



Section 301—Decision Making and Administrative Bodies:

The decision making bodies and officials identified within this Ordinance shall have responsibilities for implementing and administering the Roy City General Plan, the Roy City Zoning Ordinance, the Roy City Subdivision Ordinance, and other Ordinances, as allowed by State law, and as contained in §10-9a et. seq. U.C.A., as amended.

Section 302—Roy City Council:

- 1) The Roy City Council (“Council”) shall have the following powers and duties under this Ordinance:
 - a) To adopt, and to initiate amendments to the Roy City General Plan, and all elements of the General Plan.
 - b) To adopt, and to initiate amendments to the Roy City Zoning Ordinance.
 - c) To adopt, and to initiate amendments to the Roy City Subdivision Ordinance.
 - d) To approve, approve with conditions, or deny all Conditional Use Applications, including Site Plan Applications for all Conditional Uses identified in Table 17-1 and 17-2, Tables of Uses.
 - e) To appoint a hearing officer to render a recommendation to the Council if an applicant asserts a deprivation of, or has been subject to, a taking of property without just compensation, or asserts some other constitutional invalidity, as provided by herein.
 - f) To establish a fee schedule by resolution for all approvals, permits and licenses required by this Ordinance, as provided herein.
 - g) To designate the Zoning Administrator for the administration of this Ordinance, as provided by Section 305 herein.
 - h) To take such other action(s) not expressly delegated to the Planning Commission, Board of Adjustments (BOA), City Manager, or Zoning Administrator.
- 2) Decisions Final on Meeting Date, Exceptions. All decisions of the Council, made under this Ordinance, shall take effect on the date of the meeting when the decision is made, unless a different date is designated at the time the decision is made. The minutes of all meetings of the Council shall be filed in the office of the City Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act, §63-2-101 et. seq. U.C.A., as amended.

Section 303—Planning Commission:

There is hereby created and established a Roy City Planning Commission (“Commission”).

- 1) Powers and Duties. The Commission shall be an advisory body to the Council on legislative matters pertaining to the General Plan, this Ordinance, and the Roy City Subdivision Ordinance. The Commission shall have the following powers and duties:
 - a) To prepare, or cause to be prepared, the proposed Roy City General Plan, any proposed plan element, any amendments thereto, and to submit the proposed plan, element or amendments to the Council.
 - b) To prepare or cause to be prepared the proposed Roy City Zoning Ordinance, any amendments thereto, and to submit the Ordinance or amendments thereto to the Council.
 - c) To prepare or cause to be prepared the proposed Roy City Subdivision Ordinance, any amendments thereto, and to submit the Subdivision Ordinance or amendments thereto to the Council.
 - d) To hear, review and recommend approval or denial of all Applications for a General Plan Amendment, Zoning Ordinance Amendment, or Zoning Districts Map Amendment (Rezoning).

