



AGENDA

February 23, 2016

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.

Agenda Items

1. Declaration of Conflicts
2. Approval of February 9, 2016 minutes
3. 6:00 p.m. – PUBLIC HEARING – Consider an amendment to the Roy City Municipal Code. Removing sections of the Code dealing with the Sign Ordinance, from Title 9, Chapter 4 and Title 10, Chapter 20 and then the creation of a new Title 13 – Sign Ordinance.
4. 6:00 p.m. – PUBLIC HEARING – Consider a request for Conditional Use approval to allow a Café business on property located at approximately 2039 W. 4000 S.
5. Discussion on a proposed amendment to the Zoning Code regarding Chickens and Rabbits
6. Commissioners Minute
7. Staff Update
8. 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.

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 19th day of February 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 19th day of February 2016..

STEVE PARKINSON;
PLANNING & ZONING ADMINISTRATOR



1 ROY CITY PLANNING COMMISSION

2
3 February 9, 2016

4
5 Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy
6 City Municipal Building on February 9, 2016, at 6:00 p.m.

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8 The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting
9 was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was
10 posted.

11
12 The following members were in attendance:

- | | |
|----|---------------------------|
| 13 | |
| 14 | Lindsey Ohlin, Chairman |
| 15 | Leland Karras |
| 16 | Gennie Kirch |
| 17 | Doug Nandell |
| 18 | Joe Paul |
| 19 | Claude Payne |
| 20 | |
| 21 | Steve Parkinson, Planner |
| 22 | Michelle Drago, Secretary |

23
24 Others present were: Jason Kunzler; Greg Sagen; Gordon Barrow; Chris Barrow; Katy Yarrington;
25 and Cathy Spencer, Management Services Director.

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27 Pledge of Allegiance: Claude Payne

28
29 1. DECLARATIONS OF CONFLICT

30
31 There were none.

32
33 2. APPROVAL OF JANUARY 26, 2016, MINUTES

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35 **Commissioner Nandell moved to approve the January 26, 2016, minutes as written. Commissioner Kirch seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

36
37 3. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE TO ALLOW A PERSONAL
38 CARE SERVICE (HAIR AND NAIL SALON) LOCATED AT 3462 WEST 4800 SOUTH

39 Steve Parkinson stated that the City had received a request for approval of a conditional use for
40 a personal care service (hair and nail salon) located at 3462 West 4800 South, which was zoned
41 Community Commercial. A personal care service/hair salon was a conditional use in
42 the Community Commercial Zone. The applicant already had a conditional use for a personal
43 care service/hair salon at approximately 5600 South 3500 West. She was moving to a new
44 location, and needed a new conditional use. The new location was located in the strip mall west
45 of Winegar's. Mr. Parkinson said the staff had found that the proposed conditional use met the
46 goals and intent of the General Plan and complied with the requirements of the Zoning Ordinance.
47 The staff recommended approval of the conditional use subject to the applicant obtaining and
48 maintaining a Roy City business license; a license from the Weber/Morgan Health Department;
49 and a license from the State of Utah.
50

51 **Commissioner Kirch moved to open the public hearing at 6:03 p.m. Commissioner Payne**
52 **seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, and**
53 **Payne voted "aye." The motion carried.**

54
55 Chairman Ohlin opened the floor for public comments. There were none.

56
57 **Commissioner Kirch moved to close the public hearing at 6:04 p.m. Commissioner Nandell**
58 **seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, and**
59 **Payne voted "aye." The motion carried.**

60
61 **Commissioner Kirch moved to recommend that the Council approve a conditional use for**
62 **a personal care service (hair and nail salon) located at 3462 West 4800 South based on the**
63 **staff's findings and subject the conditions recommended by the staff. Commissioner Paul**
64 **seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, and**
65 **Payne voted "aye." The motion carried.**

66
67 4. PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO THE ROY CITY ZONING
68 ORDINANCE REQUIRING ALL BUSINESS GENERALLY TO BE CONDUCTED WITHIN
69 A WHOLLY ENCLOSED BUILDING

70
71 Chairman Ohlin stated that the advertised agenda contained an item about a text amendment
72 requiring all business to be conducted within a wholly enclosed building. However, that item had
73 not been advertised in a local paper and could not be discussed.

74
75 Steve Parkinson stated that the notice in the newspaper was to consider a text amendment to
76 consider the new Sign Ordinance, but it was not on the agenda. It could not be discussed either.
77 The Sign Ordinance discussion would be moved to the next meeting.

78
79 5. COMMISSIONER'S COMMENTS

80
81 Commissioner Nandell stated that caucus meetings were scheduled for March 22nd, which
82 conflicted with the planned Planning Commission meeting. The Planning Commission asked that
83 the March 22nd meeting be cancelled so members could attend their caucus meetings.

84
85 Commissioner Kirch asked if a building permit had been issued to rebuild the Chinese restaurant
86 that burned down. Mr. Parkinson said it had not. The two brothers who owned the property could
87 not reach an agreement.

88
89 Commissioner Kirch asked when the Planning Commission would discuss the chicken ordinance.
90 Mr. Parkinson said the next meeting would contain a regular meeting to consider the Sign
91 Ordinance and a work session to discuss the chicken ordinance. Commissioner Kirch asked the
92 staff to provide the Commission members with the minutes from the meeting in which it made its
93 last recommendation to the Council.

94

95 6. STAFF UPDATE

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97 Steve Parkinson stated that the City Attorney wanted to do some training with the Planning
98 Commission members. Due to next meeting's heavy agenda, the training would probably be next
99 month.

100
101 7. PUBLIC COMMENTS

102
103 Greg Sagen, 5027 West 4900 South, stated that he was the president of the RC (Radio Control)
104 Club on Hill AFB. There were a lot of individuals flying their radio controlled aircraft in the City
105 limits. The radio control aircraft could become dangerous when they got above a certain size.
106 There was a recent incident on base where a radio controlled airplane was flying too close to the
107 end of the runway. He suggested that Roy consider where it wanted this type of use to take place;
108 somewhere the planes could fly without invading privacy.

109
110 8. ADJOURN

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112 **Commissioner Paul moved to adjourn at 6:12 p.m. Commissioner Karras seconded the**
113 **motion. Commission members, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye."**
114 **The motion carried.**

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119 Attest:

 Lindsey Ohlin
Chairman

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 Michelle Drago
124 Secretary

125
126 dc:pfeb916



SYNOPSIS

Application Information

Applicant: Steve Parkinson
Request: To amend the Roy City Municipal Code; Title 9 chapter 4 and the Roy City Zoning Code; Title 10 chapter 20, and the creation of a new Title 13 - Sign Regulations

Staff

Report By: Steve Parkinson; Planning & Zoning Administrator *SP*
Recommendation: Recommends approval

APPLICABLE ORDINANCES

- Roy City Municipal Code; Title 9 chapter 4 – Sign Regulations
- Roy City Zoning Code; Title 10 chapter 20 – Signs

BACKGROUND

This item was originally brought to the Planning Commission by staff, at the time the Sign Ordinance was in two (2) different titles, Title 9 which is part of the Building and Construction Code and Title 10 which is part of the Zoning Code. Staff felt it all needed to be combined into one chapter or Title

Staff first introduced this issue during the January 27, 2015 work-session and then over the course of one year had seven additional work-session meetings (Feb 24, 2015; Apr 28, 2015; May 26, 2015; Jul 28, 2015; Oct 27, 2015; Nov 24, 2015; and Jan 12, 2016)

Process: Text amendments require public hearing at the Planning Commission. A recommendation will then be forwarded to the City Council for review and a final decision. If the Planning Commission approves language to be added or text to be changed, staff will put those recommended changes into a "Proposed Ordinance" format to be presented to the Council. That ordinance, if approved, can then be adopted, officially amending the text.

Proposed changes: It is proposed to remove and add the following language. Typically the language that is to be removed has been struck through and the language to be added is bolded. In this case the removal is as mentioned, but the language to be added will not be bolded because Title 13 is what will be added. See exhibit "A" for the proposed changes.

FINDINGS

- The proposed amendments of Title 9, chapter 4 and title 10, chapter 20 and the creation of Title 13 are consistent and in accordance to the discussions of the Planning Commission.

RECOMMENDATION

Staff recommends approval of the proposed amendments to the Roy City Municipal Code; Title 9 chapter 4 and the Roy City Zoning Code; Title 10 chapter 20, and the creation of a new Title 13 - Sign Regulations.

EXHIBITS

- A. Proposed Ordinance changes

EXHIBIT "A" – PROPOSED ORDINANCE CHANGES

Remove

Title 9, Chapter 4 – SIGN REGULATIONS

~~9.4.1: DEFINITIONS: The words and terms defined in this chapter shall have the meanings as indicated. Words used in the present tense include the future, and words in the singular number include the plural, and words in the plural include the singular. Words defined herein but defined differently elsewhere in city ordinances shall be construed as set forth in this chapter. Words not included herein but defined elsewhere in city ordinances shall be construed therein. The word "shall" is mandatory.~~

- ~~• ARCHITECTURAL PROJECTION: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.~~
- ~~• BLANKETING OR BLANKET: When applied to signs or sign structure, shall mean the partial or complete shutting off of the face of one sign by another sign.~~
- ~~• BUILDING CODE: The current edition of the building code as adopted by Roy City.~~
- ~~• BUILDING FACADE: The portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.~~
- ~~• BUILDING FAÇADE FACING: A resurfacing of an existing facade with approved material, illuminated or non-illuminated.~~
- ~~• BUILDING OFFICIAL: The official or other person charged with the administration and enforcement of this chapter or his duly authorized agent.~~
- ~~• CHANGEABLE COPY PANEL: A panel which is characterized by changeable copy, regardless of method of attachment.~~
- ~~• FRONTAGE: The linear measurement of building front. If a building fronts on more than one street, the frontage shall be computed on the longest single building front.~~
- ~~• MAINTAIN: To keep in an existing state of repair and shall include, but is not limited to, repainting, repairing and servicing. It does not include removal of signs. It may include re-lettering with substantially the same message, but does not include an increase in size of display area. It may also include strengthening the structure by changing or adding supports or performing other structural changes designed for strengthening the sign and increasing safety thereof.~~
- ~~• MARQUEE: A permanent structure attached to and supported by a building front and projecting no more than seventy two inches (72").~~
- ~~• NONCONFORMING USE: The prior lawful use of a building or structure which subsequently is prohibited by law in which the building, land or structure is situated.~~
- ~~• PERSON: One or more persons, an association, a co-partnership, or a corporation or firm, either by themselves or by an agent, employees, guardian or trustee.~~
- ~~• SHOPPING CENTER: Two (2) or more businesses operating under binding, written legal agreements as a joint enterprise and licensed by Roy City as a shopping center business with more than forty thousand (40,000) square feet of combined building area doing business as a shopping center and with common parking area to be used by all of the businesses included within the center.~~
- ~~• SIGN: A presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also the structure or framework or a natural object on which any sign is erected or is intended to be erected or exhibited, or which is being used or is intended to be used for sign purposes.~~
- ~~• SIGN, ADVERTISING: See definition of Sign, Off Premises.~~

- ~~SIGN, ANIMATED: A sign which involves movement or rotation of any part, created by artificial means or displays flashing or intermittent lights, but not including electronic message signs or time, temperature or public service message signs.~~
- ~~SIGN, BACKGROUND AREA: The entire background area of a sign upon which copy is placed. In computing area of a sign background, only the face or faces which can be seen from any one direction at one time shall be counted.~~
- ~~SIGN, BUSINESS: An on-premises sign which directs attention to a use conducted, a commodity sold, or service performed on the premises.~~
- ~~SIGN, CLOTH: Any sign executed upon or composed of any flexible fabric.~~
- ~~SIGN, COMBINATION: A sign incorporating any combination of the features of projecting, roof or freestanding signs.~~
- ~~SIGN, COPY AREA: The area of a sign that is used for display purposes, excluding the minimum frame and supports. In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least perimeter large enough to frame the entire display.~~
- ~~SIGN, DEVELOPMENT: An on-premises sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and address of the construction firm, architect and development.~~
- ~~SIGN, DIRECTIONAL: On-premises incidental signs designated to guide or direct pedestrians or vehicular traffic.~~
- ~~SIGN, ELECTRONIC MESSAGE: A sign which is operated by a programmable computer system which displays messages or numbers with alternating lighted messages.~~
- ~~SIGN, FAÇIA: A flat business sign on the face of a building.~~
- ~~SIGN, FLAT: Any sign attached to a building or other structure that projects less than eighteen inches (18") beyond the building but extends parallel or substantially parallel thereto.~~
- ~~SIGN, FLOODLIGHT: See lighting of signs at subsection 9-4-3E of this chapter.~~
- ~~SIGN, FREESTANDING: A sign which is supported by one or more columns, uprights or braces in or upon the ground.~~
- ~~SIGN, IDENTIFICATION AND INFORMATION: A sign displayed to indicate the name or nature of a building or use, including all professional and business offices and buildings, apartment complexes and public and semipublic buildings. (See subsections 9-4-9A1, A2 and A5 of this chapter.)~~
- ~~SIGN, ILLUMINATED: A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.~~
- ~~SIGN, INCOMBUSTIBLE: A sign which is constructed entirely of incombustible material.~~
- ~~SIGN, MARQUEE: Any sign attached to or made an integral part of a marquee.~~
- ~~SIGN, MULTIPLE COPY: A sign which advertises other than the name of the business and the principal product or service.~~
- ~~SIGN, NAMEPLATE: A sign indicating the name of a person or persons residing on the premises.~~
- ~~SIGN, OFF PREMISE: A sign which directs attention to a use, product, commodity or service not related to the premises on which it is located.~~
- ~~SIGN, ON-PREMISE: An on-premises sign which directs attention to a use conducted, a commodity sold or a service performed on the premises.~~
- ~~SIGN, PROJECTING: Any attached sign extending in whole or in part more than twenty-four inches (24") beyond the building line.~~
- ~~SIGN, ROOF: Any sign erected upon or supported by the roof or parapet of a building.~~
- ~~SIGN, SHOPPING CENTER: A sign which may be attached or detached within a shopping center to designate the name of the shopping center and the names of the tenants. In shopping centers with more than five (5) acres, it may include an electronic message sign as a conditional use.~~
- ~~SIGN, STRUCTURE: Any structure which supports any "sign", as defined in this section. A sign structure may be a single pole or poles or an integral part of a building.~~
- ~~SIGN, TEMPORARY: A sign which is intended to advertise community or civic projects, and real estate for sale or lease on a temporary basis. Such sign shall be erected not earlier than thirty (30)~~

days prior to date of beginning of event and shall be removed within thirty (30) days after the event is concluded.

- ~~SIGN, TIME AND/OR TEMPERATURE AND PUBLIC SERVICE: A display containing illuminated numerals to show the time and/or temperature and public service messages.~~
- ~~SIGN, WALL: See definition of Sign Facia.~~
- ~~STREET: A public thoroughfare, dedicated, abandoned or condemned for public use prior to the initial enactment of the zoning ordinance, which affords the principal means of access to abutting property and is more than twenty six feet (26') wide; and any public thoroughfare dedicated to the public and accepted by proper public authority or condemned for public use after said date.~~
- ~~STRUCTURAL ALTERATIONS: Any change in supporting members of a building, such as bearing walls, columns, beams or girders.~~
- ~~STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.~~
- ~~TRIM, NONSTRUCTURAL: Nonstructural trim is the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.~~
- ~~ZONE: The geographical area of the city for which the zoning regulations have been established by the zoning ordinance.~~
- ~~ZONING ORDINANCE: The zoning ordinance of Roy City, Utah, as set forth in title 10 of this code, and as amended from time to time. (Ord. 593, 6-26-1984; amd. 2003 Code)~~

~~9-4-2: MAJOR SIGN TYPES: Business signs, identification and information signs, and specialty signs are considered as major sign types for the purpose of this chapter. All signs will be classified as belonging to one of the major sign types for regulatory measures. (Ord. 593, 6-26-1984)~~

~~9-4-3: RULES, REGULATIONS AND REQUIREMENTS, GENERALLY:~~

- ~~A. Conformity And Safety: If a sign does not conform with the requirements of this chapter or if the construction, design, manner of use or method of anchoring or supporting any sign makes such sign unsafe, the public works director or a designated representative shall proceed in any manner he deems necessary to cause the removal of the sign or the rebuilding of the sign to conform with the requirements of this chapter or to remedy the defects herein. All signs must meet the requirements of the building code and safety regulations and codes promulgated by the city. (Ord. 647, 8-1-1988; amd. 2003 Code)~~
- ~~B. Clearance: There shall be a minimum clearance of ten feet (10') between the ground or sidewalk and any part of a projecting sign with the exception of public necessity signs and nameplates.~~
- ~~C. Copy Area: Copy area of building facade signs or multiple copy signs shall not exceed forty percent (40%) of the background facing to which it is applied.~~
- ~~D. Height Of Signs: No sign shall exceed the height limitations established for each zone as set forth in section 9-4-9 of this chapter and section 10-12-2 of this code.~~
- ~~E. Lighting Of Signs: Except for electronic message signs or as otherwise specifically permitted, signs may be illuminated by indirect lighting, or luminous tubes only. No lighting shall be installed in any way which will permit direct rays of such light to penetrate onto any adjoining property in residential zones or in any manner constituting a nuisance. Floodlighting is prohibited. Any other lighting which constitutes a hazard to traffic or by reason of position, shape or color, it may obstruct, interfere with, or be confused with any authorized emergency vehicle light, traffic signal or similar device is prohibited.~~
- ~~F. Location Of Signs: No part of any sign shall be permitted to extend across any property line nor be located in any required front or side yard, except as follows:
 - ~~1. Business and identification signs attached to a building may project into a required front or side yard not more than six feet (6') and shall be not less than ten feet (10') above the ground or sidewalk.~~
 - ~~2. A freestanding business sign shall not be located closer than one foot (1') to a property line and shall be not less than ten feet (10') above the sidewalk or ground level.~~
 - ~~3. Property identification and service signs shall not be located closer than three feet (3') to any~~~~

property line.

- ~~4. Nameplates may be located anywhere on the property.~~
- ~~5. Section 10-11-9 of this code, as amended, shall apply to signs in order to provide a clear view of intersecting streets.~~
- ~~6. Home occupation signs must be located flat on the building.~~
- ~~G. Maintenance Of Signs: Signs regulated by this chapter shall be maintained in good visual appearance and structural condition at all times. The city, its public works director, and its other agents shall in no way be liable for negligence or failure of the owner, or the person responsible for maintaining any sign, to keep such signs in good condition, or be responsible for any damage caused by defective conditions.~~
- ~~H. Obscene And Nuisance Signs Prohibited: No signs shall be erected, maintained or permitted to remain publicly displayed which constitute a public nuisance as defined by law or are obscene as defined by law, or are misleading or fraudulent.~~
- ~~I. Noise Prohibited: It shall be unlawful to use in connection with any sign or to use for advertising purposes any radio, photograph, whistle, bell or any other sound or noisemaking or transmitting device or instrument for the purpose of commercial advertising.~~
- ~~J. Pasting And Gluing Prohibited: No sign shall be pasted, glued or affixed by adhesive substances directly on any wall or roof. No paper or cloth sign shall be tacked directly on any wall or roof. Painted signs must be maintained in a neat and orderly fashion pursuant to regulations to be promulgated by the public works director regarding their maintenance. The size of such signs shall not exceed regulations set forth herein for other signs as provided in 9-4-9 of this chapter.~~
- ~~K. Permit Required: It shall be unlawful to erect or maintain or remodel any sign upon or over public or private property within the city until a sign permit with respect to such sign has been obtained from the public works department. The public works director may at his discretion request the planning commission to review a sign application.~~
- ~~L. Public Nuisance Signs; Removal By Public Works Director: All signs not maintained in compliance with this chapter are hereby declared a public nuisance and may be repaired or removed as provided for by notices and procedures relating to nuisances in title 4, chapter 3 of this code. Where immediate action is deemed necessary to protect life, limb or property, the public works director shall attempt to contact the sign and/or property owner demanding immediate remedy of the dangerous condition. If said dangerous condition is not remedied immediately, and notwithstanding this code, the public works director may proceed in any reasonable manner to remedy the dangerous condition and all expenses connected therewith shall be assessable under title 4, chapter 3 of this code, as if all notice and related requirements of that title 4, chapter 3 had been fully complied with.~~
- ~~M. Removal Of Conforming Signs: Any person occupying a building or portion of a building, who owns or maintains a sign in connection therewith, shall upon vacating the premises, or discontinuing the business advertised, cause the sign to be removed. Any person who owns and maintains a sign which is maintained for the benefit of another person who occupies a building or part of a building whereon the sign is located shall cause the sign to be removed once the person for whom the sign is maintained has vacated the premises. Failure of the owner of the sign or of the person responsible for maintaining same to remove the sign within thirty (30) days after notice from the public works director shall be considered as a violation of this chapter and shall subject the owner of the sign and the owner of the property to the penalties herein.~~
- ~~N. Nonconforming Signs:
 - ~~1. Any sign not in conformance with the provisions of this chapter and which was erected or installed without a permit, shall be removed within ten (10) days upon notification from the public works director.~~
 - ~~2. Signs for which permits were previously issued and which are made nonconforming by the provisions of this chapter shall be permitted to remain. Under no circumstances shall such nonconforming signs be remodeled or replaced except as specifically provided for in this chapter. The provisions of subsection L of this section shall also apply to such nonconforming signs.~~
 - ~~3. Any existing sign, conforming to the provisions of this chapter relative to size and location, but~~~~

nonconforming as to structure requirements, shall be removed or replaced within ninety (90) days upon written notice from the city. However, if they are deemed to be a hazard, or more than fifty percent (50%) damaged, they shall be removed or repaired in accordance with the structural requirements of this chapter within ten (10) days after receiving notice from the city.

4. ~~Any sign on a building determined to be abandoned shall be removed within ten (10) days of notification by the public works director to the property owner and/or owner of the business advertisement and/or owner of the sign.~~
5. ~~Nonconforming uses in residential zones; one sign per use. One square foot of sign area per lineal foot of building frontage, with a maximum of fifty (50) square feet.~~
6. ~~Nonconforming uses in other than residential zones; one sign per use. Area of the sign shall be in accordance with the provisions of regulations set forth in this chapter for the respective zone in which the nonconforming use is located.~~
- O. ~~Sign Inspection: The public works department shall inspect each sign for which a permit has been issued and shall require the proper maintenance of all signs subject to the provisions of this chapter.~~
- P. ~~Sign Not To Cover Windows, Doors Or Similar Openings: No sign shall cover a window, doorway or other opening providing light, ventilation or exit facilities which are required by the building code or which are deemed by the fire and rescue department to be necessary to give the fire and rescue department access to the building, or to afford fire protection in the event of a fire.~~
- Q. ~~Sign On Private Property: It shall be unlawful for any person to fasten or attach, paint or place, any "sign", as defined in this chapter, upon any private wall, window, door, gate, fence, or upon any other personal property without the consent of the owner or lessee, or someone authorized to act on behalf of such owner or lessee. (Ord. 593, 6-26-1984)~~
- R. ~~Sign On Public Property: It shall be unlawful for any person to fasten or attach, paint or place, any sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise, or to cause the same to be done in or upon the curbstone, lamp post, telephone pole, electric light or power pole, hydrant, bridge or tree, or in or upon any portion of any sidewalk or street. It shall be unlawful, except under the direction of the city, for any person to paste, place, paint or attach any "sign", as defined in this chapter, on any building, street or property of the city. No sign shall be erected on or project over public property, except as provided herein. Signs that are deemed to be a hazard pursuant to lawfully established regulations shall be immediately removed by the public works department as provided in this chapter. If the sign is in violation, but does not constitute a hazard, the public works department shall issue written notice demanding removal of the sign within ten (10) days. If the sign is not then removed, the public works department may then impound it or otherwise remedy the violation as provided in this chapter. (Ord. 593, 6-26-1984; amd. Ord. 848, 12-15-1998)~~
- S. ~~Sign Over Streets Prohibited: It shall be unlawful to erect and/or maintain any sign over any street or alley, except as herein expressly provided.~~
- T. ~~Sign Setback: For purposes of this chapter, the entire sign must comply with the specified setback regulations as outlined in this chapter.~~
- U. ~~Size And Height; Zones Permitted And Controls: It is unlawful for any person to erect or otherwise install a sign having a size or height greater than allowed in this chapter. It is unlawful for any person to erect or otherwise install a sign located on a site or in a zone in violation of the regulations specified in this chapter. (Ord. 593, 26-1984)~~

9.4.4 SPECIAL PROVISIONS:

- A. ~~Animated Signs: No animated signs shall be erected or maintained, except for electronic message signs and time, temperature and public service message signs in the community commercial zone (C-2) and planned commercial zone (CP-2), and shall not be permitted in neighborhood commercial zones. Rotating signs shall be prohibited. Any animated signs permitted hereunder shall be permitted only as a conditional use. (Ord. 642, 8-4-1987)~~
- B. ~~Blanketing: To prevent blanketing, no projecting canopy or marquee sign shall be erected to project more than seventy two inches (72"). Projection shall be measured from the facing of the~~

building and/or structure to which the sign is attached.

- C. ~~Cloth Signs: Permits may be issued by the public works director upon approval by the city council for hanging of display banners or other cloth decorations for special occasions, such as religious, charitable, civic or festive occurrences, or for Christmas decorations, or in celebration of some event of religious, national, state or civic significance, or in honor of a visit from a person or persons of note. It is specifically prohibited to incorporate in any such decorations any political advertising or advertising of a commercial nature. The public works director may permit such signs to be hung over public streets or walks after proper approval. Permits issued pursuant to this subsection may be issued without charge of any fee, but shall specify a period of time, not to exceed fifteen (15) days, during which such signs shall be permitted to be used, unless otherwise approved by the city council.~~
- D. ~~Electric Signs: All signs which utilize or are illuminated by electricity shall comply with the adopted electrical code and fire prevention code of the city.~~
- E. ~~Marquee Signs: Marquee signs may be placed on, attached to or constructed on a marquee. No sign added to a projecting marquee shall exceed the height of the marquee.~~
- F. ~~Political Or Campaign Signs: Political or campaign signs are permitted in accordance with the following provisions; provided, that any such sign shall be erected not earlier than sixty (60) days prior to the election at which the candidate or measure will be voted upon and shall then be removed within fifteen (15) days after such election, campaign or event, subject to these additional restrictions:~~
 - 1. ~~In any residential zone, there is permitted not more than one stationary, unlighted, temporary sign on any lot or contiguous parcels of land under one ownership on behalf of candidates for public office or questions on the ballot; provided, that any such sign shall not exceed four feet (4') in height or six (6) square feet in area. All such signs shall comply with subsection 9-4-3R of this chapter.~~
 - 2. ~~In commercial and industrial zones, there is permitted one or more temporary signs on a lot on behalf of a candidate for public office, or of a question on the ballot or announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization; provided, that:~~
 - a. ~~The total area of such sign or signs on any lot shall not exceed sixty five (65) square feet, except that larger signs may be placed upon any legally existing sign structure. If detached, signs shall not exceed fifteen feet (15') in height, and if attached not more than twenty five feet (25') in height.~~
 - b. ~~No such sign shall be a roof sign, except upon a legally existing sign structure, and no signs shall be erected in any required yard setback area unless attached to a building.~~
- G. ~~Time Limitation For Construction Project Or Land Development Signs: No construction project or land development sign shall be erected prior to site plan approval by the planning commission and shall be removed not more than thirty (30) days after project completion or expiration of site plan approval.~~
- H. ~~Roof Signs: Roof signs must be at least six feet (6') and not more than eight feet (8') above the roof surface, measured to the bottom of the sign. (Ord. 593, 6-26-1984)~~

9-4-5: — EXEMPT SIGNS: The following signs shall be exempt from this chapter or subject to the stipulations below:

- A. ~~Memorials: Memorial tablets or tablets containing the names of buildings and/or the date of the erection and/or use of the building, when built into the walls of the building and constructed of bronze, brass, marble, stone or other noncombustible material are exempt.~~
- B. ~~Nameplates: Nameplates not to exceed two (2) square feet. Nameplates exceeding two (2) square feet are prohibited in all zones.~~
- C. ~~Nonilluminated, Flat, Wall And Freestanding Signs: Nonilluminated and flat signs, wall signs and freestanding signs having an area not in excess of thirty six (36) square feet, announcing the destruction or construction or remodeling of a building or announcing the enterprise to be located in a building under construction or announcing the name and address of the architect or contractor of the building, or the owner thereof; provided, that no more than one such sign shall~~

be erected on each street frontage; and also provided, that said signs shall not be erected more than thirty (30) days prior to construction and shall be removed not more than thirty (30) days after completion.

- D. Home Occupation Signs: Home occupation signs shall be nonilluminated and have an area not in excess of two (2) square feet, advertising the home occupation.
- E. Traffic, Municipal Signs, House Numbers: Traffic and other municipal signs, house numbers, legal notices, railroad crossing signs, and danger signs and warning signs are exempt.
- F. Repainting Or Cleaning: Repainting or cleaning of an advertising structure or the changing of the advertising copy of the message thereon shall not be considered an erection or alteration which requires a sign permit unless structural change is made thereto. (Ord. 593, 6-26-1984)

9-4-6: — DESIGN STANDARDS: All design standards shall be in accordance with the latest adopted revision of the building code and to withstand winds of one hundred (100) miles per hour. (Ord. 593, 6-26-1984; amd. 2003 Code)

9-4-7: — SPECIALTY SIGNS: Portable illuminated or animated specialty signs are prohibited in the city. All other portable signs, A frame signs and wind signs are prohibited unless they are securely anchored and ten feet (10') back from the property line. The public works director from time to time may pro- ulgate reasonable anchoring requirements which must be complied with. Specialty signs shall not exceed a maximum of twelve (12) square feet of display area on each side and shall not exceed one sign per one hundred ten (10) linear feet on each street facing each business. (Ord. 593, 6-26-1984)

9-4-8: — OFF PREMISES SIGNS PROHIBITED: The effective adoption of this chapter hereby prohibits erection of any off premises sign in the city, except as provided herein. (Ord. 848, 12-15-1998)

9-4-9: — SIGN ZONE REGULATIONS:

- A. Residential Districts: In residential districts and Rmh-1 (mobile homes), the following regulations apply:
 - 1. Nameplates: One nameplate for each dwelling unit, not exceeding two (2) square feet in area, indicating the name of the occupant and/or a permitted home occupation.
 - 2. Identification And Information Signs: One sign, not exceeding eight (8) square feet in area for conforming buildings or conforming uses other than dwellings, boarding houses or lodging houses. (Ord. 593, 6-26-1984)
 - 3. Development Signs: One or more signs not exceeding eight (8) square feet in combined total area for each street frontage of the lot. In addition, one or more signs of a temporary nature for each approved subdivision under development and located on said subdivision property; providing that not more than one such sign be located at each major approach to the subdivision but not closer than ten feet (10') to the street property lines. Signs on corner lots shall comply with section 10-11-9 of this code. Said signs shall not exceed in combined total area two hundred (200) square feet for any one subdivision, and no one sign shall exceed one hundred (100) square feet in area. The period for display of such temporary signs shall be limited to one year; provided, that at the expiration of this time the public works director may grant an appropriate extension of time for periods not to exceed one year, provided not more than seventy five percent (75%) of the project has been developed. Application for said extension shall be made at least thirty (30) days before expiration of the original permit. In addition, one or more signs of a temporary nature for main buildings or uses under development other than dwellings, provided such signs shall not exceed in combined total area one hundred (100) square feet. No construction project or land development sign shall remain more than thirty (30) days after project completion or expiration of site plan approval. (Ord. 593, 6-26-1984; amd. 2003 Code)
 - 4. Public Necessity Signs: One or more public necessity signs; provided that no sign shall exceed twenty four (24) square feet in area.

5. ~~Business Signs: One or more signs not exceeding in total area two (2) square feet for each one linear foot of frontage occupied by a nonconforming commercial or industrial use, but in no case shall the total area of all signs exceed one hundred (100) square feet. Uses not occupying frontage may each have one or more signs not exceeding forty (40) square feet.~~
6. ~~Bulletin Board: One bulletin board not exceeding eighteen (18) square feet in area for a church or other institution for the purpose of displaying the name and character of services or activities conducted therein. If any nameplate, bulletin board or sign is illuminated, indirect lighting only shall be used, the source of light shall not be visible from the street, and no flashing or intermittent illumination shall be employed.~~
7. ~~Projecting Signs: Projecting signs are not permitted. (Ord. 593, 6-26-1984)~~
8. ~~Yard And Height Regulations: Providing the location does not conflict with any other provision herein or any other provision of the zoning ordinance, the following regulations shall apply: (Ord. 593, 6-26-1984; amd. 2003 Code)~~
 - a. ~~Front Yard Regulations: Business and identification signs shall be located flat against the building. Nameplates may be located anywhere on the property.~~
 - b. ~~Side Yard Regulations: Business and identification signs may be located anywhere on the property.~~
 - c. ~~Rear Yard Regulations: Business and identification signs shall be located flat against the building. Nameplates may be located anywhere on the property.~~
 - d. ~~Height Regulations: No sign shall be erected to a height greater than ten feet (10') or project above the height of the building to which it is attached.~~
9. ~~Public Building; Identification And Information Signs: Public buildings, public schools and public hospitals shall be allowed one freestanding identification and information sign. Said sign shall not exceed one hundred five (105) square feet in area. The height, location and illumination is to be in accordance with the general provisions for signs within commercial districts as provided by this chapter.~~
- B. ~~Commercial And Manufacturing Districts: In commercial districts and manufacturing districts, the following regulations apply:~~
 1. ~~Development Signs: One or more signs of a temporary nature for main buildings or uses under development, provided such signs shall not exceed in combined total area one hundred (100) square feet and be in accordance with subsection 9-4-4G of this chapter.~~
 2. ~~Public Necessity Signs: One or more public necessity signs; provided, that no such sign shall exceed twenty four (24) square feet in area.~~
 3. ~~Business Signs: One or more permitted signs not exceeding four (4) square feet in combined total area for each linear foot of building frontage of licensed business, except that the maximum size of a business sign shall be three hundred (300) square feet in area and the total area of all commercial or industrial signs used shall not exceed six hundred (600) square feet. Each commercial or industrial use backing on a freeway shall be permitted not more than one business sign, provided the total sign area shall not exceed the six hundred (600) square feet. (Ord. 593, 6-26-1984)~~
 4. ~~Shopping Center Signs: In addition to the permitted business signs, shopping centers with less than five (5) acres may have a sign which is attached or detached, which may include the names of the tenants; provided, however, that each tenant shall be allowed no more than one hundred (100) square feet per side and the total size of the shopping center sign shall not exceed three hundred (300) square feet. Where a shopping center sign has been permitted hereunder, the additional signage for each business shall be attached to each business building and in compliance with other provisions of this chapter. In the event the tenants cannot agree on the amount of sign space each may have, their pro rata share based on number of square feet, up to one hundred (100) square feet, shall be used in determining each tenant's share of the total sign space. (Ord. 644, 9-15-1987)~~
 5. ~~Large Shopping Center Signs: As a conditional use, the following may be permitted in shopping centers five (5) acres or more in size:~~
 - a. ~~In addition to the permitted business signs, one electronic message sign in lieu of a regular shopping center sign is permitted. This sign shall not exceed six hundred (600) square feet~~

in size. This sign may only advertise the name of the center, businesses in the center, advertise for businesses in the center and may provide time, temperature and public service messages. It shall not exceed fifty feet (50') in height nor be less than ten feet (10') from the ground. "Flashing" and "blinking" shall be prohibited, except as the same is reasonably required to display the words, numbers or graphics in the computerized messages.

