

## ORDINANCE No. 17-1

### AN ORDINANCE AMENDING TITLE 10 OF THE ROY CITY MUNICIPAL CODE BY ESTABLISHING CHANGES REGARDING CONDITIONAL USES

WHEREAS, the Roy City Council finds that it is advisable and beneficial to make an update to CH 2 - Interpretation of Requirements; CH 3 - Administration; CH 5 - Amendments to the General Plan & Zoning Ordinance; CH 9 - Public Noticing Requirements; CH 10 - General Property Development Standards; CH 11 - Supplemental Development Standards; CH 14 - Permitted Uses; CH 15 - Conditional Uses; CH - 17 Table of Uses; CH 19 - Off-Street Parking and Loading; CH 29 - Constitutional Takings

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 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.

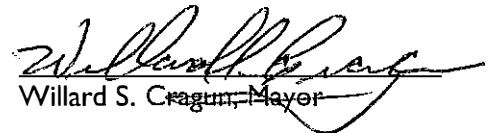
NOW, THEREFORE, Be it hereby ordained by the City Council of Roy City, Utah, that CH 2 - Interpretation of Requirements; CH 3 - Administration; CH 5 - Amendments to the General Plan & Zoning Ordinance; CH 9 - Public Noticing Requirements; CH 10 - General Property Development Standards; CH 11 - Supplemental Development Standards; CH 14 - Permitted Uses; CH 15 - Conditional Uses; CH - 17 Table of Uses; CH 19 - Off-Street Parking and Loading; CH 29 - Constitutional Takings, 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	<u>  X  </u>	_____	_____
Councilman Dandoy	<u>  X  </u>	_____	_____
Councilman Hilton	<u>  X  </u>	_____	_____
Councilman Tafoya	<u>  X  </u>	_____	_____
Councilman Yeoman	<u>  X  </u>	_____	_____

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this   7<sup>th</sup>   day of   March  , 2017.

  
Willard S. Cragin, Mayor

Attested and Recorded:

  
\_\_\_\_\_  
Amy Mortenson; City Recorder

Section 202—Administrative Interpretations:

- 6) Appeal. Any person adversely affected by an administrative interpretation rendered by the Zoning Administrator may appeal that decision to the ~~Commission~~ **Hearing Officer** as provided in Section ~~2804~~ **2803** herein.

Section 302—Roy City Council:

- l) The Roy City Council (“Council”) shall have the following powers and duties under this Ordinance:
  - b) To adopt, and to initiate amendments to the Roy City **Land Use Code (i.e. Zoning Ordinance, Subdivision Ordinance and Sign Ordinance)**
  - ~~c) To adopt, and to initiate amendments to the Roy City Subdivision Ordinance.~~
  - ~~d) To approve, approve with conditions, or deny all Conditional Use Applications, including Site Plan Applications for all Conditional Uses identified in Table 17-1 and 17-2, Tables of Uses.~~

Section 303—Planning Commission:

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

- l) Powers and Duties. The Commission shall be an advisory body to the Council on legislative matters pertaining to the General Plan, this Ordinance, and the Roy City Subdivision Ordinance. The Commission shall have the following powers and duties:
  - f) To hear, review, and ~~recommend~~ **approve, approve with conditions, or deny (as per § 1510)** of a Conditional Use Application, including a Site Plan for a Conditional Use, ~~to the Council.~~
- 3) Membership: Appointment, Removal, Terms, and Vacancies.
  - f) At an annual organizational meeting to be held the first regular meeting in the new calendar year, and at other times as required, the members of the Commission shall ~~recommend~~ **nominate** one (1) of their members as chair and one (1) of their members as vice- chair ~~to the Council. The Mayor with advice and consent of the Council shall appoint the Commission chair and vice-chair. The chair and vice-chair shall serve a term of one (1) year. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair.~~

Section 306—Development Review Committee (DRC):

- l) A Development Review Committee (DRC) shall be established and created by the ~~City Manager~~ **Zoning Administrator**.
- 3) Membership. The DRC shall consist of persons representing City Departments, and other persons, as may be designated by the ~~City Manager~~ **Zoning Administrator**.
- 4) Powers and Duties. The DRC shall act under the direction of the ~~City Manager~~ **Zoning Administrator** and shall have the following duties and responsibilities:

Section 308—Meetings and Public Hearings:

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

Section 503—Amendments to Roy City General Plan:

A proposed amendment to the Roy City General Plan, or Maps, may be initiated by any property owner, any resident, any business owner, the Council, ~~or Commission, or BOA~~ by filing a General Plan Amendment Application. An application for an amendment to the Roy City General Plan shall be filed with the City by presenting a General Plan Amendment Application to the Zoning Administrator.

Section 507—Amendments to the Zoning Ordinance, including the Zoning Districts Map:

A proposed amendment to this Ordinance, including the Zoning Districts Map, may be initiated by any property owner, any resident, any business owner, the Council, or Commission, ~~or BOA~~ by filing a Zoning Ordinance or Zoning Districts Map Amendment Application. An application for an amendment to the Zoning Ordinance or amendment to the Zoning Districts Map (rezone) shall be filed with the City by presenting a Zoning Ordinance Amendment Application or a Zoning Ordinance Districts Map Amendment Application to the Zoning Administrator.

Section 902—Required Notice of Public Hearings and Public Meetings to Consider General Plan or General Plan Amendment Applications:

- 1) Public Hearings. The Zoning Administrator **and/or City Recorder** for public hearings before the Commission, and ~~the City Recorder for public hearings before the Council~~, shall provide notice of the public hearing to consider the Roy City General Plan or General Plan Amendment Applications, as follows:
- 2) Public Meetings. The Zoning Administrator **and/or City Recorder** for public meetings before the Commission, and ~~the City Recorder for a public meeting by the Council~~, shall provide notice of the public meeting to consider the Roy City General Plan or General Plan Amendments Applications, as follows:

Section 903—Required Notice of Public Hearings and Public Meetings on Adoption or Modification (Amendments) of Land Use Ordinances:

- 1) Public Hearings. The Zoning Administrator **and/or City Recorder** for public hearings before the Commission, and ~~the City Recorder for public hearings before the Council~~, shall provide notice of a public hearing to consider the adoption of modification (amendments) of the Roy City Land Use Ordinances, including this Ordinance, as follows:
- 2) Public Meetings. The Zoning Administrator **and/or City Recorder** for public meetings before the Commission, and ~~the City Recorder for a public meeting by the Council~~, shall provide notice of the public meeting to consider the adoption of modification (amendments) of the Roy City Land Use Ordinances, including this Ordinance, as follows:

Section 904—Required Notice for Other Public Hearings:

When required by the provisions of this Ordinance, the Zoning Administrator **and/or City Recorder** for public hearings before the Commission, and ~~the City Recorder for public hearings before the Council~~, shall provide notice of the public hearing as follows:

Section 905—Required Notice for Other Public Meetings:

When required by the provisions of this Ordinance the Zoning Administrator **and/or City Recorder** for a public meeting by the Commission, and ~~a public meeting by the BOA HO, and the City Recorder for public meetings by the Council~~, shall provide notice of the public meeting as follows:

Section 906—Required Applicant Notice:

For each land use application, the Zoning Administrator **and/or City Recorder** for the Commission ~~and, BOA HO, and the City Recorder for the Council~~, shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application an of any final action on the application.

Section 1007—Adequate Public Facilities:

Land shall be developed only to the extent that adequate infrastructure and services are in place, or will be

provided concurrent with the land development activity, sufficient to meet the needs of the proposed development. The Commission ~~and/or Council~~ may require an analysis to be completed and provided to the Commission ~~and/or Council~~ to determine if adequate public facilities are available to serve the proposed development and if such development will change the existing levels of service or will create a demand for services that exceeds acceptable service levels.

Public facilities that may be required by the Commission ~~and/or Council~~ to be included in an Adequate Public Facilities analysis include, but are not limited to, road and street facilities and capacities, intersection and bridge capacities, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, fire and emergency services response times, police protection services, and other similar required public services. The City may deny any proposed development activity if the demand for public services exceeds accepted or adopted levels of service, or until required adequate public infrastructure, facilities, or services are provided by the applicant, or the City, to meet accepted or adopted levels of service.

