

## ROY CITY COUNCIL MEETING AGENDA

AUGUST 2, 2022 – 5:30 P.M.

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

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

### A. Welcome & Roll Call

### B. Moment of Silence

### C. Pledge of Allegiance

### D. Consent Items

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

1. Sale of surplus vehicle; 2021 Ford F-150 VIN# 1FTFW1E83MKE06703
2. Financial Statements

### E. Public Comments

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

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

### F. Action Items

1. **Supervising Fire Office Designation** – Presented by Chief Golden on behalf of the Utah Commission on Fire Officer Professional Development
2. **Consideration of Resolution 22-14**; A resolution adopting the Roy Days Bag Policy
3. **Consideration of Resolution 22-15**; An interlocal agreement with Weber County for Children’s Justice Center Funding
4. **Continuation - Ord. No 22-6**; to amend Title 10 Zoning Regulations, CH 10 - General Property Development Standards, amending Table 10-1 "Maximum Building Height" and CH 31 - Definitions amending the definition of “Building, Height”
5. **Ord. No. 22-10**; to amend Title 10 Zoning Regulations, CH 17 - Table of Uses - Table 17-2 - Table of Allowed Uses - Non-Residential Zoning Districts - “Tattoo & Body Art” – to remove the number allowed per Census data.

### G. Presentations

1. Fraud Risk Assessment – Amber Fowles
2. Arts Council – Marge Becraft

### H. Discussion Items

1. Management Services Hours – Amber Fowles
2. Recreational Complex Bid and Fundraising updates – Ross Oliver and Matt Andrews
3. Day of Service – Travis Flint

### I. City Manager & Council Report



## **J. Adjournment**

*In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1020 or by email: [admin@royutah.org](mailto:admin@royutah.org) at least 48 hours in advance of the meeting.*

*Pursuant to Section 52-4-7.8 (1)(e) and (3)(B)(ii) "Electronic Meetings" of the Open and Public Meetings Law, Any Councilmember may participate in the meeting via teleconference, and such electronic means will provide the public body the ability to communicate via the teleconference.*

### **Certificate of Posting**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 29<sup>th</sup> day of July 2022. A copy was also posted on the Roy City Website and Utah Public Notice Website on the 29<sup>th</sup> day of July 2022.

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

**Brittany Fowers**  
City Recorder

ROY CITY CORPORATION  
FUND SUMMARY  
FOR THE 12 MONTHS ENDING JUNE 30, 2022

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
PROPERTY TAX	203,858.99	3,925,752.74	3,926,487.00	734.26	100.0
SALES AND USE TAX	737,529.12	6,720,073.71	7,589,144.00	869,070.29	88.6
FRANCHISE TAX	251,774.69	3,181,925.88	3,159,140.00	( 22,785.88)	100.7
LICENSES AND PERMITS	41,340.94	638,869.79	700,100.00	61,230.21	91.3
INTERGOVERNMENTAL	( 2,308,955.25)	339,765.24	290,563.00	( 49,202.24)	116.9
CHARGES FOR SERVICES	390,697.90	3,523,991.47	2,822,800.00	( 701,191.47)	124.8
FINES AND FORFEITURES	9,008.00	542,577.75	621,000.00	78,422.25	87.4
MISCELLANEOUS REVENUE	28,512.85	224,066.55	288,500.00	64,433.45	77.7
CONTRIBUTIONS AND TRANSFERS	8,900.00	38,489.85	3,835,144.00	3,796,654.15	1.0
	( 637,332.76)	19,135,512.98	23,232,878.00	4,097,365.02	82.4
<u>EXPENDITURES</u>					
LEGISLATIVE	46,936.31	414,372.24	506,090.00	91,717.76	81.9
LEGAL	56,751.74	408,686.33	426,885.00	18,198.67	95.7
LIABILITY INSURANCE	0.00	170,973.00	186,516.00	15,543.00	91.7
JUSTICE COURT	38,284.56	380,769.95	435,347.00	54,577.05	87.5
FINANCE	68,400.49	432,479.39	485,332.00	52,852.61	89.1
SPECIAL LEGISLATIVE COMMITTEES	0.00	0.00	0.00	0.00	.0
CARES ACT	0.00	0.00	0.00	0.00	.0
TRANSFERS	73,511.50	1,037,138.00	4,562,138.00	3,525,000.00	22.7
BUILDING/GROUND MAINT DIVISION	65,332.09	671,858.04	714,212.00	42,353.96	94.1
ANIMAL SERVICES	0.00	0.00	0.00	0.00	.0
POLICE AND ANIMAL SERVICES	722,688.66	5,801,059.49	6,206,222.00	405,162.51	93.5
FIRE & RESCUE	675,019.06	4,746,590.16	4,893,342.00	146,751.84	97.0
COMMUNITY DEVELOPMENT	62,654.81	415,109.48	492,923.00	77,813.52	84.2
STREETS DIVISION	87,676.02	652,623.94	731,594.00	78,970.06	89.2
FLEET SERVICES DIVISION	26,399.79	210,127.74	253,894.00	43,766.26	82.8
PARKS	0.00	0.00	0.00	0.00	.0
PUBLIC WORKS ADMINISTRATION	62,635.10	370,460.17	406,166.00	35,705.83	91.2
RECREATION COMPLEX	61,075.77	602,605.38	686,770.00	84,164.62	87.7
AQUATIC CENTER	151,972.21	569,442.03	668,472.00	99,029.97	85.2
ICE RINK	0.00	0.00	0.00	0.00	.0
ROY DAYS	( 4,380.00)	160,943.69	165,889.00	4,945.31	97.0
PARKS & RECREATION	216,103.18	1,328,560.30	1,411,086.00	82,525.70	94.2
DEBT SERVICE	0.00	0.00	0.00	0.00	.0
MISCELLANEOUS	0.00	0.00	0.00	0.00	.0
	2,411,061.29	18,373,799.33	23,232,878.00	4,859,078.67	79.1
	( 3,048,394.05)	761,713.65	0.00	( 761,713.65)	.0

ROY CITY CORPORATION  
 FUND SUMMARY  
 FOR THE 12 MONTHS ENDING JUNE 30, 2022

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
41 CAPITAL PROJECTS FUND	15,458.33	359,176.74	6,188,190.00	5,829,013.26	5.8
50 UTILITY ENTERPRISE FUND	796,882.63	9,576,154.67	9,388,634.00	( 187,520.67)	102.0
51 STORM WATER UTILITY FUND	74,922.23	904,026.81	1,072,000.00	167,973.19	84.3
53 SOLID WASTE UTILITY FUND	209,219.29	2,510,132.17	2,433,500.00	( 76,632.17)	103.2
60 INFORMATION TECHNOLOGY	72,524.84	870,298.08	1,305,894.00	435,595.92	66.6
63 RISK MANAGEMENT FUND	22,204.33	300,557.08	266,452.00	( 34,105.08)	112.8
64 CLASS "C" ROADS	0.00	1,223,720.89	2,128,100.00	904,379.11	57.5
65 TRANSPORTATION INFRASTRUCTUR	64,602.29	589,097.92	575,000.00	( 14,097.92)	102.5
66 BEAUTIFICATION	0.00	0.00	0.00	0.00	.0
67 STORM SEWER DEVELOPMENT	5,950.57	53,944.32	186,000.00	132,055.68	29.0
68 PARK DEVELOPMENT	1,000.00	30,737.83	119,545.00	88,807.17	25.7
71 REDEVELOPMENT AGENCY	39,120.87	399,990.94	1,487,190.00	1,087,199.06	26.9
74 CLOCK MAINTENANCE FUND	0.00	0.00	0.00	0.00	.0
75 CEMETERY FUND	1,150.00	1,670.00	0.00	( 1,670.00)	.0
	<u>1,303,035.38</u>	<u>16,819,507.45</u>	<u>25,150,505.00</u>	<u>8,330,997.55</u>	<u>66.9</u>
<u>EXPENDITURES</u>					
41 CAPITAL PROJECTS FUND	1,645,757.27	2,574,797.20	6,188,190.00	3,613,392.80	41.6
50 UTILITY ENTERPRISE FUND	1,104,365.59	8,736,563.64	9,388,634.00	652,070.36	93.1
51 STORM WATER UTILITY FUND	121,883.55	856,818.63	1,072,000.00	215,181.37	79.9
53 SOLID WASTE UTILITY FUND	276,415.41	2,150,046.53	2,433,500.00	283,453.47	88.4
60 INFORMATION TECHNOLOGY	86,187.43	655,368.28	1,305,894.00	650,525.72	50.2
63 RISK MANAGEMENT FUND	21,553.30	257,103.09	266,452.00	9,348.91	96.5
64 CLASS "C" ROADS	115,651.21	1,437,200.31	2,128,100.00	690,899.69	67.5
65 TRANSPORTATION INFRASTRUCTUR	38,812.32	555,405.73	575,000.00	19,594.27	96.6
66 BEAUTIFICATION	0.00	0.00	0.00	0.00	.0
67 STORM SEWER DEVELOPMENT	0.00	24,123.60	186,000.00	161,876.40	13.0
68 PARK DEVELOPMENT	6,080.85	92,458.85	119,545.00	27,086.15	77.3
71 REDEVELOPMENT AGENCY	16,897.00	54,094.50	1,487,190.00	1,433,095.50	3.6
74 CLOCK MAINTENANCE FUND	0.00	0.00	0.00	0.00	.0
75 CEMETERY FUND	0.00	0.00	0.00	0.00	.0
	<u>3,433,603.93</u>	<u>17,393,980.36</u>	<u>25,150,505.00</u>	<u>7,756,524.64</u>	<u>69.2</u>
	<u>( 2,130,568.55)</u>	<u>( 574,472.91)</u>	<u>0.00</u>	<u>574,472.91</u>	<u>.0</u>



## UTAH FIRE & RESCUE ACADEMY

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Bradley C. Wardle  
Director

June 6, 2022

Chief Craig Golden  
Roy Fire Department  
5051 S 1900 W  
Roy, UT 84067

Chief Golden,

It is with great pleasure that we notify you that **Brandon Storey** has successfully met the requirements needed to receive the **"Supervising Fire Officer Designation"** as identified by the **Utah Commission on Fire Officer Professional Development**.

Included in the package that UFRA has prepared for you to present to him is a framed certificate along with an official pin. We encourage you to formalize the award presentation of these items to him at your earliest convenience. We have attached a sample brief that you may want to use in the presentation.

A picture of Brandon, along with information about the award will also be included in the fall (October) issue of the UFRA *Straight Tip* magazine. Please express our appreciation to him as UFRA views this as an excellent achievement. Additionally, we would be honored to attend any formal award ceremony at your discretion, so please let us know of dates, times and locations. Dave Owens, the UFRA training program manager for your county, will deliver the framed certificate to you.

Regards,

A handwritten signature in black ink that reads "Aaron Byington".

Chief Aaron Byington  
Commission Chair  
Utah Commission for Fire Officer Professional Development

A handwritten signature in black ink that reads "Bradley C. Wardle".

Brad Wardle  
Director  
Utah Fire and Rescue Academy

**Resolution No. 22-14**

**A RESOLUTION OF THE ROY CITY COUNCIL ADOPTING A BAG POLICY FOR THE ROY DAYS CELEBRATION AT ROY WEST PARK.**

**Whereas**, the Roy Days 2022 events commences on or about July 15<sup>th</sup> and ends on or about August 6<sup>th</sup>, 2022; and

**Whereas**, the Roy City Council cares about the safety of those attending the Roy Days events; and

**Whereas**, to help provide a safer environment, the Roy City Council desires to implement a bag safety policy which limits the design and type of bags that may be brought to that area; and

**Whereas**, the Roy City Council has determined that it is in the best interest of the citizens of Roy City to adopt a bag safety policy which is attached hereto and incorporated herein as Exhibit "A" for the 2022 Roy Days events.

**Now Therefore, be it ordained** by the Roy City Council that the attached Exhibit A, Roy City Roy Days Event Bag Policy is hereby adopted on this \_\_\_\_\_ day of August 2022.

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

Attest:

\_\_\_\_\_  
Brittany Fowers, City Recorder

Councilmember Scadden \_\_\_\_\_

Councilmember Wilson \_\_\_\_\_

Councilmember Sophie Paul \_\_\_\_\_

Councilmember Jackson \_\_\_\_\_

Councilmember Joe Paul \_\_\_\_\_

## **Exhibit A**

### **Roy City Roy Days Event Bag Policy.**

This policy is applicable to the area enclosed by fencing at the North end of Roy West Park.

Failure to comply with this policy may result in the denial of entry.

All bags brought to this area are subject to search.

