

Thursday, July 15, 2010
Perry City Special Uses and Appeals Board Meeting Agenda

The Perry City Special Uses and Appeals Board will hold its meeting on the day identified above, starting at approximately 6:00 PM, in the City Council Room at 3005 South 1200 West in Perry. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration. Numbers and/or times are estimates of when agenda items will be discussed. Action on any public hearing will always be later in the same meeting or at a subsequent meeting. Every agenda item shall be discussion and/or action item, unless otherwise indicated.

1. **Approx. 6:15 pm - Call to Order, Opening Ceremonies, and Public Hearings**
 - A. Call to Order and Pledge Allegiance to the U.S. Flag
 - B. Declare Conflicts of Interest, If Any
 - C. Review the Agenda (and Possible Motion to Change the Order of Agenda Items)
 - D. Approve Minutes for June 14, 2010
 - E. No Public Hearing(s)

2. **Approx. 6:20 pm - Special Use/Business Applications, Including Conditional Uses, Special Exceptions, and Non-Conforming Uses (Final Land Use/License Authority)**
 - A. Conditional Use Permit (Pursuant to the "Infill Ordinance") for Applicant Kelly Baird to Allow for a Single Family Dwelling and Accessory Building in the NC2 Zone for a One Acre Parcel Located at 145 West Hill Haven (Near Highway 89)
 - B. Conditional Use Permit (and Home Business License) for Applicant Angie Cefalo for "Jitterbugs" (Dance, Gym, and Tumbling Instruction for Younger Children), 2686 S. 775 West
 - C. Conditional Use Permit (and Home Business License) for Applicant Misti Groll for a Hair Salon, Located at 2365 South 900 West

3. **Approx. 6:50 pm - Appeals from Decisions of Land Use Authorities or Business License Authorities (Appeal Authority)**
 - A. Appeal by Brad Argyle of the Decision of Building Official Codey Illum to Deny a Building Permit for a 10 Feet High Fence for a Tennis Court (Denied on the Basis of Non-Compliance With the City Ordinance)

4. **Public Works Standards and Special Ordinances (Quasi-Legislative Action)**
 - None

5. **Approx. 7:00 pm - Training and Adjournment**
 - A. Brief Training Regarding Appeal Authority Rules and Possible Ordinance Changes
 - B. Motion to Adjourn

Certificate of Mailing

The undersigned duly appointed official hereby certifies that copy of the foregoing agenda was sent to each member of the special Uses and Appeals Board and other designated city officials, and was posted in three locations at the Perry City Offices, and at the Perry Park and Dale Young Park, and faxed to the Ogden Standard-Examiner and Box Elder News-Journal on this 8th day of July, 2010. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).



Duncan Torr Murray, City Attorney & Acting Community Development Director

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DRAFT

**PERRY CITY SPECIAL USES AND APPEALS BOARD MEETING
MONDAY, JUNE 14, 2010 6:00 P.M.
PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM
3005 S. 1200 W. PERRY, UTAH**

COMMISSIONERS PRESENT: Mark Stratford (Chair), Suresh Kulkarni, Kim Barnard, Jim Felix, Jon Rackham

OTHERS PRESENT: Codey Illum, Perry Building Inspector/ Community Development Director, Susan K. O Bray, Minute Clerk

1. CALL TO ORDER AND OPENING CEREMONIES

Chairman Stratford called the meeting to order at approximately 6:04 p.m.

A. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

Conducted by Board Member Rackham

B. DECLARE CONFLICT OF INTEREST, IF ANY

Questions initiated by Chairman Stratford. None existed.

C. REVIEW AND ADOPTION OF THE AGENDA

No official motion.

D. APPROVE MINUTES FOR NOVEMBER 23, 2009

Motion: Board Member Kulkarni moved to approve the minutes for the November 23, 2009 meeting. Board Member Felix seconded the motion. All in favor.