- e) To hear, review, and approve, approve with revisions, or deny a Site Plan Application, for a Permitted Use proposing new construction of a building(s), or proposing any structural modifications to the exterior of an existing building(s) as authorized by this Ordinance, excluding Single-Family and Two-Family Dwellings.
 - f) To hear, review, and recommend approval, approval with conditions, or denial of a Conditional Use Application, including a Site Plan for a Conditional Use, to the Council.
 - g) To hear, review, and recommend approval or denial of Subdivision Applications to the Council, as authorized by the Roy City Subdivision Ordinance.
 - h) To hear, review, and render a final decision on Appeals of Administrative Decisions and Interpretations by the Zoning Administrator applying the provisions of this Ordinance, and as provided in Section 305.
 - i) To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, for the consideration of applications and for any other purposes deemed necessary by the Commission provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which bylaws, policies, and procedures shall first be approved by the Council before taking effect.
 - j) Advise the Council on all other matters as the Council may direct.
- 2) Qualifications for Membership. Members of the Commission shall be appointed by the Mayor, with advice and consent of the Council.
- 3) Membership: Appointment, Removal, Terms, and Vacancies.
- a) The Commission shall consist of seven (7) members.
 - b) The members of the Commission shall be residents of Roy. No member of the Commission shall be an elected official or employee of Roy City.
 - c) The Mayor, with advice and consent of the Council, may remove any member of the Commission for a violation of this Ordinance or any policies or procedures adopted by the Commission following receipt of a written complaint filed against the member.
 - d) Members of the Commission shall serve with compensation, as adopted by the Council, and the Council shall provide for reimbursement to Commission members for approved actual expenses incurred, upon presentation of proper receipts and vouchers.
 - e) All members of the Commission shall serve a term of three (3) years. No member shall serve more than three (3) consecutive terms. Terms shall begin on July 1 of each calendar year. Members' terms are to be staggered so that not more than three (3) terms shall expire each year on July 1. A Commission member shall not be automatically reappointed.
 - f) At an annual organizational meeting to be held the first regular meeting in the new calendar year, and at other times as required, the members of the Commission shall recommend one (1) of their members as chair and one (1) of their members as vice-chair to the Council. The Mayor with advice and consent of the Council shall appoint the Commission chair and vice-chair. The chair and vice-chair shall serve a term of one (1) year. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair.
 - g) The chair, or in the chair's absence, the vice-chair shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.
 - h) Commission vacancies occurring for any reason shall be filled by appointment by the Mayor with advice and consent of the Council. Vacancies of the Commission occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.
- 4) Recording Secretary. The City Manager shall assign the City Recorder or other Staff member to act as the recording secretary to serve the Commission. The Recording Secretary shall keep the minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The minutes of all meetings of the Commission shall be filed in the office of the City Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act, §63-2-101 et. seq. U.C.A., as amended. The Recording Secretary shall be compensated as approved by the Council.
- 5) Quorum and Necessary Vote. No meeting of the Commission shall be called to order, nor may any

business be transacted without a quorum consisting of at least four (4) members of the Commission being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the Commission. All decisions and recommendations by the Commission shall require a minimum of four (4) votes. The Commission shall transmit reports of its decisions and recommendations to the Council. Any member of the Commission may also make a concurring or dissenting report or recommendation to the Council.

- 6) **Decisions Final on Meeting Date, Exceptions.** All decisions of the Commission shall be final and shall take effect on the date of the meeting when the decision is made, unless a different date is designated at the time the decision is made.
- 7) **Meetings, Hearings, and Procedure.**
 - a) The Commission shall establish a regular meeting schedule.
 - b) Special meetings may be requested by a majority vote of the Commission, or by the chair of the Commission.
 - c) When a matter is postponed due to lack of a quorum, the matter shall be rescheduled to the next available Commission meeting. The Recording Secretary shall notify all members of the Commission of the date when the rescheduled matter will be heard by the Commission.

Section 304—Board of Adjustment:

There is hereby created and established a Roy City Board of Adjustment (BOA).

- 1) **Powers and Duties.** The BOA shall hear and decide:
 - a) Variances from the terms of this Ordinance, with a finding of unreasonable hardship as required by Chapter 10-9a U.C.A., as amended, and as provided by Chapter 25, herein.
 - b) Render decisions on determinations of nonconforming uses and noncomplying structures as provided by Chapter 23, herein.
 - c) Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion, or enlargement of a noncomplying building or structure, as provided by Chapter 23, herein.
 - d) Recommend to the Commission revisions to the Roy City General Plan, this Ordinance, and the Subdivision Ordinance.
 - e) To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the BOA, for the consideration of applications and for any other purposes deemed necessary by the BOA provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which bylaws, policies, and procedures shall first be approved by the Council before taking effect.
- 2) The BOA shall have no power, jurisdiction, or authority to consider any of the following:
 - a) Any variances or waivers to any of the standards governing the approval of a General Plan Amendment Application, Zoning Ordinance Amendment Application, Zoning Districts Map Amendment Application, Subdivision Ordinance Amendment Application or any other approval, permit or license.
 - b) Amendments to the General Plan, any element or map thereof, or any provision, requirement or map of this Ordinance, or any provision or requirement of the Subdivision Ordinance.
 - c) Make any decisions or determinations that would have the effect of authorizing a use, which is not identified in Table 17-1 and Table 17-2, Table of Uses, herein.
- 3) **Qualifications for Membership.** Members of the BOA shall be appointed by the Mayor, with advice and consent of the Council.
- 4) **Membership: Appointment, Removal, Terms, and Vacancies.**
 - a) The BOA shall be composed of five (5) members with two (2) alternates.
 - b) The members of the BOA shall be residents of Roy. No member of the BOA shall be an elected or appointed official, or employee of Roy City.
 - c) The Mayor, with advice and consent of the Council, may remove any member of the BOA for violation of this Ordinance or any policies or procedures adopted by the BOA following receipt of a written complaint

