



ROY CITY

Roy City Council Agenda
March 15, 2016 – 6:00p.m.
Roy City Council Chambers
5051 South 1900 West

Moment of Silence and Pledge of Allegiance: Councilmember Tafoya

1. Approval of March 1, 2016, City Council Minutes and February 25, 2016 Special City Council Minutes
2. Swearing in of Roy City Police Officer
3. Consideration of Resolution No. 16-11 Declaring Certain Property as Surplus and Authorizing its Sale
4. Consideration of Ordinance No. 16-2 Establishing Title 13 of the Roy City Municipal Code as the City's Sign Ordinance
5. Consideration of a Request for Preliminary Subdivision Approval for Lee Subdivision, a Two Lot Commercial Subdivision Located at Approximately 1770 West Riverdale Road (5300 South)
6. Consideration of Request for Conditional Use Approval for Jamestown, a Multi-Family Residential Development Located at Approximately 5000 South 1750 West
7. Discussion of Roy City Board of Adjustment
8. Discussion of Improvements to Roy City State Roads
9. City Managers Report
10. Public Comments
11. Mayor and Council Report
12. Adjourn

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AMY MORTENSON,
ROY CITY RECORDER

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MINUTES OF THE MARCH 1, 2016, ROY CITY COUNCIL MEETING

1. Approval of February 16, 2016, minutes
2. Public hearing to consider an amendment to the Roy City Municipal Code regarding the Sign Ordinance
3. Consideration of Ordinance No. 16-2 establishing Title 13 of the Roy City Municipal Code as the City's Sign Ordinance
4. Consideration an alcoholic beverage license for Kent's Market-Kent-Roy, LLC located at 3536 West 5600 South
5. Consideration of Resolution No. 16-9 approving an agreement with Consolidated Paving and Concrete, Inc. for the 2800 West Storm Drain Project
6. Consideration of Resolution No. 16-8 adopting the Weber County Pre-Disaster Mitigation Plan
7. Consideration of Resolution No. 16-10 approving a job description and pay scale for Roy City Fire and Rescue Engineer position
8. Discussion regarding the Roy City Community Survey
9. Discussion regarding the City Council liaison program
10. City Manager's Report
11. Public comments
12. Mayor and Council reports
13. Motion to hold a closed meeting to discuss the character, professional competence, or physical or mental health of an individual(s) - tabled
14. Adjourn

Minutes of the Roy City Council Meeting held March 1, 2016, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

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

The following members were in attendance:

Mayor Willard Cragun	City Manager Andy Blackburn
Councilwoman Marge Becraft	City Attorney Clint Drake
Councilman Bob Dandoy	Secretary Michelle Drago
Councilman Brad Hilton	Youth City Council Rosalie Beeli
Councilman Dave Tafoya	
Councilwoman Karlene Yeoman	

Also present were: Mike Wallace, Street Superintendent; Cathy Spencer, Management Services Director; Jason Poulsen, Fire Chief; Carl Merino, Police Chief; Steve Parkinson, Planner; Spencer Padovich; Jordan Gibson; Nate Bybee; Alyssia Lee; Vipenjit Singhi; Brayden Montano; Stockton Dawson; Cody Fast; Kentra Nielson; Macey Woods; William Norseth; Geraldine Trickett; Daniel Barrett; Lela Argyle; Susan Barnard; Elizabeth Beeli; Emily Beeli; Greg Sagen; Tylor Noble; Marty Clements; Harold Clements; Nikki Jeske; Dawson Jeske; and Kacie Larsen.

Moment of Silence: Councilman Hilton

Pledge of Allegiance: Daniel Barrett, Pack 374

1. APPROVAL OF FEBRUARY 16, 2016, MINUTES

Councilwoman Becraft moved to approve the minutes of February 16, 2016, as written. Councilman Dandoy seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

2. PUBLIC HEARING TO CONSIDER AN ANMENDMENT TO THE ROY CITY MUNICIPAL CODE REGARDING THE SIGN ORDINANCE

Councilman Hilton moved to open the public hearing at 6:03 p.m. Councilwoman Yeoman seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

Steve Parkinson, Planner, stated that started on February 27, 2015, the Planning Commission started working on a new Sign Ordinance. It held several work sessions and finally a public hearing on February 23, 2016. As a former member of the Planning Commission, Councilman Dandoy was helped review the biggest changes.

Mr. Parkinson said the City's current Sign Ordinance was found in two different sections of the Municipal Code – Title 9 the Construction Code and Title 10 the Zoning

Ordinance. The two locations made it cumbersome to use. It was not user friendly and referred to zones the City no longer had.

Mr. Parkinson said one of the biggest changes to the Sign Ordinance was temporary sign regulations. The current regulations made every temporary sign in the City illegal. The Planning Commission felt businesses needed signs, and it wanted to give businesses more support than the current regulations allowed. More and more businesses wanted electronic message center signs (EMC's). However, under the City's current sign regulations EMC's were a conditional use and limited to certain intersections and streets. Not all businesses could have them. The Planning Commission felt that if businesses could have EMC's some of the temporary signs would go away. Another significant change was moving all of the sign regulations to one location in the Municipal Code – Title 13. It was more user friendly. The Planning Commission looked at the aesthetics of the City, and the ability of businesses to bring in business. They also realized there needed to be a limit on the number of signs a business could have. They considered how to address signs for businesses in strip malls.

In response to a question from Councilman Tafoya, Mr. Parkinson said the businesses with two frontages could have a temporary sign on each frontage. Councilman Tafoya said that Kent's had an EMC sign but still up cardboard signs every weekend. Mr. Parkinson explained that the cardboard signs were illegal under the current sign regulations and would be illegal under the new ones.

Mr. Parkinson said the new Sign Ordinance would require businesses to obtain a no-fee permit for all temporary signs to help the City understand when a sign would be put up and when it would be taken down.

Councilwoman Yeoman asked about the difference between one temporary sign every quarter and 30-day permit. Could a business put up a new sign every 30 days? Mr. Parkinson said a business would be allowed one temporary sign for 30 days every quarter. The business could change the copy on the temporary sign during that 30-day period.

Councilman Tafoya asked why a business had to have a permit. Mr. Parkinson explained that the Code Enforcement Officer needed to know when a sign was going up and when it would come down.

Councilman Tafoya asked the new sign regulations would allow a business to have an A-frame sign if it was taken down every night. Mr. Parkinson said that was correct.

Steve Parkinson stated the new sign regulations would allow EMC's in every zone, but the number EMC's per location was limited. Not every business in a strip mall could have an EMC. The new sign regulations also addressed billboards. Billboard signs were still now allowed, but the locations were current billboard signs could be relocated had

changed. The actual square footage of sign space allowed per business and the height of signs had remained the same.

Councilman Dandoy felt the best way to look at temporary signs was how a business owner would use them. He felt a small part of the new regulations was dictating when a business could have a sale. He felt that put a burden on business owners. Limiting temporary signs to one per quarter was too constraining.

Steve Parkinson stated that while the Planning Commission was considering regulations for temporary signs it had discussed allowing one per twelve holidays throughout the year, plus three other promotions at the owner's discretion. Councilman Dandoy didn't like the holidays. The holidays were dropped. The resulting trade off was one temporary sign per quarter.

Councilman Dandoy said he was fundamentally opposed to the holidays was because they were Christian holidays. There was not a provision for other holidays, except for two. Who was the City to define when a business owner could hold a sale? His calendar contained over 25 holidays, not all of them were Christian. Under the proposed regulations of one temporary sign per quarter, a business could hold a sale on the 4th of July but not Labor Day.

Steve Parkinson asked the City Council to consider what they wanted the City to look like.

Mayor Cragun asked if the new sign regulations had been discussed with the business owners. Mr. Parkinson said he schedule and advertised a meeting with business owners to discuss new sign regulations. Only ten owners of the three hundred businesses in Roy attended. When he proposed regulations allowing one temporary sign for twelve holidays, plus three additional promotions, none of the ten had any concerns.

Councilman Tafoya asked why the City was limiting the number of temporary signs. Why did it care how many a business put up?

Councilman Dandoy stated that the intent of the new sign regulations was to reduce the visual clutter in the City. The new regulations proposed that a business have one temporary sign. The no fee permit would increase the workload for the planning staff, but it would help the Code Enforcement Officer know when a temporary sign needed to come down. He felt the new regulations would take half of the current signs off the street and assist the City's beautification efforts.

Steve Parkinson stated that if businesses were allowed to have one temporary sign all of the time, there would not be a need for a sign permit.

Councilman Tafoya didn't want businesses to have to obtain a permit every quarter.

Mayor Cragun was concerned the City was becoming too restrictive. Would the City become known as control center. In the last twenty years a lot of businesses had left Roy City. The City was trying to bring economic development back. He wanted Roy to be business friendly.

Steve Parkinson stated that a community to the south had stricter regulations than Roy, and it was thriving. It was a matter of how a community looked. For the last twenty years, businesses in Roy had had *carte blanche*. When the staff began talking to businesses about the new sign regulations, it would be difficult. He felt the City needed to improve its image.

Councilman Tafoya asked if the temporary signs regulations just applied to signs placed outside of a building. Steve Parkinson said it did. However, the new sign regulations also addressed window signs. Current sign regulations allowed a business to use 25% of their window space for advertising. The new regulations actually increased that amount to 30%.

Councilman Tafoya asked how the staff planned to notify businesses about the new sign regulations. Steve Parkinson stated that a three-member team consisting of the Code Enforcement Officer, Building Inspector, and himself would visit each business in the City to let them know about the new regulations and the date of its implementation. After the implementation date, they would begin to enforce the new regulations.

Councilman Tafoya asked about penalties. Mr. Parkinson said penalties would be the same as the Nuisance Ordinance – a fix ticket; a ticket; and then a fine.

Councilman Tafoya asked if the City's own signs complied with the new regulations. Mr. Parkinson said the sign regulations addressed civic and community signs. He felt the City's signs would comply.

Mayor Cragun asked about the temporary signs posted in park strips and on telephone poles. Mr. Parkinson said they were illegal. The Code Enforcement Office had been instructed to remove all signs from park strips. Mayor Cragun asked if the Sign Ordinance gave police officers authority to stop people from putting signs in park strips and on telephone poles. Mr. Parkinson felt it did. If an officer saw someone putting up illegal signs, they had the authority to stop them.

Mayor Cragun asked about yard sale signs. Councilman Dandoy said the sign regulations would not limit a homeowner's free speech right on his own property. Mayor Cragun wanted to restrict clutter. It didn't do any good to adopt new regulations, if the City did not act on them. He felt the City paid the Code Enforcement Officer to take down signs. Councilman Dandoy said the new sign regulations addressed people using telephone poles, fences, stop signs, and other public space for advertising. It was illegal.

Steve Parkinson stated that it was not possible to write a regulation that would address everything.

Councilman Dandoy felt the new Sign Ordinance read really well. The only provision that concerned him was temporary sign regulations. If Item 12 was struck, he felt the Sign Ordinance would accomplish what the City wanted. It would clean up the streets.

Councilwoman Yeoman felt the Sign Ordinance should be sent back to the Planning Commission to look at temporary signs. Mr. Parkinson said the way the new ordinance was written, a business could have an A-frame sign every day as long as it was taken down every night. In addition to the A-frame sign, the Council was considering allowing a business to have one temporary sign all of the time.

Councilman Hilton felt Steve Parkinson and the Planning Commission had put together a good ordinance. He was concerned about regulations for political signs. He felt candidates should be allowed to keep their signs up from the Primary Election to the General Election. It was a lot of work to put up and take down signs for a few days between the elections.

Councilman Tafoya was on the opposite side. He hated the clutter of election signs. There could be four months between the Primary and General Elections. Political signs became part of the City's overall clutter problem.

Councilwoman Becraft stated that from the perspective of the Beautification Committee, she hoped the new sign regulations would improve the City's appearance. It might take some time.

Councilman Hilton felt the City Council needed to allow the staff time to notify businesses about the new regulations and for them to come into compliance.

Councilwoman Yeoman asked if the Council was directing the staff to change the proposed sign regulations.

Councilman Dandoy felt Item 12 of the temporary sign regulations should be taken out. It was the only thing in the new Sign Ordinance that he had an issue with. The Planning Commission spent a year working on the new regulations. If that particular part of the new Sign Ordinance was fixed, the new regulations would do what they were intended to do – address beautification. If the temporary sign regulations were not changed, businesses would not have options.

Councilwoman Yeoman felt businesses should be able to have one temporary sign per frontage. Mr. Parkinson said that is what the new regulations provided. If the temporary sign regulations were changed, businesses could have two temporary signs every day – an A-frame sign and a temporary sign. Councilwoman Yeoman said A-frame signs were put up and taken down every day. Councilman Hilton felt there were businesses that would never take their A-frame signs down. Councilwoman Yeoman did not feel businesses should be limited to one temporary sign per quarter.

Steve Parkinson said a business could have an EMC, an A-frame sign, a temporary sign, and a permanent pole sign.

Councilman Dandoy asked if the Council could approve the body the Sign Ordinance with a few exceptions. Clint Drake, City Attorney, said the Council could make whatever changes it wanted.

Councilman Tafoya asked if any existing signs would become legally non-conforming, or 'grandfathered.' Steve Parkinson said the only signs that could become legally non-conforming were those that were legal when the new Sign Ordinance is adopted. Every temporary sign in the City was currently illegal.

Clint Drake stated that most, if not all, signs that required time and expense to install would be permitted by the new regulations, or they would become non-conforming. Temporary signs had been allowed for a long time, but they were not a good thing to continue. He was comfortable moving forward with the new Sign Ordinance and enforcing it. The City Council did not have to approve the Sign Ordinance tonight. There were always opportunities to digest it and discuss it again.

Mayor Cragun opened the floor for public comments.

Lella Argyle, 2813 West 4925 South, felt some of the reasoning behind the new sign regulations went against marketing guidelines which said to put up signs with bright colors to draw attention. Business in Roy had not really grown, except along Midland Drive. She did not know what cities around Roy were doing. If the City had too many regulations, businesses would go. She did have a few concerns about over regulating signs. Would the signs for AYSO be allowed? The City could ask the businesses what they were willing to clean up. If businesses had more input, they would be more compliant. She was also concerned about political signs and agreed there were too many yard sale signs around the City.

Councilman Tafoya asked about signs for organizations like AYSO. Steve Parkinson said non-profit organizations were considered businesses. Their signs were off-premise signs, which were prohibited by both the current and proposed sign regulations. He suggested that the definition for civic and community signs be changed to include non-profit organizations.

Elizabeth Beeli, 2730 West 4800 South, felt that the way the new Sign Ordinance was written prevented businesses from doing anything until the City said they could. For instance, the sign regulations prohibited balloons. Did the City want a code it did not want to enforce? She felt requiring home businesses to have their signs flat against their homes was restrictive. She felt some requirements were excessive, such as requiring pole signs to be wrapped.