- b. ~~All other business signs in a shopping center shall be only permitted business signs pursuant to regulations of this chapter and shall be attached to each business building, and the size shall be determined by the lineal footage of building frontage as provided elsewhere in this chapter; except on perimeter pads of a five (5) acre or larger shopping center which fronts on a public street where a business building also fronting on the public street is not less than nine hundred (900) square feet in size, in lieu of attaching all signing to each business building, one freestanding sign not to exceed one hundred (100) square feet in size and not more than forty feet (40') high may be permitted as a conditional use. In the event such a freestanding sign is erected, it shall be included as a part of the square footage permitted for that business as provided elsewhere in this chapter.~~
- c. ~~No conditional use permit shall be approved under this section until the planning commission and city council have included in their considerations:
 - (1) Architectural compatibility with the shopping center and surrounding areas and uses.
 - (2) Additional landscaping. It is the intent of this section to consider the desirability, feasibility and practicality of additional landscaping of an area equal to the size of the sign at the base of the sign or elsewhere in the shopping center to ensure that the shopping center will remain aesthetically desirable with the addition of the sign. This consideration shall include expense and financial burden of owner for additional landscaping, adverse or positive impact of the landscaping on parking and other use of the center, potential problems with maintenance and any other factors relating thereto; and
 - (3) The requirement of additional landscaping may be waived by the city after consideration of all such other factors as are normally considered in a conditional use permit.~~
- 6. ~~Time, Temperature And Public, Service Message Signs: Time, temperature and public service message sign be included in the total square footage of permitted signs.~~
- 7. ~~Roof Signs: Roof signs must be at least six (6) feet and not more than eight (8) feet above the roof, measured to the bottom of the sign, except this type of sign is not permitted in C-1 or CP-1 zones.~~
- 8. ~~Height Regulations: No sign shall be erected to a height exceeding fifty feet (50') above the ground.~~
- 9. ~~Facia Signs: Facia signs shall not extend above the height or beyond the width of the building facade (Ord. 593, 6-26-1984)~~
- 10. ~~Identification And Directional Signs: When an area is zoned for manufacturing and is five (5) acres or larger with the complex being under a single or unified ownership or control and multiple buildings are used by one business or manufacturer, the planning commission may approve as a conditional use an on-premises sign plan for the development on said parcel that is less restrictive than otherwise provided by law; provided, however, that the planning commission first determines that the proposed sign exceptions are not in conflict with the purpose of this chapter and are in architectural harmony with the development and other buildings and uses adjacent to the development. Upon the foregoing determinations by the planning commission, the following regulations shall apply:
 - a. ~~Regulations: Identification and information signs shall provide information about the use of each building in a multiple building complex, and the following regulations shall apply:
 - (1) ~~Sign Area: The maximum sign area, excluding supports, but including copy face, background and framing, shall not exceed thirty two (32) square feet.~~
 - (2) ~~Sign Number: The planning commission shall determine the number of signs necessary for providing adequate identification and information of buildings and shall not permit more than one identification sign per building.~~
 - (3) ~~Sign Types: Identification signs shall be freestanding signs, with the bottom of the sign,~~~~~~

excluding supports, not less than ten feet (10') to grade, and shall not exceed the height of the building it identifies.

- (4) ~~Sign Lighting: If lighting is used, there shall be internal lighting systems only, and no blinking or action lights or rotating signs are permitted.~~
- (5) ~~Landscaping: It is the intent to provide for landscaping of an area equal to the area of the sign at the sign base, with landscaping to be with materials or plants as approved by the planning commission; provided, however, this requirement may be waived by the planning commission after consideration of the desirability, feasibility and practicality of landscaping beneath the sign or providing landscaping elsewhere in the complex of an area equal to the size of the sign; but, in any event, the planning commission must determine that the area will remain aesthetically attractive with the addition of the sign. Considerations of the planning commission shall include expense and financial burden of owner or developer to provide the additional landscaping, adverse or positive impact of the landscaping on parking or other use of the facilities, potential problems with maintenance and any other factors relating thereto and the landscaping requirements or absence of landscaping shall be made a part of the conditional use permit.~~
- (6) ~~Sign Location: All identification signs shall be located a maximum of ten feet (10') from the building face which it identifies.~~
- (7) ~~Orientation: Sign orientation shall be determined by the planning commission.~~
- (8) ~~Traffic Hazards: Identification signs shall not be permitted where they will constitute a traffic hazard.~~
- b. ~~Directional Signs (Service Signs): Directional signs shall be a maximum of six (6) square feet in size with internal lighting which shall be nonflashing, blinking or rotating and not to exceed forty two inches (42") in height and shall be located anywhere on the property where it is determined it will assist in directing traffic or personnel throughout the complex. Directional signs permitted under this section, which are in addition to those which would otherwise be permitted by this chapter, shall be approved only as a conditional use. (Ord. 607, 2-19-1985)~~
- C. ~~Temporary Sign: A sign which is intended to advertise community civic projects, construction projects and real estate for sale or lease on a temporary basis. Such sign shall be erected not earlier than thirty (30) days prior to date of beginning of the event and shall be removed within thirty (30) days after the event is concluded. (Ord. 593, 6-26-1984)~~

9.4.10: ~~BUS STOP BENCHES AND ENCLOSURES: Signs on public bus benches or attached to bus enclosures located on public or private property may be approved by the city council after receiving a recommendation from the planning commission. Approval shall be subject to the following criteria:~~

- A. ~~No public nuisance or hazard is created.~~
- B. ~~The signage shall not advertise tobacco, alcoholic beverages or allow the depiction of any matter deemed by the city council to be obscene, harmful to minors or in violation of law.~~
- C. ~~The signage shall be maintained at all times, including at a minimum:~~
 - 1. ~~Removal of trash and emptying of any receptacle.~~
 - 2. ~~Snow removal.~~
 - 3. ~~Graffiti removal.~~
 - 4. ~~The owner shall respond within twenty four (24) hours of any request from the city to clean or service any bench, shelter or trash receptacle.~~
 - 5. ~~In the event the city deems that any shelter, bench or trash receptacle is unsafe needing immediate repair or removal, the owner shall respond within two (2) hours of notification.~~
- D. ~~The city may remove any bus bench or shelter placed wholly or partly within the public right of way or any public property contrary to the provisions of this chapter. (Ord. 848, 12-15-1998)~~

9.4.11: ~~RE-20 ZONE: The height, size and location of the following signs which are permitted in the RE-20 zone shall be in accordance with the regulations set forth herein:~~

- A. ~~Construction project sign.~~
- B. ~~Directional sign.~~

- C. ~~Flat sign.~~
- D. ~~Identification and information sign.~~
- E. ~~Nameplate sign.~~
- F. ~~Temporary sign.~~
- G. ~~Wall sign. (Ord. 593, 6-26-1984)~~

9.4.12: ~~R-10, R-1-8 AND R-1-6 ZONES: The height, size and location of the following signs which are permitted in the R-10, R-8 and R-1-6 zones shall be in accordance with the regulations set forth herein:~~

- A. ~~Construction project sign.~~
- B. ~~Directional sign.~~
- C. ~~Flat sign.~~
- D. ~~Identification and information sign.~~
- E. ~~Nameplate sign.~~
- F. ~~Temporary sign. (Ord. 593, 6-26-1984)~~

9.4.13: ~~R-2 ZONE: The height, size and location of the following signs which are permitted in the R-2 zone shall be in accordance with the regulations set forth herein:~~

- A. ~~Construction project sign.~~
- B. ~~Directional sign.~~
- C. ~~Flat sign.~~
- D. ~~Identification and information sign.~~
- E. ~~Nameplate sign.~~
- F. ~~Temporary sign. (Ord. 593, 6-26-1984)~~

9.4.14: ~~R-3 ZONE: The height, size and location of the following signs which are permitted in the R-3 zone shall be in accordance with the regulations set forth herein:~~

- A. ~~Construction project sign.~~
- B. ~~Directional sign.~~
- C. ~~Flat sign.~~
- D. ~~Identification and information sign.~~
- E. ~~Nameplate sign.~~
- F. ~~Temporary sign. (Ord. 593, 6-26-1984)~~

9.4.15: ~~R-4 ZONE: The height, size and location of the following signs which are permitted in the R-4 zone shall be in accordance with the regulations set forth herein:~~

- A. ~~Construction project sign.~~
- B. ~~Directional sign.~~
- C. ~~Flat sign.~~
- D. ~~Freestanding sign, if permitted by conditional use permit.~~
- E. ~~Identification and information sign.~~
- F. ~~Nameplate sign.~~
- G. ~~Temporary sign.~~
- H. ~~Wall sign. (Ord. 593, 6-26-1984)~~

9.4.16: ~~RMH-1 ZONE: The height, size and location of the following signs which are permitted in the Rmh-1 zone shall be in accordance with the regulations set forth herein:~~

- A. ~~Construction project sign.~~
- B. ~~Directional sign.~~
- C. ~~Flat Sign.~~
- D. ~~Identification and information sign.~~
- E. ~~Nameplate sign.~~
- F. ~~Temporary sign.~~
- G. ~~Wall sign. (Ord. 593, 6-26-1984)~~

~~9.4.17: C-2 AND CP-2 ZONES:~~

~~A. The height, size and location of the following signs which are permitted in the C-2 and CP-2 zones shall be in accordance with the regulations set forth herein:~~

- ~~1. Business sign.~~
- ~~2. Construction project sign.~~
- ~~3. Directional sign.~~
- ~~4. Flat sign.~~
- ~~5. Freestanding sign.~~
- ~~6. Identification and information sign.~~
- ~~7. Marquee sign.~~
- ~~8. Nameplate sign.~~
- ~~9. Projecting sign.~~
- ~~10. Roof sign.~~
- ~~11. Shopping center sign.~~
- ~~12. Temporary sign.~~
- ~~13. Time, temperature and public service message sign.~~
- ~~14. Wall sign.~~

~~B. Off premises signs are not allowed. (Ord. 593, 6-26-1984)~~

~~9.4.18: M-1 ZONE: The height, size, and location of the following signs which are permitted in the M-1 zone shall be in accordance with the regulations set forth herein:~~

- ~~A. Business sign.~~
- ~~B. Construction project sign.~~
- ~~C. Directional sign.~~
- ~~D. Flat sign.~~
- ~~E. Identification and information sign.~~
- ~~F. Marquee sign.~~
- ~~G. Nameplate sign.~~
- ~~H. Projecting sign.~~
- ~~I. Roof sign.~~
- ~~J. Temporary sign.~~
- ~~K. Time, temperature and public service message sign.~~
- ~~L. Wall sign. (Ord. 593, 6-26-1984)~~

~~9.4.19: O-1 ZONE: The height, size and location of the following signs which are permitted in the O-1 zone shall be in accordance with the regulations set forth herein:~~

- ~~A. Development sign.~~
- ~~B. Directional sign.~~
- ~~C. Flat sign.~~
- ~~D. Identification and information sign.~~
- ~~E. Temporary sign.~~
- ~~F. Wall sign. (Ord. 593, 6-26-1984)~~

~~9.4.20: C-1 AND CP-1 ZONES:~~

~~A. The height, size and location of the following signs which are permitted in the C-1 and CP-1 zones shall be in accordance with the regulations set forth herein:~~

- ~~1. Business sign.~~
- ~~2. Construction project sign.~~
- ~~3. Directional sign.~~
- ~~4. Flat sign.~~
- ~~5. Freestanding sign.~~
- ~~6. Identification and information sign.~~
- ~~7. Marquee sign.~~

- 8. Nameplate.
- 9. Temporary sign.
- 10. Wall sign.

B. Off premises signs are not allowed. (Ord. 593, 6-16-1984)

9-4-21: — PENALTY: Any person who shall fail to comply with, or shall violate any of the provisions of this chapter, or any lawful rules or regulations promulgated hereunder, shall be deemed guilty of a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. The penalty provided herein shall be in addition to any suspension or revocation of any license or permit issued hereunder. (Ord. 593, 6-26-1984; amd. 2003 Code)

Title 10, Chapter 20 — SIGNS

Section 2001 — Purpose:

This chapter is provided to identify the procedures, allowances, standards, and regulations related to signs in the City. It is the intent of this Chapter to allow and to regulate signs in such a way as to contribute to the economic health and vibrancy of the businesses in the City, and to the health and vibrancy of the larger community through appropriate use, design, and placement.

Section 2002 — General Provisions for All Signs:

- 1) Signs as Structures — Signs are considered structures in their own right, and are therefore also subject to the other codes and ordinances of Roy City governing structures.
- 2) Section 1031 (4) Applies — Notwithstanding other allowances, requirements or language contained in this chapter, or Title 9, Chapter 4, the requirements for transition between residential and non-residential zoning districts, as contained in Chapter 10, Section 1031 of the Roy City Zoning Ordinance, shall apply.
- 3) Title 9 — Notwithstanding the provisions of Roy City Code, Title 9, Chapter 4, the requirements, provisions, and definitions as contained in this Section will apply. In the event of conflict between the two, the requirements of this Section shall prevail.
- 4) Measurement and Area Calculation — The following standards are intended to apply to all signs in all zoning districts:
 - a) Height. Height is measured as the distance from the grade at the top-back of curb at the property line nearest the sign to the top of the highest point of the sign cabinet, logo or copy. Height measured in this way may vary depending upon the landscaping, but in no case may the combined height of the sign, structure, berm or slope exceed three (3) feet of the stated height allowance for any particular sign.
 - b) Width. Width is measured as the distance between the two furthest points of the sign cabinet, sign copy, or the smallest area within which all components of copy could be contained. Any supporting structure of a Monument Sign is not measured as width if the structure is incorporated into the surrounding landscaping design, or is incorporated with other structural or architectural aspects of the site.
 - c) Area. Sign area is calculated as the total area of one face or side of the sign cabinet, copy area or the smallest area within which all components of copy could be contained, and shall not include pole covers or other support structures not containing copy. The area of any symbol, logo, or other copy extending beyond the main sign cabinet shall be calculated with total area. Supporting structure of a Monument Sign is not calculated as sign area if the structure is incorporated into the surrounding landscaping design, or is incorporated with other structural or architectural aspects of the site.

Section 2003 — Electronic Message Center (EMC) Signs:

- A. Electronic Message Center Signs, include signs or portions of signs with changeable electronic copy or otherwise electronically animated display. The regulations and standards in this Section shall apply to all such signs, including public service, time and temperature signs. Simple digital copy which is included as a portion of a larger sign and intended only to indicate prices for various types and grades of gasoline shall not be considered an Electronic Message Center Sign.

- ~~B. General Requirements—The following regulations and standards shall apply to all Electronic Message Center Signs:~~
- ~~a. Proportion Allowed. No more than fifty percent (50%) of any sign face may be used as an Electronic Message Center Sign. No portion greater than thirty percent (30%) of the total allowable signage for a property may be used as an Electronic Message Center Sign.
 - ~~1. Exception. Monument Signs intended to be used as Electronic Message Center Signs may be allowed to utilize up to seventy five percent (75%) of the sign face.~~~~
 - ~~b. Number Allowed. No site or development shall have more than one (1) Electronic Message Center Sign.
 - ~~1. Exception. Shopping Centers, as defined by Roy City Ordinance, of at least five (5) acres and with a minimum street frontage of one hundred fifty (150) feet, may be allowed a maximum of two (2) Electronic Message Center Signs. Such signs must be separated by at least one hundred (100) feet as measured at the closest points of the two sign cabinets.~~~~
 - ~~c. Public and Quasi-Public Uses. Notwithstanding other regulations of this Section, public and quasi-public uses may seek Conditional Use Permits to allow Electronic Message Center Signs if it is determined that a public need can be met, or a public benefit can be provided, and that impacts to surrounding properties can be properly mitigated. When considering Conditional Use Permits allowing Electronic Message Center Signs for public and quasi-public uses, the City may further restrict the size, percentage allowances, and other requirements of this Section in order to mitigate impacts.~~
- ~~C. Electronic Message Center Signs in Regional Commercial and Manufacturing Zoning Districts—In Regional Commercial and Manufacturing zoning districts, Electronic Message Center Signs shall be allowed as a Permitted Use with the following restriction:~~
- ~~a) No Electronic Message Center Sign shall be permitted closer than one hundred (100) feet to any adjacent residential zoning district as measured at the closest property lines.~~
- ~~D. Electronic Message Center Signs in Community Commercial and Business Park Zoning Districts—In Community Commercial and Business Park Zoning Districts, Electronic Message Center Signs shall be allowed as a Conditional Use with the following restrictions:~~
- ~~a) Electronic Message Center Signs shall be allowed only on properties, sites or developments comprising a minimum of three (3) acre, on properties, sites or developments with frontage on 1900 West Street, or on properties, sites or developments with frontage on Midland Drive (north of 4800 South) or on 3500 West (south of 4800 South) where any portion of the property is located within six hundred (600) feet of the intersections of 4000 South, 4800 South, 5600 South or 6000 South. Signs allowed under this paragraph shall be governed by the following:
 - ~~1. EMC Signs on properties, sites or developments less than a minimum of three (3) acres shall be allowed only as a component of a Monument Sign.~~
 - ~~2. No EMC sign shall be located within one hundred (100) feet of another EMC sign or Residential Zoning District as measured at the closest point.~~
 - ~~3. Display of each message shall remain for a minimum of six (6) seconds before transitioning to another message.~~
 - ~~4. EMC Signs shall be allowed a maximum brightness of 10,000 NITs. All EMC Signs shall be dimmed to between 30% and 50% brightness after 10:00 p.m. and before 6:00 a.m. When considering specific signs under the Conditional Use Standards, the City may impose more strict requirements for dimming if it is found that special circumstances exist.~~
 - ~~5. No EMC Sign shall be operated in such a way as to become a nuisance to surrounding properties, or to be an interference with traffic or public safety in any way.~~
 - ~~6. An EMC Sign allowed under this paragraph must be located within the front setback of the property adjacent to 1900 West, Midland Drive or 3500 West, or in such a way that the sign is clearly oriented to 1900 West, Midland or 3500 West. In no case may the sign be located a distance greater than forty (40) feet from the right-of-way line of 1900 West, Midland Drive or 3500 West.~~~~
- ~~E. Electronic Message Center Signs Prohibited. In Recreation, Light Manufacturing and in all residential zoning districts, Electronic Message Center Signs of all types are prohibited except as specifically allowed by Section 2003-2(e).~~

Section 2004— Pole Sign:

- 1) ~~Pole Signs.~~ Pole Signs include freestanding signs with an identifiable support structure and a separate cabinet for sign copy clearing at least ten (10) feet above grade.
- 2) ~~General Requirements.~~ The following regulations and standards shall apply to all Pole Signs in all non-residential zoning districts:
 - i. ~~Clearance.~~ All Pole Signs shall provide a minimum clearance of ten (10) feet to the bottom of the lowest cabinet face.
 - ii. ~~Setback.~~ Pole Signs may be located in any required setback or landscaping area, but shall maintain a minimum setback of one (1) foot from any property line, and a minimum of ten (10) feet from any point of vehicular access to the public right of way, as measured to the sign cabinet.
 - iii. ~~Multiple Cabinets.~~ No Pole Sign may consist of more than two separate sign cabinets, notwithstanding allowable sign areas.
 - iv. ~~Number of Signs.~~ No site or development may have more than one (1) Pole Sign as defined herein.
 1. ~~Exception.~~ Shopping Centers, as defined by Roy City Ordinance, of at least five (5) acres and with a minimum street frontage of one hundred fifty (150) feet, may be allowed a maximum of two (2) Pole Signs. Such signs must be separated by at least one hundred (100) feet, as measured by the closest points of the two sign cabinets.
- 3) ~~Pole Signs in Regional Commercial and Manufacturing Zoning Districts.~~ The following regulations and standards shall apply to all Pole Signs in the Regional Commercial and Manufacturing zoning districts:
 - 1) ~~Height.~~ Pole Signs shall be allowed as a Permitted Use at a maximum height of thirty (30) feet.
 - 2) ~~Freeway Oriented Signs.~~ Pole Signs in the Regional Commercial zoning district on properties east of 1900 West Street, and located within three hundred (300) feet of the Interstate 15 right of way, as measured at the closest property lines, may be considered a Freeway Oriented Sign with the following considerations:
 1. ~~Conditional Use.~~ To be considered a Freeway Oriented Sign, a sign must be granted a Conditional Use, and may be allowed a maximum height of fifty (50) feet.
 2. ~~Location.~~ Freeway Oriented Signs must be located on a portion of the property closest to or adjacent to Interstate 15. Freeway Oriented Signs cannot be located on the frontage of 1900 West Street.
 - 3) ~~Shopping Center Signs.~~ Pole Signs in Shopping Centers, as defined by Roy City Ordinance, of at least five (5) acres, and which are designed to contain sign copy for multiple tenants, may be considered Shopping Center Signs, and the following standards shall apply:
 1. ~~Conditional Use Required.~~ Shopping Center Signs shall require Conditional Use approval. Under the Conditional Use approval, up to forty (40) feet in height may be allowed.
 2. ~~Theme Required.~~ If a sign is to be considered a Shopping Center Sign, it must be accompanied by a proposal and theme for all on-premise signage to be approved as a part of the Conditional Use. Such a proposal must contain the theme for the overall design and placement of all signage, and must demonstrate that the signage relates to and is integrated with the site architecture, function, and design. The proposal must also be found to demonstrate that the impacts of greater height are successfully mitigated by the property size, building mass, architecture, placement, or other considerations.
- 4) ~~Pole Signs in the Community Commercial, Business Park, Light Manufacturing, Recreation, and R-4 zoning districts.~~ The following regulations and standards shall apply to all Pole Signs in the Community Commercial, Business Park, Light Manufacturing, Recreation, and R-4 zoning districts:
 - 1) ~~Height.~~ Pole Signs shall be allowed as a Permitted Use at a maximum height of twenty (20) feet.
 - 2) ~~Minimum Site Standards for Pole Signs.~~ Pole signs shall be allowed only on properties, sites or developments comprising a minimum of three (3) acres, or on properties, sites or developments with frontage on 1900 West Street.
 - 3) ~~Pole Covers.~~ All Pole Signs shall incorporate the use of pole covers or more substantial, decorative support structures. Pole covers shall not contain sign copy.
 - 4) ~~Single Pole.~~ Pole Signs shall be supported by a single pole structure, or will appear to be supported by a single pole structure through the use of pole covers or other devices.
 - 5) ~~Landscaped Areas.~~ All Pole Signs shall be located in landscaped areas.

- 6) ~~Site Relation.~~ All Pole Signs shall be designed to relate to the building and site with which they are associated through the use of placement, similar colors, materials, or architectural details and elements.

~~Section 2005—Monument Signs:~~

- 1) ~~Monument Signs.~~ Monument Signs include low profile signs with little or no clearance from grade to cabinet, and may be located on pedestals of no more than one (1) foot in height or on foundations or other support structures directly on the ground. In all cases, Monument Signs will appear to be generally supported directly on the grade or foundation.
- 2) ~~General Requirements—~~The following regulations and standards shall apply to all Monument Signs in all zoning districts:
 - 1) ~~Clear View.~~ No Monument Sign shall be located in such a way as to impede the clear view of vehicular or pedestrian traffic on any site, path or roadway, whether public or private.
 - 2) ~~Setback Required.~~ In addition to clear view requirements, Monument Signs shall be setback a minimum of five (5) feet from any property line, and may not be located closer than ten (10) feet to any point of vehicular access.
 - 3) ~~Landscaped Areas.~~ All Monument Signs shall be located within landscaped areas.
- 3) ~~Monument Signs in Non-Residential Zoning Districts and the R-4 Zoning District—~~The following regulations shall apply to all Monument Signs as a Permitted Use in all non-residential zoning districts and in the R-4 zoning district:
 - 1) ~~Street Frontage Less Than One Hundred (100) Feet—~~The following regulations and standards shall apply to all Monument Signs on properties which have one hundred (100) continuous linear feet of street frontage or less:
 1. ~~Height.~~ Maximum height allowed shall be six (6) feet.
 2. ~~Width.~~ Maximum width allowed shall be eight (8) feet.
 - 2) ~~Street Frontage Greater than One Hundred (100) Feet—~~The following regulations and standards shall apply to all Monument Signs on properties which have more than one hundred (100) continuous linear feet of street frontage:
 - 1) ~~Height.~~ Maximum height allowed for Monument Signs shall be eight (8) feet.
 - 2) ~~Width.~~ Maximum width (length) allowed shall be twelve (12) feet.
 - 3) ~~Site Relation.~~ Monument Signs proposed to be greater than six (6) feet in height or greater than eight (8) feet in width shall be designed to relate to the building and site with which they are associated through the use of placement, similar colors, materials, or architectural details and elements.
 - 4) ~~Monument Signs for Residential Subdivisions and Public or Quasi-Public Uses in Residential Zoning Districts—~~the following regulations and standards shall apply to Monument Signs as a Permitted Use only for residential subdivisions and public or quasi-public uses in residential zoning districts, and are not intended to govern or allow the use of such signs for non-conforming commercial uses in residential zoning districts:
 - i. ~~Height.~~ Maximum height allowed shall be four (4) feet.
 - ii. ~~Width.~~ Maximum width (length) allowed shall be six (6) feet.
 - iii. ~~Site Relation.~~ Signs for residential subdivisions and public or quasi-public uses in residential zoning districts shall be designed to relate to the building and site with which they are associated. In order to comply with this requirement, the use of one or more of the following techniques and methods may be required: similar colors, materials, architectural details, architectural elements, provision of additional setbacks, or the increase of landscaping elements.
 - iv. ~~Planning Commission Review.~~ The Planning Commission may approve Monument Signs for subdivision entrances and public or quasi-public uses in residential zoning districts with heights up to eight (8) feet and widths up to twelve (12) feet using the site plan review process upon finding that such an increase is appropriate relative to property size, sign location, and the design and purpose of the sign.
(Ord. 1020, 11-17-2009; Ord. 1037, 12-7-2010)

Add

TITLE 13 – SIGN REGULATIONS

CHAPTER 1 - PURPOSE AND SCOPE

SECTION:

- 13-1-1: Purpose
- 13-1-2: Scope
- 13-1-3: Interpretation

13-1-1: PURPOSE:

- A. The purpose of this Title to promote short and long term beauty and order and providing for the health, safety and welfare of the public with Roy City by establishing standards and regulations for sign design, location, size, compatibility and aesthetics. It is the City's desire to coordinate the type, placement, and physical dimensions of signs within the different land use zones; recognize the commercial communication requirements of of the business community; encourage the innovative use of design; promote both renovation and proper maintenance; through the regulations of the display, construction use and maintenance of signs.
- B. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage.
- C. By doing so it is hoped this Title will help to create streetscapes that are functional and attractive to both residents of Roy City as well as visitors.

13-1-2: SCOPE:

- A. This Title shall not relate to building design. Nor shall the Title regulate official traffic or government signs; the copy and message of signs; scoreboards on athletic fields; flags of any nation, government, noncommercial organization; gravestones; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.
- B. It is not the intent of this Title to regulate the content of public speech. The regulations of this Title are intended to apply to both on-premise and off-premise signs, but do not apply to hand-held placards and other similar devices traditionally used for public protest and the exercise of free speech.

12-1-3: INTERPRETATION:

- A. In interpreting and applying the provisions of this Title, the sign regulations contained herein are declared to be the maximum allowable for the purposes set forth.

CHAPTER 2 - DEFINITIONS

SECTION:

- 13-2-1: Definitions of Words and Phrases

13-2-1: **DEFINITIONS:** The words and terms defined in this Chapter shall have the meanings as indicated. Words used in the present tense include the future, and words in the singular number include the plural, and words in the plural include the singular. Words defined herein but defined differently elsewhere

in Roy City Municipal Code shall be construed as set forth in this chapter. Words not included herein but defined elsewhere in the City Municipal Code shall be construed therein..

ARCHITECTURAL PROJECTION: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

BUILDING CODE: The current edition of the building code as currently adopted by Roy City.

BUILDING FAÇADE: The portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

BUILDING FAÇADE FACING: A resurfacing of an existing facade with approved material, illuminated or non-illuminated.

BUILDING OFFICIAL: The official or other person charged with the administration and enforcement of this chapter or his duly authorized agent.

CHANGEABLE COPY PANEL: A portion of a sign which is characterized by changeable copy, regardless of method of attachment.

COPY AREA: The area of any symbol, logo, or other copy extending beyond the main sign cabinet shall be calculated with total area.

DEPARTMENT: The Community Development Department

DIRECTOR: The Planning and Zoning Administrator or their designee.

FRONTAGE: The linear measurement of building front. If a building fronts on more than one street, the frontage shall be computed on the longest single building front.

HANDBILL: A small print advertisement or announcement that is given out to many people by hand.

MAINTAIN or MAINTENANCE: To keep in an existing, functional and appropriate state of repair, including but not limited to, repainting, repairing and servicing. It does not include removal of signs. Maintenance may include re-lettering with the same or substantially the same message, but shall not, under any circumstances include an increase in size of the display area. Maintenance may also include strengthening the structure by changing or adding supports or performing other structural changes designed for strengthening the sign and increasing safety thereof.

MARQUEE: A permanent structure attached to and supported by a building front and projecting no more than seventy two inches (72").

NONCONFORMING USE: The prior lawful use of a building or structure which subsequently is prohibited by law in which the building, land or structure is situated.

PERSON: One or more persons, an association, a co-partnership, or a corporation firm or organization, , either by themselves or by an agent, employees, guardian or trustee.

REVOLVING BEACON LIGHT: Is when a light rotates, either by design or by manual manipulation, in a circular movement.

QUASI-PUBLIC: A company, under private ownership, that provides a public service. (i.e. Roy Water Conservancy District, or UTA)

SHOPPING CENTER: Two (2) or more businesses operating under binding, written legal agreements as a joint enterprise and licensed by Roy City as a shopping center business with more than forty thousand (40,000) square feet of combined building area doing business as a shopping center and with common parking area to be used by all of the businesses included within the center.

SIGN: A presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also the structure or framework or a natural object on which any sign is constructed or is intended to be constructed or exhibited, or which is being used or is intended to be used for sign purposes.

SIGN, ABANDONED: A sign having be forsaken, deserted, left or cast off.

SIGN, A-FRAME: Any upright sign with rigid supporting frame in the form of a triangle or inverted V.

SIGN, ADVERTISING: See definition of Sign, Off Premises.

SIGN, ANIMATED: A sign which involves movement or rotation of any part, created by artificial means or displays flashing or intermittent lights, but not including electronic message signs

SIGN, BACKGROUND AREA: The entire background area of a sign upon which copy is placed. In computing sign background area, only the face or faces which can be seen from any one direction at one time shall be counted.

SIGN, BUSINESS: An on premises sign which directs attention to a use conducted, a commodity sold, or service performed on the premises where the sign is located.

SIGN, CIVIC AND PHILANTHROPIC: Normally temporary sign used to promote nonprofit governmental and nongovernmental entities that utilize donated assets and income to provide social useful services.

SIGN, CLOTH: Any sign executed upon or composed of any flexible fabric.

SIGN, COMBINATION: A sign incorporating any combination of the features of projecting, roof or freestanding or other signs.

SIGN, COMMUNITY: Sign that identifies the locality inhabited by a group of people, i.e., Roy City.

SIGN, CONSTURCTION: A sign that acts as an expression of notification through the application of physical, identifiable, and textual displays designing the required adherence to standards and practices within the perimeters of a construction zone.

SIGN, COPY AREA: The area of a sign that is used for display purposes, excluding the minimum frame and supports. In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the minimum perimeter sufficient enough to frame the entire display.

SIGN, DEVELOPMENT: An on premises sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and address of the construction firm, architect and development.

SIGN, DIRECTIONAL/INFORMATIONAL: Signs which provide direction or instruction and located entirely on the property. Such signs identifying rest rooms, public telephones, walkways, no parking or signs providing direction such as parking lot entrance and exit signs and those similar in nature.

SIGN, ELECTRONIC MESSAGE: A sign which is operated by a programmable computer system which displays messages or numbers with alternating lighted messages.

SIGN, FAÇIA: A flat business sign on the face of a building or other structure.

SIGN, FLASHING: A sign that contains a sequential flashing light source where the period of time of illumination is equal to the period of non-illumination, and is used solely to attract attention in a non-informative way.

SIGN, FLAT: Any sign attached to a building or other structure that projects less than eighteen inches (18") beyond the building but extends parallel or substantially parallel to the building or other structure.

SIGN, FLOODLIGHT: See lighting of signs at subsection 9-4-3E of this chapter.

SIGN, FREESTANDING: A sign which is supported by one or more columns, uprights or braces in or upon the ground.

SIGN, IDENTIFICATION AND INFORMATION: A sign displayed to indicate the name or nature of a building or use, including all professional and business offices and buildings, apartment complexes and public.

SIGN, ILLUMINATED: A internally or externally lighted sign in which a source of light is used part of all of the time in order to make the message readable.

SIGN, INCOMBUSTIBLE: A sign which is constructed entirely of incombustible material.

SIGN, INCIDENTAL: Any sign or poster which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently, or which related to such events or occurrences that are not taking place on the premises on which the sign is located. Examples, signs or posters relating to garage sales, concerts, "swap meets", and the like.

SIGN, INTERIOR: Sign located within the interior of any building or stadium (if said signs are facing towards the interior of the stadium) or within and enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court of entrance of any theater.

SIGN, MARQUEE: Any sign attached to or made an integral part of a marquee.

SIGN, MEMORIAL (TABLETS): Signs or tablets, names of buildings, and dates of building erection when cut into the surface or façade of a building.

SIGN, MULTIPLE COPY: A sign which advertises content or information other than the name of the business and the principal product or service.

SIGN, NAMEPLATE: A sign indicating the name of a person or persons residing, utilizing or otherwise occupying a premises.

SIGN, OFF-PREMISE: A sign which directs attention to a use, product, commodity or service not related to the property on which it is located.

SIGN, ON-PREMISE: An on premises sign which directs attention to a use conducted, a commodity sold or a service performed on the property.

SIGN, PROJECTING: Any attached sign extending in whole or in part more than twenty four inches (24") beyond the building line.

SIGN, POLITICAL / CAMPAIGN- An outdoor sign of a temporary nature erected for the purpose of soliciting votes or support for or in opposition to any candidate or any political party under whose designation any candidate is seeking nomination or election or any public question on the ballot in an election held under the laws of the state.

SIGN, PORTABLE -Any sign which is intended to be movable or capable of being moved, whether or not on wheels or other special supports, including but not limited to "A frame" type signs. Portable or movable signs also include placards, signs, banners or similar devices attached to vehicles for advertising purposes, unless such devices are an integral part of such vehicle used in the normal course of business. This definition does not include real estate advertising signs or political signs.

SIGN, PUBLIC NECESSITY – Signs for the control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety.

SIGN, ROOF: Any sign constructed upon or supported by the roof or parapet of a building.

SIGN, SHOPPING CENTER: A sign which may be attached or detached within a shopping center to designate the name of the shopping center and the names of the tenants.

SIGN, STRUCTURE: Any structure which supports any including but not limited to a single pole or poles or as part of a building.

SIGN, STATUARY – Signs created in the form of a statue.

SIGN, SNIPE – The posting of advertising or political bills, posters, etc in unauthorized places.

SIGN, REAL ESTATE - A temporary sign advertising the sale, lease, or rental of the property upon which it is located, and the identification of the person or firm handling such sale, lease, or rental.

SIGN, TEMPORARY: A sign which is intended to advertise community or civic projects, and real estate for sale or lease on a temporary basis. Such sign shall be constructed not earlier than thirty (30) days prior to date of beginning of event and shall be removed within thirty (30) days after the event is concluded.

SIGN, TIME AND/OR TEMPERATURE AND PUBLIC SERVICE: A display containing illuminated numerals to show the time and/or temperature and public service messages.

SIGN, WALL: See definition of Sign Fascia.

STREET: A public thoroughfare, utilized, dedicated, abandoned or condemned for public use prior to the initial enactment of the zoning ordinance, which affords the principal means of access to abutting property and is more than twenty six feet (26') wide; and any public thoroughfare dedicated to the public and accepted by proper public authority or condemned for public use after said date.