Section 101 I—Guarantee of Installation of Improvements:

- 1) Methods: The Applicant(s) shall guarantee the installation by one of the methods specified as follows:
  - a) The Applicant(s) may furnish and file with the ~~City Recorder~~ **Zoning Administrator** a bond with corporate surety in an amount equal to the cost of the improvements not previously installed as estimated by the City Engineer to assure the installation of such improvements within a two (2) year period immediately following the approval of the Site Plan, which bond shall be approved by the City Attorney and shall be filed with the ~~City Recorder~~ **Zoning Administrator**.
  - b) The Applicant(s) may deposit in escrow with an escrow holder approved by the ~~Council~~ an amount of money equal to the cost of the improvements not then installed as estimated by the City Engineer, under an escrow agreement to assure the installation of said improvements within a two (2) year period from the approval of the Site Plan. The escrow agreement shall be approved by the ~~Council and City Attorney~~ and shall be filed with the ~~City Recorder~~ **Zoning Administrator**.
  - ~~c) The Applicant(s) may furnish and file with the City Recorder a letter of credit in an amount equal to the cost of the improvements not previously installed as estimated by the City Engineer to assure the installation of such improvements within a two (2) year period immediately following the approval of the Site Plan, which letter of credit shall be approved by the City Attorney.~~
- 2) Administration: The ~~Council~~ **Zoning Administrator** is authorized to prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications for the approval of a proposed Site Plan and the strict compliance with the requirements of this Ordinance and adopted Building Codes.

Section 103 I—Required Compatibility Transitioning Treatments Between Residential and Nonresidential Districts:

When any nonresidential zones, including all commercial and industrial zones, is located adjacent to any residential zoning district the following requirements shall apply to all proposed uses, buildings and activities located in the nonresidential zone district, in addition to the development requirements and standards of general applicability;

- 3) Screen Walls.
  - b) The opaque wall shall be a minimum of six (6) feet in height but not more than eight (8) feet. A lower height wall may be required adjacent to a front property line for sight distance and traffic safety. ~~Walls higher than eight (8) feet shall be reviewed and approved by the identified approving body for the nonresidential use and site plan, as applicable.~~
- 3) Screen Landscaping.
  - c) The types, sizes, and amount of landscaping materials sufficient to protect residential properties shall be determined by the Commission ~~or Council~~ when approving a Site Plan.

## Section 1032—Parking in Residential Zones:

In all residential zones, no vehicle parking shall be permitted in front yard setback areas between the front property line and the front line of the building, except on driveways located in residential zones that directly access a garage or carport. **Accessory parking space for vehicles outside of the front yard setback area is permitted on an approved all-weather surface such as concrete, asphalt, gravel (weed free), or road base (weed free), as long as it is accessible to and from a legal access point on the same parcel.** At any time, no portion of a vehicle may be over the street right-of-way line or obstruct a sidewalk. All single-family dwellings constructed prior to January 05, 1993, shall be excluded from this provision.

## Section 1103—Supplementary Requirements for Residential Facilities for Persons with Disabilities:

- ~~1) Compliance with Health Codes, Building Codes, Fire Codes, and Zoning District Requirements.
  - ~~a) No Residential Facility for Persons with a Disability shall be established unless:
    - ~~i) It is proposed in a building that complies with all Building, Fire, Health Codes, and Zoning Ordinance, as adopted, applicable to similar structures in the zoning district in which the Residential Facility for Persons with a Disability is proposed, and all other requirements of this Ordinance.~~~~~~
- ~~2) Maximum Number of Occupants (Consumers and Staff).  
For any building proposed to be used for a Residential Facility for Persons with a Disability, the existing building, or building plans, shall be reviewed by the Building Official, considering the Categorical Standards for physical facilities, as established by the State of Utah Department of Human Services. Following this review the Building Official shall determine and establish the maximum number of persons allowed to reside within the Facility.~~
- ~~3) State of Utah Department of Human Services License.  
At the time of application for a Conditional Use permit to establish a Residential Facility for Persons with a Disability, or within forty-five (45) days following approval of a Conditional Use permit to establish a Residential Facility for Persons with a Disability, the owner or provider shall provide to the Zoning Administrator evidence that the Facility is licensed by the State of Utah Department of Human Services for the type of Facility being considered by the City. The Council shall condition any Conditional Use approval on the presentation of evidence that the Facility is licensed by the State of Utah Department of Human Services, as required by this Section. Failure to provide such evidence shall be grounds for the City to invalidate any existing or pending approvals.~~
- ~~4) Continued Compliance with the Licensure Requirements of the Department of Human Services.  
The responsibility to license programs, or owners or providers that operate a Residential Facility for Persons with a Disability, as well as require and monitor the provision of adequate services to consumers residing in these facilities shall rest with the State of Utah Department of Human Services.~~
- ~~5) Conditional Use Permit to Operate a Residential Facility for Persons with a Disability Non-transferable.  
A permit to operate a Residential Facility for Persons with a Disability, as authorized by this Section, is nontransferable and shall only be valid to the owner or provider identified on the application authorizing the operation of the Facility, and as identified as the owner or provider as licensed by the State of Utah Department of Human Services. A Conditional Use permit to operate a Residential Facility for Persons with a Disability terminates if the building is devoted to another use or if the building fails to comply with any of the standards established herein.~~
- ~~6) Reasonable Accommodations.  
The Council shall have the authority, in reviewing an application for a Conditional Use permit to establish and operate a Residential Facility for Persons with a Disability, to modify the requirements, contained herein, if the Council determines such modifications are necessary in order to make a reasonable accommodation to afford persons residing in such facilities equal opportunity in the use and enjoyment of the facility.~~

Section 1106—Sexually Oriented Business Location and Separation Requirements:

A sexually oriented business shall be allowed subject to the following restrictions:

- 1) No sexually oriented business shall be located less than five hundred feet (500') of:
  - ~~f) A boundary of a "residential district", as defined in the zoning code; or~~
  - ~~g) The property line of a lot devoted to a "residential use", as defined in the zoning code.~~
- 2) No sexually oriented business shall be located within two hundred feet (200') of the nearest right of way line from Riverdale Road, 1900 West, 5600 South and Hinckley Drive.
  - a) **A boundary of a "residential district", as defined in the zoning code; or**
  - b) **The property line of a lot devoted to a "residential use", as defined in the zoning code.**
- 3) **No sexually oriented business shall be located within one hundred feet (100') of the nearest right of way line from 1900 West.**

**Re-number the remaining section accordingly.**

- 5) Notwithstanding anything contrary contained in Title ~~9~~**13**, Chapter 4 of the Roy City Municipal Code, the more restrictive requirements for signs shall prevail. Signs for sexually oriented businesses shall be limited as follows:
  - ~~a. No more than one exterior sign shall be allowed.~~
  - ~~b. No sign shall be allowed to exceed eighteen (18) square feet.~~
  - ~~c. Only flat wall signs and/or awning signs shall be permitted.~~

Section 1107—Mobile Home Parks Development Requirements:

The purpose of this Section is to provide regulations for the construction and operation of mobile home parks, recreation coach parks and the use of the same in the City in order to promote, protect and secure the public health, safety and general welfare.

- 1) Site Development Standards:
  - o) Setbacks:
    - i) Setback from Park Property Line: All mobile homes and recreational coaches shall be set back not less than thirty feet (30') from all park property lines and the yard space so formed shall be landscaped or fenced in accordance with subsection C of this section, and with a site plan approved by the Commission. No structure shall be placed in the thirty foot (30') setback adjacent to a public street. Greater setbacks may be required where, in the opinion of the Commission ~~and/or Council~~, such setbacks are necessary due to topographic conditions, drainage and/or protection of adjacent properties.
  - r) Streets and Highways: The ~~Council~~ **Commission** may require additional dedication and improvements on streets and highways abutting the proposed mobile home park or recreational coach park.
- 2) Other General Requirements:
  - c) Drainage and Flood Hazards: A mobile home park or recreational coach park shall be located on a well-drained site, properly graded to provide for adequate disposition of runoff. Such areas shall be free of flood hazards from natural sources. The ~~Council~~ **Commission** may require dedications and improvements which will ensure proper protection to the park in accordance with this subsection.
  - h) Modification in Design: Where mobile home parks or recreational coach parks are submitted for approval which, although not complying with the requirements of design as stated in this section, are consistent with the general intent and purpose of this chapter, the Commission shall review the park design and make recommendations to the Council, which may, at its discretion, approve such parks with conditions and restrictions which will ensure that the general purpose set forth herein will be satisfied.