- filed against the member.
- d) A BOA member shall be automatically removed if three (3) consecutive or twenty- five (25) percent of the BOA meetings in a calendar year are missed. If the absence of a BOA member is due to an extended illness or vacation, the BOA member is responsible to provide written notice to the City Manager prior to the time the absence will occur. If such notice is given, the removal requirements do not apply.
 - e) Members of the BOA shall serve with compensation, as adopted by the Council, and the Council shall provide for reimbursement to BOA members for approved actual expenses incurred, upon presentation of proper receipts and vouchers.
 - f) All members shall serve a term of five (5) years, provided that the term of one (1) member shall expire each year. No member shall serve more than two (2) consecutive terms.
 - g) At an annual organizational meeting, held the first regular meeting of the year, and at other times as required, the members of the BOA shall recommend one (1) of their members as chair and one (1) of their members as vice-chair to the Council. The Mayor with advice and consent of the Council shall appoint the BOA chair and vice-chair. The chair and vice-chair shall serve a term of one (1) year. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair.
 - h) The chair, or in the chair's absence, the vice chair of the BOA shall be in charge of all proceedings before the BOA, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the BOA.
 - i) BOA vacancies occurring for any reason shall be filled by appointment by the Mayor with advice and consent of the Council. Vacancies of the BOA occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.
- 5) **Recording Secretary.** The City Manager shall assign the City Recorder or other Staff member to act as the recording secretary to serve the BOA. The Recording Secretary shall keep the minutes of all proceedings of the BOA, which minutes shall be the official record of all proceedings before the BOA, attested to by a majority vote of the members of the BOA. The minutes of all meetings of the BOA shall be filed in the office of the City Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act, §63-2-101 et. seq. U.C.A., as amended. The Recording Secretary shall be compensated as approved by the Council.
 - 6) **Quorum and Necessary Vote.** No meeting of the BOA may be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the BOA. All decisions and recommendations by the BOA shall require a minimum of three (3) votes. The BOA shall transmit reports of its decisions and recommendations to the Council. Any member of the BOA may also make a concurring or dissenting report or recommendation to the Council.
 - 7) **Decisions Final on Meeting Date, Exceptions.** All decisions of the BOA shall be final and shall take effect on the date of the meeting when the decision is made, unless a different date is designated at the time the decision is made.
 - 8) **Meetings, Hearings, and Procedure.**
 - a) Regular meetings of the BOA shall be held as required.
 - b) Special meetings may be requested by a majority vote of the BOA, or the chair of the BOA.
 - c) When a matter is postponed due to lack of a quorum, the chair of the BOA shall reschedule the matter to the next available meeting. The recording secretary shall notify all interested parties and all members of the BOA of the date when the rescheduled matter will be heard.

Section 305—Zoning Administrator:

The Council shall designate a person to carry out the administrative responsibilities of this Ordinance, and the Subdivision Ordinance. The person so designated is referred to herein as the “Zoning Administrator.”

- 1) **Powers and Duties.** It is the responsibility of the Zoning Administrator to ensure all administrative processes, procedures and other provisions of this Ordinance and the Subdivision Ordinance are consistently and equitably applied. The Zoning Administrator shall have the following powers and duties:

- a) To render final Administrative Decisions and Interpretations of this Ordinance in compliance with the requirements provided by Section 402.
- b) To provide a determination of all Permitted, Conditional, and Temporary Uses.
- c) To approve, approve with revisions, or deny all Site Plan Applications to establish a Permitted Use proposing to occupy an existing building(s) or proposing to modify or remodel the interior of an existing building(s).
- d) To approve, approve with revisions, or deny the establishment or expansion of a Single-Family or Two-Family Dwelling, including Residential Accessory buildings.
- e) To approve, approve with revisions, or deny a Temporary Use Application.