#### **Allowable bags:**

- Bags that are clear plastic, vinyl or PVC and do not exceed 12" x 6" x 12"
- One-gallon clear plastic freezer bag (Ziploc bag or similar)
- Small clutch style bags, no larger than 4.5" x 6.5", with or without a handle or strap
- Medically necessary items after proper inspection at a gate designated for this purpose

#### **Prohibited items** include, but are not limited to:

- Purses larger than a small clutch style bag, briefcases, backpacks, fanny packs, cinch bags, luggage of any kind, computer bags and camera bags
- Coolers
- Any bag larger than the permissible size listed above (12" x 6" x 12")

**Resolution No. 22-15**

**A RESOLUTION OF THE ROY CITY COUNCIL ADOPTING AN INTERLOCAL COOPERATION AGREEMENT FOR THE DISTRIBUTION OF CORONAVIRUS STATE AND LOCAL RECOVERY FUNDS FOR THE CONSTRUCTION OF A NEW CHILDREN’S JUSTICE CENTER.**

**WHEREAS**, County and City have received Coronavirus State and Local Fiscal Recovery Funds (“SLFRF funds”) from the United States Treasury (“Treasury”) and the State of Utah under the American Rescue Plan Act (“ARPA”); and

**WHEREAS**, the purpose of SLFRF funds is to mitigate the public health and economic impacts of the COVID-19 pandemic by maintaining vital public services and to build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity; and

**WHEREAS**, the Treasury, in its final interim rule governing SLFRF funds eligibility, has found that crime and violence has increased in communities due to the pandemic; and

**WHEREAS**, the Treasury has determined that funding community violence intervention programs and trauma recovery services for victims of crime are an eligible use for SLFRF funds; and

**WHEREAS**, the State of Utah, pursuant to Utah Code Ann. 67-5b-101 et seq., has established the Children’s Justice Center Program to provide a comprehensive, multidisciplinary, intergovernmental response and services to victims of child abuse; and

**WHEREAS**, the Weber/Morgan Children’s Justice Center (“CJC”) was established to not only provide a neutral, child-friendly program where interviews are conducted and services are provided to facilitate the effective and appropriate disposition of child abuse cases, but to establish and maintain a multidisciplinary team to aid in the delivery of as many services as possible to child abuse victims and their families; and

**WHEREAS**, the CJC is a community resource that benefits the citizens of Roy; and

**WHEREAS**, the demand for CJC services has steadily increased over the years and the capacity to provide those services has reached a point where it is no longer feasible to do so at the CJC’s current location; and

**WHEREAS**, the County, municipalities, and various community stakeholders, such as the Friends of the Children’s Justice Center and Ogden School District, have come together in an effort to construct a new, centrally located CJC building capable of providing these vital community services well into the future; and



**WHEREAS**, a parcel of land currently owned by the Ogden School District located at 1845 Jackson Avenue, in Ogden, Utah, has been selected a suitable site for the construction of a new CJC building; and

**WHEREAS**, construction costs for the new CJC building are to be made up of SLFRF contributions from participating municipalities, proceeds from the sale of the current CJC building, and contributions from other generous community stakeholders and supporters of the CJC;

**WHEREAS**, The Roy City Council desires to contribute a portion of it's SLFRF funds in the amount of \$142,895.00, to be utilized for the construction of a new CJC building. The City's contribution amount of \$142,895.00 has been determined by obtaining an average of case referrals by the City to the CJC for services provided over the past three years.

**NOW THEREFORE, BE IT ORDAINED** by the Roy City Council, that the interlocal agreement attached hereto as Exhibit A, and incorporated in is hereby adopted in consideration of the mutual covenants contained herein, the parties agree to the following interlocal cooperation agreement.

Passed this \_\_\_\_\_ day of July 2022.

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Robert Dandoy, Mayor

Attested and Recorded:

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Brittany Fowers, City Recorder

## **Exhibit A**

### **INTERLOCAL COOPERATION AGREEMENT FOR THE DISTRIBUTION OF CORONAVIRUS STATE AND LOCAL RECOVERY FUNDS FOR THE CONSTRUCTION OF A NEW CHILDREN'S JUSTICE CENTER**

This agreement is made by and between Weber County ("County") and Roy City ("City"), individually referred to as "Party" and jointly referred to as "Parties," pursuant to the provisions of the Interlocal Cooperation Act, §§ 11-13-101 et seq., Utah Code Annotated, 1953, as amended.

#### **SECTION ONE SCOPE**

1. County will commit approximately \$1,000,000 (one million) toward the construction of a new CJC with its allocated SLFRF funds.
2. City will contribute a portion of its SLFRF funds in the amount of \$142,895.00 toward the building of a new CJC. City's contribution amount was determined by the average percentage of case referrals by the City to the CJC for services over the past three years.
3. City shall deposit its contribution with the Weber County Treasurer. City's contribution shall remain on deposit with the County and not be dispersed until the following occurs:
  - a. Ogden School District has recorded a conveyance of the parcel to the County;
  - b. County has received all necessary zoning and subdivision approvals from Ogden City that will allow construction to move forward; and
  - c. County has a received a signed agreement from the Friends of the Children's Justice Center that proceeds from the sale of the current CJC building will be allocated toward the construction of the new CJC building.
4. County shall only use SLFRF funds to cover eligible expenses that are necessary for the completion of the new CJC building. These expenses must be incurred by December 31, 2024 and paid in full by December 31, 2026.
5. Once construction is complete, County will own and operate the new CJC in accordance with state statute.

#### **SECTION TWO TERM OF AGREEMENT**

1. The term of this agreement begins on the date it is fully executed by the Parties and will remain in effect until County has completed all applicable administrative actions, reporting requirements, and any other project work required under ARPA and the Treasury's final rule pertaining to the use of SLFRF funds.

**SECTION THREE  
REIMBURSEMENT FOR SERVICES PROVIDED**

1. County agrees that it will not receive any compensation from the City for services provided under this agreement.

**SECTION FOUR  
RECORDS**

1. All records created or received by County in accordance with this agreement shall be County records. County agrees to keep all records in a manner approved by the County Auditor and agrees that said records shall be open for examination by the City at any reasonable time. County shall retain records associated with the project for a period required by state or federal law, whichever is greater.

**SECTION FIVE  
REPORTING REQUIREMENTS**

1. County shall submit such reports and adhere to all conditions and obligations as required by the City, including but not limited to, SLFRF Reporting requirements.

**SECTION SIX  
INDEMNIFICATION**

1. County agrees to indemnify and hold City and its agents, officials, and employees harmless from and against any and all suits, claims, and proceedings for any and all loss, damages, injury, or liability arising out of the actions, omissions, or other alleged wrongdoing of County in its provision of services pursuant to the terms of this agreement. The provisions of this paragraph shall survive termination of this agreement.

2. City agrees to indemnify and hold the County and its agents, officials, and employees harmless from and against any and all suits, claims, and proceedings for any and all loss, damages, injury, or liability arising out of the actions, omissions, or other alleged wrongdoing of the City in its provision of services pursuant to the terms of this agreement. The provisions of this paragraph shall survive termination of this agreement.

3. Notwithstanding the foregoing, County and City are governmental entities under the Governmental Immunity Act of Utah (Utah Code § 63G-7-101, *et seq.*) (“Governmental Immunity Act”). Neither County nor City waives any defenses or limitations of liability otherwise available under the Governmental Immunity Act, and they all maintain all privileges, immunities, and other rights granted by the Governmental Immunity Act.

**SECTION SEVEN  
ADMINISTRATION**

1. This agreement does not contemplate any separate legal entity to provide for its administration and none shall be required. The agreement shall be administered by the

governing bodies of the participating Parties.

## **SECTION EIGHT MISCELLANEOUS**

1. Amendment. This agreement shall not be modified or amended except in writing, which shall be signed by duly authorized representatives of the County and City.

2. Interlocal Cooperation Act. In satisfaction of the requirements of the Interlocal Cooperation Act, the Parties hereby agree as follows:

- a. This agreement shall not be effective until approved by resolutions of the governing bodies of the County and the City.
- b. This agreement shall be submitted to an authorized attorney for each Party who shall approve the agreement as being in proper form and compatible with the laws of the State of Utah.
- c. The Parties agree that a signed copy of this agreement will be filed with the keeper of the public records of each entity.
- d. The Parties agree that they are not creating an interlocal entity by this agreement.

4. Further Assurance. Each of the Parties agrees to cooperate in good faith with the other to execute and deliver such further documents, to adopt any resolutions, to take any other official action and to perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the transactions contemplated under this agreement.

5. Severability. If any provision of this agreement shall be held invalid or unenforceable by any court or as a result of future legislative action, the remaining provisions of this agreement shall remain in full force and effect and shall not be affected by the invalid or unenforceable provision or by its severance from this agreement. In lieu of such illegal, invalid or unenforceable provision, the Parties shall use commercially reasonable efforts to negotiate in good faith to insert a substitute, legal, valid, and enforceable provision that most nearly reflects the Parties' intent in entering into this agreement.

6. Governing Law. This agreement is made and entered into subject to the provisions of the of Utah, which laws shall control the enforcement of this agreement. The Parties also recognize that certain federal laws may be applicable. In the event of any conflict between the terms of this agreement and any applicable state or federal law, the state or federal law shall control.

7. Headings. The section headings of this agreement are for the purposes of reference only and shall not limit or define the meaning thereof.

8. Counterparts. This agreement may be executed in any number of counterparts, all of which together shall serve as one agreement.

9. Entire Agreement. This document contains the entire agreement and understanding between

the Parties and constitutes the entire agreement with respect to the specific issues contained herein and supersedes any and all prior written or oral representations and agreements.

**BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY**

By

\_\_\_\_\_  
Scott K. Jenkins, Chair

Date\_\_\_\_\_

ATTEST:

Approved as to form and for  
compliance with state law:

\_\_\_\_\_  
Weber County Clerk/Auditor

\_\_\_\_\_  
Weber County Attorney's Office

**ROY CITY**

By

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

Date\_\_\_\_\_

ATTEST:

Approved as to form and for  
compliance with state law:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
City Attorney



## SYNOPSIS

### Application Information

Applicant: Roy City  
Request: Continuation - Ord. No 22-6; to amend Title 10 Zoning Regulations, CH 10 - General Property Development Standards, amending Table 10-1 "Maximum Building Height" and CH 31 - Definitions amending the definition of "Building, Height"

### Staff

Report By: Steve Parkinson  
Staff Recommendation: Approval

## APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10,
  - Chapter 10 - General Property Development Standards, amending Table 10-1 "Maximum Building Height"
  - Chapter 31 – Definitions – amending definition of "Building, Height"

## PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on April 12, 2022.

Vice Chair Payne opened the floor for public comments.

The following email was read

From: Byron Burnett  
Sent: Sunday, April 10, 2022 9:36 PM  
To: Admin  
Cc: Council  
Subject: Building heights

Planning Commission

I am unable to attend the Planning Commission Meeting on April 12th.

I want to express my opposition to measuring building heights any way except to the full pitch or building height. NOT halfway between the eave and the peak of the roof, which could raise a 35 ft building to as much (or more) than 40 ft.

Anything taller than 35 ft behind my home, south of 4000 and west of the tracks, will create a sound tunnel with the tracks between our homes and new development.

I see this as a violation with what residents were promised by the Council in discussion concerning the Station South area.

Thanks Byron Burnett  
4375 s 2675 w  
801-731-2421

Michael Brodsky, 84 We. 4800 So. Murray said that in a walkout condition the way building height was measured became a problem. The rear slope of a roof was measured in a walkout condition to the eaves which made it a little problematic.

Kevin Homer, 5398 So. 4000 We. Roy thought the changes seemed reasonable and workable and he would recommend approval. His only suggestion was using larger font in the presentation next time.

No further comments were made



The Commission tabled the item during this meeting due to Mr. Brodsky's comment, so they could discuss it during their next meeting.

On April 26<sup>th</sup> the Commission discussed the item and the comments that they received, made an adjustment to the proposed code.

On May 10<sup>th</sup> the Commission voted 6-0; to forward to the City Council a recommendation to approve Ord. No 22-6 to amend Title 10 Zoning Regulations, CH 10 - General Property Development Standards, amending Table 10-1 "Maximum Building Height" and CH 31 - Definitions amending the definition of "Building, Height", as written.

## ANALYSIS

### Background:

#### From the July 5<sup>th</sup> City Council meeting staff report

During the July 5<sup>th</sup> City meeting the Council had several questions regarding the definition especially the first paragraph which provided the means by which to measure. Staff took another look at it and re-adjusted the paragraph to make better since of it (new paragraph included in Exhibit "C")

#### From the May 10<sup>th</sup> Planning Commission meeting staff report

During the April 26<sup>th</sup> work-session staff explain what transpired during their conversation with Mr. Brodsky the Commissioner Felt also brought up a concern regarding the "3" points and asked if there was a way that staff could make so developers don't try and exploit it. The Commission discussed other ways and came up with the idea of changing the minimum number of point from "3" to "4" and adding that at one point per façade is required.

#### From the April 26<sup>th</sup> Planning Commission work-session memo

During the public hearing Mr. Mike Brodsky brought up a concern regarding walkouts of structures having a disadvantage when it comes to measuring heights without looking at the slope.

The Commission closed the Public Hearing and then tabled the item in order to make sure they understand what was presented by Mr. Brodsky and ensure that the amendments took all aspects into account. Commission asked that staff to sit down with Mr. Brodsky and understand what he was expressing.

During the short conversation with Mr. Brodsky he spoke about that most city's use an average of measurements when dealing with buildings on a slope. Staff informed him that the definition did state "average" on heights and once he read the proposed definition he no longer had any concerns.

#### From the April 12<sup>th</sup> Planning Commission meeting staff report

During the process of approving the Mixed Use Zoning Code around the FrontRunner Station, there was discussion during a few of the Council meetings of how to measure the height of a building. The Council wasn't able to amend the definition of Building Height because the chapters dealing with it weren't apart of what they were reviewing. Therefore the Council asked to bring it back at a later date.

During the March 22, 2022 Work-Session the Planning Commission reviewed definitions from twenty (20) different various City's & County's along the Wasatch Front that had sections of their city/county built on a slope, as well as one from outside the State. They included:

- Weber County,
- North Ogden,
- Ogden,
- South Ogden,
- Uintah,
- Davis County,
- South Weber,
- Layton,
- Kaysville,
- Fruit Heights,
- Farmington,
- Centerville,
- Bountiful,
- North Salt Lake
- Salt Lake County
- Millcreek,
- Sandy,
- Riverton,
- Park City,
- Bend, OR,

After discussing the pros and cons of each of the City's listed above and the one that staff introduced during the work-session the Planning Commission discussed what language they would like and directed staff to bring it back to the Commission to vote upon.