Section 1108—Amateur Radio Antennas

2) ~~Conditional Use Application Required:~~

- a. ~~A request to establish an amateur radio antenna shall be initiated by filing a conditional Use application with the City.~~
- b. ~~The review of a Conditional Use application to establish an amateur radio antenna shall be reviewed and approved, approved with conditions, or denied by the Council by following the procedures and requirements for a Conditional Use Permit, as provided herein.~~

Re-letter the remaining section accordingly

- 3) Location: No amateur radio antenna, or its associated support structure(s), shall be located within any required front yard, side yard, or rear yard setbacks of the lot on which the antenna is proposed, as required by the Zoning District in which the lot is located.
- 8) Reasonable Accommodations: As required by the Section 10-9a-515 U.C.A. and the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R Part 97, the ~~Council~~ **Zoning Administrator**, in reviewing an application to establish an amateur radio, may to the extent necessary modify the requirements of this Section, if such modifications are necessary to make a reasonable accommodation to afford an Amateur Radio Operator amateur radio communications

Section 1110 — Supplementary Development Standards for Multi-family Developments

The purpose of this Section is to provide supplementary regulations and standards for the development and construction of vibrant, quality multiple family housing developments that enhance and contribute to the quality of the overall housing stock of the City, and which will promote, protect, and secure the public health, safety and general welfare.

- 1) Multi-Family Development – Multi-Family Developments include projects or developments of more than six (6) units where all or any portion of the proposed dwelling units intended for residential occupation share common walls among two or more units, or projects or developments of any number of units that share property outside the dwelling unit in common among one or more owners. Applications for Multi-Family Developments, as herein defined, shall require ~~Conditional Use~~ **Site Plan** review and approval under the guidance of this Section.
- 3) Unit Requirements – The following standards and regulations must be considered and applied in the layout and design of Multi-Family Developments:
  - c) Additional Height – ~~A Conditional Use~~ **May** be granted allowing additional height up to 60' under special circumstances as follows:
- 9) Architectural Considerations and Requirements – Multi-Family Development shall be subject to the considerations and requirements contained in the Roy City Zoning Ordinance, Chapter ~~514~~ **1411**, A (Building Design Standards) generally. In order to further promote the improvement and stabilization of housing stock, and to ensure quality new residential development in the City, Multi-Family Developments are also required to adhere to the following standards for architectural consideration:
  - e) Color & Materials. Development must provide for the use of a variety of colors and construction materials to provide visual interest. A material and color palette must be included with the proposal for approval ~~with the Conditional Use~~.

Section 1112 — Supplementary Regulations Allowing Apiary Uses in Single-family Residential Zones.

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

- 1) Allowance - All single-family residential properties in the R-1-6, R-1-7, R-1-8, R-1-10 and R-1-15 zones shall be allowed points for bee keeping as defined by this section according the following:
  - a) Points by Lot Size – Lots shall be assigned points by lot area, according to the following table. ~~Points~~

~~assigned are to be used under this section or Section 1411 inclusively~~

Section 1409—Application Requirements to Establish a Permitted Use Occupying an Existing Building(s), Remodeling the Interior of an Existing Building(s), or Proposing Structural Modifications to the Exterior of an Existing Building(s), as applicable:

- ~~Five (5)~~ **Six (6)** 11x17 size copies of a Site Plan with the proposed building(s) drawn at a scale as required by the City Engineer, identifying the following;

Section 1410—Application Requirements to Establish a Permitted Use Proposing New Construction of a Building(s):

All applications to establish a Permitted Use proposing new construction of a building(s) shall include and provide the following information:

- ~~Five (5)~~ **Six (6)** 24" x 36" size copies, **one (1) 11"x17" size copies and one (1) digital copy** of a site plan set, drawn at a scale required by the City Engineer, prepared by a licensed engineer or architect, ~~plus fifteen (15) copies of an 11 inch x 17 inch reduced copy of the site plan set~~ identifying the following:

Section 1502—Authority:

~~The Council, following a Commission Recommendation,~~ is hereby authorized to review and render a final decision in approving, approving with conditions, or denying Conditional Use Applications (**as per § 1510**), as identified herein, with an accompanying and required Site Plan Application.

Section 1503—Initiation:

All requests to establish a Conditional Use, as identified as a Conditional Use in the Table of Uses, Chapter 17 herein, shall be made on the applicable application form provided by the City. A property owner may present a Conditional Use Application for review **and approval** by the Commission ~~and decision by the Council~~. An agent of the property owner, or a lessee of the property, may present a Conditional Use Application to the Commission ~~and Council~~ for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.

Section 1505—Applications, ~~Commission Public Hearing Required, Commission Recommendation, Council~~ Authorized to render Conditional Use Decisions:

- 1) The procedures for the review and consideration of a Conditional Use Application are identified by Figure 15-1, herein.
- 2) An application for a Conditional Use Permit shall be considered by the Zoning Administrator for application completeness, as provided by Section 1207 herein.
- 3) The Zoning Administrator shall submit copies of the complete Conditional Use Application to the DRC or public agencies providing utilities or services to the proposed site for review and compliance with City Ordinances, building codes, or other development requirements.
- ~~4) Commission Public Hearing Required. Prior to deciding a Conditional Use Application, the Commission shall consider the Conditional Use Application at a public hearing by providing a minimum of ten (10)-days' notice of the Commission public hearing.~~
- ~~5) Required Commission Public Hearing Notice. The minimum notice required for the Commission public hearing shall be provide as required in Chapter 9, herein.~~
- ~~6) Commission Decision Recommendation. Following the close of the public hearing, or at a subsequent meeting(s), the Commission shall render a recommendation to the Council on the Conditional Use Application. The Commission may recommend approval of the Conditional Use Application as presented; approval of the Conditional Use Application with conditions; or denial of the Conditional Use Application.~~

- 7) ~~Council Commission Decision. The Council~~ **Commission** shall consider the ~~recommendation by the Commission, the Conditional Use Application,~~ reports by the DRC, and all other input received on the application. The ~~Council~~ **Commission** may approve, approve with conditions, or deny the Conditional Use Application (as per § 1510).

Section 1506—Application Requirements to Establish a Conditional Use Occupying an Existing Building(s), Remodeling the Interior of an Existing Building(s), or Proposing Structural Modifications to the Exterior of an Existing Building(s), as applicable:

- 2) ~~Five (5)~~ **Six (6)** 11x17 size copies of a Site Plan with the proposed building(s) drawn at a scale as required by the City Engineer, identifying the following:

Section 1507—Application Requirements to Establish a Conditional Use for New Construction of a Building(s):

All applications to establish a Conditional Use shall include a Site Plan and provide the following information:

- ~~2) Stamped, addressed envelopes for all owners of property located within 300 feet of the property, the subject of the Conditional Use Application. (A list of property owners is available from the Weber County Recorder's Office).~~
- 3) ~~Five (5)~~ **Six (6)** 24" x 36" size copies, **one (1) 11"x17" size copies and one (1) digital copy** of a site plan set, drawn at a scale required by the City Engineer, prepared by a licensed engineer or architect, ~~plus fifteen (15) copies of an 11-inch x 17-inch reduced copy of the site plan set identifying the following:~~
- 4) Located on the Site Plan sheet(s), or on separate sheets, as may be proposed by the applicant, or required by the Zoning Administrator for readability, the following information shall be provided:
  - f) Site and Building Lighting Plans. Information and plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting. A photometric plan of the site, including all site and building lighting, ~~may be required by the Council.~~
- 5) A narrative, accompanied by necessary tables and other information, describing the proposed Conditional Use Application, to assist the Zoning Administrator, ~~and Commission, and Council~~ in the review of the Conditional Use Application including:

Section 1508— Additional Site Standards and Design Requirements to Establish A Conditional Use:

To achieve the purposes of this Ordinance, Site and Building Design Standards or Design Guidelines are categorized as follows:

- 2) Design Guidelines indicate additional actions that may be taken to enhance development design and achieve greater compatibility with adjacent land uses. Guidelines use the verb "should" (rather than "shall") signifying that the guidelines are desirable objectives. Application of the guidelines will depend on the nature of the proposed Site Plan and the surrounding area, as may be determined by the ~~Commission or Council.~~

#### B. Site Design Standards:

All Site Plan Applications shall provide site functionality for the integration of the proposed buildings with existing, or planned, pedestrian and vehicular circulation patterns and provides for a system of interconnected streets, walkways, trails, and parking areas.