Councilman Tafoya stated the City had not enforced the Sign Ordinance because it had not had the fortitude to do so. The City currently employed one and a half Code

Enforcement Officers. That was not enough personnel to enforce the Sign Ordinance along with the Zoning Ordinance. He agreed that whatever sign regulations the Council adopted would have to be enforced, or the regulations would fall through the cracks. Lack of enforcement was why the City had ended up where it was today.

Steve Parkinson stated that the reason behind the regulations for home businesses was to maintain the appearance of the home. The size and location of a sign for home businesses had not changed. Balloons were not allowed because the City did not want businesses to use giant balloons for advertising. No ordinance was perfect. An ordinance could not address every aspect. If a use was not listed, it was not allowed.

Councilman Dandoy felt changing the definition for community and civic signs would address signs for youth sports organizations.

Councilwoman Yeoman was not ready to vote on the new Sign Ordinance.

Councilwoman Becraft moved to close the public hearing at 7:10 p.m. Councilwoman Yeoman seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

3. CONSIDERATION OF ORDINANCE NO. 16-2 ESTABLISHING TITLE 13 OF THE ROY CITY MUNICIPAL CODE AS THE CITY'S SIGN ORDINANCE

Steve Parkinson stated that if the City Council wanted to take time to review the proposed Sign Ordinance further, it could do so. If the Council found sections they did not agree with, they could be changed. He did not feel the proposed ordinance needed to be sent back to the Planning Commission.

Councilman Tafoya suggested that the Council discuss the proposed Sign Ordinance in a work session.

Councilwoman Yeoman moved to table consideration of Resolution No. 16-2. Councilman Tafoya seconded the motion. Councilmembers Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

4. CONSIDERATION OF AN ALCOHOLIC BEVERAGE LICENSE FOR KENT'S MARKET-KENT-ROY, LLC LOCATED AT 3536 WEST 5600 SOUTH

Cathy Spencer stated that the ownership of Kent's Market had changed. The new owner had applied for a Class A Beer license.

Councilman Tafoya moved to approve an alcoholic beverage license for Kent's Market-Kent-Roy, LLC. Councilman Hilton seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

5. CONSIDERATION OF RESOLUTION NO. 16-9 APPROVING AN AGREEMENT CONSOLIDATED PAVING AND CONCRETE, INC. FOR THE 2800 WEST STORM DRAIN PROJECT

Mike Wallace, Street Superintendent, stated that on Wednesday, February 17th, bids were opened for the 2800 West Storm Drain Project. Six contractors responded with bids ranging from \$155,866.88 to \$217,474.25. The Engineer's Estimated was \$170,000.00. Engineering and staff recommended that the contract for the 2800 West Storm Drain Project be awarded to Consolidated Paving and Concrete, Inc. for \$155,866.88. Mr. Wallace said \$220,000.00 had been budgeted for this project.

Councilman Dandoy asked where the project was located. Mike Wallace explained that the storm water generated on the streets immediately east of the golf course had nowhere to go. This project would install a storm drain through the golf course to 5200 South.

Councilman Hilton moved to approve Resolution No. 16-9 approving an agreement with Consolidated Paving and Concrete, Inc. for the 2800 West Storm Drain Project and to authorize the Mayor to sign the Notice of Award and Contract Agreement. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Hilton, Tafoya, Becraft, Dandoy, and Yeoman voted "aye." The motion carried. (Copy filed for record).

6. CONSIDERATION OF RESOLUTION NO. 16-8 ADOPTING THE WEBER COUNTY PRE-DISASTER MITIGATION PLAN

Fire Chief Jason Poulsen stated that Weber County had been working on a disaster mitigation plan for over a year. FEMA had approved the plan. Now every city had to adopt a resolution adopting the plan. The resolutions would be sent back to FEMA. Resolution No. 16-8 said Roy City would adopt and take part of the Weber County Pre-Disaster Mitigation Plan.

Councilman Tafoya moved to approve Resolution No. 16-8 adopting the Weber County Pre-Disaster Mitigation Plan. Councilwoman Yeoman seconded the motion. A Roll call vote was taken: Council members Yeoman, Dandoy, Tafoya, Becraft, and Hilton voted "aye." The motion carried. (Copy filed for record).

7. CONSIDERATION OF RESOLUTION NO. 16-10 APPROVING A JOB DESCRIPTION AND PAY SCALE FOR ROY CITY FIRE AND RESCUE ENGINEER POSITION

Fire Chief Jason Poulsen stated that after speaking with the City Manager he had decided to ask for this item to be tabled. It would be hard to ask the Council to discuss it without a job description or salary range. He asked that Resolution No. 16-10 be tabled until the Council could discuss it in a work session.

The City Council agreed to schedule a work session on Tuesday, March 8th, at 6:00 p.m. in the Hope Center.

Councilman Hilton moved to table consideration of Resolution No. 16-10. Councilman Tafoya seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

8. DISCUSSION REGARDING THE ROY CITY COMMUNITY SURVEY

Councilman Dandoy stated that he had held two meetings with Weber State University about assisting the City with a community survey. Everything seemed to be ready. Weber State had asked the City to generate topics for the survey. He asked that Council members, Youth City Council, City administration, and department heads formulate questions they would like the survey to address. He asked that the questions be submitted to him by Monday, March 7th, so he could be prepared for a meeting with Weber State on Tuesday.

Councilman Hilton stated that the department heads were busy. How many questions did they need to submit? Councilman Dandoy felt five to ten would be enough. The questions would be compiled into topics. He was sure there would be duplicates but felt there would be enough for 25 to 30 questions. Councilman Hilton suggested that the fact sheet provided by Councilman Dandoy be forwarded to the department heads to help them come up with their questions.

Councilman Dandoy stated that Weber State still planned to conduct a hand survey. The City would be broken into ten quadrants. A total of 650 responses were needed from the City's 37,000 residents. There had to be a certain number from each quadrant. The survey would be available on the City's website. Participants would have to give their address. The survey could also be sent out with the City's utility bills. The best method was door-to-door. Weber State was prepared to conduct the survey over one to two nights.

Councilman Tafoya asked how the survey would be conducted. If the survey was taken during the day, most of the responses would be from the older generation. Councilman Dandoy said the survey would be conducted at different times of the day.

9. DISCUSSION REGARDING THE CITY COUNCIL LIAISON PROGRAM

Mayor Cragun felt the City Council liaison program with the City's departments was a good program and had been effective. He felt the department heads valued it. The feedback from the Council had been positive. Councilman Dandoy had brought up a valid point. The program could not be allowed to circumvent City management. If problems came to the attention of Council members, they needed to be brought to the attention of the City Manager. He did not want to create a path for employees to go around the City's management team. The City Council needed to let City management do their jobs.

Councilman Dandoy stated that the Mayor had the authority to appoint members of the City Council to administer certain departments in the municipality. It was unlikely that would happen. Such jurisdiction circumvented the City Manager's authority. He had seen similar situations too many times in his federal career. When the line of authority was broken, it undermined the credibility of the leader. He liked and appreciated the input from the department heads, but it was a challenge not to circumvent the City Manager in trying to fix problems for the department heads. He cautioned the Council members not to put department heads in compromising positions by directing them to do something without making the City Manager fully aware of it. The Council members could listen to department heads, but they could not direct them. In the end, the Mayor and City Manager were legally responsible for the management of the City.

Mayor Cragun had hoped the liaison program would help Council members establish relationships with department heads. He asked Council members how they felt about the program.

Councilman Hilton stated that every member of the Council was aware that they were not directing a department. The program had helped him learn about the departments and understand the perspective of the department head.

Councilwoman Yeoman had thoroughly enjoyed the program. None of the Council members tried to come between the department heads and the City Manager. The program was simply an opportunity to get to know the department heads better.

Councilman Tafoya stated that from a legal standpoint the Council members were the people who made the decisions. The Mayor only voted under certain circumstances. The City Council decided what direction to give the department heads. The City Council was the body who decided whether they wanted a liaison program or not.

Councilwoman Becraft said the program had helped her get to know the employees.

Councilwoman Yeoman felt department heads liked Council members coming in. Council members were becoming part of the staff.

Mayor Cragun said the program was meant to be transparent. It was meant to take fear out of the relationship between Council members and the employees. He wanted everyone to work together as a team.

Councilwoman Yeoman moved to continue the Council liaison program which had been set in place. Councilwoman Becraft seconded the motion. Council members Becraft, Hilton, Tafoya, and Yeoman voted "aye." Councilman Dandoy voted "nay." The motion carried.

10. CITY MANAGER'S REPORT

Andy Blackburn, City Manager, reported that:

- The administration was working on the annual benchmark survey for the Utah League of Cities and Towns. The League had forgotten to give the survey to the City earlier in the year. The survey had to be finished by March 2nd. Because of the survey, the administration would not have much time to prepare for the work session on March 8th.
- The striping on Midland Drive was finished. The barricades would be removed any day, and the road would be open.
- An appraisal had been completed on property the City had received an offer for. Mr. Blackburn felt the City should move forward with the sale. The Council would discuss it further in a closed meeting.
- Harmon's was okay with the City moving forward with its sign and water feature. He spoke with the State last week. The City would have to purchase the property. The price of the property was about the same amount owed the City by the State. It would take a couple of weeks to complete the purchase process. Councilman Tafoya asked if the sign and water feature would have to be rebid. Mr. Blackburn said the City would be able to do some of the work. The rest would have to be bid out again. Councilman Tafoya asked if the City could bid the work while it was waiting for the purchase to close.
- The City had resolved the issues with Weber School District regarding their contribution for construction of the 4000 South Roundabout. He was preparing a memo to send to the school district so the City could receive about \$100,000.
- He met with UDOT along with the Public Works Director and City Engineering to resolve charges for Midland Drive the City did not feel it was responsible for. UDOT had agreed to reimburse the City \$100,000.
- Notices regarding the annexation would be sent to property owners on Monday, March 7th.
- Work was proceeding on the North Park restrooms. Most of the exterior work was done.
- The administration was monitoring House Bill 180. It would create an exemption from sales tax.
- Travis Flint recommended that the City's annual Day of Service be held on Saturday, August 27th, rather than the Saturday after Labor Day. The weather would still be warm; and the Aquatic Center would still be open for the season, which would save money in operating costs.
- On March 12th, the City's Recreation Complex would hold its annual Gold Dig and Gold Dig 5K. Councilman Hilton asked if the City planned to host the annual Cops and Robbers 5K. Mr. Blackburn said he would check.

11. PUBLIC COMMENTS

Bill Norseth, 4389 South 2525 West, stated that when he called to schedule a dumpster he was told the City was no longer running the dumpster program. He felt that was ridiculous! He would understand the City not offering dumpsters on the street, but dumpsters at the Shop were controlled. They could be monitored even closer if the City

started asking for driver's licenses. What was the City going to do with the garbage that would be left on the streets?

Mayor Cragun explained that the dumpster program was very expensive. The City was always looking for ways it could conserve money. There wasn't another city in the County that had a similar program. He felt the City could still serve the needs of the citizens by offering a dumpster at the City shop two weeks in April, July, and October.

Mr. Norseth didn't care about other cities. He cared about Roy. Offering a dumpster at the shop for only a few weeks a summer was a ridiculous solution. Getting rid of the dumpster program would come back to bite the City.

Marty Clements, 2815 West 5775 South, felt the dumpster program set Roy City apart and helped keep the streets and yards clean. The City had gone from dumpsters at the Shop and on the streets to only dumpsters at the Shop a few weeks a summer. She urged the City to continue the dumpster program. At least keep the dumpsters at the Shop.

Mayor Cragun stated that recent changes in State and federal storm water regulations required the City to cover the dumpsters. If the dumpsters weren't covered, the City would be liable for EPA violations. He liked the dumpster program too, but the tonnage costs kept going up. The City had to look at what was economical and fiscally sound.

Councilman Dandoy stated that State and federal water quality laws had changed to the extent that Salt Lake City recently received a \$300,000 fine. Roy City did not have money to cover such a fine. Due to the time of year, the Council had to make an immediate decision about continuing or discontinuing the dumpster program, but he felt the Council could take time to consider a solution that would be a benefit to the citizens.

Lella Argyle, 2813 West 4925 South, stated that the City had a Nuisance Ordinance citizens were required to comply with. Some citizens did not have a way to get rid of refuse. She felt the City needed to give citizens some options. Maybe citizens could schedule a specific time to have a dumpster stop at their house.

Ms. Argyle expressed concern about the City's requirement for a trailer to be parked in a side yard or rear yard on concrete or gravel. She felt gravel was a poor choice. Over time it became infested with weeds. The weeds could only be controlled with poison which then seeped into the water system. She felt parking a trailer on grass would be better than gravel. Grass could be mowed.

Mayor Cragun said a trailer could be parked on cement pavers. Clint Drake, City Attorney, explained that the whole purpose of the Nuisance Ordinance was to prevent noxious weeds and rodents. He wasn't sure parking trailers on cement pavers would comply with the Nuisance Ordinance. Mayor Cragun suggested putting information about parking trailers on the City's website and in the newsletter.

12. MAYOR AND COUNCIL REPORTS

Mayor Cragun felt the City was in great shape. The new library was beautiful. He encouraged the residents to visit it. He was sure it would be well utilized. Beautification of the City was moving forward. A team had been assembled to address economic development. The new Sign Ordinance would help clean up the City. He thanked the City Council for the work they did.

Rosalie Beeli, Youth City Council, said she loved being involved in local politics. She reported that members of the Roy High Debate Team recently qualified for State. She would send her survey questions to Councilman Dandoy.

Councilwoman Becraft asked if the Mayor was still looking for a list of youth in the community to recognize. Mayor Cragun said he was. He asked Chief Merino to ask the resource officers to help compile a list of youth to recognize. There were many youth in the community who did outstanding jobs. The youth of today were the leaders of tomorrow. He wanted to do what he could to get them involved.

The Council members agreed that the topics for the March 8th work session should be the Fire Department's engineer position, the budget, the dumpster program, and the Sign Ordinance.

13. MOTION TO HOLD A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL(S) – TABLED

Councilman Tafoya moved to table the closed meeting. Councilman Hilton seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

14. ADJOURN

Councilman Hilton moved to adjourn at 8:20 p.m. Councilman Dandoy seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted "aye".

Willard Cragun
Mayor

Attest:

Amy Mortenson
Recorder



Special City Council Meeting Agenda
February 25, 2016 – 5:00 p.m.
Roy City Council Chambers
5051 South 1900 West

1. Consideration of a Request for Conditional Use Approval to Allow for a Café Vendor Business within the New Weber County Library Located at Approximately 2039 West 4000 South



Special City Council Meeting Agenda
February 25, 2016 – 5:00 p.m.
Roy City Council Chambers
5051 South 1900 West

Minutes of the Special Roy City Council held February 25, 2016 at 5:00 p.m. in the City Council Chambers of the Roy City Municipal Building.

Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Mayor Willard Cragun
Councilwoman Marge Becraft
Councilman Robert Dandoy
Councilman Brad Hilton

City Attorney Clint Drake
City Recorder Amy Mortenson

Also present was: Scott Jones

1. **CONSIDERATION OF A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW FOR A CAFÉ VENDOR BUSINESS WITHIN THE NEW WEBER COUNTY LIBRARY LOCATED AT APPROXIMATELY 2039 WEST 4000 SOUTH**

Mayor Cragun stated the reason for the Special City Council Session was to approve the Café for the New Library.

City Attorney Clint Drake stated the Planning Commission gave a positive recommendation for the Café and that a Conditional Use requires City Council approval or denial. Mr. Drake stated based on his review, he doesn't see any issues.

Councilmember Tafoya asked if there was a sign on the library for the cafe. City Attorney Drake stated he did not think there was. He was under the impression that there would only be a sign inside the building.

Councilmember Dandoy asked if there was hot food involved. Any cooking or ovens? City Attorney Drake stated there is not anything that will be cooked or a commercial kitchen. City Attorney Drake also stated the name of the Café is Bean-A-Colada of Roy.

Scott Jones stated he is the Assistant Director for the Library System. Mr. Jones stated that there would be warming capabilities for the food. Mr. Jones said there was a cook top range but no fryers.

Mayor Cragun said he likes the concept of having the Café in the Library. He hopes



Special City Council Meeting Agenda
February 25, 2016 – 5:00 p.m.
Roy City Council Chambers
5051 South 1900 West

people from the FrontRunner Station can visit the café for a quick drink or bite to eat.

Councilman Tafoya moved to approve the Conditional Use Permit to Allow a Café Vendor Business within the New Weber County Library Located at Approximately 2039 West 4000 South. Councilmember Becraft seconded the motion. Council members Dandoy, Hilton and Yeoman voted “aye.” The motion carried.

5. ADJOURN

Councilmember Becraft moved to adjourn the City Council Meeting, at 5:06 p.m. Councilmember Dandoy seconded the motion.

Willard Cragun
Mayor

Amy Mortenson
Recorder

OATH OF OFFICE
STATE OF UTAH

I, Mike Howard, *having been appointed to the office of*
Print Name

Police Officer

*do solemnly swear or affirm that I will support, obey and defend the
Constitution of the United States and the Constitution of this State, and
that I will discharge the duties of my office with fidelity.*

Signature

State of Utah,
County of Weber

Subscribed and sworn to before me this 15th day of March, 2016

*Person Administering Oath

Roy City Recorder

Title

*Utah Code § 78B-1-142: "Every court, every judge, clerk and deputy clerk of any court, every justice, every notary public, and every officer or person authorized to take testimony in any action or proceeding, or to decide upon evidence, has the power to administer oaths or affirmations."

File oath by sending to: Oath of Office, Utah State Archives, 346 Rio Grande, Salt Lake City, UT, 84101

Resolution No. 16-11

**A Resolution of the City of Roy City Council
Declaring Certain Property as Surplus and Authorizing its Sale**

WHEREAS, the Roy City Police and Public Works Departments own equipment or property that has exceeded its useful life and no longer serves the needs of the City, a list of which is attached here to as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, the Roy City Police and Public Works Department desire the equipment or property to be declared as surplus by the Roy City Council; and

NOW, THEREFORE, the Roy City Council does hereby resolve as follows:

The equipment/property described on the attached Exhibit "A" is declared surplus to the needs of the City. Staff is instructed to sell all items for the best available price or properly dispose of items that it is unable to sell.

Passed and adopted this 15 day of March, 2016.

Willard Cragun, Mayor

Attest:

Amy Mortenson
City Recorder

Councilwoman Becraft

Councilman Dandoy

Councilman Hilton

Councilman Tafoya

Councilwoman Yeoman

“Exhibit A”

Police Department

Car Number	Make	Model	Year	License	Vin	Mileage
X-12	Ford	Explorer	2009	204106EX	1FMEU73E99UA01014	72,000
19 AC	Ford	Explorer	2006	99104EX	1FMEU72EX6UA18143	72,355
X-23	Ford	Crown Victoria	2006	97062EX	2FAFP71W16X120990	77,680
X-20	Ford	Crown Victoria	2005	93366EX	2FAFP71W75X115551	65,596
X-36	Ford	Crown Victoria	2008	504527EX	2FAFP71V48X170079	70,461
X-38	Ford	Crown Victoria	2006	97065EX	2FAFP71W56X120989	78,784
X-29	Ford	Crown Victoria	2008	103646EX	2FAFP71V48X127538	67,415
X-31	Ford	Crown Victoria	2009	204105EX	2FAHP71V79X103213	75,369
X-34	Ford	Crown Victoria	2003	89346EX	2FAFP71W83X136261	59,558
X-7	Ford	Crown Victoria	2008	103641EX	2FAFP71V28X127537	71,022
X-44	Ford	Taurus	2004	857VTT	1FAHP56S64G124488	72,560
X-15	Ford	Crown Victoria	2008	13642EX	2FAFP71V68X127539	55,276

Car Number	Make	Model	Year	License	Vin	Mileage
X-45	Dodge	Charger	2006	843UCL	2B3KA43G76H472675	99,825

Public Works

Car Number	Make	Model	Year	License	Vin	Mileage
	Chevrolet	S600 - BUS	1984	77072EX	1GBJ6P1B7EV126365	186,400

ORDINANCE No. 16-2
An Ordinance Establishing Title 13 of the Roy City Municipal Code as the City's Sign Ordinance

WHEREAS, Roy City's current ordinances addressing signs within the City are located in various portions of the Roy City Municipal Code; and

WHEREAS, those portions of the Code have been reviewed, amended and consolidated into one document; and

WHEREAS, the Roy City Council finds that it is beneficial to the City, the citizenry and the general public to establish Title 13 of the as the new Roy Municipal Code Sign Ordinance; and

WHEREAS, Title 13 will benefit, enhance and increase long-term viability of development within residential, commercial and manufacturing areas of the City; and

WHEREAS, the Roy City Planning Commission held public hearings as required by law and has favorably recommended the amendments and establishment of Title 13 to the City Council; and

WHEREAS, the Roy City Council having received and reviewed the proposed Title 13 Sign Ordinance of the Roy City Municipal Code and the recommendation of the Planning Commission and Staff; and finding it to be consistent with the goals and policies of the Roy City Zoning Ordinance and General Plan, and having reviewed and considered the same in a public meeting.

NOW, THEREFORE, Be it hereby ordained by the City Council of Roy City, Utah, that Title 13 – Sign Ordinance as attached

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

	AYE	NAY	ABSTAIN
Councilman Becraft	_____	_____	_____
Councilman Dandoy	_____	_____	_____
Councilman Hilton	_____	_____	_____
Councilman Tafoya	_____	_____	_____
Councilman Yeoman			

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this 15th day of March, 2016.

Willard S. Cragun; Mayor

Attested and Recorded:

Amy Mortenson; City Recorder

SYNOPSIS

Application Information

Applicant: Steve Parkinson
Request: To approve Ord. No. 16-2; 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 and Advertising Devices.

Staff

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

APPLICABLE ORDINANCES

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

CITY COUNCIL WORK-SESSION

The City Council held a Work-session on Tuesday March 8, 2016. Within the work-session there were a few items discussed such as;

- Community Activity Signs,
- Political Signs, and
- Temporary Signs

After much discussion, and from the direction from the Council staff has reflected the changes to the proposed Sign ordinance.

Within the Ordinance, things that were changed due to the work-session discussion are reflected with a “RED” star in the left column. Things that were added are in RED and things that were deleted are ~~struck through~~.

PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing during the February 23, 2016 meeting, the hearing was opened at 18:03 for public comments, which were as follows:

- No public comments were made.

With no comments the public hearing was closed at 18:04.

After which, the Commission voted of 7-0 to forward to the City Council a recommendation to Approve the 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

ANALYSIS

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 and Advertising Devices.

EXHIBITS

- A. Ord. No. 16-2

ORDINANCE NO. 16-2

AN ORDINANCE ESTABLISHING TITLE 13 OF THE ROY CITY CODE AS THE CITY’S SIGN REGULATIONS.

WHEREAS, the Roy City Council finds that it is advisable and beneficial to establish a Title 13 in order to have the Sign Ordinance all in one Title.

WHEREAS, the Roy City Council finds that the addition of Title 13 will be of benefit and use in enhancing and increasing long-term viability of development within residential, commercial and manufacturing areas which is important to the City; and

WHEREAS, the Roy City Planning Commission held public hearings as required by law and has favorably recommended an amendment to the City Council; and

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

NOW, THEREFORE, Be it hereby ordained by the City Council of Roy City, Utah, that Title 13 – Sign Ordinance as attached

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

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

	AYE	NAY	ABSTAIN
Councilman Becraft	_____	_____	_____
Councilman Dandoy	_____	_____	_____
Councilman Hilton	_____	_____	_____
Councilman Tafoya	_____	_____	_____
Councilman Yeoman	_____	_____	_____

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this ____ day of _____, 2016.

Willard S. Cragun; Mayor

Attested and Recorded:

Amy Mortenson; City Recorder

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. ~~Facade Signs: Facade 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(c).~~

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~~ candidate(s) are involved in a primary election, then it will be lawful for any person to post a campaign sign more than forty-five (45) days prior to the primary.
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.



- V. 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) One (1) ~~Any~~ temporary sign, other than an A-frame sign, ~~shall can be posted not more than one (1) time each business quarter, for a maximum of thirty (30) concurrent days~~ per street frontage.
- 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.

13-4-2: 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.
 - ii. 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 or any other applicable 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:
 - i. Conditional Use Required. Shopping Center Signs shall require Conditional Use approval. Under the Conditional Use approval, a maximum height of up to forty (40) feet in height may be allowed.
 - ii. 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.

- d. Community Commercial, Business Park, Light Manufacturing, Recreation, and R-4 zoning districts. The following regulations and standards shall apply:
 - 1) Height. Pole Signs shall be allowed as a Permitted Use at a maximum height of twenty (20) feet.
 - 2) 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.
 - 3) Landscaped Areas. All Pole Signs shall be located in landscaped areas.
 - 4) 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.
4. Electronic Message Center (EMC) 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 used for the sole purpose of indicating prices for various types and grades of gasoline shall not be considered an Electronic Message Center Sign.
 - a. General Requirements – The following regulations and standards shall apply to all Electronic Message Center Signs:
 - 1) 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.
 - 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:
 - ~~iv. 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.~~
 - ~~v. 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.~~
 - ~~vi. 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:
 - ~~ii. 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.

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.

TITLE 13
SIGN AND ADVERTISING DEVICES

Subject	Chapter
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General Provisions	3
Regulations of Signs	4
Nonconforming Signs	5
Construction Specifications	6
Billboards	7
Administration and Enforcement	8
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CHAPTER I - 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.

13-1-3: 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

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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

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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.

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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

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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.
 - I. **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

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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.

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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 candidate(s) are involved in a primary election, then it will be lawful for any person to post a campaign sign more than forty-five (45) days prior to the primary.
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.

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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:
- I. 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.
- V.  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:
 - a. 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.
 - b. 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.

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- c. 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:
 - a. 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. One (1) temporary sign, other than an A-frame sign, can be posted per street frontage.
- 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.

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- a. 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.
- b. 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.

13-4-2: 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

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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:

- I. 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.

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- 2) Width. Maximum width (length) allowed shall be six (6) feet.
- 3) Planning Commission Review. The Planning Commission approves 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.
 - ii. 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 or any other applicable 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:
 - i. Conditional Use Required. Shopping Center Signs shall require Conditional Use approval. Under the Conditional Use approval, a maximum height of up to forty (40) feet in height may be allowed.
 - ii. 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.
- d. Community Commercial, Business Park, Light Manufacturing, Recreation, and R-4 zoning districts. The following regulations and standards shall apply:
- 1) Height. Pole Signs shall be allowed as a Permitted Use at a maximum height of twenty (20) feet.
 - 2) 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.

- 3) Landscaped Areas. All Pole Signs shall be located in landscaped areas.
 - 4) 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.
4. Electronic Message Center (EMC) 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 used for the sole purpose of indicating prices for various types and grades of gasoline shall not be considered an Electronic Message Center Sign.
- a. General Requirements – The following regulations and standards shall apply to all Electronic Message Center Signs:
 - 1) 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.
 - 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

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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.

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,

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- 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:

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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:

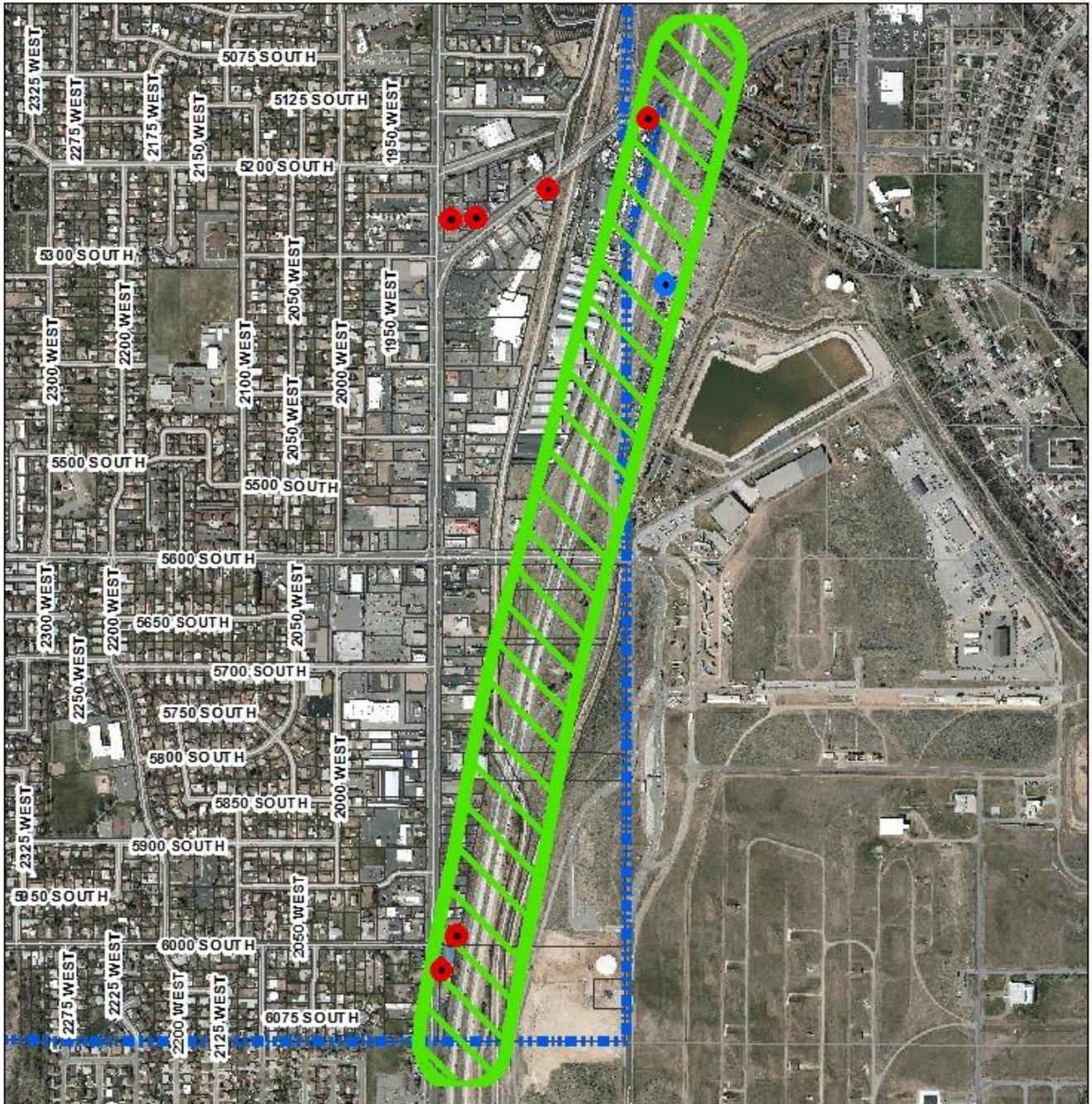
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- A. The owner of a billboard may relocate a billboard from any conforming or nonconforming site to a conforming, approved location only after a permit is obtained as set forth in this Title and must comply with other provisions of this Chapter.
- 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 in 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:

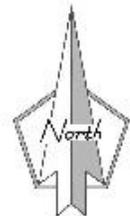
- A. Each billboard shall be maintained in a safe, presentable, and good condition; including the replacement of defective parts, painting, cleaning, removal of old or dilapidated advertisements and other acts required for the maintenance of said sign.
- B. For any structural changes to an existing billboard,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

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- 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.