Conditional Use Permit for a Commercial Business License for "A-One Auto Sales" Located at 1998 South Hwy 89

Codey Illum stated the facility that is being presented tonight is by the Lodge was Discount Cars an existing car lot. Mr. Hoffman is asking for a car lot to be put in place. Planning Commission did not have any conditions or requirements on this application they passed it unanimously to recommend it to the Special Uses and Appeals Board. Mr. Hoffman said he opened a lot in Brigham City but the lot is too small and so he has moved it to Perry. There will not be any mechanic work done on site. Joe Thomas with Crashworks is going to help him with repairs and bodywork at the Crashworks shop. He stated he is going to get a tractor and take down the weeds. The cars will be the newer cars; he has connections in Salt Lake to buy the cars. Mr. Hoffman has a car dealership license. The sign will be taken down and a newer sign will replace it. The sign will be above the office. A sign on the pole could be added at a later date. Mr. Illum stated this is for business license only and the sign application will be addressed afterwards. Mr. Hoffman plans on cleaning up the weeds and other debris that is around the building. Board Member Kulkarni asked if he had access from Hwy 89. Mr. Hoffman stated he does have access from Hwy 89. Chairman Stratford asked about the parking area. Mr. Hoffman stated he is going to put more gravel down and there is room in the back or on the Hwy for customers to park. Board Member Stratford asked about the mow strips and the surrounding

areas if he as a business owner would work with staff on what would go in there. Mr. Illum stated he meets all the ordinances and every year he will check and make sure he is in compliance with all city ordinances. Board Member Kulkarni stated Mr. Hoffman needs to keep the weeds down, well lit, and all around maintained.

MOTION: Board Member Felix moved to approve the Conditional Use Permit for a commercial business license for “A-One Auto Sales”. Chairman Stratford recommended adding to the motion that Mr. Hoffman will work with staff with any landscaping and maintenance issues. Board Member Felix agreed to the addition. Board Member Rackham seconded the motion.

Comm. Felix aye	Comm. Rackham aye
Comm. Barnard aye	Comm. Stratford aye
Comm. Kulkarni aye	

Mr. Illum stated there may be one more applicant with a 10 foot fence issue at a later date. Chairman Stratford asked if the motorcycle place is still in business. Mr. Illum stated he came back to the council and made different agreements with the council and they are now in business.

Chairman Stratford asked for a unanimous consent motion to adjourn the meeting. Everyone was in consent. The meeting closed at 6:25 PM.

2A, 2B, 2C

- 2. The structures associated with the use are compatible with surrounding structures in terms of type, use, scale, mass and circulation; and
- 3. The proposed use is not detrimental to the health, safety, or welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
- 4. The proposed use is consistent with the Perry City General Plan, as amended, and complies with the regulations and ordinances of Perry City; and
- 5. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets; and
- 6. Sufficient utility capacity; and
- 7. Sufficient emergency vehicle access; and
- 8. Location and design of (as well as compliance with) off-street parking standards; and
- 9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses; and
- 10. The effects of any differences in use or scale have been mitigated through careful planning and establishment of appropriate conditions; and
- 11. Compatibility of the proposed mass, bulk, design, orientation, and location of the structures on the site; including compatibility with buildings on adjoining lots and to the street; and
- 12. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses; and
- 13. Within and adjoining the site, impacts on the aquifer, slope retention, flood potential; and
- 14. The proposed use is necessary or desirable and shall contribute to the general well being of the community.

Chapter 60.05.
CONDITIONS OF USE

- 60.05.010. Planning Commission to Address Specific Conditions Listed in this Chapter.**
- 60.05.020. Parcel Size.**
- 60.05.030. Location of the Parcel.**
- 60.05.040. Traffic Considerations.**
- 60.05.050. Utility Capacity.**
- 60.05.060. Emergency Vehicle Access.**
- 60.05.070. Location of Off-Street Parking.**
- 60.05.080. Parking for Residential Use.**
- 60.05.090. Joint Parking Facilities.**
- 60.05.100. Use of Parking Spaces.**
- 60.05.110. Marking of Spaces.**
- 60.05.120. Parking Space Design Standards.**
- 60.05.130. Surfacing.**
- 60.05.140. Lighting.**
- 60.05.150. Fencing, Screening, and Landscaping.**