- 1) Building Location. All buildings shall have an orientation to the street to encourage a pedestrian relationship. Building placement shall allow interconnected walkways and shared site accesses for increased convenience, accessibility, and enhanced safety for pedestrians. All Site Plan Application approvals shall provide agreements or easements to allow cross vehicle access, pedestrian connections and shared parking, ~~as determined necessary by the Council.~~
- 9) Site Landscaping and Screening Treatments. Landscape improvements should mitigate building and parking lot impact, add aesthetic interest, and character. Landscaping is an integral element of site development.

Landscaping should complement the architecture of the building and provide visual interest and variety, provide screening elements, add to year round site beautification, highlight building design features, and conserve water. The minimum landscaping requirement is based on the Zoning District in which the site is located, as provided in Table 10-2. Landscape designers shall recognize the following landscape design principles with the Landscape Plan(s) materials:

- i. Landscape Buffers. Landscape buffers between dissimilar or conflicting land uses shall be provided. Landscape buffers shall be provided for off-street parking and service areas and streetscape landscape buffer areas shall be provided on the perimeter of all proposed Site Plans, as required by the Council.
- ii. Internal Parking Lot Landscaping: To minimize the environmental and visual impacts created by large areas of off street parking hard surfacing all off street parking areas shall be designed and constructed to meet the following minimum landscape requirements. Site Plan Application approval by the **Council Commission** may require additional parking area landscaping to achieve the purposes of this Ordinance.

#### ~~Section 1509—Conditions for Approval for a Conditional Use:~~

~~The Council may impose such reasonable requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, hours of operation, and other items for the Conditional Use Permit deemed necessary for the protection of adjacent properties and the public interest.~~

#### Section 1510—Findings and Conditions:

~~The Council Commission shall approve a Conditional Use:~~ may grant a Conditional Use Permit in compliance with this Ordinance if, from the application and the facts presented, the Council finds:

- ~~1) The use is a Conditional Use within the zoning district, as identified in the Table of Uses, Chapter 17 herein.~~
- ~~2) The use complies with the requirements applicable to the zoning district in which it is located, including minimum area, setbacks, height, and all other requirements, as applicable.~~
- ~~3) The proposed use meets, and will be conducted in compliance with the requirements of this Ordinance, all other applicable Ordinances, and all applicable Federal, State, or Local regulations and permits.~~
- ~~4) The property on which the Conditional Use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.~~
- ~~5) The proposed use is consistent with the goals and policies of the General Plan and will assist in the implementation of such goals and policies, as applicable.~~

~~In approving a Conditional Use Application, the Council may impose reasonable conditions necessary to secure the purposes of this Ordinance. These conditions may include;~~

- ~~a) Size, configuration, and location of the site, and proposed site plan layout.~~
- ~~b) Proposed site ingress and egress to existing and proposed roads and streets.~~
- ~~c) The provision of public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protection, and other utilities.~~
- ~~d) Location and amount of off-street parking and loading areas.~~
- ~~e) Site circulation pattern for vehicular and pedestrian traffic.~~
- ~~f) Building size and location, building design and exterior building features, building materials, and building colors.~~
- ~~g) The location and design of all site features, including proposed signage, lighting, and refuse collection.~~
- ~~h) The provision of useable open space, public features, and recreational amenities.~~
- ~~i) Fencing, screening and landscape treatments and other features designed to increase the attractiveness of the site and protect adjoining property owners from noise and visual impacts.~~
- ~~j) Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.~~
- ~~k) Measures designed to protect the natural features of the site, including wetlands and drainage ways, and ground water protection.~~

- ~~l) The regulation of operating hours for activities affecting normal schedules and functions.~~
- ~~m) Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.~~
- ~~n) Such other conditions determined reasonable and necessary by the Council to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Ordinance.~~

- 1) **If reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.**
- 2) **If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. (§10-9a et. seq. U.C.A., as amended)**

Section 1511—Effect of Approval:

Approval of a Conditional Use Application shall approve the establishment of the use only. A Conditional Use Application shall not authorize the establishment of any building, activity, construction, or occupancy. Only when the ~~Council~~ **Commission** has approved, or approved with conditions, the necessary and required Site Plan Application may any building, activity, construction, or occupancy be established, subject to any conditions of approval. The approval of a Conditional Use Application shall not be deemed an approval of any other application, permit, or license.

Section 1512—Appeal:

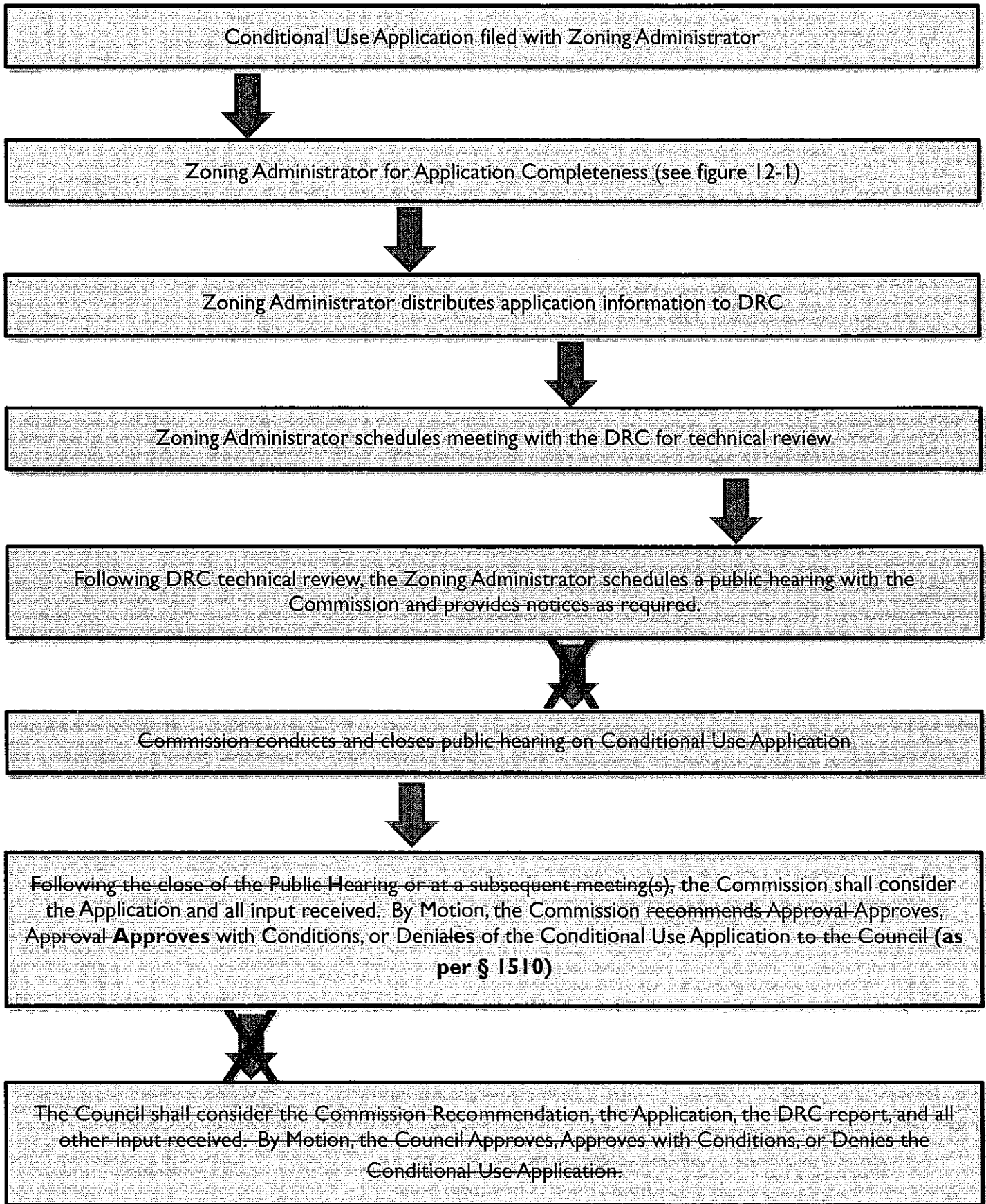
Any person aggrieved by a decision of the ~~Council~~ **Commission** regarding a Conditional Use Application may appeal the decision to the authorized Appeal Authority as provided by Chapter 28, herein.

