

Chair
• Ryan Cowley

Vice-Chair
• Claude Payne

City Planner
• Steve Parkinson



Commission Members

- Samantha Bills
- Torris Brand
- Christopher Collins
 - Jason Felt
- Janel Hulbert
 - Jason Sphar
- Daniel Tanner

PLANNING COMMISSION

AGENDA

July 12, 2022

6:00 p.m.

The Roy City Planning Commission regular meeting will be held in the City Council Chamber / Court Room in the Roy City Municipal Building located at 5051 South 1900 West. The meeting will commence with the Pledge of Allegiance, which will be appointed by the Chair.

This meeting will be streamed live on the Roy City YouTube channel.
(<https://www.youtube.com/channel/UC6zdmDzxdOSW6veb2XpzCNA>)

Agenda Items

1. Declaration of Conflicts

Legislative Items

2. **Public Hearing - 6:00 p.m.** - To consider amendments to Title 10 Zoning Regulations, amending CH 17 - Table of Uses - Table 17-2 - Table of Allowed Uses - Non-Residential Zoning Districts - "Tattoo & Body Art"
3. **Public Hearing - 6:00 p.m.** – To consider amendments to Title 10 Zoning Regulations, amending CH 13 - Mixed Uses - 10-13-2 - Uses - Table 2.1 (1); 10-13-3 - Building Types - Table 3.1 (1) and § 8) Row Buildings – to allow Row Building within the Downtown Gateway zone along secondary streets.

Administrative Items

4. Commissioners Minute
5. Staff Update
6. Adjourn

In Compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1040 or by email: ced@royutah.org at least 48 hours in advance of the meeting.

Pursuant to Section 52-4-7.8 (1)(e) and (3)(B)(ii) "Electronic Meetings" of the Open and Public Meetings Law, any Commissioner 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, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 8th day of July 2022. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the same date.

Visit the Roy City Web Site @ www.royutah.org
Roy City Planning Commission Agenda Information – (801) 774-1027

Steve Parkinson, City Planner





STAFF REPORT

Planning Commission

July 12, 2022

Agenda Item #2

SYNOPSIS

Application Information

Applicant: Kayla Flores; Tailored Barber Co.
Request: **6:00 p.m. – PUBLIC HEARING** – To consider 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 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