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: Long Song Lee
Request: Request for Preliminary Subdivision approval for Lee subdivision, a two (2) lot commercial subdivision.
Address: Approximately 1770 W. Riverdale Rd. (5300 S.)

Land Use Information

Current Zoning: RC; Regional Commercial
Adjacent Land Use: North: RC; Regional Commercial South: RC; Regional Commercial
East: RC; Regional Commercial West: RC; Regional Commercial

Staff

Report By: Steve Parkinson
Recommendation: Recommends approval with conditions

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 (General Property Development Standards)
- Roy City Subdivision Ordinance Title 11, Chapter 3 (Preliminary Subdivision Application)
- Roy City Subdivision Ordinance Title 11, Chapter 9 (Subdivision Development Standards)

PLANNING COMMISSION ACTION

The Planning Commission will be holding a Public Hearing during the March 8, 2016 meeting, the hearing will be opened for public comments, which were as follows:

- No public comments were made.

With no comments the public hearing was closed.

After a small discussion, the Commission voted of 7-0 to forward to the City Council a recommendation to Approve the request for Preliminary Subdivision approval for Lee subdivision, a two (2) lot commercial subdivision, located approximately at 1770 W. Riverdale Rd. (5300 S.)

ANALYSIS

Background:

The property is located on the on the North side of Riverdale Road, North of Harmons. It sits on the edge of Roy prior to going into Riverdale City. About 10 months or so an Oriental market occupied the west side of what is proposed to be Lot 1 before it burned down and on Lot 2 is the Hi-Fi shop.

Subdivision: The proposed subdivision is to subdivide 1.33 acres (58,008 sq.-ft.) of property into two (2) individual parcels of 29,004 sq.-ft. each.

Zoning: The property is recently zoned RC and according to table 10-2 of the zoning ordinance the RC zone doesn't have a minimum requirement for Commercial lots.

Access: Both parcels have access to a public street, and will have a cross access easement on each lot to provide circulation throughout both properties.

Improvements / Utilities: Both lots are currently served by all utilities.

DRC Review: The DRC has reviewed the development, (see Exhibit “C”). There are a many items needing to be re-submitted prior to applying for final plat approval, but nothing that would cause the subdivision not to comply with all applicable codes.

Summary: This small two (2) lot subdivision can meet all aspects of the zoning and subdivision requirements for lot width and lot size.

CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed as RC; Regional Commercial

CONDITIONS OF APPROVAL

1. Compliance to the requirements and recommendations as outline in the DRC memo dated 29 February 2016 (Attached).

FINDINGS

1. The proposed subdivision meets all of the requirements of the Zoning Ordinance.
2. The proposed subdivision meets all of the requirements of the Subdivision Ordinance

RECOMMENDATION

Staff recommends approving the Preliminary Subdivision of Lee subdivision, located at approximately 1770 W. Riverdale Rd. (5300 S.) with the conditions as discussed and as outlined within the staff report.

EXHIBITS

- A. Aerial Map
- B. Preliminary Subdivision plat
- C. DRC Memo dated 29 February 2016

EXHIBIT "A" – AERIAL MAP



DEVELOPMENT REVIEW COMMITTEE



REVIEW MEMO

Date: 29 February 2016

To: Long-Song Lee
Tzeng Feng Lee
Ernest Rowley; Landmark Survey

From: Steve Parkinson – Planning & Zoning Administrator *SP*
Mark Miller – City Engineer
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Ross Oliver – Public Works Director
Clint Drake – City Attorney

Subject: Lee Commercial Subdivision - Preliminary Plat [submitted – Feb 8, 2016]

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering -

- I. We reviewed the proposed Lee Subdivision for conformance with the Roy City Subdivision Ordinance. The drawing provided to the City does not comply with the requirements of Section 302 (see attached) of said Ordinance. Enough information is missing (especially items listed in Subsection 5) that we suggest the plat be returned to the developer’s engineer to be revised before a formal review is completed. It may be helpful for the developer’s engineer to get a copy of Roy’s Ordinances to insure the new submittal is complete.

Building / Fire / Public Works / Legal -

- I. No comment at this time

Planning -

- I. As mentioned within the Engineering comments, the preliminary plat provided does not comply with Roy City’s ordinance, with aspects of what is to be on a preliminary plat. The submitted plat appears to be a combination of a preliminary plat and final plat. With that said there are issues with the signature blocks that are on the plans. (The signature blocks are for the Final plat not preliminary plat.
 - a. Remove the Community Development and Weber/Morgan Health signature blocks.
 - b. Replace the language for the Attorney, City Acceptance and Engineer with the following:

ROY CITY ENGINEER
I hereby certify that the requirements of all applicable statues and ordinances prerequisite to approval by the Engineer of the foregoing plat and dedications have been complied with. Signed this _____ day of _____, 20____.

Roy City Engineer

ROY CITY ATTORNEY
Approved as to form this _____ day of _____, A.D. 20____.

Roy City Attorney

ROY CITY ACCEPTANCE

This is to certify that this subdivision plat was duly accepted by the City Council of Roy City and approved by the Mayor, on the _____ day of _____, 20____

Roy City Mayor

Attest

Section 302 — Preliminary Subdivision Application – Requirements:

All Preliminary Subdivision Applications, filed with the Zoning Administrator, shall provide the following information.

1. Preliminary Subdivision Application Form. A Preliminary Subdivision Application Form, provided by the City, shall be completed and signed by all owner(s) with a fee interest in the Subject Property, as identified on the property assessment rolls of Weber County, or the authorized agent of the property owner(s).
2. If the Preliminary Subdivision Application Form is signed by an agent of the owner(s), the Preliminary Subdivision Application Form shall be accompanied by an original notarized affidavit by the owner(s) identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Preliminary Subdivision Application.
3. Preliminary Subdivision Application Fee. The Preliminary Subdivision Application Form shall be accompanied by the Preliminary Subdivision Application fee, as established by a Resolution of the Council.
4. Preliminary Subdivision Plat. A Preliminary Subdivision Plat, prepared by a licensed land surveyor, or engineer, shall be provided. The Preliminary Subdivision Plat shall be prepared in pen and all sheets shall be numbered. A minimum of one (1) 11 inch x 17 inch size and five (5) 24 inch x 36 inch size paper copies, and a digital copy in format acceptable to the City Engineer shall be provided. The Preliminary Subdivision Plat shall show the following:
 - a. A layout plan of the proposed subdivision for the entire Subject Property, at a scale of not more than 1" = 100', or as recommended by the Zoning Administrator and/or City Engineer.
 - b. The name of the proposed Subdivision and the section, City, range, principal median, and County of its location shall be located at the top and center of the Preliminary Subdivision Plat.
 - c. A title block, placed on the right hand side of the Plat showing:
 - i. Name and address of the Property Owner(s) of record and the name and address of the licensed surveyor or licensed engineer responsible for preparing the Preliminary Subdivision Plat.
 - ii. Date of preparation of the Preliminary Subdivision Plat, and all revision dates.
 - d. North arrow, graphic and written scale, and basis of bearings used.
 - e. All proposed lots, rights-of-way, and easements created by the proposed subdivision and their bearings, lengths, widths, name, number, or purpose.
 - f. A vicinity map of the Subject Property, at a minimum scale of 1" = 1000'.
 - g. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. The location of the Subject Property with respect to surrounding properties and roads, and the names of all adjoining property owners of record.
 - h. The legal description of the entire Subject Property boundary.
 - i. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of such set aside, and conditions, if any, of the dedication or reservation.
5. Required Subject Property Information.

The following information shall be provided for the Subject Property at the same scale as the Preliminary Subdivision Plat and on separate sheets, as applicable:

 - a. The identification of known natural features on a map including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, flood channels as identified by a Federal or State Agency, all water bodies and drainage ways, any sensitive lands, and any potential natural hazards such as ground shaking or liquefaction, and any other natural features for the Subject Property, including the total acres in each.
 - b. Existing site contours, at intervals of no greater than one (1) feet, unless otherwise approved by the City Engineer, overlaid with the proposed subdivision layout.
 - c. The location of any known man-made features on, or contiguous to the Subject Property, including existing platted lots, utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, road and street rights-of-way and easements, field drains, and well or spring protection areas.
 - d. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.
 - e. The layout of all existing and proposed overhead and underground utilities such as power, gas, cable, telephone,

- and other public and private utilities.
- f. All existing and proposed road and street locations and dimensions, with cross sections of all new roads and streets, proposed to be dedicated to the City, showing the grades of all proposed streets and roads, all proposed cuts and fills exceeding three (3) feet, and the proposed radius of all center line curves.
 - g. The location and size of existing and proposed culinary water and sanitary sewer lines, the location of all wells and springs, and/or the location of all existing and proposed secondary water system facilities as required by Roy Water Conservancy Subdistrict and City Engineer, as applicable, overlaid with the proposed subdivision layout.
 - h. The location and size of existing and proposed storm drainage and flood control facilities including pipe sizes, inlets, detention areas, and identifying all drainage arrows.
 - i. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.
 - j. Each proposed lot shall identify required setback lines including identifying the required front, side, and rear yard areas, as required by the Zoning District in which the proposed subdivision is located.
 - k. The location of existing and proposed land drains systems.

~~6. Title Report.~~

~~A Title Report for the Subject Property, provided by a Title Company within thirty (30) calendar days of the date of the Preliminary Subdivision Application.~~

~~7. Tax Clearance~~

~~A tax clearance provided by the Weber County Treasurer within thirty (30) calendar days of the date of the Preliminary Subdivision Application indicating that all taxes, interest, and penalties owing for the Subject Property have been paid.~~

8. Evidence of Availability of Necessary Services.

The following information shall be provided to establish the availability of services to the proposed subdivision.

- a. Culinary Water. As required and provided by the Act, the Roy City Engineer, is hereby designated as the Culinary Water Authority for the City. It shall be the responsibility of the Applicant(s) to provide all information and materials required by the City Engineer necessary to review the proposed culinary water system and culinary water sources.
- b. Sanitary Sewer. As required and provided by the Act, the Roy City Engineer is hereby designated as the Sanitary Sewer Authority for the City. It shall be the responsibility of the Applicant(s) to provide all information and materials required by the City Engineer, necessary to review and provide a written approval of the feasibility of the proposed sanitary sewer system.
- c. Roads and Streets. The Preliminary Subdivision Application shall identify the proposed road and street layout. Proposed subdivision streets shall make provision for the continuation of existing streets. It shall be the responsibility of the Applicant (s) to provide all information and materials, required by the City Engineer, necessary to review and provide a written recommendation of the proposed road and street system and designs.
- d. Storm Drainage and Flood Control Facilities. The Preliminary Subdivision Application shall identify the proposed storm water management, storm drainage and flood control system. It shall be the responsibility of the Applicant(s) to provide all information and materials, required by the City Engineer, necessary to provide a written recommendation of the proposed storm drainage and flood control system and facilities.
- e. Fire Protection, Suppression, and Access Facilities. The Preliminary Subdivision Application shall identify the proposed fire protection, fire suppression, and fire access facilities. Proposed subdivision fire protection, fire suppression, and fire access facilities shall make provision for the continuation of existing facilities. All fire protection, fire suppression, and fire access facilities shall be designed as required by the City Engineer. It shall be the responsibility of the Applicant(s) to provide information and materials, as required by the City Fire Marshall and City Engineer, necessary to provide a written recommendation of the proposed fire protection, fire suppression, and fire access facilities.
- f. Special Service District or Special Service Area. If the Subject Property is located within the boundaries of a Special Service District or a Special Service Area, a written recommendation shall be provided from the governing board of such District or Area with the Preliminary Subdivision Application materials which may identify any potential impacts resulting from the proposed subdivision.

SYNOPSIS

Application Information

Applicant: Jim Arrant
Request: Request for Conditional Use approval for Jamestown, a multi-family residential development.
Address: Approximately 5000 South 1750 West

Land Use Information

Current Zoning: R-4; Multi-Family Residential
Adjacent Land Use: North: R-4; Multi-Family Residential South: R-4; Multi-Family Residential
East: Riverdale City; A-1 West: R-4; Multi-Family Residential

Staff

Report By: Steve Parkinson
Recommendation: Recommends approval with conditions

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 – General Property Development Standards
- Roy City Zoning Ordinance Title 10, Chapter 11 – Supplementary Development Standards
- Roy City Zoning Ordinance Title 10, Chapter 15 – Conditional Uses
- Roy City Zoning Ordinance Title 10, Chapter 19 – Off-Street Parking and Loading

CONFORMANCE TO THE GENERAL PLAN

- Residential Development Goal 1; Policy D: *The City's policies should encourage the development of a diverse range of housing types, styles and price levels in all areas of the City.*
- Residential Development Goal 3; Policy G: *The housing needs for low and moderate income families and senior citizens in Roy City shall be determined by the City on a regular basis, or as the need arises.*

PLANNING COMMISSION ACTION

The Planning Commission will be holding a Public Hearing during the March 8, 2016 meeting, the hearing will be opened for public comments, which were as follows:

- No additional public comments were made.

With no comments the public hearing was closed.