## **FINDINGS**

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

## **RECOMMENDATION**

Staff recommends approval of Ord. No. 22-6 to amend Title 10 Zoning Regulations, CH 10 - General Property Development Standards, amending Table 10-1 "Maximum Building Height" and CH 31 - Definitions amending the definition of "Building, Height", as written.

## **EXHIBITS**

- A. Materials Reviewed during the March 22, 2022 Planning Commission Work-Session
- B. Existing Language compared to Proposed Language
- C. Ord No. 22-6



## EXHIBIT "A" – VARIOUS CITY/COUNTY DEFINITIONS OF BUILDING HEIGHT

### Roy City

1953

Building, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof

1973

Building, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof

2004

Building, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof

2005

Building, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof

### Weber County

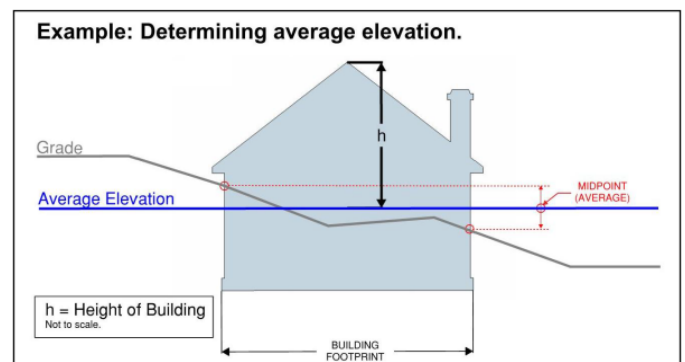
101-2-3

**Building, height of.** The phrase "height of building," or any of its variations, normally means the vertical distance between the highest point of the building or structure and the average elevation of the land at the exterior footprint of the building or structure using the finished grade. See section 108-7-5 for supplemental height provisions.

#### Sec 108-7-5 Building Or Structure Height Requirements

A. *Measuring height.* For the purpose of determining "height of building," as defined in section 101-1-7, the following shall apply:

- I. *Average elevation.* Average elevation shall be determined by averaging the highest elevation and the lowest elevation at the exterior footprint of the building or structure, including any support posts that require a footing. An alternative means of calculating average elevation may be approved by the planning director for an individual building if it follows industry best practices and is proposed by a licensed surveyor, engineer, or architect.



2. *Fill affecting building height.* Except as provided in this subsection, when grading a site to obtain the finished grade, as defined in section 101-1-7, no fill may exceed five vertical feet at any point from the site's natural grade, as also defined in section 101-1-7.

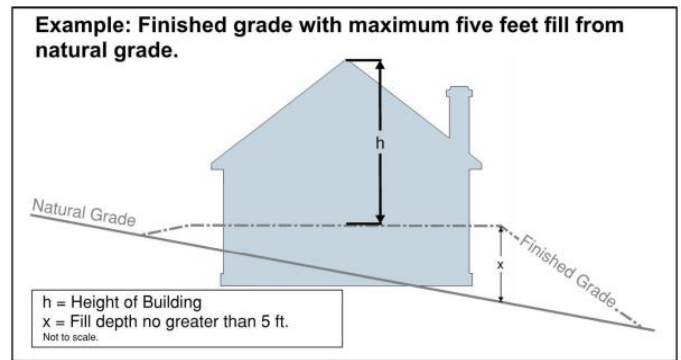
a. Additional fill is allowed if required by county, state, or federal law, or to meet the standards of the National Flood Insurance Program. In this case the fill shall be no higher than the minimum of the other regulation or standard; or

b. In the Western Weber County Planning Area, if the building or structure is within 75 feet of a public or private street upon which its lot or parcel has frontage, fill is allowed that will provide an average elevation of finished grade that is equal to the elevation of the street. In this case, the street's elevation shall be determined to be at the midpoint of the lot's front lot line. If on a corner lot the elevation of both streets at the midpoint of each lot line shall be averaged.

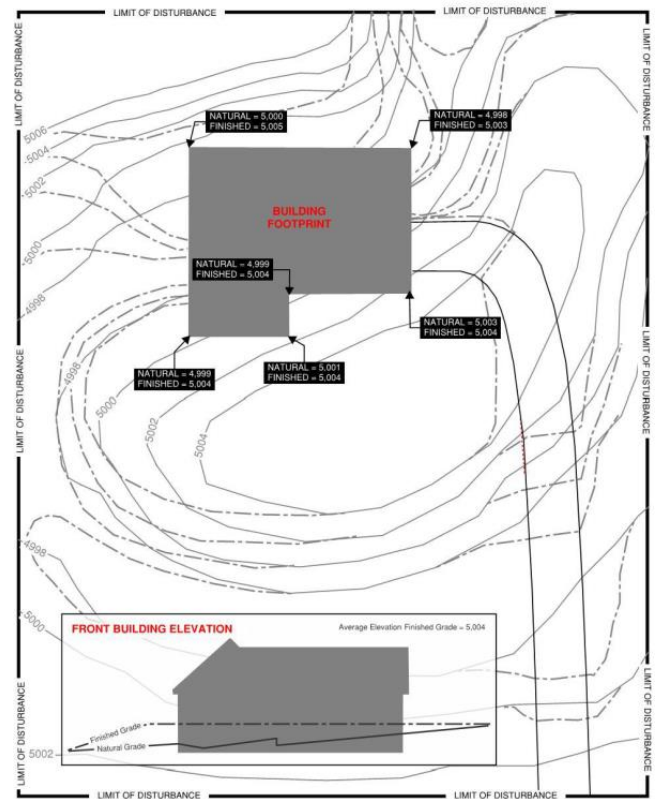
3. *Driveway slope.* The slope of a driveway shall not exceed 15 percent. The planning director may modify the applicability of this if it can be demonstrated that there is no other reasonable configuration of a driveway to avoid slopes over 15 percent.

4. *Site plan submittal requirements.* A site plan shall contain both existing and proposed topographic contours at two foot intervals for the entire limits of disturbance, unless more is required by another section of this Land Use Code or by the planning director or county engineer for the purpose of determining compliance with other laws or standards. Grading that is proposed across lot or parcel lines shall require the consent of all affected owners. Building elevation drawings shall display natural grade and finished grade, and shall present the finished grade's elevation at each corner of the building. This requirement may be waived by the planning director or county engineer for sites that are relatively flat, or if evidence is presented that clearly show the proposed structures will not exceed the maximum height of the zone.

B. *Roof structure height exception.* Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limit of the zone in which they are located, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and at no time shall the height be greater than 15 feet higher than the maximum height of the zone. All exceptions to height shall be subject to applicable design review requirements and all mechanical equipment shall be screened by materials consistent with those used on the exterior of the main building.



**Example: Site plan showing existing and proposed topographic contours and building elevation drawing showing natural and finished grade.**

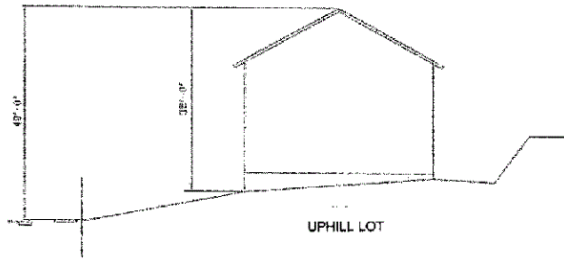


- C. *Air traffic height conflicts.* If in proximity to an airport, no building or structure or other appurtenance is permitted above the maximum height allowed by the Federal Aviation Administration, or other applicable airport or airspace regulation.
  - D. *Minimum height of a dwelling.* Unless on a lot or parcel five acres or greater, no dwelling shall be erected to a height less than one story above natural grade.
- (Ord. of 1956, § 23-5; Ord. No. 2009-14; Ord. No. 2018-5, Exh. A, 5-1-2018)

**North Ogden**

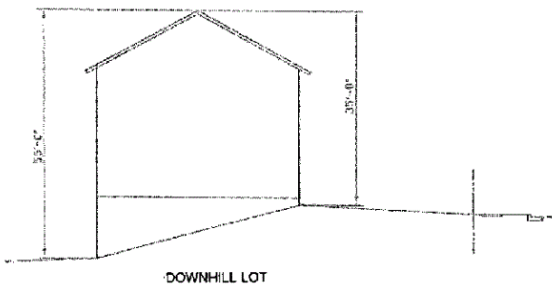
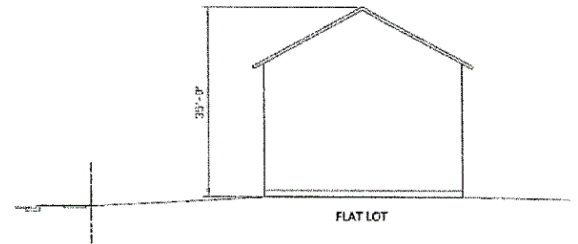
11-2-1

**BUILDING, HEIGHT OF:** The vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the building height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plans (whichever is lower), to the highest point of the structure directly above the finished grade. In the event that terrain problems prevent an accurate determination of height, the zoning administrator shall rule as to height. An appeal from that decision shall be to the administrative law judge.



The height of a building on a flat lot is measured from the highest finished grade at the building foundation to the highest point of the roof, which can be no higher than thirty five feet (35'). The definition of a "flat lot" is no more than three feet (3') of difference from the lowest point of the top back of curb to the highest point of the top back of curb on the building lot.

The height of a building on an uphill lot is measured from the lowest finished grade of the building foundation to the highest point of the roof, which can be no higher than thirty five feet (35'). Also, the height of the building from the top back of curb at the center of the lot to the highest point of the roof can be no higher than forty feet (40').



The height of a building on a downhill lot is measured from the highest finished grade at the building foundation to the highest point of the roof, which can be no higher than thirty five feet (35'). Also, the height of the building from the lowest grade of the foundation to the highest point of the roof can be no higher than fifty five feet (55').

**Ogden**

15-2-3

**BUILDING, HEIGHT OF:** The vertical distance from the grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.

## South Ogden

10-2-1

**BUILDING, HEIGHT OF:** The vertical distance from the finished grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.

## Uintah

9-2-1

**BUILDING, HEIGHT OF:** The vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the building height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plans (whichever is lower) to the highest point of the structure directly above the finished grade. In the event that terrain problems prevent an accurate determination of height, the zoning administrator shall rule as to height. An appeal from that decision shall be to the appeal authority.

## Davis County

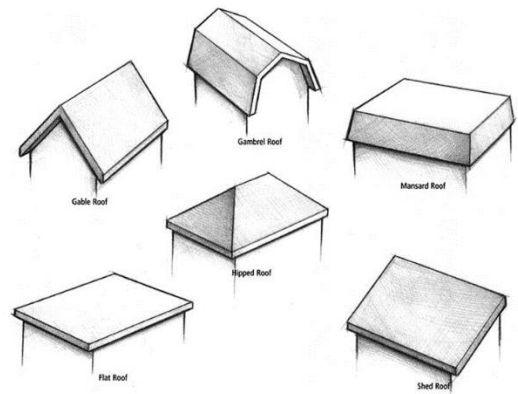
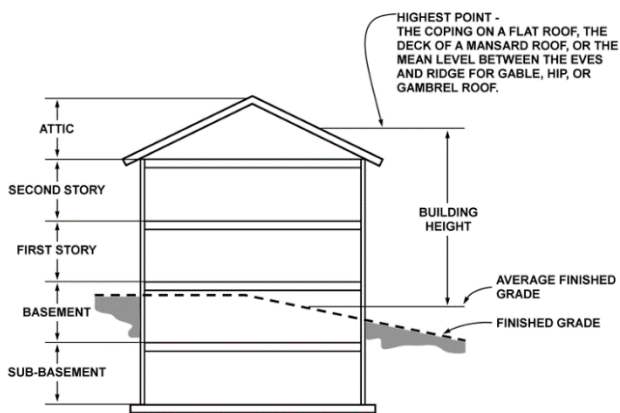
15.01.210

"Building Height" means the vertical distance from the average finished grade surface at the foundation, to the highest point of the building roof.

## Bountiful

14-3-103

**BUILDING, HEIGHT OF:** The vertical distance from the grade plane to the highest point of the roof. (See Figures 3-1 and 3-2 at the end of this Chapter)



## Centerville

12.12.040

**Building or Structure Height:** The height of a building or structure shall be as defined in the Construction Codes adopted by the City. If the Construction Codes do not apply, height means the vertical distance from

the average finished grade to the highest point of a building or structure, except as otherwise provided in CZC 12.55.120.

#### 12.55.120 Height Exceptions And Limitations

1. Exceptions to Height Limitations. Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, parapet walls, skylights, towers, steeples, flagpoles, chimneys, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space for human occupancy.
2. Maximum Height of Accessory Building. No building which is accessory to a single-family or a multiple-family dwelling with four or fewer dwelling units shall be erected to a height greater than 20 feet without a conditional use permit.
3. Minimum Height of Main Building. No dwelling shall be erected to a height less than one story above grade except earth-sheltered dwellings authorized by the provisions of this Title.