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. Proposed Changes

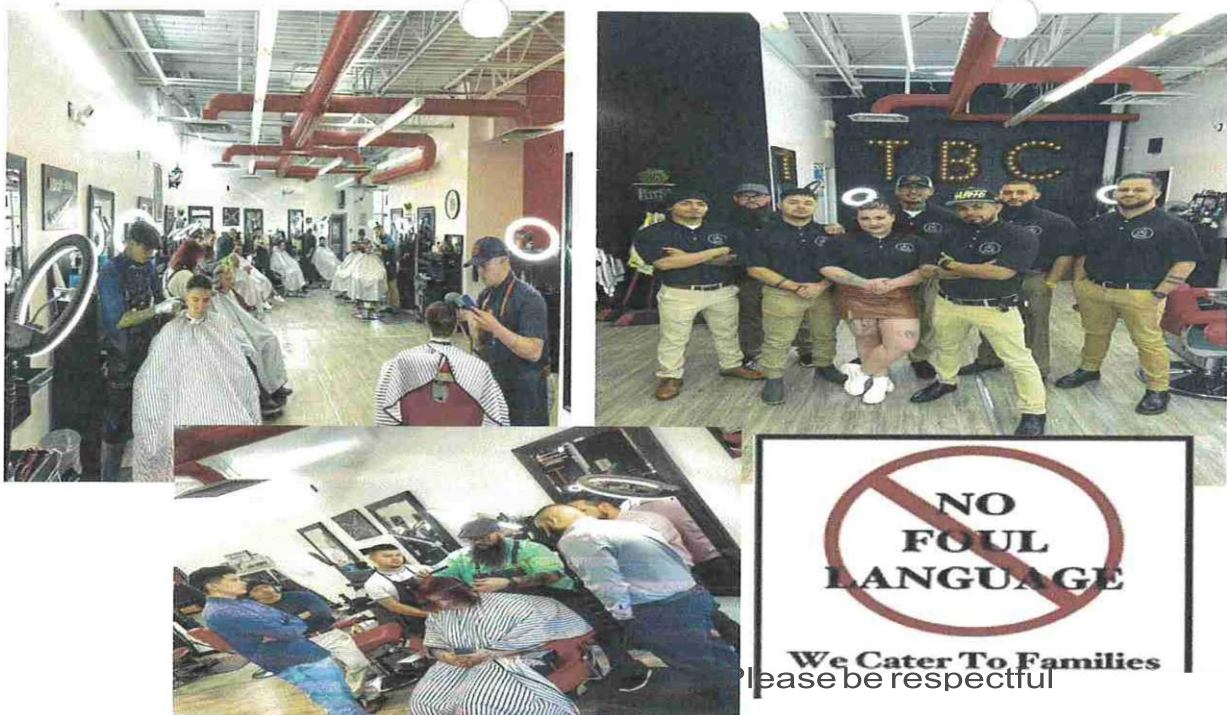
EXHIBIT "A" – APPLICANT'S NARRATIVE

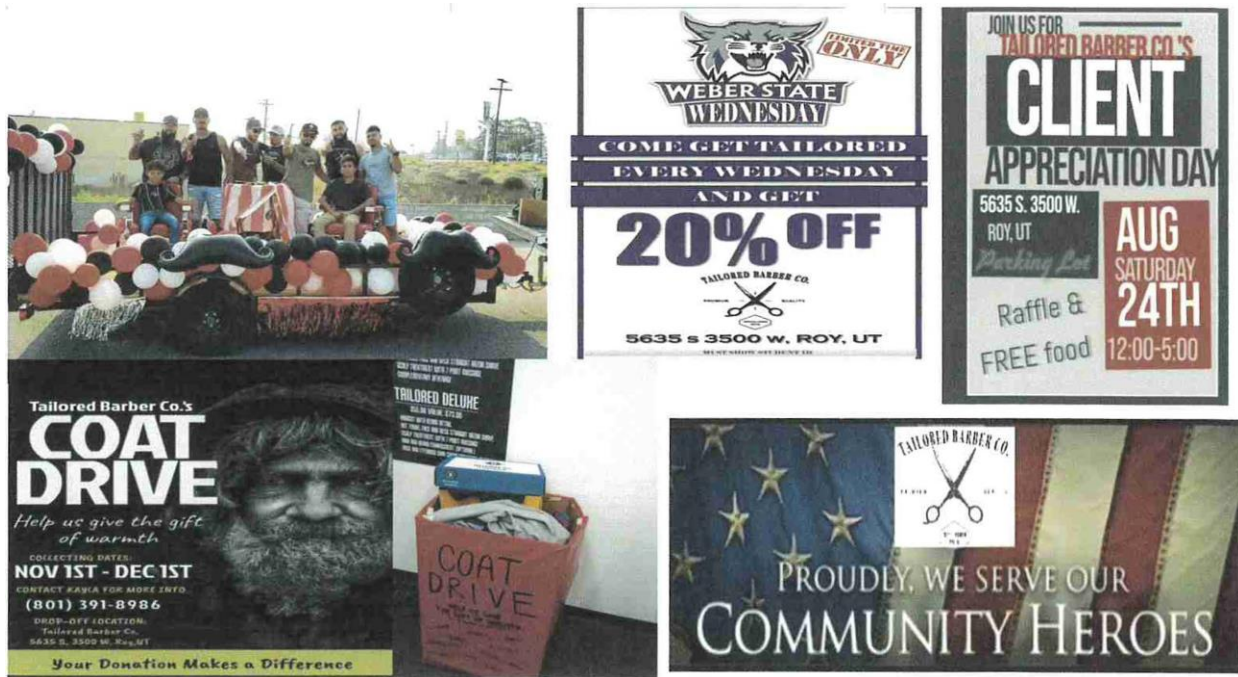
Written Nov 19, 2013 (9 years ago)