STRUCTURAL ALTERATIONS: Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE: Anything constructed, the use of which requires location on the ground, or attachment to something having location on the ground.

TRIM, NONSTRUCTURAL: Nonstructural trim is the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

VISUAL CLEARANCE TRIANGLE: Also known as the Sight View Triangle or Sight Triangle.

ZONE: The geographical area of the City for which the zoning regulations have been established by the zoning ordinance.

ZONING ORDINANCE: The zoning ordinance of Roy City, Utah, as set forth in Title 10 of this Code, and as amended from time to time. (Ord. 593, 6-26-1984; amd. 2003 Code)

CHAPTER 3 - GENERAL PROVISIONS

SECTION:

- 13-3-1: General Provisions for All Signs
- 13-3-2: Prohibited Signs
- 13-3-3: Moving, Relocating or Altering of Signs
- 13-3-4: Maintenance
- 13-3-5: Lighting
- 13-3-6: Abandoned Signs

13-3-1: GENERAL PROVISIONS FOR ALL SIGNS:

- A. Signs as Structures – Signs are considered structures in their own right, and are therefore also subject to the other codes and ordinances of Roy City governing structures.
- B. Notwithstanding other allowances, requirements or language contained in this Title, the requirements for transition between residential and non-residential zoning districts, as contained in Chapter 10, Section 1031 of the Roy City Zoning Ordinance, shall apply.
- C. Measurement and Area Calculation – The following standards are intended to apply to all signs in all zoning districts.
 - 1. Height. Height is measured as the distance from the grade at the top back of curb at the property line nearest the sign to the top of the highest point of the sign cabinet, logo or copy. Height measured in this way may vary depending upon the landscaping, but in no case may the combined height of the sign, structure, berm or slope exceed three (3) feet of the stated height allowance for any particular sign.
 - 2. Width. Width is measured as the distance between the two furthest points of the sign cabinet, sign copy, or the smallest area within which all components of copy could be contained. Any supporting structure of a Monument Sign is not measured as width if the structure is incorporated into the surrounding landscaping design, or is incorporated with other structural or architectural aspects of the site.
 - 3. Area. Sign area is calculated as the total area of one face or side of the sign cabinet, copy area or the smallest area within which all components of copy could be contained, and shall not include pole covers or other support structures not containing copy. Supporting structure of a Monument Sign is not calculated as sign area if the structure is incorporated into the surrounding landscaping design, or is incorporated with other structural or architectural aspects of the site.
- D. In the event the Director deems that any structure, sign, shelter is unsafe needing immediate repair or removal, the owner shall respond within two (2) hours of notification. If the owner fails to respond the City may enter onto the premises and remove, repair or otherwise remedy the unsafe condition. The owner shall be liable to the City for any expenses or costs, including labor and administrative costs, incurred by the City or its agent in the process of remedying the unsafe situation. The City

shall send to the owner an itemized invoice requesting reimbursement for all costs incurred by the City. The owner shall reimburse the City no later than fourteen (14) days after the invoice is sent by the City to the owner. Failure to comply with this section may result in a revocation of the sign permit and/or business license

- E. Signs on Private Property: It shall be unlawful for any person to fasten or attach, paint or place any "sign", as defines in this Title, upon any private wall, window, door, gate, fence, or sign, or upon any other personal property, without the consent of the owner or lessee, or someone authorized to act on behalf of such owner or lessee.
- F. Signs on Public Property: It shall be unlawful for any person to fasten or attach, paint or place any "sign", handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise, or to cause the same to be done in or upon any portion the curbstone, lamppost, telephone pole, electric light or power pole, hydrant, bridge or tree, in or upon any portion of any sidewalk, or street. It shall be unlawful to paste, place, paint or attach any "sign" as defines in this Title, upon any building, street, or property of the city. No sign shall be erected on or over public property.

13-3-2: PROHIBITED SIGNS:

- A. It shall be unlawful for any person to erect, place, or maintain a sign in the City of Roy except in accordance with the provisions of this title. The following types of signs are prohibited in all districts:
 - 1. Abandoned signs as specified in this title.
 - 2. Advertising signs for products or sales except as outlined in this title.
 - 3. Animated signs.
 - 4. Flashing signs.
 - 5. Flood zone. No sign shall be permitted within any designated one hundred-year flood area.
 - 6. Intensely lighted signs. No sign shall be permitted which because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.
 - 7. Roof signs.
 - 8. Spotlights directed into the night sky except as part of an approved promotional period for temporary signs.
 - 9. Statuary (sign) bearing the likeness or suggestion of any product or logo.
 - 10. Graffiti
 - 11. Miscellaneous signs and posters:
 - a. Portable signs on areas except as noted in the Title.
 - b. Canvas signs and banners except as noted in this Title.
 - c. Snipe signs.
 - 12. Parking of advertising vehicles prohibited. No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the sole purpose of providing

advertisement of products or directing people to a business or activity located on the same or nearby property. This Section does not apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle which is operable, properly licensed and legitimately utilized in said operation or businesses

13. Public areas. No sign, handbill or poster, advertisement or notice of any kind or sort, shall be fastened, placed, posted, painted or attached in any way in or upon any curbstone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street, except when the sign is owned by a public agency or constructed by permission of an authorized public agency or required by law.
14. Signs imitating or resembling official traffic or government signs or signals.
15. Sound, odor or visible matter. No advertising sign or device shall be permitted which emits audible sound, odor or visible matter.
16. Traffic hazards. No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators or at any location where by reason of its position, shape or color it may interfere with or be confused with any authorized traffic sign, signal or device or which makes use of a work, symbol, phrase, shape or color in such a manner as to interfere with, mislead or confuse traffic.
17. Hot or cold air balloons, or inflatables.
18. Off-Premise Sign.

(Ord No. 848; 12/15/98)

B. Hand-bills, signs-public places and objects:

1. No person shall paint, mark or write on, or post or otherwise affix, any hand-bill or sign to or upon any sidewalk, crosswalk, curb, curbstone, park strip, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley wire pole, or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, lifesaving equipment, street sign or traffic sign.
2. Any handbill or sign found posted upon any public property may be removed by any of the City Departments. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost.
3. Nothing in this Section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location, or personality for which the Department has granted a written permit.
4. Nothing in this Section shall apply to the painting of house numbers upon curbs.

13-3-3: MOVING, RELOCATING OR ALTERING OF SIGNS:

- A. No existing sign may be moved or relocated to any other parcel, building, structure or portion thereof, unless the sign complies with all other provisions of this Title,. No existing sign may be moved or relocated on the same parcel, building, structure or portion thereof, unless said sign also complies with all other provisions of this Title.

B. No existing sign may be altered unless the sign, after alteration, complies with all other provisions of this Title. Alteration includes a change of message or sign legend, or portion thereof, except where such change is a normal increment of the sign function common to signs such as a billboard, theater marquee, reader board, bulletin board.

13-3-4: **MAINTENANCE AND REPAIR:** All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Director may order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

13-3-5: **LIGHTING:** Unless otherwise specified by this title, all signs may be illuminated with a maximum brightness of 0.3 foot-candles above ambient light. However, all signs shall be designed, located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property. Any use of a revolving beacon light is prohibited.

13-3-6: **ABANDONED SIGNS:**

- A. Any on premise sign located on property which is vacated by an occupant shall be deemed to have been abandoned.
- B. All abandoned temporary and permanent on premise signs shall be removed within fourteen (14) days of the termination of occupancy.
- C. The structure of all on-premise signs shall be removed within forty-five (45) calendar days of written notice of abandonment is given to the owner, person having control, or person receiving benefit of such structure. Exception; if the sign is a part of a monument sign or a part of a Shopping Center sign, then this refers to the face of the sign and not the entire structure
- D. Appeal. Any person who has been ordered to remove an abandoned sign may appeal the decision of the Director or as outlined within Chapter 28 of Title 10 – Zoning Ordinance

CHAPTER 4 - REGULATION OF SIGNS

SECTION:

13-4-1: Signs Not Requiring Permits

13-4-2: Permits Required

13-4-3: Signs that require a Permit

13-4-4: Bus Stop Bench and Enclosure Signs

13-4-1: **SIGNS NOT REQUIRING PERMITS:** The following types of signs are exempted from permit requirements but must conform to all other requirements of this Title:

- A. Changing Copy. The changing of the message on a permitted sign that has an approved marquee, reader board, electronic message center, or other replaceable copy area.
- B. Civic and philanthropic signs. Signs not exceeding one hundred (100) square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that said signs are posted not more than two (2) days before the event and are removed no more than one (1) day after said event.
- C. Commercial and Industrial Zones. Temporary signs announcing the location, availability, or development of property are necessary. Because these are allowed without a permit, restraint is advised.

1. On-Premise Development Identification Signs. Signs announcing or identifying the future development of commercial or industrial property are allowed one (1) per public or private street frontage. The sign(s) may not be constructed before the proposed development has been submitted for site plan review. These signs must be removed before final inspection approval or before permanent signs are installed. The size of the sign depends on the number of acres involved in the project.

Acreage of Development	Maximum Size of Sign
Less than 2 acres	32 square feet
2 to 5 acres	48 square feet
Greater than 5 acres	64 square feet
Maximum height of sign is 10 feet	

2. On-Premise Real Estate Signs.

- a. One on-premise real estate sign advertising the sale of property per street frontage is allowed for any commercial or industrial planned center, building or lot intended for such and may not exceed thirty-two (32) square feet in area or eight (8) feet in height. If the parcel is over two (2) acres in size, the sign may not exceed sixty-four (64) square feet. Signs for individual pads or parcels within centers are allowed, but it may not exceed sixteen (16) square feet or six (6) feet in height.
- b. One on-premise sign advertising the availability of commercial or industrial space, for lease or sale, for space within a multi-tenant building or for a pad within the same center is allowed. The sign must be securely attached to the vacancy in question and may not exceed twenty-four (24) square feet in area.

- D. Community Signs. Community signs shall comply with the following criteria:

1. No sign shall be permitted which is unsafe for vehicular or pedestrian traffic, is within the site triangle, or is in a deteriorated condition.
2. Such sign(s):
 - a. Must be made of durable, weather resistant, material;
 - b. Must use logos or symbols instead of copy where possible, where copy would cause a distraction to vehicular traffic; and
 - c. May be located at various gateway areas to the City, along major streets and important intersections adjacent to non-residential properties as approved by the Director.
3. Such signs shall be uniform in size for each individual display and shall be no larger than four (4) feet wide and ten (10) feet tall for signs attached to light or utility poles. Signs attached to building may be larger but must be appropriate in scale and location as approved by the Director.
4. Such signs shall not be attached to another temporary sign or a permanent traffic or business sign.
5. Such signs may be part of a "rotating permanent feature" of the City for such events as:
 - a. Roy Days
 - b. Holidays
 - c. Cultural and/or Arts events
 - d. Change in seasons

- e. Such signs for any single purpose or event may not be displayed for more than thirty (30) days. However, the Director may approve community purpose signs for long-term purposes subject to review on a ninety (90) day basis.
 - f. Community Announcements: Temporary signs, example A-Frame signs, located at specific locations within the city used to notify the public of important meetings times/dates.
- E. Construction signs. In any commercial or manufacturing zone, one unlighted sign per development not to exceed sixty-four (64) square feet in area, may be placed on the lot or attached to the outside of a building during its construction period. Signs shall be restricted to a height of no greater than ten (10) feet. Construction signs shall be setback a minimum of ten (10) feet from property lines and out of all clear view areas. The sign shall identify only the project, its developer, architects, engineers, designers, contractors or other persons or groups participating in the project.
- F. Directional/Informational Signs. Signs do not exceed four (4) square feet in area, such as signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs. Directional signs are to be limited to instruction or direction only and are not to have any form of commercial advertising on them.
- G. Flags. The flags, emblems, or insignias of any nation or political subdivision.
- H. House numbers and name plates. House numbers and name plates not exceeding two (2) square feet in area for each residential building.
- I. Incidental Sign.
- J. Interior signs.
- K. Memorial signs or tablets.
- L. No Trespassing and No Dumping signs:
- 1. In any commercial or manufacturing zone trespassing/dumping signs are allowed. In a commercial or manufacturing zone any number of signs not exceeding six (6) square feet each and placed a minimum of fifty (50) feet apart, may be attached to a structure, fence or may be free standing. In no case shall a trespassing/dumping sign be placed at a height greater than eight (8) feet above the finished grade immediately below the sign. No permit shall be required for this type of sign.
 - 2. In residential zones any number of no trespassing/dumping signs not exceeding three (3) square feet each and placed a minimum of fifty (50) feet apart, may be attached to a structure, fence, or may be free standing. In no case shall a trespassing/dumping sign be placed at a height greater than six (6) feet above the finished grade immediately below the sign. No permit shall be required for these types of signs.
- M. Name Plates. One attached nameplate per occupancy, not to exceed two (2) square feet in sign area.
- N. Political and Campaign Signs. Political and Campaign Signs shall meet the following requirements:
- 1. Posting on public right-of-way. It shall be unlawful for any person to post a campaign sign in a public right-of-way.
 - 2. Prior to posting of any campaign signs the candidate, a representative of the candidate or representative of the campaign shall provide to the Code Enforcement Officer the name and number of a contact person for the candidate or campaign.

3. Posting time limits. It shall be unlawful for any person to post a campaign sign more than sixty (60) days prior to the election for which the sign is posted, or to allow the sign to remain more than fifteen (15) days after the election for which the sign was posted. If there is more than forty (40) days between the primary and general election campaign signs must be taken down.
 4. Limitation of number of campaign signs on a lot. Not more than one (1) sign from each candidate running for public office, and/or question on the ballot on any lot or contiguous parcels of land under one ownership, per street frontage.
 5. Limitation of size of campaign signs.
 - a. Residential zoned districts: no sign shall not be greater than six (6) square feet, with the maximum height of the sign may not exceed four (4) feet.
 - b. Commercial and Industrial zoned districts: No sign shall be greater than thirty-two (32) square feet, with the maximum height of the sign may not exceed six (6) feet.
 6. Removal of illegal campaign signs. The Code Enforcement Officer or authorized agents are authorized to remove any campaign sign found posted within the corporate limits of the City when such sign is in violation of the provisions of this Section. For the purpose of removing campaign signs, the Code Enforcement Officer or authorized agents may take all steps necessary to remove the unauthorized signs and insure that all such signs shall be expeditiously removed from any property where posted.
 7. Notice. Upon discovery, the Code Enforcement Officer or authorized agents shall immediately notify by telephone the candidate, committee or person responsible for the posting of any sign in violation of this Section, indicating the location of the sign and that the sign must be removed immediately and the reason removal is necessary. If the address or phone number of the person responsible for the violating sign is not known the sign shall be removed under the provisions as set forth in sub-section (6) of this section.
 8. Storage and return. If after the notice has been given under sub-section (7) above, any campaign sign has not been removed, the Code Enforcement Officer or authorized agents shall remove said campaign sign and keep a record of the location from which the sign was removed. He/she shall store the sign in a safe location for at least thirty (30) days or until after the election whichever occurs first. If, at that time, the sign(s) has not been retrieved, it will be discarded by the City.
 9. Visual clearance triangle. No campaign signs shall be located in the visual clearance triangle located on corner lots. The visual clearance triangle is the triangular area at the corner performed by measuring a distance of forty (40) feet along both lot lines back from the point of intersection of said lines. Signs located within the visual clearance triangle may be removed under section (6) above without prior notice as required by section (7) if determined to be a safety hazard.
 10. Public Property. Political and campaign signs shall not be placed on public property.
- O. Public notices. Official notices posted by public officers or employees in the performance of their duties.
- P. Public necessity signs. Public necessity signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety.
- Q. Residential Zones. It is recognized that temporary signs announcing the location, availability, or development of property are necessary. Restraint is advised. The following shall apply:
1. On-Premise Development Identification Signs.

- a. Individual Lots. One sign announcing the name of the construction/development company is allowed. Area of the sign may not exceed sixteen (16) square feet nor six (6) feet in height. The sign may not be erected more than five (5) days prior to the beginning of construction for which a valid building permit has been issued. It must be removed before final occupancy.
 - b. Subdivisions or Planned Unit Developments. One development promotional sign may be placed on the premises of each development having five (5) or more lots or approved unit sites in any residential zone. The size of the sign shall be no greater than sixty-four (64) square feet with a maximum height of ten (10) feet. Such signs shall be removed within five (5) years of the issuance of the first building permit in the project or if all lots are sold out before five (5) years immediately upon sale of the last lot.
2. On-Premise Real Estate Signs.
- a. Signs advertising the sale, rent, or lease of property shall be limited to one real estate sign on each lot. Each such sign shall not exceed four (4) square feet in size and four (4) feet in height.
 - b. One real estate sign per street frontage is allowed for any multi-use residential or professional office building or lot intended for such and may not exceed thirty-two (32) square feet in area or eight (8) feet in height. If the parcel is over two (2) acres in size, the sign may not exceed sixty-four (64) square feet.

Acreage of Development	Maximum Size of Sign
Less than 2 acres	32 square feet
2 to 5 acres	48 square feet
Greater than 5 acres	64 square feet
Maximum height of sign is 10 feet	

- c. Model home signs shall not exceed sixteen (16) square feet in area nor exceed six (6) feet in height and shall be placed entirely upon the premises of the model.
 - d. Model home signs shall not be located within the visual clearance triangle as defined by the Zoning Ordinance and shall be setback a minimum of ten (10) feet from the property line.
3. Temporary/Open House Real Estate Signs. Open house signs not to exceed six (6) square feet in area and four (4) feet in height, advertising real estate open for inspection may be placed on private property in the vicinity of the property open for inspection. Individual placing the signs shall obtain written permission from the property owner. Signs shall not be placed in the park-strip attached to trees, poles or street signs. Open house signs shall be displayed only during those hours/day(s) which the house is open for actual inspection.
- R. Symbols or insignias. Religious symbols, commemorative plaques of recognized historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed ten (10) square feet in area.
- S. Temporary directional signs. In any zone, a sign giving direction to a specific location for any public or private event may be placed under the following conditions:
- 1. No more than one sign may be placed on a parcel of property.
 - 2. No such signs shall be placed on public property.
 - 3. Must have a setback of one (1) foot from any sidewalk or street right-of-way line, whichever is greater.
 - 4. Written consent of the owner or person entitled to possession of the property or their authorized representatives shall be obtained.

5. Shall be removed within twenty-four (24) hours of the completion of the event.
 6. Shall not exceed three (3) feet in height, or when placed into a clear view area, two (2) feet in height.
 7. Shall not exceed six (6) square feet in sign area measured on one sign face individually, or eighteen (18) square feet collectively.
- T. Window Signs. Window signs which are painted on or temporarily affixed to the window surface shall not be as affixed as to block clear view of exits or entrances or to create a safety hazard. This applies also to inside illuminated signs (e.g., neon, etc.) which are within eight (8) inches of the window surface.
1. Regional Commercial zones: shall cover no more than thirty (30) percent of any single window, or thirty (30) percent of the entire surface area of a group of windows.
 2. Community Commercial, Business Park, Manufacturing, Light Manufacturing and R-4 zones: shall cover no more than twenty-five (25) percent of any single window, or twenty-five (25) percent of the entire surface area of a group of windows.
- U. Signs, not associated with home occupation signs, maybe used in residential areas for personal needs or requirements. Any holiday decoration that does not bear any commercial logo or message shall not be considered a sign.

13-4-2: PERMITS REQUIRED:

- A. Unless otherwise provided by this Title, all signs shall require permits and payment of fees as described in § 13-8-3 of this Title. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.
- B. Illegal signs. No person shall construct maintain or permit to be construct or maintained on any premises any sign which does not comply with the provisions of this Title.
- C. All necessary construction and engineering specifications must be submitted to satisfaction of all applicable building and construction code, laws and ordinances. The Department may also require, additional engineering information if there is a concern for the health or safety of the general public.
- D. Issuance: The Department shall issue a permit only to a sign contractor properly licensed in the state of Utah, for the construct, alteration or relocation of a sign within the City when an application therefore has been properly made and the sign complies with all appropriate State and Federal laws and regulations of the City.
- E. Term: Every permit issued by the Department under the provisions of this Title shall expire and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of issuance of a permit, or if the work authorized by a permit stops, is suspended or abandoned for any reason for a period of one hundred eighty (180) days or more at any time after the work is commenced. Before such work can be commenced or resumed after a one hundred eighty (180) day suspension of work or abandonment period, a new permit shall first be obtained and the fee therefore shall be one-half the amount required for a new permit, provided no changes have been made or will be made in the original plans and specifications the suspension of work or abandonment has not exceeded one (1) year.
- F. Suspension or Revocation: The Department may at any time, in writing, suspend or revoke a permit issued under the provisions of this Title whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of any ordinance or any of the provisions of this Title.

- G. Effect of issuance: No permit for a sign shall be deemed to constitute permission or authorization to maintain a public or private nuisance nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance or for damages resulting from a nuisance.

13-4-3: SIGNS THAT REQUIRE A PERMIT:

Purpose: The streetscape is the combination of vehicles, buildings, signs, landscaping, roads, utility poles, etc., that dominant the view of the driver or pedestrian. A useful, attractive, and safe streetscape is necessary to regulate the size, location, and design of signs. Poorly designed, oversized, and inappropriately located signs in commercial and industrial areas and businesses in residential neighborhoods can be detrimental to the achievement of effective, safe and attractive streetscapes, it is important that the permanent and temporary signs in these areas receive approval (permits) from the City.

Commercial and industrial uses are generally more intensive than those found in residential zones. Since these uses are designed by size, location, and style to attract attention and provide services to the public, they generally need signage to achieve that end. Business signs of any kind in residential neighborhoods can diminish the quality of life for which those zones were specifically created. However, there may be some residential uses which merit a sign, though much smaller and subdued than in commercial or industrial zones. Therefore, it is the intent and purpose of this Section to outline regulations and design standards for signs in both commercial/industrial and residential areas that will allow the business to identify itself while allowing Roy City to create and maintain safe and aesthetically pleasing streetscapes regardless of zone.

A. General Regulations for all signs

Commercial/Industrial zones: The total sign area allowed per business shall not exceed the square footage as determined by the following formula: four (4) square feet for each linear foot of building frontage, of a licensed business, with a maximum allowance of 300 square feet per street frontage. For any business that backs onto the Freeway (I-15), the freeway may be counted as additional street frontage.

B. Types of signs allowed:

1. Wall Signs: Wall Signs should be the primary form of identification for business uses in the City. Each business may have a minimum of one (1) wall sign.

Wall Signs as a Permitted Use in Non-Residential Zoning Districts (Regional Commercial, Community Commercial, Business Park, Manufacturing, Light Manufacturing & Recreation) and the R-4 Zoning District – The following regulations shall apply:

- a. Wall signs shall not extend above the height or beyond the width of the building facade (Ord. 593, 6-26-1984)
2. Monument Signs: Monument Signs include low-profile signs with little or no clearance from grade to cabinet, and may be located on pedestals of no more than one (1) foot in height or on foundations or other support structures directly on the ground. In all cases, Monument Signs will appear to be generally supported directly on the grade or foundation.
 - a. General Requirements – The following regulations and standards shall apply to all Monument Signs in all zoning districts.

- 1) Site Relation. Monument Signs shall be designed to relate to the building and site with which they are associated through the use of placement, similar colors, materials, or architectural details and elements.
 - 2) Visual Clearance Triangle. No Monument Sign shall be located in such a way as to impede the clear view of vehicular or pedestrian traffic on any site, path or roadway, whether public or private.
 - 3) Setback Required. In addition to visual clearance triangle requirements, Monument Signs shall be setback a minimum of five (5) feet from any property line, and may not be located closer than ten (10) feet to any point of vehicular access.
 - 4) Landscaped Areas. All Monument Signs shall be located within landscaped areas.
- b. Monument Signs as a Permitted Use in Non-Residential Zoning Districts (Regional Commercial, Community Commercial, Business Park, Manufacturing, Light Manufacturing & Recreation) and the R-4 Zoning District – The following regulations shall apply:
- 1) Street Frontage Less Than One Hundred (100) Feet:
 - i. Height. Maximum height allowed shall be six (6) feet.
 - ii. Width. Maximum width allowed shall be eight (8) feet.
 - 2) Street Frontage Greater than One Hundred (100) Feet:
 - i. Height. Maximum height allowed for Monument Signs shall be eight (8) feet.
 - ii. Width. Maximum width (length) allowed shall be twelve (12) feet.
- c. Monument Signs as a Permitted Use for Residential Subdivisions and Public or Quasi-Public Uses in Residential Zoning Districts, and are not intended to govern or allow the use of such signs for non-conforming commercial uses in residential zoning districts – the following regulations and standards shall apply:
- 1) Height. Maximum height allowed shall be four (4) feet.
 - 2) Width. Maximum width (length) allowed shall be six (6) feet.
 - 3) Planning Commission Review. The Planning Commission approve Monument Signs for subdivision entrances and public or quasi-public uses in residential zoning districts with heights up to eight (8) feet and widths up to twelve (12) feet using the site plan review process upon finding that such an increase is appropriate relative to property size, sign location, and the design and purpose of the sign. (*Ord. 1020, 11-17-2009; Ord. 1037, 12-7-2010*)

3. Pole Signs

- a. Pole Signs include freestanding signs with an identifiable support structure and a separate cabinet for sign copy clearing at least ten (10) feet above grade.
- b. General Requirements – The following regulations and standards shall apply to all Pole Signs in all non-residential zoning districts:
 - 1) Clearance. All Pole Signs shall provide a minimum clearance of ten (10) feet to the bottom of the lowest cabinet face.
 - 2) Setback. Pole Signs may be located in any required setback or landscaping area, but shall maintain a minimum setback of one (1) foot from any property line, and a minimum of ten (10) feet from any point of vehicular access to the public right-of-way, as measured to the sign cabinet.
 - 3) Pole Cover. All freestanding signs must have the structural supports covered or concealed with pole covers (pylon covers) a minimum of one-fifth and a maximum of one-third of the sign cabinets. The actual structural supports shall not be exposed, and the covers must be architecturally and aesthetically designed. Pole covers shall not contain sign copy.
 - i. Exception. Freeway Oriented Signs, as described in this Title
 - 4) Multiple Cabinets. No Pole Sign may consist of more than two separate sign cabinets, notwithstanding allowable sign areas.
 - 5) Number of Signs. No site or development may have more than one (1) Pole Sign as defined herein.
 - i. Exception. Shopping Centers, as defined by Roy City Ordinance, of at least five (5) acres and with a minimum street frontage of one-hundred fifty (150) feet, may be allowed a maximum of two (2) Pole Signs. Such signs must be separated by at least one hundred (100) feet, as measured by the closest points of the two sign cabinets.
- c. Regional Commercial and Manufacturing Zoning Districts. The following regulations and standards shall apply to all Pole Signs in the Regional Commercial and Manufacturing zoning districts:
 - 1) Height. Pole Signs shall be allowed as a Permitted Use at a maximum height of thirty (30) feet.
 - 2) Freeway Oriented Signs. Pole Signs in the Regional Commercial zoning district on properties east of 1900 West Street, and located within three hundred (300) feet of the Interstate 15 right-of-way, as measured at the closest property lines, may be considered a Freeway Oriented Sign with the following considerations:
 - i. Conditional Use. To be considered a Freeway Oriented Sign, a sign must be granted a Conditional Use, and may be allowed a maximum height of up to fifty (50) feet.

- i. Exception. Monument Signs intended to be used as Electronic Message Center Signs may be allowed to utilize up to seventy-five percent (75%) of the sign face.
- 2) Number Allowed. No site or development shall have more than one (1) Electronic Message Center Sign.
 - i. Exception. Shopping Centers, as defined by Roy City Ordinance, of at least five (5) acres and with a minimum street frontage of one-hundred fifty (150) feet, may be allowed a maximum of two (2) Electronic Message Center Signs. Such signs must be separated by at least one-hundred (100) feet as measured at the closest points of the two sign cabinets.
- 3) EMC signs can only be a part of either a monument or pole sign and are not allowed as part of or as a wall sign.
- 4) Public and Quasi-Public Uses. Notwithstanding other regulations of this Section, public and quasi-public uses may seek Conditional Use Permits to allow Electronic Message Center Signs if it is determined that a public need can be met, or a public benefit can be provided, and that impacts to surrounding properties can be properly mitigated. When considering Conditional Use Permits allowing Electronic Message Center Signs for public and quasi-public uses, the City may further restrict the size, percentage allowances, and other requirements of this Section in order to mitigate impacts.
- b. Electronic Message Center Signs – In Regional Commercial, Community Commercial, Business Park and Manufacturing zoning districts, Electronic Message Center Signs shall be allowed as a permitted use with the following restriction:
 - 1) No EMC Sign shall be located within one hundred (100) feet of another EMC sign on the same property or adjacent to a residential zoning district as measured at the closest property lines.
 - 2) Display of each message shall remain for a minimum of six (6) seconds before transitioning to another message.
 - 3) EMC Signs shall be allowed a maximum brightness of 0.3 foot-candles above ambient light. When considering specific signs under the Conditional Use Standards set forth in the Roy Municipal Code, the City may impose more strict requirements for dimming if it is found that special circumstances exist.
 - 4) No EMC Sign shall be operated in such a way as to become a nuisance to surrounding properties, or to be an interference with traffic or public safety in any way.
 - 5) An EMC Sign must be located within the front setback of the property.
- c. Electronic Message Center Signs Prohibited. In Recreation, Light Manufacturing and in all residential zoning districts, Electronic Message Center Signs of all types are prohibited except as specifically allowed by § 13-4-2 D 2 c
- 5. Canopy (Gas Station) signs: Signs for canopies over gas islands are regulated as follows:

- a. Sign copy, corporate logos, etc. may be a maximum of ten (10) percent of one face of the canopy.
 - b. Up to three-(3) sides of the canopy may be used for signs.
 - c. Individual letters, logos, or symbols may not extend beyond the canopy face.
6. Home occupation signs. Home occupation signs are allowed within any zone based upon issuance of a business license. Home occupation signs shall not exceed two (2) square feet in area and must be attached to the home.
7. Temporary Sign Standards: The City realizes that from time to time it is necessary for a business to advertise special events and other commercial messages. To help businesses address this issue, the following regulations have been established for temporary banners and signs. Temporary signs shall not be placed in or over a public right-of-way, may not flash, blink, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind, and shall not be attached to telephone poles, fences, or trees.

Temporary signs may be attached to existing permanent signs only for a grand opening or reopening period. Temporary signs may cover or obscure an existing permanent sign only if the business has changed ownership names or types of business. No off-premise temporary signs are allowed except those specifically noted and regulated for real estate purposes or otherwise noted in the Title.

a. General Provisions

- 1) A temporary sign shall be located on-premises only.
- 2) A temporary sign shall not be located within five (5) feet of any public sidewalk or any public right-of-way.
- 3) A temporary sign shall not be illuminated, flash, blink, spin, rotate, block traffic visibility of vehicles entering onto a public street, or cause a public nuisance of any kind
- 4) A temporary sign shall not be located closer than twenty-five (25) feet to any residential zone.
- 5) A temporary sign shall not be located within the clear-view area set forth in this Title
- 6) For any single or two tenant property, the following shall apply:
 - i. Any tenant with less than ten thousand (10,000) sq ft of building area shall not display more than one (1) temporary sign at any time. The maximum area of any temporary sign shall be thirty-two (32) sq ft.
 - ii. Any tenant with greater than ten thousand (10,000) sq ft of building area shall not display more than two (2) temporary sign at any time. The maximum combined area of any temporary sign shall be forty-eight (48) sq ft.
 - iii. Where a property abuts two (2) streets, one (1) additional sign, oriented to the other abutting street, shall be permitted.
- 7) For any multi-tenant property, the following shall apply:

- i. Any business with less than ten thousand (10,000) sq ft of building area shall not display more than one (1) temporary sign at any time. The maximum area of any temporary sign shall be twenty-four (24) sq ft. However, in no instance shall there be displayed more than three (3) temporary signs per one hundred (100) linear feet of frontage.
- 8) A temporary sign shall be a banner, blade, posters, wall sign, A-frame, or a pedestal type sign. Signs attached to the ground must be secured.
- 9) A temporary sign shall be substantially constructed and adequately weighted, anchored, or attached to the ground to protect the public and property.
- 10) No permit shall be required for a temporary A-Frame sign that is removed at the end of each business day.
- 11) An A-frame sign shall be designed, constructed, and installed such that it will lay flat if it is contacted by any object
- 12) Any temporary sign, other than an A-frame sign, shall be posted not more than one (1) time each business quarter, for a maximum of thirty (30) concurrent days
- b. Types of Temporary Signs Allowed:
 - 1) Grand Opening Signs. Temporary signs announcing the initial opening of a business, or the relocation, or change of ownership of an existing business may be allowed provided that the event shall not continue for more than sixty (60) days and that the permit is issued within the first year of operation. There shall be no more than one (1) sign allowed per business. Signs must comply with general size and location standards for signage in this Title and must be removed at the end of the 60 day period. ("Now Open", "Grand Opening", "New Location of....", "New Ownership," etc. are appropriate type message for such signs.)
 - 2) Going Out of Business/Bankruptcy Period. A business may apply for a special permit in order to facilitate the liquidation of inventory for a failing business for a period not to exceed ninety (90) calendar days and will be allowed only once for any business license. A temporary sign permit is required. (Special product, price or service advertising are appropriate during these periods.)
 - 3) Directional Signs for Subdivisions or Residential Developments. Written permission of the property owner must be obtained and presented to the Director before they are erected.
 - i. Three directional signs may be allowed for a developer to guide traffic to the site and should contain only the name, address, and direction of the development. They are limited to sixteen (16) square feet in area and eight (8) feet in height and must be placed entirely upon private property with the permission of the owner. Two additional sixteen (16) square foot directional signs may be allowed by the Director if a special need or unusual circumstance can be demonstrated. They may not encroach upon any public right-of-way and may not be located within the sixty (60) foot traffic visibility triangle on corners.
 - ii. Such signs shall be removed within 2 years of the issuance of the first building permit in the project or if the lots are sold out before 2 years immediately upon sale of the last lot. An extension may be granted by the Director if a 60 % of the lots have not been sold at the end of the 2-year period.

13-4-4: BUS STOP BENCH AND ENCLOSURE SIGNS: Signs on public bus benches or attached to bus enclosures located on public or private property are approved by the Planning Commission. Approval shall be subject to the following criteria:

- A. No public nuisance or hazard is created.
- B. The signage shall not advertise tobacco, alcoholic beverages or allow the depiction of any matter deemed by the Planning Commission to be obscene, harmful to minors or in violation of law.
- C. The signage shall be maintained at all times, including at a minimum:
 1. Removal of trash and emptying of any receptacle.
 2. Snow removal.
 3. Graffiti removal.
 4. The owner shall respond within twenty four (24) hours of any request from the City to clean or service any bench, shelter or trash receptacle.
 5. In the event the Director deems that any shelter, bench or trash receptacle is unsafe needing immediate repair or removal, the owner shall respond within two (2) hours of notification.
- D. The city may remove any bus bench or shelter placed wholly or partly within the public right of way or any public property contrary to the provisions of this chapter. (Ord. 848, 12-15-1998)

CHAPTER 5 - NONCONFORMING SIGNS

SECTION:

13-5-1: Nonconformity

13-5-1: NONCONFORMITY:

6. Any sign not in conformance with the provisions of this chapter and which was constructed or installed without a permit, shall be removed within ten (10) days upon notification from the Director.
7. Signs for which permits were previously issued and which are made nonconforming by updated or amended the provisions of this Title shall be permitted to remain. Under no circumstances shall such nonconforming signs be remodeled or replaced except as specifically provided for in this Title. The provisions of Subsection L of this Section shall also apply to such nonconforming signs.
8. Any existing sign, conforming to the provisions of this Title relative to size and location, but nonconforming as to structure requirements, shall be removed or replaced within ninety (90) days upon written notice from the City. If they are deemed to be a hazard, or more than fifty percent (50%) damaged, they shall be removed or repaired in accordance with the structural requirements of this Title within ten (10) days after receiving notice from the City.
9. Any sign on a building determined to be abandoned shall be removed within ten (10) days of notification by the Director to the property owner and/or owner of the business advertisement and/or owner of the sign.