### **Farmington**

11-2-020

#### **BUILDING OR STRUCTURE HEIGHT:**

- A. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or mansard roof, or to the midpoint of the highest gable of a pitched, hipped or shed roof, or to a point two-thirds ( $\frac{2}{3}$ ) the height of a quonset, parabolic or round roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:
  1. The elevation of the highest adjoining sidewalk or ground surface within a five foot (5') (1524mm) horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet (10') (3048mm) above lowest grade.
  2. An elevation ten feet (10') (3048mm) higher than the lowest grade when the sidewalk or ground surface described in subsection A1 of this definition is more than ten feet (10') (3048 mm) above lowest grade.
- B. Exterior walls exceeding twenty two feet (22') in height (exclusive of roofs) shall be interrupted by stepping or terracing the building or structure. Each step shall project horizontally at least eight feet (8') and cover no less than two-thirds ( $\frac{2}{3}$ ) the length of the wall exceeding twenty two feet (22') in height.

### **Fruit Heights**

10-2-3

Building Height - The vertical distance measured from the average finished grade to the highest point of any roof or coping

### **Kaysville**

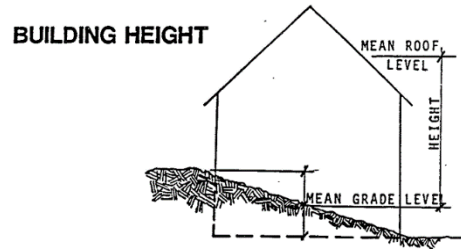
17-2-2

Building Height - The vertical distance from grade plane to the average height of the highest roof structure.

## Layton

### 19.02.020

**“Building Height”**: The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs. (See Diagram [A-1](#))



## North Salt Lake

### 10-1-46

**BUILDING, HEIGHT OF**: The vertical distance from the highest point of elevation of the finished grade surface at the foundation to the highest point of the building roof or coping

## South Weber

### 10-1-10

Building, Height of –

1. The vertical distance above the lowest original ground surface at a point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridge or highest point of a pitched or hipped roof.
2. Buildings may be stepped to accommodate the slope of the terrain; provided, that each step shall be at least twelve feet (12') in horizontal dimension. The height of each stepped building segment shall be measured as provided in subsection (A) of this definition.
3. For the purpose of this definition "original ground surface" means the elevation of the ground surface in its natural state before manmade alterations, including, but not limited to, grading, excavation, or filling, excluding improvements required by land use ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the Planning Commission using the best information available.

## Salt Lake County

### 19.04.095

1. "Height of building" means the vertical distance above the lowest original ground surface or "existing grade," at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of pitched or hipped roofs, or gambrel roofs.
2. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured as required in subsection A.
3. Original ground surface, or "existing grade," shall be the elevation of the ground surface in its natural state before any human-caused alterations including but not limited to grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous human-caused alterations, the elevation of the original grade shall be determined by the development services division using the best information available.



## **Cottonwood Heights**

### **Maximum Height Of Structures**

<u>19.08.080</u>	<u>19.17.090</u>	<u>19.23.070</u>	<u>19.29.070</u>	<u>19.34.070</u>
<u>19.11.090</u>	<u>19.18.090</u>	<u>19.25.070</u>	<u>19.31.070</u>	<u>19.35.080</u>
<u>19.14.090</u>	<u>19.20.090</u>	<u>19.26.070</u>		

- For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.
- All other properties shall maintain a maximum structure height of 35 feet.
- For accessory buildings, heights will be determined on a case by case basis, subject to the foregoing maximums.
- No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.
- Accessory structures which meet the minimum side, rear and front setbacks for main buildings in the RR-1-43 zone may have an increase in maximum height to equal the maximum height of main buildings in the \_\_\_\_ zone.

## **Millcreek**

19.04.095

1. "Height of building" means the vertical distance above the lowest original ground surface or "existing grade," at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of pitched or hipped roofs, or gambrel roofs.
2. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured as required in subsection A.
3. Original ground surface, or "existing grade," shall be the elevation of the ground surface in its natural state before any human-caused alterations including but not limited to grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous human-caused alterations, the elevation of the original grade shall be determined by the development services division using the best information available.

## **Riverton**

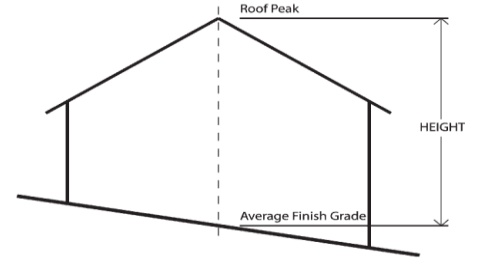
18.05.30

"Building height" means the vertical distance from the average finished grade surface to the highest point of the building roof or coping.

# Sandy

21-37-3

Building height means the vertical distance from the average finished grade surface of the building to the highest point of the coping of a flat roof, to the top of a mansard roof, or the top of the ridge for a gable, hip, or gambrel roofs.



# Park City

15-15-2

**HEIGHT BUILDING.** The vertical distance under any roof or roof element to Existing Grade. See LMC Chapter 15-2, Zoning Districts, for various exceptions within the different Zoning Districts.

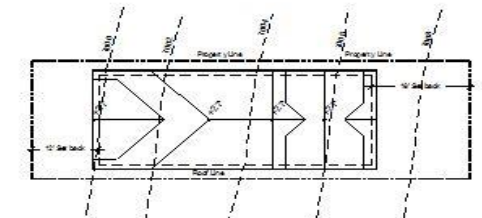
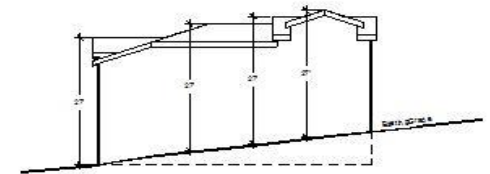
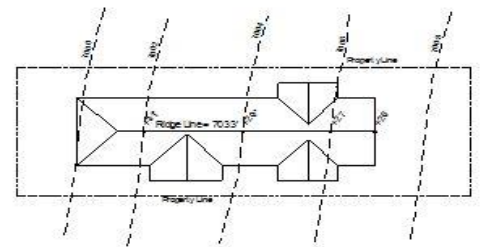
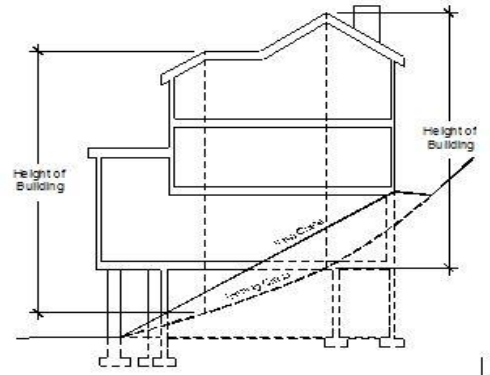
## Building Height

15-2.1-5	15-2.5-5	15-2.9-4	15-2.13-4	15-2.23-4
15-2.2-5	15-2.6-5	15-2.10-4	15-2.14-4	15-2.23-5
15-2.3-5	15-2.7-4	15-2.11-4	15-2.16-4	15-2.26-4
15-2.4-5	15-2.8-4	15-2.12-5	15-2.18-4	

The maximum zone Building height is (ranging from Twenty-Eight (28) feet to Forty-Five (45) feet from Existing Grade.

**MAXIMUM BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

- Gable, hip, Barrel, or similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- Antennas, chimneys, flues, vents, or similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements
- Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.
- Anemometers and Anemometer Towers used to measure wind energy potential may extent above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission
- Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point or top of tower, whichever is greater. Church spires, bell towers, and like architectural features may extend up to





fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exceptions require approval by the Planning and Building Departments.

- Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').
- Ski life and tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission
- **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:
  - The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.
  - The proposed option is the only feasible option for the elevator on the Site.
  - The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.
- **GARAGE ON DOWNHILL LOT.** The Planning Commission may allow additional Building Height (see entire Section 15-2.1-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, Chapter 15-3. The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

## Bend, OR

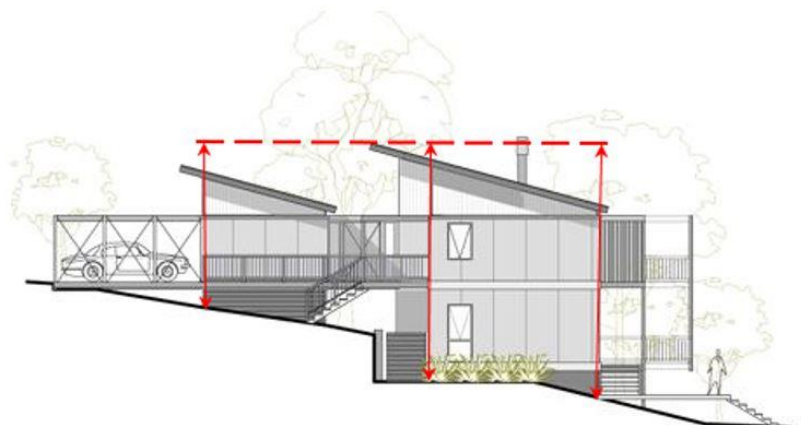
### 10.1.2

**Building height** means the average maximum vertical height of an enclosed building or structure measured at a minimum of three equidistant points as shown on the following figure along each building elevation from finished grade to the highest point on the building or structure.

The “highest point” means peak of roof for a building with a sloping roof or the top of the roof coping for a flat roof. Architectural elements that do not add floor area to an enclosed building or structure, such as parapet walls, chimneys, flag poles, bell towers, steeples, and vents, and roof equipment (including minimum screening necessary to conceal mechanical roof equipment including elevator shafts and staircases for rooftop access), and unenclosed decks and porches are not considered part of the height of a building or structure. For property located in the Water Overlay Zone (WOZ), see BDC 2.7.650(E)(4).

*Building Heights.* Maximum structure height shall be limited to 30 feet at the minimum setback line. The Bend Urban Area Planning Commission may allow increases in building heights up to the allowed height in the underlying zone the farther the building sets back from the river. The Bend Urban Area Planning

Commission may limit building height the closer to the river a building is allowed. The building height shall be measured from the lowest natural grade facing the river to the highest measurable point on or projecting from the roof of the structure.



**EXHIBIT “B” – EXISTING LANGUAGE COMPARED TO PROPOSED LANGUAGE**

**How the Existing Language reads**

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

Table 10-1

Maximum Building Height	Thirty-five (35) feet as measured by the Building Codes, as adopted.
-------------------------	--

10-31-1 Purpose and Conflicts:

**Building, Height:** The vertical distance from the grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.

**How the Proposed Language would read**

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

Table 10-1

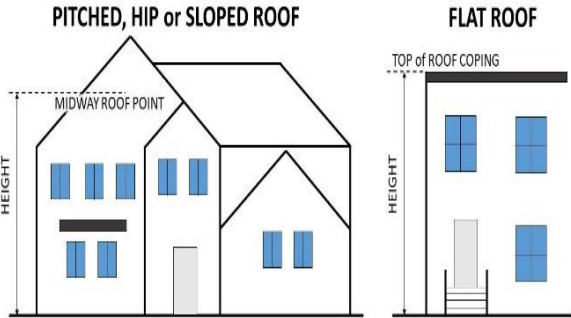
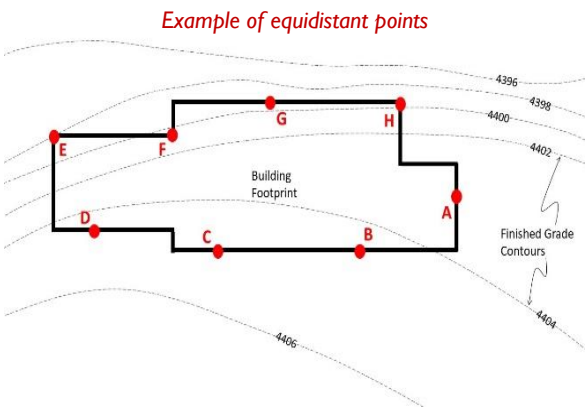
Maximum Building Height	Thirty-five (35) feet
-------------------------	-----------------------

10-31-1 Purpose and Conflicts:

**Building, Height:** means the average maximum vertical height of an enclosed building measured by taking at least one (1) measurement for each façade with a total of at least four (4) measurements but not more than eight (8) overall for the entire building. The measurements shall be taken at equidistant points around the building from finished grade to the highest point.

The “highest point” is the top of the roof coping for a flat or the deck line of a mansard roof. For a pitched, hipped, or sloping roof it is a point midway between the lowest part of the eaves or cornice and ridge of the peak of a roof.

Architectural elements that do not add floor area to an enclosed building or structure, such as parapet walls, chimneys, flag poles, bell towers, steeples, and vents, and roof equipment (including the minimum screening necessary to conceal mechanical roof equipment including elevator shafts and staircases for rooftop access), and unenclosed decks and porches are not considered part of the height of a building or structure.