- 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

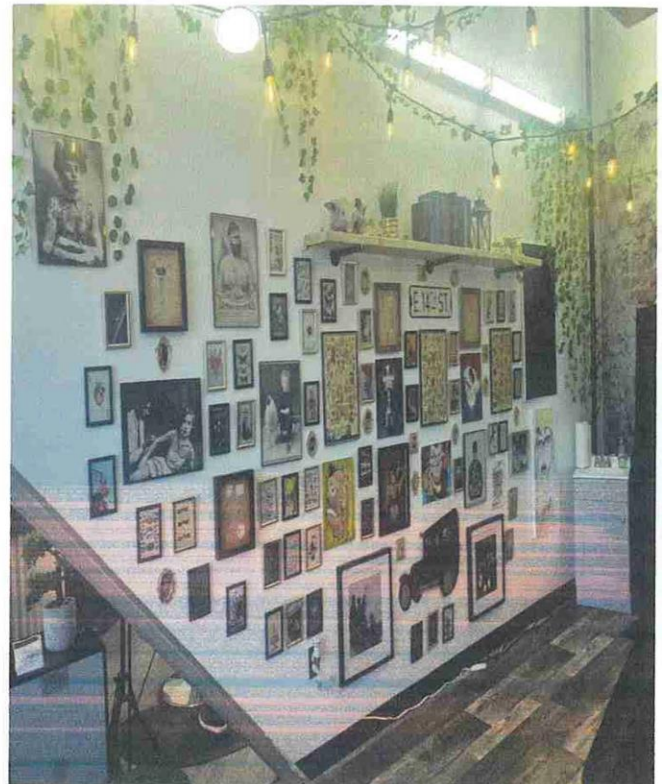
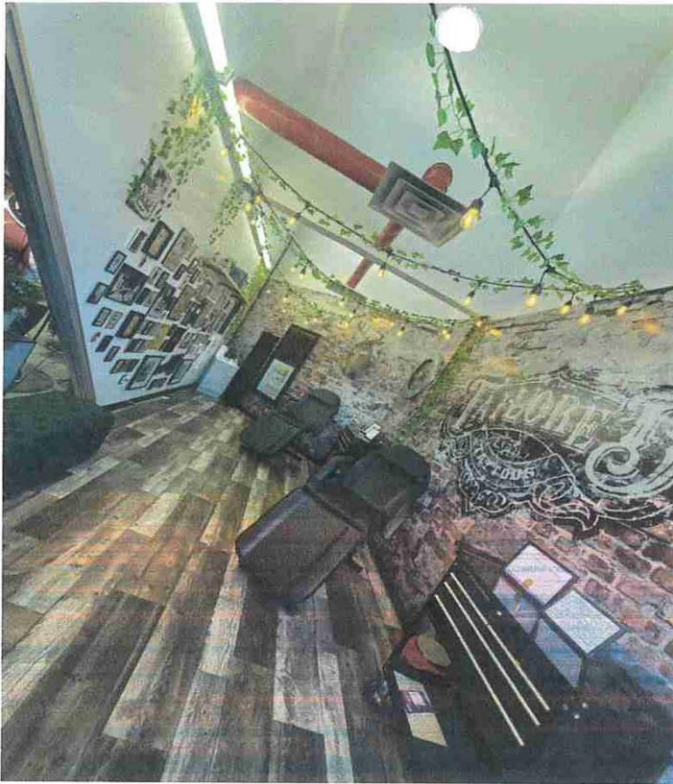
1. Clearfield City: Changed ordinance 1-2 years ago from demographic/population ordinance to get rid of the "taboo" stigma when seeing the market demand (2 tattoo shops wanting to open but could not due to the population issue) The ordinance is now driven by commercial zoning and not allowed to be within 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. An 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.

