

ORDINANCE No. 25-9

AN ORDINANCE AMENDING THE ROY CITY MUNICIPAL CODE TITLE 10 – ZONING REGULATIONS; CHAPTER 6 ESTABLISHMENT OF ZONING DISTRICTS § 1 ZONING DISTRICTS ADDING R-5 TO THE HIGH-DENSITY RESIDENTIAL DISTRICTS; AMENDING CHAPTER 10 – GENERAL PROPERTY DEVELOPMENT STANDARDS § 24 - TABLES OF LOT AND SETBACK REQUIREMENTS FOR PRIMARY BUILDINGS, TABLE 10-1 MINIMUM LOT AND SETBACK REQUIREMENTS FOR PRIMARY BUILDINGS, AMENDING NUMBER OF ALLOWED UNITS/ACRE, ADDING STANDARDS FOR A R-5 ZONE; AMENDING CHAPTER 17 – TABLE OF USES § 1 - TABLE OF USES; TABLE 17-1 - TABLE OF ALLOWED USES RESIDENTIAL ZONING DISTRICTS, ADDING R-5

WHEREAS, the Roy City Council finds that it is advisable and beneficial to make an update to Title 10 Zoning Regulations; Amending Chapter 6 Establishment of Zoning Districts § 1 Zoning Districts adding R-5 to the High-Density Residential Districts; Amending Chapter 10 – General Property Development Standards § 24 - Tables of Lot and Setback Requirements for Primary Buildings, table 10-1 Minimum Lot and Setback Requirements for Primary Buildings, amending number of allowed units/acre, adding standards for a R-5 zone.

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

WHEREAS, the Roy City Planning Commission held a public hearing as required by law and has favorably recommended amendments to the City Council; and

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

NOW, THEREFORE, be it hereby ordained by the City Council of Roy City, Utah, that the changes to Title 10 Zoning Regulation: Chapter 6 Establishment of Zoning Districts § 1 Zoning Districts adding R-5 to the High-Density Residential Districts; Amending Chapter 10 – General Property Development Standards § 24 - Tables of Lot and Setback Requirements for Primary Buildings, table 10-1 Minimum Lot and Setback Requirements for Primary Buildings, amending number of allowed units/acre, adding standards for a R-5 zone. with the Roy City Municipal Code be amended to depict the changes.

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:

Councilmember Jackson Aye

Councilmember S. Paul Aye

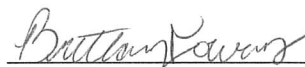
Councilmember Saxton Aye

Councilmember Scadden Aye

Councilmember Wilson Aye

This Ordinance shall become effective immediately upon passage. This Ordinance has been passed by the Roy City Council this 17 day of June, 2025.

Attested and Recorded:


Brittany Fowers; City Recorder




Robert Dandoy; Mayor

Amend

10-6-1 Zoning by Districts

- 4) High Density Residential Districts
 - a) High Density (R-3)
 - b) High Density (R-4)
 - c) **High Density (R-5)**

10-6-2 Zoning Districts Purposes:

- 5) The purpose of the R-4 & **R-5** Districts is to provide higher density residential areas with their associated necessary public services and activities. It is also to provide an orderly transition from pure residential zones to mixed residential/professional and business office uses.

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

TABLE 10-1 - MINIMUM LOT AND SETBACK REQUIREMENTS FOR PRIMARY BUILDINGS IN RESIDENTIAL ZONES

Site Requirements:	R-3	R-4	R-5
Minimum Lot Size	Single- Family 6,000 sq.-ft. Two-Family 7,500 sq.-ft. Multi-Family 3,750 3,630 sq.-ft. per unit (not to exceed 12 units per acre)	Single- Family 6,000 5,000 sq.-ft. Two-Family 7,500 sq.-ft. Multi-Family 3,750 3,630 sq.-ft. per unit (not to exceed 12 units per acre)	Single- Family 4,000 sq.-ft. Two-Family 5,000 sq-ft Multi-Family 2,178 sq.-ft. per unit (not to exceed 20 units per acre)
Minimum Lot Size for Corner Lots	same as minimum lot size requirement	same as minimum lot size requirement	same as minimum lot size requirement
Minimum Lot Width	60 feet	60 feet	60 feet
Setbacks			
Front	25 feet	25 feet	25 feet
Side	8 feet	8 feet	8 feet
Rear	25 feet	20 feet	20 feet
Distance between Multiple Dwelling Structures	20 feet	20 feet	20 feet
Minimum Street Side Yard for Corner Lots	20 feet	20 feet	20 feet
Minimum Rear Yard for Corner Lots	15 feet	15 feet	15 feet
Maximum Building Height	Thirty-Five (35) feet		

10-17-1 Table of Uses:

TABLE 17-1 - TABLE OF ALLOWED USES - RESIDENTIAL ZONING DISTRICTS

USE	R-5
<p><u>Accessory Building.</u> A building customarily incidental and clearly subordinate to the existing primary building and located on the same lot as the primary building, and meeting all requirements of the International Building Code, Zoning Ordinance and Subdivision Ordinance, as adopted by the City.</p>	P
<p><u>Accessory Use.</u> A use clearly incidental and subordinate to the existing primary use and customarily found in connection with the primary use and located on the same lot as the primary use.</p>	P
<p><u>Amateur Radio Antennas.</u> See 10-11-7 for requirements</p>	P
<p><u>Assisted Living Facility.</u> Commonly referred to as "residential care", "assistive living" or "personal care community". A residential facility with common area in which services are available to residents who may still live independently within the facility itself. Help is generally offered in day-to-day tasks such as taking medicine, bathing, dressing, using the bathroom, getting to appointments, or preparing meals. A variety of services and amenities such as dining room service, group outings, and recreational and social programs are usually available. This definition shall not include any facility which meets the definition of a "Residential Facility for Elderly Persons" or "Residential Facility for Persons with a Disability".</p>	P
<p><u>Barn, Corral, Stable, Coop, Pen or Animal Run.</u> A structure or fenced area, and its associated buildings and structures, for the feeding, housing, or confinement of domestic animals, as defined herein. Stable includes a building, or a portion thereof, used to shelter and feed horses and ponies.</p> <p><i>* Conditional Use on parcels located within the Utah Power & Light Utility Corridor and which otherwise meet the minimum requirements above. A copy of any lease agreement, if applicable, shall be provided with the application for Conditional Use.</i></p> <p>(Ord. No 16-13; 8/20/16)</p>	X
<p><u>Cemetery</u></p>	P
<p><u>Church.</u> A facility principally used as a location for people to gather for religious worship or other religious activities. One (1) accessory dwelling unit for the housing of the pastor or similar church leader of the church and their family shall be permitted.</p>	P
<p><u>Domestic Livestock and Fowl.</u> Limited to the following: (1) The keeping of not more than two (2) animals of the Equine family (Horses), or two (2) animals of the Bovine family (Cows), or two (2) animals of the Orvis family (Sheep), or two (2) animals of the Capra family (Goats) or twenty (20) rabbits, or fifty (50) chickens, or fifty (50) pheasants, or ten (10) turkeys, or ten (10) ducks, or ten (10) geese, or ten (10) pigeons, or five (5) beehives. Fractional combinations of domestic livestock and fowl may be kept in amounts that do not exceed a ratio of 1 (e.g. one (1) horse and ten (10) rabbits). The keeping of domestic livestock and fowl requires a minimum lot area of twenty thousand (20,000) square feet. Any offspring shall be included upon attaining the normal age of weaning. Additional domestic livestock or fowl on lots larger than twenty thousand (20,000) square feet may be kept, complying with the number of domestic animals or fowl, identified above, for each one (1) acre of area in addition to the minimum area of twenty thousand (20,000) square feet.</p> <p>In the Country Acres and Venstra Subdivisions additional domestic livestock or fowl on lots larger than twenty thousand (20,000) square feet may be kept, complying with the number of domestic animals or fowl identified above, for each one (1) acre of area, including the minimum area of twenty thousand (20,000) square feet Not more than five (5) times the allowable numbers listed above shall be permitted at any one time. (Ord. 1011, 5-5-2009)</p> <p><i>* Conditional Use on parcels located within the Utah Power & Light Utility Corridor and which otherwise meet the minimum requirements above. A copy of any lease agreement, if applicable, shall be provided with the application for Conditional Use.</i></p> <p>(Ord. No 16-13; 8/20/16)</p>	X

USE	R-5
<u>Domestic Livestock and Fowl (Limited)</u> . Allowing the keeping of Chickens (Hens), Rabbits and Bees. Refer to 10-11-11 and 10-11-12 for Regulations for the keeping of these animals.	X
<u>Dwelling Unit, Condominium</u> . An individually owned dwelling unit, the ownership of which includes an undivided interest in the land and other common areas and facilities, as provided and recorded in a property deed or other instrument, as required by Utah law, and which are typically maintained by an association of the owners. Must meet allowed Density Requirements of the applicable Zone.	P
<u>Dwelling Unit, Internal-Accessory (I-ADU)</u> : Is an accessory dwelling unit within the footprint of a primary dwelling, that can include a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall, for the purpose of a rental unit. Shall also meet the following: <ol style="list-style-type: none"> 1. Include an additional parking space (see table 19-1 for standards) 2. Must be occupied as the primary residence of the owner of record 3. Must be rented for 30 consecutive days or longer 4. Must obtain a Rental Dwelling license (see Title 3 for standards) 5. A notice to be recorded with the county 	P
<u>Dwelling Unit, Multiple-Family</u> . A building containing three (3) or more dwelling units. [see 10-11-10 for development requirements]	P
<u>Dwelling Unit, Single-Family</u> . A building containing one (1) dwelling unit.	P
<u>Dwelling Unit, Two-Family</u> . A building containing two (2) attached dwelling units.	P
<u>Educational Facility</u> . Public schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction. Privately owned buildings and uses for educational or research activities that has a curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education.	P
<u>Home Day Care</u> . The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit at least twice a week for more than five (5) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6). Home Day Care may use the entire residential living area and additionally may use yard space for play purposes. This use is required to comply with all business licensing requirements of Roy City.	P
<u>Home Occupation</u> . Any use or activity conducted entirely within a dwelling and carried on by the persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. The home occupation is limited to members of the family who reside on the premises; no outside help may be hired. The home occupation shall not involve the use of any accessory building, attached garage, or yard space or activity, outside of the primary building, not normally associated with residential use. Home occupations shall include the use of not more than twenty five percent (25%) of the living area of the home.	P
<u>Household Pets</u> . Domesticated animals and birds ordinarily permitted in a dwelling unit and kept for company or pleasure of the owner, including, but not limited to two (2) dogs, cats, and caged birds, Household Pets do not include inherently or potentially dangerous animal, fowl, reptiles, exotic animals, or domestic livestock or fowl as defined herein.	P
<u>Major Facility of a Public Utility</u> . Any electric transmission lines (greater than 115,000 volts), power plants or substations of electric utilities; gas gathering facility, regulator stations, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities, water treatment plant, sewage treatment plant.	C