Example of Highest Points

ORDINANCE No. 22-6

AN ORDINANCE AMENDING THE ROY CITY MUNICIPAL CODE TITLE 10 – ZONING REGULATIONS, CH 10 - GENERAL PROPERTY DEVELOPMENT STANDARDS, AMENDING TABLE 10-1 "MAXIMUM BUILDING HEIGHT" AND CH 31 - DEFINITIONS AMENDING THE DEFINITION OF "BUILDING, HEIGHT"

WHEREAS, the Roy City Council finds that it is advisable and beneficial to make an update to Title 10 Zoning Regulations, CH 10 - General Property Development Standards, amending Table 10-1 "Maximum Building Height" and CH 31 - Definitions amending the definition of "Building, Height"

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 Title 10 Zoning Regulations, CH 10 - General Property Development Standards, amending Table 10-1 "Maximum Building Height" and CH 31 - Definitions amending the definition of "Building, Height", as attached:

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

AMEND

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

Table 10-1

Maximum Building Height	Thirty-five (35) feet <del>as measured by the Building Codes, as adopted.</del>
-------------------------	---

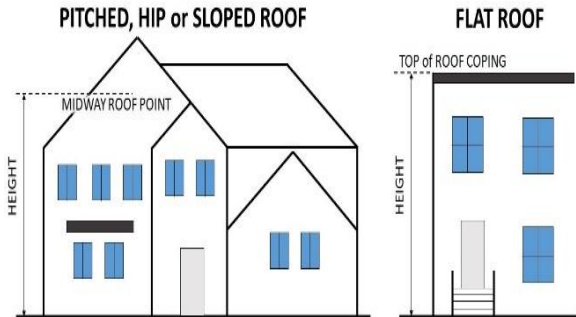
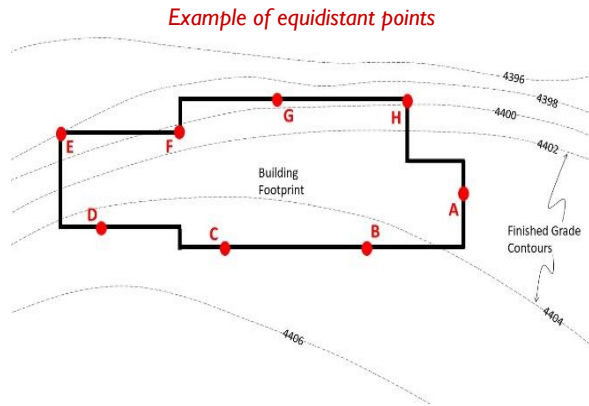
AMEND

10-31-1 Purpose and Conflicts:

**Building, Height: means the average maximum vertical height of an enclosed building measured by taking at least one (1) measurement for each façade with a total of at least four (4) measurements but not more than eight (8) overall for the entire building. The measurements shall be taken at equidistant points around the building from finished grade to the highest point.**

The ~~vertical distance from the grade elevation to the~~ "highest point" is the top of the roof coping of a flat or ~~to~~ the deck line of a mansard roof; ~~or to~~ **For a pitched, hipped, or sloping roof it is** a point midway between the lowest part of the eaves or cornice and ridge of **the peak a-pitch or hip of a** roof.

Architectural elements that do not add floor area to an enclosed building or structure, such as parapet walls, chimneys, flag poles, bell towers, steeples, and vents, and roof equipment (including the minimum screening necessary to conceal mechanical roof equipment including elevator shafts and staircases for rooftop access), and unenclosed decks and porches are not considered part of the height of a building or structure.



Example of Highest Points

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

- Councilmember Jackson \_\_\_\_\_
- Councilmember J. Paul \_\_\_\_\_
- Councilmember S. Paul \_\_\_\_\_
- Councilmember Scadden \_\_\_\_\_
- 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 \_\_\_\_\_, 2022.

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

Attested and Recorded:

\_\_\_\_\_  
Brittany Fowers;  
City Recorder



## SYNOPSIS

### Application Information

Applicant: Kayla Flores; Tailored Barber Co.  
Request: Ord. No. 22-10; to amend Title 10 Zoning Regulations, CH 17 - Table of Uses - Table 17-2 - Table of Allowed Uses - Non-Residential Zoning Districts - "Tattoo & Body Art" – to remove the number allowed per Census data.

### Staff

Report By: Steve Parkinson  
Staff Recommendation: Approval

## APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10 - Zoning Regulations
  - Chapter 17 – Table of Uses
    - Table 17-2 – Table of Allowed Uses – Non-Residential Zoning Districts
      - ▽ Tattoo & Body Art

## PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on July 12, 2022.

Vice Chair Payne opened the floor for public comments.

Kevin Homer, 5398 So. 4000 We. Roy, doesn't have Tattoos or piercings, is a student of Economic & Government. Feels that the "Free Market" should dictate the number of shops around Roy City and not the Government. He approves the requested change to the code.

Janel Hulbert, 4178 So. Westlake Dr., Roy, saw the FaceBook petition, feels that this type of Use is in High Demand, is OK with all of the other limitations i.e. 600 feet from other Shops, Churches, Schools and Community Centers, Hours of Operation and Requiring Health Department licensing. Also approves of the requested changes to the code.

No further comments were made

After some discussion on the proposed changes and how it will affect the City as a whole, the Commission voted 7-0; to forward to the City Council a recommendation to approve of Ord. No 22-10 to amend Title 10 Zoning Regulations, CH 17 - Table of Uses - Table 17-2 - Table of Allowed Uses - Non-Residential Zoning Districts - "Tattoo & Body Art" – to remove the number allowed per Census data as written.

## ANALYSIS

### **Background:**

The applicant would like to amend Title 10, Chapter 17, Table 17-2 dealing with Tattoos & Body Art, by removing the section of the code that deals with the number of shops allowed per US Census demographics/population data

Consideration as outlined in section 10-5-9 "Criteria for Approval of a Zoning Ordinance ... Amendment" When considering a Zoning Ordinance Amendment, the Commission and the Council shall consider the following factors,

- 1) The effect of the proposed amendment to advance the goals and policies of the Roy City General Plan.
- 2) The effect of the proposed amendment on the character of the surrounding area.



- 3) The compatibility of the proposed uses with nearby and adjoining properties.
- 4) The suitability of the properties for the uses requested.
- 5) The overall community benefits.

The goals and policies of the Current and Proposed General Plan is to promote a strong and healthy Economic base. Allowing businesses to expand or come into the City does just that.

This use is currently allowed in all of the Commercial and Manufacturing zones, so the character to the surrounding areas won't change, the only affect this amendment will have is allowing more to be within the City.

The compatibility and suitability of the use again is already allowed in all Commercial and Manufacturing zones, the current code looks at surrounding zones/uses and has a distance requires so it is already determined to be compatible and suitable as long as it meets the code.

An additional question that the Commission and Council needs to reflect upon is:

- Does changing are not changing the Zoning Ordinance provide the best options for development within the City?

## **FINDINGS**

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

## **ALTERNATIVE ACTIONS**

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

## **RECOMMENDATION**

Staff recommends forwarding a recommendation of approval to the City Council regarding the proposed amendments to Title 10 Zoning Regulations, CH 17 - Table of Uses - Table 17-2 - Table of Allowed Uses - Non-Residential Zoning Districts - "Tattoo & Body Art" – to remove the number of shops allowed per Census demographics/population data.

## **EXHIBITS**

- A. Applicant's Narrative
- B. Ord. No. 22-10



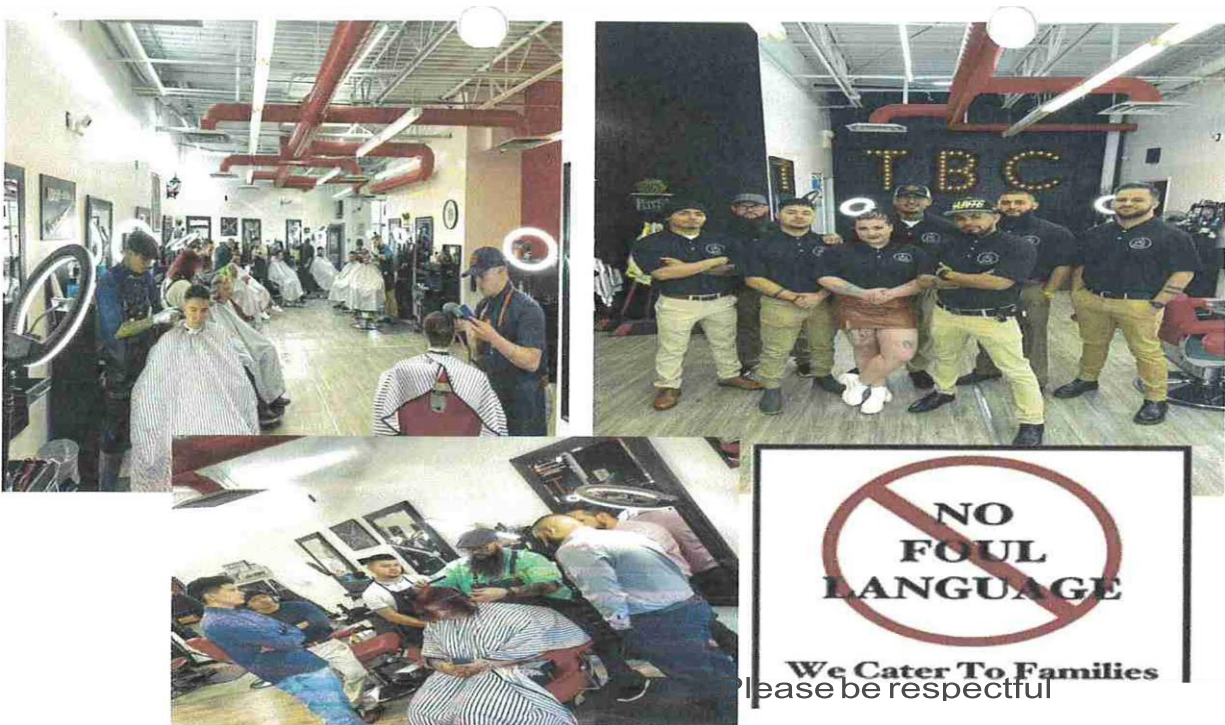
## EXHIBIT "A" – APPLICANT'S NARRATIVE

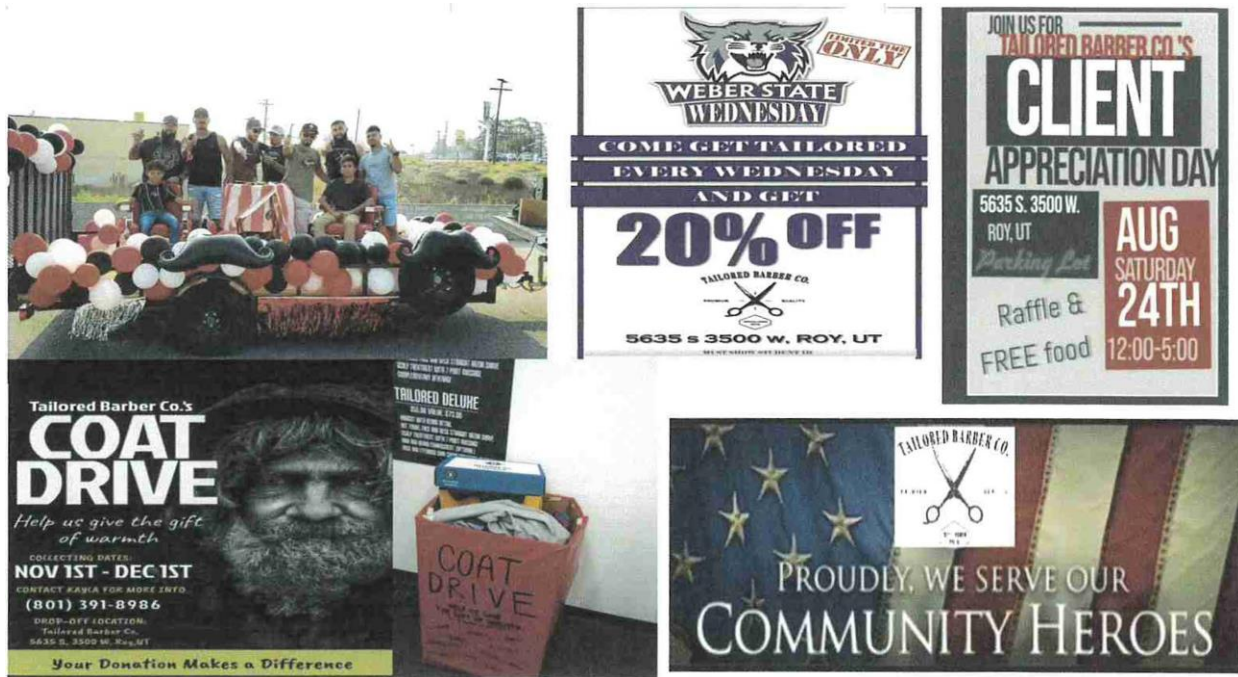
Written Nov 19, 2013 (9 years ago)

- 10-17-1: **Tattoo & Body Art.** 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)

### Who Are We?

- Tailored Barber Co.
- We have had the pleasure of serving the Roy community the last 5 years at address 5635 S. 3500 W. a 1,560 sq. ft building space in the same parking lot as 7-11.
- We have a 5 start barbershop with 10 highly trained barbers and a great relationship with the Roy community.
- We sponsor Roy school sports, give back every year with a community client appreciation where everyone gets a plate of food and a discount coupon, we participate in the parade, Roy days, host a coat drive every winter, and we offer a HERO discount to all police, military, firefighters, and Vets since opening 6 years ago.
- We are wanting to expand our services and offer tattooing within our business.





## Why a Tattoo shop?

- We Survived COVID, Now we are trying to survive the current economic climate of inflation across the board. Having a secondary business within our primary business will only maximize revenue and help our small business thrive as well as tunnel right back into the Roy City Economy as there is sales tax associated with body piercings.
- We decided we would like to maximize our current 1,560 sq ft. space we have to weber county health department standards and open a tattoo shop (tiny tattoos, body arts facility).
  - *This economic climate and market will not allow for us to open a separate shop for tattoos due to inflated rent prices that go up every year 3% on a 3-5 year lease contract. Also, these buildings even if profitable could be within 600 ft of a church, school, or community center which is also a part of the 10-17-1 ordinance.*
- We have remodeled our business to abide by Weber County Health Department requirements and have received 3 body arts licenses, as well as abided by Roy city code by applying for a building permit to do the plumbing to adhere to said requirements and passed the Roy city inspection of the job as well.