EXHIBIT “B” – PROPOSED CHANGES

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

USE	CC	LM	M	R
<u>Tattoo & Body Art.</u> Establishments engaged primarily in the practice of physical body adornment or modification, including but not limited to body piercing, tattooing, branding or scarification. All Tattoo & Body Art establishments shall obtain and maintain in good standing a proper license from the Weber-Morgan Health Department. Tattoo & Body Art establishments may not be located closer than six hundred (600) feet to any other such establishment as defined, or to any church, school or other community gathering place. The number of such facilities licensed within the city limits may not exceed one per every ten thousand (10,000) or portion thereof of the most recent United States Census Bureau estimated population of Roy City. The hours of operation are limited to between 10:00 a.m. and 10:00 p.m. No minors shall be allowed on the premises without an accompanying adult guardian. (Ord. 1060, 11-19-2013)	P	P	P	X



STAFF REPORT

Planning Commission

July 12, 2022

Agenda Item #3

SYNOPSIS

Application Information

Applicant: Conner Atkin; Tagg-N-Go

Request: **6:00 p.m. – PUBLIC HEARING** – To consider amendments to Title 10 Zoning Regulations, CH 13 – Mixed Use - 10-13-2 - Uses - Table 2.1 (1); 10-13-3 - Building Types - Table 3.1 (1) and § 8) Row Buildings – to allow Row Building within the Downtown-Gateway zone.

Staff

Report By: Steve Parkinson

Staff Recommendation: Approval

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10 - Zoning Regulations
 - Chapter 13 – Mixed Use
 - 10-13-5 – Uses – Table 2.1 (1)
 - 10-13-3 – Building Types – Table 3.1 (1) and § 8 Row Buildings

ANALYSIS

Background:

The applicant would like to amend Title 10, Chapter 13, Table 3.1 (1) to allow Row Buildings within the Downtown Gateway zone.

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 Plans is to promote and provide a variety of housing types within the City.

The character of the surrounding area, by allowing Row Building along secondary streets like 5300 South and 2000 West where Single-Family dwellings are across the street provides more similar character than requiring commercial businesses.

Compatibility & Suitability, within the Northern zone of the DT-G, 5300 South also has a R-2 zone along it as well as 2000 West, So allowing Row Buildings would be more compatible and suitable than Commercial. Within the Southern zone of the DT-G, 2000 West and 6000 South have R-I-8 zoning across the street and having residential is more compatible and suitable than Commercial.

This change to the Code would only affect areas around the Downtown area of the City.

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 this area of 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 13 – Mixed Use - 10-13-2 - Uses - Table 2.1 (1); 10-13-3 - Building Types - Table 3.1 (1) and § 8) Row Buildings – to allow Row Building within the Downtown Gateway zone along secondary streets.

EXHIBITS

- A. Applicant's Narrative
- B. Proposed Changes

EXHIBIT “A” – APPLICANT’S NARRATIVE

We would like to amend I0-13-3, more specifically table 3.1 (1) to allow Row Buildings in the DT-G zone.

We feel the intent of the Gateway Commercial zoning was for the Downtown feel. 5300 South and 2000 West fall into this zone, but he feels that these “Side Streets” should have an exemption since they are off of the main road and should be considered for different uses.

EXHIBIT “B” – PROPOSED CHANGES

The requested amendment to Table 3.1 (I) to allow Row Buildings in the DT-G zone will also require amendments to Table 2.1 (I) and 10-13-3 8 – Row Building. The following takes everything into account.

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

10-13-2 Uses:

2) Definition of Uses.

Uses	Districts						
	DT-E	DT-W	DT-G	S-C	S-N	S-S	BP
Residential & Lodging							
Residential	U	U	U*	P	P	P	U
Hotel & Inn	P	P	P	P			P
Residential Care	P	P	P	P			U

Key

P Permitted

U Permitted in Upper Stories Only

C Requires Conditional Use Approval

D Permitted with Development Standards

*** See 10-13-3 8) Row Buildings for additional details**

Table 2.1 (I). Uses by District.

10-13-2 Building Types:

1) Introduction to Building Type Standards.