After a small discussion, the Commission voted of 7-0 to forward to the City Council a recommendation to Approve the request for Conditional Use approval for Jamestown, a multi-family residential development. located approximately at 5000 South 1750 West

ANALYSIS

Background:

The applicant is looking to build 6 townhome units on a property that is within the R-4 zone. The property is located on the east side of Roy City, north of Stoney Brook Cottages and Cozydale retreat subdivision. Just north-west of the I-15 southbound on ramp. There is currently an existing single-family dwelling on the northern portion of the property.

The land recently was subdivided, which subdivision separated a single-family dwelling from the rest of the vacant land.

Description: Property is approximately 0.683 acres (29,756.4 sq.-ft.), and is currently vacant.

Conditional Use Standards: The general standards for granting any Conditional Use are 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.

Staffs overview of the above mentioned standards are as follows:

- Multi-Family residential is a listed Conditional Use.
- The project can eventually comply but currently does not.
- Use is in accordance with the zoning ordinance.
- The property is sized for around the number of units proposed.
- The proposed is consistent with the goals & policies of the General Plan.

Open Space: Multi-family housing projects are required to provide open space including an amenity. The open space of a project should be anywhere between 40% and 55%. This project provides 50% landscaping and 34% of open space.

Amenities: There are no proposed amenities within this development.

Pedestrian Access: The property has one street frontage with sidewalks on each street. The project does provide a pedestrian access into the project.

Access: The project has a single access onto 1750 West.

Parking: Parking requirements for multi-family uses are 2.5 spaces per unit, one of which must be covered. The proposal project has 12 units which requires 12 covered stalls, 12 uncovered stalls and 3 visitor stalls, with a total of 27 stalls. The project provides 28 stalls, 24 of which are covered (garage)

Lighting: Other than light fixtures attached to each dwelling as required per Building Code there are no light fixtures proposed.

Other Aspects: This issue was first brought up during the September 8, 2015 Planning Commission meeting. The Commission opened the Public hearing at 18:35 and received the following comments from the Public:

Frank Weymouth, 1768 West 5000 South, stated that he lived in one of the patio homes. He asked that the City provide him with a copy of the proposed site plan. He was concerned that the units would look down on the patio homes. If the agreement between Roy City and Ogden had expired, how did the developments just to the south of him get approved? Chairman Kirch said they connected directly onto North Davis Sewer's lines.

Commissioner Dandoy was more concerned about the capacity issue than an expired document. Steve Parkinson said there was capacity. The City was just discharging more sewer than was outlined in the agreement. He had never seen another interlocal agreement with an expiration date; most did not expire. This one was decades old. Ogden City approached Roy City about 1½ years ago about these issues. Both cities had dropped the ball. This time the City needed to determine how to solve the problem.

Mr. Weymouth stated that every year Roy Days used 1750 West as a staging area for the parade. He felt the City had not considered the convenience or safety of those who lived in his subdivision. Their access was blocked for two to three hours. Now this development was talking about adding more people on the same road. Airport Road was a major thoroughfare. There wasn't any sidewalk in this area. He was almost hit while turning into his subdivision. How far would the buildings be from the property line? Steve Parkinson said they would be a minimum of 20 feet from the property line.

Chairman Kirch asked if UDOT had looked at the intersection of 1750 West and Riverdale Road. Steve Parkinson said it had. UDOT put in an extended turning lane for safety.

Bert Visser, 4833 South 2500 West, asked why the City kept trying to put in multi-family housing instead of single-family homes. The traffic was terrible, but the City still kept pushing and pushing. This wouldn't be a duplex; it would be eight to ten families. At the last meeting, the City wanted to put 120 families on ten acres. Mr. Parkinson asked him to restrict his comments to the item under consideration.

Mr. Visser felt the issue with the sewer was a major problem. Would Roy have to put in a new sewer when the rest of the land on the street developed? It was silly to even be talking about this project without answers.

Chairman Kirch stated that the City did not solicit development. It simply reviewed projects that were submitted.

There were no additional comments and the Commission tabled the Public Hearing at 18:45 until the City received answers from Ogden City

CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed as R-4; Multi-Family Density Residential.

CONDITIONS OF APPROVAL

- Compliance to all requirements per DRC memo dated 2 March 2016, including any comments from future reviews.
- Receive Conditional Use approval from the Roy City Council.

FINDINGS

1. All Conditional Use standards are met.
2. The Building elevations and proposed materials can meet the Zoning standards.
3. The site plan can meet all of the requirements of the ordinance.

ALTERNATIVE ACTIONS

The Planning Commission can Approve, Approve with conditions, Table or Deny.

RECOMMENDATION

Staff recommends approving the Conditional Use approval for Jamestown a multi-family residential development Subdivision located at approximately 5000 South 1750 West with the conditions as discussed and as outlined within the staff report.

EXHIBITS

- A. Aerial Map
- B. Proposed Site Plan
- C. Proposed Elevations
- D. DRC Memo dated 2 March 2016

EXHIBIT "A" – AERIAL MAP

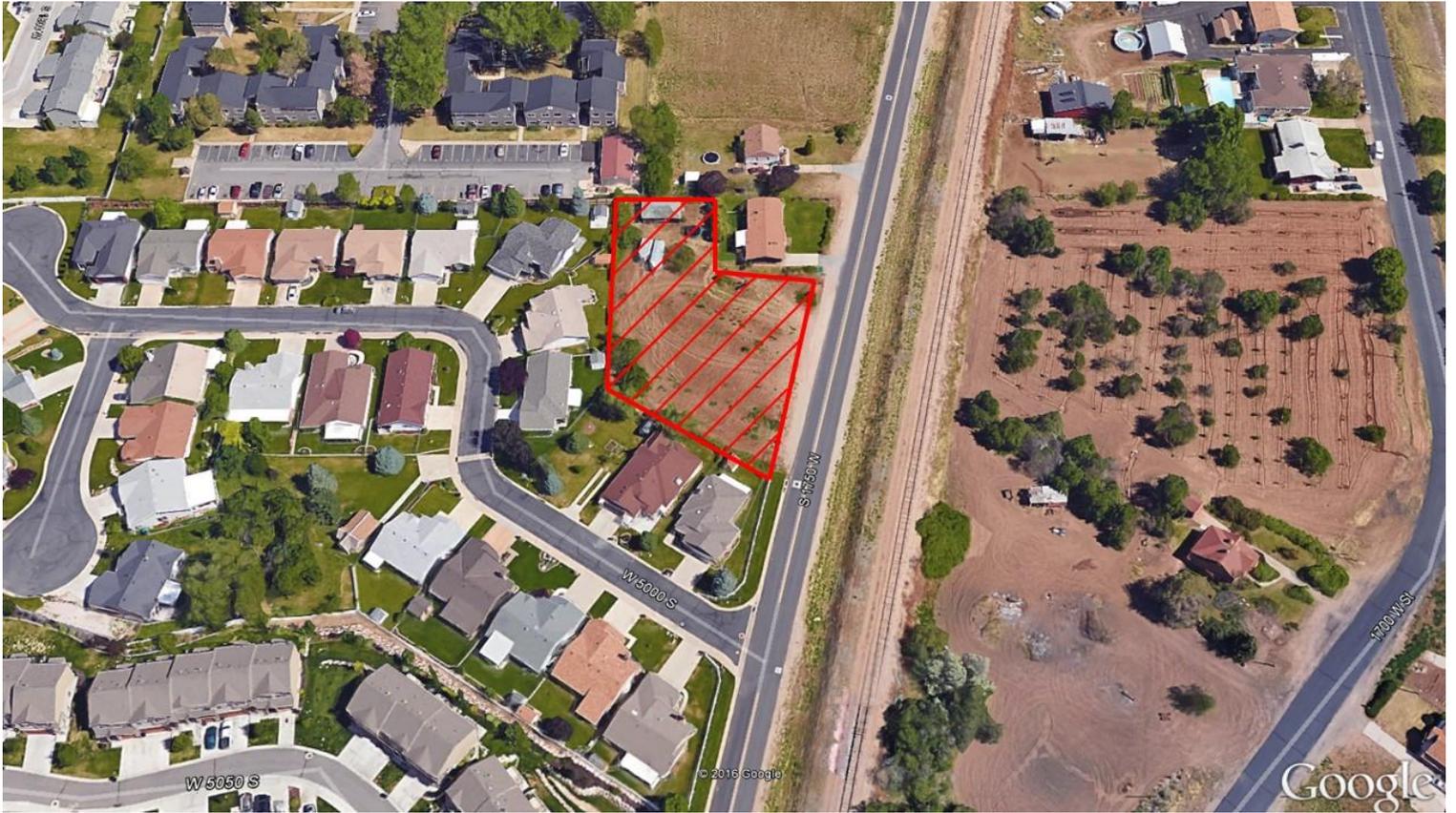
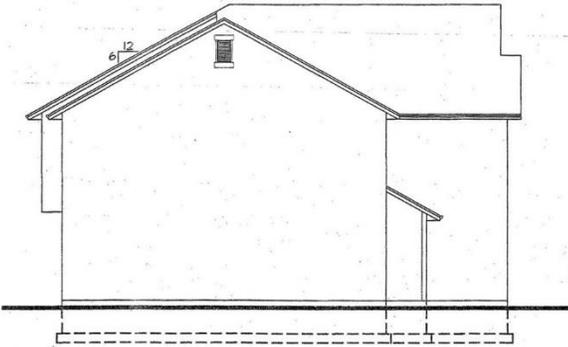


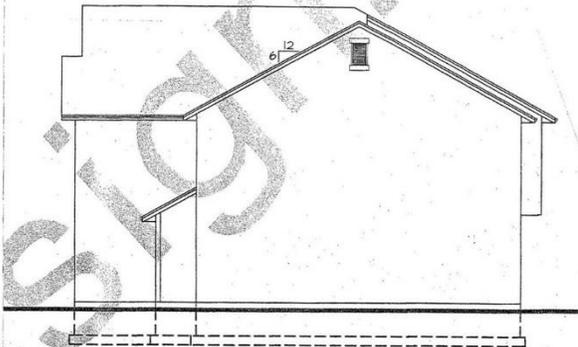
EXHIBIT "C" – PROPOSED ELEVATIONS



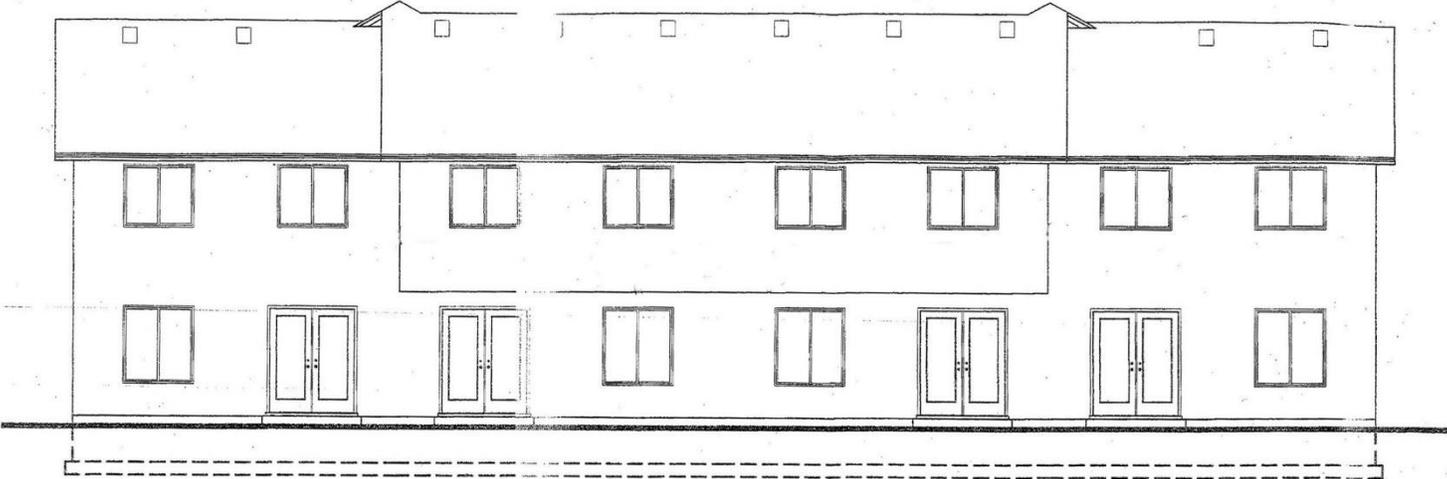
Front Elevation



Left Elevation



Right Elevation



Rear Elevation

DEVELOPMENT REVIEW COMMITTEE



REVIEW MEMO

Date: 2 March 2016

To: Jim Arrant
Chris Cave; Reeve & Associates
Emily Roche; Reeve & Associates

From: Steve Parkinson – Planning & Zoning Administrator *SP*
Mark Miller – City Engineer
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Ross Oliver – Public Works Director
Clint Drake – City Attorney

Subject: Jamestown Conditional Use (5000 South 1750 West) [plans received Feb 4, 2016]

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering –

We have reviewed the latest site plan and improvement drawings for Jamestown Subdivision Lot 2 Multi-Family. Our November 6, 2015, memo provided recommended additions and changes to the last set of drawings and serves as a basis for review on this set of plans.

1. A lighting plan should be submitted.
2. Details for the dumpster should be included.
3. A plan should be submitted for the waterline extension (in 1750 West) from Stoney Brook Cottages.
4. A blow-off should be indicated at the end of the water line in front of Unit I.
5. The storm water issues addressed in the November 6, 2015 memo should be addressed.
6. A letter should be submitted from Roy Water Conservancy indicating their approval of the proposed secondary water service connection.
7. The sanitary sewer for this project flows into an Ogden City sewer line. The Wheeling agreement between Ogden City and Roy City has expired. The Ogden City Engineer verbally approved the additional flow from the proposed units, but Clint would like written approval. The applicant should submit a letter from Ogden City's Engineer stating the connections are permitted.
8. The applicant should complete and submit a SVPPP checklist.
9. The revised drainage plan and calculations appear to meet Roy City standards.
10. The Roy City storm water management plan requires maintenance agreements for private storm drainage systems discharging to the City's facilities. This is a condition of permit compliance with the Utah Division of Water Quality. The maintenance agreement should specify that the property owner is responsible for maintenance of all private storm drainage facilities, so that the facilities and permanent best management practices function properly and minimize negative impacts to water quality. The agreement should specifically address maintenance of catch basins, pipes, the detention basin, outlet structure, and the "snout" oil separator. The agreement should also give Roy City authority to inspect these facilities, enforce maintenance requirements, and perform maintenance at the Owners expense if the Owner fails to correct deficiencies in a timely manner.

Fire -

The buildings are assumed to be built under the IRC. This will need be established per building code official. The following are items needed to be addressed per fire department review.