- 10. Nonconforming uses in residential zones; one sign per use. One square foot of sign area per lineal foot of building frontage, with a maximum of fifty (50) square feet.
- 11. Nonconforming uses in other than residential zones; one sign per use. Area of the sign shall be in accordance with the provisions of regulations set forth in this Title for the respective zone in which the nonconforming use is located.

CHAPTER 6 - CONSTRUCTION SPECIFICATIONS

SECTION:

- 13-6-1: Inspection Required
- 13-6-2: Building Code Compliance

13-6-1: INSPECTION REQUIRED:

- A. Required Inspections. A footing and final inspection shall be required for all signs requiring a permit.
- B. Re-inspection. A re-inspection may be required of any sign upon primary inspection was not built in complete compliance with the regulations of this Title or applicable International Building Codes.

13-6-2: BUILDING CODE COMPLIANCE:

All signs shall comply with the appropriate detailed provisions of the International Building Code, as amended relating to design, structural members, and connections. All metal, wire cable supports, and braces shall have engineering provided by an engineer licensed in the State of Utah. Signs shall also comply with the applicable provisions of the Electrical Code of Roy City and the additional construction standards as set forth in the Title.

CHAPTER 7 - BILLBOARDS

SECTION:

- 13-7-1: Purpose and Intent
- 13-7-2: Cap on number of Billboards
- 13-7-3: Permitted and Prohibited Locations
- 13-7-4: Removal of Billboards
- 13-7-5: Relocation of Billboards
- 13-7-6: Maintenance of Billboards

13-7-1: PURPOSE AND INTENT:

It is the purpose and intent of this Chapter to limit the number of billboards to the total number of existing billboards. This Chapter further provides for the reasonable regulation of billboards with the intent of limiting negative impacts, enhancing the aesthetics of existing and new billboards, implementing goals and policies promoting safety, the protecting of property values, aesthetics, and the maintenance of gateways, views and vistas, that enhance the City and further the applicable elements of the City's General Plan.

13-7-2: CAP ON NUMBER OF BILLBOARDS:

The number of billboards allowed in the City shall be limited to the number of billboards that have received a legal Roy City permit as shown in Exhibit I. The number of billboards in the City shall never increase. A new billboard shall only be permitted as replacements or relocations of an existing billboard as permitted by this Title.

13-7-3: PERMITTED AND PROHIBITED LOCATIONS:

Billboard Permitted Areas. Billboards shall be permitted in areas as defined by "Exhibit I" attached hereto and incorporated herein. Any billboard not in the designated area shall be considered nonconforming. If differences exist between this Ordinance and Exhibit "I", Exhibit "I" shall take precedence.

I-15 Corridor: Billboards shall be permitted in any non-residential zoning district along the I-15 Corridor, within three hundred feet (300') of the I-15 centerline, measured to the billboard pole.

13-7-4: REMOVAL OF BILLBOARDS:

Prior to the removal of any billboard in Roy City the following requirements must be met:

- A. Permit required. Billboards may be removed by the billboard owner only after obtaining a demolition permit from Roy City. Owners that do not obtain the appropriate demolition permit shall forfeit the right to reconstruct, relocate, build or convert any billboard that is removed without a permit.
- B. Application shall be made by obtaining a demolition permit provided by the Department.

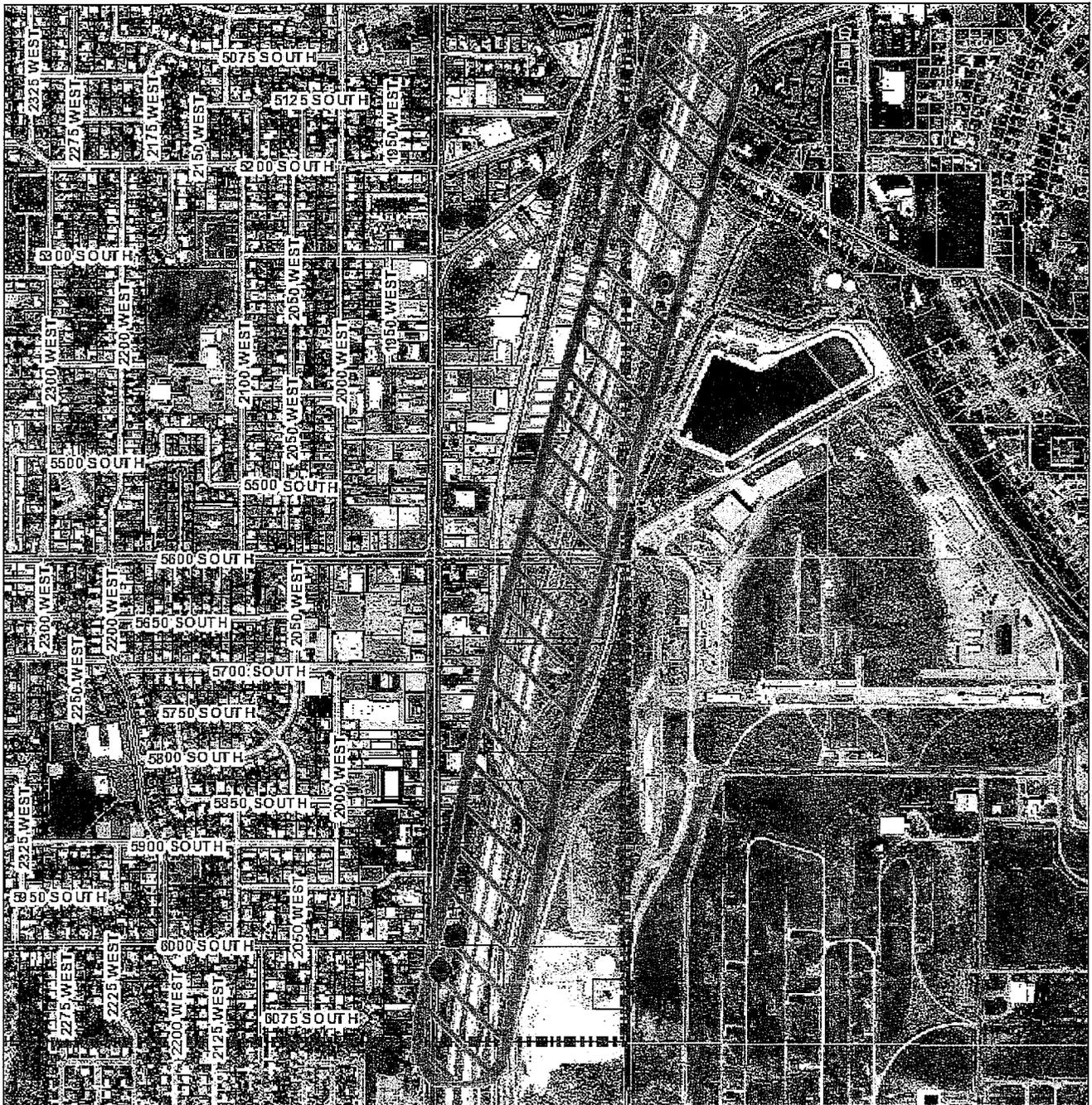
13-7-4: RELOCATION OF BILLBOARDS:

- A. The owner of a billboard may relocate a billboard from any conforming or nonconforming site to a conforming, approved location only after a permit is obtained as set forth in this Title and must comply with other provisions of this Chapter.
- B. Billboards moved to an approved location shall conform to all sign requirements of the new location.
- C. Billboards in an approved location or billboards moving into an approved locations are permitted to convert to digital or enlarge the sign face. However, Billboards n nonconforming locations shall not be permitted to convert or enlarge the sign face.
- D. Owners relocating billboards from a conforming or nonconforming location to a conforming location shall install the relocated billboard within twelve (12) months of the issuance of a demolition permit, with not more than one (1) extension of up to six (6) months each granted by the Department. If the billboard is not installed within the maximum allowed time frame, then the ability to relocate said billboard is forfeited.

13-7-5: MAINTENANCE OF BILLBOARDS:

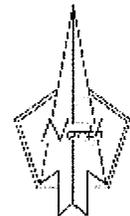
- A. Each billboard shall be maintained in a safe, presentable, and good condition; including the replacement of defective parts, painting, cleaning, removal of old or dilapidated advertisements and other acts required for the maintenance of said sign.
- B. For any structural changes to an existing billboard, a building permit shall be required.

Billboard Permitted Area



Legend

-  City Boundary
-  Parcels
-  Billboard Permitted Area
-  Existing Billboards within Roy
-  Existing Billboards outside of Roy



CHAPTER 8 - ADMINISTRATION AND ENFORCEMENT

SECTION:

- 13-8-1: APPLICATION FOR PERMIT
- 13-8-2: PERMIT FEES
- 13-8-3: PERMIT CONDITIONS AND PENALTIES:

13-8-1: APPLICATION FOR PERMIT:

- A. Application for a permit for the construction, alteration, or relocation of a sign shall be made to the Department upon a form provided by the Department and shall include the following information:
 - 1. Name and address of the owner of the sign.
 - 2. Proof of current Roy City Business License.
 - 3. Street address or location of the property on which the sign is to be located, along with the name, phone number and address of the property owner.
 - 4. Contractor information, to include license number, phone number and address.
 - 5. Value of sign.
 - 6. The type of sign or sign structure as defined in this Title.
 - 7. For wall signs:
 - a. Scale drawings showing square foot dimensions of both the building and the sign, sign composition, and type of illumination.
 - b. A profile drawing of how the sign will appear from the street/parking area and on the building.
 - c. Detail sign construction and attachment including electrical plan.
 - 8. For monument or freestanding sign:
 - a. Number of acres and length of lineal frontage of property.
 - b. A site plan showing the relationship of sign to buildings, property lines, setback from public rights-of-way, intersections, easements and driveways along with the locations and square footage areas of all existing signs on the same premises and adjacent premises within one hundred (100) feet.
 - c. Specifications and scale drawing showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the proposed sign.
 - 9. For pole signs:
 - a. Scale drawings showing square foot dimensions of the sign, height clearance, sign composition, and type of illumination.
 - b. A profile drawing of how the sign will appear from the street/parking area and on the building.
 - c. Detail sign construction and attachment including electrical plan.

10. For temporary signs:

- a. Length of period of display, type of request.
- b. Plot plan showing relationship of sign(s) to buildings, property lines, setback from public rights-of-way, intersections, easements and driveways.

13-8-2: PERMIT FEES:

All applications for permits filed with the Department shall be accompanied by a payment of the initial permit fee for each sign according to a fee schedule set by resolution of the Roy City Council.

13-8-3: PERMIT CONDITIONS AND PENALTIES:

- A. A permit issued by the Department becomes null and void if work is not commenced within one hundred eighty (180) days of issuance. If work authorized by the permit is suspended or abandoned for one hundred eighty (180) days, the permit must be renewed with an additional payment one-half of the original fee.
- B. If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this title.

CHAPTER 9 - VIOLATIONS

SECTION:

13-9-1: PENALTY

13-9-1: PENALTY:

Any person who shall fail to comply with, or shall violate any of the provisions of this Title, or any lawful rules or regulations promulgated hereunder, shall be deemed guilty of a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. The penalty provided herein shall be in addition to any suspension or revocation of any license or permit issued by the City. (Ord. 593, 6-26-1984; amd. 2003 Code)

CHAPTER 10 - CONFLICT

SECTION:

13-10-1: CONFLICT

13-10-1: CONFLICT:

If any portion of this Title is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the city code, the provision which establishes the higher standard shall prevail.



SYNOPSIS

Application Information

Applicant: Jay Lems; Prescott Muir Architects
Lynnda Wangsgard; Weber County Library

Request: Request for Conditional Use approval to allow for a Café vendor business within the New Weber County Library.

Address: Approximately 2039 West 4000 South

Land Use Information

Current Zoning: CC; Community Commercial

Adjacent Land Use: North: R-1-8; Residential, Single Family South: R-1-8; Residential, Single Family
East: BP; Business Park West: BP; Business Park

Staff

Report By: Steve Parkinson

Recommendation: Recommends approval with conditions

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 15 (Conditional Uses)
- Roy City Zoning Ordinance Title 10, Chapter 17 (Tables of Uses)

ANALYSIS

Background:

This business is located within the new Weber County Library. Apparently it was always the intent to have a small café within the building, but upon researching their pervious approvals, nothing was ever mentioned neither on the original application nor within any staff reports or minutes of the Planning Commission and City Council. Thus the need to bring the item before the Commission for review.

Conditional Use Standards: The standards for granting Conditional Uses as contained in the Zoning Ordinance can be summarized by the following:

1. The requested use must be listed as a Conditional Use.
2. The use must comply with setbacks and other zoning standards.
3. The use must be conducted in compliance with the ordinance and any other regulations.
4. The property must be of adequate size to allow the use in a manner that is not detrimental to the surrounding uses.
5. Must be consistent with the goals and policies of the City's General Plan.

The proposed conditional use complies with this checklist, and staff recommends that the application is appropriate to be granted a conditional use. The following sections will further explain the reasons staff feels the application is a supportable Conditional Use.

Location: The application is for a space within the newly constructed county library, which is located at 2039 West 4000 South. This is in the Business Park area and will use the same parking lot as the library. There is enough parking for both uses within the existing parking lot.

Zoning: Zoning on the property is BP; Business Park and a Café (restaurant) type use is listed as a Conditional Use in table 17-2.

Licensing and Operational Regulations: Our ZO requires that the business obtain a City business license as well as inspections from Fire, Building and the Weber/Morgan Health Department. Staff recommends that the Commission make this a condition of approval and staff will verify that all this was done prior to issuing a Roy City Business License.

Future Land Use Designation: The Future Land Use Map designates this property as “Business Park” and Restaurant (Café) fits the criteria for certain of the non-residential zones, and as we have indicated in this report, the application meets the individual regulations established for the use type.

CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed and continued as Business Park..

CONDITIONS FOR APPROVAL

1. Obtain and maintain a business license from Roy City
2. Obtain an inspection from Weber/Morgan Health Department, Roy City Fire Department and Building Department.

FINDINGS

1. The proposed Conditional Use is in keeping with the goals and intent of the General Plan.
2. The proposed Conditional Use meets the requirements as established in the Zoning Ordinance.

ALTERNATIVE ACTIONS

The Planning Commission can recommend Approval, Table or Deny

RECOMMENDATION

Staff recommends approval of the Conditional Use approval, with conditions, to allow a Restaurant (Café) business. Business located at approximately 2039 West 4000 South

EXHIBITS

- A. Aerial Map

EXHIBIT "A" - AERIAL MAP





COMMUNITY DEVELOPMENT DEPARTMENT

established 1937

MEMO

Date: 19 February 2016
To: Planning Commissioners
From: Steve Parkinson – Planning & Zoning Administrator *SP*
Subject: Item # 5 – Discussion of a proposed Chicken Ordinance

I mentioned last meeting that we would be discussing a proposed Chicken ordinance. The Commission had asked for me to also provide a copy of the previous ordinance as was forwarded to the City Council for approval three years ago.

I have attached the following

- Proposed 2016 ordinance
- Point Paper
- Surrounding Cities Ordinances regarding Chickens
 - Riverdale
 - West Haven
 - Ogden
 - Sunset
 - Hooper
 - Clinton
 - Permit packet
- 2013 PC Final Chicken Ordinance
- Planning Commission Minutes
 - July 25, 2015
 - August 14, 2012
 - August 28, 2012
 - September 11, 2012
 - September 25, 2012
 - October 9, 2012

Again this is a discussion, please take a moment and look over all of the information that has been provided. Come ready to discuss the pros & cons of the proposed ordinance.



Proposed Ordinance for Chickens/Rabbits in Roy City

The purpose of this section is to provide supplementary regulations for the keeping of Chickens/Rabbits in the single family zoning districts of the city. It shall be unlawful to keep Chickens/Rabbits in the R-1-6, R-1-7, R-1-8, R-1-10 and R-1-15 zones except as provided in this section.

- 1) Allowance- All single-family residential properties in the R-1-6, R-1-7, R-1-8, R-1-10 and R-1-15 zones that have 8,000 square feet on their property, shall be allowed to have up to six (6) Chickens (excluding roosters and crowing hens), or six (6) rabbits, or a combination of Chickens or Rabbits not to exceed six (6). This would exclude dependent young.
- 2) Permit required- A city permit is required for the keeping of any animal or animals under this section. Permits may only be issued to the property owner of record.
 - a) Fee. The permit fee shall be set forth in the adopted Fee Schedule of the City.
 - b) Renewal. All permits issued under this section are subject to annual inspection and renewal.
 - c) Inspection. Inspections related to a permit issued under this section must be permitted as deemed necessary by the City.
 - d) Revocation. A permit may be revoked by the City for any violation of this section at any time.
 - e) Transfer of Permits. Permits under this section are issued to property owners of specific lots and may not be transferred or assigned to other persons or properties when ownership or residency changes.
 - f) Notice to Adjacent Neighbors. Upon receiving an application under this section, the Zoning Administrator shall cause notice of the application to be sent by mail to all owners of property immediately adjacent to the subject property.
 - g) Site Plan. An application for a permit under this section must be accompanied by a site plan indicating the lot, the primary residence, and the proposed placement of the structures in compliance with the requirements of this section.
 - h) Zoning Administrator. The Zoning Administrator or his or her designee shall be responsible for the review of applications, issuance or denial of permits, inspections, renewals, investigation of complaints, and revocation of permits when necessary.
- 3) Regulations for the keeping of Hens and Rabbits - The issuance of a permit for the keeping of non-crowing, egg-laying Hens and/or Rabbits under this section shall be predicated upon compliance with the following.
 - a) Roosters. Roosters and crowing hens of all kinds are prohibited
 - b) Personal Use Only. The keeping of hens or rabbits is intended only for pleasure or family food production (eggs/meat). No sale of any kind or slaughter is permitted.
 - c) Enclosure Standards. All animals must be contained within an enclosure or fenced area at all times. Such an area shall be entirely with the rear yard. No enclosures will be permitted in the front or side yards.
 1. Structure- All animals kept under this section shall be housed within a covered, predator proof and well ventilated coop or hutch. The structure must provide a minimum of three square feet per animal, with a minimum of six (6) square feet of floor area per chicken to allow for free movement inside the coop. No coop or hutch may exceed seven (7) feet in height. Coops, hutches and enclosures shall have solid walls on all sides, except for opening for access, must have a solid roof, and built to prevent intrusion, including burrowing of all types of rodents, vermin, and predatory animals.
 2. Location. All structures provided under this section shall be located a minimum of thirty (30) feet from any dwelling on an adjacent lot, ten (10) feet from any property line and ten (10) feet from any dwelling on the same lot.
 3. Maintenance. . Coops, hutches and enclosures shall be cleaned and maintained as necessary to prevent detectable odor at the property line. All coops or hutches must be maintained in good repair and painted or stained annually.
 4. Screening. Hens shall not be permitted to roam outside the screened yard area of the coop
 5. Feed. Feed for animals kept under this section must be stored and dispensed in rodent proof, predator-proof containers.
 6. Wastewater. Wastewater from the use of the animals or related to the maintenance of the structure shall be retained or disposed of entirely on the property.

POINT PAPER Raising Chickens in Roy City

ISSUE:

Roy City needs to address and bring to closure the increasing demands from residents in their desire to raise chickens within single-family residential zones.

BACKGROUND:

- Chicken hens do not need a rooster to lay eggs.
- Since 2012 through 2015 there has been repeated requests by numerous Roy City residents for the city to change the current zoning ordinance and authorize the raising of chickens on single residential properties 10,000 square feet or less.
 - Current ordinance only authorizes raising chicken in RE-20 zones.
- A number of cities along the Wasatch front have answered their resident's requests to allow chickens in residential areas that include, Centerville, Clinton, Draper, Farmington, Maysville, Layton, Lehi, Lindon, Orem, Provo, Salt Lake City, Sandy, South Weber, Syracuse, St. George, Bountiful, West Point, West Jordan, West Valley City, Pleasant Grove, Taylorsville, and Woods Cross. (source Deseret News article)
- Throughout the last couple years the city has tried to address this issue. In 2013 the Roy City Planning Commission had forwarded a proposed, some said complicated, draft ordinance to the City Council without giving a recommendation for approval or denial. In part because of the commission's inability to render a recommendation, the Roy City Council on Feb 19, 2013 moved to deny the ordinance change by a vote of 4 to 1.
- During the Aug 2014 Roy City Council meeting a number of residents voiced their interest again for the city to change the ordinance. It was stated then, that a petition would be started to collect the necessary signatures to get it on the ballot.
- In 2015 Roy City resident's gathered approximately 1783 signatures in attempt to place on the 2015 ballot an ordinance change allowing Roy City resident's a choice to raise chickens on their single family home residence. The organizers missed getting it on the ballot by about 30 qualified voters. The following table outlines the problems and numbers.

Unreadable	Not Registered	Bad Address	Not Matching	Other	Duplicate	Valid
6	179	100	61	50	7	1380
Petition Issues: Overall, signatures problems were the main issue for the petition were invalidated because the voter was not a registered voter or not registered in Roy City (failure to update voter registration). In some cases a voter may have listed a Roy address on the petition but was registered in another Weber County city. Signatures invalidated based on the signature were due largely to discrepancies in the surname (maiden/married name). Again, a voter has failed to update their voter registration.						

DISCUSSION:

- There is no question that each year there are more people in Roy City pushing for the right to raise chickens. Each of the last 3 years there has been a continual increasing interest from Roy City residents for the City Council to authorize a change in the ordinance in raising chickens.
 - In 2012 – 50 signatures on a petition
 - In 2014 – 142 signature signatures on a petition
 - In 2015 – 1,783 signatures on a petition
 - In 2015 had the persons handling the initiative petition provided a series of quality control questions to individuals as they signed the document, they might have prevented the problems thereby allowing the initiative to be on the ballot.
- The surprising component to the increasing interest to raising chicken is the age of supporters. According to the 2013 USDA study on urban chickens, most of the people in favor of laws allowing chickens in their community are 34 years old and younger, and the majority of the younger generation are pro-chicken. This appears to go against conventional wisdom where one would conclude that the older generation want chickens to rekindle childhood memories.
- Not everyone who signs the petitions are necessarily going to actually raise chickens. One of the few national urban poultry studies, conducted by the U.S. Department of Agriculture in 2013, looked at

backyard chickens in four cities - Los Angeles, New York, Miami and Denver. It found that only between 0.2 and 1.7 percent of urban households have chickens. These numbers are in-line with the estimated percent found in Bountiful City.

- o Bountiful has a chicken ordinance allowing individuals to raise chicken in residential areas. The table below outlines the demographics elements of both cities, Roy and Bountiful.

2013 Data	Roy City	Bountiful City
Population	37,733 (100% urban, 0% rural)	43,023 (99% urban, 1% rural)
Median resident age	31.9 years	34.5 years
Est. median household income	\$58,909	\$65,636
Est. per capita income	\$21,803	\$28,111
Est. median house or condo value	\$157,426	\$247,118

In a recent conversation with the Bountiful City Manager on Dec 3, 2015, Mr. Gary Hill provided the following information:

- o He personally heard from many that they appreciated that there is a way to keep chickens legally and most are okay with the limit of 8 chickens and no roosters.
- o Of the estimated 43,000 residents they have only 82 active Chicken Licenses in the city, about 0.68 percent (based on approximately 12,000 homes).
- o He stated that his city received 5 complaints related to chickens (out of 196 total formal complaints to date). Most cases are resolved fairly quickly and about half arise from roosters being kept.
- o Chicken complaints made up only 3 percent of our code enforcement cases this year and did not place more of a burden on the code enforcement officer.
- o Since there is a way to legally keep chickens, most people will voluntarily comply by getting rid of roosters and extra chickens and when necessary bringing coops and pens into compliance with Code.
- It appears one of the many reasons for the increasing demand to raise chickens for their eggs in communities, centers on the organic food movement, specifically less pesticides, no antibiotics, and other environmental contaminants. The urban chicken supporters seem less interested in experiencing "farm life".
 - o A USDA study, reported on trends in local and regional food in the nation. By 2012, 7.8 percent of the nation's farms sold their food through local channels like farmers' markets and fruit stands. Suggesting that more people are looking to purchase food outside the conventional grocery stores.

The local religious culture might also be driving the increase interest in raising chickens by encouraging members to be self-reliant.

- Issues that homeowner must face when raising chickens (source Deseret News article):
 - o **Noise** - Noisy roosters top the list of problems, and in many areas ordinances prohibit keeping adult male birds.
 - o **Expense** - Store-bought eggs are a bargain when compared to the possible total cost of keeping a backyard flock. Setting up a coop with all the equipment can easily cost a few hundred dollars. Then an aspiring chicken rancher must feed and maintain the chicks for five or six months. Only then will he be able to start collecting eggs. According to www.poultrykeeper.com, in the first 18 months of its life, an exceptional hen could lay up to 250 eggs. At a price of \$2 a dozen, that is \$42 worth. Multiplied by five chickens, that amounts to about \$210. However, if the owner has all of the equipment, the cost of raising chickens is about the same as buying them.

Breaking Even	
The cost of eggs from the backyard versus the supermarket are roughly the same, according to information provided by Intermountain Farmers Association.	
The average hen eats about 91 lbs of feed per year. At \$0.36 per pound, annual feed cost comes to \$32.76	The average hen lays about 259 eggs per year, or 22 dozen. If each dozen eggs cost \$1.48 then the total comes to \$32.76

- o **Garden damage** - *Chickens are living cultivators and rototillers. That can be a good thing when they are eating bugs and weeds. Unfortunately, chickens can't distinguish between weeds and newly emerging garden vegetables.*
- o **Smell and mess** - *Anyone who has been near a commercial chicken operation has undoubtedly experienced some unpleasant scents. Fortunately, keeping a few chickens at home is not comparable. One benefit of Utah's dry climate is that there is little smell or mess with properly maintained backyard chickens. Six chickens produce about the same waste as a medium-sized dog.*
- o **Predators** - *Even in urban areas, chickens could attract predators. In Utah, specifically Roy City the list could include raccoons, skunks, hawks, magpies, dogs and cats. Some are primarily interested in eggs or young chickens. A sturdy enclosure and regular maintenance are necessary.*
- o **Constant care** - *Chickens need daily attention. They must have food and fresh water. Eggs must be collected daily. Coops must be cleaned regularly (at least a couple times each month). Nesting and bedding materials must be provided and changed. Ignoring any of these tasks for even a day or two is irresponsible.*
- Issues that Roy City must face if allowing residents to raise chickens in areas other than RE-20 zones.
 - o Development of an ordinance that allowed chickens, no roosters, on single family residential homes with property 10,000 square feet or less, only for personal consumption.
 - With so many cities along the Wasatch front who are currently authorizing the raising of chickens, the Roy City Planning Commission could plagiarize on existing ordinances and easily develop a simple to use and enforceable document (see attachments).
 - The Planning Commission could encourage public input to the process.
 - o Compliance and enforcement would be an important part of this effort. However, there is no evidence to suggest additional manpower would be necessary. There already exist ordinances that deal with important elements of the enforcement process that the proposed chicken raising ordinance could reference.
 - Roy City Code / Title 5 - Law Enforcement I Chapter 1 - Animal Control

5-1-1 Definitions	LIVESTOCK: Any normally domesticated animal that is not a dog or a cat, such as cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc.
5-1-9 Control of Animals by Owners	C. Livestock: It shall be unlawful for any person owning or having custody, possession or control of any livestock to allow, either negligently or with specific intent, the livestock to run at large in or about public property or a roadway, where such is not permitted by law, or otherwise permit the animal to be herded, pastured or to go upon the ground of another without permission. D. Domestic Fowl: It shall be unlawful for the owner of any domestic fowl, such as turkeys, ducks, geese, chickens, peacocks, or any other variety of fowl, to permit such fowl to trespass or go upon the premises of another or to run at large on any public property or roadway. (Ord. 975, 11-21-2006)
5-1-14 Public Nuisance Animals	No person shall fail to exercise proper care and control of animals within their custody to prevent them from becoming a public nuisance. Any animal which engages in the following conduct or the existence of any of the following conditions is an infraction, and is hereby declared a public nuisance: E. Animal entering upon public or private property in such a manner as to annoy or interfere with the public's or owner's enjoyment or use of the property, or causes damage to that property; F. Harboring, keeping or maintaining more animals on premises than authorized by law after a written notice or citation for violation has been given. G. Failure to remove animal waste as required by law

- It had been suggested, and the Planning Commission could consider, that an applicant be made aware that the City would notify all adjacent property owners about the domestic livestock. It was felt the some problems could be alleviated by notifying neighbors up front.
- o The Planning Commission could also address whether or not a fee would be

necessary when applicants apply to the City for a permit to raise chickens.

CONCLUSION

All the information provided clearly indicates that authorizing Roy City residents, living in single family homes with properties 15,000 square feet or smaller, to raise chickens is low risk to the city.

- There is no indication that the city would need additional personal for enforcement.
- There is no indication that there would be any more complaints than what the city would receive normally for animals already authorized within the city.
- There is no indication that hundreds of residents would even want to take on the responsibility of raising chickens. Good chance somewhere between 50 to 150 households would request a permit.
- If the applicant would properly maintain the coops, not raise roosters, and perform routine housekeeping; issues like predators and neighbor complaints would be mitigated.

The important features in changing the ordinance are:

- It gives the residents a right to choose for themselves, whether or not they want to raise chickens. Many cities around Roy give their residents that right, why not ours.
- It gives individuals / families the opportunity to have control over what they choose to consume and to them supports a healthier life style.
- It reduces the stigma of governmental control over the simplest elements in people's lives.
- Finally, it brings to closure a subject that has consumed numerous city agendas for many years.

RECOMMENDATION

Recommend that the Roy City Council move and direct the Roy City Planning Commission to develop 1 recommend an ordinance that allows residents, living in single family homes with properties size 15,000 sq. ft. and smaller, to raise chickens (no roosters) for personal consumption and not sale. With new members on the current Planning Commission, they should be able to provide a fresh look at the ordinance. With public input, the city could have a comprehensive ordinance.

Attached Documents

1. Bountiful Chicken Ordinance
2. Layton City Chicken Ordinance
3. Kaysville City Animal Ordinance

(Sources used to develop this Point Paper provided by Ogden Standard Examiner articles, Deseret News articles, numerous Roy City Council and Planning Committee meeting minutes, Weber County Clerk Office, Bountiful City Offices, Roy City Ordinances, numerous website sources)

Bountiful City Chicken Ordinance

CHAPTER 22 - CHICKENS IN SINGLE-FAMILY RESIDENTIAL ZONES

14-22-101 OWNERSHIP AND MAINTENANCE

- A. The keeping and maintenance of residential chickens is allowed within the City only as provided in this Title.
- B. Any chicken kept as provided by this Title shall not be deemed a household pet.
- C. A City license is required for the keeping of chickens allowed by this Title.
 - 1. A license shall be a one-time application and shall be signed by the property owner.
 - 2. A license does not run with the land.
 - 3. There shall be a one-time license fee of five dollars (\$5.00).
 - 4. Application for, and acceptance of a license is prima facie evidence that a person agrees to abide by all the conditions and regulations of this Title.
 - 5. A license may be revoked for any violation of this Title.
- D. *It shall be unlawful for any person to keep any chicken in a manner contrary to the provisions of this Title. Any such violation shall be a class B misdemeanor.*
- E. A chicken shall be kept strictly for familial gain from the production and consumption of eggs, and there shall be no sale or income resulting from the keeping of a chicken.
- F. Up to eight (8) hens may be kept on a residential lot in accordance with the following:
 - 1. A chicken shall only be kept on a property containing a single-family detached dwelling unit.
 - 2. A chicken shall be kept in a coop or enclosed area at all times.
 - 3. No chicken shall be permitted to roam outside a coop or enclosed area.
 - 4. A coop shall be covered, ventilated, and rodent- and predator-resistant.
 - 5. A coop shall not be constructed of scrap or dilapidated materials.
 - 6. The exterior of any coop shall be painted or treated with a similar product.
 - 7. It is unlawful to keep a rooster or crowing hen.
 - 8. Any coop or enclosure shall be located in the rear yard of the main dwelling.
 - 9. Any coop or enclosure shall be located at least twenty (20) feet from any primary residential dwelling on an adjoining property, and at least five (5) feet from any property line.
 - 10. Any time a heating device is employed in a pen or coop, such pen or coop must be separated at least ten (10) feet from any dwelling structure.
 - 11. Any coop and any roaming area shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent a detectable odor at the property line.
 - 12. Chicken feed shall be stored and dispensed in a rodent-proof and predator-proof container.
 - 13. No growth or vegetation other than sod grass is permitted within five (5) feet of any coop.
 - 14. The area within five (5) feet of the perimeter of any coop shall be unobstructed, except that the rear of a coop may be attached to another structure.
 - 15. A chicken may not be kept, and a coop may not be constructed, on any property that is in violation of a City Ordinance or where the owner or resident is being prosecuted for a violation.
- G. Any chicken that is outside of an approved coop or enclosed area may be confiscated by any agent of the City.

Layton City Ordinance on Chickens

19.06.080. Farm animals

- (2) **Residential** chickens. The purpose of this Section is to provide regulations for the keeping of chickens in residential zoning districts. For the purpose of this Subsection, the term "chicken" refers only to the female, or hen, of the species. Chickens in residential zoning districts may be kept in a way which will ensure the continued health and welfare of Layton residents and maintaining the residential character of Layton City neighborhoods while permitting a more sustainable way of living. Any resident with the intent of keeping chickens within a residential neighborhood on lots with a minimum often thousand (10,000) square feet shall comply with the following provisions:
- (a) Chickens in residential subdivisions shall be allowed in the R-1-6, R-1-8, R-1-10, and R-S zoning districts. All other fowl associated with being kept outdoors are prohibited in R-1-6, R-1-8, and R-1-10 zones. In R-S (residential suburban) and A (agriculture) zoning districts additional chickens are allowed as outlined in Section 19.06.080 of this Code.
 - (b) Lots in residential subdivisions shall have no more than six (6) hens on a property with a minimum overall lot area of ten thousand (10,000) square feet.
 - (c) A City permit is required for all chicken coops together with a Thirty Dollar (\$30.00) annual permit fee. The permit application shall include a plot plan based on the following guidelines:
 - (i) The coop, pen, cage, or similar structure shall be restricted to the rear or backyard of a residential use, and shall be located not less than five feet (5') from any property line.
 - (ii) No coop, pen, cage, or similar structure shall exceed one hundred twenty (120) square feet (includes coop space and chicken run) and shall be no taller than seven feet (7') at the highest point of the roof.
 - (iii) All animals must be kept in an area enclosed by a fence sufficient to prohibit escape; this is in addition to the coop, pen, cage, or other similar structure.
 - (d) All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. Waste and debris must be kept from becoming offensive or a health hazard.
 - (e) Roosters are not permitted in R-1-6, R-1-8, R-1-10, and R-S zoning districts.
 - (f) No slaughter is allowed.
 - (g) A permit may be revoked upon the conviction of the permit holder of a violation of this Section.

Kaysville Farm Animal Ordinance

CHAPTER 24

FARM ANIMALS

17-24-1 Purpose

17-24-2 Animal Allowance

17-24-3 Yard and Structure Regulations

17-24-4 Other Requirements

17-24-1. Purpose. This chapter establishes the standards by which farm animals may be kept within Kaysville City in a manner that will protect the public health and minimize the potential for nuisance.

17-24-2 Animal Allowance. Rooster chickens are not permitted in R-T, R-I, R-D, R-2, R-4 and R-M zones. The minimum residential lot size for the keeping of farm animals within any zone district shall be 8,000 square feet. The kind and number of animals that may be kept on a lot in any zone district (not including suckling offspring) is as follows:

Animals	Minimum Lot Size in Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar animals	8,000	1,600
	14,000	1,400
	20,000	800
	21,780	435
Sheep, goats, llamas or similar animals	20,000	10,000
	21,780	5,445
Horses, cattle or similar animals	21,780	10,890
Swine, including pot belly pigs	43,560	43,560

17-24-3 Yard and Structure Regulations.

