground floor storefront facade and a single vehicle bay with garage door access on the Primary Street. A wider range of uses can also be accommodated within this Building Type, including craftsman industrial uses. This Building Type is still intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders, and continuing the fabric of the Storefront Building Type. Parking may be provided in the rear of the lot, internally in the building, or one double loaded aisle of parking is permitted in the interior or the side yard at the front property line.
  - b) Regulations. Regulations for the Limited Bay Building Type are defined in the adjacent table.

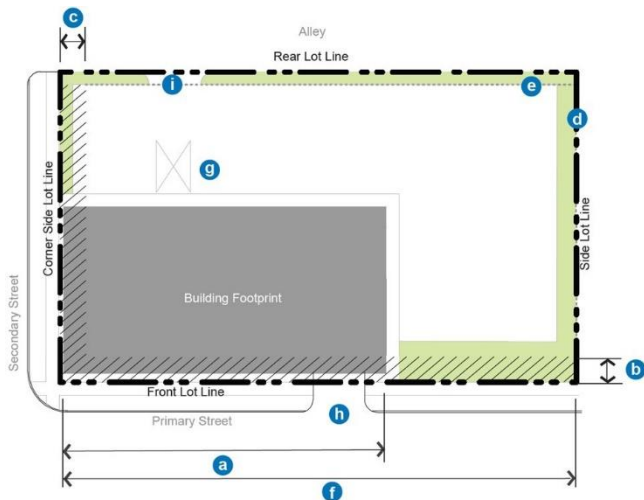
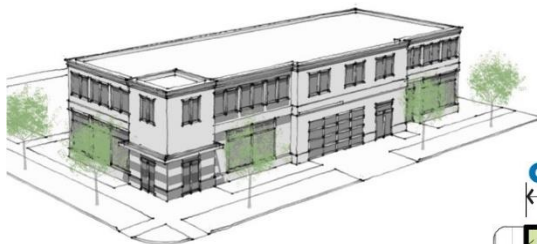


Figure 2.5 (1) Building Siting

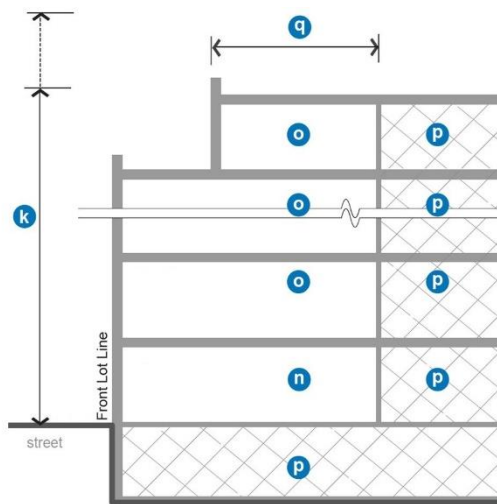


Figure 2.5 (2) Building Height & Use Requirement

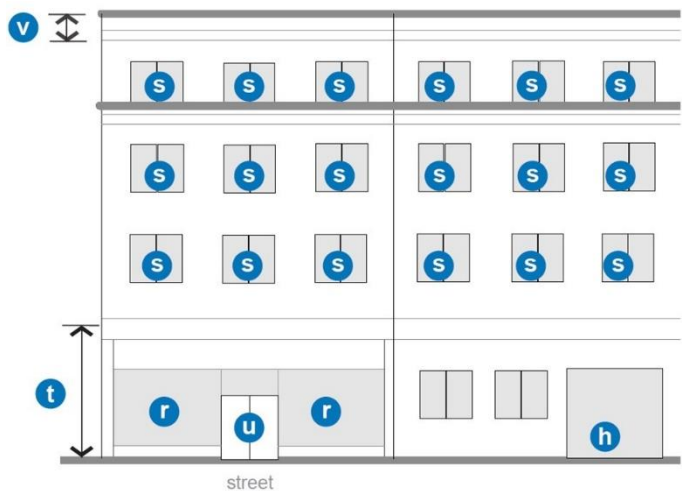


Figure 2.5 (3) Street Façade Requirements

LIMITED BAY		Permitted Districts
		DT-G
(1) Building Siting Refer to Figure 2.5 (1)		
	Multiple Principal Buildings	permitted
a	Front Property Line Coverage	70% <sup>1 &amp; 2</sup>
	Occupation of Corner	required
b	Front Build-to Zone	0' to 10'
c	Corner Build-to Zone	0' to 10'
d	Minimum Side Yard Setback	5'
e	Minimum Rear Yard Setback	5'
f	Minimum Lot Width	50'
	Maximum Lot Width	none
g	Parking & Loading Location	rear & side yard
	Street Façade Service Bay Entrance	limited to one per street façade, maximum with 18'
(2) Height Refer to Figure 2.4 (2)		
i	Minimum Overall Height	1 story
k	Maximum Overall Height	40'
(3) Uses Refer to Figure 2.5 (2). Refer to 10-13-1 Uses for permitted uses.		
n	Ground Story	retail, service, office, craftsman industrial
o	Upper Story	any permitted use
p	Parking within Building	permitted fully in basement and in rear of upper floors plus one service bay width at ground floor
q	Required Occupied Space	30' deep on all full floors from the front facade
(4) Street Façade Requirements Refer to Figure 2.5 (3)		
r	Minimum Ground Story Transparency Measured between 2' and 8' above grade	40%, Minimum 50% of Service Bay door shall be transparent
s	Minimum Transparency per each Story	15%
	Blank Wall Limitations	required per floor (refer to 5.2.4 (2))
t	Front Façade Entrance Type	stoop, storefront
u	Principal Entrance Location	front or corner facade
	Required Number of Street Entrances	1 per each 100' of façade; service bay door not included; 1 per 150' of facade
	Vertical Façade Divisions	every 30' of façade width
	Horizontal Façade Divisions	required within 3' of the top of the ground story for all buildings over 2 stories
(5) Roof Type Requirements Refer to Figure 2.5 (3)		
v	Permitted Roof Types	parapet, pitched, flat
w	Tower	permitted
Notes _____		

1 – Lots wider than 140' are permitted one double-loaded aisle of parking (maximum width of 72'), located perpendicular to the front property line, which is exempt from front property line coverage.

2 – Building along Riverdale Road, 1900 West and 5600 South are exempt from Front Build-to Zone requirements, and shall follow setback requirements:

- A 10 foot setback is required on all new development along an Arterial Street
- All setbacks areas must contain either landscape, trees, patio space, or sidewalk space
- Trees, landscaping and other improvements should be used to mitigate the negative impacts from the heavy fast moving traffic

3 – As required for Site Plan approval

6) Large Format Building

- a) Description & Intent. The Large Format Building Type permits a large building footprint with a ground floor storefront facade. The minimum sized building footprint of the Large Format Building Type is 35,000 total square feet. If a building is to have a smaller footprint than the minimum 35,000 sf requirement than it will not be considered or approved as a Large Format Building.

This building type is usually provided only single certificate of occupancy, and is commonly referred to as a “big-box” or “mid-box” structure.

This Building Type is still intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders, and continuing the fabric of the Storefront Building Type. Parking may be provided in the rear of the lot, internally in the building, or one double loaded aisle of parking is permitted in the interior or the side yard at the front property line.

- b) Regulations. Regulations for the Large Format Building Type are defined in the adjacent table.

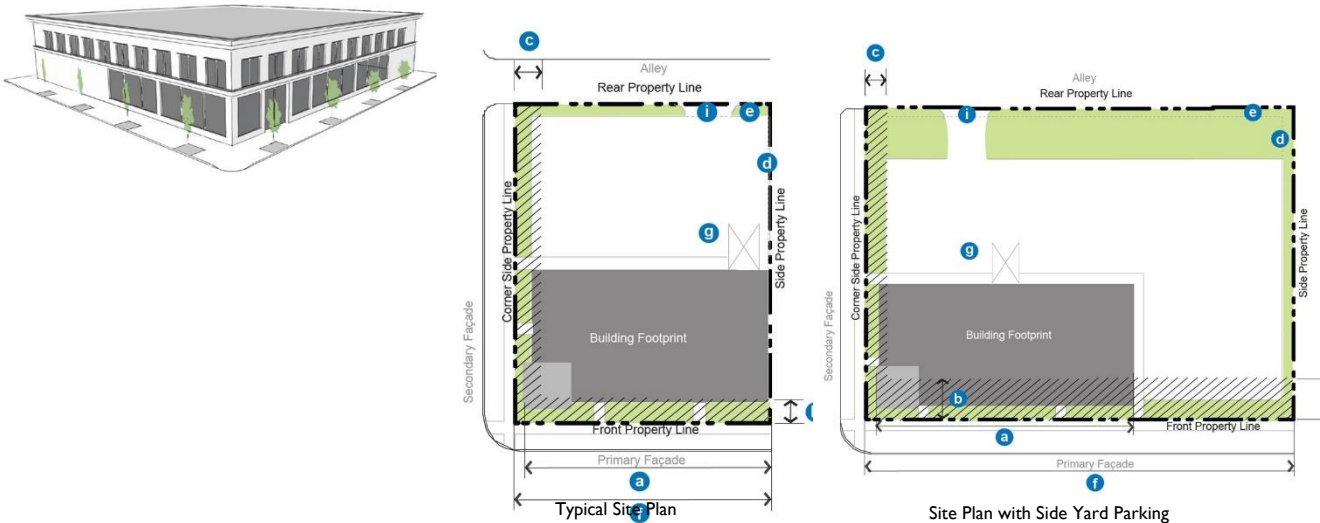


Figure 2.6 (1) Building Siting

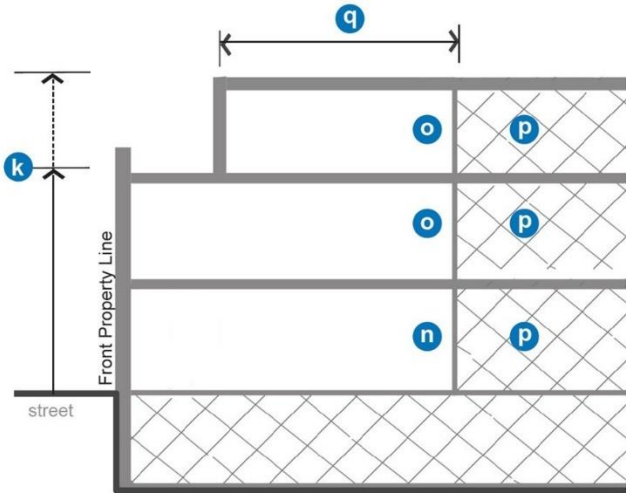


Figure 2.6 (2) Building Height & Use Requirement



Figure 2.6 (3) Street Façade Requirements

LARGE FORMAT		Permitted Districts		
		DT-E	DT-W	DT-G
(1) Building Siting Refer to Figure 2.6 (1)				
Multiple Principal Buildings		not permitted	not permitted	not permitted
a	Front Property Line Coverage	80% <sup>1</sup>	80% <sup>1</sup>	70% <sup>1</sup>
b	Occupation of Corner	required	required	required
c	Front Build-to Zone	0' to 10' <sup>2</sup>	0' to 10' <sup>2</sup>	0' to 10' <sup>2</sup>
d	Corner Build-to Zone	0' to 10' <sup>2</sup>	0' to 10' <sup>2</sup>	0' to 10' <sup>2</sup>
e	Minimum Side Yard Setback	0' <sup>3</sup>	0' <sup>3</sup>	0' <sup>3</sup>
f	Minimum Rear Yard Setback	0' <sup>3</sup>	0' <sup>3</sup>	0' <sup>3</sup>
Minimum Lot Width		150'	150'	150'
Maximum Lot Width		400'	400'	400'
g	Parking & Loading Location	rear & side yard	rear & side yard	rear & side yard
(2) Height Refer to Figure 2.4 (2)				
i	Minimum Overall Height	1 story	1 story	1 story
k	Maximum Overall Height	80'	60'	40'
(3) Uses Refer to Figure 2.6 (2). Refer to 10-13-I Uses for permitted uses.				
n	Ground Stories	retail, service, office		
o	Upper Story	any permitted use		
p	Parking within Building	permitted fully in any basement and in rear of upper floors. Permitted on upper floors		
q	Required Occupied Space	50' deep on all full floors from the front facade		
(4) Street Façade Requirements Refer to Figure 2.6 (3)				
r	Minimum Ground Story Transparency measured between 2' and 8' above ground	50% front and corner side facades only		
s	Minimum Transparency per each Story	15%	15%	15%
Blank Wall Limitations		required per floor (refer to 5.2.4 (2))		
t	Front Façade Entrance Type	storefront	storefront	storefront
u	Principal Entrance Location	front or corner facade	front or corner facade	front or corner facade
Required Number of Street Entrances		1 per each 150' of front facade	1 per each 150' of front facade	1 per each 150' of front facade
Vertical Façade Divisions		every 50' of façade width	every 50' of façade width	every 50' of façade width
Horizontal Façade Divisions		required within 3' of the top of the ground story for all buildings over 2 stories		
(5) Roof Type Requirements Refer to Figure 2.6 (3)				
v	Permitted Roof Types	parapet, flat	parapet, flat	parapet, flat
Tower		permitted	permitted	permitted

#### Notes

- 1 – One double-loaded aisle of parking (maximum width of 72'), located perpendicular to the front property line, which is exempt from front property line coverage
- 2 – Building along Riverdale Road, 1900 West and 5600 South are exempt from Front Build-to Zone requirements, and shall follow setback requirements:
  - a. A 10 foot setback is required on all new development along an Arterial Street
  - b. All setbacks areas must contain either landscape, trees, patio space, or sidewalk space
  - c. Trees, landscaping and other improvements should be used to mitigate the negative impacts from the heavy fast moving traffic
- 3 – As required for Site Plan approval



7) Civic Building.

- a) Description & Intent. The Civic Building is the most flexible Building Type intended only for civic and institutional types of uses. These buildings are distinctive within the urban fabric created by the other Building Types and could be designed as iconic structures. In contrast to most of the other Building Types, a minimum setback line is required instead of a build to zone, though this setback is required to be landscaped. Parking is limited to the rear in most cases.

The minimum and maximum heights of this Building Type depend on the district within which it is located.

- b) Regulations. Regulations for the Civic Building type are defined in the adjacent table.

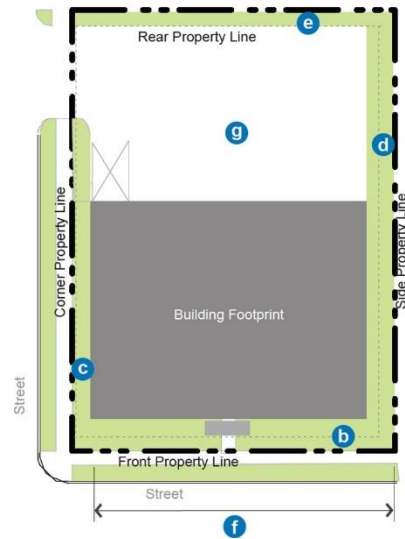


Figure 2.7 (1) Building Siting

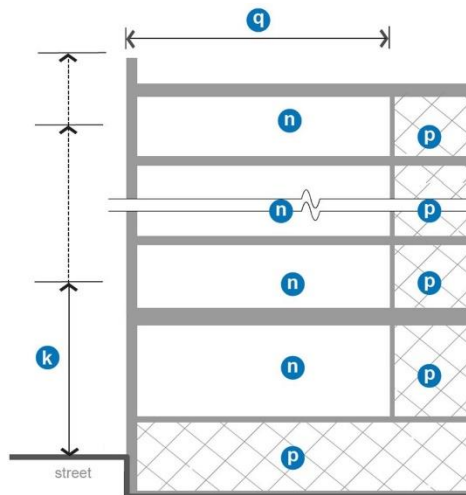


Figure 2.7 (2) Building Height & Use Requirement

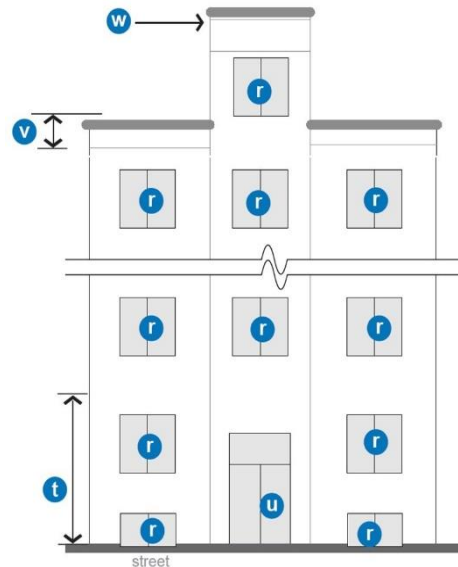


Figure 2.7 (3) Street Façade Requirements



CIVIC		Permitted Districts		
		DT-E	DT-W	DT-G
(1) Building Siting Refer to Figure 2.8 (1)				
Multiple Principal Buildings		permitted	permitted	permitted
Front Property Line Coverage		not required	not required	not required
Occupation of Corner		not required	not required	not required
b	Front Setback	10'	10'	10'
c	Corner Setback	10'	10'	10'
d	Minimum Side Yard Setback	5'	5'	5'
e	Minimum Rear Yard Setback	5'	5'	5'
f	Minimum Lot Width	50'	50'	50'
	Maximum Lot Width	none	none	none
g	Parking & Loading Location	rear	rear	rear & interior side yard <sup>1</sup>
(2) Height Refer to Figure 2.4 (2)				
i	Minimum Overall Height	1 story	1 story	1 story
k	Maximum Overall Height	80'	60'	40'
(3) Uses Refer to Figure 2.8 (2). Refer to 10-13-1 Uses for permitted uses.				
n	All Stories	limited to civic & institutional uses only		
p	Parking within Building	permitted fully in basement and in rear of upper floors.		
q	Required Occupied Space	30' deep on all full floors from the front facade		
(4) Street Façade Requirements Refer to Figure 2.8 (3)				
r	Minimum Transparency per each Story	10%	10%	10%
	Blank Wall Limitations	not required		
t	Front Façade Permitted Entrance Type	arcade, porch, stoop		
u	Principal Entrance Location per Unit	front or corner facade	front or corner facade	front or corner facade
	Required Number of Primary Street Entrances	1 per 100' of facade	1 per 100' of facade	1 per 150' of facade
	Vertical Façade Divisions	not required		
	Horizontal Façade Divisions	not required		
(5) Roof Type Requirements Refer to Figure 2.8 (3)				
v	Permitted Roof Types	parapet, pitched, flat; other roof types are permitted by Conditional Use		
w	Tower	permitted	permitted	permitted

## Notes

1 – Lots wider than 140' are permitted one double-loaded aisle of parking (maximum width of 72'), located perpendicular to the property line, which is exempt from front property line coverage.

- 8) Entrance Types. Entrance type standards apply to the ground story and visible basement of front facades of all Building Types as defined in this Section. Refer to the Building Type Table Requirements, Sections 10-13-2 3) through 10-13-2 8).
- a) General. The following provisions apply to all entrance types.
    - i) Intent. To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each Building Type standard (refer to Building Types 10-13-2 3) through 10-13-2 8)).
    - ii) Applicability. The entire ground story street-facing facade(s) of all buildings shall meet the requirements of at least one of the permitted entrance types, unless otherwise stated.
    - iii) Measuring Transparency. Refer to 10-13-2 2 Explanation of Building Type Table Standards, for information on measuring building transparency.
    - iv) Visible Basements. Visible basements, permitted by entrance type, are optional. The visible basement shall be a maximum of one-half the height of the tallest story.
  - b) Storefront Entrance Type. The Storefront entrance type is a highly transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses (Refer to Figure 2.8 (1)).
    - i) Transparency. Minimum transparency is required per Building Type.
    - ii) Elevation. Storefront elevation shall be between zero and one foot above sidewalk.
    - iii) Visible Basement. A visible basement is not permitted.
    - iv) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.
    - v) Entrance. All entries shall be recessed from the front facade closest to the street.
      - (1) Recess shall be a minimum of three feet and a maximum of eight feet deep, measured from the portion of the front facade closest to the street.
      - (2) When the recess falls behind the front build-to zone, the recess shall be no wider than eight feet.