Section 1515—Revocation or Modification of a Conditional Use Permit Approval:

- 1) A Conditional Use Permit approved in accordance with the provisions of this Ordinance may be revoked by the ~~Council~~ **Commission** if any of the conditions of approval are not been met, or if the permit is used to violate any law or ordinance.
- 2) The Zoning Administrator shall notify the permit holder by certified mail if any permit violation or if a violation exists in any conditions of approval. If no attempt to correct the violation is made within ten (10) days after notification, the Conditional Use Permit shall be revoked by the ~~Council~~ **Commission** and considered null and void. A Conditional Use Permit may be revoked by the ~~Council~~ **Commission**, if the ~~Council~~ **Commission** finds that one or more of the following conditions exists:
  - a) The Conditional Use Permit was obtained in a fraudulent manner.
  - b) The use for which the Conditional Use Permit was granted has now ceased for at least six (6) consecutive calendar months.
  - c) One or more of the conditions of the Conditional Use Permit have not been met.

Additionally, the ~~Council~~ **Commission**, following a public hearing, may modify the conditions under which a Conditional Use Permit was originally approved if the ~~Council~~ **Commission** finds that the use or related development constitutes or is creating a nuisance.

Figure 15-1 - Conditional Use Application Procedures



Section 1701 – Table of Uses:

The Tables of Uses identify the uses allowed within each Zoning District and provides a definition for each use. The Tables of Uses identify uses allowed as a Permitted Use (identified as “P” in the Tables of Uses), uses allowed as a Conditional Use (identified as “C” in the Tables of Uses), and uses allowed as a Temporary Use (identified as “T” in the Tables of Uses). Uses, identified as an “X” in the Table of Uses are determined to be a Prohibited Use in the Zoning District. All uses not included in the Table of Uses are determined to be Prohibited Uses within Roy City.

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

P = Permitted Use; C = Conditional Use; T = Temporary Use; X = Use Prohibited in the Zoning District (Zone) A Use that is not identified in the Table of Uses is hereby determined to be a Prohibited Use within Roy City.

USE	RE-20	R-1-15	R-1-10	R-1-8	R-1-7	R-1-6	R-2	R-3	R-4	RMH-1
<b>Amateur Radio Antennas.</b> See § 1108 for requirements	P	P	P	P	P	P	P	P	P	P
<b>Assisted Living Facility.</b> 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".	X	X	X	X	X	X	X	P	P	X
<b>Cemetery</b>	P	P	P	P	P	P	P	P	P	P
<del>Day Care Center/Assisted Care Center.</del> A facility which provides less than 24-hour assisted care or supervision for five (5) or more persons, 14 years of age and older and who are not related by blood, marriage or adoption to the owner or operator, with or without compensation for such care, and with or without a stated educational purpose.	X	X	X	X	X	X	X	C	C	X
<b>Domestic Livestock and Fowl (Limited).</b> Allowing the keeping of Chickens (Hens), Rabbits and Bees. Refer to Sections 1111 and 1112 for Regulations for the keeping of these animals.	X	P	P	P	P	P	X	X	X	X
<b>Dwelling Unit, Condominium.</b> 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.	X	X	X	X	X	X	X	C P	C P	X
<b>Dwelling Unit, Multiple-Family.</b> A building containing three (3) or more dwelling units. [see § 1110 for development requirements]	X	X	X	X	X	X	X	C P	C P	X
<b>Home Day Care.</b> 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	P	P	P	P	P	P	C P	C P	C P

USE	RE-20	R-1-15	R-1-10	R-1-8	R-1-7	R-1-6	R-2	R-3	R-4	RMH-1
<del>Limited Domestic Livestock and Fowl. Allowing the keeping of Chickens (Hens), Rabbits and Bees. Refer to Sections 1111 and 1112 for Regulations for the keeping of these animals.</del>	X	P	P	P	P	P	X	X	X	X
<del>Nursing Home, Convalescent Care Center. A facility that provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility. A Nursing Home or Convalescent Care Center provides some level of skilled nursing or medical service to the residents.</del>	X	X	X	X	X	X	X	C	C	X
<b>Private Park</b>	P	P	P	P	P	P	P	P	P	P
<b>Public Buildings</b>	P	P	P	P	P	P	P	P	P	P
<del>Public Commuter and Light Rail Facilities and Station. 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.</del>	C X	C X	C X	C X	C X	C X	C X	C	C	C X
<b>Public Park</b>	P	P	P	P	P	P	P	P	P	P
<del>Public Park-And-Ride Lots. Parking lots associated with a transit station, where people drive from their homes, park, and transfer to transit lines.</del>	C X	C X	C X	C X	C X	C X	C X	C X	C X	C X
<del>Residential Facility for Persons with a Disability. 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.</del>	P	P	P	P	P	P	P	P	P	P
<b>A residence in which more than one person with a disability resides and which is:</b> a. <b>Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, licensure of programs and facilities; or</b> b. <b>Licensed or certified by the Department of Human Health under Title 26, Chapter 21, health care facilities licensing and inspection act.</b> c. <b>Complies with all Building, Fire and Health Codes</b> d. <b>A disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility.</b>										
<del>Residential Facility for Persons with a Disability (Substance Abuse Facility located within 500 feet of a School). 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. 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.</del>	C	C	C	C	C	C	C	C	C	C

TABLE 17-2 - TABLE OF ALLOWED USES - NON-RESIDENTIAL ZONING DISTRICTS

P = Permitted Use; C = Conditional Use; T = Temporary Use; X = Use Prohibited in the Zoning District (Zone) A Use that is not identified in the Table of Uses is hereby determined to be a Prohibited Use within Roy City.

CC = Community Commercial  
LM = Light Manufacturing

RC = Regional Commercial  
BP = Business Park

M = Manufacturing  
R = Recreational

USE	CC	RC	LM	M	BP	R
<u>Accessory Caretaker Dwelling Unit.</u> An attached or detached dwelling unit for an employee or owner and incidental and clearly subordinate ( <b>no more than 40%</b> ) to an existing primary building or use and located on the same lot as the primary building or use.	X	C P	C P	C P	C P	C P
<u>Adult - Arcade.</u> Any place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas. An Adult Arcade shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	C X	X	X P	X	X
<u>Adult - Bookstore, Adult Novelty Store, Adult Video Store.</u> A commercial establishment which has significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space to the sale or rental, for any form of consideration, of any one or more of the following: A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas; B. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others. Adult Bookstores, Adult Novelty Stores, and Adult Video Stores shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	C X	X	X P	X	X
<u>Adult - Cabaret.</u> A nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: A. Persons who appear seminude; B. Live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities; or C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas. An Adult Cabaret shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	C X	X	X P	X	X
<u>Adult - Motel.</u> A motel, hotel or similar commercial establishment which: A. Offers public accommodations, for any form of consideration, and which regularly provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas and which regularly advertises the availability of such material by means of a sign visible from the public right of way, or by means of any off premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; and B. Offers a sleeping room for rent for a period of time less than ten (10) hours. An Adult Motel shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	C X	X	X P	X	X
<u>Adult - Motion Picture Theater.</u> A commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration. An Adult Motion Picture Theater shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	C X	X	X P	X	X