- (1) Structures for the care and keeping of fowl, rabbits or similar animals may be permitted in all districts where fowl, rabbits or similar animals are permitted, provided that all such structures are located at least fifteen feet (15') from all buildings on adjacent lots predominantly used or occupied by humans. Other structures for the care and keeping of farm animals except swine, may be permitted in all districts where farm animals are permitted, provided that all such structures are located at least fifty feet (50') from all buildings on adjacent lots predominantly used or occupied by humans. Structures for the care and keeping of swine shall be located at least two hundred feet (200') from all buildings on adjacent lots predominantly used or occupied by humans.
- (2) Applicant shall show that odor, dust, noise, or drainage will be so controlled as to not constitute a nuisance or hazard to adjoining property or uses.

17-24-4 Other Requirements. In zoning districts where farm animals are allowed as a conditional use, the provisions of this chapter shall be the minimum requirements. The Planning Commission may add additional conditions as provided in Chapter 17-30.

RIVERDALE CITY

Chapter 8 - AGRICULTURAL ZONES (A-1, A-2)

10-8-2: PERMITTED USES IN THE A-1 ZONE:

- Animals or fowl kept for family food production.

10-8-3: A-2 ZONE PERMITTED USES REQUIRING TWO ACRES MINIMUM LOT AREA:

- All permitted uses allowed in the A-1 zone are allowed in the A-2 zone.

Chapter 9 - RESIDENTIAL ZONES

ARTICLE A. RESIDENTIAL ESTATE ZONES (RE-15, RE-20)

10-9A-2: PERMITTED USES:

- Accessory building and use that is incidental to a dwelling on the same lot or property and in compliance with all Riverdale City ordinances that regulate the use of accessory buildings.
- Agriculture.
- Church, synagogue or similar building used for regular religious worship.
- Cluster subdivision, in accordance with chapter 23 of this title.
- Educational institution.
- Golf course, except miniature golf.
- Greenhouse and nursery, limited to sale of material produced on premises and with no retail shop operation.
- Household pets.
- Parking lot accessory to use permitted in this zone.
- Public building, Public Park, recreation grounds and associated buildings.
- Single-family dwelling.
- Temporary building or use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work. (1985 Code § 19-16-2; amd. 2001 Code; Ord. 784, 4-19-2011)

10-9A-3: PERMITTED USES REQUIRING FORTY THOUSAND SQUARE FEET MINIMUM LOT AREA:

- Animals and fowl kept for family food production.
- Private stables; horses for private use only; and provided, that no more than two (2) horses may be kept for each one acre within any lot. (1985 Code § 19-16-3; amd. 2001 Code)

ARTICLE B. SINGLE-FAMILY RESIDENTIAL ZONES (R-1-10, R-1-8, R-1-6, R-1-4.5)

10-9B-2: PERMITTED USES:

- Accessory building and use that is incidental to a dwelling on the same lot or property and in compliance with all Riverdale City ordinances that regulate the use of accessory buildings.
- Agriculture, nurseries and greenhouses, provided the sale of goods is limited to material produced on the premises.
- Church, synagogue or similar permanent building used for regular religious worship.
- Cluster subdivision, in accordance with chapter 23 of this title.
- Educational institution, public schools, private with similar curriculum, daycare/preschool centers.
- Golf course, except miniature golf.
- Household pets.
- Parking lot accessory to uses permitted in this zone.
- Planned residential unit development, in accordance with chapter 22 of this title.
- Public building, Public Park, public recreation grounds and associated buildings.

- Single-family dwellings.
- Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work. (1985 Code § 19-17-2; amd. Ord. 784, 4-19-2011; Ord. 802, 4-3-2012)

10-9B-3: CONDITIONAL USES:

- The following uses shall be permitted only when authorized by a conditional use permit as provided in chapter 19 of this title:
- Home occupation.
- Private Park, playground or recreation area, but not including privately owned commercial amusement business.
- Public utility substation or water storage reservoir developed by a public agency.
- Zero lot line single-family dwelling. (1985 Code § 19-17-3)

WEST HAVEN

CHAPTER 3

RESIDENTIAL ZONES RE-15, RE-20

SECTION 2 - PERMITTED USES:

1. Accessory building or use customarily incidental to a permitted or condition use.
2. Agriculture and agricultural experiment station.
3. Animals and fowl kept for family food production as an incidental and accessory use to the residential use of the lot.
4. Church, synagogue or similar building used for regular religious worship.
5. Cluster subdivision, in accordance with Zoning Ordinances of the City of West Haven.
6. Corral, stable or building for keeping of animals or fowl, provided such building shall be located not less than one hundred (100) feet from a public street, and not less than twenty-five (25) feet from any side or rear lot line.
7. Golf course, except miniature golf.
8. Green house and nursery limited to sale of material produced on premises and with no retail shop operation.
9. Home occupation.
10. Household pets.
11. Parking lot accessory to use permitted in this zone.
12. Planned Residential Unit Development in accordance with Chapter 12 of this Zoning Ordinance.
13. Private stables; horses for" private use only, and provided that not more than one (1) horse may' be kept for each, one-half (1/2) acre within any lot and no horses shall be kept on any lot of less than one-half (1/2) acre in area.
14. Public building; public park, recreation grounds and associated buildings, public schools; private educational institutions having a curriculum similar to that ordinarily given in public schools.
15. Single family dwelling.
16. Temporary building or use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

SECTION 3 - PERMITTED USES REQUIRING 40,000 SQ FT MINIMUM LOT AREA:

- None Included

SECTION 4 - PERMITTED USES REQUIRING FIVE ACRES MINIMUM LOT AREA:

1. Farms devoted to the hatching, raising (including fattening as incident to raising) of chickens, turkeys or other fowl, rabbit, fish, frogs or beaver hatched or raised on the premises.
2. Raising and grazing of horses, cattle, sheep or goats, including the supplementary feeding of such animals, provided that such raising or grazing is not a part of, nor conducted in conjunction with any livestock feed yard, livestock sales yard, slaughterhouse, animal by-products business or commercial riding academy

SECTION 5 - CONDITIONAL USES:

The following uses shall be permitted only when authorized by a Conditional Use Permit as provided in Chapter - 11- of this Zoning Ordinance.

1. Child Day Care or Nursery.
2. Private Park, playground or recreation grounds and buildings not open to the general public and to which no admission is made but not including privately owned commercial amusement business.
3. Public utility substation or water storage reservoir developed by a public agency and meeting requirements of Chapter ~ of this Zoning Ordinance.
4. Residential Facilities for Handicapped Persons meeting the requirements of Chapter ~ of this Ordinance

R-2 ZONE A RESIDENTIAL LOW-MODERATE DENSITY ZONE (2 UNITS PER ACRE)

1.2 PERMITTED USES:

1. Accessory uses and buildings.
2. Agriculture.
3. Dwellings, one-family.
4. Animal keeping on lots of one (1) acre or more.
5. Home occupations, except preschools and daycare.
6. Pets, the keeping of household pets.

R-2.5 ZONE - A RESIDENTIAL MODERATE DENSITY ZONE (2.5 UNITS PER ACRE)

1.2 PERMITTED USES:

1. Accessory uses and buildings.
2. Agriculture.
3. Dwellings, one-family.
4. Animal keeping on lots of one (1) acre or more.
5. Home occupations, except preschools and daycare.
6. Pets, the keeping of household pets.

CHAPTER 5

AGRICULTURAL ZONE A-1

SECTION 3 PERMITTED USES

1. Accessory building or use customarily incidental to any permitted or conditional use.
2. Agriculture, agricultural experiment station; apiary; aviary; aquarium.
3. Animals or fowl kept for family food production as an accessory use.
4. Cemetery; chinchilla raising, child day care, convalescent or rest home.
5. Church, synagogue or similar building used for regular religious worship.
6. Cluster subdivision in accordance with Zoning Ordinances of the City of West Haven.
7. Corral stable or building for keeping animals or fowl, provided, such structure shall be located not less than one hundred (100) feet from a public street and not less than twenty-five (25) feet from any side or rear lot line.
8. Fruit or vegetable stand for produce grown on the premises only.
9. Golf course, except miniature golf course
10. Home occupation
11. Greenhouse, and nursery limited to sale of materials produced on premises and with no retail shop operation.
12. Household pets.
13. Parking lot accessory to uses allowed in this zone.
14. Planned Residential Unit Development in accordance with Chapter 12 of this Zoning Ordinance.
15. Private park, playground or recreation area but not including privately owned commercial amusement business.
16. Private stables; horses for private use only, provided that not more than two (2) horses may be kept for each one-half (1/2) acres within any lot
17. Public building; public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.
18. Residential Facility for Handicapped Persons meeting the requirements of Chapter 15 of this Ordinance.
19. Single family dwelling.
20. Sugar beet loading or collection station.
21. Temporary buildings or use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

SECTION 5 PERMITTED USES REQUIRING FIVE (5) ACRES MINIMUM LOT AREA

1. Dairy farm and milk processing and sale provided at least fifty (50) percent of milk processed and sold is produced on the premises.
2. Farms devoted to the hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.
3. Fruit and vegetable storage and packing plant for produce grown on premises. Zoning Ordinance of the City of West Haven Page 38 Chapter 5 Agriculture Zone A-1
4. The keeping and raising of not more than ten (10) hogs, more than sixteen weeks (16) old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.
5. The raising and grazing of horses, cattle, sheep or goats as part of a farming operation including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughter house shall:
 - a. not exceed a density of twenty-five(25) head per acre of used land;
 - b. be carried on during the period of September 15 through April 15 only.
 - c. be not closer than three hundred (300) feet to any dwelling, public or semipublic building on an adjoining parcel or land; and
 - d. not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.
6. The use of farm equipment by a farm operator for off-farm contracting work to supplement farm income

CHAPTER 6

AGRICULTURAL ZONE A-2

SECTION 3 PERMITTED USES

1. Accessory building or use customarily incidental to any permitted or conditional use.
2. Agriculture, agricultural experiment station; apiary; aviary; aquarium.
3. Animals or fowl kept for family food production as an accessory use.
4. Cemetery; child day care; convalescent or rest home.
5. Church, synagogue or similar building used for regular religious worship.
6. Cluster subdivision in accordance with Zoning Ordinances of the City of West Haven.
7. Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than one hundred (100) feet from a public street and not less than twenty-five (25) feet from any rear or side lot line.
8. Fruit or vegetable stand for produce grown on the premises only.
9. Golf course, except miniature golf course.
10. Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
11. Home occupation.
12. Household pets.
13. Parking lot accessory to uses allowed in this zone.
14. Planned Residential Unit Development in accordance with Chapter 11 of this Zoning Ordinance.
15. Private Park, playground or recreation area, but not including privately owned commercial amusement business.
16. Private stables, horses for private use only and provided that not more than two (2) horses may be kept for each one-half (1/2) acre within any lot.
17. Public building; Public Park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.
18. Single family dwelling.
19. Sugar beet loading or collection station and dump sites.
20. Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work
21. Chinchilla raising.

SUNSET

Chapter 5 - ZONE REGULATIONS

10-5A-1: PERMITTED USES:

In residential zone R-1, no building or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

Accessory uses and buildings customarily incidental to those listed below.

- Churches, except temporary revival tents or buildings.
- Greenhouse, noncommercial only.
- Home occupation.
- Household pets. (See section 10-5A-6 of this article for regulations on household pets.)
- Libraries, museums, art galleries.
- Limited agricultural uses.
- Public parks, public recreational grounds and buildings; public buildings, public utilities.
- Public schools; private educational institutions having a curriculum similar to that ordinarily given in public schools; child daycare or nursery.
- Signboard, one unlighted, not exceeding eight (8) square feet in area, appertaining to the lease or sale of the property, also a bulletin board not exceeding eighteen (18) square feet in area erected upon the premises of a church or other institution for the purpose of displaying the name and activities of services therein; provided, that such signboard must be set within ten feet (10') of the building lines; one identification sign not exceeding twelve (12) square feet in area for buildings other than dwellings.
- Single-family dwellings.
- Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction. (Ord., 10-17-1988)

10-5A-2: CONDITIONAL USES:

The following uses shall be permitted only when authorized by a conditional use permit, as provided in chapter 6 of this title:

- Private park, playground or recreation area, but not including privately owned commercial amusement business. (Ord. 16-18-78, 6-22-1978)

10-5A-6: HOUSEHOLD PETS:

The city of Sunset hereby adopts by reference, the Davis County comprehensive animal control ordinance, as amended, with the following exceptions:

- A. In addition to the number of dogs and cats allowed in the Davis County comprehensive animal control ordinance, one seeing eye, search and rescue or other aid dog may be allowed under the following circumstances:
 1. A conditional use permit is issued by the planning commission. In addition to the typical items considered by the planning commission for a conditional use, the following shall also be reviewed:
 - a. The location and size of any outdoor pens, runs or enclosures;
 - b. The owner's demonstrated ability to keep the additional animal in a clean and healthy environment, and in a manner that is not contrary to the general health and welfare of the citizenry;
 - c. The animals will be kept in accordance to all Davis County health and Davis County animal control requirements; and
 - d. The premises shall be subject to inspection annually by the community development department.
 2. The aid dog is certified to serve in the capacity intended by the independent and qualified agency. Aid dogs that are in the process of being trained shall have not more than six (6) months to become certified unless a longer period is granted by the planning commission. The certification of the aid dog is subject to inspection annually by the community development department. Failure to obtain the certification in the prescribed time period, and maintenance of it thereafter, shall result in the revocation of the conditional use permit.

- B. A dwelling may have a total of six (6) animals (not including animals listed in subsection A of this section) or fowl customarily kept within the home including, but not limited to, hamsters, guinea pigs, parakeets, canaries, etc. Said animals shall be for family use only and not raised for commercial purposes. (Ord. 2012-01, 4-17-2012)

ARTICLE B. RESIDENTIAL ZONE R-3

10-5B-1: PERMITTED USES:

In residential zone R-3, no building or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- Any use permitted in residential zone R-1. (Zoning Ord.; amd. Ord. 16-18-78, 6-22-1978; 1997 Code)

10-5B-2: CONDITIONAL USES:

The following uses shall be permitted only when authorized by a conditional use permit as provided in chapter 6 of this title:

- Multiple-family dwellings.
- Private park, playground or recreation area, but not including privately owned commercial amusement business.
- Two-three- and four-family dwellings. (Ord. 16-18-78, 6-22-1978; amd. 1997 Code)

OGDEN

Chapter 2

DEFINITIONS - 15-2-9: "H" DEFINITIONS:

- HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, or canaries, but not including a sufficient number of dogs or cats to constitute a "kennel", as defined in this chapter.

(Ord. 2012-10, 2-28-2012)

Chapter 15 - SINGLE-FAMILY RESIDENTIAL ZONES R-1-5, R-1-6, R-1-8, R-1-10

15-15-1: PURPOSE AND INTENT:

The purpose of the R-1-10, R-1-8, R-1-6, and R-1-5 zone classifications is to provide regulated areas for single-family residential uses at four (4) different low density levels. The R-1-5 zone located in the East Central Community, defined for the purposes of this chapter as the area between Harrison Boulevard and Washington Boulevard and between 30th Street and 1850 South, includes additional site standards and design guidelines to ensure context design with the historic character of that specific area of R-1-5 zone.

(Ord. 2011-4, 1-18-2011)

15-15-2: PERMITTED USES:

- Accessory buildings and uses customarily incidental to any permitted use.
- Agriculture.
- Church, synagogue or similar permanent building used for regular religious worship.
- Cluster subdivision, in accordance with chapter 9 of this title.
- Daycare centers, provided the facility is located on the same site as an educational institution.
- Educational institution.
- Golf course, except miniature golf course.
- Greenhouse, noncommercial only.
- Home occupation.
- Household pets.
- Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.
- Public building, public park, recreation grounds and associated buildings.
- Residential facilities for persons with a disability (see section 15-13-15 of this title for facility requirements).
- Residential garage sales or yard sales.
- Single-family dwelling.
- Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

(Ord. 2011-4, 1-18-2011)

15-15-3: CONDITIONAL USES:

The following uses shall be permitted only when authorized by a conditional use permit as provided in chapter 7 of this title:

- Planned residential unit development (PRUD), in accordance with chapter 8 of this title.
- Private park, playground, or recreation area, but not including privately owned commercial amusement business.

- Privately operated concession or amusement business in a public park.
- Public school bus terminal, subject to the following standards:
 - A. School buses are owned and operated by the school district;
 - B. Facility is located in conjunction with school administrative offices; and
 - C. Accessory maintenance and fuel operations must be specifically applied for and approved.
- Public utility substation or water storage reservoir developed by a public agency.

(Ord. 2011-4, 1-18-2011)

HOOPER CITY

10-4A-16.1 KEEPING OF LIVESTOCK: Where allowed by the applicable base district, the keeping of livestock as an accessory use within the City of Hooper shall conform to the following standards.

A. Purpose. To set forth reasonable standards for the keeping and care of livestock that promote responsible animal husbandry; protect private property rights; help maintain neighborhood compatibility; and protect the health, safety, and welfare of the general public.

B. Standards for the Keeping of Livestock

1. A minimum of 20,000 square feet is required to qualify for the keeping of livestock unless a conditional use permit is granted by the City. Any lot of 20,000 square feet or more shall be eligible for one (1) animal unit for each 10,000 square feet of property within the lot. A conditional use permit must be approved by the City in order to keep livestock on any lot less than 20,000 square feet in size. All livestock must be confined on the owner's property.
 - a. Exception - Any owner of a residential property, which is less than 20,000 square feet, may keep a maximum of ten (10) chicken hens so long as the chickens are kept in a coop or run and all other requirements for keeping livestock are met.
2. Any structure used for the keeping of livestock including, but not limited to barns, stables, sheds and corrals shall be located a minimum of 50 feet (35 feet for chicken coops and runs) from a dwelling owned by another person.
3. Property owners keeping livestock in accordance with the above standards must maintain such animals in a manner that does not create an unreasonable impact on neighboring properties. Potential negative impacts include, but are not limited to odors, noise, drainage, erosion and flies. Any person keeping livestock is responsible for the regular removal and disposal of animal waste, and the control of insects, erosion and odor. Failure to maintain the property in accordance with these requirements shall be considered a violation of this ordinance.
4. Keeping of livestock in greater numbers than outlined herein will be allowed on a conditional use basis. Any livestock in excess of the limits set herein, already being kept on the date of this ordinance, will require an application for a conditional use be filed. All such applications will be acted upon as set out in Chapter 5 of this title.
5. The offspring of animals legally kept pursuant to this section may be maintained on the property until maturity without being counted toward the animal units allowed for the property. (Maturity to be determined by qualified authority to be selected by the City Administration.)

CLINTON CITY

CHAPTER 3 – REGULATIONS TO ALL ZONES

28-3-9 - Special Provisions Relating to the Keeping of Animals and Fowl. ^{148,170,208}

(2) Residential Chickens¹⁷⁰

(a) All coops, and enclosed areas (chicken run) shall be located in the rear yard and shall be located not less than fifteen (15) from property line and not less than thirty five (35) feet from all dwellings on adjoining lots.

(i) Coops shall be a minimum of 2 sq.-ft per chicken

(A) Coops shall be constructed of materials that are typically associated with the use and shall be predator-resistant, covered & ventilated.

(ii) Chickens shall be confined within a secure outdoor enclosed area. The enclosed area shall be no larger than 150 sq.-ft.

(iii) Chickens shall not be permitted to roam outside the coop or enclosed area.

(b) Chickens shall be rendered flightless, or the enclosed area shall be covered.

(c) Coops & Enclosed areas shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line.

(d) Feed shall be stored in and dispensed from rodent and predator-proof containers.

(e) Chickens shall be hens (female) no roosters (males) are allowed.

(f) Chickens shall not be kept on a residential lot or parcel unless the person keeping chickens first registers with the City.

(i) The registrant shall acknowledge the rules set forth in this section and shall, as a condition of filing the registration, agree to comply with such rules.

(ii) The cost of filing a registration shall be as shown on the consolidated Fee Schedule adopted by the Municipal Council.

(iii) The registration shall be good for one (1) year and SHALL be renewed annually. Registration is due by April 15th.

(g) Violations are subject to provisions within this title.

(h) Chickens kept as provided in this section shall not be deemed to be household pets as defined in Section 2.02 of this title.

(i) Compliance with UCA 4-4 as well as rule R58-6.

CHAPTER 14 – RESIDENTIAL, SINGLE FAMILY

28-14-2 – Uses. ^{169, 170, 181, 182, 199}

(1) Permitted and conditional uses for each zone are outlined in Table 14.2.

(2) All Conditional Uses shall be processed as outlined in Chapter 5 of this ordinance

TABLE 14.2 ^{118,198,208}		RESIDENTIAL ZONES					
USES		R-1-6	R-1-8	R-1-8a	R-1-9	R-1-10	R-1-15
P = Permitted C = Conditional N = Not Permitted A = Accessory ¹³⁴							
7	Residential Chickens (see § 2.02) Permitted only on lots 10,000 square feet and larger. (All chickens are registered at City) ^{170, 208}	P	P	P	P	P	P



COMMUNITY DEVELOPMENT

Planning Department

2267 North 1500 West
Clinton City, UT 84015

Phone: (801) 614-0740

Fax: (801) 614-0752

e-mail: sparkinson@clintoncity.com

Residential (Backyard) Chickens

NAME: _____

ADDRESS: _____

PHONE# _____ E-MAIL: _____

PROVIDED INFORMATION :

The following can be found within this packet: (please initial each item, indicating that you have read them)

- Site Plan**, showing the following: (in relationship to property lines, Home on parcel & neighbors home)
 - Coop location & size (2 sq.-ft minimum per chicken)
 - Run location & size (150 sq.-ft maximum)
- I live in _____ zone.
- There will be _____ number of chickens
- Ordinance 10-01Z;**
- UCA 4-4**
- UCA 4-29**
- UCA Rule R58-6**
- Payment of appropriate fees, if any. (Check with the Community Development Department)
- The following are reference only and are not endorsed by the city:
 - Backyard Chickens.com (Coop designs)
 - Utah State University Extension Articles
 - Housing Backyard Chickens
 - Molting and Determining Production of Laying Hens
 - Principles of Feeding Small Flocks of Chickens at Home
 - Consideration in Raising Small backyard Flock of Poultry in Population-dense Communities.
 - Coming Home to Roost (Magazine Article)
 - Hands Off! (Magazine Article)

I HAVE READ THE INFORMATION PROVIDED AND HEREBY CERTIFY THAT I UNDERSTAND ALL OF THE REQUIREMENTS OF RESIDENTIAL CHICKENS.

Signature of owner or applicant

Utah Code
Title 4 Utah Agricultural Code
Chapter 4 Eggs

Section 1 Department to establish egg grades and standards.

4-4-1. Department to establish egg grades and standards.

The department shall establish grades and standards of quality, size, and weight governing the sale of eggs.

Section 2 Authority to make and enforce rules.

4-4-2. Authority to make and enforce rules.

The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce such rules as in its judgment are necessary to administer and enforce this chapter.

Section 3 Definitions.

4-4-2. Definitions.

As used in this chapter:

- (1) "Addled" or "white rot" means putrid or rotten.
- (2) "Adherent yolk" means the yolk has settled to one side and become fastened to the shell.
- (3) "Black rot" means the egg has deteriorated to such an extent that the whole interior presents a blackened appearance.
- (4) "Black spot" means mould or bacteria have developed in isolated areas inside the shell.
- (5) "Blood ring" means bacteria have developed to such an extent that blood is formed.
- (6) "Candling" means the act of determining the condition of an egg by holding it before a strong light in such a way that it shines through the egg and reveals its contents.
- (7) "Mouldy" means mould spores have formed within the shell.

Section 4 Unlawful acts specified.

4-4-4. Unlawful acts specified.

- (1) It is unlawful for any person to sell, offer, or expose any egg for sale for human consumption:
 - (a) that is addled or mouldy or that contains black spot, black rot, white rot, blood ring, adherent yolk, or a bloody or green white, also called albumen; or
 - (b) without a sign or label that conforms to the standards for display and grade adopted by the department.
- (2) Nothing in this section shall prohibit the sale of denatured eggs.

Section 5 Maintenance of candling records -- Inspection of records.

4-4-5. Maintenance of candling records -- Inspection of records.

Every person who sells, offers, or exposes eggs for sale or exchange shall maintain candling records as prescribed by the department. All candling records shall be open for examination by accredited inspectors or representatives of the department at reasonable times.

Section 6 Retailers exempt from prosecution -- Conditions for exemption.

4-4-6. Retailers exempt from prosecution -- Conditions for exemption.

No retailer is subject to prosecution under this chapter if the retailer can establish that at the time the eggs were purchased the seller guaranteed that the eggs conformed to the grade and quality and size and weight stated in the purchase invoice and that the eggs were labeled for sale by the retailer in accordance with the purchase invoice; provided, that such guaranty by the seller does not exempt a retailer from prosecution if the eggs covered by the guaranty deteriorated to a lower grade or standard through some action or inaction of the retailer.

Utah Code
Title 4 Utah Agricultural Code
Chapter 29 Diseases of Poultry

Section 1 Department authorized to make and enforce rules.

4-29-1. Department authorized to make and enforce rules.

The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce such rules as it considers necessary for the administration and enforcement of this chapter.

Section 2 Restrictions on importation of chickens, turkeys, chicks, turkey poults, and hatching eggs -
- Certificate to accompany shipment -- Disposition of nonconforming shipments.

4-29-2. Restrictions on importation of chickens, turkeys, chicks, turkey poults, and hatching eggs -- Certificate to accompany shipment -- Disposition of nonconforming shipments.

- (1) No chickens, turkeys, chicks, turkey poults, or hatching eggs to be used for breeding purposes shall be imported to this state, or sold by hatcheries or others within this state unless they originate from flocks participating in the pullorum control and eradication phase of the National Poultry Improvement Plan, or the National Turkey Improvement Plan, or have passed a negative agglutination blood test for pullorum disease administered under the supervision of the department within 12 months prior to the date of sale.
- (2) Baby chicks, turkey poults, or hatching eggs to be used for purposes other than breeding shall not be imported to this state, or sold by hatcheries or others within this state unless they originate from flocks participating in the pullorum control and eradication phase of the National Poultry Improvement Plan, or the National Turkey Improvement Plan, or have passed a negative agglutination blood test for pullorum disease administered under supervision of the department within 12 months prior to the date of sale.
- (3) A certificate issued by the appropriate authority of the "state of origin" shall accompany each shipment of hatching eggs, baby chicks, poults, started chicks, started poults, or chicken or turkey breed stock imported to this state. The certificate shall specify that the contents of the shipment is free of pullorum or other poultry disease, the name and address of the consignee in this state, the name and address of the person who consigned the poultry for shipment, the name of the certifying authority in the state of origin, and the date the test or inspection for pullorum was performed by such authority.
- (4) The department may seize and destroy any shipment of chickens, chicks, turkeys, poults, or hatching eggs transported into this state in contravention of this section without notice to the person who consigned the poultry for shipment to this state, or it may return the contents of the shipment to such person at the latter's expense.

Section 3 Results of negative agglutination blood test filed with department.

4-29-3. Results of negative agglutination blood test filed with department.

The results of each negative agglutination blood test for pullorum disease performed at a hatchery in Utah shall be certified and a copy of the test results filed with the department.

Section 4 Hatchery -- License required to operate.

4-29-4. Hatchery -- License required to operate.

No person shall operate a hatchery or offer any chicks, poults, or hatching eggs for sale in this state without a license issued by the department.

Section 5 License -- Application -- Fee -- Expiration -- Renewal.

4-29-5. License -- Application -- Fee -- Expiration -- Renewal.

Application to operate a hatchery or to engage in the business of selling chicks, poults, or hatching eggs shall be made to the department upon forms prescribed and furnished by it. Upon receipt of a proper application and payment of a license fee in an amount determined by the department pursuant to Subsection 4-2-2(2), the commissioner, if satisfied that the convenience and necessity of the industry and the public will be served, shall issue a license entitling the applicant to engage in the otherwise proscribed activity through December 31 of the year in which the license is issued. A hatchery license is annually renewable on or before December 31 of each year upon the payment of an annual license renewal fee in an amount determined by the department pursuant to Subsection 4-2-2(2).

Section 6 Enforcement -- Inspection of premises where poultry raised.

4-29-6. Enforcement -- Inspection of premises where poultry raised.

- (1) The department shall have access to all hatcheries or other places in the state where poultry is raised for the purpose of inspecting the premises for conditions related to the control of pullorum or other poultry disease.
- (2) If admittance is refused, the department may proceed immediately to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of making the inspection.

Utah Administrative Code

The Utah Administrative Code is the body of all effective administrative rules as compiled and organized by the Division of Administrative Rules (Subsection 63G-3-102 (5); see also Sections 63G-3-701 and 702).

Rule R58-6. Poultry.

As in effect on March 1, 2010

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- R58-6-7. Quarantine of Diseased Poultry.
- R58-6-8. Cleaning and Disinfecting Feed Bags, Crates, etc.
- R58-6-9. Handling or Disposal of Poultry Droppings and Litter.

R58-6-1. Authority.

Promulgated under authority of Section 4-29-1.

R58-6-2. Definition of Poultry.

Domesticated fowl, including chickens, turkeys, waterfowl, ratites, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

R58-6-3. Certificate of Veterinary Inspection.

All poultry and hatching eggs entering Utah must have a Certificate of Veterinary Inspection or a National Poultry Improvement Plan Certificate and an entry permit; except birds for immediate slaughter consigned directly to a licensed slaughtering establishment. For an entry permit, this number may be called during business hours: (801) 538- 7164.

R58-6-4. Pullorum-Typhoid Rating for Imported Poultry.

- A. No poultry, hatching eggs or baby chicks shall be brought, shipped, or otherwise introduced into the State of Utah by any person, individual or corporation that does not originate from flocks or hatcheries that have a Pullorum-Typhoid Clean rating given by the official state agency of the National Poultry Improvement Plan (NPIP) of the state or country of origin, or
- B. Poultry entering Utah from a flock or hatchery which does not have a clean rating through NPIP certification must have been tested negative for Salmonella Pullorum, Mycoplasma gallisepticum (MG), M. synoviae (MS), M. meleagridis (MM), within the last 30 days.

R58-6-5. Boxes, Crates and Containers.

Poultry or chicken boxes, crates and containers shall be new or disinfected before being used to move replacement birds into the State of Utah, except birds of the same and known health status as the previous shipment, and identified with a label cooperating in National Poultry Improvement Plan.

R58-6-6. Import Permit.

No permit shall be issued for importation until the Utah Department of Agriculture and Food receives responsible and complete information from the consignor that the birds to be imported would not present a disease hazard to Utah flocks.

R58-6-7. Quarantine of Diseased Poultry.

The Commissioner may quarantine diseased poultry, whenever any infectious or contagious diseases have been identified. The quarantine notice shall be posted in a conspicuous place on the outside of the coops and premises.

- A. The coops and surroundings must be maintained in a sanitary condition.
- B. No live poultry shall under any circumstances be removed from the quarantined coop or premises, except under permit from the State Department of Agriculture and Food or its authorized representative.
- C. All dead birds shall be destroyed by burning or by being placed in a pit properly constructed for disposal of dead birds.
- D. The attendant shall wear rubber footwear which shall be disinfected in a disinfectant recognized by U.S. Department of Agriculture each time before leaving the infected coops.
- E. All crates, utensils or other paraphernalia used around the infected coops shall be thoroughly cleaned and disinfected before being removed from the infected premises; except egg cases and those are to be handled in such manner as may be designated by the attending veterinarian.
- F. Truck drivers are forbidden to enter quarantined premises personally or with trucks.
- G. No visitors will be allowed on infected premises.
- H. All droppings and litter shall be buried or burned or thoroughly disinfected before being removed from the premises.
- I. Vaccination shall be done by or under the direction of an accredited veterinarian only.
- J. The quarantine shall be in effect until withdrawn by the Commissioner of Agriculture and Food or his designated agent.

R58-6-8. Cleaning and Disinfecting Feed Bags, Crates, etc.

- A. Bags used for poultry feeds, mashes, etc., shall, before being filled at the mill or mixing plant, be cleaned and disinfected. All filth or litter shall be removed from them and the bags then disinfected with a disinfectant recognized by United States Department of Agriculture 9 CFR 1, 147.23, 24, and 25, January 1, 2001, edition.
- B. Crates or other containers used for the transportation of poultry by any poultry producer or anyone buying and selling or otherwise transporting poultry shall be properly scraped, cleaned and disinfected with a disinfectant recognized by United States Department of Agriculture, 9 CFR 1, 147.23, 24, 25, January 1, 2001, edition, each time after being used.

R58-6-9. Handling or Disposal of Poultry Droppings and Litter.

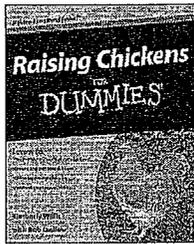
- A. Poultry houses and yards shall be maintained in a sanitary condition. All droppings and litter shall be cleaned regularly and disposed of either by hauling away and scattering over farm lands, or by burying or burning.
- B. In case it is not practical to dispose of the droppings and litter regularly in the above manner, they shall be placed outside the coops and properly screened with fine mesh wire which will protect it from flies until it can be disposed of as provided in this rule.



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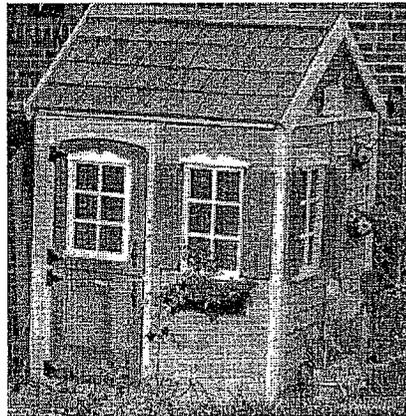
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✦ Join our [Chicken Forum](#) with THOUSANDS of wonderful, friendly, and knowledgeable members! It's the best place on the web to get your chicken questions answered and share your experiences with an amazing community. -- **WARNING--** The [BYC Chicken Forum](#) is VERY addictive! ☺

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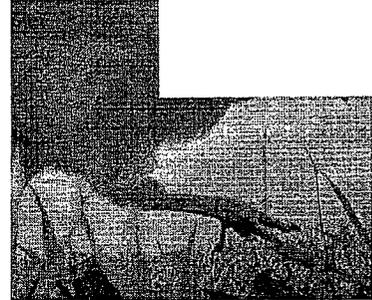


Related Links

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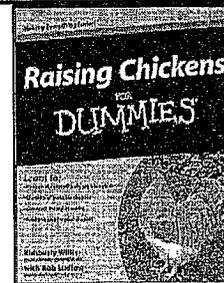


From QuailQT - Dinah the 1 yr old White Leghorn

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Housing Backyard Chickens

David D. Frame, DVM, Extension Poultry Specialist

Owning a small flock of chickens is increasing in popularity, particularly in areas where local ordinances prohibit larger domestic animals, but allow for birds and/or small animals. Chickens not only furnish a ready source of home-grown meat and eggs, but also provide great pleasure as exhibition stock and even as pets. The purpose of this fact sheet is to give an overview of basic housing principles for small flocks of chickens.

Objectives

Reasons for providing proper housing facilities for chickens include:

- Protection from predators;
- Protection from rain, snow, and other inclement weather;
- Protection from excessive heat and cold (i.e., moderation of extreme temperature changes); and
- Provision of feed and water space and nesting facilities.

General Considerations

Chickens are very adaptable and no single best way exists to house them. Creative architectural construction may even be considered in building a “designer” chicken house in order to enhance the backyard landscape.