Building Types by District							
		Districts					
Building Types		DT-E	DT-W	DT-G	S-C	S-N	BP
	Storefront	P	P	P	P		P
	General Stoop	P	P	P	P	P	P
	Limited Bay			P			P
	Large Format	P	P	P			P
	Civic Building	P	P	P	P		P
	Row Building			P*	P	P	P

P Permitted

*** See 10-13-3 8) Row Buildings for additional details**

Table 3.1 (I). Permitted Building Types by District.

8) Row Building

ROW BUILDING		Permitted Districts				
		DT-G	S-C	S-S	S-N	BP
(1) Building Siting Refer to Figure 3.8 (1)						
	Multiple Principal Buildings	permitted ¹	permitted ¹	permitted ¹	permitted ¹	permitted ¹
a	Front Property Line Coverage	65% ²	65% ²	65% ²	65% ²	65% ²
	Occupation of Corner	required	required	required	required	required
b	Front Build-to Zone	10' min	10' min	10' min	10' min	0' to 15' ⁹
c	Corner Build-to Zone	10' min	10' min	10' min	10' min	0' to 15' ⁹
d	Minimum Side Yard Setback	0' per unit; 15' between buildings	0' per unit; 15' between buildings			
e	Minimum Rear Yard Setback	10' ³	10' ³	10' ³	10' ³	10' ³
	Minimum Unit Width	22' per unit	22' per unit	22' per unit	22' per unit	22' per unit
f	Maximum Building Width	maximum of 8 units per building	maximum of 8 units per building			
g	Parking & Loading Location	front, rear and side yard	front, rear and side yard			
(2) Height Refer to Figure 3.8 (2)						
i	Minimum Overall Height	1 story	1 story	1 story	1 story	1 story
k	Maximum Overall Height	40' ¹⁰	60' ⁴	35' ⁵	60' ⁶	80' ^{7,8}
(3) Uses Refer to Figure 3.8 (2). Refer to 10-13-4 Uses for permitted uses.						
n	Ground Stories	residential only	residential only			
o	Upper Story	residential only	residential only			
p	Parking within Building	permitted fully in basement	permitted fully in basement			
(4) Street Façade Requirements Refer to Figure 3.8 (3)						
r	Minimum Transparency per each Story	15%	15%			
	Blank Wall Limitations	required per floor (refer to 10-13-3 2 d ii)	required per floor (refer to 10-13-3 2 d ii)			
t	Front Façade Permitted Entrance Type	stoop, porch	stoop, porch, limited storefront	stoop, porch		
u	Principal Entrance Location per Unit	front or corner side façade	front or corner side façade			
	Vertical Façade Divisions	not required	not required			
	Horizontal Façade Divisions	for buildings over 3 stories, required within 3' of the top of any visible basement or ground story	for buildings over 3 stories, required within 3' of the top of any visible basement or ground story			
(5) Roof Type Requirements Refer to Figure 3.8 (3)						
v	Permitted Roof Types	parapet, pitched, flat	parapet, pitched, flat			
	Tower	not permitted	not permitted			

Notes

1 – For the purpose of the Row Building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot with the minimum required space between them. However, each building shall meet all requirements of the Building Type unless otherwise noted.

2 – Each building shall meet the front property line coverage requirement, except one of every five units may front a courtyard with a minimum width of 30'. The courtyard shall be defined on three sides by units.

3 – As required for Site Plan approval, also reference 10-13-3 2 b iv

4 – Maximum density is 25 units per acre

5 – Maximum density is 18 units per acre

6 – 1100 feet south of Hinckley Drive the Maximum height is 50'

7 – Maximum Building height along 4200 South is 35'

8 – West of 1900 West Building Height is 60' maximum

9 – 20' setback off of 4000 South

10- Allowed only on properties that have frontage along 2000 West, 5200 South (west of 1900 West), 5300 South, 5700 South & 6000 South OR should it read

-Not Allowed on properties that have access to or have frontage along 1900 West, 5600 South or Riverdale Road