Figure 2.8 (1) Storefront Entrance Type

- c) Standard Entrance Type. The standard entrance type uses architectural elements to create a highly visible building entrance that is well integrated into the building's overall design (Refer to Figure 2.8 (2)).
  - i) Transparency. Minimum transparency is required per Building Type.
  - ii) Elevation. Entrance elevation shall be between zero and one foot above sidewalk.

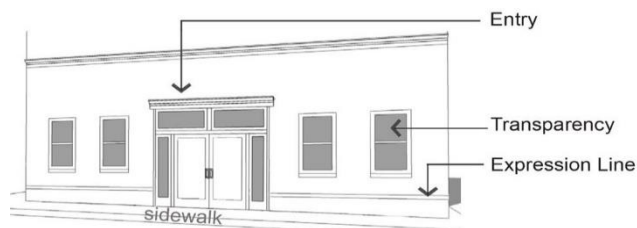


Figure 2.8 (2) Standard Entrance Type

- d) Arcade Entrance Type. An Arcade entrance type is a covered pedestrian walkway within the recess of a ground story (Refer to Figure 2.8 (3)).
  - i) Arcade. An open-air public walkway is required from the face of the building recessed into the building a minimum of eight and a maximum of 15 feet.

- ii) Build-to Zone. When the Arcade is utilized, the outside face of the Arcade shall be considered the front facade, located within the required build-to zone.
- iii) Recessed or Interior Facade. Storefront entrance type is required on the recessed ground story facade.
- iv) Column Spacing. Columns shall be spaced between ten feet and 12 feet on center.
- v) Column Width. Columns shall be a minimum of 1'-8" and a maximum 2'-4" in width.
- vi) Arcade Opening. Opening shall not be flush with interior arcade ceiling and may be arched or straight.
- vii) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.
- viii) Visible Basement. A visible basement is not permitted.

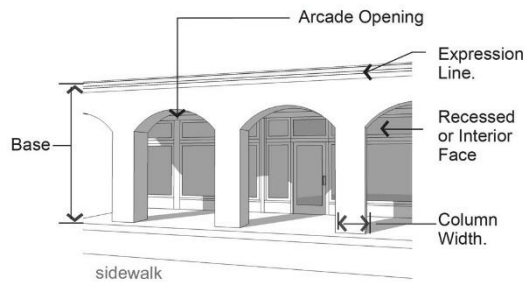


Figure 2.8 (3) Arcade Entrance Type

- e) Stoop Entrance Type. A stoop is an unroofed, open platform (Refer to Figure 2.8 (4)).
  - i) Transparency. Minimum transparency is required per Building Type.
  - ii) Stoop Size. Stoops shall be a minimum of three feet deep and six feet wide.
  - iii) Elevation. Stoop elevation shall be located a maximum of 2'-6" above the sidewalk without visible basement and a maximum of 4'-6" above the sidewalk with a visible basement.
  - iv) Visible Basement. A visible basement is permitted and shall be separated from the ground story by an expression line.
  - v) Entrance. All entries shall be located off a stoop.

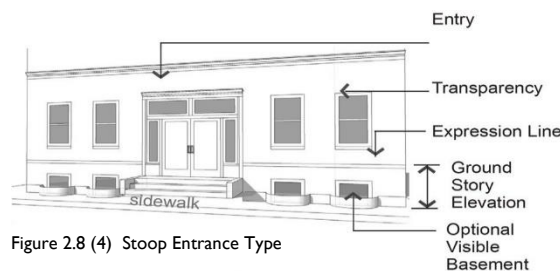


Figure 2.8 (4) Stoop Entrance Type

- f) Porch Entrance Type. A porch is a raised, roofed platform that may or may not be enclosed on all sides (Refer to Figure 2.8 (5)).
  - i) Transparency.
    - (1) Minimum transparency per Building Type is required.
    - (2) If enclosed, a minimum of 40% of the enclosed porch shall be comprised of highly transparent, low reflectance windows.
  - ii) Porch Size. The porch shall be a minimum of five feet deep and eight feet wide.
  - iii) Elevation. Porch elevation shall be located a maximum of 2'-6" above the sidewalk without a visible basement and a maximum of 4'-6" above the sidewalk with a visible basement.
  - iv) Visible Basement. A visible basement is permitted.
  - v) Height. Porch may be two stories to provide a balcony on the second floor
  - vi) Entrance. All entries shall be located off a porch.

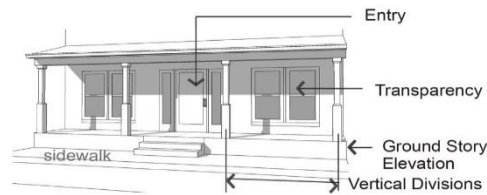


Figure 2.8 (5) Porch Entrance Type

- 9) **Roof Types.** Roof type standards apply to the roof and cap of all Building Types as defined in this Section. Refer to the Building Type Table Requirements, Sections 10-13-2 3) through 10-13-2 8).
- a) **General Provisions.** The following provisions apply to all roof types.
    - i) **Intent.** To guide the design of the cap of all buildings.
    - ii) **Applicability.** All buildings shall meet the requirements of one of the roof types permitted for the Building Type.
    - iii) **Measuring Height.** Refer to Section 10-13-2 2 b for information on measuring building height.
    - iv) **Other Roof Types.** Other building caps not listed as a specific type may be made by a request to the Zoning Administrator with the following requirements:
      - (1) The roof type shall not create additional occupiable space beyond that permitted by the Building Type.
      - (2) The shape of the Roof Type shall be significantly different from those defined in this section 10-13-2 9 Roof Types, i.e. a dome, spire, vault.
      - (3) The building shall warrant a separate status within the community from the fabric of surrounding buildings, with a correspondence between the form of the roof type and the meaning of the building use.
  - b) **Parapet Roof Type.** A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street (Refer to Figure 2.9 (I), Parapet Roof Type).
    - i) **Parapet Height.** Height is measured from the top of the upper story to the top of the parapet.
      - (1) Minimum height is two feet with a maximum height of six feet.
      - (2) The parapet shall be high enough to screen the roof and any roof appurtenances from view of the street(s).
    - ii) **Horizontal Expression Lines.** An expression line shall define the parapet from the upper stories of the building and shall also define the top of the cap.
    - iii) **Occupied Space.** Occupied space shall not be incorporated behind this roof type.

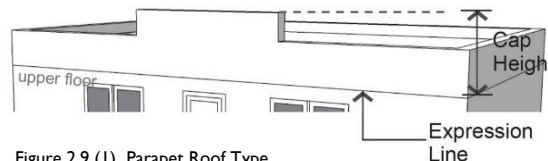


Figure 2.9 (I) Parapet Roof Type

- c) **Pitched Roof Type.** This roof type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run (Refer to Figure 2.9 (2), Pitched Roof Type).
  - i) **Pitch Measure.** The roof may not be sloped less than a 4:12 (rise:run) or more than 16:12.
    - (1) Slopes less than 4:12 are permitted to occur on second story or higher roofs. (Refer to Figure 2.9 (2) Low Pitched Roof).
  - ii) **Configurations.**
    - (1) Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
    - (2) Butterfly roofs (inverted gable roof) are permitted with a maximum height of eight

feet, inclusive of overhang.

- (3) Gambrel and mansard roofs are not permitted.
- iii) Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every 100 feet of roof when the ridge line runs parallel to the front lot line. (Refer to Figure 2.9 (3). Parallel Ridge Line).
- iv) Roof Height. Roofs without occupied space and/or dormers shall have a maximum height on street-facing facades equal to the maximum height permitted for the Building Type.
- v) Occupied Space. Occupied space may be incorporated behind this roof type.

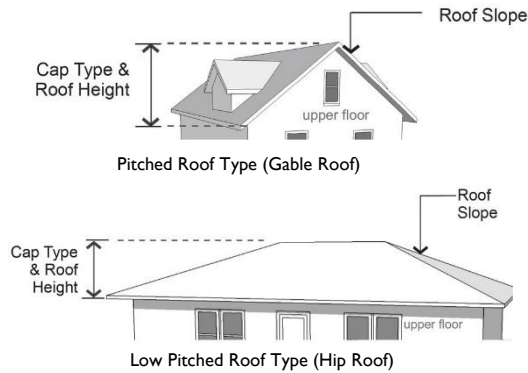


Figure 2.9 (2) Pitched Roof Types

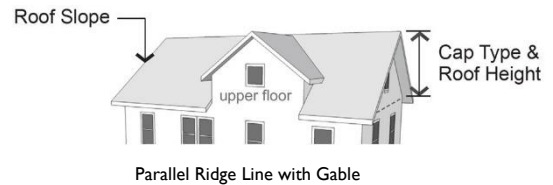


Figure 2.9 (3) Parallel Ridge Type

- d) Flat Roof Type. This roof type has a flat roof with overhanging eaves (Refer to Figure 2.9 (4). Flat Roof Type).
  - i) Configuration. Roofs with no visible slope are acceptable. Eaves are required on all street facing facades.
  - ii) Eave Depth. Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least 14 inches.
  - iii) Eave Thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight inches thick.
  - iv) Interrupting Vertical Walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
    - (1) No more than one-half of the front facade can consist of an interrupting vertical wall.
    - (2) Vertical walls shall extend no more than four feet above the top of the eave.
  - v) Occupied Space. Occupied space shall not be incorporated behind this roof type.



Figure 2.9 (4) Flat Roof Type

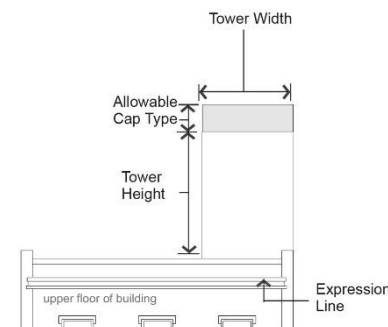


Figure 2.9 (5) Tower

- e) Towers. A tower is a rectilinear or cylindrical, vertical element, that must be used with other roof types (Refer to Figure 2.9 (5). Tower).
  - i) Quantity. All Building Types, with the exception of the Civic Building, are limited to one tower per building.
  - ii) Tower Height. Maximum height, is the same as the maximum allowance within building



- type
  - iii) Tower Width. Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less.
  - iv) Horizontal Expression Lines. An expression line shall define the tower from the upper stories, except on single family or attached house residential Building Types.
  - v) Occupied Space. Towers may be occupied by the same uses allowed in upper stories of the Building Type to which it is applied.
  - vi) Application. May be combined with all other roof types.
  - vii) Tower Cap. The tower may be capped by the parapet, pitched, low pitched, or flat roof types, or the spire may cap the tower.
- 10) 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. Refer to Figures 2.10 (1) - 2.10 (4).



Figure 2.10 (1) Aerospace Design Theme



Figure 2.10 (2) Aerospace Design Theme



Figure 2.10 (3) Aerospace Design Theme



Figure 2.10 (4) Aerospace Design Theme

- 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.
- iii) Roofs. Roofs should be flat, or sloped, as demonstrated in Figures 2.10 (1) - 2.10 (4). If appropriate to the building type, architects should utilize roof features and projections to evoke the aerospace theme.
- iv) Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used on all Building Types with these districts
- a) Windows, Awnings, and Shutters.
  - i) Windows. Percent of transparency is required per Building Type.
  - ii) Awnings. All awnings shall be canvas or metal. Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated. Refer to Figure 2.10 (5).
  - iii) Shutters. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be of high quality materials.



Permitted Awnings: Canvas



Permitted Awnings: Metal



Prohibited Awnings: Plastic

Figure 2.10 (5) Awnings

- b) Balconies. The following applies in all locations where balconies are incorporated into the facade design facing any street or parking lot.
  - i) Connection to Building. Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.
- 11) Additional Design Requirements. The following outlines the district design guidelines that affect a building's appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.
  - a) Building Variety. Building design shall vary between vertical facade divisions, where required per the Building Types, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following. Refer to Figure 2.11 (1) for one illustration of this requirement.



- i) The proportion of recesses and projections.
- ii) The location of the entrance and window placement, unless storefronts are utilized.
- iii) Roof type, plane, or material, unless otherwise stated in the Building Type requirements.



Figure 2.11 (1) Building Variety

#### 10-13-4 Open Space Types:

- I) General Requirements.
  - a) Intent. To provide open space as an amenity that promotes physical and environmental health within the community and to provide each household with access to a variety of active and passive open space types.
  - b) General Requirements. Development of parcels over 5 acres are required to provide 5% of total lot size as civic open space. Developer shall work with the City to determine the appropriate location of open space. For parcels under 5 acres, impact fees and other funding will be used as mechanisms to ensure adequate open space will be provided within each district. All open space shall meet the following requirements.
    - i) All open space provided within any Place Type shall comply with one of the Open Space Types defined by 10-13-3 2 through 10-13-3 6. However, alternate designs can be reviewed and approved by the Planning Commission. Continuous pedestrian walkways and trails may be a component of the Open Space.
    - ii) Access. All Public Open Space types shall provide public access from a vehicular right-of-way.
    - iii) Location. Open Space Types shall be platted as a lot or, with permission of the City, may be located within the right-of-way. Open Space Types shall be zoned with an open space zoning designation or an adjacent zoning designation.
    - iv) Ownership. Open Space Types may either be publicly or privately owned. Certain private open space types not addressed in this section, such as rooftop gardens or internal courtyards may be private, though they do not count toward required open space total.
    - v) Parking Requirements. Parking shall not be required for any Open Space Type, unless a use other than open space is determined by the Zoning Administrator.
    - vi) Continuity. Connections to existing or planned trails or open space types shall be made when the open Space abuts an existing or planned trail right-of-way or other civic open space type.
  - c) Definition of Requirements. The following further explains or defines the requirements included in Tables 3.2 (I) through 3.6 (I) for each Open Space Type. Refer to each table for the specific requirements of each Open Space Type.
    - i) Size.
      - (1) Minimum Size. The minimum size of the Open Space Type is measured within the parcel lines of the property.
      - (2) Maximum Size. The maximum size of the Open Space Type is measured within the

- parcel lines of the property.
- (3) Minimum Dimension. The minimum length or width of the Open Space Type, as measured along the longest two straight lines intersecting at a right angle defining the maximum length and width of the lot. Refer to Figure 3.1 (1).
- ii) 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.
  - iii) Improvements. The following types of development and improvements may be permitted on an Open Space Type.
    - (1) Designated Sports Fields Permitted. Sports fields, ball courts, or structures designated for one or more particular sports including, but not limited to, baseball fields, softball fields, soccer fields, basketball courts, football fields, tennis courts, climbing walls, and skate parks are permitted.
    - (2) Playgrounds Permitted. Playgrounds include a defined area with play structures and equipment.
    - (3) Fully Enclosed Structures Permitted. Fully enclosed structures may include such uses as park offices, maintenance sheds, community centers, and restrooms.
      - (a) Maximum Area. For some civic open space types, fully enclosed structures are permitted, but limited to a maximum building coverage as a percentage of the open space area.
      - (b) Semi-Enclosed Structures. Open-air structures, such as gazebos, are permitted in all open space types.
    - (4) Maximum Percentage of Open Water Body. The maximum amount of area within an Open Space Type that may be covered by an open water body, including, but not limited to, ponds, lakes, and pools.
  - d) Stormwater in Open Space Types. Stormwater management practices, such as storage and retention facilities, may be integrated into Open Space Types and utilized to meet stormwater requirements for surrounding parcels.
    - i) Stormwater Features. Stormwater features in civic open space may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design. Stormwater features shall not be fenced and shall not impede public use of the land they occupy.
    - ii) Qualified Professional. A qualified landscape design professional, such as a landscape architect or certified landscape designer, shall be utilized to incorporate stormwater features into the design of the civic open spaces.

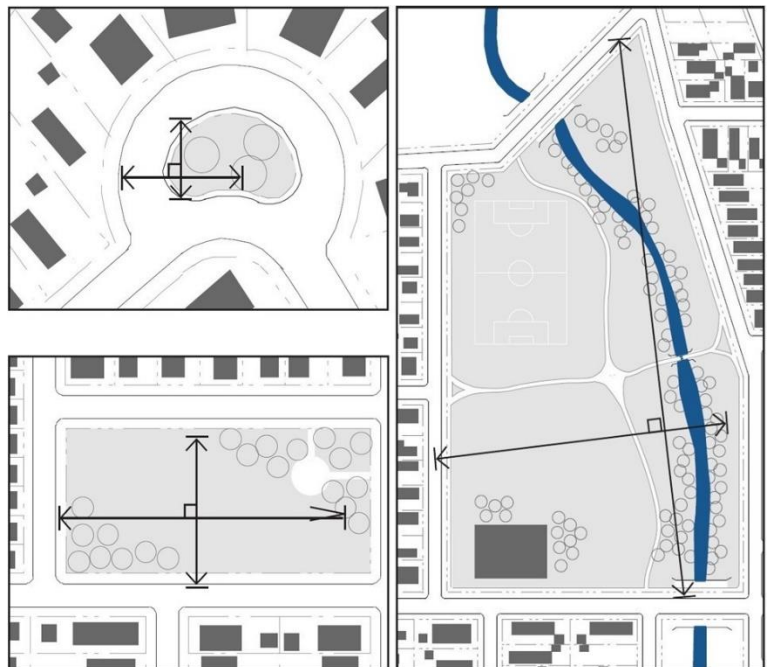


Figure 3.1 (1) Examples of Measuring the Minimum Dimension of Open Space Types

## 2) Plaza.

- a) Intent. To provide a formal Open Space of medium scale to serve as a gathering place for civic, social, and commercial purposes. Special features, such as fountains and public art installations, are encouraged.



Figure 3.2 (I) Typical Plaza Layout.

**b. Plaza Requirements****i) Dimensions**

Minimum Size (acres)	0.25
Maximum Size (acres)	2
Minimum Dimension (feet)	80'
Minimum % of Vehicular ROW Frontage Required	50%; 80% building frontage required on non-street frontage

**ii) Adjacent Parcels**

Permitted Districts	All
Frontage Orientation of Adjacent Parcels	Front or Corner Side

**iii) Improvements**

Designated Sports Fields Permitted	Not permitted
Playground Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted; maximum 5% of area
Maximum % of Open Water	50%

**iv) Additional Design Requirements**

- (1) Minimum Building Frontage. At least 80% of the Plaza's perimeter that does not front on vehicular right-of-way shall be lined by building frontages.
- (2) Fully Enclosed Structures Permitted. Fully enclosed structures are permitted, and are allowed to cover a maximum of 5% of the total area of the Plaza

## 3) Square.

- a) Intent. To provide a formal Open Space of medium scale to serve as a gathering place for civic, social, and commercial purposes. Squares are rectilinear in shape and are typically bordered on all sides by a vehicular right-of-way, which together with building facades creates its definition.



Figure 3.3 (I) Typical Square Layout.

**b. Square Requirements****i) Dimensions**

Minimum Size (acres)	0.25
Maximum Size (acres)	3
Minimum Dimension (feet)	80'
Minimum % of Vehicular ROW Frontage Required	75%

**ii) Adjacent Parcels**

Permitted Districts	All
Frontage Orientation of Adjacent Parcels	Front or Corner Side

**iii) Improvements**

Designated Sports Fields Permitted	Not permitted
Playground Permitted	Not Permitted
Fully Enclosed Structures Permitted	Permitted; maximum 5% of area
Maximum % of Open Water	30%

**iv) Additional Design Requirements**

- (1) Fully Enclosed Structures Permitted. Fully enclosed structures are permitted, and are allowed to cover a maximum of 5% of the total area of the Square

## 4) Green.

- a) Intent. To provide informal, medium scale active or passive recreation for neighborhood residents within walking distance, mainly fronted by streets.



Figure 3.4 (I) Typical Green Layout.

**b. Green Requirements****i) Dimensions**

Minimum Size (acres)	0.50
Maximum Size (acres)	2
Minimum Dimension (feet)	45'
Minimum % of Vehicular ROW Frontage Required	75%; 50% for over 1.25 acres

**ii) Adjacent Parcels**

Permitted Districts	All
Frontage Orientation of Adjacent Parcels	Front or Corner Side

**iii) Improvements**

Designated Sports Fields Permitted	Not permitted
Playground Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum % of Open Water	30%

**iv) Additional Design Requirements**

## 5) Commons.

- a) Intent. To provide an informal, small to medium scale space for active or passive recreation for a limited neighborhood area. Commons are typically internal to a block and tend to serve adjacent residents.