Regardless of ultimate design, the following practical considerations should be observed. The building must:

- Be large enough for proper air circulation (i.e. ventilation) but small enough to keep from getting too cold and drafty in winter;
- Allow 1.5 to 2.0 ft² (0.14 to 0.19 m²) floor space per adult chicken;
- Provide easy access to feed and water; and
- Provide nesting areas for hens in egg production.

Building Design

As previously mentioned, workable designs of chicken houses are highly variable and may even be extremely decorative in some cases. Many sites are available on the Web and in reference books that may help you in designing your facility. A few selected resources are listed here.

- **House design:**
 - “How to Raise Chickens” by Christine Heinrichs. Voyageur Press. 2007.
 - ISBN-13: 978-0-7603-2828-6
 - Virginia Cooperative Extension: <http://www.ext.vt.edu/pubs/poultry/factsheets/designs.html>
 - University of Minnesota: http://www.ansci.umn.edu/poultry/resources/housing_small-scale.htm
 - Appropriate Technology Transfer for Rural Areas (Range poultry housing): <http://ceplacer.ucdavis.edu/files/46820.pdf>
 - The Bantam Roost, “A Small Hen House”: <http://www.geocities.com/Heartland/Plains/4175/henhouse.html>
- **Energy management and solar heating concepts:**
 - <http://www.ces.purdue.edu/extmedia/AE/AE-99.html>

Ventilation Basics

In order to provide a comfortable building for chickens, it is necessary to keep in mind a few basic concepts regarding ventilation:

- Warm air rises and cooler air, being heavier, settles to the floor. Adequate air circulation and exchange is necessary to keep different air temperatures from stratifying and air from becoming stale.
- Warm air holds more moisture than cold air. For every 18°F (10°C) increase in air temperature, its water-holding capacity doubles. This concept is important in managing potential moisture buildup, particularly in well-insulated, tightly-sealed chicken houses.
- Ventilation needs in summer are different than in winter. During summer, warm stale air must be removed, allowing fresh air to

enter and circulate. During cold seasons, only enough cold outside air should be allowed in for adequate air exchange. It is preferred to bring this air in from near the roof of the building which allows it to warm as it drops towards the floor. This colder air will warm (by the birds' own body heat and/or with additional heaters) and pick up moisture. A method must be available to vent this air from the building allowing the cycle to continue. (Refer to Figures 1 and 2 for summer and winter ventilation concepts.)

Figure 1. Concept of summertime ventilation.

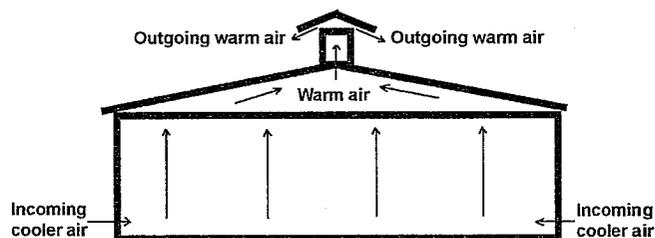
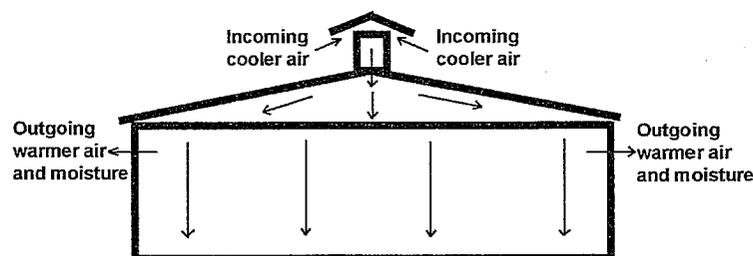


Figure 2. Concept of wintertime ventilation.



In small chicken houses, these factors can generally be sufficiently controlled without employing power ventilation (i.e. fans). The judicious and well-placed use of windows and vents will usually suffice. During summer, natural convection and/or gentle breezes will usually be adequate to drive air out the upper vents, or cupola, and bring in fresh air through windows or lower vent openings. Place upper vent openings on the side opposite of wind direction (i.e. leeward side).

Perches

Although not mandatory, it is usually a good idea to provide perches for your chickens. Perches will allow

birds to stay off the floor – particularly as they roost at night. Most breeds seem to enjoy spending time on perches. Manure will tend to accumulate in greatest concentration under the roost area, thereby helping to keep the rest of the bedding material in the house cleaner. A good rule of thumb is to allow 6 to 10 inches (15 to 25 cm) of linear perch space for each chicken housed.

Perches should be located in an area of the house that will not interfere with daily chores such as feeding, watering, and egg gathering. Construct the perches so they are removable or are hinged for lifting out of the way for easier cleanout of manure. It is worth the extra effort to build them right in the beginning – it will save

you a lot of time and effort during house cleanup. Perches should not be more than about 3 feet (0.9 m) off the ground; otherwise, there may be an increased tendency to bruise feet or cause egg rupture as the hens mount the roost. Plan at least 12 inches (30 cm) clearance under the perches; final height and dimensions will depend on individual building design and convenience of being able to clean out the manure underneath them.

Any suitable building material may be used to construct perches: 2 x 2 inch (5 x 5 cm) material with rounded tops is ideal. Space the perch bars 14 inches (36 cm) apart.

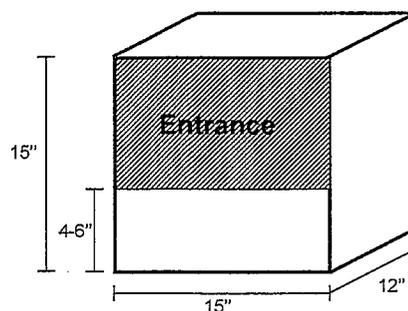
Nest Boxes

Nest boxes are essential furnishings of any hen house because she will seek a secluded place to lay her eggs. Properly constructed and maintained nest boxes provide a clean environment for laid eggs and facilitate gathering them. Also, nests make it easier to identify and remove "broody" hens. (A broody hen is one that has ceased laying eggs and desires to raise a clutch of chicks. She will remain in the nest box for prolonged periods, become territorial, and not allow entry of other hens needing to lay eggs.)

Again, there are no hard and fast rules for nest box construction. Commercial boxes are available from various retail sources or you may wish to construct your own. Nest box height and width should be 12 to 15 inches (30 to 38 cm); depth should be least 12 inches (30 cm). Figure 3 illustrates a generic nest box design that is functional for most applications.

- One nest box is required for each four to five hens.
- Place nest boxes no less than 18 inches (46 cm) off the floor.
- A front panel, 4 to 6 inches (10 to 15 cm) high, is necessary to provide seclusion and keep eggs from rolling out of the nest.
- A perch may be attached to each box, running parallel to the front of the box and located 6 to 8 inches out, to facilitate access.

Figure 3. Generic nest box design.



Predator Control

- Maintain a rodent control program around the poultry house. An excellent fact sheet on rodent control is found at <http://osuextra.okstate.edu/pdfs/F-8207web.pdf>
- When building the floor, integrate heavy-gauge wire mesh beneath the subflooring to discourage entrance of predators.
- Cover windows and vent openings with good quality poultry wire to keep out birds.
- Make sure doors and windows fit tight. Caulk and seal all cracks and crevices. Small rodents can gain entry through holes the size of a nickel or quarter.
- Keep the poultry house locked to discourage theft and uninvited visitors.

Additional Housing Considerations

- Allow adequate space within the structure for feeders and waterers. (Feeding and watering equipment not discussed in this fact sheet.)
- Position equipment for ease of cleaning, egg gathering, and general upkeep.
- Before beginning to build, consider anticipated high/low temperatures, potential snow load, other environmental conditions, and local ordinances.
- For specific recommendations in your area, contact your local county agent or Extension poultry specialist.

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This publication is issued in furtherance of Cooperative Extension work, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, Noelle E. Cockett, Vice President for Extension and Agriculture, Utah State University.



Molting and Determining Production of Laying Hens

David D. Frame, DVM, Extension Poultry Specialist

EVALUATION OF HENS IN PRODUCTION

A frequently asked question from agricultural Extension agents is, "How can I tell if hens are in egg production?" Although there are numerous publications treating this question in profound depth, the purpose of this fact sheet is to provide agricultural agents as well as the inquisitive small flock owner with a brief synopsis that will serve as a helpful guide. Besides the obvious presence or absence of eggs in the nest, the status and duration of egg production in chickens can be evaluated by:

- Pigmentation
- Body condition
- Condition and state of feathering

Each of these criteria will be discussed in subsequent sections.

Pigmentation

Genetically predisposed yellow-skinned chicken breeds (e.g., Mediterranean and Continental) fed a diet containing xanthophyll will exhibit a yellow color to fat, skin, beak, legs, and feet. Xanthophyll, a carotenoid pigment, is found in feed ingredients such as corn, alfalfa, and corn gluten meal. When consumed, this pigment is transferred to the tissues, thus imparting the yellow color. This same pigment is also responsible for the yellow color of egg yolk. When in egg production, the hen will preferentially deposit the pigment into the yolk rather than transferring it to other parts of the body. As production progresses, the yellow areas of the body will gradually be replaced by non-pigmented tissues. This gain and loss of body tissue pigmentation is a valuable tool in assessing the lay status of these hens. (The following pigmentation guidelines do not apply to genetically white-skinned breeds, such as Dorking,

Sussex, and Orpington, because no yellow pigment is deposited in the tissues.)

Laying hens will lose their yellow pigmentation in the following order as egg production progresses:

- Vent (orifice from which eggs are deposited)
... fades soon after egg production begins.
- Eye ring (inner edges of eyelids)
... loses pigment a little slower than vent.
- Beak (starts fading at base first)
... totally faded beak indicates approximately 4 to 6 weeks into production.
- Bottom of feet
... fades sometime between about 8 to 12 weeks into production.
- Shanks
... a totally depigmented shank is usually a sign that the hen has been in sustained egg production for at least 15 to 20 weeks.
- Hocks and upper side of toes
... these areas are the last to lose yellow pigmentation.

Approximate time in lay can be estimated by observing the successive loss of pigment in body parts. For example, a hen with an entirely bleached beak but pigment still on the feet and legs will have been in egg production for about 4 to 6 weeks. After the hen has ceased laying, pigment will reappear in the same order (i.e., vent first, then eye ring, base of beak, etc.). Consequently, length of time since cessation of egg

production can be estimated by the location of reappearing pigment. Note that pigment will come back about twice as fast as it bleaches out.

Body condition

High producing hens will have a tendency to lose body weight as sustained egg production progresses. Formation of the egg takes priority over fat deposition. During the rest period between clutches of eggs, the body will be rejuvenated by the loss and replacement of feathers (i.e. molting) and by gaining back optimal body weight. This is dependent, of course, on the birds receiving proper nutrition.

Other body indications of egg production status:

- Comb and wattles (red appendages on head and neck)
 . . . bright red and turgid in hens in production;
 shrunken and pale in non-producers.
- Vent
 . . . soft and pliable in hens in production; shrunken
 and dry in non-producers.
- Area between pelvic bones just below the vent*
 . . . In a non-producer, it is only possible to insert
 one or two fingers between the bones; a mature hen
 in production will generally allow sufficient room
 for the insertion of three to four fingers.

*Guideline for standard-sized fowl.



Figure 2. Hen early in the egg production cycle. Note extensive yellow pigmented shanks and toes.

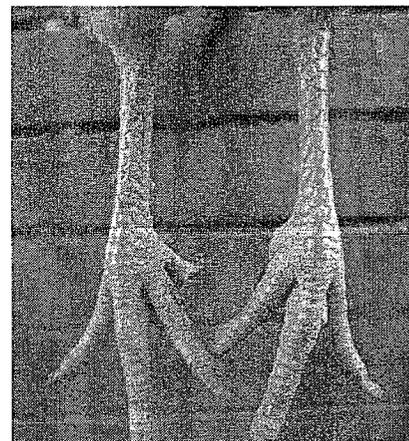


Figure 3. Shanks and toes of a hen that has been in egg production greater than 20 weeks. Note the extensive loss of pigment.



Figure 1. Non-layer (left) vs. hen in production (right). Compare eye ring and beak color, and comb and wattle size.



Figure 4. Pelvic spread in a non-layer (two fingers in width).



Figure 5. Pelvic spread in a hen in production (four fingers in width).

Feather condition

Molting refers to the orderly loss and replacement of feathers. This generally occurs once per year (normally in the fall) in mature chickens. Feathers are molted in the following order:

- Head
- Neck
- Body (includes breast, back, and abdomen)
- Wings (Primary wing feathers will begin to be shed before secondaries. Primaries will be lost sequentially from innermost #1 to outermost #10.) (See Figure 1.)
- Tail

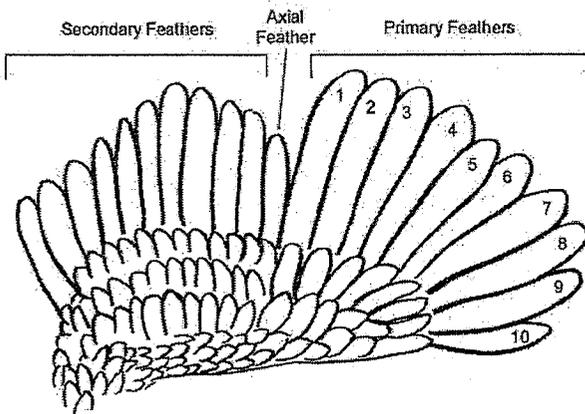


Figure 6. Upper side of left wing

Condition of the feathers can reveal a lot about the production status of a hen. As the season progresses, feathers will become worn and ragged. High-producing

hens will often have an unkempt appearance late into the fall after the normal time when molting should take place. Feathers become worn because they have not yet been replaced. This is caused by persistent egg production, which takes priority over feather replacement.

Keep in mind that the shedding and growing of feathers is a dynamic process. Feathers in some areas will be growing back as others are being lost in other parts of the body. As a general rule, hens will not molt until they have ended their egg-laying cycle (i.e., "clutch"). However, high-producing strains, and even certain individual hens, may tend to continue to lay and molt at the same time, but only if they can maintain their body weight. Both laying eggs and molting require a huge amount of energy, which is the reason it is difficult to do both at the same time. If egg production continues as molting proceeds, the molting process will take longer.

SUMMARY

The ability to determine the lay status would be helpful in small flocks where the owner might be interested in assessing and culling individual hens.

The importance of feather loss and regrowth is to be aware that 1) feather condition is often an indicator of egg-laying status and 2) the molting process requires focused energy. Hens must periodically replace their plumage and regain adequate body weight in order to keep healthy and prepare for the following egg producing season. A properly rejuvenated hen will produce eggs at her optimum rate once she comes back into production.

Although there is variation between breeds and strains of chickens, and even in individual hens of the same breed, the information in this fact sheet serves as a guide to better understand and evaluate the status of egg production in the domestic fowl.

Photos courtesy of Mark C. Bland, DVM

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Principles of Feeding Small Flocks of Chickens at Home

David D. Frame, DVM, Extension Poultry Specialist

Owning a small flock of chickens is increasing in popularity, particularly in areas prohibiting the raising of larger domestic animals. Chickens not only furnish a ready source of home-grown meat and eggs, but also provide great pleasure as exhibition stock and even as pets. Additionally, helping to raise a small flock of chickens gives children an opportunity to develop a sense of responsibility and learn basic management skills. The purpose of this fact sheet is to give an overview of feeding and nutrition principles for chicken owners.

Growth ability and performance of chickens is determined by genetics. Environment dictates whether they reach their full genetic potential and proper nutrition plays a critical role. It is important to remember two things when feeding chickens:

- A chicken will only grow and perform to the extent it receives proper nutrition.
- A chicken cannot grow beyond its maximum genetic potential.

Develop an Optimal Nutritional Program

Don't forget the water. . . .

It must be kept in mind that the nutrient consumed in the greatest quantity by a chicken is *water*. A direct relationship exists between the amount of water a chicken drinks and the amount of feed consumed. If inadequate water is available, not only will chickens cease eating, but there will also be a negative effect on egg production and growth.

Although types and designs of drinkers vary, the fact that fresh clean water must be present at all times should never be forgotten.

A popular fountain-type drinker is shown in Figure 1. Fountain drinkers have the advantage of being affordable and can easily be moved around; however, because the reservoir holds only a finite quantity of water, it is necessary to watch carefully that they don't become empty. Water should be changed frequently in order to prevent bacterial growth, over-warming (in summer), or freezing (in winter).

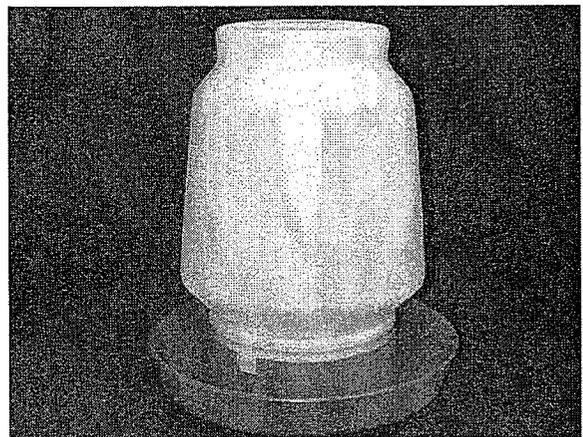


Figure 1. Fountain-type drinker. This particular model holds 1 gallon of water. Each drinker will provide enough daily water for 12 to 15 adult chickens during cool weather and 6 to 12 during hot weather.

Always provide at least two or three additional drinkers in excess of the estimated water consumption capacity for the number of birds in the chicken house. This provides a buffer for a short term water supply in the event of spillage or leakage. Also, it offers an opportunity for the more timid birds in the flock to satisfy their water needs without having to compete with more aggressive individuals for drinker space. When planning number of drinkers to place in the chicken house, consider that in cool weather each adult chicken will consume about 0.05 to 0.08 gallon per day; in hot weather, about 0.08 to 0.16 gallon.

Other types of watering systems include continuous flow troughs and reduced water pressure bell-type drinkers suspended from the ceiling that are hooked up to a pressurized water line.

The advantages of a continuous flow water system are that it won't freeze and there is a continual supply of fresh water. Acquiring such a system may be difficult, however, and because there is a continual flow of water, the cost and waste will usually be prohibitive for small flocks. Some sort of drainage system for the unused water would also be necessary.

A properly constructed bell-type drinker system provides a continual source of water, but is usually more appropriate for larger operations (Figure 2). A dedicated water line with a pressure regulator is needed, and the initial equipment cost is much greater than the stand-alone fountain-type drinkers.

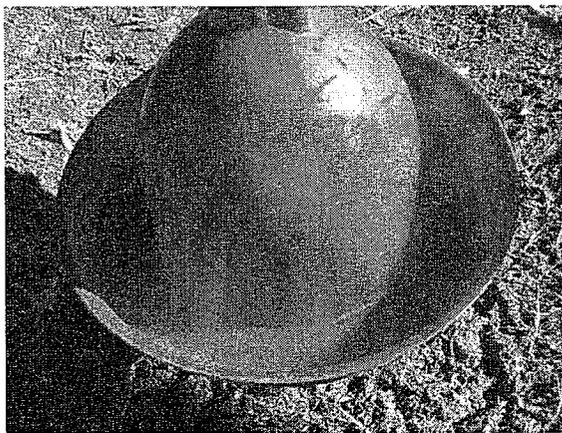


Figure 2. Bell-type drinker supplied by a low pressure water line.

Quality of Feed Is Important

Feed quality will affect feed consumption. Ensure that the feed is not stale, rancid, or moldy. Immediately remove obviously moldy, rancid-smelling or any other questionable feed. Such feed will, at best, not be eaten; and at worst, cause disease or nutritional deficiencies if consumed. Always store feed away from heat, moisture, and direct sunlight. Purchase feed as fresh as possible. Vitamins will start to degrade if finished feed is stored for prolonged periods. Plan your schedule so that new feed is purchased at least every two months and check for a recent manufacturing date on the bag before buying.

No one feed ingredient contains all the nutrients required for a complete diet. Some ingredients are rich in one nutrient, but may lack in another. For example, soybean meal is rich in protein but contains relatively little energy from carbohydrates, while corn is high in carbohydrates (i.e. energy) but is a poorer source of protein. Together they complement each other in the complete feed. Each feedstuff has a place in a balanced diet.

There are five basic classes of nutrients needed. Table 1 lists the nutrients and gives examples of common feedstuffs supplying them.

Table 1. Classes of nutrients necessary for poultry and examples of feed ingredients in which each is found.

Nutrient	Feed ingredients
Carbohydrates (supply energy)	Corn, sorghum, wheat, other grains
Protein sources (supply amino acids)	Soybean meal, meat products, canola meal, fish meal
Fats (supply energy)	Vegetable oil, tallow, blended fat products
Minerals	Salt, limestone, calcium carbonate, calcium phosphate, oyster shell, commercial trace mineral mix
Vitamins	Commercial vitamin mixes, feedstuffs

These ingredients are mixed in different proportions and sold in the form of a mash, pellet, or crumble. Mash feed consists of all ingredients ground into particles and mixed loosely together.

Pelletized feed is mash that is held together with a binder and then heat-treated, extruded, and cut into various lengths and diameters depending on the type of feed produced. Crumbled feed consists of pelletized feed broken down into smaller pieces.

A chicken will stop eating once a certain quantity of energy has been consumed in a day. This will happen even if the bird has not ingested enough protein or vitamins. Therefore, the energy concentration needs to be in balance with the other nutrients in the diet. Commercial diet formulations take this into account. Because of the complex nature and expense involved in properly formulating and mixing poultry diets, it is highly recommended that feed be purchased from a reputable manufacturer and not attempted to be made at home. Even with increasing feedstuff prices, it is much more productive in the long run to feed your chickens high quality commercial feeds rather than skimping on cost or concocting homemade recipes.

Practical Styles of Feeding Systems

Feeders come in a wide array of sizes and designs from egg carton lids for starting newly hatched chicks to sophisticated automatic adult feeding systems. A practical trough feeder for starting off young chicks is shown in Figure 3. Bucket feeders (Figure 4) of various sizes are popular and appropriate for both growing and adult chickens. The advantage of bucket feeders is that they can store a few days' worth of feed, thereby alleviating daily hand feeding; however, care must be taken not to let old feed accumulate in them and become stale and moldy. Clean and brush out often. Use the appropriate size of bucket feeder for the class of poultry being raised. Using too large feeders with chicks will prevent them from being able to reach the feed. Also chicks might get inside the lip of the feeder and not be able to get back out. Using feeders with too narrow of a lip for adults birds will cause excessive waste of spilled feed into the litter (see Figure 4). Feeders should be raised off the ground, and generally positioned level to the mid to upper breast region of the chickens being fed.

A good rule of thumb is to allow 1 linear inch of feeder space per chick and 2 to 3 linear inches per adult chicken.

Always keep feeders in an area – preferably inside the chicken house – where the feed is

protected from moisture, wild animals, and free-flying birds.



Figure 3. Small trough feeder sized for feeding young chicks.

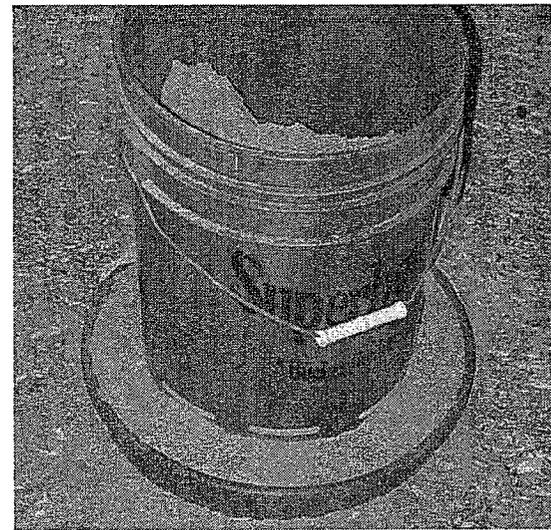


Figure 4. Example of a bucket-type feeder of a suitable size for chicks and smaller adolescent-age chickens.

It is counterproductive to “unbalance” a balanced diet by including questionable supplements.

Commercial feed purchased from a reliable dealer, has all the nutrients chickens need to grow and thrive. If you have a good diet that fulfills all of the dietary needs, do not alter it. Usually a little more of a good thing will upset a balanced diet. A balanced approach to nutrition is the key to optimal growth and performance.

Common mistakes made with supplements:

- Giving vitamins and electrolyte supplements for more than 10 days.
- Supplementing complete feeds with cracked corn, oats, or other grains.
- Regularly adding green chops, lettuce, or other low nutrient ingredients to the diet.
- Administration of inappropriate or unnecessary medication.

It's OK to let your chickens forage around for bugs and greens, but always provide them access to the appropriate type of formulated balanced feed as well. Totally "free-ranged" poultry will rarely be able to consume a proper balance and quantity of nutrients necessary for maximum capable rate of meat and egg production.

Table 2. General feeding schedule for various classes of chickens*.

Meat-type strains (Commercial-type broilers, roasters, "Cornish-Rock" crosses)	
0-2 weeks.	22-24% protein chick starter
2-4 weeks.	20-21% protein grower
4 weeks to market . . .	18-20% protein finisher
Layer strains (Commercial-type leghorns, brown egg layers)	
0 to 6 weeks.	20-21% protein chick starter
6 to 10 weeks.	16-19% protein pullet grower
10 weeks to prior to Egg production.	5-17% protein pullet developer
At onset of egg production.	16-18% protein layer diet**
Dual-purpose breeds (Plymouth Rock, Rhode Island Red, New Hampshire, etc.)	
0 to 6 weeks.	20-21% protein chick starter
6 weeks to prior to egg production.	15-19% protein pullet grower/developer
At onset of egg production	16-18% protein layer diet**

*These recommendations are based on common protein levels for feeds available in most local feed stores. It is assumed that the finished feed is balanced for energy, vitamins, and minerals in relation to specific protein content.

**Do not feed a layer diet to chickens not in egg production (too high in calcium).

Feed Consumption Guidelines

There is great variation in feed consumption patterns of chickens depending on breed, feed source, and environmental conditions. The following information, however, serves as a guide in estimating feed consumption for large fowl breeds of poultry.

Commercial egg-type

- Feed/pullet – hatch to ready-to-lay (18 to 21 weeks): 13 to 15 lbs
- Layer – daily intake/hen: 98 to 107g (22 to 24 lbs/100 hens)
- Plan on higher consumption than this for non-commercial strains and non egg-type breeds.

Commercial meat-type

- Feed/bird – hatch to market age (about 7 weeks). 12.5 to 18 lbs
- Feed conversion (lbs feed/lb gain) 2.5 to 2.7
- Heavy standard-bred breeds will eat more feed than this guideline because of a tendency toward less efficient feed conversion.

As these basic nutritional principles are followed, your chickens will thrive and provide you with great enjoyment. For specific recommendations, contact your local county agent or Extension poultry specialist.

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Considerations in Raising Small Backyard Flocks of Poultry in Population-dense Communities

David D. Frame, DVM, Diplomate ACPV
Extension Poultry Specialist

During these times of economic challenge many people are considering raising a few chickens in the backyard to augment their food supply. This has raised numerous questions ranging from how to feed chickens to addressing local animal-keeping ordinances. Often, the answers are a work in progress for many communities. The following considerations should be taken into account.

Science-based Education Is Critical

Be cautious of advice from self-proclaimed “experts” or people with informal training who attempt to fill a perceived educational niche. Many would-be poultry raisers are novices or first time owners. Learning how to do things correctly from qualified science-based sources is paramount in order to be successful. Optimal decision-making must be based on facts – not hearsay or folktales. Utah State University Cooperative Extension offers research-based education in small flock poultry raising. County agents and an Extension poultry specialist are available to educate groups and community leaders in poultry health and management issues. Fact sheets are also available on line:

http://extension.usu.edu/files/publications/publication/AG_Poultry_2008-01pr.pdf

http://extension.usu.edu/files/publications/publication/AG_Poultry_2008-02pr.pdf

http://extension.usu.edu/files/publications/publication/AG_Poultry_Health_Biosecurity_01.pdf

Effects on the Economy

The commercial poultry industry contributes a significant and vital part to the agricultural economy of the U.S. Anything that jeopardizes the viability of this industry also jeopardizes the economic health of Utah. It is important that these commercial flocks be protected from serious diseases that would decimate this sector of Utah’s economy. An upsurge in number of small backyard flocks, particularly if not properly managed, might significantly increase the probability of disease exposure to the commercial industry. Past history has shown that diseases such as exotic Newcastle disease (END) can become present in the small flock poultry community. Exotic Newcastle disease can cause tremendous poultry death in both the small backyard flocks and in large commercial poultry operations. The discovery of END, for example, will have devastating economic consequences from death loss as well as the loss of trade with other countries.

Community Impacts

The local community may experience unanticipated impacts from an abrupt unregulated increase in backyard poultry keeping. Any potential undesirable repercussions can be minimized through recognition and well thought out planning to ensure that all remain good neighbors.

Noise: Hens are quieter than roosters. There are no practical or humane methods to “de-crow” a male fowl. It takes experience and knowledge to properly identify the gender of young chicks. Your local farm implement store may not be able to provide this service reliably when chicks are purchased. Be prepared to cull roosters as the chicks mature. Hens do not need a rooster present in order to lay eggs.

Mixing of species. It is extremely risky to raise multiple species of poultry and waterfowl on the same premises – particularly if there is chance of exposure to wild birds. This is how many deadly poultry diseases get started, such as END or avian influenza (“bird flu”).

Zoning. Some municipalities do not allow the raising of poultry or have strict ordinances that restrict this activity. Check with your city or county office to determine if there are specific regulations or restrictions that might preclude keeping poultry on your property. Along with city or county ordinances, some communities or subdivisions have rules or “covenants” that restrict the raising of poultry. Be sure to check if your domicile is in one of these.

Animal control. Chickens are no respecters of property lines. They are prone to wander at will into neighbors’ yards and gardens. Remember chickens can also fly. To minimize the impact on neighbors, enclosures should be considered that properly restrain poultry and confine them to your property.

Animal waste. In many instances, used chicken litter can be incorporated into the garden soil or composted; however, improper composting or storage may create excessive odor and fly problems. Proper composting requires careful management of moisture, aeration, and temperature. Allowing chickens to superficially scratch through a pile of manure is not sufficient for optimal composting to occur for a number of reasons. There are many Extension publications from various universities addressing the issue of general composting techniques. These should be thoroughly perused during any decision-making process.

Disposal of deceased and spent fowl. It is important to realize that chickens have a relatively short life span. The productive life of a hen is about three to five years. Baby chicks soon grow up to be adult chickens and adult chickens end up as old chickens. Community leaders need to seriously address the issue of bird disposal. Do local ordinances allow birds to be

buried on the premises or composted on-site or taken to the landfill?

Human health. Although in most circumstances chickens pose a relatively low risk of giving disease to humans, there are a few that can be transmitted back and forth. Proper care and handling of eggs and processing of poultry carcasses are critical to avoid problems. Appropriate disposal of dead birds and used litter are also important.

Mice thrive in areas where chicken feed is improperly stored and excessive spillage occurs. Rats could become a problem in excessively wet areas or where water leaks occur. Feed should never be sprinkled into the litter or floor of poultry houses. This only encourages rodents to hang around the coops. Feed is to be properly dispensed in hanging hoppers that limit access to marauding rodents. Also, unused feed should be stored in closed containers in a cool area. A rodent control program of bait feeding and/or trapping should be mandatory in addition to all other precautions.

Animal Welfare

Proper care and feeding. It is imperative that poultry owners learn and implement proper care of their birds. Inhumane practices such as denying poultry access to water or a protected coop during hot days or during inclement and cold weather are intolerable. Many would-be poultry owners may never have raised chickens or farm animals before. They may not realize what the proper care and feeding of poultry entails. Birds are to be provided with a proper diet at all times and not left to fend for themselves. Enough space must be provided to adequately accommodate the number of birds kept. This is where appropriate science-based education becomes indispensable.

Enforcement of noncompliance. If some type of local poultry permitting program is practiced, will there be sufficient funds and personnel to carry out the program? Does the community have the adequate resources and personnel to deal with people who break the rules or handle poultry in cruel or inhumane ways?

Protection from predators and disease. Chickens are to be enclosed in a coop at night to protect them from predators. Although the debate could go on *ad infinitum* as to what the optimal construction should be, common sense is usually adequate. Doors should tightly close, glass or strong plastic windows should be used, and a solid floor should be in place. Periodic

inspection around the coop will indicate if varmints are trying to enter. Then take care of the varmint problem.

Outside runs need to be covered with good quality wire or roofing that will keep out wild birds and keep the chickens inside. Many people might find this a serious inconvenience, but it is imperative! Wild birds can carry diseases that could kill their birds or set up a reservoir of infection that could get into the area's commercial poultry industry with devastating consequences. This is a risk that any responsible community governing body should not take. The satisfactory demonstration of properly enclosed and restrained chickens should be a mandatory requirement in any permitting process.

Disease transmission. Chicks must be purchased from sources certifying that they are free from specific diseases. Certain species of poultry can carry

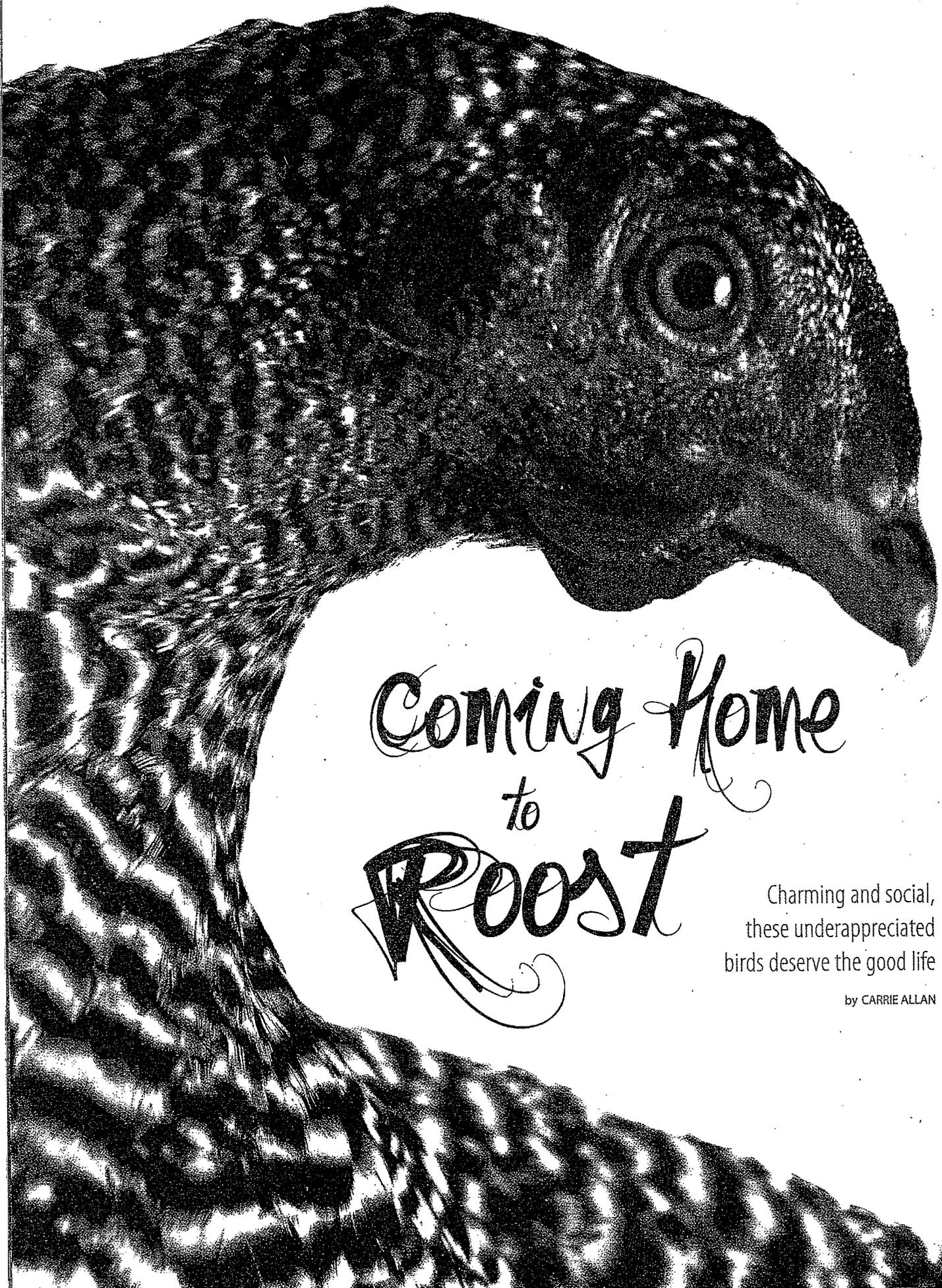
organisms that may do little harm to them but could cause devastating disease in another species. Mixing of species, such as ducks and chickens or chickens and turkeys increases the potential infection and spread of avian influenza (bird flu). Raising chickens and turkeys together could cause devastating disease in the turkeys. It is important to understand the nature of poultry diseases and how to deal with them. Contact your local veterinarian or Extension poultry specialist for further information on disease transmission and optimal biosecurity practices.