## Economic Value.

- In 2022, 9 years after the Roy City ordinance was written- There is now a high market demand for this industry in our community.
- This tattoo shop will help drive Roy City's economy as we will also offer piercing and there is sales tax associated with body piercing.
- The salary range for tattoo artists in 2022 in Utah is \$36,148 to \$43,897.
- The market size of the tattoo artist industry in the US has grown 8.4% per year on average from 2017-2022
- The market size of the tattoo artist industry is expected to increase 5.4% in 2022
- The market size measure by revenue, of the tattoo artist industry is \$1.4 Billion in 2022.



## Surrounding City Tattoo Shop Ordinances.

While looking around at six (6) other communities she found the following:

	City	Population	# of Tattoo Shops
1.	Clearfield	32,238	5
2.	Clinton	23,597	1
3.	Layton	83,291	4
4.	Ogden	86,798	18
5.	Syracuse	33,331	0
6.	Sunset	5,515	0
	ROY	39,358	3

### Ordinance by City

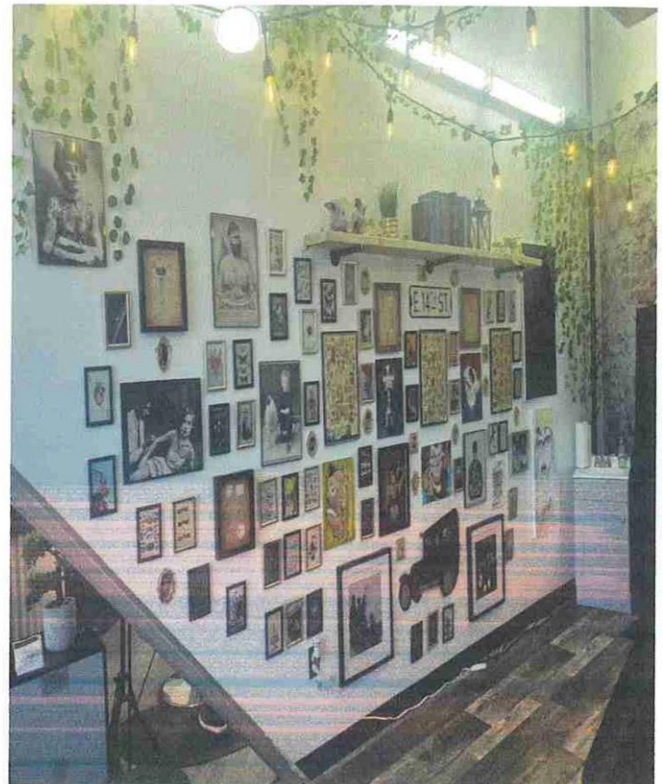
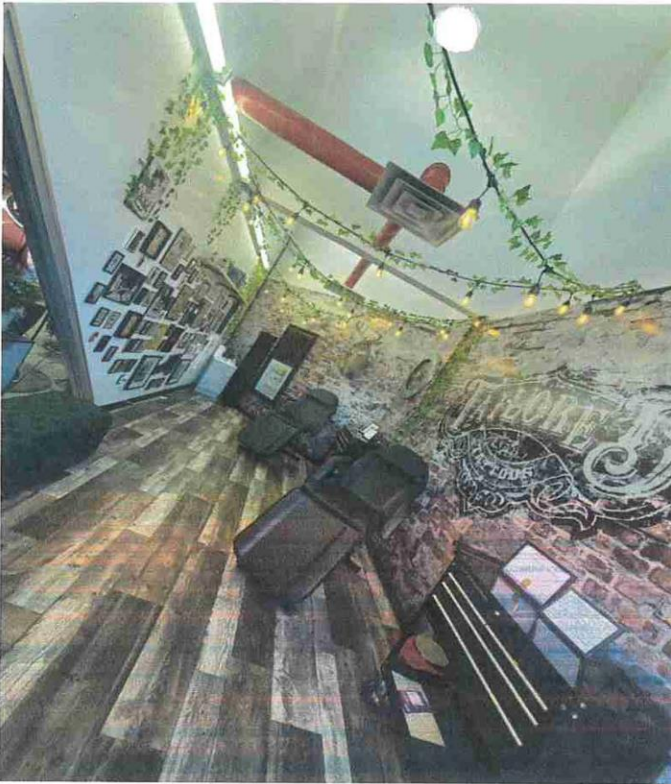
1. Clearfield City: Changed ordinance 1-2 years ago from demographic/population ordinance to get rid of the "taboo" stigma when seeing the market demand (2 tattoo shops wanting to open but could not due to the population issue) The ordinance is now driven by commercial zoning and not allowed to be within so many miles of another tattoo shop.
2. Clinton City:
  - a. No population requirement
  - b. Has to be commercially zoned.
3. Layton City:
  - a. Be in C-H Zone, and
  - b. Apply for conditional use permit. Only business based on population is title loan companies.

- The planner stated "No complaints with current or previous conditional use permit tattoo shops since issuing permits and good tenants, seem to function great."
4. Ogden City:
  - a. Has to be commercially zoned, building has to be a certain sq. footage, and
  - b. Has to be a certain amount of miles away from other tattoo shops.
5. Syracuse City: No limit per population, no limit on how many shops. Permitted use of tattoo shop only in industrial zone.
6. Sunset City: Permitted in commercial zoned areas. No demographic/population restrictions or restrictions on the amount of tattoo shops.

Roy City is the only City who's Tattoo Shop Ordinance is dictated by Demographic/Population

## Inspections/Approvals.

- We have passed Weber County Health Department inspections/ requirements and have received 3 body arts licenses.
- We received a Roy City building permit to remodel the business space to accommodate all requirements per Weber- Morgan Health Department.
- Remodel complete
- Inspection for building permit passed



## Community Involvement/ Feedback

- We have reached out to the Roy City Community on social media platforms and received an outpouring of support to change this ordinance and are in support of our business expanding services. We received over 300 shares, and 100 comments in support of the tattoo expansion.
- We published a petition explaining our story, our ordinance road block, and our way forward and received 1,500 signatures within 48 hours.
  - Attesting the general sentiment is in favor and supportive of modifying ordinance 10-17-1.

## Census Data Reliability

- An article was published stating "New data from the US Census Bureau showing surprising population losses in American cities has so demographers questioning the reliability of the figures as after the Bureau acknowledged missing substantial numbers of minority populations during it's decimal count."
- Demographers have been looking for evidence that the pandemic, lock downs, lack of the door to door method has contributed to a miscount as all states are experiencing surprisingly low counts. A recount is expected to be conducted in some major cities.
- The census is not a reliable source to dictate whether a small business can open within a community, please see slide 8 for reference.

## New Opportunities- Growing in the right direction

- Utah has had a population growth of 1.8% since 2017
- It is expected to grow 66% by 2060
- We understand the ordinance and why it was written, but the ordinance is a bit archaic in terms of why it was likely written.
- Tattoos in some people's minds is very taboo as in the thought that a business such as a tattoo shop will bring undesirable people into our neighborhoods, bring down the community, or create a culture that goes against their religious and moral beliefs.
- We understand everyone's perspective, we would just like to be given the opportunity to help change the minds of those who associate every tattoo shop with this stigma and show them that we only want to be a part of the Roy community, and let our artists, small business, and individual professionals within our barbershop thrive in the city of Roy.
- Amending this ordinance will not only help grow the economy, but also help grow the opinions of those who have reservations. They will then have an opinion based on our work in the community not the stigma.

## What we would like

- Keep the following ordinance guidance
  - All body tattoo & Body Art establishment shall obtain and maintain in good standing a proper license from the weber- Morgan Health Department.
  - May not be located closer than 600 feet to any other such establishment as defined, or to any church, school, or other community center.
  - 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.
- Remove the following ordinance clause:
  - 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 US Census Bureau estimated population of Roy City.

**ORDINANCE No. 22-10**

**AN ORDINANCE AMENDING THE ROY CITY MUNICIPAL CODE TITLE 10 – ZONING REGULATIONS, CH 17 – TABLE OF USES, TABLE 17-2 – TABLE OF ALLOWED USES – NON-RESIDENTIAL ZONING DISTRICTS, “TATTOO & BODY ART”; TO REMOVE THE NUMBER ALLOWED PER CENSUS DATA**

WHEREAS, the Roy City Council finds that it is advisable and beneficial to make an update to Title 10 Zoning Regulations, CH 17 – Table of Uses, Table 17-2 – Table of Allowed Uses – Non-Residential Zoning Districts, “Tattoo & Body Art”; to remove the number allowed per Census Data.

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 Title 10 Zoning Regulations, CH 17 – Table of Uses, Table 17-2 – Table of Allowed Uses – Non-Residential Zoning Districts, “Tattoo & Body Art”; to remove the number allowed per Census Data, as attached:

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

USE	CC	LM	M	R
<p><b>Tattoo &amp; Body Art.</b> 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 &amp; Body Art establishments shall obtain and maintain in good standing a proper license from the Weber-Morgan Health Department. Tattoo &amp; 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. <del>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.</del> 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

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

Councilmember Jackson \_\_\_\_\_  
Councilmember J. Paul \_\_\_\_\_  
Councilmember S. Paul \_\_\_\_\_  
Councilmember Scadden \_\_\_\_\_  
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 \_\_\_\_\_, 2022.

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

Attested and Recorded:

\_\_\_\_\_  
Brittany Fowers;  
City Recorder

# Tailored Tattoos

Request for modification of zoning code 10-17-1

# 10-17-1

written Nov 19, 2013

(9 years ago)

- **10-17-1: Tattoo & Body Art.** 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)

# Who Are We?

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- We have a 5 star barbershop with 10 highly trained barbers and a great relationship with the Roy community.
- We sponsor Roy school sports, give back every year with a community client appreciation where everyone gets a plate of food and a discount coupon, we participate in the parade, Roy days, host a coat drive every winter, and we offer a HERO discount to all police, military, firefighters, and Vets since opening 6 years ago.
- We are wanting to expand our services and offer tattooing within our business.





**NO  
FOUL  
LANGUAGE**

**We Cater To Families  
Please be respectful**






LIMITED TIME ONLY  
**WEBER STATE WEDNESDAY**  
**COME GET TAILORED EVERY WEDNESDAY AND GET 20% OFF**  
 TAILORED BARBER CO.  
PREMIUM QUALITY  
  
**5635 S 3500 W, ROY, UT**  
MUST SHOW STUDENT ID

JOIN US FOR  
**TAILORED BARBER CO.'S CLIENT APPRECIATION DAY**  
 5635 S. 3500 W. ROY, UT  
*Parking Lot*  
 Raffle & FREE food  
AUG SATURDAY 24TH 12:00-5:00

**Tailored Barber Co.'s COAT DRIVE**  
*Help us give the gift of warmth*  
 COLLECTING DATES:  
**NOV 1ST - DEC 1ST**  
 CONTACT KAYLA FOR MORE INFO  
**(801) 391-8986**  
 DROP-OFF LOCATION:  
 Tailored Barber Co.  
 5635 S. 3500 W. Roy, UT  
**Your Donation Makes a Difference**



**TAILORED DELUXE**  
\$55.00 VALUE: \$79.00  
 - SCALP TREATMENT WITH 7 POINT MASSAGE  
 - COMPLEMENTARY BEVERAGE  
 - WAXING WITH BEARD DETAIL  
 - HOT TOWEL FACE AND NECK STRAIGHT RAZOR SHAVE  
 - SCALP TREATMENT WITH 7 POINT MASSAGE  
 - HAIR AND BEARD EMBRICEMENT (OPTIONAL)  
 - HAIR AND EYEBROW WASH



  
**PROUDLY, WE SERVE OUR COMMUNITY HEROES**

# Why a Tattoo shop?

- We Survived COVID, Now we are trying to survive the current economic climate of inflation across the board. Having a secondary business within our primary business will only maximize revenue and help our small business thrive as well as funnel right back into the Roy city economy as there is sales tax associated with body piercings.
- We decided we would like to maximize our current 1,560 sq ft. space we have to weber county health department standards and open a tattoo shop (tiny tattoos, body arts facility).
  - This economic climate and market will not allow for us to open a separate shop for tattoos due to inflated rent prices that go up every year 3% on a 3-5 year lease contract. Also, these buildings even if profitable could be within 600 ft of a church, school, or community center which is also apart of the 10-17-1 ordinance.
- We have remodeled our business to abide by Weber County Health Department requirements and have received 3 body arts licenses, as well as abided by Roy city code by applying for a building permit to do the plumbing to adhere to said requirements and passed the Roy city inspection of the job as well.