Figure 3.5 (I) Typical Commons Layout.

**b. Commons Requirements****i) Dimensions**

Minimum Size (acres)	0.20
Maximum Size (acres)	1.5
Minimum Dimension (feet)	45'
Minimum % of Vehicular ROW Frontage Required	0%; 2 access points required, minimum width each of 20'

**ii) Adjacent Parcels**

Permitted Districts	All
Frontage Orientation of Adjacent Parcels	Side or Rear

**iii) Improvements**

Designated Sports Fields Permitted	Not permitted
Playground Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum % of Open Water	30%

**iv) Additional Design Requirements**

- (1) Access Points. Commons shall have a minimum of two access points from a vehicular right-of-way. Each access point shall have a minimum width of 20'



- 6) Pocket Park Open Space Type.
- a) Intent. To provide small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance.



Figure 3.6 (1) Typical Pocket Park Layout.

b. Pocket Park Requirements	
i) Dimensions	
Minimum Size (acres)	0.10
Maximum Size (acres)	1
Minimum Dimension (feet)	None
Minimum % of Vehicular ROW Frontage Required	30%
ii) Adjacent Parcels	
Permitted Districts	All
Frontage Orientation of Adjacent Parcels	Any
iii) Improvements	
Designated Sports Fields Permitted	Not permitted
Playground Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum % of Open Water	30%
iv) Additional Design Requirements	

### 10-13-5 Landscaping:

- I) General Requirements.
- a) Intent. The landscape standards outlined in this section are designed to meet the following set of goals.
- To provide for healthy, long-lived street trees within all public ways to improve the appearance of streets and to create a buffer between pedestrian and vehicular travel lanes.
  - To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
  - To promote the prudent use of water and energy resources by achieving and maintaining sustainable, functional landscapes.
  - To shade large expanses of pavement and reduce the urban heat island effect.
- b) Applicability. Landscaping, trees, and buffers shall be installed as detailed in this section.
- General Compliance. Application of this section to existing uses shall occur with the following developments.
    - Any development of new or significant improvements to existing parking lots, loading facilities, and driveways. Significant improvements include new driveways, new spaces, new medians, new loading facilities, or complete reorganization of the parking and aisles.
    - Alteration to an existing principal or accessory structure that results in a change of 30% or more in the structure's gross floor area.
  - Buffers. Landscape buffers are required according to the provisions in this section with the following exceptions.
    - Shared Driveways. Buffers shall not be required along a property line where a curb cut or aisle is shared between two adjoining lots.
    - Points of Access. Buffering is not required at driveways or other points of access to a lot.
  - Temporary Uses. These provisions do not apply to temporary uses, unless determined otherwise by the Zoning Administrator.

## 2) Landscaping Option

Developer has the choice of which of the following two (2) Section they would like to implement:

## SECTION I

- I) 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 10%. 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 has been considered in the landscape design.

## SECTION 2

- I) Installation of Landscape.
  - a) Intent. The following provisions aid in ensuring that all required landscaping is installed and maintained properly.
  - b) Applicability. These provisions apply to landscape installation as required by this section.
  - c) General Installation Requirements. The installation of landscaping shall adhere to the following standards.
    - i) National Standards. Best management practices and procedures according to the nationally accepted standards shall be practiced.
      - (1) Installation. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.
      - (2) Maintenance and Protection. All landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety.
    - ii) Installation. Landscaping shall be fully installed prior to the issuance of a certificate of completeness.
      - (1) If seasonal conditions preclude the complete installation, a cash escrow or irrevocable letter of credit, equal to 1.5 times the installation costs as estimated by a qualified professional.
      - (2) Complete installation is required within nine months of the issuance of the temporary certificate of completeness or occupancy permit or the cash escrow or letter of credit may be forfeited.
  - d) Ground Plane Vegetation. All unpaved areas shall be covered by one of the following.
    - i) Planting Beds.
      - (1) Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
      - (2) Nonliving materials, such as pine straw, colored gravel, or mulch, are permitted for up to 50% of a bed area.
      - (3) Annual beds must be maintained seasonally, replanting as necessary.
    - ii) Grass. Seeded, plugged, or sodded grass may be planted throughout landscaped areas.
      - (1) Grass shall be established within 90 days of planting or the area must be reseeded, replugged, or resodded.
  - e) Tree Installations. Trees planted in the public right-of-way, such as street trees, must be selected from the list of permitted tree types, available from Roy City Parks and Recreation Department.
  - f) Irrigation Systems. Permanent irrigation, beyond establishment, is required and shall adhere to the following standards.



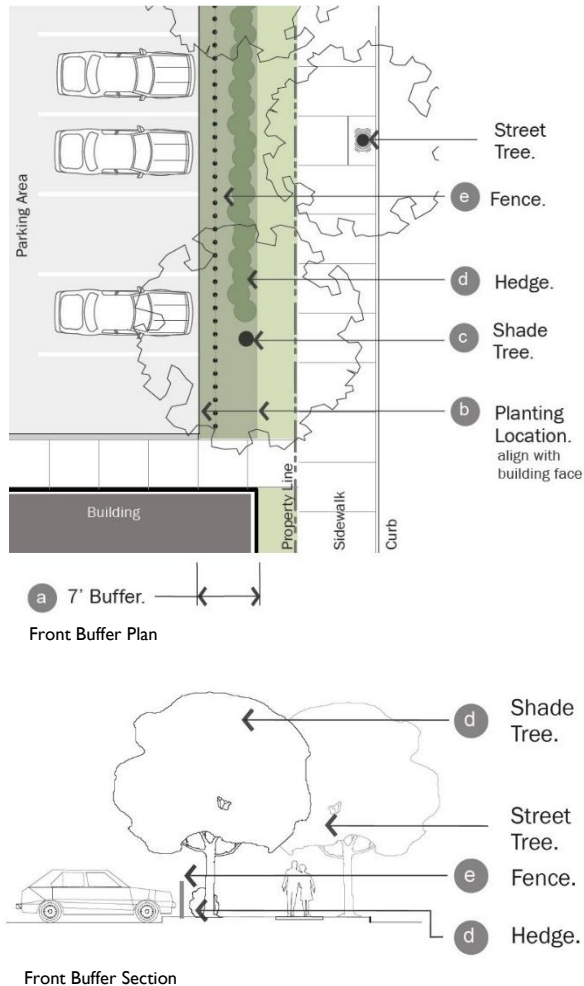
- i) All irrigation systems shall be designed to minimize the use of water.
- ii) Non-residential landscape irrigation shall have an automatic clock-activated permanent system.
- iii) The irrigation system shall provide sufficient coverage to all landscape areas.
- iv) The irrigation system should not spray or irrigate impervious surfaces, including sidewalks, driveways, streets, and parking and loading areas.
- v) All systems shall be equipped with a back-flow prevention device.
- vi) All mechanical systems including controllers and back-flow prevention devices shall be properly screened from public view
- g) Maintenance of Landscape. All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance.
  - i) All required landscape shall be maintained to adhere to all requirements of this ordinance.
  - ii) Replacing Unhealthy Landscaping. Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.
  - iii) Maintenance Responsibility. The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.
  - iv) Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
  - v) Fences and Other Barriers. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.
  - vi) Tree Topping. Tree topping is not permitted. When necessary, crown reduction thinning or pruning is permitted.
  - vii) City Inspection. All landscaped areas regulated by this ordinance may be inspected by the City.

## 2) Frontage Buffer.

## a) Intent &amp; Applicability.

- i) Intent. To lessen the visual impact of vehicular areas visible from the street.
- ii) General Applicability. Applies to properties in all Districts where a vehicular area is located adjacent to a right-of-way.

(I) Exceptions. Vehicular areas along alleys, except when a residential district is located across the alley; Single and two family residences.



Front Buffer Section

Figure 4.4 (I). Frontage Buffer Plan and Section.

## 4.2 Frontage Buffer Requirements

i) Buffer Depth & Location<sup>1</sup>

Depth	7'	a
Location on the Site	Between street facing property line and parking area <sup>2</sup>	b

## ii) Buffer Landscape Requirements

Uses & Materials	Uses and materials other than those indicated	
Shade Trees	Medium or large shade tree required at least every 40'; Locate on the street side of the fence; Spacing should alternate with street trees	c
Hedge	Required continuous hedge on street side of fence, between shade trees & in front of vehicular areas.	d
Hedge Composition	Individual shrubs with a minimum width of 24", spaced no more than 36" on center, height maintained no more than 42"	
Existing Vegetation	May be credited towards buffer area	

## iii) Fence

Location	2' from back of curb of vehicular area	e
Materials	Steel or colored PVC; Masonry columns (maximum width 2'6") and base (maximum 18" height) permitted	
Minimum Height	3'	
Maximum Height	4'	
Colors	Black, gray, or dark green	
Opacity	Minimum 30%; Maximum 60%	
Gate/Opening	One gate permitted per street frontage; Opening width maximum 6'	

## Notes

- 1 – This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk
- 2 – In front, corner, and rear yards (on a through lot), when the parking area is located adjacent to any building on the lot, the buffer must be located so that it aligns with or is behind the face of the adjacent building back to the vehicular area. The area between the buffer and the property line must be landscaped.

## 3) Side &amp; Rear Buffer.

## a) Intent &amp; Applicability.

- i) Intent. To minimize the impact of new development on existing single family residential neighborhoods.
- ii) General Applicability. Any parcel that abuts a parcel containing an existing single family residence.

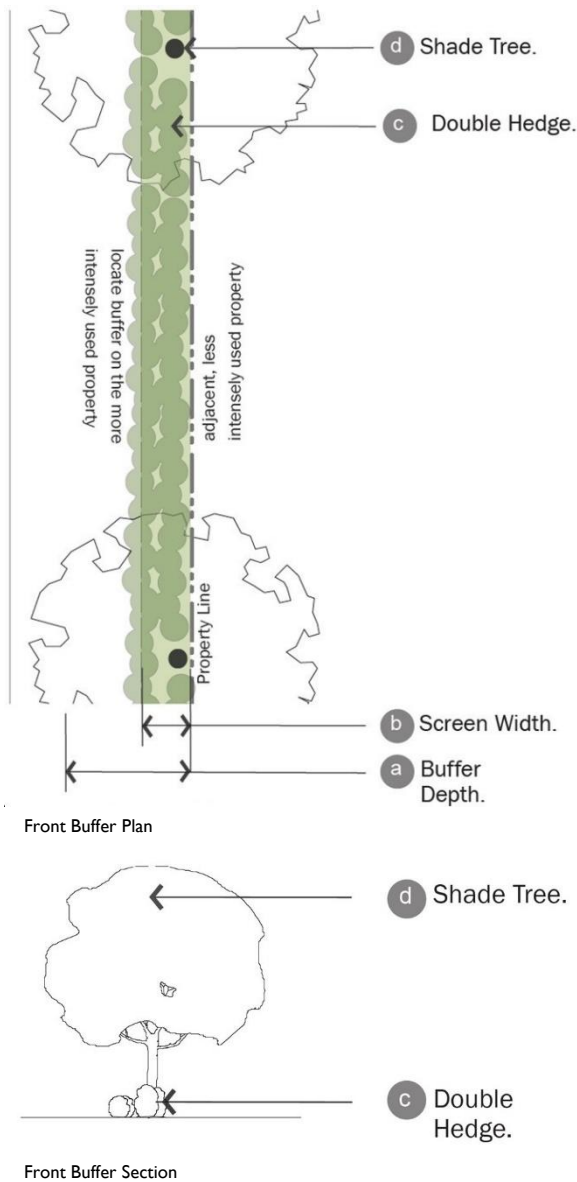


Figure 4.4 (1). Frontage Buffer Plan and Section.

## 4.3 Side &amp; Rear Buffer Requirements

## i) Buffer Depth &amp; Location

Depth	10'	(a)
Location on the Site	Buffer is measured from side and rear property lines.	

## ii) Required Landscape Screen

Width	5' landscape screen in addition to any other buffer landscaping	(b)
Location	Directly adjacent to the rear or side property line	
Hedge	Continuous double row shrubs required between shade trees	
Hedge Composition	Double row of individual shrubs with a minimum width of 24", spaced no more than 36" on center, Mature height in one year of 24"	(c)
Hedge Frequency	Minimum of 15 shrubs per 100' of property line is required	
Shade Trees	At least 1 medium or large shade tree per every 40' within the buffer	(d)

## iii) Fence

Uses and Materials	Uses and materials other than those indicated in table 4.2 are prohibited with the buffer	
Tree Canopy Coverage	1 medium or large shade tree required per 2,000 sq.-ft. of buffer, excluding the area within the required landscape screen	
Existing Vegetation	May be credited towards buffer area	

## Notes

- I – Planning Commission may reduce width of buffer, width of landscape screen, or location of landscape screen based on existing landscaping and topography

## 4) Interior Parking Lot Landscape.

## a) Intent &amp; Applicability.

- i) Intent. To provide shade, minimize paving & associated stormwater runoff, & improve the aesthetic look of parking lots.
- ii) General Applicability. All open-air, off-street parking lots in all Districts.
- iii) Other Internal Parking Lot Areas. Internal areas not dedicated to parking or drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650' thereafter.
- iv) Existing Vegetation. Existing vegetation may be credited toward these requirements.

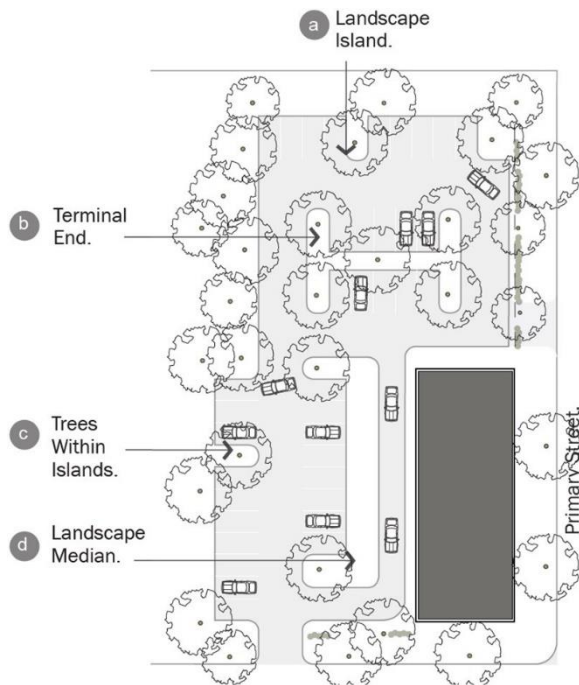


Figure 4.6 (1). Interior Parking Lot Landscaping.

Tree Size	Estimated Canopy at Maturity (sq.-ft.)	Estimated Height at Maturity (ft.)
Very Small	150	under 15'
Small	400	15' – 25'
Medium	900	25' – 40'
Large	1,600	40' +

Table 4.6 (1). Estimated Canopy and Height at Maturity

## 4.4 Interior Parking Lot Landscaping Requirements

## i) Landscape Island Requirements

Required Island Locations	Terminal ends <sup>3</sup> of free standing rows or bays of parking; After every nine parking space for rows of parking greater than 8 spaces in length <sup>2</sup>	a
Minimum Width	5'; Islands less than 15' must utilize structural soil under any paved surface within a tree's critical root zone; Islands under 9' must install an aeration system and utilize permeable pavement	b
Require Trees Within Islands	Minimum of 1 medium or large shade tree per island	c

## ii) Buffer Landscape Requirements

Required Median Location	Required in each free-standing bay of parking along the length of the bay	d
Minimum Width	5" Medians less than 15' must utilize structural soil under any paved surface within a tree's critical root zone; Islands under 9' must install an aeration system and utilize permeable pavement	

## iii) Tree Requirements

Requirements per Parking Space <sup>4</sup>	Each parking space must be located within 50' of a tree planted within parking lot interior Minimum of 1 shade tree must be planted within parking lot interior of within 4' of parking lot's edge for every 3 parking spaces
Tree Shade Goal	Within 20 years of tree installation, 30% of the interior of the parking lot should be shaded by tree canopy. Refer to Table 4.6 (1) for calculations

## Notes

- 1 – Parking lot interior is defined as the area dedicated to parking on a given parcel as measured from edge of pavement to edge of pavement
- 2 – Freestanding row or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.
- 3 – There shall be no more than 8 continuous parking spaces in a row without a landscape island
- 4 – Trees within a designed buffer area may not be utilized to meet these requirements.

- 5) Screening of Open Storage, Refuse Areas, and Utility Appurtenances.
- a) Intent & Applicability.
    - i) Intent. To reduce the visibility of open storage, refuse areas, and utility appurtenances from public areas and adjacent properties.
    - ii) General Applicability. All dumpsters, open storage, refuse areas, and utility appurtenances in all Districts.

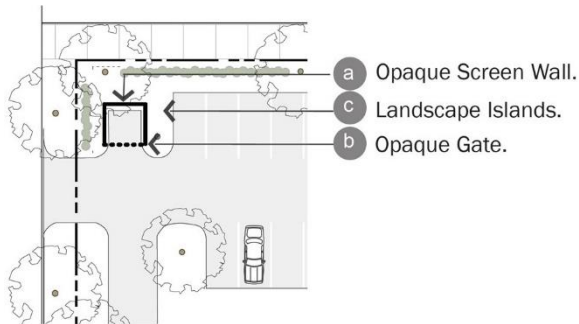


Figure 4.7 (1). Screening of Open Storage & Refuse Areas.

#### 4.5 Screening of Open Storage, Refuse Areas & Utility Appurtenances

##### i) Open Storage & Refuse Area Screening Requirements

Location on the Site	Not permitted in front or corner side yards
Opaque Screen Wall <sup>1</sup>	Required around 3 sides of the dumpster and trash bin area <b>(a)</b>
Screen Wall Height	Height shall be the higher of the following: <ol style="list-style-type: none"> <li>1. 6'</li> <li>2. Height of use to be screened</li> <li>3. Height as determined by City to accomplish objective of the screen</li> </ol>
Visible Openings	Openings visible from the public way or adjacent properties must be furnished with opaque gates. <b>(b)</b>
Landscape requirements	If refuse area is located within larger paved area, such as parking lot, landscape islands must be located on 3 sides of the area, with at least 1 medium or large shade tree in a least 1 of the landscape areas <sup>2</sup> <b>(c)</b>

##### ii) Utility Appurtenance Screening Requirements

Large Private Mechanical Equipment <sup>3</sup>	Shall be fenced with opaque wood or brick-faced masonry on all sides facing right-of-way
Small Private Mechanical Equipment <sup>4</sup>	Shall have landscape screening and a shrub bed containing shrubs spaced no more than 36" on center

##### Notes

- 1 – Vertical structured barrier to visibility at all times such as a fence or wall
- 2 – This tree, if located within 50' of a parking space, may be utilized to meet the minimum shade requirements
- 3 – Large private mechanical equipment is equal to or greater than 4' in height
- 4 – Small private mechanical equipment is equal to or smaller than 4' in height

10-13-6      **Parking:**

- I) General Requirements.
  - a) Intent. The following provisions are established to accomplish the following:
    - i) Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.
    - ii) Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning districts.
    - iii) Provide specifications for vehicular site access.
- 2) Parking Requirements.
  - a) General Requirements for Parking. Off-street parking spaces shall be provided in conformance with Tables 5.2 (1) Required Vehicular Parking and 5.2 (2) Bicycle Parking.
    - i) Required Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state Accessibility Code, including quantity, size, location, and accessibility.
    - ii) Requirements for Unlisted Uses. Upon receiving a site plan approval, occupancy certificate, or other permit application for a use not specifically addressed in this section, the Zoning Administrator is authorized to apply off-street parking standards specified for the Use deemed most similar to the proposed Use. In instances where an equivalent may not be clearly determined, the Zoning Administrator may require the applicant to submit a parking study or other evidence that will help determine the appropriate requirements.
    - iii) Private Off-Premises Parking. Where private off-site parking facilities are approved, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory
      - (1) Such possession may be either by deed or lease, guaranteeing availability of the parking commensurate with the use served by the parking.
      - (2) The agreement providing for the use of off-site parking, executed by the parties involved, shall be in a form approved by the City Attorney and filed with the Zoning Administrator.
      - (3) The deed or lease shall require the owner to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.
      - (4) Location Parking. Any off-premise parking must be within 660 feet from the entrance of the use to the closest parking space measured along a dedicated pedestrian path.
  - b) Required Vehicular and Bicycle Parking. Tables 5.2 (1) and (2) outline the required vehicular and bicycle parking requirements.
    - i) Organized by Use. The parking requirements are organized by use, in a similar fashion to Table I.1 (1) Use Table in 10-13-1 Uses.
      - (1) Parking rates are provided for general use categories; these numbers are applicable for all of the uses within these categories.
      - (2) If a specific use requires a different parking rate than its use category, it is also listed in Tables 5.2 (1) and 5.2 (2) Required Vehicular and Bicycle Parking.
    - ii) Vehicular Spaces Required. The vehicular spaces required column indicates the required off-street parking ratio, which may be subject to credits and other reductions and a maximum number, as are detailed in this section.
    - iii) Maximum Allowable Vehicular Spaces. When a use requires more than 20 spaces, it is not permitted to provide greater than 25% over the minimum parking requirement.
      - (1) For those uses with no requirements, the maximum number of spaces required should be no more than the next level up of that use. For example, for Neighborhood Retail, the number of spaces should be no more than the requirements for General Retail.