Visit these Web sites for other important information:
http://extension.usu.edu/files/publications/factsheet/AG_poultry_2005-01.pdf
http://www.aphis.usda.gov/animal_health/birdbiosecurity/
<http://ag.utah.gov/divisions/animal/health/index.html#avianHealth>

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Coming Home
to
Roost

Charming and social,
these underappreciated
birds deserve the good life

by CARRIE ALLAN

Mindy Gilbert's arrival home from business trips is always cause for so much fanfare that she can hardly get a word in edgewise at the pet sitter's house.

"Bob and Stella run up, and they're so happy to see me," says Gilbert, Alabama state director for The HSUS. "They talk and talk in the front seat on the way home."

That kind of animal affection won't surprise most pet owners, but the species of Gilbert's little friends might: They're chickens. While they spend their days scratching in the yard, they come inside at night. And their charming personalities have made Gilbert quite an advocate for the birds.

"Honestly, I regret that I did not come to appreciate chickens earlier in life, because they are so funny and social," she says.

Not only do they bond with humans, but many are bedecked with streaming, billowy plumage and brilliant combs and wattles. "Some of these fancy birds, you look at them and go, 'Are they chickens or poodles?'" says Gilbert, laughing.

Gilbert is one of many animal lovers who are discovering that fowl are fair, keeping chickens either as companions or as a way to avoid eating eggs that come from factory farms. People who don't want to support the inhumane, polluting practices of industrial agribusiness have opted to reduce the number of eggs in their diets, replace eggs with other foods, or refine their supply by looking for kinder, gentler producers at local farmers' markets.

Some have even gone a step further to become the master of their own omelets; deciding there's no place more local than their own backyard.

THE CHICKEN AND THE EGGS

For many, chicken-keeping has become a passion. They get the charming companionship of chickens as they collect the eggs; they keep their birds cozy and safe and treat them as beloved pets. "They're good company," says David Nard, a chef who began keeping hens in his Maryland backyard three years ago to provide a healthy alternative to eggs from factory farms. "If you're working in the garden or sitting on the porch, they'll come hang out with you."

But as Nard and his partner, Jeni Caron, know well, caring for the birds requires a serious commitment. At the end of each work day, they "run home to let the girls out so they can get some greens" in the lush backyard. If Nard and Caron go away for the weekend, they need to find a chicken-sitter. And the enclosure they've built is, as Nard describes it, the "Fort Knox" of chicken houses, fortified with double-layered wiring and topped with netting to protect the birds from predators at night.

Neophytes who aren't prepared for these realities of chicken keeping can quickly find themselves overwhelmed—and in some communities, their lack of preparation has created a burden on local animal shelters, sanctuaries, and rescue groups. It's the dark side of a mostly positive trend. "Locavores"—the 2007 word of the year for the *Oxford American Dictionary*—are people who try to eat foods grown nearby, thus reducing the carbon footprint created by long-haul shipping of meats and produce. Their commitment to knowing

as much as possible about where their food comes from—Is it organic? Humanely raised? Produced by laborers who aren't exploited?—has had a positive effect on food trends overall. But, says Richard Farinato, senior director of The HSUS's Captive Wildlife and Sanctuaries section, there are some exceptions.

"As much as we love the idea of eating locally and eating organic and eating green, and knowing where your food comes from and how the animal has been treated," he says, "locavores who decide they're going to put a box in the backyard with a wire window in it and keep chickens are not exactly fulfilling a humane mission."

At The HSUS's SPCA Wildlife Care Center in Fort Lauderdale, Fla., "we have chickens out the wazoo," says Farinato. The birds come in for a number of reasons: Some are picked up running loose on the street by animal control or the public, some are given up by people who had them in the backyard and no longer want them, some are hens rescued during cockfighting raids. Others are unwanted Easter chicks, all grown up.

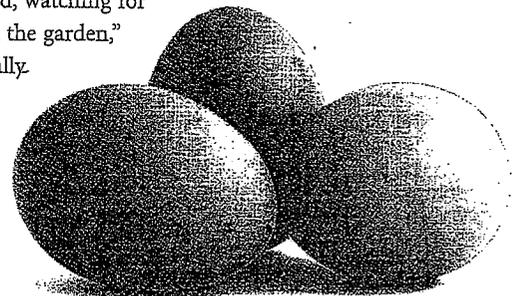
In the care of the center, chickens prosper. Farinato refers to their newly refurbished pens and exercise space as "Chicken Palace." But the neglect, mistreatment, and stress that precede their arrival is a shame for the animals.

FOWL TREATMENT

Chickens, after all, have enough to cope with. About 9 billion are slaughtered for meat each year in the U.S. While the federal Humane Methods of Slaughter Act requires that livestock be rendered insensible to pain first, the USDA does not consider birds to be livestock, interpreting the law in a way that excludes them from such protections. Many are shackled and electrocuted while fully conscious.

Beyond those birds kept for meat, another 280 million are kept as laying hens, about 95 percent of them in battery cages that afford each chicken a space no larger than a sheet of copy paper. And that's information not from animal activists, but from reports by the USDA and the United Egg Producers, a trade association that represents the majority of U.S. egg farmers.

Those who want to buck this system and give these birds a better life will be enriched by the experience, say humane keepers like Marilee Geyer, who keeps a flock of more than 50 rescued chickens in California. Elsa and Betty, abandoned in a backyard and rescued by an animal shelter, are now "as playful and silly as kittens," investigating their surroundings and jumping into empty boxes, says Geyer. Wilhelmina, a former resident of a factory farm with caged hens, has blossomed from a shy bird who didn't even know the feeling of solid ground under her feet to a companion who runs toward Geyer whenever she sees her. "She began following me around the backyard, watching for bugs as I worked in the garden," says Geyer. "Eventually, she would sit next to me, and then she started hopping up on my lap."



Chicken Check-In: DID YOU KNOW?



The chicken you picture pecking her way around the yard? She'd be more at home in the jungle. That's right: The birds we know as icons of domesticity have roots in exotic Thailand, where even now, the jungle fowl from whom domestic chickens descended rule the verdant roost, cockadoodling from the thick jungle canopy to greet the day before flying down to scratch around in the undergrowth.



Like domestic roosters—and most birds, for that matter—male jungle fowl are more spectacular than their lady friends. Their plumage is a spectrum of iridescent blacks, coppers, and greens. Their fancy feathers help them serve as a distraction for hungry predators. When a “bad guy” appears, Flashy Dad zips across the terrain to draw interest, while plain Mom hides in the nest and protects the babies-in-waiting. Her protectiveness continues after her eggs hatch; she'll gather her babies under her wings to shelter them if a hawk happens to swing by overhead.



They may all look alike to our untrained eyes, but chickens have no problem telling each other apart. They're able to recognize at least 100 fellow cluckers, and they'll seek the company of those they know. They can tell humans apart, too: Researchers at the University of Guelph found that chickens recognized people who had repeatedly withheld food, turning away from them in search of more generous bipeds.



Much like human males on the prowl, roosters do all sorts of things to catch a sexy hen's eye. They perform elaborate dances—heads bobbing, feathers fluffed, and wings extended—as they shuffle sideways in an avian “Hammer Dance.” They'll also pick up pieces of food and drop them near the hen to get her attention.



Last year, scientists at Harvard and the Museum of Comparative Zoology in Cambridge, Mass., analyzed the collagen in the bone of a Tyrannosaurus rex and found that it was more like that found in the bones of modern birds—especially chickens and ostriches—than the bone collagen of modern reptiles. Having chickens in your backyard is as close as you'll ever get to minding your own flock of mini-T. rexes.



Jeni Caron comforts Blondie, who has been known to tap on people's legs when she wants to be held.

At Nard's house, chickens truly rule the roost, gathering on the deck for tidbits when they see their human friends eating breakfast inside and crowing to let the world know they've laid their eggs. Blondie, who is low in the pecking order, even taps on Nard's leg when she wants to be held, while Dottie indulges her musical preferences by sitting with him when he plays the guitar. Known as the “guardian” of the flock, Dottie recently kept a squawking watch from a rafter when some human visitors in-

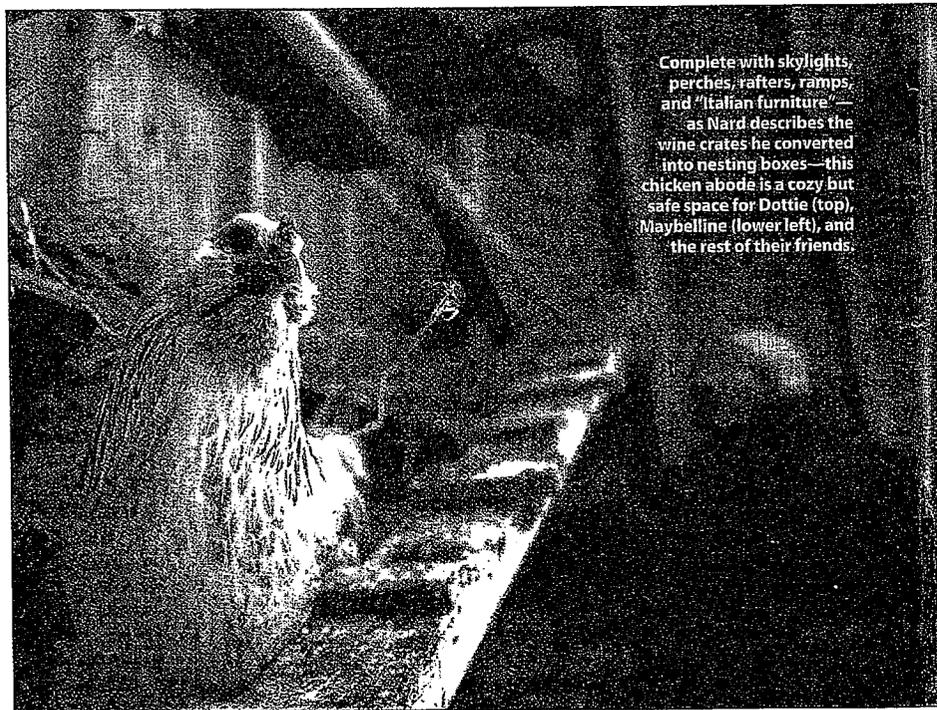
vaded her space. “She's lecturing you,” Caron said.

Though worth the rewards, chickens are like any other pet: they require an investment of time and money. While the old riddle about the arrival of chickens versus eggs may be eternal, adopters should have no doubt: The birds must come first.

Chickens can be noisy, and if you don't keep them healthy and their space clean, they can attract lice and other pests. Chicken adopters also need to be vigilant about the eggs their animals produce. If there's a rooster around, the eggs may be fertile and must be gathered and refrigerated quickly to avoid new hatchings.

Those who plan to adopt and care for a flock should be prepared for the expense of setting up a predator-safe environment. Mary Britton Clouse, head of Chicken Run Rescue in Minneapolis, estimates the startup costs for good chicken housing at about \$4,000; that doesn't include the cost of care for each bird, which she puts at around \$280 a year.

Many urban and suburban areas also have zoning restrictions for the keeping of poultry. These rules may specify how close the birds can be to a residence and how much space is required per animal; in some areas, chicken keeping is illegal or requires a permit. To help crack down on illegal cock-



Complete with skylights, perches, rafters, ramps, and “Italian furniture”—as Nard describes the wine crates he converted into nesting boxes—this chicken abode is a cozy but safe space for Dottie (top), Maybelline (lower left), and the rest of their friends.

PREVIOUS SPREAD, HERE: MICHAEL CLARK/PHOTOLIBRARY; EGGS: ROBERT PHILIPS/GETTY; THIS SPREAD: MICHAEL TULEY/THEHEISUS

David Nard shuns factory farm products and cooks with eggs from his pet hens, who have the run of his chemical-free backyard when he's home. "None of this is new," says Nard's partner and fellow chicken keeper, Jeni Caron. "This is how my grandparents lived. It's just something that people have gotten away from for a couple of generations."



fighting, the Los Angeles City Council is considering an ordinance to limit personal possession to one chicken per household.

BIRDS OF A FEATHER

Adopted chickens may behave oddly when they arrive at their new homes. Those rescued from factory farms have led traumatic lives of confinement. Psychologically, they're much like dogs raised in puppy mills. They've never known what it is to

walk on grass or take comfort in the arms of a human.

But according to most chicken rescue experts, many neurotic and aggressive behaviors are likely to disappear as the animals become accustomed to a setting where they have space, comfort, and positive interactions with people and with each other.

When rescued chickens arrive at the Marin Humane Society in Novato, Calif., "they tend to flock and stay in a huddled

circle in the corner," says Kim Lanham-Snyder, the shelter's director of special programs and projects. "Anything they've experienced with humans has so far been negative, so they try not to interact. They've never had anything to perch on, so they don't even know to get up on a perch and hold their feet around it."

As the chickens get their bearings and begin to enjoy their new homes, adopters may find their own perspectives about these creatures permanently altered. So much of the way we categorize animals—these for food, these for companionship, these for work—is cultural, a system handed down to us through longstanding traditions. But many people who've brought chickens into their lives find they're no longer limited by preconceived notions about the species.

"There are a lot of people who get it," says Clouse. "They read the personality profiles on our Petfinder page and they suddenly understand, 'My gosh, these are complex creatures! These birds have personalities and they're individuals.' All it takes is for someone to give them permission to think differently, so once they understand that there are people who care and advocate for chickens and respect their instincts and behaviors in all of their complexity—the 'dumb animal' that everyone thinks about? [The] 'it's just a chicken' [sentiment]? All of that falls away." ■

Thinking about getting chickens?

- ▶ **ADOPT, DON'T BUY!** The chicks sold by feed stores and mail order catalogs may come cheap, but there are hidden costs: The sales support the poultry industry, and chicks sent through the mail often die en route. Animal shelters and farm sanctuaries have lots of chickens in need of good homes, so check *Petfinder.com* for adoptable birds.
- ▶ **BUY THE COOP (OR BUILD IT):** Chickens need a safe place to hang out and sleep. That means investing in a secure coop and exercise area that protects them from the elements and from predators.
- ▶ **GIVE THEM SOME SPACE:** If you are interested in adopting more than one rooster, read up on flock dynamics first. Some roosters can become aggressive with each other if there aren't enough hens to make each feel he has his own brood. It's a natural part of their social structure, and adopters who take the time to train and get to know a rooster will often find a friendly and social bird underneath the macho behavior. But their hierarchy and housing are important to pay attention to, for the sake of the chickens.
- ▶ **READ SOME GOOD "CHICK LIT."** Several chicken rescue groups, including Chicken Run in Minnesota and United Poultry Concerns in Virginia, have care guidelines that will help you learn what these funny, complex little birds need. Make sure your own "rescue" is providing them with a better life.





THE BIG IDEA

try to be our own butcher, baker, and brewer, it's a short, slick slope to hoarding duck feathers and living in suburban petting zoos.

The math breaks down like this: Let's say you spend \$250 on lumber and chicken wire to build a coop¹. You get 16 chicks, six of whom turn out to be roosters, and then become rooster stew as soon as a neighbor complains. The remaining ten eat \$11 worth of scratch per month and, for some unknown reason, produce a dozen small eggs before going on strike for the winter. That's about \$25 per egg. Each of four tomato plants produces about 50 red fruits, but then your girlfriend teaches your hunting dog to eat them ("Look, he's a *vegetarian!*") and daily irrigation boosts the water bill by \$40 over four months. Elk, shot in-state without too much driving, turns out to be a real bargain at a little over \$1 per pound, but duck? There isn't a French restaurant in the world that charges what I've been paying for *confit de canard*.

By the time *Well-Preserved* hits shelves in May, it's likely that the recession will have revived public appreciation for that humble yet time-saving invention, the tin can. But just in case, here are a few hard-learned notes of caution that rarely get ink in the "I did it and so can you" genre: Chicken dung smells like rotting mayonnaise, and hens are loud, too. Citrus-based pesticides might as well be lemonade as far as aphids are concerned. There's no such thing as a "clean kill." We're a generation removed from 4-H, and I'm here to tell you that your backyard and rooftop are not good places to cultivate your unloved childhood.

I'm not suggesting you shouldn't indulge in any foraging adventures or volunteer on a local farm, but as they say in pickup sports: Keep it fun, and do it in moderation⁴. Go ahead and saw your own firewood and dip your own candles. Just don't plan on heating and lighting your home for the entire winter with them or you'll start feeling less like a modern-day Thomas Jefferson and more like a poor schmuck with scorched fingertips and a sore back.

THE LITTLE IDEA

Intervention from a Colleague

1. You called in a five-pound carbon-fiber sniper rifle for "gear testing."
2. Yes, we all noticed the six dead ducks you brought to Thanksgiving dinner.
3. No, this is not a hypothetical.
4. Clearly, you have yet to take your own advice.

—ABE STREEP, FELLOW ASSOCIATE EDITOR



Hands Off!

>Times are tough, but growing and killing your own food isn't the answer
BY GRAYSON SCHAFFER

A COUPLE OF YEARS AGO, I went back to the land. Not the farm I grew up on in north Idaho, but my residential lot in Santa Fe, New Mexico. My housemate and I built raised beds for our organic vegetable garden and a coop for some laying hens. Last winter, I borrowed a rifle¹, killed an elk, and then took up waterfowling, which soon led to dog ownership, a fancy Beretta over-under 12-gauge, and explaining to my girlfriend that I'd paid \$100 for a robotic duck decoy that flaps its wings reassuringly. I stashed the feathers from three Canada geese and a bunch of mallards in a large garbage bag beneath my kitchen sink, vowing that someday I'd sew them into a comfy pillow. That way I could claim I'd used the entire animal—you know, like the Native Americans.

Pop culture has been egging me on in this self-sufficiency kick. In 2007, *The New Yorker* developed an inexplicable fascination with rooftop beekeepers and urban poultry farmers. Recently, *The New York Times* profiled a woman who'd turned the basement of her Harlem brownstone into a root cellar. Hugh Fearnley-Whittingstall's folksy 2001 *River Cottage Cookbook* entered its first American printing in March 2008; a review in *The New York Times Style Magazine* cooed over a section called "Owning a Shotgun." Two well-known authors recent-

ly published books on the vogue hundred-mile diet, and this spring, food writer Eugenia Bone is coming out with *Well-Preserved: Recipes and Techniques for Putting Up Small Batches of Seasonal Foods*.

It's tempting to view this trend as a collective premonition of leaner times to come, but I think something else is going on. The back-to-basics craze hit the mainstream because we had *too much* money and time on our hands (up until last year). Hunting, gathering, and backyard farming make for good recreation, casual dinner-party bragging², and too many yellow squash, but they're not always smart home economics. Now that widespread layoffs and actual hardship are upon us, it's more obvious than ever that only memoirists and a few millennial holdouts should try to produce everything they consume. The rest of us should try like hell to keep our jobs—so we can still afford to buy local, hormone-free beef from farmers who raise it for a living.

Way back in 1776—when making your own lard was a necessity, not a hobby—Adam Smith got it right in *The Wealth of Nations*: If everybody specializes in what they're good at, we're all better off. If we ignore logical divisions of labor and all

**Proposed Section 1111: Domestic Livestock and Fowl in Single-Family Residential Zones
Draft, 2-11-13**

Section 1111

The purpose of this section is to provide supplementary regulations for the keeping of limited domestic livestock and fowl in the single-family zoning districts of the city. It shall be unlawful to keep domestic livestock and fowl in the R-1-6, R-1-7, R-1-8, R-1-10 and R-1-15 zones except as provided in this section.

- 1) **Allowance** - All single-family residential properties in the R-1-6, R-1-7, R-1-8, R-1-10 and R-1-15 zones shall be allowed points for domestic livestock and fowl as defined by this section according the following:

- a) Points by Lot Size – Lots shall be assigned points by lot area, according to the following table.

15,000 square feet and larger	30 points
10,000 – 14,999 square feet	20 points
8,000 – 9,999 square feet	10 points
Less than 8,000 square feet	No points

- b) Allowance by Points – domestic livestock and fowl shall be permitted by type and points according to the following table.

Small livestock and fowl (rabbits and non-crowing, egg-laying hens)	5 points each animal
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- 2) **Permit Required** – A city permit is required for the keeping of any animal or animals under this section. Permits may only be issued to the property owner of record.
- a) Fee. The permit fee shall be set forth in the adopted Fee Schedule of the City.
 - b) Renewal. All permits issued under this section are subject to annual inspection and renewal.
 - c) Inspection. Inspections related to a permit issued under this section must be permitted as deemed necessary by the City.
 - d) Revocation. A permit may be revoked by the City for any violation of this section at any time.
 - e) Transfer of Permits. Permits under this section are issued to property owners of specific lots and may not be transferred or assigned to other persons or properties when ownership or residency changes.
 - f) Notice to Adjacent Neighbors. Upon receiving an application under this section, the Zoning Administrator shall cause notice of the application to be sent by mail to all owners of property immediately adjacent to the subject property.

- g) Site Plan. An application for a permit under this section must be accompanied by a site plan indicating the lot, the primary residence, and the proposed placement of the structures or hives in compliance with the requirements of this section required by this section.
 - h) Zoning Administrator - The Zoning Administrator or his or her designee shall be responsible for the review of applications, issuance or denial of permits, inspections, renewals, investigation of complaints, and revocation of permits when necessary.
- 3) **Regulations for the Keeping of Hens and Rabbits** – The issuance of a permit for the keeping of non-crowing, egg-laying Hens and/or Rabbits under this section shall be predicated upon compliance with the following.
- a) Roosters. Roosters and crowing hens of all kinds are prohibited.
 - b) Personal Use Only. The keeping of hens or rabbits is intended only for pleasure or family food production (eggs). No sale of any kind or slaughter is permitted.
 - c) Enclosure Standards. All animals must be contained within an enclosure or fenced area at all times. Such an area shall be entirely within the rear yard. No enclosures will be permitted in front or side yards.
 - 1. Structure. All animals kept under this section shall be housed within a covered, predator proof and well ventilated coop or hutch. The structure must provide a minimum of three square feet per animal and be of sufficient size to allow free movement. No coop or hutch may exceed 7 feet in height.
 - 2. Location. All structures provided under this section shall be located a minimum of 30 feet from any dwelling on an adjacent lot, 10 feet from any property line and 10 feet from any dwelling on the same lot.
 - 3. Maintenance. Coops, hutches and enclosures shall be cleaned and maintained as necessary to prevent detectable odor at the property line. All coops or hutches must be maintained in good repair and painted or stained annually.
 - 4. Feed. Feed for animals kept under this section must be stored and dispensed in rodent-proof, predator-proof containers.
 - 5. Disposal of Animals. Dead animals and unused eggs must be removed within 24 hours and properly disposed of.
 - 6. Wastewater. Wastewater from the use of the animals or related to the maintenance of the structure shall be retained or disposed of entirely on the property.

ROY CITY PLANNING COMMISSION MINUTES

Regarding Chicken/Rabbit and Bee's

July 25, 2012

2. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES

Commissioner Kirch moved to open the public hearing at 6:11 p.m. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker. The motion carried.

Jared Hall stated that this was a public hearing to consider a proposal from Melissa Warwood to amend the text of the Zoning Ordinance regarding the prohibition of keeping domestic livestock in residential zones other than RE-20. It appeared there was a lot of interest from the public on this topic. Mr. Hall explained that a text amendment was a request to change the way the Zoning Ordinance read. Roy City currently allowed domestic livestock and fowl in RE-20 Zones. The current regulations had been in effect since 2005. Several attempts to amend the livestock regulations had failed. There were other cities in the area that had adopted ordinances allowing some animals in residential zones. Melissa Warwood proposed that hens and bees be allowed in other residential zones based on a point system similar to the one used by West Point. West Point's lot sizes were considerably larger than Roy City's. The point system used by West Point would not work in Roy City. A point system would have to be tailored to fit Roy City.

Mr. Hall said the staff was not prepared to offer an alternative version of the point system. The staff recommended that the Commission listen to the public comments and continue the public hearing to the next scheduled meeting on August 14th pending more research and possible draft work. It appeared more suburban areas were prepared to regulate domestic livestock. He felt the problems would come with enforcement, which would require further research. Mr. Hall reminded the audience that the Planning Commission dealt with Land Use ordinances. Anything dealing with land use regulations was heard by the Planning Commission. The Commission would listen to staff and public input then forward a recommendation to the City Council.

Mr. Hall stated that the City had received a letter from Christee Kyte in support of the text amendment. He asked that the letter be entered into the record (see attached copy). The Mayor had received a email from Mr. Hawthorn in opposition to the amendment. He read the email into the record. (See attached copy). The staff had taken half a dozen calls in support of the application.

Chairman Stonehocker opened the floor for public comments.

Melissa Warwood, 2590 West 4800 South, stated that her reasoning for the text amendment was self-sufficiency. She grew a large garden and canned. She worked at the jail where she taught inmates how to garden and work with beehives. She had never had any issues with the hives. She had found that bees were very beneficial for her garden. She grew up with chickens. If they were kept as pets, they got used to their caretakers. Chickens ate the grubs that destroyed gardens. Chicken manure was high in nitrogen and made great compost, which was very good for gardens. She asked that the Planning Commission consider her request.

Allen Brown, Slaterville, stated that he was representing the Weber County Bee Keepers' Association. There was a huge difference between bees and wasps. Wasps would sting. Honey bees would die if they stung. They only stung if they were threatened. Washington Terrace and South Ogden recently changed their ordinances to allow bees in residential zones. Bees were also allowed in Brigham City. The State of Utah required all bee keepers to have a state license. They were subject to all the State regulations. The application gave State inspectors the right to inspect the hives at any time. There was a licensing fee. The license had to be renewed annually. Bees were endangered. Bee keepers lost 30% to 40% of their bees every year. A honey bee was 15 feet in the air by the time it was 10 feet from the hive. Bees ranged from

three to five miles. He kept hives within 15 feet of the trampoline his grandchildren used. In the five years they had been there, he had never had a problem.

Commissioner Kirch stated that there were three registered bee keepers in Roy City. One was inactive. A lot of states were changing their regulations because bees were dying. Honey bees drive wasps away.

Sean Ercanbrack, 5743 South 3950 West, supported the text amendment. As a youth, his grandparents kept bees on their urban lot in Murray. He played within five feet of the hive and never had a problem. The bees went straight up when they left the hive. His grandmother was allergic to bees, but never had a problem with them. He was interested in having other fowl besides chickens. With the canal near his home, he had some ducks. They were very educational for his children. The ducks didn't make a lot of noise and stayed in the yard. They had not flow away. His brother lived in West Haven and had chickens. The fence for the chickens was lower than the standard fence height in Roy. His brother never had problems with chickens getting out. He felt the proposed amendment was a positive thing.

Joseph Herrera, 2182 West 5600 South, stated that he moved to Utah about 18 months ago. He found it ironic that the State symbol was a beehive; yet he could not have a hive in his own yard. He requested a variance but was told that was not an option under Roy City's Zoning Ordinance. He would have to pursue a text amendment. He felt bees were a good thing. There were four beehives at the White House. Bees were essential to gardens. Gardens were part of having things on hand in case of an earthquake. Bees were dying.

Brian Jenkins, 2046 West 3775 South, was in favor of changing the Zoning Ordinance to allow chickens and bees and possibly other fowl. He felt both would help people be self-sufficient. He had fourteen children and would really like the opportunity to have animals in his yard. His kids could have an agricultural project. His yard was too small for a dog. His neighbors had dogs that were cooped up and barked all the time. He didn't feel the City was doing a good job enforcing its dog ordinance. If the regulations for chickens and bees were reasonable and people wanted to participate, he felt they would do so honestly. As long as the number of chickens was small, he didn't feel the manure would be a problem.

Rebecca Rodriguez, 2577 West 4400 South, didn't realize she couldn't have chickens in Roy. She got her chickens when they were little. When the weather warmed up, she moved them outside. A few weeks later, she received a citation. Her hens were just ready to start laying. The chickens had been a joy. They were sweet and, unless they were disturbed, they were very quiet. She supported the text amendment. She understood that if the ordinance was not changed, her birds would have to go away. She felt her family would benefit from having fresh eggs. People who wanted chickens in their backyard were not trying to make a profit. Dogs and cats could be a nuisance to neighbors. Chickens were quiet and kept to themselves. A small yard could support a small flock of backyard chickens. Fresh eggs kept longer than those purchased in a store. People were concerned about food storage and emergency preparedness. She was not interested in profiting financially from her birds, and she didn't want to be a nuisance to her neighbors.

Lanis Ogilvie, Ogden, stated that she had been looking forward to her daughter's fresh eggs. Her grandmother raised chickens and bees in Bountiful, which was wonderful for her as a child. Eggs tasted better when they were fresh. Another daughter lived in Clinton. She had a neighbor with chickens and didn't even know it. She never heard them. She was concerned about bees disappearing. She was interested in seeing Roy pass this text amendment because she wanted Ogden to follow suit.

Lil Ackley, 5839 South 3260 West, stated that chickens did produce good, nitrogen-rich manure, which was a fertilizer free of pesticides and chemicals. A hen could lay up to 200 eggs a year. She did not feel a few chickens were a problem but believed there should be a limit on the number allowed. Eggs from roaming chickens were higher in nutrients and vitamins. She felt the chickens should be kept within a yard, and that no roosters should be allowed.

Christee Kyte, 6058 South 2050 West, stated that she had lived in Roy for 21 years and had not been in compliance. She had a rabbit in her backyard, as well as hens. She asked for the Planning Commission's mercy. Chicken dung did attract flies. However, if it was swept up, the flies went away. The City asked dog

owners to clean up after their dogs. Chickens were no different. Another concern about chickens was noise. Hens were not totally quiet. They cackled when they laid eggs. Usually that was about once a day. Her neighbors had never complained. Roosters crowed and looked after the hens. She felt Roy City could be a model city by allowing 6 to 8 hens. Bees and chickens went together. Chickens ate the grubs in the ground that caused gardening problems; they didn't bother flying insects. She hoped the Planning Commission recommended that the Zoning Ordinance be changed soon. She thanked Melissa Warwood for submitting the application for a text amendment.

Myron Perry, 1975 West 6000 South, stated that he had lived in Roy since 1943. When he first moved to Roy it was difficult to find anyone without animals. He still had one; an old pet goose. He wanted to continue to have some animals. He taught his children and grandchildren how to take care of animals through chores. Roy was always a rural area. The only noise from the chickens was cackling when eggs were laid. No one had complained about his chickens.

Barbara Perry, 1994 West 4250 South, said she was really happy to hear from so many like-minded people. She felt everyone should have the opportunity to have chickens. She was in favor of changing the ordinance. Someone in her neighborhood had chickens. She could hear them cackling. It didn't bother her. However, her neighbor's dog barking through the night did. She enjoyed her garden. She liked to can because she knew where her food came from. There were not a lot of children who knew where tomatoes came from or that eggs didn't come from a store.

Doug Fowers, 5826 South 3325 West, said his yard was half an acre. When they moved to Roy their builder told them they could have chickens. They built a coop. A short time later they received a citation. Everyone around them had animals. It was hard getting rid of their chickens. He felt it was great for children to have the responsibilities when keeping chickens. He would like to see the ordinance changed so he could have some hens.

Chris Lovewell, 2242 West 5300 South, wanted to have chickens. Too many of the current generation spent all their time inside day playing video games. He had about one-third of an acre. He would like to make his land produce more and have chickens for fresh eggs. He would like to teach his children how to take care of them. He also liked to know where his food came from. He had been around chickens. They did cackle at times, but their noise level was nothing compared to rowdy dogs.

Adrienne Robinson, 4644 South 3750 West, appreciated all of the comments. She agreed with everything that had been said. She wanted to be self-sufficient. She felt that was the type of people Roy wanted to attract. It would if it had the right ordinance. She had heard that Idaho Falls, Idaho allowed four chickens. She didn't feel four chickens would hurt anybody.

Bruce Perry, 1994 West 4250 South, hoped all of the comments were making an impression about how important this issue was to people in the City. He wanted to know where his food came from. There was a difference between home-grown eggs and eggs from the store. There was a difference in produce as well. As a gardener, he needed help from bees. He suggested that all those in attendance follow up by contacting the elected officials.

Chris Hadley, 3820 West 4900 South, wanted his children to have real work to do. Living in the city made it difficult to find enough real work for his seven children. He sat in a Council meeting a year ago when there was a discussion about raising taxes to purchase a ladder fire truck, which was a great expenditure. However, there was also a discussion about a swimming pool with a yearly deficit. It was mentioned that the children needed a place to go. He felt that children needed real work more than they needed a skate park or a swimming pool. Those were pursuits that should be left to the private industry, not the government. This text amendment would allow him to give his children real, living work at home in Roy. He asked the Planning Commission to remember that this country was founded on the idea of a government for the people by the people. The government needed to trust the people a lot more.

Dan Medell, 5821 South 4175 West, said he was representing Clark Roberts, his neighbor. Mr. Roberts lived on a small swatch of unincorporated Weber County within Roy City and kept both chickens and bees. Mr.

Medell felt approval of the text amendment was a slam dunk. He didn't see why the Planning Commission would recommend denial of beehives. The Commission would have to work on restrictions for the chickens. Maintaining chickens was part of being a responsible citizen. He felt there should be something in the regulations about landlords because most landlords were hands off.

James Mackley, Pleasant View, stated that he was also representing Clark and Abby Roberts. They didn't want to be restricted from keeping chickens and bees. Amending the Zoning Ordinance would be a good example of a community that wanted its citizens to be self-reliant.

Dax Barney, 2017 West 5500 South, stated that he had half an acre and planned to grow more fruit trees. He wanted to have bees to pollinate his trees. He supported changing the ordinance to allow bees.

Cary Jenkins, 2046 West 3775 South, stated that a friend tried to get a text amendment passed in a city to the south. The City Council was considering approving the amendment until the enforcement officer expressed opposition and concern about loose, rogue chickens. Ms. Jenkins preferred to be attacked by something with a bill rather than something with teeth. If the City was going to pass an ordinance to keep animals out, she would much prefer to get rid of dogs. Dogs were significantly more scary than a rogue chicken, duck, or goose. She was in favor of the text amendment.

Brad Johnson, 5308 South 2300 West, stated that he raised chickens when he lived in Taylor. His children and grandchildren loved them. They were very educational. He moved to Roy because it was a family-oriented town. With a common sense approach, allowing chickens and bees would make Roy more a community than an asphalt city. Citizens would have the benefit of raising their own food and learning about agriculture and farming. With a logical approach, he didn't feel animals would bother anybody.

Andrew Warwood, 2590 West 4800 South, stated that at first he was opposed to chickens and bees in his yard. He grew up in Hooper and knew how smelly animals could be. However, they were not talking about a cow on a quarter acre. He understood the point system would have to be adjusted to fit Roy City. He felt this text amendment was a good thing. The email the City received in opposition cited concerns about noise and cleanliness. He felt those were the exception to the rule. He hoped the Planning Commission would forward a positive recommendation to the City Council.