USE	R-5
<u>Medical and Dental Clinic.</u> An organization of doctors, dentists, or other health care professional providing physical or mental health service and medical or surgical care of the sick or injured but which does not include in- patient or overnight accommodations.	P
<u>Minor Facility of a Public Utility.</u> A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including streets, parks, recreational facilities, administrative and service facilities, and public utilities, and found by the Roy City Planning Commission to conform to the Roy City General Plan, or has been considered by the Roy City Planning Commission and, after receiving the advice of the Planning Commission, the Roy City Council has approved the proposed location and/or Public Use as an amendment to the Roy City General Plan. Public Uses and Utilities do not include "Major Facility of a Public Utility," as defined herein.	P
<u>Office.</u> A building, room, or other space where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering, telephone marketing, paging and beeper services and facsimile transmission services; post offices and express mail offices, excluding major mail processing and distribution; offices for utility bill collection; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.	P
<u>Personal Care Service.</u> An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes "Tattoo Establishment."	P
<u>Private Park</u>	P
<u>Public Buildings</u>	P
<u>Public Commuter and Light Rail Facilities and Station.</u> A rail transit system that covers long distances, usually with less frequent station spacing and train times than light rail that runs on a separate right-of-way from cars, and often sharing an existing freight corridor. Light rail transit systems can run along city streets or in a separate right-of-way. Station areas are located along the transit lines to link park-and-ride lots with the transit system.	C
<u>Public Park</u>	P
<u>Residential Facility for Elderly Persons.</u> A single-family or multiple-family dwelling unit that does not operate as a business and is owned by one of the residents, or an immediate family member of one of the residents, or the title is placed in trust for a resident, and that meets the requirements of Sec. 10- 9-103; Sec. 10-9-501; and Sec. 10-9-502, Utah Code Annotated, as amended, meeting all applicable International Building Code, Zoning and Health Code requirements, and is occupied on a 24-hour-per-day basis by eight (8) or fewer elderly persons in a family-type arrangement. Adequate off-street parking shall be provided and the facility must be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons; and placement in a residential facility for elderly persons is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. Elderly Person means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently. Residential Facility for Elderly Persons does not include a health care facility as defined by §26-21-2, Utah Code Annotated, 1953, as amended.	P

USE	R-5
<p><u>Residential Facility for Persons with a Disability.</u> A residence in which more than one (1) person with a disability resides; and is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. Disability means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such impairment. (§57-21-2(9)(a) Utah Code Annotated, 1953, as amended). Disability does not include current illegal use of, or addiction to any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended). Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility.</p>	P
<p><u>Storage of Recreational Vehicles.</u> Storage and parking of recreational vehicles, including motor homes, boats, caravans, trailers, or similar.</p> <ul style="list-style-type: none"> • Parked on an approved surface (Asphalt, concrete or weed free gravel) 	P
<p><u>Swimming Pool.</u> An artificial body of water having a depth in excess of eighteen inches, designed, constructed and used for swimming, dipping or immersion purposes by men, women or children, and located on a same lot or parcel as a dwelling, or dwellings. (see 10-10-43 for details)</p>	P
<p><u>Telecommunications Site/Facility.</u> A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located, but is required to meet location requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include Amateur Radio equipment that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or amateur radio service adopted under 47 C.F.R. Part 97. A facility may be located on any property owned by the City.</p>	X
<p><u>Temporary Use.</u> A special event or use established for a maximum period of 45 days, such event, or use being discontinued after the expiration of 45 days, and conducted in compliance with all the requirements of this Ordinance. Such use shall be permitted only after the issuance of a temporary use permit as established by the provisions of this Ordinance.</p>	T
<p><u>Tennis Court/Sports Court.</u> An improved area used for the playing of tennis or other sports activities, including, but not limited to, basketball and volleyball, and located on a same lot or parcel as a dwelling, or dwellings.</p>	P