Use	Required Vehicle Space
<b>Residential</b>	
Single-Family, all sizes, or Multi-family 1 Bedroom	1 / Dwelling Unit
Multi-family, 2 Bedrooms	1.5 / Dwelling Unit
Multi-family, 3 or 3+ Bedrooms	2 / Dwelling Unit
Hotel & Inn	1 / Room & 1 / 200 sq.-ft. Office and Dining Room
Residential Care	.33 / Unit & .66 / Employee
<b>Civic Institutional</b>	
Assembly	1 / 5 Seats
Transit Station	Per Zoning Administrator
Hospital	.20 / Bed & .66 / Employee
Library / Museum / Post Office (no distribution)	1 / 600 sq.-ft.
Police & Fire	Per Zoning Administrator
Post Office (distribution)	1 / 400 sq.-ft.
School: pre K to Jr. High	1 / Classroom & 1 / 200 sq.-ft. Office
School: High School, Higher Education	1 / Classroom, 1 / 200 sq.-ft. Office & .17 / Student

Use	Required Vehicle Space
<b>Retail</b>	
Neighborhood Retail	1 / 300 sq.-ft.
General Retail	1 / 300 sq.-ft.
Outdoor Sales Lot	1 / 250 sq.-ft. of Sales Area, with 1 / 10 Vehicle Display
<b>Service</b>	
Neighborhood Service	1 / 250 sq.-ft.
General Service	1 / 250 sq.-ft.
Eating & Drinking Establishments	1 / 3 seats + 1 / 3 employees
Vehicle Services	2 / Service Bay & 1 / 200 sq.-ft. of retail
<b>Office &amp; Industrial</b>	
Neighborhood, General Office	1 / 200 sq.-ft.
Craftsman Industrial	1 / 1,000 sq.-ft. of Production Space & 1 / 500 sq.-ft. of Retail Space
<b>Open Space &amp; Recreation</b>	
Open Space & Recreation	Per Zoning Administrator

Table 5.2 (1). Required Off-Street Vehicular Parking

- iv) **Required Bicycle Parking.** The Required Bicycle Parking Table 5.2 (2) indicates the minimum bicycle parking ratio for a given use.

Use	Bicycle Spaces
Multi-family	Minimum 2 spaces or .05 spaces / bedroom, whichever is greater
Civic / Institutional	Minimum 2 spaces, 1 / additional 10,000 sf
Retail	Minimum 2 spaces, 1 / additional 5,000 sf
Services	Minimum 2 spaces, 1 / additional 5,000 sf
Office	Minimum 2 spaces, 1 / additional 10,000 sf
Open Space	Per Zoning Administrator

Table 5.2 (2). Required Bicycle Parking.

- v) **Computation.** Off-street parking spaces shall be calculated using the following information.
- (1) **Area Measurements.** The following units of measurements shall be utilized to calculate parking requirements.
    - (a) **Dwelling Unit.** Parking standards for residential buildings shall be computed using dwelling unit as the unit of measure, unless otherwise stated.
    - (b) **Gross Square Footage.** Unless otherwise expressly stated, parking standards for non-residential Uses shall be computed on the basis of gross floor area in square feet.
    - (c) **Occupancy- or Capacity-Based Measurements.** Parking spaces required per available seat or per employee, student, or occupant shall be based on the greatest number of persons on the largest shift, the maximum number of students enrolled, or the maximum fire-rated capacity, whichever measurement is applicable.
    - (d) **Bench Seating.** For uses in which users occupy benches, pews, or other similar seating facilities, each 24 inches of such seating shall be counted as one seat.
  - (2) **Fractions.** When computation of the number of required off-street parking spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
  - (3) **Multiple Uses on a Lot.** When there are multiple uses on a lot, required spaces shall be calculated as an amount equal to the total requirements for all uses on the lot,



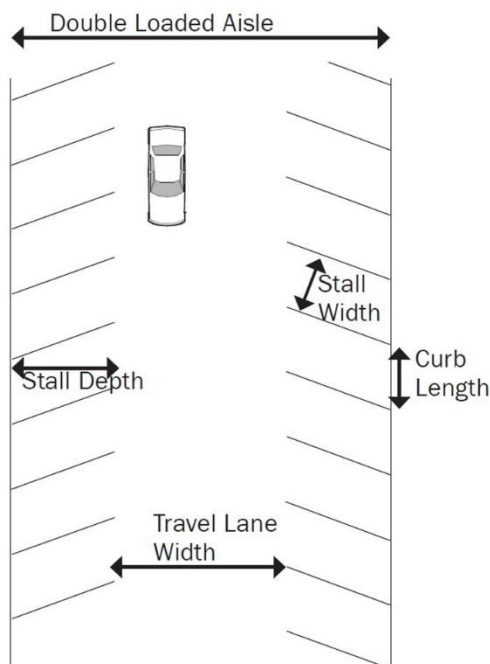
unless the uses qualify for shared, cooperative, or other credits to reduce parking. Refer to 5.2 (3).

Use Category	Weekdays			Weekends		
	Midnight to 7:00 am	7:00 am to 6:00 pm	6:00 pm to Midnight	Midnight to 7:00 am	7:00 am to 6:00 pm	6:00 pm to Midnight
Residential	100%	50%	80%	100%	80%	80%
Retail & Service	5%	100%	80%	5%	100%	60%
Hotel & Inn	100%	65%	100%	100%	65%	100%
Place of Worship	0%	30%	50%	5%	100%	75%
Eating & Drinking Establishment	50%	70%	100%	70%	60%	100%
Office	5%	100%	5%	5%	5%	5%
Theater / Entertainment	5%	30%	100%	5%	80%	100%

Table 5.2 (3). Cooperative or Shared Vehicular Parking Spaces

- c) **Multiple Use Reductions.** The following reductions may be taken for multiple non-residential uses.
- i) **Shared Vehicular Parking.** An arrangement in which two or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements.
    - (1) **General Provisions.** Through review of the site plan the Zoning Administrator may permit up to 100% of the parking required for a daytime use to be supplied by the off-street parking spaces provided for a nighttime or Sunday use and vice versa.
    - (2) **Approval.** In order to approve a shared parking arrangement, the Zoning Administrator must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
    - (3) **Description of Uses with Weekday, Nighttime, and Sunday Peak Parking.**
      - (a) The following uses are considered predominantly weekday uses: office and industrial uses and other similar uses as authorized by the Zoning Administrator.
      - (b) The following uses are typically considered predominantly nighttime or Sunday uses: eating and drinking establishments, assembly uses, and other similar uses with peak activity at night or on Sundays, as authorized by the Zoning Administrator.
  - ii) **Cooperative Vehicular Parking.** When two or more categories of non-single family residential uses share a parking lot and are located on the same lot or adjacent lots, the following applies:
    - (1) **General Provisions.** Cooperative parking will be approved in accordance with the following. Refer to Table 5.2 (3).
    - (2) For each applicable land use category, calculate the number of spaces required as if it were the only use. Refer to Table 5.2 (1).
    - (3) Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in Table 5.2 (3). This table establishes six time periods per use.
    - (4) For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.
    - (5) Select the time period with the highest total parking requirement and use that as the total number of parking spaces required and use that as the total number of parking spaces required for the site on a share parking basis.
  - iii) **Uses in Different Buildings.** Through review of the site plan the Zoning Administrator may approve the cooperative agreement if any of the uses are not located in the same structure or building.
  - iv) **Location of Cooperative Parking.** Any cooperative parking must be within 660 feet for Commercial and 220' for Residential from the entrance of the use to the closest parking

- space within the cooperative parking lot, measured along a dedicated pedestrian path.
- v) **Off-Site Cooperative Parking Agreement.** An agreement approved by the City Attorney providing for cooperative use of off-site parking spaces, executed by the parties involved, shall be reviewed by the Zoning Administrator during review of the site plan.
    - (1) Off-site cooperative parking arrangements shall continue in effect only as long as the agreement remains in force.
    - (2) If the agreement is no longer in force, then parking must be provided as otherwise required in this section.
- 3) **Parking Design Standards.**
- a) **Vehicular Off-Street Parking Lots.** The design or redesign of all off-street parking facilities shall be subject to the site plan approval procedure.
  - i) **Vehicular Parking Space Dimensions.** The appropriate dimensions for parking spaces are outlined in Table 5.3 (1) Parking Space Dimensions and Figure 5.3 (1) Parking Lot Layout.
    - (1) The width of a parking space shall be measured from the center of a stripe.
    - (2) Each space shall have a vertical clearance of at least seven feet.



Angle (degrees)	Curb Length (feet)	Stall Width (feet)	Stall Depth (feet)	Travel Lane Width One-Way (feet)	Travel Lane Width Two-Way (feet)
0	24	8.5	-	12	20
45	12.75	9	13.5	13	20
60	10.5	9	18.25	18	20
90	9	9	20	24	22

**Note**

1 – Stall depth may be reduced 2' when a stall directly abuts an interior parking lot median that includes an additional area beyond the minimum width, permitting the overhang of the adjacent parked vehicle's front bumper

Table 5.3 (1). Parking Space Dimensions

Figure 5.3 (1). Parking Lot Layout

- ii) **Wheel Stops.** Install wheel stops or bumper guards when parking is adjacent to a pedestrian pathway to limit vehicle overhang that reduces the sidewalk width. Such stops or guards shall be properly anchored or secured.
- iii) **Location of Parking.** Refer to 10-13-2 Building Type Standards for information on the location of parking facilities.
- iv) **Access.** All off-street parking and loading facilities shall open directly onto an aisle, alley, or driveway designed to provide safe access to such facilities. Exceptions include:
  - (1) **Parking Lifts.** The lift exit shall meet the access requirement.
- v) **Edge of Lot and Drives.** All curb and gutter shall be located a minimum of 3 feet from any adjacent property line or right-of-way.
- vi) **Slopes.** All parking and driveway or sidewalk access shall meet the requirements of the Utah Accessibility Code.
- vii) **Landscape Screening.** All parking areas shall meet the requirements of in 10-13-4 Landscape Standards.
- viii) **Landscape Areas.** Areas not used specifically for sidewalks, parking spaces, driving aisles, loading, or refuse shall not be paved. Areas striped with diagonal striped islands are not permitted.

- ix) **Pavement Construction.** All parking and driveways shall be constructed using asphalt, concrete, pavers, or other semi-pervious material approved by the Zoning Administrator.
- x) **Illumination.** All off-street parking lots or parking structures shall provide a level of illumination at any point in the parking lot or structure not less than one foot-candle measured at the pavement. All lighting shall be shielded or otherwise optically controlled to provide glare-less illumination and limit trespass on adjacent properties.
- b) **Pedestrian Access.** All parking lots with two or more double-loaded aisles shall provide internal pedestrian pathway(s) within the parking area and outside of the parking drive aisle.
  - i) **Dimension.** The pathway shall be a minimum of six feet in width.
  - ii) **Quantity.** One pathway is required for every three double loaded aisles.
  - iii) **Location.** The pathway shall be centrally located within the parking area to serve a maximum number of parking stalls.
    - (1) Pathways shall provide direct connections to the principal structure(s) entrances from the spaces furthest from the entrance.
    - (2) At least one pathway shall provide a direct connection between adjacent vehicular rights-of-way and/or trails and the principal structure's entrance.
  - iv) **Pathway Delineation.** Pedestrian pathways should be clearly marked with striping or through the use of alternative materials, such as pavers. Refer to Figure 5.3 (2).

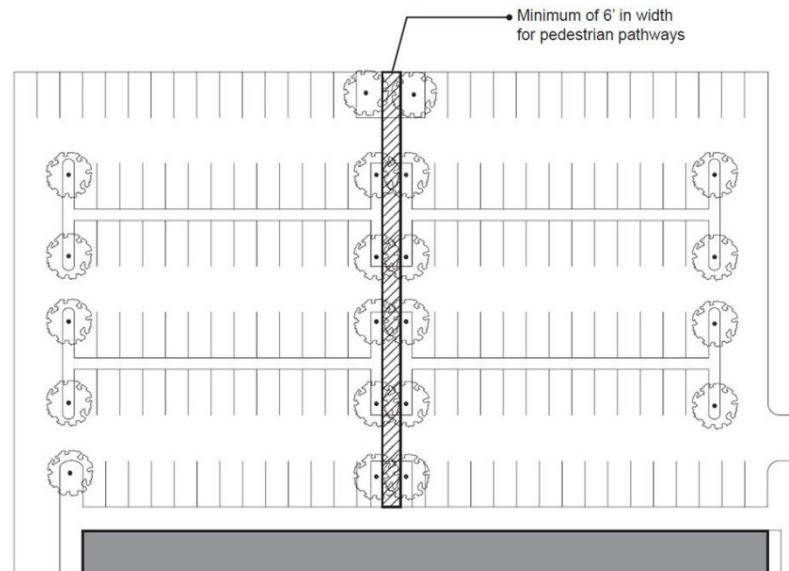


Figure 5.3 (2). Parking Lot Pedestrian Walkway

- c) **Bicycle Parking Design.** Bicycle parking (refer to Table 5.2 (2) Required Bicycle Parking for quantity required) shall be designed and located as follows.
  - i) **Dimensions.**
    - (1) Required bicycle parking spaces shall have minimum dimensions of two feet in width and six feet in length.
    - (2) An aisle a minimum of five feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.
    - (3) A minimum of two feet shall be provided beside each parked bicycle to allow access. This access may be shared by adjacent bicycles.
    - (4) Racks shall be installed a minimum of two feet from any wall or other obstruction.
  - ii) **Location.** Bicycle parking should be located within 50 feet of the entrance of the use.
    - (1) Indoor or outdoor spaces are permitted, provided they are located on the lot with which they are associated.
    - (2) Spaces located within individual dwelling units may not be counted toward bicycle parking requirements.
  - iii) **Bicycle parking facilities** shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade

- separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- iv) Racks and Structures. Racks and structures shall be provided for each unprotected parking space, and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points.
  - v) Signage. If required bicycle parking for public use is not visible from the street, signs must be posted indicating their location.
  - vi) Long Term Parking. For multifamily residential uses, half of the bicycle parking spaces should be provided as long term parking, and protected from the elements.
- 4) Loading Requirements.
- a) General Requirements. All loading facilities shall adhere to the following requirements, unless otherwise approved during Site Plan Approval
    - i) Use of Off-Street Loading Areas. Space allocated to any off-street loading use shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
    - ii) Location. Unless otherwise specified, all required loading facilities shall be located on the same lot as the use to be served. No loading space shall block or project into a street, alley, access drive, or parking area.
    - iii) Building Frontage. Loading facilities shall be located per 10-13-2 Building Type requirements.
    - iv) Access. Loading facilities shall have clear access onto an alley or be connected to an alley or street via a driveway.
      - (1) Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
  - b) Loading Requirements. All uses except in the residential & lodging, open space, and civic & institutional categories shall provide off-street loading spaces in compliance with Table 5.4
    - (1) Required Loading Facilities.

Gross Floor Area (sq.-ft.)	Loading Spaces Required
Under 5,000	0
5,000 to 20,000	1
20,001 to 40,000	2
40,001 to 70,000	3
70,001 to 100,000	4
100,001 above	4 + 1 for each 100,000 over 100,001

Table 5.4 (1). Required Loading Facilities

- c) Computation. Loading facilities shall be calculated using the following information.
  - i) Gross Square Footage. Unless otherwise expressly stated, loading standards for non-residential buildings shall be computed on the basis of gross floor area in square feet.
  - ii) Fractions. When computation of the number of required off-street loading spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
  - iii) Shared or Central Loading Facilities. Shared or central loading facilities are permitted if the following conditions are met.
    - (1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys.
    - (2) Total off-street loading spaces provided shall meet the minimum requirements herein specified, based on the sum of the several types of uses served unless reviewed and approved by the Zoning Administrator through site plan review.
    - (3) No zoning lot served shall be more than 500 feet from the central loading area.
- d) Dimensions. A standard off-street loading space shall be a minimum of ten feet in width by

26 feet in length and an oversized loading space shall be a minimum of 12 feet in width and 40 feet in length, exclusive of aisle and maneuvering space and shall have a minimum vertical clearance of 15 feet.

5) Site Access and Driveways.

- a) General Requirements. These standards shall supplement the provisions for access provided in 5.0 Building Type Standards. Each driveway providing site access from a street, alley, or other vehicular right-of-way shall be designed, constructed, and permanently maintained as follows.
- b) Quantity of Driveways. The number of driveways permitted for each Building Type is located in 5.0 Building Type Standards.
- c) Dimensions and Design.
  - i) Driveway Width at Property Line. All driveways shall have a maximum width of 24 feet as measured at the property line (Figure 5.5 (I) Driveway Width) except as stated below.
    - (I) Maximum width for one-way driveways is 12 feet at the property line.
  - ii) Maximum Width. When a garage door is located on the front facade of the structure, the driveway shall be no more than two feet wider than the garage door at any location.
  - iii) Shared Access. When possible, adjacent developments should share points of access to minimize impervious surface.
    - (I) Shared Driveway Width. When access is shared between three or more non-residential users, a dedicated turn lane may be constructed, allowing an increase in the maximum driveway width from 24 feet to 32 feet provided that a traffic impact study states its necessity.
  - iv) Sidewalk Pavement. Sidewalk pavement elevation, width, design, scoring, material, and design shall extend continuously over the driveway pavement with the intent of prioritizing the sidewalk path over the driveway. If the driveway and sidewalk are of the same material, the sidewalk path shall be scored or designated linearly over the driveway.
- d) Location. Specific location information can be found in 10-13-2 Building Type Standards. Refer to Figure 5.5 (I)
- i) Driveways accessing rear yard garages are permitted within the side or rear yard setback, no closer than two feet from a side or rear property line, unless the driveway is shared.
- ii) Driveways shall not be within the 40' sight triangle of an intersection of two streets (corner), unless otherwise stated in 5.0 Building Type Standards.

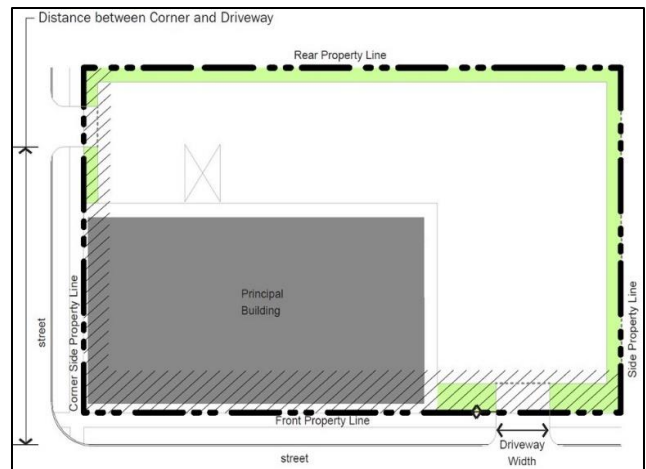


Figure 5.5 (I). Driveway Width and Location

## 10-17-1 Table of Uses:

TABLE 17-2 - TABLE OF ALLOWED USES - NON-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.