USE	CC	RC	LM	M	BP	R
<b>Adult - Theater.</b> Theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in state of semi nudity or live performances which are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities. An Adult Theater shall be conducted in compliance with all requirements for the operation of sexually oriented businesses, as provided by Title 3-7 et. seq. Roy City Municipal Code, as applicable.	X	⊆ X	X	X P	X	X
<b>Adult - Seminude Model Studio.</b> Any place where a person, who regularly appears in a state of semi nudity, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, except as may be allowed by Title 3-7 et. seq. Roy City Municipal Code.	X	X	X	P	X	X
<b>Animal Hospital (Veterinary Clinic), With Holding Facilities.</b> A facility for the diagnosis, treatment, hospitalization, and boarding of animals that does not include outdoor holding facilities But which may include indoor holding and boarding facilities.	⊆ P	⊆ P	X	⊆ P	X	X
<b>Animal Hospital (Veterinary Clinic), Without Holding or Boarding Facilities.</b> A facility for the diagnosis, treatment, hospitalization, and boarding of animals that does not include indoor or outdoor holding or boarding facilities.	P	P	X	P	X	X
<b>Assisted Living Facility.</b> 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	X	X	P	X
<b>Bank, Credit Union or other Financial Institution.</b> A financial company or corporation providing the extension of credit, and the custody, loan or exchange of money. A bank, credit union or other financial institution proposing to provide drive-through service shall be required to secure a Conditional Use Permit approval for such drive through facility as provided herein.	P	P	X	X	P	X
<b>Car Wash.</b> A structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.	⊆ P	⊆ P	⊆ P	⊆ P	X	X
<b>Church.</b> 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	X	X	⊆ P	X
<del>Class A Beer Licenses - Off Premises Consumption. A Class A retail license shall entitle the licensee to sell beer on the licensed premises in the original containers for consumption off the premises only, in accordance with the Utah Alcoholic Beverage Control Act and the Ordinances of the City, and to deliver the same to the residence of the purchaser; provided, however, that it is unlawful for the licensee to sell or distribute beer in any container larger than two (2) liters. A Class A License shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable.</del>	⊆	⊆	X	X	X	X
<del>Class B Beer Licenses - On Premises Consumption, Restaurants. 1. A Class B retail license shall entitle the licensee to sell beer in the original containers or on draft for consumption on the premises. 2. Only bona fide restaurants whose food sales constitute at least seventy percent (70%) of the gross dollar value of licensee's business shall be entitled to Class B licenses. (Utah Code Annotated section 32A-4-106(30)). A Class B License shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable.</del>	⊆	⊆	X	X	⊆	⊆

USE	CC	RC	LM	M	BP	R
<del>Class C Beer Licenses – On Premises Consumption, Taverns: A Class C retail license shall entitle the licensee to sell on the premises beer on draft or in original container for consumption on the premises, and to all the privileges granted the holders of Class B retail licenses, all to be exercised in accordance with the Utah Alcoholic Beverage Control Act and the ordinances of the City. A Class C retail license shall be issued only to an applicant engaged in good faith in the business of dispensing and selling beer at retail over a bar, and where such business is the principal business conducted on the licensed premises. A Class C License shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable</del>	X	€	X	X	X	X
<del>Class D Beer Licenses; Temporary: A Class D retail license shall entitle the licensee to sell beer in the original containers only upon such premises during such times as the Council, upon application of the licensee, may designate from time to time by resolution. Such sales may be made for consumption on or off the designated premises. The Council shall designate only those premises upon which public fairs, stock and other animal shows, celebrations, fiestas, occasional athletic contests, and similar events occur. A cop of the Council's resolution designating the premises upon which sales may be made under a Class D license shall be posted and conspicuously displayed with the license at such premises. A Class D License shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable.</del>	†	†	X	X	†	†
<del>Class E Beer Licenses – On Premises Consumption, Private Club: A Class E retail license shall entitle the licensee to all of the privileges of a Class C license upon any premises licensed as a club pursuant to the Utah Nonprofit Corporations Act and the Utah Alcoholic Beverage Control Act, and all authority to be exercised shall be pursuant to the same and the ordinances of the city. A Class E License shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable.</del>	X	€	X	X	X	X
<del>Class A Liquor Licenses – Private Club: A Class A liquor license shall entitle the licensee to serve, sell, and store liquor, in accordance with the Utah Alcoholic Beverage Control Act and the Ordinances of the City. All sales under a private club license shall be to bona fide members of the licensed club, guest members or their visitors accompanied by members or guest members, and not to the general public. A Class A License shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable.</del>	X	€	X	X	X	X
<del>Class B Liquor Licenses – Restaurants: 1. A Class B liquor license shall entitle the licensee to provide liquor to patrons for consumption on the premises, in accordance with the Utah Alcoholic Beverage Control Act and the Ordinances of the City. Liquor is to be provided only in conjunction with a meal. A Class B License shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable.</del>	€	€	X	X	€	€
<del>Class C Liquor Licenses – Temporary: A Class C liquor license shall entitle the licensee to provide liquor to patrons for consumption on the premises, in accordance with the Utah Alcoholic Beverage Control Act and the Ordinances of the City. A Class C liquor license shall be issued for a period not to exceed three (3) days, to be determined by the Council. No person under the age of twenty-one (21) years shall sell or serve liquor under a Class C liquor license and shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable.</del>	†	†	X	X	†	†
<del>Commercial Day Care/Preschool Center. A facility, operated by a person qualified and licensed by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all applicable State standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides child care for less than twenty four (24) hours per day. Commercial Day Care/Preschool Center excludes the following: (a) Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; (b) Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or (c) Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations; (d) or clearly identified as an Accessory Use.</del>	€ P	€ P	X	X	€ P	X
<del>Commercial Plant Nursery. A use wholly, or partially, contained within one or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold to retail customers. Commercial Plant Nursery does not include wholesale nurseries or greenhouses.</del>	€ X	P X	X P	€ P	X	X
<del>Commercial Recreation (Indoor). Any use, either public or private, providing amusement, pleasure, or sport, which is operated entirely within an enclosed building, including but not limited to live theater, and movie houses, indoor tennis, bowling, and skating, baseball batting cages, paintball, horse riding or similar activities. This use may include associated eating and drinking areas, retail sales areas and staff offices.</del>	€ P	€ P	X P	€ P	X	X P

USE	CC	RC	LM	M	BP	R
<u>Commercial Recreation (Outdoor)</u> . An area or facility that offers entertainment or recreation outside. This use is limited to a golf driving range, baseball batting cages, riding arena, tennis facility, miniature golf, and swimming pool, and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices. This use specifically excludes shooting range, go-cart, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.	X P	€ P	X P	X	X	€ P
<u>Construction Sales and Service</u> . An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lot or parcel other than a construction site. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, and swimming pool sales.	€ P	€ P	X P	€ P	X	X
<u>Contractor's Office/Contractor's Storage Yard</u> . A facility providing building construction and maintenance, including carpentry, plumbing, roofing, electrical, air conditioning and heating, within a totally enclosed building, and which may include the open storage of any building materials, equipment, or vehicles.	X	X	X P	€ P	X	X
<u>Convalescent Facility</u> . A facility, or portion thereof, in which people are cared for during the time of recovery from an operation, injury, or physical illness. The facility may also contain areas for physical therapy. This definition shall not include any building or structure which meets the definition of a "group home for the elderly", "group home for persons with a disability", or "detention or rehabilitation facility".	P	X	X	X	P	X
<u>Convenience Store</u> . A retail establishment selling consumer products including prepackaged food and drink. A convenience store may also provide associated retail sale of gasoline and other petroleum products.	€ P	P	X P	X P	X P	X
<u>Day Care Center/Assisted Care Center</u> . A facility which provides less than 24-hour assisted care or supervision for five (5) or more persons, 14 years of age and older and who are not related by blood, marriage or adoption to the owner or operator, with or without compensation for such care, and with or without a stated educational purpose.	€	€	X	X	X	X
<u>Day Care Center (Adult)</u> . Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty four (24) hours per day.	P	P	X	X	X	X
<u>Drive through/Drive up Facility</u> . A facility where goods and services are provided to customers within a vehicle. Must be associated with a "Permitted" or "Conditional" use within this table.	€ P	€ P	X P	X P	€ P	X
<u>Educational Facility</u> . Privately or publicly owned buildings and uses for educational or research activities that has a curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education, and including Charter Schools, 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.	P	P	X	X	€ P	X
<u>Emergency Care Facility</u> . A health care facility providing primarily outpatient emergency care for the diagnosis and treatment of individuals.	€	€	X	€	€	X
<u>Golf Course</u> . A an area used for the purposes of playing golf, but which may include associated restaurant, commercial retail sales areas, staff offices and course maintenance facilities.	X	X	X	X	X	C
<u>Hospital</u> . A facility licensed by the State of Utah Department of Health providing clinical, temporary or emergency service of a medical, obstetrical or surgical nature to human patients.	€ P	€ P	X	X	€ P	X
<u>Hotel</u> . A building offering temporary lodging accommodations, or overnight accommodations for guests, with access provided through a common entrance, lobby or hallway to four (4) or more guestrooms, and which may include additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.	€ P	P	X	X	X P	X
<u>Laundry, Self Serve or Dry Cleaning</u> . An establishment providing home-type washing, drying, and/or ironing machines, household laundry and dry cleaning services, classified as low hazard in applicable codes, with customer drop-off and pick-up.	€ P	P	X	X	X	X
<u>Liquor Store – State Owned</u> . An establishment owned and operated by the State of Utah and primarily engaged in the sale of alcoholic beverages.	X	€ P	X	X	X	X