Section 306—Development Review Committee (DRC):

- 1) A Development Review Committee (DRC) shall be established and created by the City Manager.
- 2) Purpose. The purpose of the DRC is a technical review committee, which may be established to assure proposed development within the City is consistent with the City's General Plan, requirements of this Ordinance, and all other applicable Ordinances, Statutes, and provisions.
- 3) Membership. The DRC shall consist of persons representing City Departments, and other persons, as may be designated by the City Manager.
- 4) Powers and Duties. The DRC shall act under the direction of the City Manager and shall have the following duties and responsibilities:
 - a) Before any application is considered by the Commission, Council, or Zoning Administrator the DRC shall review the application to determine its consistency with General Plan and compliance with all applicable City Ordinances.
 - b) The DRC shall provide a report identifying the consistency with General Plan and compliance with all applicable Ordinances for any application for an approval, permit, or license, required by this Ordinance, prior to a final decision being made by the Commission, Council, or Zoning Administrator.
 - c) The DRC shall present findings or recommend conditions for consideration by the Commission, Council, or Zoning Administrator upon request by the Commission, Council, or Zoning Administrator.
 - d) The DRC may establish procedures for the preparation and conduct of Development Review Committee meetings, the scheduling of meetings, and the conduct of meetings and field trips, such procedures being reviewed and approved by the City Manager before taking effect.

Section 307—Support:

The officers and staff of the City shall provide support and assistance to the Council, Commission, BOA, DRC, and Zoning Administrator, as required to effectively implement the General Plan, this Ordinance, and the Subdivision Ordinance.

Section 308—Meetings and Public Hearings:

All meetings and hearings of the Council, Commission, and BOA required by this Ordinance shall comply with the provisions of this Ordinance for such meetings and hearings, and the requirements of the Utah Code Annotated, as amended, for open and public meetings.

Section 309—Provision of Administrative Guidelines:

The Council may provide guidelines, standards, reference materials, forms, or other documents to assist the public, applicant, or staff in providing applications and interpreting and administering the Roy City General Plan, this Ordinance, and Subdivision Ordinance.

Section 310—Computation of Time:

All times, as identified herein, shall be computed using calendar days, except that if the last day is a Saturday, Sunday, or legal holiday observed by Roy City, that day shall be excluded and time computed to the next regular business day following the Saturday, Sunday or legal holiday observed by Roy City. The time within which an act is to be done shall be computed by excluding the first day and including the last day.

Section 311—Fractional Numbers:

In determining compliance with the numerical requirements of this Ordinance any computation or measurement resulting in a fractional number, except density calculations shall be rounded down to the nearest whole number. Density calculations shall be rounded to the nearest tenth of a number.

Section 312—Procedural Irregularities:

- 1) Validity of Action. Notwithstanding any provision of this Ordinance which sets forth a procedure for any matter herein, no action, inaction or recommendation regarding the matter which is the subject of the procedure shall be void or invalid or set aside by a court due to any error (including, but not limited to, any irregularity, informality, neglect or omission) which pertains to a petition, application, notice, finding, record, hearing, report, recommendation or any other procedural matter whatsoever unless:
 - a) The procedure is required by state or federal law; and
 - b) In an examination of the entire circumstances, including the evidence of record, the court is of the opinion that the procedural error complained of was prejudicial to a substantial right of the complainant as shown by the following:
 - i) Had the error not occurred the decision made pursuant to the procedure would have been different, and
 - ii) Because of the error, the complainant suffered an injury for which relief must be given.
- 2) Presumption of Validity. The court shall presume that action taken pursuant to a procedure was done in good faith and shall not presume that an error is prejudicial or that an injury occurred. The complainant shall have the burden of proof by a preponderance of the evidence to show that an error is prejudicial or that an injury occurred.

Section 313—Vesting of Zoning Rights:

- 1) On the date of a determination of a complete application by the Zoning Administrator, as provided herein, an application for approval of any approval, permit, or license, as may be required by this Ordinance, shall vest pursuant to the terms of this Ordinance and the Zoning Districts Map in effect, unless such vesting is affected by a pending amendment to this Ordinance or the Zoning Districts Map, as provided for herein.
- 2) Vesting of all approvals, permits, and licenses shall terminate upon the expiration or termination of the approval, permit, or license.