Chairman Stonehocker closed the floor to public comments.

At approximately 7:30 p.m., Commissioner Holt moved to continue the public hearing to the next scheduled Planning Commission meeting on August 14th, at which time the Planning Commission would discuss the amendment and possibly make a recommendation to the City Council. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, Merx, and Stonehocker voted "aye." The motion carried.

Commissioner Hamilton said it was refreshing to see so many people at a Planning Commission meeting. He appreciated all of the comments. It was important for the Planning Commission to receive feedback. He had heard several comments that Roy City did not allow animals. Roy City did allow animals in the RE-20 Zone. Some positives about allowing animals in residential zones had been brought up. The Planning Commission now had to consider whether animals could be allowed and still allow all property owners to enjoy their yards. He recently had the unfortunate experience of having a neighbor with chickens. He knew the chickens were not in compliance, but his neighbors were there temporarily so he didn't say anything. However, they placed their coop next to his fence, which made it so he could not enjoy his backyard. He asked that the staff provide information to the Planning Commission on August 14th about how to control concerns about noise and smell and how a point system could work in Roy.

Commissioner Holt asked that the City Attorney review any of the staff's proposals. He felt it was critical that animals and bees only be permitted for a homeowner, not a tenant.

Jared Hall said the staff had already started discussions with the City Attorney. One suggestion had been issuance of a license for this type of use. Commissioner Kirch pointed out that the State already required beekeepers to be licensed.

Commissioner Kirch suggested requiring those who wanted animals in residential zones to fill out an application so the City knew where the animals were located. She felt any regulations should address disposal of deceased animals. She wasn't sure if a point system would work. It might be better to just set certain numbers based on graduated lot sizes. In the ordinances she had read, there were a lot of rules and regulations about where animals could be kept in yards relative to neighboring properties. Was that something that could be duplicated in Roy? She suggested finding an existing ordinance that could be tweaked to fit Roy.

Chairman Stonehocker felt any regulations should include language prohibiting retail or commercial sales from the animals. He asked about getting approval from adjoining property owners.

Commissioner Hamilton asked the staff to look for ordinances with setback requirements.

Commissioner Kirch felt regulations should prohibit roosters and should limit fowl to those involved in egg production. She didn't feel a turkey in a backyard would be appropriate. They were too noisy. Regulations should address cleanliness. Manure should be kept on your own property. It should not enter the City's water system.

Jared Hall stated that the Zoning Ordinance contained language regulating domestic livestock in RE-20 Zones. He felt that language should be left alone. He suggested that any proposal would involve the creation of a new category regulating certain livestock in residential zones. He wanted to have a 'stand alone' ordinance. The text amendment was likely to be lengthy.

Commissioner Hamilton felt any amendment should be very specific about what animals could and could not be allowed. Based on the public comments, he felt the text amendment would be limited to about four types of animals - rabbits, chickens, bees, and ducks.

Jared Hall stated that the staff would begin looking at drafting a proposed amendment for the Commission to review on August 14th. He would try to pass along research as he received it.

August 14, 2012

3. CONTINUATION OF PUBLIC HEARING FROM 7/25/12 TO CONSIDER A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES

At 6:09 p.m., Commissioner Kirch moved to continue the public hearing from July 25, 2012. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

Jared Hall stated that this hearing was the continuation of one held on July 25th to consider a request to amend the text of the Zoning Ordinance regarding the keeping of domestic livestock and fowl. The hearing was continued to allow for further discussion and time for the staff to conduct further research. The staff had provided some of the ordinances from other cities in the area. Layton City was holding a hearing this evening to consider allowing animals on 10,000 square foot lots. Mr. Hall read an email from Julian Green into the record (see attached copy). Mr. Green asked that the Planning Commission deny the request to amend the Zoning Ordinance.

Chairman Stonehocker opened the floor for public comments.

Rebeka Rodriguez, 2577 West 4400 South, stated that the email from Julian Green asked that the petition be denied due to irresponsibility. People could be irresponsible with dogs, cats, and even children. She asked the Planning Commission to not base its decision on someone who was irresponsible. She reminded the Planning Commission about all of the positive comments it received two weeks ago. Only two negative comments had been received. Both of them were received via email.

Gary Davis, 5214 South 2700 West, was in favor the text amendment. He had raised birds since he was a small child. It all depended on whoever cared for them. Birds were bug eating machines. He had a lot of Box Elder trees growing along the north side of his property. He would like to have birds to eat the bugs rather spraying pesticides.

Forrest Young, 2428 West 5075 South, was also in favor of having chickens. He asked the Planning Commission to consider all of the positive comments.

Sean Ercanbrack, 5743 South 3950 West, stated that those who were opposed to the text amendment had written in. Those in attendance out numbered those who were vocally opposed.

Commissioner Kirch asked how large Mr. Ercanbrack's lot was. Mr. Ercanbrack was not sure. Michelle Drago asked if he lived in the Aland of Honey Subdivision. Mr. Ercanbrack said he did. Ms. Drago said Aland of Honey was zoned R-1-8, but the lots were actually 7,000 square feet in size.

Brian Jenkins, 2046 West 3775 South, stated that since July 25th he had spoken with his neighbors. Some were against allowing chickens. One had a bad experience with a neighbor keeping only roosters who crowed all night. Another was opposed because of cleanliness concerns. Mr. Jenkins asked the Planning Commission to include regulations requiring people to talk to their neighbors. There were ordinances on the books which allowed citizens the recourse of speaking with the police rather than their neighbors. Those ordinances made Roy an isolated community. When neighbors could reach an agreement there would be less problems with irresponsibility.

Joseph Herrera, 2182 West 5600 South, didn't feel the Planning Commission should base its decision on the problems people had had in their lives or on one person's bad experience. He was in favor of bees and chickens, as long as roosters weren't allowed.

Vic Bachman, Ogden, stated that he was part owner of Deseret Hive Supply, a new business which provided supplies for beekeepers. He had been asked to attend in support of the text amendment. He had been keeping bees for several years. He had spoken with many people from the Roy area who wanted to know if Roy allowed bees. He had five hives at his home in North Ogden. When he first put the hives in, his neighbors were worried, but most had forgotten the hives were there.

Commissioner Kirch asked how many bees were in a hive. Mr. Bachman said there could be 25,000 to 50,000 bees in one hive. It was usually good to have two hives so they could help each other. He had not been stung by his own bees, but he had been stung many times removing feral hives. The bee population had dwindled. Most commercial beekeepers lost 70% of their bees in the first year.

Clark Roberts, 3581 West 5350 South, stated that he lived in an unincorporated island in the middle of Roy City. He had kept hives for the last 12 years. He agreed with what had been said. Bees were pretty docile. Their single focus was to find food. It was hard to upset a honey bee. He felt it was important for the City to write an ordinance with regulations to help people be responsible. Bees did need a water source. He was very much in favor of bees and chickens. Bees would be a lot easier to manage. Beekeepers should be required to register and have a County inspector look at them once a year. There were good ways to set up a hive and places to put them to cause less disturbance for others.

Nate Hall, owner of Deseret Hive Supply, stated that it was important for people to know that a bee sting would swell. Swelling didn't mean you were allergic. The pros for bee keeping far outnumbered the cons. He didn't feel it was a good idea for someone with half an acre to have 50 to 100 hives. People needed to be educated and became certified. Half of every bite you ate was the result of bee pollination.

Bruce Perry, 1994 West 4250 South, was incredibly impressed by the number of people who had showed up at the meeting two weeks ago and tonight to support the request for a text amendment. It was important for him to know where the food he put on his table came from and what it had been fed. It was an important thing on people's minds. They wanted to have some control over their lives. There was a difference between fresh eggs and those from the grocery store. The difference was what most people were concerned about. A garden was an important part of his lifestyle. Bees were part of the system he needed to maintain a garden. People in Roy needed more control over what they put on their tables and more control over their lifestyles. He supported this change. He looked forward to making some progress.

Brad Christiansen, 3036 West 4375 South, hated to think he was the silent majority. He had talked to a lot of people in the past two weeks. Many thought this was just a west Roy issue which they didn't have to worry about. He also sent an email which was read into the record at the last meeting. However, this was City wide. There were positives about bees and chickens, but there were a lot of negatives. A lot of people were allergic to bees; his wife was one. He used to have chickens and ducks. They were a lot of work. They smelled as well as their droppings. They attracted rodents. He was opposed to the idea of putting them on such small lots. He didn't like the thought of having a chicken coop 20 feet from his bedroom window. On his farm, the coop was 100 feet from the house, and it was still too close. Chicken poop smelled. He moved to this area because it was residential; because he didn't want to put up with farming. He read the codes and knew there were limits on cats and dogs. He moved here on purpose. If people wanted to have animals, they needed to move where they could have them.

Mr. Christiansen said that allowing chickens brought a lot of potential problems. The City couldn't handle the code enforcement issues now. He didn't feel it was fair to burden all of the citizens for a few people's hobby. There was a lot of open acreage in the City that people could keep chickens on. There were other options for those who wanted chickens, such as a co-op. Then they would not encumber people who did not want them. Even if there were 300 people in favor of this text amendment, they were still a very small percentage of the populace of Roy City. He encouraged the Planning Commission to look at all of the ramifications. A text amendment would affect many people who didn't want to be encumbered. He felt having a chicken coop right next to his home would make it difficult for him to sell his home. There were already many yards in the City that were not cared for. He didn't feel the City was financially able to handle the problems that would come from a text amendment. Once that happened, there would be a lot more citizens trying to change the ordinance back.

Joseph Herrera rebutted Mr. Christiansen's statement. Just because someone was allergic to something didn't mean it should be banned from the rest of the population. Those in favor of the text amendment were in the majority. He lived in a condominium with a dumpster 50 feet away.

Elizabeth Brown, 4997 South 1950 West, stated that she was extremely allergic to bees, and her daughter had environmental allergies. She asked the Planning Commission to consider everyone's health.

Dax Barney, 2017 West 5500 South, stated that he had a lot of wasps in his yard. Bees were the natural enemy of wasps. He was in favor of bees. There was a difference between bees and chickens. He felt bees should be allowed even if chickens were ruled out. Bees and chickens should be considered separately.

Melissa Warwood, 2590 West 4800 South, stated that she had four chickens. She also had a rabbit. Five different families had visited with her since she brought them out of her house a week ago. They wanted to learn how to take care of them. Her daughter was obsessed with feeding the chickens. She understood that she might have to get rid of the them. She loved the produce she was able to harvest from her garden with the help of bees. Almost all of the cities were changing their regulations to allow chickens in residential areas. She wanted to stay in Roy, but if she could not have animals she would be discouraged from staying. She hoped the Planning Commission did not allow the negative comments to outweigh the positives.

Rebeka Rodriguez, 2577 West 4400 South, appreciated Mr. Christiansen's perspective. She felt his concerns could be addressed. She didn't feel smell would be a problem because of the small number. She had six chickens, which she knew she might have to let go if the decision went against them. The concerns about smell and roosters could be addressed in the text. Clinton required chickens to be kept a minimum of 30 feet

from residents. Roy City would receive revenue from those who wanted to keep animals to help cover enforcement costs. People wanted to have some control over their property.

Forrest Young felt concerns could be addressed by educating the public, limits, and certification. Times were changing. The City needed to address this situation.

Janet Ercanbrack, 5743 South 3950 West, was surprised at how many people came to the last meeting and this one. She found out a lot of people had animals. No one had complained about them because they weren't a problem. She didn't know what they would do if the Planning Commission didn't allow animals. Their pets were part of their lives and family. She felt there needed to be a compromise between those who wanted to have animals and those who did not.

Chairman Stonehocker closed the floor for public comments.

Commissioner Kirch moved to close the public hearing at 7:05 p.m. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker, and Zito voted "aye." The motion carried.

Jared Hall said the proposed test amendment started with an application. It was the nature of the beast that its supporters would be a more vocal group and gain momentum through publicity. That was one reason why the public hearing had been continued from July 25th. It was surprisingly complex trying to analyze this type of request from a zoning perspective. Allowing animals was easy in agricultural zones. Standard zoning methods had worked to separate agricultural, residential, and commercial areas. Zoning livestock and other agricultural uses out of residential and commercial areas over the course of many years had created expectations. In suburbia, a resident didn't expect to look out the back door and see a chicken coop. The Planning Commission needed to be cognizant of that expectation. Mr. Hall said the minutes he read from other cities were surprisingly similar to the public hearing which had just closed.

Mr. Hall said that one way livestock could be allowed in residential zoning would be by conditional use permit, which would require a public process. In that public process, adjoining property owners would be notified. There wasn't a method of renewal or periodic inspection. The current fee for a conditional use permit was \$250.00. An alternative method would be allowing some livestock by permit or registration. This would allow for tracking and periodic inspections and an annual renewal. Permits would be administered by the staff; but there would not be a public process. The cost of the permit could be set by the adopting ordinance.

Commissioner Hamilton was concerned about using conditional use permits. He wasn't sure the Planning Commission needed to hold a public hearing for everyone who wanted to have chickens. Mr. Hall said a permit would be simpler in many ways, but it was important to not that there wouldn't be a public process. A conditional use permit was one time, and then remained in effect unless it was revoked by action of the City. Permits on the other hand, could be renewed (and therefore reviewed) annually for a smaller fee.

Commissioner Kirch asked if a permit could become 'grand-fathered' since a conditional use permit became attached to the property. A permit seemed easier to review and deny if necessary. Mr. Hall agreed and pointed out that a permit would be issued to an individual, not attached to the property.

Commissioner Hamilton felt there needed to be a data record kept so the City would know who had animals.

Commissioner Holt felt the conditional use permit or permit needed to be filed by a homeowner, not a renter.

Chairman Stonehocker felt a state license should be required for bees. Education about fowl was also important. People would need to know what their responsibilities would be. Mr. Hall said the City gave out information packets for a lot of things. A packet regarding animals could be put together.

Commissioner Kirch felt permits should be renewed annually, and that nothing should be grand fathered.

Commissioner Hamilton reminded the audience that the Commission was still in the discussion process. When Salt Lake amended its ordinance to allow bees, the process took months. If the City was going to do this, he wanted to make sure the change had been discussed and considered thoroughly.

Commissioner Kirch stated that the Planning Commission was cognizant of both sides of this issue. It had to consider the citizens of the entire community.

Commissioner Hamilton agreed that everyone needed to be able to enjoy their property. If citizens wanted to have animals, they shouldn't affect their neighbors who didn't want them.

Jared Hall said the numbers allowed could be tied to zoning, lot area, or by simple allowance.

Commissioner Hamilton felt the number should be to the size of the lot, not the zone.

Commissioner Kirch agreed. The footprint of the house should be taken into consideration as well.

Commissioner Kirch stated that research indicated poultry needed three square feet of space per animal. Mr. Hall said that his reading suggested that poultry not allowed to roam required at least six square feet per animal.

Chairman Stonehocker asked if an open space requirement needed to be included with lot area. Mr. Hall said regardless of lot size or house footprint, setbacks for coops would limit numbers.

Commissioner Kirch felt part of the permit process should be a submission of a site plan indicating where the coop or bees would be located. Mr. Hall agreed a site plan was vital.

Commissioner Kirch felt the City should reconsider a point system. She was concerned about a property owner keeping chickens, rabbits, and bees on an 8,000 square foot lot. A point system would limit numbers and over population. Points could be allotted. An owner could use points as he wanted, but he would be restricted to the number allowed by the points.

Commissioner Hamilton asked if the animals could be written into the City's livestock ordinance, like Syracuse. Mr. Hall said Syracuse had a separate livestock section; Roy City did not. Animals were currently only allowed in Roy City's RE-20 Zone. In order to have an ordinance like Syracuse, the City would have to redraft the RE-20 Zone as well. Redrafting the RE-20 Zone would require another public hearing. A separate section for livestock generally would have to be written as well.

Commissioner Kirch liked the wording in Syracuse's ordinance. She felt an owner should be responsible to control waste and keep it on his own property. Mr. Hall agreed that language regarding waste should be included.

Jared Hall stated that many of the restrictions in the different cities were almost uniform. He suggested that coops or hives be 20 to 25 feet from any dwelling. Commissioner Kirch preferred 25 feet. Mr. Hall said the distance from a property line was 5 to 10 feet. Commissioner Kirch felt it should be 10 feet to ensure all waste remained on the property. Mr. Hall said 10 feet would lessen the physical impact to adjoining properties. One ordinance talked about heaters in chicken coops needing to be kept a certain distance from any dwelling or home. Commissioner Kirch felt that needed further research. If the City didn't have it in writing, people would do it anyway. Mr. Hall recommended that no slaughtering be allowed.

Jared Hall said another issue was food storage. It needed to be secured. Some cities allowed chickens to roam; some did not. Roy City's RE-20 Zone did not require chickens to be in runs. Commissioner Kirch believed animals should be restricted to an owner's lot. If they roamed, there should be fencing to keep them 10 feet from property lines. The City needed to look at what was required for the creature to flourish.

Commissioner Kirch felt a permit should be revoked if the City had to come out. If there was a problem, an owner would have 30 days to remove the animals.

Jared Hall said the staff's biggest concern was enforcement. If a permit was pulled, what did that mean? It was difficult to remove animals from someone's property. Would the City confiscate the animals? If an owner didn't remove the animals, did the issue become an animal control issue?

Commissioner Kirch felt those who were currently keeping animals without a license should be required to have one. Mr. Hall agreed and said that while it could be complicated to impose a rule for existing situations, new regulations would have to apply to those currently keeping animals in residential zoning.

Jared Hall stated that many of the requirements for bees would be the same as those discussed by the Commission previously, and would largely mirror the requirements being discussed for chickens.

Commissioner Holt stated that an owner would have to comply with the State regulations as well.

Commissioner Hamilton asked that Mr. Hall prepare an outline for bees similar to the one for chickens and circulate it to the Commission.

Commissioner Hamilton moved to table discussion regarding a proposed text amendment for domestic livestock and fowl in residential zones until the next Planning Commission meeting. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

Jared Hall reminded the public that this item would again be on the next agenda for more discussion, but that it would no longer be a public hearing.

August 28, 2012

2. CONSIDERATION OF A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES (CONTINUED FROM 8/14/12 MEETING)

Jared Hall proposed that the requested text amendment be included in Chapter 11 of the Zoning Ordinance as Section 1130 - Domestic Livestock and Fowl in Single-Family Residential Zones (see attached copy). He looked at whether the text could be added to Table 17-2 - Table of Uses - in Chapter 17 where animals currently allowed in RE-20 Zones were listed. However, the table only listed numbers allowed. The proposed draft needed to cover additional regulations. He felt it was better for the text to stand alone.

Mr. Hall said the proposed draft did not include multi-family zones. The only zones considered were single-family residential zones and only lots used for single family residences – vacant and non-conforming lots would not qualify.

Chairman Holt felt permits for animals in single-family residential zones should only be issued if a property was 'owner occupied.' Jared Hall thought the intent was to only issue a permit to a property owner. The introduction for Item 2 included the sentence, *"Permits may only be issued with the consent of the property owner of record."*

Commissioner Hamilton asked about other types of fowl. The proposed draft only listed hens and rabbits. Jared Hall said that during the public hearing there was discussion about chickens, ducks, bees, rabbits, and geese. All those types of animals and fowl were allowed in the RE-20 Zone. Researching and drafting the ordinance language it became clear that no effective regulations could be put into place for water-fowl like ducks, etc. Their nature and needs differ significantly from those of hens and could not be accommodated without impacts on smaller lots as this draft ordinance was considering. In RE-20 Zones, lots were large enough to accommodate the needs of ducks and geese. There simply wasn't enough space on the smaller single-family residential lots.

Commissioner Hamilton did not want there to be any confusion about hens. The text needed to be clear that hens had to be 'non-crowing.' He understood there were certain types of hens that crowed. He suggested the addition of '*non-crowing, egg laying hens*' in the introduction of Item 3.

Commissioner Kirch suggested that including language in the introduction of 1130 that regulations animals in RE-20 Zones could be found in Table 17-2 in Chapter 17. Mr. Hall said he had not included the RE-20 Zone in the table in 1130. He didn't want someone with a 20,000 square foot lot in a single-family residential zone to think they could have the numbers allowed in the RE-20 Zone.

Jared Hall reviewed the points by lot size in the proposed draft

15,000 square feet and larger	30 points
8,000 - 14,999 square feet	20 points
6,000 - 7,999 square feet	10 points
less than 6,000 square feet	No points

Allowance by points

Small livestock and fowl (rabbits and hens)	5 points each animal
Beekeeping	10 points each hive

Commissioner Kirch was uncomfortable with beehives on lots with less than 8,000 square feet. Mr. Hall expressed that he wasn't entirely comfortable with the idea of animals in single-family residential zones of any size. He was not comfortable at all with any animals on lots with less than 6,000 square feet. Salt Lake and several other cities allowed hives on lots with less than 8,000 square feet. If the City was going to allow beehives, he was comfortable starting at 6,000 square feet.

Commissioner Kirch asked how animals in single-family residential zones were working in other cities. Mr. Hall said there was some indication that cities were starting to reconsider the allowances they had made due to code compliance issues. But he was not aware of any cities rescinding .

Commissioner Hamilton was concerned about code enforcement. He was disturbed that the majority of people who spoke out during the public hearing in favor of having ducks, chickens, and rabbits in single-family residential zones already had them. There had been no enforcement with respect to these people. They were already in violation and had not been cited. There seemed to be a need for this type of use because so many people wanted it. However, the current situation made him pause to consider the City's ability to enforce this type of use in the future.

Jared Hall stated that one group of property owners supporting the requested text amendment had been cited. There was also a group at the hearings that had not been cited. A probable reason for the lack of citations was that those property owners had not had problems with their neighbor, which was encouraging.

Commissioner Kirch asked what the attitude of the Council was toward this issue. Mr. Hall did not know.

Jared Hall said he liked the point system. Chairman Holt felt it was very straight forward.

Jared Hall reviewed Item 2 - Permit Required.

Commissioner Kirch suggested that 2 a) and 2 b) be switched. During the public hearing one of the property owners suggested that an applicant be required to discuss the animal use with his neighbors. One advantage of a conditional use permit was notification to adjoining property owners. Mr. Hall said a conditional use required notification of all property owners within 300 feet. If this was going to be a permitted use, Commissioner Kirch felt some type of notification should be required to adjoining property owners.

Jared Hall felt the City should do the notice, if one was required, so that it would be standardized. He didn't feel it was a good idea to tie approval of a permit to approval from the neighbors. An applicant could be told that as part of the permit process, their adjoining property owners would be notified.

Commissioner Kirch felt the initial permit fee should be greater than the annual renewal to cover the cost of the notice.

Commissioner Kirch asked if it would be more difficult to revoke a conditional use permit or a permitted use. Mr. Hall said a conditional use permit would be more difficult because revocation of a conditional use permit would require review and recommendation from the Planning Commission and action by the City Council. A permit could be revoked by the Zoning Administrator.

Jared Hall reviewed Item 3 - Regulations for the Keeping of Hens and Rabbits. He would add language that hens must be non-crowing and egg laying to the introduction of Item 3. Item 3 indicated that hens and rabbits had to be contained in an enclosure in a rear yard. Commissioner Kirch stated that at the last the Planning Commission recommended that all coops, hutches, or hives be 10 feet from any property line; 3 c) 1 needed to be amended to reflect that recommendation.

Commissioner Kirch felt language should be added to make it clear that a use would not be 'grandfathered.' A permit was issued to a property owner, not the property. A new owner would have to file a new application. Mr. Hall said he would include that in Item 2.

Commissioner Kirch liked the way the draft was written.

Jared Hall stated that the word 'objectionable' in 3 c) 3 was not quantifiable. He asked if the Commission members had any suggestions for better wording. Commissioner Hamilton liked 'perceptible at the property line.' He felt that would provide an adjoining property owner with a tool of measurement. Adjoining property owners needed to be able to enjoy their property as well. Salt Lake's Noise Ordinance referred to 'audible noise' at the property line. Mr. Hall said he would look at Salt Lake's ordinance to see if it could be reworded to work for odor.

Michelle Drago asked how owners would dispose of deceased animals. Mr. Hall said there was language in some of the other ordinances about removing dead animals, and he could talk to Animal Control to see how property owners should properly dispose of dead animals.

Jared Hall reviewed Item 4 - Regulations for Beekeeping. The language for flyways in 4 e) was taken from standard best management practices, except the distance from a public access had been reduced from 25 feet to 15 as single family residential lots were smaller in size.

Commissioner Hamilton felt the City's language should be the same as the best management practices. The distance should be 25 feet. Commissioner Kirch asked why the dates of March 1 to October 31 were included in the fresh water requirement. Mr. Hall said that the dates came from best management practices, and it was apparently when bees were most active. Commissioner Kirch was concerned that a warm February could bring bees out early. A warm fall could mean bees would be active longer. She suggested that the dates be taken out. Chairman Holt suggested that Mr. Hall ask the bee keepers what dates would be best.

Commissioner Kirch asked if there should be a discussion about whether domestic livestock in single family residential zones should be a conditional use rather than a permitted use. A conditional use permit had the perk of notifying adjoining property owners. It would allow the public to have a voice. The cost of a conditional use permit would weed out those who weren't really serious.

Chairman Holt felt the conditional use permit process was too arduous.

Commissioner Hamilton agreed. Revoking a conditional use permit would be difficult, and he didn't think the Commission wanted to review every request to keep chickens and bees that came in. He felt after the last two meetings he had had enough chicken talk.

Jared Hall stated that the nuisance abatement ordinance was written so that the City Council did not need to be involved in every issue. Revoking a conditional use permit was just the opposite; it was done through the Planning Commission and City Council with court as an appeal.

Commissioner Hamilton felt adding language requiring notification of adjoining property owners with a permit application was enough.

Commissioner Kirch asked if the Planning Commission had to hold another public hearing to consider the proposed draft. Mr. Hall said it did not. The Planning Commission had held the public hearing, and had taken a lot of public comment. The next step was to revise the proposed draft. It would be on the next agenda for discussion or action. If the Planning Commission made a recommendation, the staff would prepare an adoption ordinance for the City Council's consideration. The City Council would not hold a public hearing. Discussion of the adoption ordinance would be held in a public meeting.

Commissioner Kirch said Item 3 needed to include regulations for storage of food. Should there be a fine for an infraction? Jared Hall said if an inspection revealed a problem, the permit would be revoked if the situation weren't corrected. Commissioner Kirch suggested that the permit state that non-compliance would result in revocation of the permit.

Commissioner Kirch asked how owners would handle an unexpected rooster. If an owner purchased chicks, it was difficult to tell between hens and roosters until they were a little older. Mr. Hall said it would fall under enforcement. The staff was sensitive and could give a property owner time to find a place for the rooster. Commissioner Kirch asked if language needed to be added about how to deal with young. Mr. Hall said that if an owner was following the ordinance as it is drafted here there wouldn't be young to deal with; the ordinance was to allow keeping animals, not breeding them.

September 11, 2012

4. CONSIDERATION OF A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES (CONTINUED FROM 7/25/12, 8/14/12, AND 8/28/12)

Jared Hall submitted the revised draft of Section 1111 - Domestic Livestock and Fowl on Lots in Single-Family Residential Zones (see attached copy). Revisions were made based on the Planning Commission's discussion on August 28th. He planned to add language about 'non crowing, egg laying hens' to the table in 1(b). Language also needed to be added to 4(d) prohibiting beehives in front and side yards.

Commissioner Hamilton was still concerned about allowing this type of use in residential areas.

Jared Hall agreed. He wasn't sure this was the best thing for the City. If the public officials wanted it, he felt that a proposed draft should mitigate the impacts.

Commissioner Kirch suggested that the words 'or residents' should be stricken from 2(e). Permits should only be issued to property owners. She asked about the price of the permits. Mr. Hall said the City's fee structure would have to be amended to include the permit prices. Commissioner Kirch suggested that the initial permit be \$75, and that the annual renewal be \$35. She felt those willing to pay those fees would be willing to abide by the ordinance. She wasn't sure that this type of use belonged on 6,000 and 7,000 square foot lots.

Jared Hall said the benchmark could be set at 8,000 square feet. There was very little data to indicate one lot size was better than another. When he wrote the draft he set the benchmark at the smallest legal single-family residential lot size.

Commissioner Kirch felt the proposed draft was an excellent composite of all of the ordinances around. Jared Hall felt it would function, but he had misgivings about the entire use.

Jared Hall said that the draft indicated that enforcement would be done by the Zoning Administrator. This was in order to lessen any new burdens on Code Compliance.

Commissioner Stonehocker asked if the benchmark could be lowered from 8,000 square feet in the future. Mr. Hall said it could. The benchmark could be set by raising the point values or by eliminating the 6,000 and 7,000 square foot lots.

Chairman Holt felt the benchmark should start at 8,000 square feet.

Commissioner Hamilton asked if Mr. Hall had looked at the benchmark in the other ordinances. Mr. Hall said he had not looked at them in that way. Commissioner Hamilton asked that he look specifically at the benchmark for other cities.

Commissioner Kirch asked that Mr. Hall provide the Commission with a zoning map so they could see where the R-1-8, R-1-7, and R-1-6 Zones were.

Commissioner Hamilton felt it would be easier to add 6,000 and 7,000 square foot lots later rather than eliminate them.

Commissioner Kirch asked if there were other cities comparable to Roy. Salt Lake allowed domestic livestock, but its demographics were not similar to Roy's.

Commissioner Kirch moved to table this item until the next meeting pending further research by the staff. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

September 25, 2012

3. CONSIDERATION OF A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES (CONTINUED FROM 7/25/12, 8/14/12, 8/28/12, AND 9/11/12)

Jared Hall presented the Planning Commission with a list of the major cities used in the staff's ordinance research and the smallest residential lot size upon which they allowed hens to be kept. The list was prepared at the Planning Commission's request after discussion regarding a benchmark for domestic animals in residential zones. Twelve of the seventeen cities either used their smallest lot size as a benchmark or simply did not reference minimum lot sizes for the allowance. In most cases, the lot size included bees as well. West Jordan was considering allowing bees on 10,000 to 12,000 square foot lots. Salt Lake allowed hives on any size lot. Bountiful did not allow them, except in agricultural zones. Midvale allowed bees on one-third or one-half acres lots. Kaysville only allowed bees in agricultural zones. Woods Cross allowed bees on one-quarter acre lots. A one-quarter acre lot was 10,000 square feet. Farmington and Clinton did not allow bees on residential lots. Clinton did allow chickens on 10,000 square foot lots. Mr. Hall said 60% to 70% of the lots in Roy City were 8,000 square feet or greater. Although there were a significant number of 6,000 and 7,000 square foot lots, the bulk of the residential lots in Roy City were zoned R-1-8. In the older part of the City there were some 6,000 and 7,000 square foot lots even though they were zoned R-1-8. The only section of the City with significantly larger lots was the southwest corner.

The Planning Commission reviewed the City's zoning map and discussed how the City might be impacted by different benchmarks.

Commissioner Kirch stated that she had spoken with a concerned resident who was satisfied to learn that the proposed ordinance would require a permit which could be revoked. Jared Hall stated that the ordinances allowing domestic livestock that seemed to succeed required a permit or some type of registration.

Jared Hall felt it would be naive to believe that some residents were not already keeping chickens and bees without permits.

Commissioner Kirch suggested that information about domestic livestock ordinance be included in the City's next newsletter. Mr. Hall said the information would be placed on the City's website as well.

Commissioner Hamilton stated that there were cities like Clinton, Murray, and West Valley that did not allow backyard chickens. He didn't feel comfortable allowing bees and chickens on 6,000 and 7,000 square foot lots. It would be easier to expand the regulations to include those lots if the ordinance was successful. He recommended that the benchmark be set at 8,000 square feet. Lots with 8,000 to 9,999 would be given 10 points; lots with 10,000 to 14,999 would be given 20 points. He asked if the point system would apply to RE-20 lots as well. Mr. Hall said it would not. The numbers allowed on RE-20 lots were much greater than those proposed in residential zones. If there was a 20,000 square foot lot in a residential zone, it would be restricted to the numbers in the proposed ordinance. If a lot was zoned RE-20, it would be governed by the numbers allowed in the RE-20 Zone.

The Planning Commission asked Mr. Hall to make the changes to the point table based on the benchmark of 8,000 square feet and bring it back to the next Commission meeting.

Commissioner Kirch asked if the Board of Adjustment could grant a variance to the point system. Mr. Hall said it could not. The Board of Adjustment could not grant a variance for a use. It could only act on dimensions and setbacks. Commissioner Kirch asked if there was any vehicle that could be used to get more domestic livestock than was allowed by the proposed draft. Mr. Hall said the only option was to request that the ordinance be amended.

Commissioner Hamilton stated that the Planning Commission had looked at this issue long and hard. It tried to create something that would work for everyone. The proposed ordinance could be expanded in the future.

October 9, 2012

2. CONSIDERATION OF A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES (CONTINUED FROM 7/25/12, 8/14/12, 8/28/12, 9/11/12, and 9/25/12)

Jared Hall stated during the last meeting the Commission discussed setting a bench mark for domestic livestock and fowl. The table had been modified according to the Commission's direction. Lots with 8,000 to 9,999 square feet would receive 10 points; lots with 10,000 to 14,999 square feet would receive 20 points; and lots with 15,000 square feet or more would receive 30 points. No points would be given to lots with less than 8,000 square feet. Everything else was basically the same, but he did clean up some language.

He was working on an application form that would be tied to an information sheet. It would mirror the proposed ordinance.

Chairman Holt asked if the Planning Commission would be involved in reviewing the application form. Mr. Hall said it would. Ultimately, the City Council would have to sign off on the application as well.

Chairman Holt asked if the ordinance would be enforced by the Zoning Administrator or the Code Enforcement Officer. Mr. Hall said that as the Zoning Administrator, he would handle the application, administration, and enforcement of this ordinance rather than burdening Code Compliance.

Chairman Holt asked if Mr. Hall had the authority to issue tickets. Mr. Hall said enforcement of this ordinance would be handled by permit, not tickets. If a property owner violated the ordinance, his permit would be in jeopardy.

Chairman Holt asked what would happen if a permit was revoked and a property owner continued to keep domestic livestock. Mr. Hall said it would then become a public nuisance and would fall under Code Compliance.

Chairman Holt asked about those who were currently not complying and who would not be eligible for domestic livestock. Mr. Hall said some had been issued tickets. While this ordinance was under consideration, action on their tickets had been suspended. If the ordinance passed and they were not eligible, they would have to comply or face the penalties associated with their ticket.

Chairman Holt asked about owners and renters. Jared Hall said that per the Commission's instructions in the last review, in this draft a permit could only be issued to property owners, not tenants.

Commissioner Kirch asked if the City Council could change the point system proposed by the Planning Commission. Mr. Hall said it could. Commissioner Kirch was concerned about any changes to the proposed ordinance. The Planning Commission had listened to a lot of public input. It had given a lot of thought to the proposed ordinance. The Commission's decision to not have animals on lots with less than 8,000 square feet meant some of those who attended the Commission's hearing would not be able to have animals. Some would have to come into compliance. The Planning Commission felt the proposed numbers were best for the City. As Commissioner Hamilton had said, it would be easier to become less restrictive than more restrictive.

Jared Hall said the Planning Commission was Roy City's land use authority. The City Council took the Planning Commission's recommendations seriously. The Council frequently did not spend a lot of time considering issues that the Planning Commission had reviewed. When a planning item was forwarded to the City Council, the Council was usually then ready to make a final decision.

Commissioner Hamilton felt the Planning Commission had done its job in considering the desires of some of the citizens versus the rights of all the citizens. It was time for the City Council to consider the requested text amendment.

Commissioner Hamilton moved to forward the request to amend the text of the Zoning Ordinance regarding the keeping of domestic livestock and fowl in residential zones and a draft ordinance to the City Council for their consideration. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.