# Economic Value

- In 2022, 9 years after the Roy City ordinance was written- There is now a high market demand for this industry in our community.
  - This tattoo shop will help drive Roy City's economy as we will also offer piercing and there is sales tax associated with body piercing, as well as bring more people into the community.
- The salary range for tattoo artists in 2022 in Utah is \$36,148 to \$43,897.
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# Surrounding City Tattoo Shop Ordinances

Exhibit  
A:

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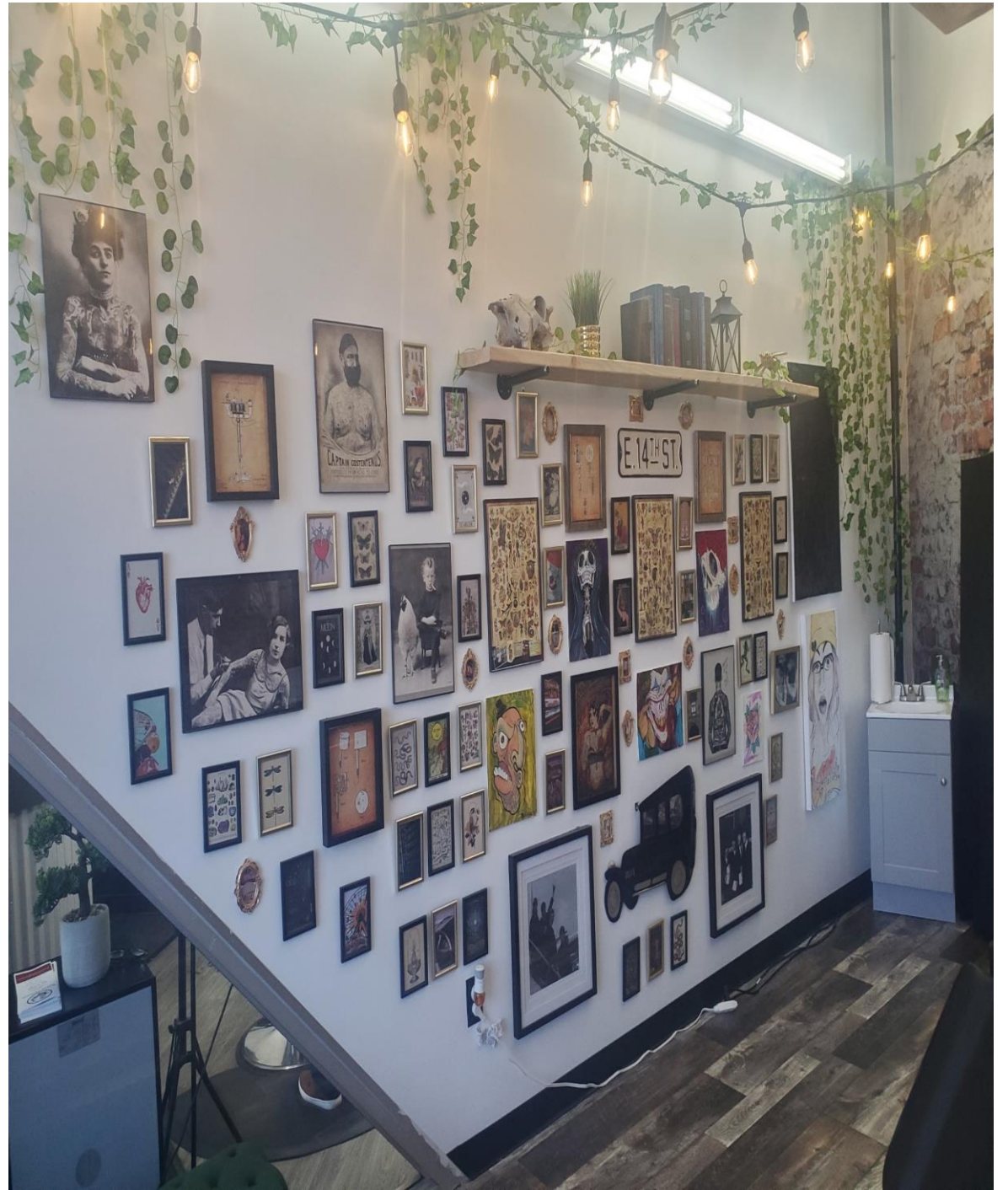
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3. Clinton City: No tattoo shop restrictions other than must be commercially zoned and must be withing x amount of miles from neighboring shops.
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5. Sunset City: Permitted in commercial zoned areas. No demographic/ population restrictions or restrictions on the amount of tattoo shops.
6. Ogden City: Has to be commercially zoned, building has to be a certain sq. footage, and has to be a certain amount of miles away from other tattoo shops.

**\*ROY CITY IS THE ONLY CITY WHO’S TATTOO SHOP ORDINANCE IS DICTATED BY DEMOGRAPHIC/ POPULATION. \***

# Inspections/ Approvals

- We have passed Weber County Health Department inspections/ requirements and have received 3 body arts licenses.
- We received a Roy City building permit to remodel the business space to accommodate all requirements per Weber- Morgan Health Department.
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# Community Involvement/ Feedback


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- We published a petition explaining our story, our ordinance road block, and our way forward and received 1,500 signatures within 48 hours.
  - Attesting the general sentiment is in favor and supportive of modifying ordinance 10-17-1.
- Please see the attachments to this e-mail for our feedback from the community, and letters of recommendation from our landlord of the plaza, the Weber-County health Department Inspector Director, Reputable business owners in the community, As well as the link to our petition on slide 12.



11:03

petition: ALLOW TAILORED BARBER CO. TO O...  
thepetitionsite.com

care2 PETITIONS MENU



**ALLOW TAILORED BARBER CO. TO OPEN A TATTOO SHOP WITHIN!**

1,500 SUPPORTERS 2,000 GOAL

*read petition*

**SIGN PETITION**

First Name

Last Name

Email

Country  
United States

Care2 1,672,095 Page likes

Facebook share icon, info icon, share icon, bookmark icon

[https://www.thepetitionsite.com/723/064/757/allow-tailored-barber-co.-to-open-a-tattoo-shop-within/?taf\\_id=69462319&cid=facebook#bbfb=754509611](https://www.thepetitionsite.com/723/064/757/allow-tailored-barber-co.-to-open-a-tattoo-shop-within/?taf_id=69462319&cid=facebook#bbfb=754509611)

# Census Data Reliability

- An article was published stating “New data from the US Census Bureau showing surprising population losses in American cities has so many demographers questioning the reliability of the figures as after the Bureau acknowledged missing substantial numbers of minority populations during it’s decimal count.”
- Demographers have been looking for evidence that the pandemic, lock downs, lack of the door to door method has contributed to a miscount as all states are experiencing surprisingly low counts. A recount is expected to be conducted in some major cities.
- I urge Roy city to gather all of their data/ records of all the housing permits issued for new construction of homes from 6 months prior to the last census data to now. This will give you a good, and much more accurate indication than the census-- of what has been completed and what is still coming to the city of Roy.
- The census is conducted every 10 years. Meaning that even though the population estimates do not seem accurate (2021 states that we are 53 less (39,358) in the Roy population than 2020 (39,420) that anyone who wants to possibly open a tattoo shop in Roy would then have to wait 10 more years until the new Census is released in 2032 to even be considered.
- The census is not a reliable source to dictate whether a small business can open within a community.

# New Opportunities- Growing in the right direction

- Utah has had a population growth of 1.8% since 2017
- It is expected to grow 66% by 2060
- We understand the ordinance and why it was written, but the ordinance is a bit archaic in terms of why it was likely written.
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# What we would like

- Keep the following ordinance guidance
- 1- All body tattoo & Body Art establishment shall obtain and maintain in good standing a proper license from the Weber- Morgan Health Department.
- 2- May not be located closer than 600 feet to any other such establishment as defined, or to any church, school, or other community center.
- Amend the following ordinance guidance:
- 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 US Census Bureau estimated population of Roy City.
  - Replace with- No tattoo or body piercing establishment shall be located within one-third (1/3) of a mile of any other tattoo or body piercing establishment.
  - This is to reflect the other 6 surrounding cities zoning requirements.
  - Keeping #2 and adding the replacement clause will keep Roy from becoming oversaturated with Tattoo and Body Arts Businesses.

**My name is Kayla Flores, my husband and I own and operate Tailored Barber Co. located at 5635 S. 3500 W. and I am here tonight to:**

**- Request for amendment of zoning code 10-17-1**

(Left pocket of folder is the code- highlighted portion is what we wish to amend)

**- We are we requesting that the following ordinance guidance be kept:**

1- All body tattoo & Body Art establishment shall obtain and maintain in good standing a proper license from the Weber- Morgan Health Department.

2- May not be located closer than 600 feet to any other such establishment as defined, or to any church, school, or other community center.

\* This will eliminate being oversaturated with Tattoo and Body Arts businesses

**- And to Amend the following ordinance clause:**

- 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 US Census Bureau estimated population of Roy City.

**\* Change to:** No tattoo or body art establishment shall be located within one-third (1/3) of a mile from any other tattoo & body art establishment.

**-As you can see in the presentation in the provided folder:**

-We are an established Barbershop in Roy. We have had the pleasure of serving the Roy community the last 5 years.

-We have a 5 star, 1,560 sq ft., high end barbershop with 10 highly trained barbers and a great relationship with the Roy community.

**- We sponsor**

- Roy City school sports and fundraisers every year

- Community client appreciation where everyone gets a plate of food and a discount coupon o Roy parade, Roy days.

- Host a coat drive every winter

- We offer a HERO discount to all police, military, firefighters, and Vets since opening 6 years ago.

**- We want to expand our services and offer tattooing as a secondary within our primary business.**

**- We Survived COVID, Now we are trying to survive the current economic climate of inflation across the board. Having a secondary business within our primary business will only maximize revenue, by utilizing all of the space our 1,560 sq. ft space allows, as well as help our small business thrive and funnel right back into the Roy city economy.**

- The current economic climate and market will not allow for us to open a separate shop within a different city for tattoos due to inflated rent prices that go up every year 3% on a 3-5 year lease contract.

**\* Please see EXHIBIT B for letters from our community members, commercial landlord, Weber- Morgan Health Department, and surrounding business owners, as well as our petition with 1,568 signatures within 48 hours of posting from those in the community in support of our Tailored Tattoos Parlor opening in the Roy community.**

- We have reached out to the Roy City Community on social media platforms and received an overwhelming amount of support to change this ordinance and are in support of our business expanding services.

**-We received over 300 shares, and 400 comments in support of our expansion.**

-Please see our posts on the “Roy City Community, Roy Utah Community, and Citizens of Roy City, Utah Facebook pages.”

**- We published a petition explaining our story, our ordinance roadblock, and our way forward and received 1,568 signatures within 48 hours.**

-Attesting the general sentiment is in favor and supportive of this amendment.

**- Roy has 39,358 people according to the US Census this year (down 53 from the last census, if you believe that) and currently has 3 tattoo shops on main street, meaning that the population would need to be at 40,000 in order to be the 4th tattoo shop in Roy city. Please see page 8 of the presentation provided in the folder for Census Data reliability.**

**- Demographers have found evidence that the pandemic, lock downs, lack of the door-to-door methods have contributed to a miscount as all states are experiencing surprisingly low counts. A recount is expected to be conducted in some major cities.**

**- I urge Roy city to gather all of their data and records of all the housing permits issued for new construction of homes from 6 months prior to the last census data to now. This will give you a good, and much more accurate indication than the census-- of what has been completed and what is still coming to the city of Roy.**

**- The census happens every 10 years which would mean that the possibility if this ordinance stays in place of a tattoo shop opening in Roy- would have to wait another 10 years before even the possibility.**

**- There is currently no Tattoo shop within 10 minutes from our establishment in Roy.**

**- The change to 1/3 of a mile between same industry businesses , along with keeping the ordinance: “May not be located within 600 ft to any church, school, or community center.”**

- will ensure Roy does not have a “tattoo row.” I do not want that, NOBODY wants that.

**- I cannot dispute the population data reported by the US Census Bureau for a recount**

- This process would take 1-2 additional years. Therefore, all that I can do is ask for approval of amending the 10-17-1 zoning ordinance.

**- There is no checklist when starting a business. We were not aware that we would need Roy City’s approval to open a secondary business within our primary business. We went straight to the Health Department; received directions on the remodel we would need to do to abide by their requirements and got to work! We were never told we needed to go to the city for approval by the Health Department until the remodel was almost done, \$10,000 was spent, and 3 body arts licenses were obtained by the Weber- Morgan Health Department. We were not aware that we were putting the buggy before the horse. Once we were advised by The city planner, we then obtained a building permit for plumbing through Roy City which was approved, waited for the census (2 months) which was released on May 28<sup>th</sup> at midnight, and when it came in low—we then started the application process to get through the Planning and Zoning commission which was unanimously approved (7- yes and 0-no) on July 12, 2022, to get us to this point and here tonight.**

– We were originally scheduled to be on the July 19<sup>th</sup> city council meeting but wanted a full council attendance and decided to move to tonight. I had a major surgery scheduled for August 1<sup>st</sup> and rescheduled that in order to be here tonight, because this approval means that much to us.

**- In consideration of section 10-5-9 “Criteria for approval of a zoning ordinance...Amendment” consideration factors:**

- The goals and policies of the current and proposed general plan is to promote a strong and healthy economic base. Allowing businesses to expand or come into the city does just that.

- We contribute to the Roy City Economy as a service based industry by selling product and merchandise, where sales tax is charged.

- If approved, and approved to open we will be offering body piercings- which sales tax is also associated with body piercings. As jewelry, after care, etc is sold and charged sales tax.