CC = Community Commercial

~~RC = Regional Commercial~~

LM = Light Manufacturing

M = Manufacturing

BP = Business Park

R = Recreational

**MU = Mixed Use (see Chapter of this Title)**

USE	CC	<del>RC</del>	LM	M	BP	R
<u>Accessory Building.</u> 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.	P	<del>P</del>	P	P	P	P
<u>Accessory Caretaker Dwelling Unit.</u> An attached or detached dwelling unit for an employee or owner and incidental and clearly subordinate (NO MORE THAN 40%) to an existing primary building or use and located on the same lot as the primary building or use.	X	<del>P</del>	P	P	P	P
<u>Accessory Use.</u> A use clearly incidental and subordinate to the existing primary use and customarily found in connection with the primary use and located on the same lot or in the same building as the primary use.	P	<del>P</del>	P	P	P	P
<u>Adult Arcade.</u> Any place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas. An Adult Arcade shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	<del>X</del>	X	P	X	X
<u>Adult Bookstore, Adult Novelty Store, Adult Video Store.</u> A commercial establishment which has significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space to the sale or rental, for any form of consideration, of any one or more of the following: A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas; B. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others. Adult Bookstores, Adult Novelty Stores, and Adult Video Stores shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	<del>X</del>	X	P	X	X
<u>Adult Cabaret.</u> A nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: A. Persons who appear seminude; B. Live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities; or C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas. An Adult Cabaret shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	<del>X</del>	X	P	X	X



USE	CC	RG	LM	M	BP	R
<u>Adult Motel.</u> A motel, hotel or similar commercial establishment which: A. Offers public accommodations, for any form of consideration, and which regularly provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas and which regularly advertises the availability of such material by means of a sign visible from the public right of way, or by means of any off premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; and B. Offers a sleeping room for rent for a period of time less than ten (10) hours. An Adult Motel shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	✗	X	P	X	X
<u>Adult Motion Picture Theater.</u> A commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration. An Adult Motion Picture Theater shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	✗	X	P	X	X
<u>Adult Theater.</u> Theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in state of semi nudity or live performances which are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities. An Adult Theater shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	✗	X	P	X	X
<u>Adult - Seminude Model Studio.</u> Any place where a person, who regularly appears in a state of semi nudity, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, except as may be allowed by Title 3-7 et. seq. Roy City Municipal Code.	X	✗	X	P	X	X
<u>Animal Hospital (Veterinary Clinic), With Holding Facilities.</u> A facility for the diagnosis, treatment, hospitalization, and boarding of animals that does not include outdoor holding facilities But which may include indoor holding and boarding facilities.	P	P	P	P	X	X
<u>Assisted Living Facility.</u> Commonly referred to as "residential care", "assistive living" or "personal care community". A residential facility with common area in which services are available to residents who may still live independently within the facility itself. Help is generally offered in day-to-day tasks such as taking medicine, bathing, dressing, using the bathroom, getting to appointments, or preparing meals. A variety of services and amenities such as dining room service, group outings, and recreational and social programs are usually available. This definition shall not include any facility which meets the definition of a "Residential Facility for Elderly Persons" or "Residential Facility for Persons with a Disability".	P	P	X	X	P	X
<u>Bank, Credit Union or other Financial Institution.</u> A financial company or corporation providing the extension of credit, and the custody, loan or exchange of money.	P	P	X	X	P	X
<u>Billboard.</u> A freestanding sign designed or intended to direct attention to a business, product, or service that is not provided, sold, offered, or existing on the property where the sign is located.	X	✗	X	X	X	X
<u>Cannabis Production Establishments.</u> Cannabis Production Establishments may not be located closer than six hundred (600) feet to any residential zone and one thousand (1,000) feet from any community location. Shall be conducted within an enclosed building and be designed to filter inside air exchanges the outside through air filter systems that remove odors before exiting the building.	N	N	N	P	N	N
<u>Car Wash.</u> A structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.	X	✗	X	P	X	X
<u>Church.</u> A facility principally used as a location for people to gather for religious worship or other religious activities. One (1) accessory dwelling unit for the housing of the pastor or similar church leader of the church and their family shall be permitted.	P	P	X	X	P	X

USE	CC	RC	LM	M	BP	R
<p><b>Commercial Day Care/Preschool Center.</b> A facility, operated by a person qualified and licensed by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all applicable State standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides child care for less than twenty four (24) hours per day. Commercial Day Care/Preschool Center excludes the following:</p> <p>(a) Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;</p> <p>(b) Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or</p> <p>(c) Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations;</p> <p>(d) or clearly identified as an Accessory Use.</p>	P	P	P	X	P	X
<p><b>Commercial Plant Nursery.</b> A use wholly, or partially, contained within one or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold to retail customers. Commercial Plant Nursery does not include wholesale nurseries or greenhouses.</p>	P	P	P	P	X	X
<p><b>Commercial Recreation (Indoor).</b> Any use, either public or private, providing amusement, pleasure, or sport, which is operated entirely within an enclosed building, including but not limited to live theater, and movie houses, indoor tennis, bowling, and skating, baseball batting cages, paintball, horse riding or similar activities. This use may include associated eating and drinking areas, retail sales areas and staff offices.</p>	P	P	P	P	X	P
<p><b>Commercial Recreation (Outdoor).</b> An area or facility that offers entertainment or recreation outside. This use is limited to a golf driving range, baseball batting cages, riding arena, tennis facility, miniature golf, and swimming pool, and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices. This use specifically excludes shooting range, go-cart, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.</p>	P	P	P	X	X	P
<p><b>Construction Sales and Service.</b> An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lot or parcel other than a construction site. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, and</p>	P	P	P	P	X	X
<p><b>Contractor's Office/Contractor's Storage Yard.</b> A facility providing building construction and maintenance, including carpentry, plumbing, roofing, electrical, air conditioning and heating, within a totally enclosed building, and which may include the open storage of any building materials, equipment, or vehicles.</p>	X	X	P	P	X	X
<p><b>Convalescent Facility.</b> A facility, or portion thereof, in which people are cared for during the time of recovery from an operation, injury, or physical illness. The facility may also contain areas for physical therapy. This definition shall not include any building or structure which meets the definition of a "group home for the elderly", "group home for persons with a disability", or "detention or rehabilitation facility".</p>	P	X	X	X	P	X
<p><b>Convenience Store.</b> A retail establishment selling consumer products including prepackaged food and drink. A convenience store may also provide associated retail sale of gasoline and other petroleum products.</p>	P	P	P	P	P	X
<p><b>Day Care Center (Adult).</b> Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty four (24) hours per day.</p>	P	P	X	X	X	X
<p><b>Drive through/Drive up Facility.</b> A facility where goods and services are provided to customers within a vehicle. Must be associated with a "Permitted" or "Conditional" use within this table.</p>	P	P	P	P	P	X
<p><b>Educational Facility.</b> Privately or publicly owned buildings and uses for educational or research activities that has a curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education, and including Charter Schools. Public schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction.</p>	P	P	X	X	P	X

USE	CC	RG	LM	M	BP	R
<u>Golf Course.</u> A an area used for the purposes of playing golf, but which may include associated restaurant, commercial retail sales areas, staff offices and course maintenance facilities.	X	✗	X	X	X	C
<u>Hospital.</u> A facility licensed by the State of Utah Department of Health providing clinical, temporary or emergency service of a medical, obstetrical or surgical nature to human patients.	P	P	X	X	P	X
<u>Hotel.</u> A building offering temporary lodging accommodations, or overnight accommodations for guests, with access provided through a common entrance, lobby or hallway to four (4) or more guestrooms, and which may include additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.	P	P	X	X	P	X
<u>Kennel.</u> A commercial establishment having three (3) or more dogs for boarding, breeding, buying, letting for hire, training for profit, or selling. (Ord No. 16-10, 7-5-2016)	X	✗	X	C	X	X
<u>Laundry, Self Serve or Dry Cleaning.</u> An establishment providing home-type washing, drying, and/or ironing machines, household laundry and dry cleaning services, classified as low hazard in applicable codes, with customer drop-off and pick-up.	P	P	X	X	X	X
<u>Liquor Store – State Owned.</u> An establishment owned and operated by the State of Utah and primarily engaged in the sale of alcoholic beverages.	X	P	X	X	X	X
<u>Manufacturing, Major.</u> Includes the processing and fabrication of finished products, predominantly from previously prepared materials, and includes the assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and where such assembly, fabrication or processing takes place entirely within a building. Excludes gravel pit, quarry, extractive industries.	X	✗	X	P	X	X
<u>Manufacturing, Minor.</u> Includes the processing and fabrication of finished products that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and where such assembly, fabrication or processing takes place entirely within a building with a maximum building size of 15,000 square feet.	X	✗	P	P	P	X
<u>Major Facility of a Public Utility.</u> Any electric transmission lines (greater than 115,000 volts), power plants or substations of electric utilities; gas gathering facility, regulator stations, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities, water treatment plant, sewage treatment plant.	X	✗	C	C	X	X
<u>Medical and Dental Clinic.</u> An organization of doctors, dentists, or other health care professional providing physical or mental health service and medical or surgical care of the sick or injured but which does not include in-patient or overnight accommodations.	P	P	X	X	P	X
<u>Medical Cannabis Pharmacy.</u> Medical Cannabis Pharmacy may not be located closer than six hundred (600) feet to any residential zone and two hundred (200) feet from any community location. Shall also meet the following:  1. Shall have one (1) entry door at the front of the building facing the street 2. Hours of operation are limited between 8 a.m. to 8 p.m.	P	P	P	P	P	N
<u>Medical or Dental Laboratory.</u> An establishment that conducts basic medical or dental research and analysis. This term does not include a facility providing any type of in-house patient services typically provided by hospitals and clinics.	P	P	P	P	P	X
<u>Minor Facility of a Public Utility.</u> A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including streets, parks, recreational facilities, administrative and service facilities, and public utilities, and found by the Roy City Planning Commission to conform to the Roy City General Plan, or has been considered by the Roy City Planning Commission and, after receiving the advice of the Planning Commission, the Roy City Council has approved the proposed location and/or Public Use as an amendment to the Roy City General Plan. Public Uses and Utilities do not include “Major Facility of a Public Utility,” as defined herein.	C	C	C	C	C	C

USE	CC	RG	LM	M	BP	R
<b>Mobile Food Trucks:</b>  1. Location: When allowed in the use regulations applicable to a specific zoning category, mobile food trucks may be: a. Located in a private parking lot with property owner approval for that location; or 2. Parked In Private Parking Lot: When parked in a private parking lot, a mobile food truck shall: a. Have access to a permanent bathroom facility; b. Be located on an improved portion of the lot; and c. Be located on a lot where an occupied business is operating. 3. Conditions That Apply: Regardless of where a mobile food truck is operated or parked, the following conditions apply: a. Site plan must be approved b. It shall not operate within one hundred feet (100') of the entrance door of a restaurant, OR of a property line of a church unless invited by the church. c. All signs are limited to those that are permanent and physically attached to the vehicle. d. The operator shall provide trash and recycling containers which shall be removed from site when truck leaves site. e. The use shall be placed so as not to disrupt the vehicle and allow safe pedestrian traffic flow into or out of a site f. Shall not operate as a drive-through. g. Vehicles are to be maintained in a neat and professional manner. h. Hours of operation are between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. with no overnight parking except at commissary location. i. Vehicles are not allowed to idle. j. Shall not cause noise, light, or glare which adversely impacts surrounding uses. Flashing, scintillating, blinking, or traveling lights shall not be permitted; k. Shall comply with all applicable Utah State and Weber/Morgan Health Department requirements; l. Shall comply with all State, County, and City retail sales tax regulations; m. Must comply with all Roy City Fire Department requirements, including but limited to an annual inspection. n. Shall only operate when parked on a hard surface.	P	P	P	P	P	P
<b>Mortuary, Funeral Home.</b> An establishment in which the dead are prepared for burial or cremation. The facility may include a chapel and other rooms to conduct funeral services.	P	P	X	X	X	X
<b>Motel.</b> A building or group of buildings containing four (4) or more guest rooms, some or all of which may have a separate entrance leading directly from the outside of the building with a garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of persons usually traveling by private automobile or motor coach and which may include additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.	P	P	X	X	P	X
<b>Nightclub.</b> A place of entertainment open at night usually serving food and liquor, having a floor show, and providing music and space for dancing. A Nightclub that serves liquor shall maintain a valid Class E License and shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable.	X	P	X	X	X	X
<b>Nursing Home.</b> An intermediate care/nursing facility or a skilled nursing facility, licensed by the state of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment, require assistance and/or supervision on a twenty-four (24) hour per day basis. Such facility does not include an adult daycare facility or adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.	P	P	X	X	P	X
<b>Office.</b> A building, room, or other space where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering, telephone marketing, paging and beeper services and facsimile transmission services; post offices and express mail offices, excluding major mail processing and distribution; offices for utility bill collection; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.	P	P	X	X	P	X

USE	CC	RC	LM	M	BP	R
<u>Pay-day Lending</u> : Lenders engaging primarily in the business of small, short term loans provided against a prearranged line of credit, post-dated check, deposits, vehicle titles or other instruments. The number of such facilities licensed within the City limits may not exceed one (1) per five thousand (5,000) or portion thereof, of the most recent United States Census Bureau estimated population of Roy City. (Ord. 1018, 8-4-2009)	X	P	X	X	X	X
<u>Pawnshop</u> . Any person or establishment engaged in any of the following (a) Lending money on deposit of personal property; (b) Dealing in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor; (c) Lending or advancing of money on personal property by taking chattel mortgage security thereon and taking or receiving possession of such personal property; or (d) Selling unredeemed pledged personal property together with such new merchandise as will facilitate the sale of such property. The number of such facilities licensed within the city limits may not exceed one (1) per ten thousand (10,000), or portion thereof, of the most recent United States Census Bureau estimated population of Roy City. Such facilities shall not be located closer than six hundred (600) feet to any residential zone or to another Pawn Shop. (Ord. No 1071; 11/18/14)	X	P	X	X	X	X
<u>Personal Care Service</u> . An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty salons (including permanent or semi-permanent make-up/cosmetics) and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes "Tattoo Establishment."	P	P	X	X	X	X
<u>Personal Instruction Service</u> . An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, massage therapist instruction, martial arts training, and swimming clubs.	P	P	X	X	P	X
<u>Pet Grooming</u> . A commercial establishment for the grooming of pets. No boarding, breeding, buying, letting for hire, training or selling. (Ord No. 16-10, 7-5-2016)	P	P	P	X	X	X
<u>Private Club</u> . Any nonprofit corporation operating as a social club, recreational, fraternal or athletic association, or kindred association organized primarily for the benefit of its stockholders or members. A Private Club that serves liquor shall maintain a valid Class E License and shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable.	X	P	X	X	X	X
<u>Public Park-And-Ride Lots</u> . Parking lots associated with a transit station, where people drive from their homes, park, and transfer to transit lines.	C	C	C	C	C	C
<u>Public Commuter and Light Rail Facilities and Station</u> . A rail transit system that covers long distances, usually with less frequent station spacing and train times than light rail that runs on a separate right-of-way from cars, and often sharing an existing freight corridor. Light rail transit systems can run along city streets or in a separate right-of-way. Station areas are located along the transit lines to link park-and-ride lots with the transit system.	C	C	C	C	C	C
<u>Reception Hall, Reception Center</u> . A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.	P	P	X	X	X	X
<u>Recycling Collection Area</u> . An area for the acceptance and temporary storage of recyclable materials to be transferred to a recycling processing facility. Recycling Collection area involve no more than 3 collection containers up to 40 cubic yards in total size. Collection area located in parking lots may not occupy required parking spaces. A collection area must be arranged to not impede traffic flow. The operator of the collection enter shall remove products stored at the site at least once a week. The operator of the collection area shall keep the collection center in proper repair and the exterior must have a neat and clean appearance.	P	P	P	P	P	X
<u>Restaurant</u> . A building or facility for the preparation, retail sale, and on- site consumption of food and beverages (including Beer or Alcohol), sells food and beverages over a counter, packages its food in wrappers, boxes or cartons regardless if the food is consumed on or off the restaurant premises; and may provide a drive through/drive up facility.	P	P	P	P	P	P

USE	CC	RG	LM	M	BP	R
<u>Retail Sales and Services.</u> Establishments engaged in the retail sale of goods and services, except those uses as otherwise clearly defined herein.	P	P	X	X	X	X
<u>Salvage yard.</u> The use of any lot, portion of a lot, or land for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery and/or the storage and sale of dismantled or damaged vehicles or their parts.	X	X	X	X	X	X
<u>Seasonal Use.</u> A Seasonal Use shall not exceed ninety (90) days. Such uses include fireworks stands, fruit or vegetable stands, beverage or snow cone vendors, and Christmas tree lots. This use and requirements to establish this use by Chapter 16, herein, shall become effective on January 01, 2006. All other seasonal uses not listed above are prohibited.	T	T	X	X	X	X
<u>Tattoo &amp; Body Art.</u> Establishments engaged primarily in the practice of physical body adornment or modification, including but not limited to body piercing, tattooing, branding or scarification. All Tattoo & Body Art establishments shall obtain and maintain in good standing a proper license from the Weber-Morgan Health Department. Tattoo & Body Art establishments may not be located closer than six hundred (600) feet to any other such establishment as defined, or to any church, school or other community gathering place. The number of such facilities licensed within the city limits may not exceed one per every ten thousand (10,000) or portion thereof of the most recent United States Census Bureau estimated population of Roy City. The hours of operation are limited to between 10:00 a.m. and 10:00 p.m. No minors shall be allowed on the premises without an accompanying adult guardian. (Ord. 1060, 11-19-2013)	P	P	P	P	X	X
<u>Tavern.</u> An establishment licensed by the Utah Alcoholic Beverage Control Commission for serving beer by the drink to the general public.	X	P	P	P	X	X
<u>Telecommunications Site/Facility.</u> An unmanned structure consisting of antennas, antenna support structures, or other equipment used to provide personal wireless services as set forth in Section 704 of the Telecommunications Act of 1996, as amended. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located but is required to meet the locational requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include Amateur Radio equipment that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or amateur radio service adopted under 47 C.F.R. Part 97. A facility may be located on any property owned by the City.	C	C	C	C	C	C
<u>Temporary Use.</u> A special event or use established for a maximum period of 45 days, such event, or use being discontinued after the expiration of 45 days, and conducted in compliance with all the requirements of this Ordinance. Such use shall be permitted only after the issuance of a temporary use permit as established by the provisions of this Ordinance.	T	T	T	T	T	T
<u>Theater, Indoor Picture.</u> A building or part of a building devoted to the showing of moving pictures on a paid admission basis.	P	P	X	X	P	X
<u>Tobacco Oriented Retail.</u> A commercial establishment with less than 10,000 square feet of total sales area, where the sale and/or display of tobacco and/or tobacco related products accounts for greater than 10% of the sales floor and display areas, or where the sale of tobacco and/or tobacco related products accounts for more than 30% of gross sales receipts, or any commercial establishment of any size declaring itself through name or advertising to be oriented specifically to the selling of tobacco and/or tobacco related products. Tobacco Oriented Retail uses may not be located within 600 feet of one another as measured at the closest property lines. (Ord. 1032, 9-7-2010)	P	P	X	X	X	X
<u>Trailer Camp Or Trailer Court.</u> Any area or tract of land used or designed to accommodate two (2) or more travel trailers, recreational vehicles, motor homes or camping parties.	X	X	X	X	X	P
<u>Vehicle and Equipment Rental or Sale, New or Used, Major.</u> An establishment engaged in the retail or wholesale sale or rental, from the premises, of equipment or motorized vehicles, except motorcycles, automobiles, and light trucks, along with incidental service or maintenance. Typical uses include new and used heavy truck sales and rental, boat sales, recreational vehicles, construction equipment rental yards, moving truck and trailer rental, and farm equipment and machinery sales and rental. [also see 10-11-8]	X	P	P	P	X	X



USE	CC	RC	LM	M	BP	R
<u>Vehicle and Equipment Rental or Sale, New or Used, Minor.</u> An establishment engaged in the retail sale or rental, from the premises, of new or used motorcycles, automobiles, and/or light trucks, with a Manufacturer's Gross Vehicle Weight Rating not to exceed 14,000 pounds, with incidental service or maintenance. Typical uses include dealers of motorcycles, automobiles, and light trucks. [also see 10-11-8]	P	P	P	P	X	X
<u>Vehicle and Equipment Repair, Major.</u> An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair, paint, and body shops.	X	P	P	P	X	X
<u>Vehicle and Equipment Repair, Minor.</u> An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services. Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front-end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.	P	P	P	P	X	X
<u>Warehouse, Self-Service Storage.</u> 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. (Ord. 1063, 4-1-2014)	X	X	P	P	X	X
<u>Wholesale and Warehousing, Major.</u> An establishment that is primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Uses include major mail distribution centers, frozen food lockers, moving and storage firms, and warehousing and storage facilities.	X	X	X	P	X	X
<u>Wholesale and Warehousing, Minor.</u> An establishment that is engaged in the small scale storage and sale of goods to other businesses for resale, excluding self-storage warehouses, major distribution centers, motor freight terminals, moving and storage firms and similar high volume, high turnover facilities. Limited wholesale and warehouse area will generally be less than 30,000 square feet in area and operate during conventional business hours.	X	X	P	P	P	X

10-19-8 Required Off-Street Parking:

The number of off street parking spaces provided shall comply with Table 19-1, Table of Off-Street Parking Requirements.