1. Fire flow based on IFC in appendix B. Contractor will need to prove flow. A greater size water line may be required to meet flow requirements.
2. No parking fire lane signs according to IFC appendix D will be required except for designated parking stalls.
3. 3 foot wide clearance is required around all fire hydrants and impact protect is required where hydrants are subject to impact by a motor vehicle.
4. 20 foot access roads required per IFC appendix D excluding shoulders will be required.
5. Fire apparatus access roads shall not exceed 10% in grade.
6. Fire hydrant required to meet Roy City Standard.

Public Works - Legal -

1. No comments at this time

Building -

Construction of future dwelling units.

1. The Geotech Engineer shall reference the original soils report for the subdivision. If no original soils report can be found, then there shall be a subsurface investigation completed on the proposed lot and a report provided to the City. All findings shall be noted and all requirements shall be followed. If the original soils report is available there shall be a Geotechnical Engineer inspection conducted once the excavation has been completed and prior to any fill or footings being placed. The Geotechnical Engineer shall provide a report to the contractor, which will then turn it into the City Building Official for review. All conditions present at the time of inspection shall be noted and any recommendations from the Geotechnical Engineer shall be followed. Soil type, ground water, and fill material are a few of the items to be checked for.
2. Section R405.1 Concrete or masonry foundations requires drains to be installed. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below *grade*. Drainage tiles, gravel or crushed stone drains, perforated pipe or other *approved* systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an *approved* drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with an *approved* filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening.

Planning -

A. *General Comments*

1. Because of the way on which the access to each unit's garage has been designed, (no separate driveways) signs will need to be posted no each garage door, that there is no parking allowed in front of the garages.

B. *Building Design Standards*

1. Still need a Materials & Color board
2. All wall surfaces that are longer than thirty (30) feet shall be relieved. (Sides of buildings)
3. The Architectural plans show a two (2) foot cantilever. Cantilevers cannot be within the setbacks. If the cantilevers are to be removed will need new architectural plans.
4. The garages as shown (19' 8½" X 17' 10") do not comply with parking stall requirements. Parking stalls are to be no less than 9' X 20, in this case for a two (2) car garage 18' X 20'.

C. *Site Design Standards*

1. No amenities have been proposed.

2. Dumpster enclosures are to be located to minimize the impact on adjacent property owners. Proposed dumpster enclosure is 2 feet from adjacent property. Will need to move the enclosure.
3. There were no details of how the dumpster enclosure will be constructed, what materials/colors are proposed? It needs to be of similar materials and colors as the proposed townhomes.

D. Site Lighting Standards

- I. Need a photometric drawing if there are any exterior lighting.
 - a. Need to know height of proposed pole & fixture
 - b. Need a photo of all light fixtures

POINT PAPER ON Roy City Board of Adjustment

ISSUE:

Roy City Council needs to review the current policy of establishing a Board of Adjustment as required in the City's Zoning Ordinance.

BACKGROUND:

Roy City Zoning Ordinance, Section 304 – Board of Adjustment (see attachment 1) declares that the Mayor shall appoint members to this Board, 5 members and 2 alternates. This Board primary purpose is hear and decide:

- Render decisions on determinations of nonconforming uses and noncomplying structures within the city.
- Requests for issuance of a building permit authorizing the reconstruction, remodeling, expansion, or enlargement of a noncomplying building or structure.
- Recommend to the Commission revisions to the Roy City General Plan, Zoning Ordinance, and the Subdivision Ordinance.
- To adopt bylaws, policies, and procedures for the conduct of the duties and meeting of the Board of Adjustment, for the consideration of applications and for any other purposes deemed necessary.

Some local cities have different titles for these type of Boards but they function pretty much the same. Clinton City has a Board of Zoning Adjustments (see attachment 2) that is used if someone chooses to appeal a decision made by the Community Development Director. Clinton City posts the names of each member on the Board to include the expiration date of their membership.

West Haven, has a Board of Adjustment policy (see attachment 3) but reference that the State Legislation has change this to "The Appeals Board". Further down in the document under Section 4 Duties and Powers of the Board is mentions the reader needs to "Check Current Legislation Also", suggesting that there could be state law that is governing the structure and function of this appeal process.

It appears that Utah Code, Title 10, Chapter 9a, Part 7 Appeal Authority and Variances, Section 701, (see attachment 4) specifically states;"

- (1) Each municipality adopting a land use ordinance **shall**, by ordinance, establish one or more appeal authorities to hear and decide:
 - (a) requests for variances from the terms of the land use ordinances;
 - (b) appeals from decisions applying the land use ordinances; and
 - (c) appeals from a fee charged in accordance with Section 10-9a-510.

Riverdale City has taken a different approach by establishing an Appeal Authority (see attachment 5). Rather than having 5 members on a board to hear appeals of land use decisions and variance requests, they place this duty on a single individual.

DISCUSSION:

Although Roy City Ordinance calls for the establishment of a Board of Adjustment, one does not exist and has not existed for a number of years. It has been stated that individual parties who wanted to forward their request for an appeal, were told that there was no Board of Adjustment established to appeal to. Leaving the party with no recourse but legal action in District court. Considering that the City has not, to my knowledge, filed a formal appeal to the District Court, it is assumed those parties walked away.

The Utah Code, Title 10, Chapter 9a, Part 7 – Appeal Authority and Variances, Section 701 states that Roy City shall establish one or more appeal authorities. If this information is true, Roy City has an appeal ordinance, but no appeal process in place. This could find the city in violation with State law.

After reviewing the Appeal Authority established by Riverdale City, it has many benefits over the current Board of Adjustment organization. It appears the city simply removed any reference to Board of Adjustment (marked in RED) from their existing ordinance and replaced with Appeal Authority.

CONCLUSION:

It is in the best interests of Roy City to establish a Board of Adjustments or an Appeal Authority to address individual’s complaints. Furthermore, there is a good argument that the city should consider establishing an Appeal Authority rather than a 5 member board, with two alternates. This approach to establish an Appeal Authority would provide a more effective and cost efficient solution to the current Board of Adjustments.

It would be in the best interests of the city to have a legal review of the current ordinance and review current state laws as it relates to appeal rights associated with municipality land use ordinances. It is important that the City be in compliance with its own policies.

RECOMMENDATION:

Request the city place on the 1 March or 15 March 2016 City Council Meeting agenda a discussion item to review the City’s Board of Adjustments. In addition, once the city is ready to have this subject discussed in a City Council meeting, recommend a copy off this point paper with attachments be forward to each council member.

ATTACHMENTS:

1. Roy City Ordinance – Board of Adjustment
2. Clinton City Zoning Ordinance Title 28
3. West Haven Chapter 21 – Board of Adjustments
4. Utah Code Title 10
5. Riverdale City Ordinance to establish an Appeal Authority

Attachment 1

Roy City Ordinance

Chapter 3 - Administration

Section 304—Board of Adjustment:

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

1) Powers and Duties. The BOA shall hear and decide:

- a) Variances from the terms of this Ordinance, with a finding of unreasonable hardship as required by Chapter 10-9a U.C.A., as amended, and as provided by Chapter 25, herein.
- b) Render decisions on determinations of nonconforming uses and noncomplying structures as provided by Chapter 23, here in.
- c) Requests for the issuance of a building permit authorizing there construction, remodeling, expansion, or enlargement of a noncomplying building or structure, as provided by Chapter 23, here in.
- d) Recommend to the Commission revisions to the Roy City General Plan, this Ordinance, and the Subdivision Ordinance.
- e) To adopt by laws, policies, and procedures for the conduct of the duties and meetings of the BOA, for the consideration of applications and for any other purposes deemed necessary by the BOA provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which by laws, policies, and procedures shall first be approved by the Council before taking effect.

2) The BOA shall have no power, jurisdiction, or authority to consider any of the following:

- a) Any variances or waivers to any of the standards governing the approval of a General Plan Amendment Application, Zoning Ordinance Amendment Application, Zoning Districts Map Amendment Application, Subdivision Ordinance Amendment Application or any other approval, permit or license.
- b) Amendments to the General Plan, any element or map thereof, or any provision, requirement or map of this Ordinance, or any provision or requirement of the Subdivision Ordinance.
- c) Make any decisions or determinations that would have the effect of authorizing a use, which is not identified in Table 17-1 and Table 17-2, Table of Uses, herein.

3) Qualifications for Membership. Members of the BOA shall be appointed by the Mayor, with advice and consent of the Council.

4) Membership: Appointment, Removal, Terms, and Vacancies.

- a) The BOA shall be composed of five (5) members with two (2) alternates.

b) The members of the BOA shall be residents of Roy. No member of the BOA shall be an elected or appointed official, or employee of Roy City.

c) The Mayor, with advice and consent of the Council, may remove any member of the BOA for violation of this Ordinance or any policies or procedures adopted by the BOA following receipt of a written complaint filed against the member.

d) A BOA member shall be automatically removed if three (3) consecutive or twenty- five (25) percent of the BOA meetings in a calendar year are missed. If the absence of a BOA member is due to an extended illness or vacation, the BOA member is responsible to provide written notice to the City Manager prior to the time the absence will occur. If such notice is given, the removal requirements do not apply.

e) Members of the BOA shall serve with compensation, as adopted by the Council, and the Council shall provide for reimbursement to BOA members for approved actual expenses incurred, upon presentation of proper receipts and vouchers.

f) All members shall serve a term of five (5) years, provided that the term of one (1) member shall expire each year. No member shall serve more than two (2) consecutive terms.

g) At an annual organizational meeting, held the first regular meeting of the year, and at other times as required, the members of the BOA shall recommend one (1) of their members as chair and one (1) of their members as vice-chair to the Council. The Mayor with advice and consent of the Council shall appoint the BOA chair and vice-chair. The chair and vice-chair shall serve a term of one (1) year. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair.

h) The chair, or in the chair's absence, the vice chair of the BOA shall be in charge of all proceedings before the BOA, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the BOA.

i) BOA vacancies occurring for any reason shall be filled by appointment by the Mayor with advice and consent of the Council. Vacancies of the BOA occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.

5) Recording Secretary. The City Manager shall assign the City Recorder or other Staff member to act as the recording secretary to serve the BOA. The Recording Secretary shall keep the minutes of all proceedings of the BOA, which minutes shall be the official record of all proceedings before the BOA, attested to by a majority vote of the members of the BOA. The minutes of all meetings of the BOA shall be filed in the office of the City Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act, §63-2-101 et. seq. U.C.A., as amended. The Recording Secretary shall be compensated as approved by the Council.

6) Quorum and Necessary Vote. No meeting of the BOA may be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the BOA. All decisions and recommendations by the BOA shall require a minimum of three (3) votes. The

BOA shall transmit reports of its decisions and recommendations to the Council. Any member of the BOA may also make a concurring or dissenting report or recommendation to the Council.

7) Decisions Final on Meeting Date, Exceptions. All decisions of the BOA shall be final and shall take effect on the date of the meeting when the decision is made, unless a different date is designated at the time the decision is made.

8) Meetings, Hearings, and Procedure.

a) Regular meetings of the BOA shall be held as required.

b) Special meetings may be requested by a majority vote of the BOA, or the chair of the BOA.

c) When a matter is postponed due to lack of a quorum, the chair of the BOA shall reschedule the matter to the next available meeting. The recording secretary shall notify all interested parties and all members of the BOA of the date when the rescheduled matter will be heard.

Attachment 2
Clinton City Zoning Ordinance Title 28
Non-Conforming Buildings and Uses Chapter 9

Chapter 9. Non-Conforming Regulations 177

28-9-4 Non-conforming Certificate. The existence of any non-complying building or nonconforming use will be recognized by the city through issuance of a non-complying structure or non-conforming use certificate. The certificate shall describe the nature and extent of any noncompliance or nonconformity. The certificate shall also include any permits authorizing expansions, additions or changes of use approved by the director or the planning commission under the provisions of this title and any conditions imposed thereon.

(2) Review Procedures:

(c) The decision of the director shall be considered to be a final administrative order or decision, subject to appeal to the **board of zoning adjustment**.

(3) Expansions, Additions, Or Changes Of Noncomplying Structures Or Non-conforming Uses:

The owner may, within thirty (30) days of receipt of said notice, request a hearing before the director to present any evidence or reasons why the certificate should not be revoked. If, after the hearing, the director determines that the right has been lost, the decision shall be considered to be a final administrative order or decision, subject to **appeal to the board of zoning adjustment**.

Board of Zoning Adjustment (Posted on the Clinton City Website)

The Clinton City Board of Zoning Adjustments (BZA) meets when needed.

Meeting dates are schedule when all members can be present, however a meeting will be scheduled within one month after the date of receipt of application.

Members

Blair Bateman, Alternate Term expires: December 2018

Bob Buckles Planning Commission Representative Term expires: Appointed Annually

Jim Cox Term expires: December 2017

Ronnie Duncan, Alternate Term expires: December 2018

Dennis Henry Term expires: December 2018

Chris Martinez Term expires: December 2015

Nathan Schow Term expires: December 2014

Colin Winchester Term expires: December 2018

Attachment 3
West Haven, Utah
CHAPTER 21

BOARD OF ADJUSTMENT-State Legislation has changed this to "The Appeals Board"

SECTION 1 BOARD MEMBERSHIP

The Board of Adjustment shall consist of five members and two alternate members, who shall be appointed by the City Council. Each member and alternate member shall be appointed for a term of five (5) years and may be removed from membership for cause by the appointing authority upon written charges and after public hearing except that the first five (5) members so appointed one member shall be appointed to serve one (1) year, one member two (2) years, one member three (3) years, one member four (4) years and one member five (5) years. In the month of June each year one member shall be appointed for a five-year period to take the place of the member whose term shall next expire. Any vacancy occurring on said Board by reason of death, resignation, removal or disqualification shall be promptly filled by the City Council for the unexpired term of such member. One member shall be a member of the Planning Commission.

SECTION 2 ORGANIZATION

The Board of Adjustment shall organize and elect from it members a chairman and vice chairman and adopt rules of procedure and regulations not inconsistent or in conflict with State laws or with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the chairman and at such time as the Board may determine, The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action; all of which shall be immediately filed in the office of the City Recorder and shall be a public record.

SECTION 3 COMPENSATION AND EXPENDITURES

In the performance of its duties, the Board may incur such expenditures as shall be authorized by the City Council. Each member of the Board shall be paid five (5) dollars for each meeting of the Board actually attended, and may receive compensation for expenses incurred in the work of the Board, provided that no member of the Board shall receive more than twenty-five (25) dollars total compensation for services to the Board, including meetings, in any one month, nor more than three hundred (300) dollars in any one year for such services.

SECTION 4 DUTIES AND POWERS OF THE BOARD-(Check Current State Legislation Also)

In addition to any other powers given by State law or this Ordinance, upon appeals the Board of Adjustment after proper notice and public hearing shall have the following powers:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made in the enforcement of this Ordinance.
2. To hear and decide requests for decisions on special questions upon which such Board is authorized to pass.
3. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be preserved and substantial justice done.

ORDINANCE 04-1993 DELETED THE NEXT PARA 4...