USE	CC	RC	LM	M	BP	R
<u>Manufacturing, Major.</u> Includes the processing and fabrication of finished products, predominantly from previously prepared materials, and includes the assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and where such assembly, fabrication or processing takes place entirely within a building. Excludes gravel pit, quarry, extractive industries.	X	X	X	⊆ P	X	X
<u>Manufacturing, Minor.</u> Includes the processing and fabrication of finished products that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and where such assembly, fabrication or processing takes place entirely within a building with a maximum building size of 15,000 square feet.	X	X	⊆ P	P	⊆ P	X
<u>Medical and Dental Clinic.</u> An organization of doctors, dentists, pharmacists 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	P	X	X	⊆ P	X
<u>Medical or Dental Laboratory.</u> An establishment that conducts basic medical or dental research and analysis. This term does not include a facility providing any type of in-house patient services typically provided by hospitals and clinics.	⊆ P	P	⊆ P	P	⊆ P	X
<b>Mobile Food Trucks:</b> 1. <b>Location: When allowed in the use regulations applicable to a specific zoning category, mobile food trucks may be:</b> a. Located in a private parking lot with property owner approval for that location; or 2. <b>Parked In Private Parking Lot: When parked in a private parking lot, a mobile food truck shall:</b> a. Have access to a permanent bathroom facility; b. Be located on an improved portion of the lot; and c. Be located on a lot where an occupied business is operating. 3. <b>Conditions That Apply: Regardless of where a mobile food truck is operated or parked, the following conditions apply:</b> a. Site plan must be approved b. It shall not operate within one hundred feet (100') of the entrance door of a restaurant, OR of a property line of a church unless invited by the church. c. All signs are limited to those that are permanent and physically attached to the vehicle. d. The operator shall provide trash and recycling containers which shall be removed from site when truck leaves site. e. The use shall be placed so as not to disrupt the vehicle and allow safe pedestrian traffic flow into or out of a site f. Shall not operate as a drive-through. g. Vehicles are to be maintained in a neat and professional manner. h. Hours of operation are between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. with no overnight parking except at commissary location. i. Vehicles are not allowed to idle. j. Shall not cause noise, light, or glare which adversely impacts surrounding uses. Flashing, scintillating, blinking, or traveling lights shall not be permitted; k. Shall comply with all applicable Utah State and Weber/Morgan Health Department requirements; l. Shall comply with all State, County, and City retail sales tax regulations; m. Must comply with all Roy City Fire Department requirements, including but limited to an annual inspection. n. Shall only operate when parked on a hard surface;	P	P	P	P	P	P
<u>Mortuary, Funeral Home.</u> An establishment in which the dead are prepared for burial or cremation. The facility may include a chapel and other rooms to conduct funeral services.	⊆ P	P	X	X	X	X
<u>Motel.</u> A building or group of buildings containing four (4) or more guest rooms, some or all of which may have a separate entrance leading directly from the outside of the building with a garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of persons usually traveling by private automobile or motor coach and which may include additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.	⊆ P	P	X	X	⊆ P	X
<u>Nightclub.</u> A place of entertainment open at night usually serving food and liquor, having a floor show, and providing music and space for dancing. A Nightclub that serves liquor shall maintain a valid Class E License and shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable.	X	⊆ P	X	X	X	X

USE	CC	RC	LM	M	BP	R
<del>Nursing Home, Convalescent Care Center.</del> A facility that provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility. A Nursing Home or Convalescent Care Center provides some level of skilled nursing or medical service to the residents.	€	×	×	×	×	×
<b>Nursing Home.</b> An intermediate care/nursing facility or a skilled nursing facility, licensed by the state of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment, require assistance and/or supervision on a twenty-four (24) hour per day basis. Such facility does not include an adult daycare facility or adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.	P	P	X	X	P	X
<b>Pay-day Lending:</b> Lenders engaging primarily in the business of small, short term loans provided against a prearranged line of credit, post-dated check, deposits, vehicle titles or other instruments. The number of such facilities licensed within the City limits may not exceed one (1) per five thousand (5,000) or portion thereof, of the most recent United States Census Bureau estimated population of Roy City. (Ord. 1018, 8-4-2009)	X	€ P	X	X	X	X
<b>Pawnshop.</b> Any person or establishment engaged in any of the following (a) Lending money on deposit of personal property; (b) Dealing in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledger or depositor; (c) Lending or advancing of money on personal property by taking chattel mortgage security thereon and taking or receiving possession of such personal property; or (d) Selling unredeemed pledged personal property together with such new merchandise as will facilitate the sale of such property. The number of such facilities licensed within the city limits may not exceed one (1) per ten thousand (10,000), or portion thereof, of the most recent United States Census Bureau estimated population of Roy City. Such facilities shall not be located closer than six hundred (600) feet to any residential zone or to another Pawn Shop. (Ord. No 1071; 11/18/14)	X	€ P	X	X	X	X
<b>Personal Care Service.</b> An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty salons (including permanent or semi-permanent make-up/cosmetics) 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	P	X	X	X	X
<b>Personal Instruction Service.</b> An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, massage therapist instruction, martial arts training, and swimming clubs.	P	P	X	X	€ P	X
<b>Pet Grooming.</b> A commercial establishment for the grooming of pets. No boarding, breeding, buying, letting for hire, training or selling. (Ord No. 16-10, 7-5-2016)	€ P	P	×	X	X	X
<b>Private Club.</b> Any nonprofit corporation operating as a social club, recreational, fraternal or athletic association, or kindred association organized primarily for the benefit of its stockholders or members. A Private Club that serves liquor shall maintain a valid Class E License and shall be conducted in compliance with all requirements for the issuance of such license, as provided by Title 3-2 et. seq. Roy City Municipal Code, as applicable.	X	€ P	X	X	X	X
<b>Reception Hall, Reception Center.</b> A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.	€ P	P	X	X	X	X
<del>Recycling Collection Center Area.</del> An <del>center area</del> for the acceptance and temporary storage of recyclable materials to be transferred to a recycling processing facility. Recycling Collection <del>centers areas</del> involve no more than 3 collection containers up to 40 cubic yards in total size. Collection <del>centers areas</del> located in parking lots may not occupy required parking spaces. A collection center must be arranged to not impede traffic flow. The operator of the collection <del>center area</del> shall remove products stored at the site at least once a week. The operator of the collection <del>center area</del> shall keep the collection center in proper repair and the exterior must have a neat and clean appearance. <del>Automated can recycling machines are limited to two (2) per site.</del>	€ P	€ P	€ P	€ P	€ P	X
<b>Restaurant.</b> A building or facility for the preparation, retail sale, and on-site consumption of food and beverages (including Beer or Alcohol), sells food and beverages over a counter, packages its food in wrappers, boxes or cartons regardless if the food is consumed on or off the restaurant premises; and may provide a drive through/drive up facility.	€ P	P	X P	X P	€ P	X P