**- The effect of the proposed amendment on the character of the surrounding area has already been established, as we are an existing business already in the Roy community with an outstanding reputation. This additional service will just be more value added.**

**- The compatibility of the proposed uses with nearby and adjoining properties is currently allowed in all commercial and manufacturing zones, and we meet the distance requirement so it is already determined to be compatible and suitable. We also meet the Weber-Morgan Health department's requirements as well.**

**- The overall community benefit is not only are we bringing in other people from other cities into Roy, but also the businesses next to us already benefit from us tremendously. Our clients and employees eat at Royal Dragon weekly; the owner has thanked us as a new business owner within the community for sending all of our business traffic her way, as well as introducing her on the "Roy community" social media platform for more exposure to help her thrive. We also keep flyers and coupons for our adjoining businesses to send them to Royal Dragon, keep those interested apprised on Weber State enrollment dates as well as coupons for Dominos, and twisted sugar located behind us. The business that gets the most traffic from our clientele, employees, as well as us is the 7-11 within our parking lot.**

**-This approval is beneficial to the community overall because we are not only bringing in more people from other cities, but we are in a location where they are funneling their money into the Roy economy by shopping our adjoining businesses in our plaza and parking lot.**

**- Please see EXHIBIT A in the provided folder- this shows the 6 surrounding cities zoning ordinance restrictions regarding Tattoo & Body Art facilities. Roy city is the only city that restricts this industry based on population.**

-Clearfield City once had this same restriction 1-2 years ago but has since amended their zoning ordinance based on the market demand.



**- In 2022, 9 years after the Roy City ordinance was written- There is now a high market demand for this industry in our community.**

- The salary range for tattoo artists in Utah in 2022- is \$36,148 to \$43,897.
- The market size of the tattoo artist industry in the US has grown 8.4% per year on average from 2017-2022
- The market size of the tattoo artist industry is expected to increase 5.4% in 2022
- The market size measure by revenue, of the tattoo artist industry is \$1.4 Billion in 2022.
- Utah has had a population growth of 1.8% since 2017
- Utah is expected to grow 66% by 2060

**-Lastly, We understand the ordinance and why it was written, but the ordinance is a bit archaic in terms of why it was likely written.**

**-Tattoos in some people's minds is very taboo as in the thought that a business such as a tattoo shop will bring undesirable people into our neighborhoods, bring down the community, or create a culture that goes against their religious and moral beliefs.**

**-We understand and respect everyone's perspective, we would just like to be given the opportunity, the same opportunity as all of our 6 surrounding cities are giving to their business owners, to help change the minds of those who associate every tattoo shop with this stigma and show them that we only want to be a bigger and better part of the Roy community, and let our artists, small business, and individual professionals within our business thrive in the city of Roy.**

**- Amending this ordinance will not only help grow the Roy city economy, but also help grow the minds, and opinions of those who have reservations.**

**-We hope to earn your approval to amend 10-17-1 and continue serving within the Roy community.**



May 27, 2022

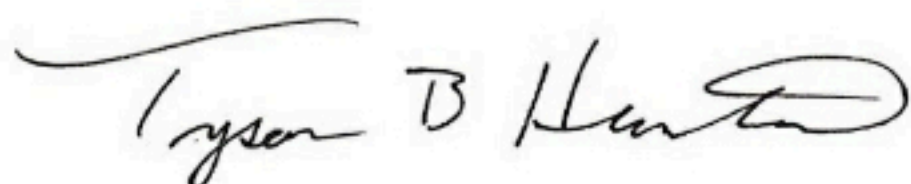
Roy City Council  
5051 S 1900 W  
Roy, UT 84067

Council Members,

My name is Tyson Hunter with R.C. Hunter Enterprises, Inc. We own the Roy Cross Roads retail center where Tailored Barber Co. is located. I have been dealing with Jose (Joe) and Kayla Flores since February 2018 when we started negotiations for them to open Tailored Barber Co. They have been great to work with over the past 4 years. You only need to walk in the front door to see what kind of establishment that they operate. The way that they made it through the COVID shut down is a testament to their business planning and operation. As their landlord I fully support their expansion into the tattoo market.

If you have any questions or concerns, please don't hesitate to contact me.

Regards,



Tyson B Hunter  
R.C. Hunter Enterprises, Inc.  
[hunterapartments@mail.com](mailto:hunterapartments@mail.com)  
[www.rchenterprises.com](http://www.rchenterprises.com)  
801-391-5211 Mobile/Text



To whom it may concern,

I am writing this letter in support of Joe Flores and Tailored Barber Co. desire to open a tattoo shop within their current facility. I have been a client of Joe's and Tailored Barber Co. for several years and believe them to be a people focused business that the Roy community can be proud to have. Joe and his team have a record of accomplishment of giving back to the community in which they serve. I find Joe's ambitions to grow his business and provide more opportunities for his customers and employees admirable. I further believe that as a community, we should help foster that type of commitment by supporting him in this cause.

My understanding of the reason for the expansion denial was due to being approximately 350 residents shy of the required amount. The ratio of one shop per 10,000 residents seems antiquated for several reason. First, Joe is attempting to expand his current offering to include tattoo services within the confines of his current space. The primary business would remaining barbering. Secondly, Tailored Barber Co. currently draws from surrounding cities and will continue to do so which is advantageous for the Roy tax base. Finally, the metric is based off an estimated amount and the current estimate falls less than 1% short of the requirement; which seems to be within a reasonable margin of error to allow Joe to expand his business.

Roy is great community. My wife and I built our first home in Roy in 2001. All three of our daughters were born Roy proud. Last year, our oldest daughter finished her High School career from Roy High. Our middle daughter currently attends Roy Jr. and our youngest will soon follow that same path. Thank you for your consideration to this matter and thank you for all you do to help to keep our community strong by supporting great people and businesses.

Sincerely,

Nathan Ashby  
[nashby@lifetime.com](mailto:nashby@lifetime.com)  
801-513-9408





BRIAN COWAN, MPH, LEHS  
Health Officer/Executive Director



May 26, 2022

Kayla and Joe Flores  
Tailored Barber Company  
5635 S 3500 W  
Roy, Utah 84067

RE: Tailored Barber Company - Body Art Permit Status

To Whom it May Concern,

As of the date of this correspondence, the Weber-Morgan Health Department has issued three body art permits for Tailored Barber Company, all of which are in good standing. The owners and operators of Tailored Barber Company, Kayla and Joe Flores, have worked closely with this office to ensure that their facility meets all of the requirements outlined in the Weber-Morgan Health Department Regulation for Body Art Facilities. They have submitted all of the required documents and fees in a timely manner, have no outstanding balances with this office, and have been very organized and professional in their interactions with this office.

Please feel free to contact me at (801) 399-7177 if you have any questions.

Sincerely,



Ryan Klinge  
Environmental Health Division  
801-399-7160

**EDUCATE | ENGAGE | EMPOWER**

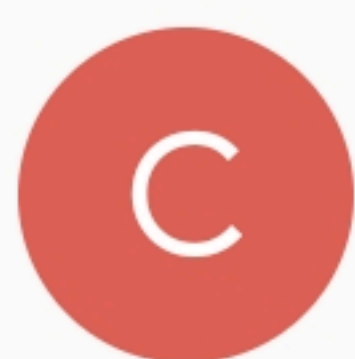
phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | [www.webermorganhealth.org](http://www.webermorganhealth.org)

1/1





(no subject) Inbox



**Colby Wortman** 2 days ago

to me ▾



Good Afternoon,

My name is Colby Wortman a retired USAF Veteran of of 22 years who has lived in the local area for over 20 years. I would like to voice my support of Tailored Barber Co. opening a new tattoo parlor in our local area (84015). Our economy needs small business growth during these times of economic struggle. According to Small Business Accounting study a dollar spent at a local business funnels back 68% of it profit back to the local economy. One tattoo Parlor per 10,000 people is no longer realistic post our national COVID epidemic. Please take into consideration how local business impact not only job opportunities but also how it impacts local community involvement and our family's! Thank you for your consideration and feel free to reach out to me any time!

Colby Wortman

E-mail: [colby.wortman@yahoo.com](mailto:colby.wortman@yahoo.com)

Phone 801-668-8568

Ref: Accounting.com



**Tailored Barber** May 26

Good Afternoon, My name is Colby Wortman





OFFICE OF THE  
STATE AUDITOR

# Questionnaire

Revised December 2020

## Fraud Risk Assessment

### INSTRUCTIONS:

- Reference the *Fraud Risk Assessment Implementation Guide* to determine which of the following recommended measures have been implemented.
- Indicate successful implementation by marking “Yes” on each of the questions in the table. Partial points may not be earned on any individual question.
- Total the points of the questions marked “Yes” and enter the total on the “Total Points Earned” line.
- Based on the points earned, circle/highlight the risk level on the “Risk Level” line.
- Enter on the lines indicated the entity name, fiscal year for which the Fraud Risk Assessment was completed, and date the Fraud Risk Assessment was completed.
- Print CAO and CFO names on the lines indicated, then have the CAO and CFO provide required signatures on the lines indicated.

# Fraud Risk Assessment

Continued

\*Total Points Earned: 335/395 \*Risk Level: Very Low Low Moderate High Very High  
 > 355      316-355      276-315      200-275      < 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	200	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?	5	5
b. Procurement?	5	5
c. Ethical behavior?	5	5
d. Reporting fraud and abuse?	5	5
e. Travel?	5	5
f. Credit/Purchasing cards (where applicable)?	5	5
g. Personal use of entity assets?	5	5
h. IT and computer security?	5	5
i. Cash receipting and deposits?	5	5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?	-	20
a. Do any members of the management team have at least a bachelor's degree in accounting?	10	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?	-	20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training ( <a href="http://training.auditor.utah.gov">training.auditor.utah.gov</a> ) within four years of term appointment/election date?	20	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	20	20
7. Does the entity have or promote a fraud hotline?	20	20
8. Does the entity have a formal internal audit function?	-	20
9. Does the entity have a formal audit committee?	20	20

\*Entity Name: Roy City Corporation

\*Completed for Fiscal Year Ending: 06/30/2022 \*Completion Date: 06/27/2022

\*CAO Name: Matt Andrews \*CFO Name: Amber Fowles

\*CAO Signature:  \*CFO Signature: 

\*Required



# Basic Separation of Duties

See the following page for instructions and definitions.

	Yes	No	MC*	N/A
1. Does the entity have a board chair, clerk, and treasurer who are three separate people?	X			
2. Are all the people who are able to receive cash or check payments different from all of the people who are able to make general ledger entries?			X	
3. Are all the people who are able to collect cash or check payments different from all the people who are able to adjust customer accounts? If no customer accounts, check "N/A".			X	
4. Are all the people who have access to blank checks different from those who are authorized signers?	X			
5. Does someone other than the clerk and treasurer reconcile all bank accounts OR are original bank statements reviewed by a person other than the clerk to detect unauthorized disbursements?	X			
6. Does someone other than the clerk review periodic reports of all general ledger accounts to identify unauthorized payments recorded in those accounts?	X			
7. Are original credit/purchase card statements received directly from the card company by someone other than the card holder? If no credit/purchase cards, check "N/A".	X			
8. Does someone other than the credit/purchase card holder ensure that all card purchases are supported with receipts or other supporting documentation? If no credit/purchase cards, check "N/A".	X			
9. Does someone who is not a subordinate of the credit/purchase card holder review all card purchases for appropriateness (including the chief administrative officer and board members if they have a card)? If no credit/purchase cards, check "N/A".	X			
10. Does the person who authorizes payment for goods or services, who is not the clerk, verify the receipt of goods or services?	X			
11. Does someone authorize payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	X			
12. Does someone review all payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	X			

\* MC = Mitigating Control



# Basic Separation of Duties

Continued

**Instructions:** Answer questions 1-12 on the Basic Separation of Duties Questionnaire using the definitions provided below.

☺ If all of the questions were answered “Yes” or “No” with mitigating controls (“MC”) in place, or “N/A,” the entity has achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will be answered “Yes.” 200 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

☹ If any of the questions were answered “No,” and mitigating controls are not in place, the entity has not achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will remain blank. 0 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

## Definitions:

**Board Chair** is the elected or appointed chairperson of an entity’s governing body, e.g. Mayor, Commissioner, Councilmember or Trustee. The official title will vary depending on the entity type and form of government.

**Clerk** is the bookkeeper for the entity, e.g. Controller, Accountant, Auditor or Finance Director. Though the title for this position may vary, they validate payment requests, ensure compliance with policy and budgetary restrictions, prepare checks, and record all financial transactions.

**Chief Administrative Officer (CAO)** is the person who directs the day-to-day operations of the entity. The CAO of most cities and towns is the mayor, except where the city has a city manager. The CAO of most local and special districts is the board chair, except where the district has an appointed director. In school districts, the CAO is the superintendent. In counties, the CAO is the commission or council chair, except where there is an elected or appointed manager or executive.

**General Ledger** is a general term for accounting books. A general ledger contains all financial transactions of an organization and may include sub-ledgers that are more detailed. A general ledger may be electronic or paper based. Financial records such as invoices, purchase orders, or depreciation schedules are not part of the general ledger, but rather support the transaction in the general ledger.

**Mitigating Controls** are systems or procedures that effectively mitigate a risk in lieu of separation of duties.

**Original Bank Statement** means a document that has been received directly from the bank. Direct receipt of the document could mean having the statement 1) mailed to an address or PO Box separate from the entity’s place of business, 2) remain in an unopened envelope at the entity offices, or 3) electronically downloaded from the bank website by the intended recipient. The key risk is that a treasurer or clerk who is intending to conceal an unauthorized transaction may be able to physically or electronically alter the statement before the independent reviewer sees it.

**Treasurer** is the custodian of all cash accounts and is responsible for overseeing the receipt of all payments made to the entity. A treasurer is always an authorized signer of all entity checks and is responsible for ensuring cash balances are adequate to cover all payments issued by the entity.