4. To permit as a special exception the construction of a dwelling or a building upon a lot which does not have frontage on a street but has access to said lot by a private right-of-way, where the Board of Adjustment considers it unfeasible or impractical to extend a street to provide access to such lot because of unusual topographic or property boundary conditions. Before any approval by the Board of Adjustment to build on any private right-of-way, the land owner of record shall place a covenant to run with the land agreeing to participate in the cost of developing any future road required by the City to replace the private right-of-way as required access to additional lots.

5. To interpret the zoning map and zoning ordinance.

6. To reduce the amount of off-street parking required, where acquisition of land for such use would cause exceptional hardship.

7. Where a zone boundary line divides a lot in single ownership at the time of the passage of this Ordinance, permit the extension of a use or building situation on the portion of such lot which lies in the less restricted zone into the more restricted zone, provided that such extension shall be subject to all regulations of the less restricted zone and shall extend not more than one hundred (100) feet into the other portion of the lot in the more restricted zone.

8. Permit for a period not to exceed one (1) year in a residential zone a temporary building or use of a commercial or industrial nature which building or use is incidental and necessary to the construction of the residential development.

9. To permit a nonconforming use to be changed to another use permitted in the same or a more restricted zone than the one in which the nonconforming use would be a permitted use; and which, in the opinion of the Board of Adjustment either by general rule or on decision in a specific case, will be out of harmony or incongruous with existing and prospective uses in the neighborhood to a less degree than is the nonconforming use that it replaces, with respect to noise, odor, atmospheric emission or pollutant, or physical hazard, and to no greater degree with respect to traffic related to the proposed use, display or use of illumination, general activity, probable duration of the proposed use, or other factors having a bearing on the harmonious relation to one use to another

10. To permit the relocation on a lot of a nonconforming building or structures occupied by a nonconforming use, provided the building or structure shall comply with all the height, yard and area requirements in the zone in which it is located.

11. In exercising the above mentioned powers, such Board may, in conformity with the provisions of the law reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; provided, that before any variance may be granted it shall be shown that:

a. The variance will not substantially affect the comprehensive plan of zoning in the City and that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

b. Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

c. That because of said special circumstances, property covered by application is deprived of privileges possessed by other property in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

12. The concurring vote of four of the five members of the Board shall be necessary to reverse any order, requirement or determination of such administrative official, or to decide in favor of such application on any matter on which it is required to pass, or to effect any such variation or special exception to this Ordinance.

13. If an affirmative decision is made by the Board of Adjustment in exercising any of the powers listed in paragraphs 3,4,6 and 9 of this Section, that approval shall be valid for a period of time not longer than 18 months from the date of the decision of the Board. Any interpretation or affirmative decision made in exercising any of the powers listed in paragraphs 5 or 7, shall be valid until an amendment to the Zoning Map or Ordinance is made which changes the conditions upon which the interpretation or decision was made.

SECTION 5 PROCEDURE

1. Each appeal to the Board shall be on a form provided by the Board and all information called for by such form shall be furnished by the appellant. Before making its decision, the Board shall hold a hearing upon the appeal. Notice of the time and place of such hearing shall be sent by mail to the appellant and to the owners of all property contiguous to the property with which the appeal is concerned and of all properties opposite said property measured at right angles to the intervening street or streets, and to the Planning Commission and the Building Inspector, at least five (5) days previous to the day fixed for the hearing. Such notice shall contain the name of the appellant, the time and place fixed for the hearing and a brief statement of the error alleged by the appellant or of the special exception or other question or variance for which the appellant appeals.

Before any appellant shall be entitled to any hearing or decision, he shall pay to the Board the expenses of the appeal, including the sending of notices, as fixed by the Board, such payment or the estimated amount of same to be paid with the filing of the appeal. The Board may give notice to other interested persons and organizations. The hearing may be adjourned from time to time, and if the time and place of the adjourned meeting be publicly announced at the hearing at the time of the adjournment, no further notice of such adjourned meeting shall be required.

2. Each appeal, filed in proper form with the required dates, shall be numbered serially, docketed, and shall be placed upon the calendar of the Board and shall be heard in the order in which they appear on the calendar, unless advanced for hearing by order of the Board for good cause shown. The calendar of cases to be heard shall be posted in the office of the Board five days before the meeting at which the hearing is scheduled.

3. The decision or any other action of the Board shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action; and on any matter upon which this Ordinance requires findings as a basis for the Board's decision or action, the Board shall include the finding it makes in the resolution. The full text of the resolution shall be recorded in the minute book of the Board, together with the vote of each member of the Board, those absent being so marked.

Attachment 4

State Legislation

Title 10 Chapter 9a Part 7 Section 701

Index Utah Code

Title 10 Utah Municipal Code

Chapter 9a Municipal Land Use, Development, and Management Act

Part 7 Appeal Authority and Variances

Section 701 Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

10-9a-701. Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

- (1) Each municipality adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities to hear and decide:
 - (a) requests for variances from the terms of the land use ordinances;
 - (b) appeals from decisions applying the land use ordinances; and
 - (c) appeals from a fee charged in accordance with Section 10-9a-510.
- (2) As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a land use authority's decision, in accordance with local ordinance.
- (3) An appeal authority:
 - (a) shall:
 - (i) act in a quasi-judicial manner; and
 - (ii) serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and
 - (b) may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.
- (4) By ordinance, a municipality may:
 - (a) designate a separate appeal authority to hear requests for variances than the appeal authority it designates to hear appeals;
 - (b) designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;
 - (c) require an adversely affected party to present to an appeal authority every theory of relief that it can raise in district court;
 - (d) not require an adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of the adversely affected party's duty to exhaust administrative remedies; and

- (e) provide that specified types of land use decisions may be appealed directly to the district court.
- (5) If the municipality establishes or, prior to the effective date of this chapter, has established a multiperson board, body, or panel to act as an appeal authority, at a minimum the board, body, or panel shall:
 - (a) notify each of its members of any meeting or hearing of the board, body, or panel;
 - (b) provide each of its members with the same information and access to municipal resources as any other member;
 - (c) convene only if a quorum of its members is present; and
 - (d) act only upon the vote of a majority of its convened members.

Title 10 Chapter 9a Part 7 Section 703

Index Utah Code

Title 10 Utah Municipal Code

Chapter 9a Municipal Land Use, Development, and Management Act

Part 7 Appeal Authority and Variances

**Section Appealing a land use authority's decision -- Panel of experts for appeals of geologic hazard
703 decisions.**

10-9a-703. Appealing a land use authority's decision -- Panel of experts for appeals of geologic hazard decisions.

- (1) The applicant, a board or officer of the municipality, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.
- (2)
 - (a) An applicant who has appealed a decision of the land use authority administering or interpreting the municipality's geologic hazard ordinance may request the municipality to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.
 - (b) If an applicant makes a request under Subsection (2)(a), the municipality shall assemble the panel described in Subsection (2)(a) consisting of, unless otherwise agreed by the applicant and municipality:
 - (i) one expert designated by the municipality;
 - (ii) one expert designated by the applicant; and
 - (iii) one expert chosen jointly by the municipality's designated expert and the applicant's designated expert.

- (c) A member of the panel assembled by the municipality under Subsection (2)(b) may not be associated with the application that is the subject of the appeal.
- (d) The applicant shall pay:
 - (i) 1/2 of the cost of the panel; and
 - (ii) the municipality's published appeal fee.

Title 10 Chapter 9a Part 7 Section 707

Index Utah Code

Title 10 Utah Municipal Code

Chapter 9a Municipal Land Use, Development, and Management Act

Part 7 Appeal Authority and Variances

Section 707 Standard of review for appeals.

10-9a-707. Standard of review for appeals.

- (1) A municipality may, by ordinance, designate the standard of review for appeals of land use authority decisions.
- (2) If the municipality fails to designate a standard of review of factual matters, the appeal authority shall review the matter de novo.
- (3) The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance.
- (4) Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.

Attachment 5

Riverdale City Ordinance to Establish an Appeal Authority

(All words/numbers marked in RED are Deleted)

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF RIVERDALE CITY, UTAH AMENDING TITLE 2, CHAPTER 4, BOARD OF ADJUSTMENT AND REVISED TITLE 2, CHAPTER 4, APPEAL AUTHORITY, AND TRANSFERRING AUTHORITY AND DUTIES OF THE FORMER BOARD OF ADJUSTMENTS TO THE NEWLY CREATED APPEAL AUTHORITY, ESTABLISHING THE RIGHTS, DUTIES AND PROCESSES OF THE APPEAL AUTHORITY, PROVIDING A REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Utah Code (UCA) 10-9a-701 gives the right to, and mandates that municipalities adopt an ordinance establishing an appeal authority to hear and decide land use appeals and variance requests; and

WHEREAS, the Mayor and Council have directed city staff to explore the different possibilities of the form of appeal authority available in the state and return with an ordinance to permanently transfer the process, powers and duties of the Board of Adjustment to an Appeal Authority; and

WHEREAS, the Council finds that it would be beneficial and in the best interests of the citizens of Riverdale to amend the current ordinance and repeal the body and authority of the current Board of Adjustments and transfer those powers and duties to an Appeal Authority that would now hear appeals of land use decisions and Variance requests; and

WHEREAS, the Appeal Authority is a body that may now, under state and local law, consider land use appeals and Variances on matters arising in Riverdale City; and,

WHEREAS, a public hearing was scheduled and notice thereof published in the Standard Examiner, a newspaper of general circulation in the City of Riverdale, at least fifteen (15) days prior to the time of said hearing, describing the proposed amendment and providing the time and place of such public hearing; and

WHEREAS, a public hearing was duly held by the Planning Commission at the time and place provided in said notice, all competent evidence offered in support of and in opposition to said proposed amendment was received; and

WHEREAS, it appearing that the proposed amendment is in accord with the City's comprehensive plan and/or goals or desires and will promote health, safety, morals and the general welfare of the community, said Planning Commission recommended adoption of said amendments to the City Council of the City of Riverdale;

WHEREAS, the Riverdale City Council held a public meeting and considered all competent evidence offered to said proposed amendment; and

WHEREAS, all of said proceedings were duly and regularly conducted.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RIVERDALE:

SECTION 1. The recitals above are true and correct.

SECTION 2. The adoption of this ordinance supersedes all previous Ordinances pertaining to the powers, duties and authority of the Board of Adjustment for Riverdale City.

SECTION 3. Title 2, Chapter 4 Board of Adjustment, of the Riverdale City Code, is hereby amended and replaced with this amended version.

SECTION 4. Any and all previously adopted rules made by the Board of Adjustments are hereby repealed.

SECTION 5. Title 2, Chapter 4, of the Riverdale City Code is hereby amended to read as follows:

Chapter 4

BOARD OF ADJUSTMENT

APPEAL AUTHORITY

Section:

2-4-1: Appointment, Term And Removal:

2-4-2: Organization And Meetings:

2-4-3: Appeals:

2-4-4: Stay Of Proceedings Pending Appeal:

2-4-5: Notice Of Meeting On Appeal; Right Of Appearance:

2-4-6: Powers Of **Board On Appeal** Appeal Authority:

2-4-7: Decision On Appeal:

2-4-8: Vote Necessary For Reversal:

2-4-9: Judicial Review Of **Boards** Appeal Authority's Decision; Time Limitation:

2-4-10: Time Limitation Of Variance:

2-4-11: Filing Fee:

2-4-12: Compensation Of **Members** Appeal Authority:

2-4-13: Definitions:

2-4-1: APPOINTMENT, TERM AND REMOVAL:

The **Appeal Authority of adjustments** Appeal Authority shall **consist of three (3) members, each to** be a single individual, appointed by the mayor, with the advice and consent of the city council, for a term of three (3) years and thereafter may be appointed for succeeding three year terms.; **provided, that the terms of the members of the first Appeal Authority so appointed shall be such that the term of one member shall expire each year. Any member** The Appeal Authority may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of the Appeal Authority **any member** whose term becomes vacant. **The city council may appoint associate members of such Appeal Authority, and in the event that any regular member be temporarily unable to act owing to absence**

from the country, illness, interest in a case before the Appeal Authority or any other cause, his place may be taken during such temporary disability by an associate member designated for the purpose.

(1) The Appeal Authority shall, as a minimum, have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings regarding land use, land development, and regulatory codes dealing with issues related to land use and have knowledge and familiarity with constitutional due process rights.

(2) The Mayor may remove the Appeal Authority for cause upon receipt of written charges filed against the Appeal Authority and upon the advice and consent of the City Council.

(3) In the case of death, resignation, removal or disqualification, the position of Appeal Authority shall be promptly filled by a replacement appointed by the Mayor with the advice and consent of the City Council for the unexpired term of the previous Appeal Authority.

(4) The Appeal Authority shall be considered an independent contractor;

(5) The Mayor may, from time to time, appoint an Appeal Authority pro tempore on a temporary basis when necessitated by the absence, unavailability, incapacity or disqualification of the regularly appointed Appeal Authority, upon the advice and consent of the City Council. Each Appeal Authority pro tempore shall, as a minimum, have qualifications which are similar to those specified in (1) (a) above.

A. The Legal Basis For The Appeal Authority:

1. The State Code:

a. Establishment: The section of Utah Code Annotated that deals specifically with the duties of the appeal authority is title 10 section 9a-701. It states: .

10-9a-701. Appeal Authority Required - Condition Precedent To Judicial Review - Appeal

Authority Duties.

(1) Each municipality adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities to hear and decide:

(a) Requests for variances from the terms of the land use ordinances; and

(b) Appeals from decisions applying the land use ordinances.

(2) As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a land use authority's decision, in accordance with local ordinance.

(3) An appeal authority:

(a) Shall:

(i) Act in a quasi-judicial manner; and

(ii) Serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and

(b) May not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.

(4) By ordinance, a municipality may:

(a) Designate a separate appeal authority to hear requests for variances than the appeal authority it designates to hear appeals;

(b) Designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;

(c) Require an adversely affected party to present to an appeal authority every theory of relief that it can raise in district court;

(d) Not require an adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of the adversely affected party's duty to exhaust administrative remedies; and

(e) Provide that specified types of land use decisions may be appealed directly to the district court.

(5) If the municipality establishes or, prior to the effective date of this chapter, has established a multi-person Appeal Authority, body, or panel to act as an appeal authority, at a minimum the Appeal Authority, body or panel shall:

(a) Notify each of its members of any meeting or hearing of the Appeal Authority, body, or panel;

(b) Provide each of its members with the same information and access to municipal resources as any other member;

(c) Convene only if a quorum of its members is present; and

(d) Act only upon the vote of a majority of its convened members.

Enacted by chapter 254, 2005 general session.

(Ord. 720, 12-2-2008)

2-4-2: ORGANIZATION AND MEETINGS:

The **board of adjustments** Appeal Authority shall **organize and elect a chairman and** adopt rules in accordance with the provisions of state law, this chapter and any other applicable ordinance.