Table 19-1 - Off-Street Parking Requirements

Use	Minimum Off-Street Parking Requirements
Downtown “DT-E”, DT-W” and “DT-G”	Refer to 13-6 of this Title

## 10-31-1 Purpose and Conflicts:

- Animal.** All non-human members of the animal kingdom, including domestic and livestock species.
- Block.** The aggregate of lots, passages, lanes, and alleys bounded on all sides by streets.
- Build-to-Zone.** An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a property line. The zone dictates the minimum and maximum distance a structure may be placed from a property line. Refer to Figure 10.5 (2) Build-to Zone vs. Setback Line.
- Building Type.** A structure defined by the combination of configuration, form, and function. Refer to 10-13-2 Building Types for more information and the list of permitted Building Types.
- Courtyard.** An outdoor area enclosed by a building on at least two sides and is open to the sky.
- Coverage, Building.** The percentage of a lot developed with a principal or accessory structure.
- Coverage, Impervious Site.** The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.
- Critical Root Zone.** Also referred to as drip line. The area of soil and roots within the radius beneath the tree's canopy, within the dripline, or within a circular area of soil and roots with a radius out from the trunk a distance of 1.5 feet for every inch of the tree's width (measured at 4.5 feet above the mean grade of the tree's trunk, noted as diameter breast height or DBH throughout this code).
- Eave.** The edge of a pitched roof; it typically overhangs beyond the side of a building.
- Entrance Type.** The permitted treatment types of the ground floor Facade of a Building Type. Refer to 5.9 for more information and a list of permitted Entrance Types.
- Expression Line.** An architectural feature. A decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two inches from the exterior facade or a building typically utilized to delineate floors or stories of a building.
- Facade.** The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines. The front facade is any building face adjacent to the front property line.
- Gross Floor Area.** The sum of all areas of a building, including accessory storage areas or closets within sales spaces, working spaces, or living spaces and any basement floor area used for retailing activities, the production or processing of goods, or business offices. It shall not include attic space having headroom of seven feet or less and areas devoted primarily to storage, balconies, off-street parking and loading areas, enclosed porches, roof decks, roof gardens, or basement floor area other than specified above.
- Impervious Surface.** Also referred to as impervious material. Any hard surface, man-made area that does not absorb water, including building roofs, sidewalks, parking, driveways, and other paved surfaces.
- Landscape Area.** Area on a lot not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping.
- Occupied Space.** Interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.
- Open Space Type.** The permitted and regulated types of open spaces in this code. Refer to 10-13-3 Open Space Types for more information and a list of the permitted types.
- Open Water.** A pond, lake, reservoir, or other water feature with the water surface fully exposed.
- Pedestrianway.** A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.
- Pervious Surface.** Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.
- Roof Type.** The detail at the top of a building that finishes a Facade, including a pitch roof with various permitted slopes and a parapet. Refer to 5.10 for more information and a list of the permitted Roof Types.
- Scale.** The relative size of a building, street, sign, or other element of the built environment.

**Semi-Pervious Surface.** Also referred to as semi-pervious material. A material that allows for at least 40% absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.

**Solar Reflectance Index (SRI).** A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from 0 to 100 and is defined so that a standard black surface is 0 and a standard white surface is 100. To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.

**Story, Ground.** Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

**Story, Half.** A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

**Story, Upper.** Also referred to as upper floor. The floors located above the ground story of a building.

**Street Face.** The facade of a building that faces a public right-of-way.

**Street Frontage.** Also refer to lot frontage. The portion of a building or lot directly adjacent to a vehicular right-of-way.

**Streetwall.** The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks.

**Swale.** A low lying, naturally planted area with gradual slopes that facilitate the transport, absorption, and/or filtration of stormwater.

**Tree Canopy.** The uppermost area of spreading branches and leaves of a tree.

**Tree Canopy Coverage.** The area of ground covered or shaded by a tree's canopy, measured in square feet.

**Use, Accessory.** A use customarily, incidental, and subordinate to the principal use or structure and located on the same lot with such principal use or structure.

**Use, Principal.** The specific, primary purpose for which a lot or building is utilized.

**Use, Special.** A use that may not be appropriate in certain locations based on the potential negative impacts associated with the use and requires approval of a Special Use Permit.

**Visible Basement.** A half story partially below grade and partially exposed above with required transparency on the street facade.

**Water Body.** A body of water, such as a river, pond, or lake that may be man-made or naturally occurring.

**ORDINANCE No. 21-4**

**AN ORDINANCE ESTABLISHING A ZONING DESIGNATION OF CC, DT-E, DT-W & DT-G ON PROPERTIES LOCATED DOWNTOWN.**

WHEREAS, Roy City in an effort to redevelop portions of the City is changing the zoning on a properties comprising of approximately 286.9 acres (12,497,364 sq.-ft.) of land located within Downtown from a designation of RC, R-3 & R-2 to a designation of DT-E, DT-W, DT-G & CC; and

WHEREAS, the Planning Commission held a public hearing to review the petition and favorably recommended the change; and

WHEREAS, the City Council finds that the proposed amendment will advance the existing goals, objectives and policies of the General Plan and is assured that the continued residential use of the properties will be conducted appropriately; and

WHEREAS, the City Council has reviewed and considered the same in a public meeting.

NOW, THEREFORE, be it hereby ordained by the City Council of Roy City, Utah, that the zoning designation of the properties within Downtown be established as DT-E, DT-W, DT-G & CC designations and that the *Roy City Zoning Map* be amended to depict the same, see attached map for details.

This Ordinance has been approved by the following vote of the Roy City Council:

Councilman Burrell \_\_\_\_\_

Councilman Jackson \_\_\_\_\_

Councilman Paul \_\_\_\_\_

Councilman Saxton \_\_\_\_\_

Councilman Wilson \_\_\_\_\_

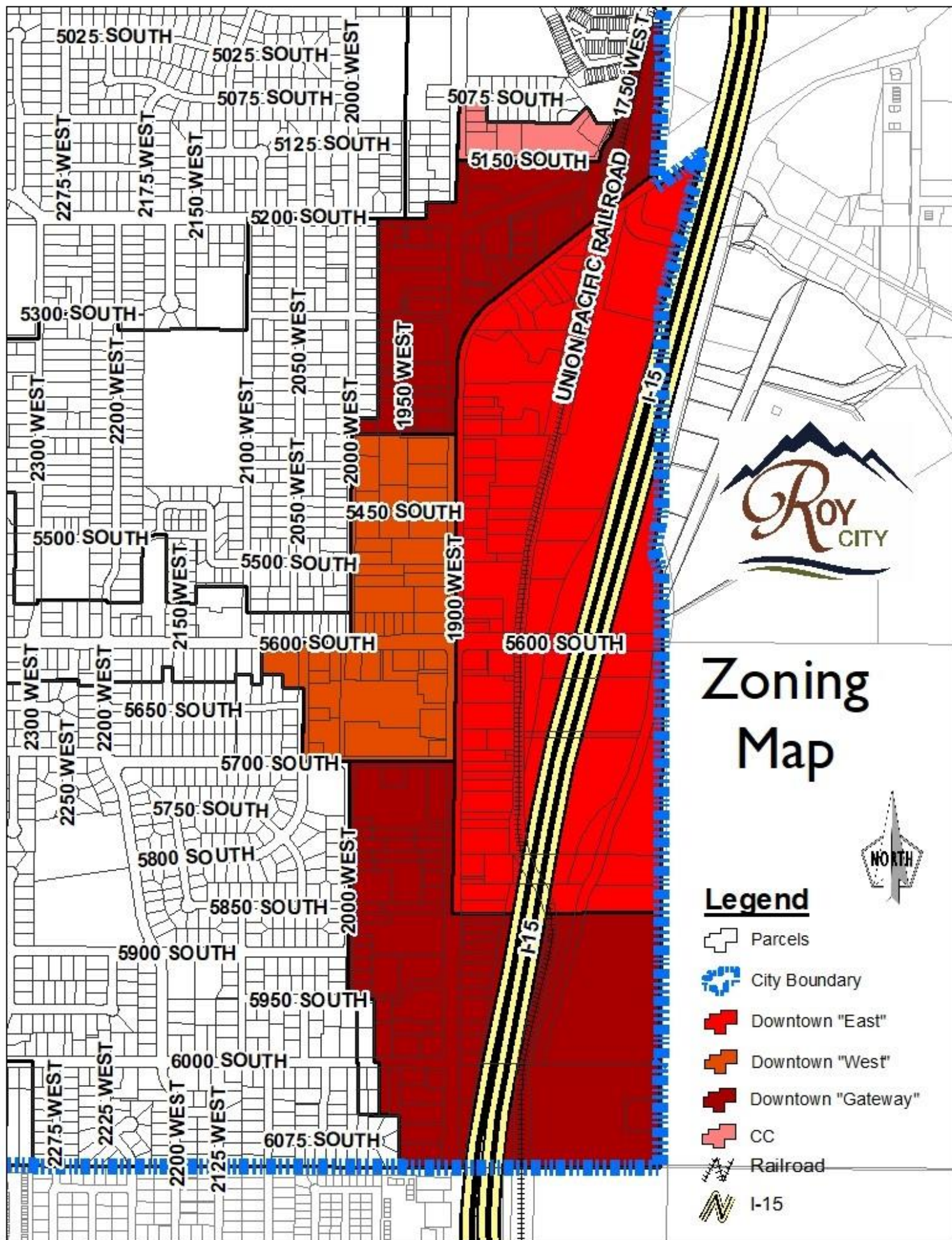
This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this \_\_\_\_\_ Day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Robert Dandoy  
Mayor

Attested and Recorded:

\_\_\_\_\_  
Morgan Langholf  
City Recorder







## **ORDINANCE NO. 21-5**

### **AN ORDINANCE OF ROY CITY REPEALING TITLE 3 CHAPTER 1 AND REENACTING A NEW AND UPDATED TITLE 3 CHAPTER 1 TO THE ROY CITY CODE ALSO ENACTING A NEW SECTION CHAPTER 10 TO TITLE 3 REGARDING RESIDENTIAL SOLICITATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Roy City is a Municipal Corporation duly organized and existing under the laws of the State of Utah; and

**WHEREAS**, in conformance with Section 10-3-701 of the Utah Code the Roy City Council shall exercise its legislative powers through ordinances; and

**WHEREAS**, the Roy City Council has determined that Title 3 Chapter 1 of the Roy City Code concerning Business and License Regulations should be updated and that a new Chapter 10 concerning Residential Solicitation should be added to Title 3; and

**WHEREAS**, the Roy City Council has determined that it is in the best interests of its citizens to repeal, reenact and amend the Roy City Code to reflect those changes.

### **NOW, THEREFORE, BE IT ORDAINED BY THE ROY CITY COUNCIL THAT:**

**SECTION I: Repeal and Reenactment.** Title 3, Chapter 1 of the Roy City Code is hereby repealed and reenacted to read:

## **TITLE 3 – BUSINESS AND LICENSE REGULATIONS**

### **Title 3 - BUSINESS AND LICENSE REGULATIONS**

#### **Chapter 1: GENERAL LICENSE PROVISIONS**

#### **Chapter 2: ALCOHOLIC BEVERAGES**

#### **Chapter 3: TAXES**

#### **Chapter 4: ENTERTAINMENT AND DANCING**

#### **Chapter 5: SALES OF DISTRESSED GOODS**

#### **Chapter 6: PAWBROKERS**

#### **Chapter 7: SEXUALLY ORIENTED BUSINESS**

#### **Chapter 8: RENTAL DWELLING UNITS**

#### **Chapter 9: SPECIAL EVENT REGULATIONS**

#### **Chapter 10: RESIDENTIAL SOLICITATION**

### **Chapter 1: GENERAL LICENSE PROVISIONS**

#### **3-1-1: DEFINITIONS**

#### **3-1-2: LICENSE REQUIRED**

#### **3-1-3: BUSINESS LICENSE DIVISION; DUTIES AND RESPONSIBILITIES**

#### **3-1-4: PROCEDURE TO OBTAIN A BUSINESS LICENSE**

#### **3-1-5: RENEWAL OF BUSINESS LICENSE**

#### **3-1-6: INSPECTIONS**

#### **3-1-7: PAYMENT DATES OF BUSINESS LICENSE FEES**

#### **3-1-8: TERM OF BUSINESS LICENSE**

#### **3-1-9: GENERAL AND SPECIFIC BUSINESS LICENSE FEES**

[3-1-10: VARIABLE FEES IN ADDITION TO GENERAL LICENSE FEES](#)

[3-1-11: INTERSTATE COMMERCE](#)

[3-1-12: EXEMPTIONS TO BUSINESS LICENSE FEE REQUIREMENTS](#)

[3-1-13: TRANSFER OF LICENSE RESTRICTED](#)

[3-1-14: DISPLAY OF LICENSES](#)

[3-1-15: PENALTY](#)

[ARTICLE A REVOCATION OR DENIAL OF LICENSES](#)

### **3-1-1: DEFINITIONS**

The following definitions shall be applicable throughout this title, unless a different meaning is clearly intended:

**APPLICANT:** Any person applying for any license provided for in this title. If the person is a partnership or corporation, then each partner, officer or director is considered an applicant and must qualify accordingly.

**APPLICATION:** A formal written request for the issuance of any license permitted under this title.

**AUTHORIZED OFFICERS:** Those persons authorized by the City or other entities to inspect businesses and enforce the provisions of this title or other applicable regulations, including employees of the Police Department, Weber-Morgan Health Department, Fire and Rescue Department, Community Development Department, City Attorney's office or the City Manager.

**BUILDING INSPECTION DIVISION:** The building inspection division of the Roy City Community Development Department.

**BUSINESS:** Means and includes all trades, callings, occupations, professions or activities engaged in or caused to be engaged in within the corporate limits of Roy City, carried on for the purpose of gain or economic benefit, except that the acts of employees rendering service to employers shall not be included in the term "business", unless otherwise specifically provided.

**BUSINESS LICENSE DIVISION:** The business license division of the Roy City Community Development Department.

**ENGAGING IN BUSINESS:** Includes, but is not limited to, the sale of real or personal property at retail or wholesale, the bartering or trading of property or services, the manufacturing of goods or property, and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

**WEBER-MORGAN HEALTH DEPARTMENT:** The Weber County Health Department.

**LICENSE OFFICER:** The employee(s) assigned to process business licenses and administer this Title within the business license division.

**LICENSEE:** The person who has obtained any type of license provided for in this title. The term shall also include any employee or agent of the licensee.

**PERSON:** Any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, business trust, corporation, professional or limited liability corporation, association, society, or other group of individuals acting as a unit, whether mutual,

cooperative, fraternal, nonprofit or otherwise. Individual, partnership, corporation, association or other legal entity.

PLACE OF BUSINESS: Each separate location maintained or operated by the licensee, whether or not under the same name, within the City from which business is engaged.

(Ord. 658, 11-21-1989; amd. 2003 Code)

### **3-1-2: LICENSE REQUIRED**

It shall be unlawful for any person to engage in business in the City without first procuring a license therefore. Every person engaging in business in the City shall obtain a license for each business and each place of business unless exempted from licensure under these ordinances or under other applicable law. The license required under this title is in addition to all other licenses and permits required by other ordinance provisions.

(Ord. 658, 11-21-1989)

### **3-1-3: BUSINESS LICENSE DIVISION; DUTIES AND RESPONSIBILITIES**

It shall be the duty and responsibility of the business license division to:

1. Enforce the provisions of this title;
2. Collect all license and permit fees;
3. Process all applications and renewals of all licenses provided for in this title;
4. Obtain the necessary approvals from the various City departments and divisions before issuing any business license or alcoholic beverage license; and
5. Deny, suspend or revoke licenses as provided in this chapter.

### **3-1-4: PROCEDURE TO OBTAIN A BUSINESS LICENSE**

1. Submission of Application: An applicant for a business license shall submit a properly completed application and sign it as verification, under penalty of law, that all information contained therein is true along with payment of the appropriate license fee(s). City business license applications shall be upon forms provided by the City and require such information as the Business License Division deems necessary to enforce this title. License fees shall be in the amounts established by resolution of the City Council and as may be further provided in this title.
2. Departmental Review: After submission of a properly completed application and payment of the appropriate fees the License Officer shall submit copies to the planning and zoning division, building inspection division, fire and rescue department, health department and police department, for their review, if applicable.
3. Unlawful Pre-issuance Activity: It shall be unlawful for any applicant to engage in the activity for which the application is made until any necessary investigation is completed and the license is approved and issued.
4. Denial: If it is determined that the application is incomplete, erroneous or false in any respect or that the applicant has failed to permit inspections or that the applicant is not qualified to do business in the City under any Federal, Utah State, Weber County, Roy City rules or regulations or that the applicant has committed any act or acts which would justify the denial of the application, the application may be denied by the License Officer. The denial of an application may be appealed to the City Manager by filing a written appeal with the City Records Office. The appeal must be filed within ten (10) business days from the denial and shall follow the process as provided in Section 3-1A-4.

5. Conditions for Preparation of Certificate: After receiving signed, written approval from the applicable departments, should the License Officer determine that the application is entitled to a certificate, the License Officer shall be authorized to prepare a certificate of license for issuance.
6. Information Contained in Certificate: The certificate of license shall be signed by the License Officer and the City Treasurer and shall contain the following information:
  1. The person's name to whom the certificate is issued;
  2. The business name;
  3. The type of business licensed;
  4. The date the license was issued;
  5. The expiration date of the license;
  6. The address of the place of business licensed; and
  7. The business license number.

(Ord. 658, 11-21-1989)

### **3-1-5: RENEWAL OF BUSINESS LICENSE**

1. Application: Each year, licensees shall renew their business licenses by completing an application for a license renewal signed, under penalty of law, that all information contained therein is true and returning it, along with the proper fees, to the business license division within the time period set forth in RMC 3-1-7(2). Renewal applications for businesses which require police checks of the licensees shall be submitted to the police department for their approval to ascertain whether the licensee still meets the necessary qualifications.
2. Certificate: Upon receipt of the application fees, and police department approval, if applicable, the business license division shall be authorized to prepare a certificate of license as provided in this chapter.

(Ord. 658, 11-21-1989)

### **3-1-6: INSPECTIONS**

1. Authorized: As a condition of the issuance, continuation or renewal of a license, an applicant shall permit authorized officers to make inspections to ensure compliance and to enforce any of the provisions of this title or any other applicable statute or ordinance, and may enter any building or may enter upon any premises during regular business hours; or, if there are no regular business hours, the officers or their authorized representatives shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.
2. Failure to Permit Entry: No owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the authorized officer or his representative for the purpose of inspection and examination to ensure compliance with this title.

(Ord. 658, 11-21-1989)

### **3-1-7: PAYMENT DATES OF BUSINESS LICENSE FEES**

1. New Business License: Business license fees for new businesses shall be due and payable upon making application to the business license division. Fees shall be prorated monthly for the balance of the calendar year for licenses issued after June 30. The application shall not be processed until the fee is paid.