USE	CC	RC	LM	M	BP	R
<del>Seminude Model Studio. Any place where a person, who regularly appears in a state of semi-nudity, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, except as may be allowed by Title 3-7 et. seq. Roy City Municipal Code.</del>	X	€	X	X	X	X
<b>Tattoo &amp; Body Art.</b> Establishments engaged primarily in the practice of physical body adornment or modification, including but not limited to body piercing, tattooing, branding or scarification. All Tattoo & Body Art establishments shall obtain and maintain in good standing a proper license from the Weber-Morgan Health Department. Tattoo & Body Art establishments may not be located closer than six hundred (600) feet to any other such establishment as defined, or to any church, school or other community gathering place. The number of such facilities licensed within the city limits may not exceed one per every ten thousand (10,000) or portion thereof of the most recent United States Census Bureau estimated population of Roy City. The hours of operation are limited to between 10:00 a.m. and 10:00 p.m. No minors shall be allowed on the premises without an accompanying adult guardian. (Ord. 1060, 11-19-2013)	X P	€ P	X P	X P	X	X
<b>Tavern:</b> An establishment licensed by the Utah Alcoholic Beverage Control Commission for serving beer by the drink to the general public.	X	€ P	X P	X P	X	X
<b>Telecommunications Site/Facility.</b> An unmanned structure consisting of antennas, antenna support structures, or other equipment used to provide personal wireless services as set forth in Section 704 of the Telecommunications Act of 1996, as amended. 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 the locational 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.	X C	X C	X C	C	X C	C
<b>Theater, Indoor Picture.</b> A building or part of a building devoted to the showing of moving pictures on a paid admission basis.	X P	P	X	X	X P	X
<b>Tobacco Oriented Retail.</b> A commercial establishment with less than 10,000 square feet of total sales area, where the sale and/or display of tobacco and/or tobacco related products accounts for greater than 10% of the sales floor and display areas, or where the sale of tobacco and/or tobacco related products accounts for more than 30% of gross sales receipts, or any commercial establishment of any size declaring itself through name or advertising to be oriented specifically to the selling of tobacco and/or tobacco related products. Tobacco Oriented Retail uses may not be located within 600 feet of one another as measured at the closest property lines. (Ord. 1032, 9-7-2010)	X P	€ P	X	X	X	X
<b>Trailer Camp Or Trailer Court.</b> Any area or tract of land used or designed to accommodate two (2) or more travel trailers, recreational vehicles, motor homes or camping parties.	X	X	X	X	X	€ P
<b>Vehicle and Equipment Rental or Sale, New or Used, Major.</b> An establishment engaged in the retail or wholesale sale or rental, from the premises, of equipment or motorized vehicles, except motorcycles, automobiles, and light trucks, along with incidental service or maintenance. Typical uses include new and used heavy truck sales and rental, boat sales, recreational vehicles, construction equipment rental yards, moving truck and trailer rental, and farm equipment and machinery sales and rental. [also see § 1109]	X	€ P	X	P	X	X
<b>Vehicle and Equipment Rental or Sale, New or Used, Minor.</b> An establishment engaged in the retail sale or rental, from the premises, of new or used motorcycles, automobiles, and/or light trucks, with a Manufacturer's Gross Vehicle Weight Rating not to exceed 14,000 pounds, with incidental service or maintenance. Typical uses include dealers of motorcycles, automobiles, and light trucks. [also see § 1109]	X P	P	X P	P	X	X
<b>Vehicle and Equipment Repair, Major.</b> An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair, paint, and body shops.	X	€ P	X P	P	X	X
<b>Vehicle and Equipment Repair, Minor.</b> An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services. Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front-end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.	€ P	P	X P	P	X	X

USE	CC	RC	LM	M	BP	R
<u>Warehouse, Self-Service Storage.</u> An enclosed storage facility of a commercial nature containing independent, fully enclosed bays, which are leased to persons exclusively for storage of their household goods or personal property. (Ord. 1063, 4-1-2014)	X	X	€ P	P	X	X
<u>Wholesale and Warehousing, Major.</u> An establishment that is primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Uses include major mail distribution centers, frozen food lockers, moving and storage firms, and warehousing and storage facilities.	X	X	X	€ P	X	X
<u>Wholesale and Warehousing, Minor.</u> An establishment that is engaged in the small scale storage and sale of goods to other businesses for resale, excluding self-storage warehouses, major distribution centers, motor freight terminals, moving and storage firms and similar high volume, high turnover facilities. Limited wholesale and warehouse area will generally be less than 30,000 square feet in area and operate during conventional business hours.	X	X	€ P	P	€ P	X

Section 1902—General Provisions:

- 5) Oil separators and other pollution control devices may be required as part of Site Plan approval, as recommended by the City Engineer, and approved by the Commission or Council as part of Site Plan approval.
- 8) **Access to parking space (driveways and access lanes); access to all parking spaces shall be as follows:**
  - a. **Residential Property, including four (4) units or less attached units, shall provide access to approved off-street parking spaces and private garages used in conjunction with those uses as follows:**
    - i. **Driveways and drive approaches shall not be located within the clear view area (sight triangle).**
    - ii. **No drive approach shall be located closer than four and one-half (4½) feet to a side lot line of a lot as it is projected to the back of the curb and gutter or roadway. In the case of a cul-de-sac exceptions may be made by the Zoning Administrator.**
    - iii. **A driveway on private property may be constructed up to the side or rear property line so long as the driveway does not interfere with the surface drainage of the lot or adjacent lots where drainage easements are provided. If no drainage easements exist, the drainage from the driveway must be kept within the property.**
    - iv. **Properties with less than one hundred (100) feet of frontage shall be limited to one (1) driveway approach per frontage. One additional drive approach may be added for each additional fifty (50) feet.**
      - I. **Exceptions may be approved by the Zoning Administrator where property fronts (5600 South, 1900 West, 3500 West or Midland Drive) for a circular driveway.**
    - v. **The minimum width of a drive approach is twelve (12) feet and the maximum is thirty (30) percent of the frontage width of the property**

Section 1903—Access Requirements:

- 2) For all lots proposed for commercial, industrial, multiple-family, or use, other than single-family dwellings, the location and dimension of all driveways shall be as approved by the Commission or Council with Site Plan Application approval.

Section 1904—Combination of Uses:

Where there is a combination of uses on the same lot, the total number of off street parking spaces provided shall be the sum of the off street parking requirements for each individual use. The total number of spaces required may be reduced if the Commission or Council, as part of Site Plan approval, approves a parking study, conducted by a professional traffic engineer, demonstrating that a reduction in the amount of required

off street parking spaces is appropriate, with shared parking possible by the nature of the uses proposed.

Section 1905—Required Adjoining Lot Connections:

Interconnections between adjoining parking lots, located on adjoining lots, shall be required by the Commission or Council, as part of Site Plan approval, as may be necessary and appropriate to promote efficiency, convenience and safety of vehicle movements. Permanent cross-access and maintenance agreements, as may be required by the Council Commission, shall be provided, prior to Site Plan approval.

Section 1906—Location of Required Off-Street Parking:

- 1) All required off street parking spaces shall be located on the same lot as the building or use it serves, except required off street parking spaces may be allowed on a separate lot that is within five hundred (500) feet of the building or use it serves, provided the two (2) lots are not separated by any major street and a non-revocable written parking agreement is in place prior to Site Plan approval.
- 2) **No required off-street parking spaces shall be permitted in any front yard setback or in any street side yard setback**

Section 1907—Maintenance of Parking Spaces and Areas:

Every parcel of land used as a public or private off street parking area shall be constructed and maintained in compliance with the following requirements:

- 2) Screening. The sides and rear of any off street parking area that adjoins a residential zone shall be screened by a masonry wall or solid visual barrier fence not less than four (4) feet, or more than eight (8) ~~eight~~ **six (6)** feet in height, as required for Site Plan Application approval.
- 3) Landscaping. All off street parking areas shall be landscaped and permanently ~~and~~ maintained as required by ~~Chapter 18~~ **this Title**.

Section 1908—Required Off-Street Parking:

The number of off street parking spaces provided shall comply with Table 19-1, Table of Off-Street Parking Requirements.

Table 19-1 - Off-Street Parking Requirements

Use	Minimum Off-Street Parking Requirements
Public Uses and Utilities	As approved by the <del>City Council</del> <b>Commission</b> with Site Plan approval, dependent on the type and nature of the facility

Section 1912—Reduction of Off-Street Parking Requirements:

Requests to reduce off street parking requirement(s) or reduce parking space size may be granted by the Commission or Council, with Site Plan Application approval, if the applicant shows:

Section 2904—Review of Final City Decision—Procedures:

Any owner of private real property who claims there has been a constitutional taking of private real property by an action of the City shall request a review of a final decision of the City. The following are specific procedures established for such review:

- 7) A decision on a review of a constitutional takings claim shall be rendered within ~~fourteen (14)~~ **twenty-one (21) working days** from the date the complete application for review has been received by the City

Manager. The decision of the Council, or designee, regarding the results of the review shall be given in writing to the applicant and the officer, employee, Board or Commission that rendered the decision that gave rise to the constitutional takings claim.

- 8) If the Council, or designee, fails to hear and decide the review within ~~fourteen (14)~~ **twenty-one (21)** **working** days, the decision appealed from shall be presumed to be approved and the constitutional takings claim denied by the Council, or designee.