Meetings of the Appeal Authority **board** shall be held **at the call of the chairman and at** such **other** times as the **board** Appeal Authority may determine. The Appeal Authority **chairman, or in his absence the acting chairman,** may administer oaths and compel the attendance of witnesses.

All meetings of the **board** Appeal Authority shall be open to the public.

A. Minutes; Records: The **board** Appeal Authority shall keep minutes of its proceedings, **showing the vote of each member upon each question, or if absent or failing to vote indicating such fact,** and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the **board** city recorder and shall be a public record.

B. Routine, Uncontested Matters: The mayor, with the advice and consent of the city council, may appoint a zoning administrator to decide routine and uncontested matters of the **board** Appeal Authority, as designated by the board Appeal Authority, and pursuant to its established guidelines. Any person aggrieved by a decision of the zoning administrator may appeal the decision to the **board** Appeal Authority, as provided in this chapter.

C. Organization And Procedures:

1. Notify each of its members of any meeting or hearing of the board, body, or panel;

2. Provide each of its members with the same information and access to municipal resources as any other member;

3. Convene only if a quorum of its members is present; and

4. Act only upon the vote of a majority of its convened members (10-9a-701(5)). (Ord. 720, 12-2-2008)

2-4-3: APPEALS:

Appeals to the **board** Appeal Authority may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this title. Appeals to the **board** Appeal Authority may be taken by any officer, department, board or bureau of the city affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of this title. **The "time" within which such appeal must be made, and the form or other procedure relating thereto, shall be as specified in the general rules to govern the procedure of such board or in the supplemental rules of procedures adopted by such board; provided, further, that said rules and regulations shall be available to the public at the office of the city recorder at all times.** (Ord. 696, 2-19-2008)

(1) Time to Appeal. Any appeal, pursuant this section must be filed in writing with the City Recorder within fourteen calendar (14) days of the issuance of the written decision applying the land use ordinance.

(2) Time for Hearing Appeal. The Appeals Authority should hear the appeal within 15 to 30 days of the date the appeal was filed.

(3) Written Statement Setting Forth Theories of Relief Required. The appellant shall deliver to the Appeal Authority and all other participants, five business days prior to the hearing, a written statement setting forth each and every theory of relief he intends to raise at the hearing, along with a brief statement of facts in support thereof.

(4) Condition Precedent to Judicial Review. No theory of relief may be raised in the District Court unless it was timely and specifically presented to the Appeal Authority.

(5) Standard of Review and Burdon of Proof on Appeal. The Appeal Authority shall, on appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is on the appellant.

(6) Due Process Rights. The Appeal Authority shall respect the due process rights of each participant.

2-4-4: STAY OF PROCEEDINGS PENDING APPEAL:

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the **board** Appeal Authority after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, the stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the **board** Appeal Authority or by the district court on application and notice and on due cause shown. (Ord. 696, 2-19-2008)

2-4-5: NOTICE OF MEETING ON APPEAL; RIGHT OF APPEARANCE:

The **board** Appeal Authority shall fix a reasonable time for the meeting of the appeal, give public notice thereof as well as due notice to the parties in interest and shall decide the same within a reasonable time. At the meeting, any party may appear in person or by agent or by attorney. (Ord. 696, 2-19-2008)

2-4-6: POWERS OF **BOARD** APPEAL AUTHORITY ON APPEAL:

The **board** Appeal Authority shall have the following powers:

A. Appeals: To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by administrative official or agency based on or made in the enforcement of this title.

B. Special Exceptions: To hear and decide, in accordance with the provisions of this title, requests for "special exceptions" or for interpretation of the map or for decisions on other special questions on which such board is authorized by this title to pass.

C. Variances: To authorize, on an appeal, a variance from strict application of the regulations where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of any regulations enacted would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property. The variance from such strict application can be granted so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the master plan and this title. Before any variance may be authorized, however, it shall be shown that:

1. The variance will not substantially affect the comprehensive plan of zoning in the city and that adherence to the strict letter of this title will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

2. Special circumstances are attached to the property covered by the application which do not generally apply to the other property in the same zone.

3. Because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

D. Nonconforming Uses: To permit the enlargement of, addition to, or relocation of a building or structure, nonconforming as to use regulations, as follows:

1. For a nonconforming use located in a residential zone, the enlargement, addition or relocation shall either:

a. Comply with all the height, yard and area requirements for a single-family dwelling in the zone in which the nonconforming building is located; or

b. The proposed enlargement, addition or relocation will either:

(1) Improve the area by increasing the off street parking; or

(2) Improve the general appearance, convenience or safety of the area.

2. For a nonconforming use located in any zone other than a residential zone, the enlargement, addition or relocation shall comply with all height, yard and area requirements for a main building, other than dwellings, in the zone in which it is located.

3. Before granting a permit for any enlargement, addition or relocation as provided above, the **board** Appeal Authority shall find in its public meeting that the proposed changes will not hinder or obstruct the attainment of the objectives listed in section 10-1-2 of this code more than does the existing nonconforming use.

E. Nonconforming Yard, Height Or Area Regulations: To allow those enlargements of, additions to or relocation of buildings and structures, nonconforming as to yard, height or area regulations, in those cases where an undue hardship will result to the owner of the land involved unless granted and the attainment of the objectives listed in section 10-1-2 of this code will not be hindered or obstructed, and provided the proposed enlargement, addition to or relocation of will either:

1. Improve the area by increasing needed off street parking; or
2. Improve the general appearance, convenience or safety of the area.

F. Extension Of Use: To permit, where a zone boundary line divides a lot in single ownership at the time of establishment of said boundary, a use authorized on either portion of such lot to extend to the entire lot, provided such permission shall not authorize the use to extend more than thirty five feet (35') beyond the zone boundary line or extend to an area greater than five thousand (5,000) square feet beyond the said boundary line.

G. Changes In Nonconforming Uses: To permit a nonconforming use to be changed to another use allowed in the same or a more restrictive zone than the one in which the nonconforming use would be allowed; provided, that the Appeal Authority finds in its public meeting that such change will not hinder or obstruct the attainment of the objectives listed in section 10-1- 2 of this code more than does the existing nonconforming use.

H. Use Permitted Without Street Frontage: To permit the construction and use of a dwelling upon a lot which does not have frontage on a street, but does have frontage on a dedicated right of way.

I. Lot Splitting: To permit the splitting of a lot wherein such lot split creates a lot which does not have the required width of the zone in which the lot is located, provided the created nonconforming lot meets the area requirements of the zone and the structure placed on the lot meets all required site standards of the zone; and furthermore, that before building permits are issued for the nonconforming split, the lot split shall be reviewed by the city engineer.

(Ord. 696, 2-19-2008)

J. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

K. Variances run with the land.

L. In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will:

- (1) Mitigate any harmful affects of the variance; or
- (2) Serve the purpose of the standard or requirement that is waived or modified.

2-4-7: DECISION ON APPEAL:

In exercising the above mentioned powers, such **board** Appeal Authority may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or

determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. (Ord. 696, 2-19-2008)

2-4-8: VOTE NECESSARY FOR REVERSAL:

The **concurring vote of three (3) members of the board** favorable finding of the Appeal Authority shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under title 10 of this code, or to effect any variation in such title. (Ord. 696, 2-19-2008)

2-4-9: JUDICIAL REVIEW OF **BOARDS** APPEAL AUTHORITY'S DECISION; TIME LIMITATION:

The city or any person aggrieved may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction, provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the **board** city recorder.

(Ord. 696, 2-19-2008)

2-4-10: TIME LIMITATION OF VARIANCE:

In the event the **board** Appeal Authority does grant a variance in accordance with the provisions of this chapter, alterations in accordance with the variance must be activated within six (6) months after the date the variance is granted or the variance becomes null and void. The time limit of the variance may be extended an additional six (6) months by the **board** Appeal Authority, and then only if the petitioner shows adequate cause to the **board** Appeal Authority that circumstances necessitate a time extension. (Ord. 696, 2-19-2008)

2-4-11: FILING FEE1:

Upon filing of any appeal or application to the **board** Appeal Authority, the appellant or applicant shall pay to the city a fee prescribed by the city council. The said fee shall be collected by the officer in whose office said appeal is filed and shall be deposited with the city treasurer and credited to the general fund. No appeal or application shall be considered by the **board** Appeal Authority unless and until such fee has been paid. (Ord. 696, 2-19-2008)

2-4-12: COMPENSATION OF **MEMBERS** APPEAL AUTHORITY:

Each member of the Appeal Authority shall be compensated by an amount established by the city council for each meeting of the Appeal Authority which he shall attend. (Ord. 696, 2-19-2008)

The Appeal Authority shall be considered an independent contractor; and as such will enter into a three year contract for services at the beginning of each appointed term. Terms for compensation and reimbursement will be determined and agreed upon in the aforementioned contract. The terms and conditions of the contract shall ultimately be approved by the City Council prior to any individual entering into an agreement with the City to serve as the Appeal Authority.

2-4-13: DEFINITIONS:

APPEAL AUTHORITY: A person, board, commission, agency or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

LAND USE APPLICATION: An application required by a municipality's land use ordinance.

LAND USE AUTHORITY: A person, Appeal Authority, commission, agency, or other body designated by the local legislative body to act upon a land use application.

LAND USE ORDINANCE: A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan. (Ord. 720, 12-2-2008)

Footnote 1: See also section 1-12-5 of this code for specific fees.

SECTION 6. Repealer. Any provision of the Riverdale Municipal Ordinance Code found to be in conflict with this ordinance is hereby repealed.

SECTION 7. Remainder. All other provisions of said Title and Chapter shall remain in full force and effect unless specifically amended hereby.

SECTION 8. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

SECTION 9. This ordinance shall take effect immediately upon its adoption and posting.

PASSED, ADOPTED AND ORDERED POSTED this ___ day of _____ 2010.

Bruce Burrows, Mayor

Attest:

Marilyn Banasky, City Recorder

POINT PAPER ON Improvements to Roy City State Roads

ISSUE:

Roy City needs Utah Department of Transportation (UDOT) to provide detail information on critical road projects within the city. City government needs to assess whether UDOT's projected timeline to complete construction projects is adequate to minimize traffic congestion.

BACKGROUND:

The city has been notified that Utah Department of Transportation (UDOT) will holding a meeting on Tuesday, March 29, 2016, 1:30 pm to 3:30 pm at the Weber Center / Commission Chambers, 2380 Washington Blvd, Ogden, to discuss and take input on upcoming state highway projects. The city has been invited to discuss specific projects but needs to notify UDOT of those projects prior to the meeting.

Projected UDOT projects:

- Resurfacing of SR-97 (5600 West)
 - UDOT is proposing to issue a contract in March 2016 with a proposed construction start date of June 2016.
- SR 97 (5600 South) From 2200 West to SR-126 (1900 W.)
 - Contract award to do Spot Improvements. Project expected to begin in 2016.
- SR-108 (3500 West) Widening to 4 lanes From 4275 South to Davis County line.
 - Phase 1 project expected to start sometime from 2016 to 2024.
- SR-97 (5600 South) Widening to 4 lanes from 3500 West to 1900 West.
 - Phase 2 project expected to start sometime from 2025 to 2034.
- Closing off the intersection at 3500 West and Midland Drive. Rerouting traffic to 4600 south.

Traffic on major roads within Roy City:

- SR-108 (3500 West), from 4000 South to Davis County line, the average vehicles per day is 15,000 to 25,000.
- SR-97 (5600 South) with an average of 15,000 to 25,000 vehicles per day.

Population Growth

- According to the Consolidation Plan July 1, 2015 – June 30, 2020, prepared by the Wasatch Front Regional Council for the Utah Cities Community Development Block Grant Program, the following shows the current Population and future population projections. *Information source –Utah Governor's Office of Planning and Budget.*

Projections	Census 2010	2020	2030	2040	2050	2060
Weber County	231,236	258,423	300,477	349,009	398,699	449,053
Farr West City	5,928	6,835	7,238	8,163	9,479	11,593
Hooper City	7,218	8,967	13,989	21,640	28,691	36,586
Plain City	5,476	6,431	8,727	10,694	13,492	16,934
Roy City	36,884	39,979	41,890	43,876	44,739	44,618
West Haven	10,272	13,121	21,731	32,674	44,760	58,405

DISCUSSION:

Roy City leaders need to have a clear understanding of projected State Road construction projects and their status. It is important for the city to know UDOT's current plan and timeline for:

- The 5600 West "Spot Improvements" on projected to begin in 2016.
- Closing off the intersection at 3500 West and Midland Drive.
- Resurfacing 5600 West.

In addition, over recent years main traffic arteries through Roy City are increasingly becoming congested creating challenges for residents. The three main roads through the city are owned and maintained by the State of Utah. Specifically these roads are 1900 West, 5600 South, and 3500 West / Midland Drive.

Although UDOT recently completed maintenance work on 1900 West and the Riverdale Road that intersects in the city, the other State Road (SR) are experiencing increasing vehicle numbers as population growth continues to climb west of the city. With West Haven and Hooper experiencing major growth over the next few years with projections matching or exceeding the population of Roy City, the State must make major improvements to their roads in order to minimize impacts to the city. We are already experiencing challenges and gridlock. These traffic issues not only create problems for residents, but they are problematic to commercial and economic development within the city. With UDOT projections showing no relief for over 20 years, traffic congestion will strangle this community.

As projected, city leaders need to have a serious conversation about the current timelines that UDOT is proposing to widen 5600 West and 3500 South. As planned, Roy City will continue to experience heavy traffic usage on city owned roads as residents find ways to travel around congested state streets. This increase in traffic will force the city to expend additional funds for maintenance and upkeep.

Roy City needs to work with UDOT to prioritize changes to the city's state roads. The widening of both 5600 South and 3500 West, must take place much earlier than currently planned.

CONCLUSION:

With the upcoming UDOT meeting scheduled for March 29, Roy City has an opportunity to take proactive steps to begin the dialog on the current status on upcoming State Road projects and begin setting the ground work in driving changes to UDOT timelines for widening 5600 South and 3500 West.

RECOMMENDATION:

Roy City leaders prepare for the upcoming UDOT meeting by notifying appropriate official that we would like a discussion on fore mention planned projects, with emphasis on accelerating the widening of State Roads SR-97 (5600 South) and SR-108 (3500 West).

REFERENCE SOURCES:

- *Retail Leakage Study and Analysis January 2014*

- *3500 West - (Wasatch Front Regional Council List ID: W-26) Project with an estimated cost of \$80M. (Source: UDOT's Utah Unified Transportation Plan, 2015 -2040)*
- *5600 South - (Wasatch Front Regional Council List ID: W-17) Project with an estimated cost of \$68M. (Source: UDOT's Utah Unified Transportation Plan, 2015 -2040)*

ATTACHMENT:

- 1- Letter from UDOT on Annual Visits to Counties, including County and City Officials and Other Transportation –Related Persons Dated Feb 4 2016.