2. **Renewal Business License:** Business license fees for renewal businesses shall be due and payable on or before January 1. If the fee is not paid within a month of the due date, a fifty percent (50%) penalty of the amount of the fee shall be added to the original amount due. If the fee is still not paid within two (2) months of the due date, a seventy five percent (75%) penalty of the amount of the fee shall be added to the original amount due. If the fee plus penalty is still not paid within three (3) months, then the business shall be considered to be operating without a business license in violation of this chapter, subject to criminal prosecution for every day of operation after three (3) months from the due date of the fee. If a license is granted thereafter, the fee shall be doubled.

(Ord. 658, 11-21-1989)

### **3-1-8: TERM OF BUSINESS LICENSE**

All business licenses shall expire each year at the end of the day on the last day of the calendar year for which the license was issued.

(Ord. 658, 11-21-1989)

### **3-1-9: GENERAL AND SPECIFIC BUSINESS LICENSE FEES**

1. **General License Fee Imposed:** License fees shall be levied for all businesses and business activities within the City unless exempted under this title. Fees shall be in accordance with the fee schedule set by resolution of the City Council, or as otherwise set forth in this title. A general license fee shall be imposed on all businesses unless a specific business license fee has been designated. Some businesses shall be required to pay a variable fee in addition to the general or specific fee.
2. **Categories and Classifications of Specific Businesses:** The following categories and classifications shall apply, and a specific business license fee may be imposed:
  - A. **Fair, Circus, Carnival or Similar Activities:** A fee for the first day and a reduced amount payable for each succeeding day.
  - B. **Fireworks Sales:** No license shall be issued without the licensee first providing a valid insurance liability certificate with policy limits no less than dictated by the Utah Governmental Immunity Act. Coverage provided shall list Roy City, its elected officials, officers, employees, agents and volunteers as additional insureds. The policy shall provide coverage to the City and any person(s) injured through negligent acts involving the sale, distribution or use of fireworks sold in the City and as a result of the licensees' activities in the City. There shall be an annual fee established by the City for the two (2) types of sales which shall be:
    1. Sales from booths and stands and
    2. Sales from inside general retail establishments.
  - C. **Home Occupation and Home Daycare businesses.**
  - D. **Peddler, Solicitor or Vendor:** See: Title 3 Chapter 10: Residential Solicitation.
  - E. **Subscription Television:** Pay or subscription television businesses engaging in over the air or multi point distribution type services or any other pay or subscription television business not otherwise subject to licensing by the City or subject to franchise agreements with the City shall pay an annual business license fee to the City. (Ord. 658, 11-21-1989)
  - F. **Rental Dwelling Unit:** A fee shall be assessed for each person or entity owning rental dwelling units within the City. A disproportionate fee shall also be assessed for each rental dwelling unit. See: Title 3 Chapter 8: Rental Dwelling Units.

(Ord. 1035, 11-3-2010)

Footnote 1: See also definition of "home occupation" at [RZC 10-2-2](#).

### **3-1-10: VARIABLE FEES IN ADDITION TO GENERAL LICENSE FEES**

In addition to the license fees required for general business licenses or specified licenses herein, a license fee shall be paid for the following:

1. Amusement Machine, Juke Box or Video Game: An annual fee per machine.
2. Auction Sales without Fixed Place of Business: Auction business without fixed place of business and bankrupt sales shall be the same as for distressed goods. Prior to issuance of an auction license hereunder, parking requirements for the licensee shall be established and approved by the planning commission.
3. Auction Sales with Fixed Place of Business: Prior to issuance of an auction license hereunder, parking requirements for the licensee shall be established and approved by the planning commission. All auction businesses shall provide a performance bond in a sufficient amount as determined by the License Officer to ensure compliance with regulations concerning advertising and to guarantee the purchaser shall receive goods as represented by the auction business and shall ensure faithful compliance with the lawful requirements of licensee. All auction business bonds shall be approved by the City Attorney prior to approval of the license.
4. Barber and Beauty Shop: An annual fee per chair over four (4) chairs.
5. Billboard Advertising Sign: An annual fee for each sign, plus an annual charge for each square foot of sign area.
6. Billiard or Pool Table: An annual fee per table.
7. Bowling Lane: An annual fee per lane.
8. Christmas Tree Sales: A cleanup deposit shall be required of the licensee to assure the removal of the unsold trees and related debris remaining on the premises at the conclusion of the license period.
9. Chronic Care Hospital: An annual fee per bed based upon capacity.
10. Cigarette Vending Machine: An annual fee per machine.
11. Gaming Device or Machine: An annual fee per machine. This shall include those machines which are so constructed as to require internal revenue tax stickers or federal approval for use of said machines and machines that are so constructed or operated that odds for winning can be raised by payment of coins or manipulation of any part thereof, or machines or devices which are defined by federal law as "gambling devices" and which are therefore regulated by federal law, or punchboards from which prizes for remuneration can be obtained and/or horoscope machines for which remuneration can be obtained by payment to operate said machine. In the event any such machines are licensed hereunder by the City, that fact shall not mean that any such machine is therefore authorized for use or permitted for use in contravention of any other laws or ordinances controlling the use or operation of said machine or device. (Ord. 658, 11-21-1989)
12. Mobile Home Park or Trailer Court: Mobile home parks or trailer courts shall be licensed and regulated as "rental dwelling units". (Ord. 1035, 11-3-2010)
13. Motel and Hotel: An annual fee per unit over ten (10) units.
14. Public Dance Halls: An annual fee.
15. Service Station: An annual fee per gas grade selection buttons in excess of six (6).
16. Square Footage: An annual fee per unit of square feet.
  - G. Retail or Wholesale: An annual fee per five thousand (5,000) square feet over first five thousand (5,000) square feet.
  - H. Warehouse: An annual fee per twenty thousand (20,000) square feet over first twenty thousand (20,000) square feet.
17. Taxicabs: An annual fee per vehicle over two (2) vehicles.
18. Vending Machine Other Than Cigarette Vending Machine: An annual fee per machine.

(Ord. 658, 11-21-1989)



## HISTORY

Amended by Ord. [19-8](#) on 6/18/2019

### **3-1-11: INTERSTATE COMMERCE**

None of the license fees provided by this title shall be applied to cause an undue burden on interstate commerce. In any case where an applicant or a licensee believes the license fee places an undue burden on interstate commerce the applicant or licensee may apply to the License Official for an adjustment of the fee. The application for an adjustment must be made no later than six (6) months after payment of the fee. The applicant shall, by affidavit and supporting testimony, show the applicants method of business and the gross volume or estimated gross volume of business, along with such other information as the License Official may deem necessary in order to determine the extent, if any, undue burden on commerce. The License Official will then conduct an investigation and make a determination. Should the applicant disagree with the determination, the applicant may appeal the determination to the City Manager by filing a written appeal with the City Recorder not later than ten (10) business days from the date of the determination and follow the process as delineated in Section 3-1A-4.

(Ord. 658, 11-21-1989)

### **3-1-12: EXEMPTIONS TO BUSINESS LICENSE FEE REQUIREMENTS**

1. A business license fee shall not be imposed on any person engaged in business solely for religious, charitable, eleemosynary or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any business license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah. However, these businesses must still obtain a business license to operate.
2. A general contractor or subcontractor engaged in contract work within the corporation limits of Roy City, who do not have offices within the City, but have offices in a jurisdiction which has reciprocal licensing for contractors within the City, and who have a current valid state and local license from the jurisdiction where their office is located.
3. A farmer engaged in the production of crops, livestock and other agricultural products and in the sale exclusively of agriculture products exclusively by the farmer, provided the crops and other agricultural products are sold on the property where grown.
4. A business which consists of mere delivery of goods purchased at a regular and licensed place of business outside the Roy City corporate limits, not including mobile food vendor businesses.
5. A person under the age of sixteen (16) conducting a business as a part time hobby or occupation who is not engaged in such business activity that would be considered the principal means of the persons support.
6. A person who can demonstrate, by appropriate medical or institutional proof, that the person is disabled and is thereby restricted to the type of work in which the person can be engaged and should be allowed an exemption.
7. Compliance Required: Any business exempt from paying the license fee as provided in this section shall still comply with all other requirements of this title.

(Ord. 658, 11-21-1989)

### **3-1-13: TRANSFERABILITY**

1. Transfer to Another Person: Business licenses may not be assigned or transferred to another person.
2. Location Transfer Requires New License: A business license may not be transferred to a new location within the City. Each location shall be applied for and all appropriate fees shall be paid for each location.

3. Name Change: A business may apply to change its name so long as it is carrying on the same business at the same location with the same owner. The business must apply for a name change with the License Officer and pay a name change fee of \$25.00.

(Ord. 658, 11-21-1989)

### **3-1-14: DISPLAY OF LICENSES**

1. Required: Every certificate of license for a business shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When the certificate of license has expired, it shall be removed and no certificate of license which is not in force and effect shall be permitted to remain posted within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his person ready to be shown on request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.
2. Machines: In the event the license is for a coin operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued.

(Ord. 658, 11-21-1989)

### **3-1-15: PENALTY**

1. Any violations of this title shall be a class B misdemeanor and, upon conviction, subject to penalty as provided in RMC 1-4-1.
2. Where applicable, each day of noncompliance shall constitute a separate violation.

(Ord. 658, 11-21-1989; amd. 2003 Code)

## **ARTICLE A REVOCATION SUSPENSION OR DENIAL OF LICENSES**

### **3-1A-1: LICENSE ISSUES SUBJECT TO REVOCATION**

### **3-1A-2: REASONS FOR DENIAL OR REVOCATION**

### **3-1A-3: PROCEDURE FOR DENIAL OR REVOCATION**

### **3-1A-4: CONSEQUENCE OF DENIAL OR REVOCATION**

### **3-1A-5: EMERGENCY OR SUMMARY REVOCATION**

### **3-1A-6: ALTERNATIVE REMEDIES NOT MODIFIED**

### **3-1A-7: NO REFUND OR REBATE**

### **3-1A-1: LICENSE ISSUES SUBJECT TO SUSPENSION OR REVOCATION**

Unless otherwise provided, business licenses to operate in the City which have been issued or which may hereafter be issued by the City shall be subject to suspension or revocation as hereinafter provided, without regard to any expiration date thereon.

(Ord. 658, 11-21-1989; amd. 2003 Code)

### **3-1A-2: REASONS FOR DENIAL, SUSPENSION OR REVOCATION**

Business licenses or other permits to engage in business in the City may be denied, suspended or revoked for any or several of the following reasons which are hereby declared to be detrimental to the public safety, health, welfare and interest of the City:

1. Failure to comply with the requirements of the ordinances relating to business licenses.

2. Violation of any provision of the City zoning ordinance, the construction and safety codes, or noncompliance with any requirement or condition set by the planning commission, if applicable, under a conditional use permit or by the board of adjustment, if applicable, granting a variance or special exception;
3. Violation of codes of professional ethics for licensee's particular profession or conviction of a crime involving moral turpitude;
4. Practice of any fraud or deceit upon the City, business associates, customers or subscribers;
5. Repeated, substantial, material default in the performance of contracts or obligations with the City, citizens of the City, customers or subscribers;
6. Conduct such that the business operates to the detriment of the City, the citizens of the City, customers or subscribers;
7. Insolvency, inability or unwillingness to pay debts or bankruptcy;
8. Noncompliance with any City, County, State or Federal statutes or any rules or regulations of any regulatory body having jurisdiction over the grantee or licensee relating to their business operations within the City;
9. Nonpayment of license fees or any delinquency penalties;
10. Failure to pay property taxes, utility franchise taxes or sales taxes;
11. Failure to file franchise or sales tax documentation with the State of Utah Tax Commission with the appropriate Roy City designation.
12. False or incomplete information given on the application for a business license;
13. The licensee has refused authorized representatives of the City to make an inspection or has interfered with such representative while in the performance of his duty in making such inspection;
14. Knowingly broadcast or distribute any pornographic or obscene material as defined by law and in violation of the community standards.
15. If continued operation would constitute a nuisance or present danger to the safety, health, general welfare or morals of the City.

### **3-1A-3: LICENSE OFFICERS DENIAL, SUSPENSION OR REVOCATION DETERMINATION**

1. Determination and Notice: If the License Officer determines that grounds exist for the denial, suspension or revocation of the licensee's license, the License Officer shall notify the licensee in writing, by certified mail sent to the most current business address or other mailing address on file with the Business License Division, or by personal delivery, of the determination to deny, suspend or revoke the license. The notice shall include the grounds for the determination and provide that the licensee may appeal this determination to the City Manager by filing a written appeal, stating the reasons why the license should not be denied, suspended or revoked, with the City Recorder within ten (10) business days from receipt of the notice.

### **3-1A-4: APPEALS TO THE CITY MANAGER**

1. Appeals to the City Manager in regards to the denial, suspension or revocation of a business license shall be made by filing a written appeal with the City Recorder no later than ten (10) business days from receipt of the notice. A hearing will then be scheduled, and the applicant or licensee shall be given reasonable notice of the date and time of the hearing.
2. The City Manager may appoint a hearing officer to conduct the hearing and hear the evidence to determine if grounds exist for denial, suspension or revocation, and render a decision.
3. At the hearing, the applicant or licensee shall have the opportunity to be represented by counsel, present evidence and witnesses, and cross-examine and of the City's witnesses.

4. The City Manager or the hearing officer shall issue a written decision subsequent to the hearing and send the decision by certified mail or personal delivery to the applicant or licensee.
5. Any appeal of the City Manager or hearing officer's decision may be made to a court of competent jurisdiction but must be filed within thirty (30) days of the decision.

### **3-1A-5: EMERGENCY OR SUMMARY REVOCATION**

1. Summary Action: When the conduct of any licensee, agent, or employee or any unlicensed person conducting or operating a business is an imminent threat to the public health, safety, or general welfare, or is otherwise so egregious as to warrant immediate intervention, the City Manager shall have the authority to summarily order the cessation of business and the close of premise or to suspend or revoke the license. Unless waived by the licensee, within five (5) days after the summary action, a special hearing with regard to such action shall be held by the City Manager. Notice of the hearing shall be given in writing and as soon as reasonably practical under the circumstances.

### **3-1A-6: ALTERNATIVE REMEDIES NOT MODIFIED**

Nothing contained herein shall preclude any other remedy or action pursuant to civil or criminal law.

(Ord. 658, 11-21-1989)

### **3-1A-7: NO REFUND OR REBATE**

In the event of revocation as herein provided, there shall be no refund or rebate of any part of the original license fee paid by the licensee.

(Ord. 658, 11-21-1989)

**SECTION II:** **Enact.** Title 3, Chapter 1, Section 10 is hereby enacted to read:

## CHAPTER 10 RESIDENTIAL SOLICITATION

### 3-10-1 PURPOSE

### 3-10-2 NO OTHER LICENSE OR APPROVAL REQUIRED

### 3-10-3 DEFINITIONS

### 3-10-4 EXEMPTIONS FROM CHAPTER

### 3-10-5 SOLICITATION PROHIBITED.

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**3-10-1: PURPOSE**

1. Residents of Roy City have inalienable interests in their personal safety, well-being, and privacy in their residences, as well as the right to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The City has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its residents, which includes the ability to protect citizens from unwanted intrusions upon residential property. The City also has a substantial interest in protecting residents from fraud or otherwise unfair consumer sales practices and criminal activity. The City recognizes that the substantial interests listed above must be balanced against the rights of those who are regulated by this Chapter. Based on the collective experiences of City officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to citizen inquiries regarding door-to-door solicitation, the experience of law enforcement officers and those affected by door-to-door canvassing and solicitation, as well as judicial decisions describing the boundaries of Constitutional protections afforded and denied to persons seeking to engage in door-to-door solicitation, the City adopts this Chapter to promote the City's substantial interests in:
  - A. Respecting citizens' decisions regarding privacy in their residences;
  - B. Protecting persons from criminal conduct;
  - C. Providing equal opportunity to advocate for or against religious belief, political position, or charitable activities; and
  - D. Permitting truthful and non-misleading door-to-door solicitation regarding goods or services lawfully in the stream of commerce.
1. The City finds that the procedures, rules, and regulations set forth in this Chapter are narrowly tailored to preserve and protect the aforementioned City interests while balancing the rights of those regulated.

**3-10-2: NO OTHER LICENSE OR APPROVAL REQUIRED**

1. Registered solicitors and persons exempt from registration need not apply for, nor obtain, any other license, permit, or registration from the City to engage in door-to-door solicitation.
2. Any business that is licensed by the City under another ordinance and that uses employees, independent contractors, or agents for door-to-door solicitation in an effort to provide any tangible or intangible benefit to the business, shall be required to have such solicitors obtain a certificate, unless otherwise exempt from registration.
3. Those responsible persons or entities associated with registered solicitors need not apply for, nor obtain, any other license, permit, or registration from the City, provided they do not establish a temporary or fixed place of business in the City.
4. Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permit, or certificate that a registered solicitor is otherwise required to have or maintain.

**3-10-3: DEFINITIONS**

For the purposes of this Chapter, the following definitions shall apply:

**“Advocating”** means speech or conduct intended to inform, promote, or support religious belief, political position, or charitable activities.

**“Appeals Officer”** means the City Manager or City Manager’s designated hearing officer responsible for receiving the information from the City and appellant regarding denial or suspension of a certificate and issuing a decision as required by this Chapter.

**“Appellant”** means the person or entity appealing a denial or suspension of a certificate, either personally as an applicant or registered solicitor, or on behalf of an applicant or registered solicitor.

**“Applicant”** means an individual who is at least sixteen (16) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a certificate permitting door-to-door solicitation.

**“Application Form”** means a standardized form provided by the City to an applicant to be completed and submitted as part of registration.

**“BCI”** means an original or copy, dated no older than one-hundred eighty (180) days prior to the date of the application, of either:

1. a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to an applicant or equivalent report prepared by the corresponding public safety agency of the applicant’s home state if the applicant is not a Utah resident; or
2. verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

**“Business”** means a commercial enterprise licensed by the City as a person or entity under this Title, having a fixed or temporary physical location within the City.

**“Certificate”** means a temporary, annual, or renewal certificate permitting door-to-door solicitation in the City applied for or issued pursuant to the terms of this Chapter.

**“Charitable Activities”** means advocating by persons or entities that either are, or support, a charitable organization.

**“Charitable Organization”** includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity:

1. that is:
  - A. a benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization;
  - B. for the benefit of a public safety, law enforcement, or firefighter fraternal association; or
  - C. established for any charitable purpose; and
2. that is tax exempt under applicable provisions of the Internal Revenue Code of 1986, as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.
3. A charitable organization includes a chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the state for a charitable organization that has its principal



place of business outside the City or State of Utah as set forth in the Utah Charitable Solicitation Act, as amended from time to time.

**“Competent Individual”** means a person claiming or appearing to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.

**“Completed Application”** means a fully completed application form, a BCI background check, two (2) copies of the original identification relied on by the applicant to establish proof of identity, and the tendering of fees.

**“Criminally Convicted”** means the final entry of a conviction, whether by a plea of no contest, guilty, or entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the applicant or registered solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole, and charges dismissed under a plea in abeyance or diversion agreement.

**“Disqualifying Status”** means anything specifically defined in this Chapter as requiring the denial or suspension of a certificate, and any of the following:

1. The applicant or registered solicitor has been criminally convicted of:
  - A. felony homicide,
  - B. physically abusing, sexually abusing, or exploiting a minor,
  - C. the sale or distribution of controlled substances, or
  - D. sexual assault of any kind;
2. Criminal charges are currently pending against the applicant or registered solicitor for:
  - A. felony homicide,
  - B. physically abusing, sexually abusing, or exploiting a minor,
  - C. the sale or distribution of controlled substances, or
  - D. sexual assault of any kind;
3. the applicant or registered solicitor has been criminally convicted of a felony within the last ten (10) years;
4. the applicant or registered solicitor has been incarcerated in a federal or state prison within the past five (5) years; or
5. the applicant or registered solicitor has been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:
  - A. moral turpitude, or
  - B. violent or aggravated conduct involving persons or property;
6. a final civil judgment been entered against the applicant or registered solicitor within the last five (5) years indicating that:
  - A. the applicant or registered solicitor had either engaged in fraud, or intentional misrepresentation, or
  - B. a debt of the applicant or registered solicitor was non-dischargeable in bankruptcy pursuant to [11 U.S.C. § 523\(a\)\(2\)](#), [\(a\)\(4\)](#), [\(a\)\(6\)](#), or [\(a\)\(19\)](#);
7. the applicant or registered solicitor is currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
8. the applicant or registered solicitor has an outstanding arrest warrant from any jurisdiction; or
  - A. the applicant or registered solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

**“Door-to-Door Solicitation”** means the practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale, or attempting to further the sale of goods and or services.

**“Entity”** includes a corporation, partnership, limited liability company, or other lawful entity, organization, society, or association.

**“Fees”** means the cost charged to an applicant or registered solicitor for the issuance of a certificate and/or identification badge, which shall not exceed the reasonable costs of processing the application and issuing the certificate and/or identification badge.

**“Final Civil Judgment”** means a civil judgment that would be recognized under state law as a judgment to which collateral estoppel would apply.

**“Goods”** means one (1) or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.

**“Home Solicitation Sale”** means to make or attempt to make a sale of goods or services by a solicitor at a residence by means of door-to-door solicitation, regardless of the:

1. means of payment or consideration used for the purchase;
2. time of delivery of the goods or services; or
3. previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant merchant or similar designation.

**“License Officer”** means the City employee(s) or agent(s) responsible for receiving from an applicant or registered solicitor a completed application and either granting, denying, suspending, or revoking the applicant’s certificate.

**“No Solicitation Sign”** means a reasonably visible and legible sign that states “No Soliciting,” “No Solicitors,” “No Salespersons,” “No Trespassing,” or words of similar import.

**“Political Position”** means any actually held belief, or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.

**“Registered Solicitor”** means any person who has been issued a current certificate by the City.

**“Registration”** means the process used by the City Licensing Officer to accept a completed application and determine whether or not a certificate will be denied, granted, or suspended.

**“Religious Belief”** means any sincerely held belief, or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.

**“Residence”** means any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the City, together with the lot, or other real property on which the living unit is located. This does not include a sidewalk, public street, or public right-of-way.

**“Responsible Person or Entity”** means the person or entity responsible to provide the following to an applicant, registered solicitor, and a competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale:

1. maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;
2. facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and
3. refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.

**“Sale of Goods or Services”** means the conduct and agreement of a solicitor and a competent individual in a residence regarding a particular good(s) or service(s) that entitles the consumer to rescind the same within three (3) days under any applicable federal, state, or local law.

**“Services”** means those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.

**“Soliciting” or “Solicit” or “Solicitation”** means any of the following activities:

1. seeking to obtain sales or orders for the exchange of goods, wares, merchandise, or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
2. seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;
3. seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;
4. seeking to obtain orders or prospective customers for goods or services;
5. seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale; or
6. other activities falling within the commonly accepted definition of soliciting, such as hawking or peddling.

**“Solicitor” or “Solicitors”** means a person(s) engaged in door-to-door solicitation.

**“Submitted in Writing”** means the information for an appeal of a denial or suspension of a certificate, submitted in any type of written statement to the City Licensing Officer by certified, registered, priority, overnight, or delivery confirmation mail, facsimile, or hand delivery.

**“Substantiated Report”** means an oral, written, or electronic report:

1. submitted to and documented by the City;
2. by any of the following:
  - A. a competent individual who is willing to provide law enforcement or other City employees with publicly available identification of their name, address, and any other reliable means of contact;
  - B. City law enforcement or Licensing Officer; or
  - C. any other regularly established law enforcement agency at any level of government;
3. that provides any of the following information regarding a registered solicitor:

- A. documented verification of a previously undisclosed disqualifying status of a registered solicitor;
- B. probable cause that the registered solicitor has committed an act that would give rise to disqualifying status which has not yet been determined to be a disqualifying status;
- C. documented, eye-witness accounts that the registered solicitor has engaged in repeated patterns of behavior that demonstrates failure by the registered solicitor to adhere to the requirements of this Chapter; or
- D. probable cause that continued licensing of the registered solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the City.

**“Waiver”** means a written form provided to an applicant by the City wherein the applicant agrees the City may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this Chapter, and which contains applicant’s notarized signature.

### **3-10-4: EXEMPTIONS FROM CHAPTER**

1. The following are exempt from registration under this Chapter:
  - A. a person specifically invited to a residence by a competent individual prior to the time of the person’s arrival at the residence;
  - B. a person whose license, permit, certificate or registration with the State of Utah permits the person to engage in door-to-door solicitation to offer goods or services to an occupant of the residence;
  - C. a person delivering goods to a residence pursuant to a previously made order, or a person providing services at a residence pursuant to a previously made request by a competent individual;
  - D. a person advocating or disseminating information for, against, or in conjunction with, any religious belief, or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and
  - E. a person representing a charitable organization. The charitable exemption shall apply to any student soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided that the solicitation has been approved in writing by the student’s school administration, and that such student solicitors carry current picture student identification from the educational institution for which the student is soliciting.
2. Persons exempt from registration are not exempt from the duties and prohibitions set forth in Sections [3-10-17](#), [3-10-18](#) and [3-10-19](#) of this Chapter while advocating or soliciting.

### **3-10-5: SOLICITATION PROHIBITED**

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this Chapter, the practice of being in and upon a residence within the City by solicitors, for the purpose of home solicitation sales or to provide goods or services, is prohibited and is punishable as set forth in this Chapter.

### **3-10-6: REGISTRATION OF SOLICITORS**

Unless otherwise exempt under this Chapter, any person desiring to engage in door-to-door solicitation within the City, prior to doing so, shall submit a completed application to the Licensing Officer and obtain a certificate.

### **3-10-7: APPLICATION FORM**

1. The License Officer shall provide a standard application form for solicitor registration. Upon request to the License Officer, any person or entity may obtain in person, by mail, or facsimile, a copy of this application form.
2. Each application form shall require disclosure and reporting by the applicant of the information, documentation, and fee required under this Section.
3. The applicant shall affirm that the applicant has received and reviewed the disclosure information required by this Chapter.
4. The applicant shall provide the following contact information:
  - A. applicant's true, correct, and legal name, including any former names or aliases used during the last ten (10) years;
  - B. applicant's telephone number, home address, and mailing address, if different;
  - C. if different from the applicant, the name, address, and telephone number of the responsible person or entity; and
  - D. the address by which all notices to the applicant required under this Chapter are to be sent.
5. An in-person verification shall be conducted by the License Officer of the applicant's true identity by use of any of the following which bear a photograph of the applicant:
  - A. a valid driver's license issued by any State;
  - B. a valid passport issued by the United States;
  - C. a valid identification card issued by any State; or
  - D. a valid identification issued by a branch of the United States military.

Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to the applicant.

6. The applicant shall provide proof that either the applicant, or the responsible person or entity, has registered with the Utah State Department of Commerce;
7. The applicant shall provide a special events sales tax number for either the applicant, or for the responsible person or entity, for which the applicant will be soliciting.
8. The applicant shall provide the following marketing information:
  - A. the goods or services offered by the applicant, including any commonly known, registered or trademarked names; and
  - B. whether the applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered goods or services.
9. The applicant shall provide a BCI background check which includes:
  - A. an original or a copy of a BCI background check as defined in Section [3-10-3](#) of this Chapter; and
  - B. a signed copy of a waiver whereby applicant agrees to allow the City to obtain a name/date of birth BCI background check on applicant for purposes of enforcement of this Chapter pursuant to Section [53-10-108\(1\)\(b\)](#), Utah Code Annotated, as amended from time to time.
10. The applicant shall affirm or deny each of the following statements on the application form:
  - A. whether the applicant has been criminally convicted of:
    - a. felony homicide;
    - b. physically abusing, sexually abusing, or exploiting a minor;
    - c. the sale or distribution of controlled substances; or
    - d. sexual assault of any kind;

- B. whether any criminal charges are currently pending against the applicant for:
    - a. felony homicide;
    - b. physically abusing, sexually abusing, or exploiting a minor;
    - c. the sale or distribution of controlled substances; or
    - d. sexual assault of any kind.
  - C. whether the applicant been criminally convicted of a felony within the last ten (10) years;
  - D. whether the applicant been incarcerated in a federal or state prison within the past five (5) years;
  - E. whether the applicant been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:
    - a. moral turpitude; or
    - b. violent or aggravated conduct involving persons or property.
  - F. whether a final civil judgment been entered against the applicant within the last five (5) years indicating that:
    - a. the applicant had either engaged in fraud, or intentional misrepresentation, or
    - b. a debt of the applicant was non-dischargeable in bankruptcy pursuant to [11 U.S.C. § 523\(a\)\(2\)](#), [\(a\)\(4\)](#), [\(a\)\(6\)](#), or [\(a\)\(19\)](#).
  - G. whether the applicant is currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
  - H. whether the applicant has an outstanding arrest warrant from any jurisdiction; or
  - I. whether the applicant is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.
11. The applicant shall pay an applicable fees as set forth in the City's [fee schedule](#) as adopted by the City Council. Such fees shall not exceed the reasonable cost of processing the application and issuing a certificate and/or identification badge.
  12. The applicant shall execute the application form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the applicant, the information provided is complete, truthful, and accurate.

### **3-10-8: WRITTEN DISCLOSURES**

The application form shall be accompanied by written disclosures notifying the applicant of the following:

1. the applicant's submission of the application authorizes the City to verify information submitted with the completed application including:
  - A. the applicant's address;
  - B. the applicant's and/or responsible person or entity's state tax identification and special use tax numbers, if any; and
  - C. the validity of the applicant's proof of identity;
2. the City may consult any publicly available source for information on the applicant, including but not limited, to databases for any outstanding warrant, protective order, or civil judgment;
3. establishing proof of identity is required before registration is allowed;
4. identification of the fee amount that must be submitted by applicant with a completed application;
5. the applicant must submit a BCI background check (or equivalent background check from the applicant's home state if the applicant is not a Utah resident) with a completed application;
6. to the extent permitted by State and/or federal law, the applicant's BCI background check will remain a confidential, protected, private record not available for public inspection;
7. the City will maintain copies of the applicant's application form, proof of identity, and identification badge, which copies will become public records available for inspection on demand at the City offices whether or not a certificate is denied, granted, or renewed;



8. the criteria for disqualifying status, denial, suspension or revocation of a certificate under the provisions of this Chapter; and
9. that a request for a temporary certificate will be granted or denied the same business day that a completed application is submitted.

### **3-10-09: WHEN REGISTRATION BEGINS**

The License Officer shall not begin the registration process unless the applicant has submitted a complete application. The original identification submitted to establish proof of identity shall be returned after the License Officer verifies the applicant's identity. A copy of the identification may be retained by the License Officer. If an original BCI background check is submitted by the applicant, the License Officer shall make a copy of the BCI and return the original to the applicant.

### **3-10-10: ISSUANCE OF CERTIFICATES**

The License Officer shall review an applicant's complete application and issue a certificate in accordance with the following provisions:

1. A temporary certificate shall issue allowing an applicant to immediately begin door-to-door solicitation upon the following conditions:
  - A. the applicant submits:
    - a. a complete application; and
    - b. the required fee;
  - B. the applicant establishes proof of identity;
  - C. the applicant's representations on the application form do not affirmatively show a disqualifying status;
  - D. the BCI background check does not affirmatively show a disqualifying status; and
  - E. the applicant has not previously been denied a certificate by the City, or had a certificate revoked for grounds that still constitute a disqualifying status under this Chapter.
2. A temporary certificate shall expire after twenty-five (25) calendar days from issuance, or upon grant or denial of an annual certificate, whichever period is shorter.
3. Within twenty-five (25) calendar days of the issuance of a temporary certificate the City shall:
  - A. take any action the City deems appropriate to verify the truthfulness and completeness of information submitted by an applicant, including, but not limited to those disclosed with the application form;
  - B. issue written notice to the applicant and the responsible person or entity, if any, that the applicant either:
    - a. will be issued an annual certificate, eligible for renewal one (1) year from the date of issuance of the temporary certificate; or
    - b. will not be issued an annual certificate for reasons set forth in Section [3-10-14](#) of this Chapter.
4. An annual certificate shall be valid for one (1) year from the date of issuance of the temporary certificate and shall expire at midnight on the anniversary date of issuance. Any annual certificate that is not suspended, revoked, or expired may be renewed upon request of the registered solicitor and submission of a new complete application and payment of the fee, unless any of the conditions for the denial, suspension, or revocation of a certificate are present, as set forth in Section [3-10-14](#) of this Chapter, or a disqualifying status is present.

### **3-10-11: FORM OF CERTIFICATE AND IDENTIFICATION BADGE**

1. Should the License Officer determine that an applicant is entitled to a certificate, the Officer shall issue a certificate to the applicant. The certificate shall list the name of the registered solicitor and the responsible person or entity, if any, and the date on which the certificate expires. The certificate shall be dated and signed by the License Officer. The certificate shall be carried by the registered solicitor at all times while soliciting in the City.
2. Upon issuance of a temporary or annual certificate, the City shall also issue each registered solicitor an identification badge that shall be worn prominently on the solicitor's person while soliciting in the City. The identification badge shall bear the name of the City and shall contain:
  - A. the name of the registered solicitor;
  - B. address and phone number of the registered solicitor, or the name, address, and phone number of the responsible person or entity is provided;
  - C. a recent photograph of the registered solicitor; and
  - D. the date on which the certificate expires.

### **3-10-12: MAINTENANCE OF REGISTRY**

The License Officer shall maintain and make available for public inspection a copy or record of every complete application received, and the certificate or written denial issued by the City. Each applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection unless otherwise required by state or federal law. The License Officer may furnish to the head of the City's law enforcement agency a list of all applicants, those denied, and those issued a certificate.

### **3-10-13: NON-TRANSFERABILITY OF CERTIFICATES**

A certificate shall be issued only in the name of the applicant and shall list the responsible party or entity, if any, and shall be nontransferable. A registered solicitor desiring to facilitate or attempting to facilitate home solicitation sales with different:

1. goods or services; or
2. responsible person or entity, from those designated in the originally submitted completed application, shall submit a written change request to the License Officer. A new certificate based on the amended information shall issue for the balance of time remaining on the solicitor's previous certificate before the amendment was filed. Before a new certificate is given to a registered solicitor, the solicitor shall obtain a revised identification badge from the City, after payment of the fee for the identification badge.

### **3-10-14: DENIAL, SUSPENSION OR REVOCATION OF A CERTIFICATE OF REGISTRATION**

1. Upon review, the License Officer shall refuse to issue a certificate to an applicant for any of the following reasons:
  - A. for a temporary certificate:
    - a. the application form is not complete;
    - b. the applicant fails to:
      - i. establish proof of identity;
      - ii. provide a BCI background check; or
      - iii. pay fees;
    - c. the complete application or BCI background check indicate the applicant has a disqualifying status; or

- d. the applicant has previously been denied a certificate by the City or has had a certificate revoked for grounds that still constitute a disqualifying status under this Chapter.
- B. for an annual certificate or renewal of an annual certificate:
  - a. the information submitted by the applicant at the time of the granting of the temporary certificate is found to be incomplete or incorrect;
  - b. since the submission of a complete application, the applicant is subject to a previously undisclosed or unknown disqualifying status;
  - c. failure to pay fees;
  - d. since submission of the application, the City has received a substantiated report regarding past or present conduct of the applicant;
  - e. since submission of the application, the City or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this Chapter or a similar federal, state, or municipal law in a manner rising to the level of a disqualifying status; or
  - f. since submission of the application, a final civil judgment has been entered against the applicant indicating that:
    - i. the applicant engaged in fraud or intentional misrepresentation; or
    - ii. a debt of the applicant was non-dischargeable in bankruptcy pursuant to [11 U.S.C. § 523\(a\)\(2\)](#), [\(a\)\(4\)](#), [\(a\)\(6\)](#), or [\(a\)\(19\)](#).
- 2. The City shall either suspend or revoke a certificate when any of the reasons warranting denial of a certificate occurs.
- 3. If the License Officer denies an applicant's complete application or suspends or revokes a registered solicitor's certificate, the Officer shall cause written notice to be sent to the applicant or registered solicitor. The notice shall specify the grounds for denial, suspension or revocation and the date upon which the denial, suspension or revocation of the certificate shall take effect. The written notice shall further state that the applicant or registered solicitor shall have ten (10) business days from receipt of the notice of denial or suspension to appeal. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal suspension of a certificate shall result in its revocation.

### **3-10-15: APPEALS**

- 1. An applicant or registered solicitor whose certificate has been denied, suspended or revoked shall have the right to appeal to the City Manager by following the procedures and requirements as provided in Section 3-1A-4 of this title. Any appeal shall be submitted by either the applicant, the responsible person or entity, or legal counsel for either who:
  - A. documents the relationship with the applicant or responsible person or entity; or
  - B. is licensed or authorized by the State of Utah to do so and makes the assertion of an agency relationship.

### **3-10-16: DECEPTIVE SOLICITING PRACTICES PROHIBITED**

- 1. No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.
- 2. A solicitor shall immediately disclose to the consumer during face-to-face solicitation;
  - A. The name of the solicitor;
  - B. The name and address of the entity with whom the solicitor is associated; and
  - C. The purpose of the solicitor's contact with the person and/or competent individual. This requirement may be satisfied through the use of the badge and an informational flyer.

3. No solicitor shall use a fictitious name, an alias, or any name other than the solicitor's true and correct name.
4. No solicitor shall represent directly or by implication that the granting of a certificate of registration implies any endorsement by the City of the solicitor's goods or services or of the individual solicitor.

### **3-10-17: "NO SOLICITATION" NOTICE**

1. Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign which shall be posted on or near the main entrance door or on or near the property line adjacent to a sidewalk leading to the residence.
2. The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.
3. It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.
4. The provisions of this Section [3-10-17](#) shall apply also to solicitors who are exempt from registration pursuant to the provisions of this Chapter.

### **3-10-18: DUTIES OF SOLICITORS**

1. Every person soliciting or advocating shall check each residence for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to, "No Solicitation" signs. If any such sign or placard is posted, the solicitor shall desist from any efforts to solicit at the residence and shall immediately depart from such property. Possession of a certificate of registration does not relieve a solicitor of this duty.
2. A person soliciting or advocating shall not knock on a door, ring a doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in advocating a home solicitation sale, door-to-door soliciting, or soliciting.
3. A solicitor shall not, through ruse, deception, or fraudulent concealment of a purpose to solicit, take any action calculated to secure an audience with an occupant at a residence.
4. A solicitor, who is at any time asked by an occupant of a residence to leave, shall immediately and peacefully depart.
5. A solicitor shall not intentionally or recklessly make any physical contact with or touch another person without the person's consent.
6. A solicitor shall not follow a person into a residence without the person's explicit consent;
7. A solicitor shall not continue repeated soliciting after a person or competent individual has communicated clearly and unequivocally the person's lack of interest in the subject, goods or services of the solicitor.
8. A solicitor shall not use obscene language or gestures.

### **3-10-19: TIME OF DAY RESTRICTIONS**

It shall be unlawful for any person, whether licensed or not, to solicit at a residence before 9:00 a.m. or after 9:00 p.m. Mountain Standard Time, unless the solicitor has express prior permission from the resident to do so.

### **3-10-20: BUYER'S RIGHT TO CANCEL**

In any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay in an emergency, the seller or solicitor shall present to the buyer and obtain buyer's signature to a

written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "Buyer's right to cancel" shall be in the form required by Section [70C-5-103](#), Utah Code Annotated, or a current version thereof, or any state or federal law modifying or amending such provision.

### **3-10-21: PENALTIES**

Any person who violates any term or provision of this Chapter shall be guilty of a class B misdemeanor.

**SECTION III: Repealer.** If any provisions of the Roy City Code are inconsistent herewith they are hereby repealed.

**SECTION IV: Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and shall not affect the validity of the remainder if this ordinance.

**SECTION V: Effective Date.** This ordinance shall become effective immediately upon posting

**PASSED AND ADOPTED** by the Roy City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Robert Dandoy, Mayor

ATTEST:

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Morgan Langholf, City Recorder