- 60.05.160. **Building Design.**
- 60.05.170. **Trash Collection.**
- 60.05.180. **Signage.**
- 60.05.190. **Feed Storage.**
- 60.05.200. **Hazardous Waste.**
- 60.05.210. **Hazardous Materials.**
- 60.05.220. **Noise.**
- 60.05.230. **Outdoor Storage.**
- 60.05.240. **Outdoor Work.**
- 60.05.250. **Above Ground Storage Tanks.**
- 60.05.260. **Hours of Operation.**

60.05.010. Planning Commission to Address Specific Conditions Listed in this Chapter.

The Planning Commission shall review each of the following topics to determine applicability and set specific conditions for the proposed use. Persons submitting an application for a Conditional Use Permit must address all conditions deemed applicable by the Planning Commission.

60.05.020. Parcel Size.

If the proposed parcel borders residential properties the proposed conditional use parcel must be large enough to provide a twenty-five (25) foot landscaped buffer adjacent to residential properties. The applicant may propose other methods of screening adjacent residential properties that could reduce the twenty-five (25) foot requirement.

60.05.030. Location of the Parcel.

The applicant must show how the proposed use fits in with the use of the adjacent properties.

60.05.040. Traffic Considerations.

The applicant must show the potential traffic impact their proposed business will have on the nearby roads and neighborhood. In addition, the applicant must propose conditions that would reduce or eliminate problems associated with the increased traffic such as, but not limited to, parking, noise, making turns and the capacity of existing streets in the area.

60.05.050. Utility Capacity.

The applicant is responsible for obtaining information on the capacities of the utilities the proposed business will utilize. If the proposed use overtaxes any of the existing utilities the applicant is responsible to fund needed utility upgrades. If future operation of the proposed use results in utility shortfalls, the owner of the property causing the utility shortfall is required to fund needed upgrades.

60.05.060. Emergency Vehicle Access.

Those being granted Conditional Use Permits are required to provide emergency vehicle access as required by the local fire department and the International Fire Code adopted at the time the Conditional Use Permit is issued.

60.05.070. Location of Off-Street Parking.

Each commercial use must provide parking spaces in accordance with Perry Municipal Code, Title 54; Streets, Trees, Parkways, and Parking except that no less than five (5) customer parking spaces will be provided. All required off-street parking spaces open, covered, or enclosed shall be located on the same lot as the conditional use business, except as permitted in Section 60.05.090.

60.05.080. Parking for Residential Use.

Reserved parking, two and one-half spaces (2 ½) for each residential unit shall be provided in addition to any other required parking. Parking for residential use will be illuminated during hours of darkness. This illumination will be shielded so it will not light the sky or cast direct light beyond the property line or onto adjacent streets.

60.05.090. Joint Parking Facilities.

Two or more buildings that are adjacent or on adjacent lots may collectively provide the required off-street parking subject to deed restrictions binding the owners and their heirs, successors and assigns to maintain the required number of spaces available throughout the life of such use; however, the number of parking spaces shall not be less than the sum of the requirements for the various individual uses computed separately.

60.05.100. Use of Parking Spaces.

Parking spaces and/or loading space will not be used for storage of any kind, sale of merchandise or vehicles, any repair, dismantling or servicing of any vehicle, equipment, material or supplies. Perry City may issue limited time permits for occasional special events that would allow the use of parking spaces for the sale of merchandise, i.e. a parking lot sale.

60.05.110. Marking of Spaces.

Parking shall be striped on pavement or designated with some other form of permanent marking.

60.05.120. Parking Space Design Standards.

Parking areas shall comply with Perry Municipal Code, Title 54; Streets, Trees, Parkways, and Parking. Parking spaces using geometric standards other than those specified in Perry City Ordinances may be approved if stamped by a state licensed engineer with expertise in parking facility design subject to a determination by the City Engineer.

60.05.130. Surfacing.

All off-street parking areas and vehicle sales lots shall be paved with asphalt or concrete. Paving will meet current design standards and will be approved by the City Engineer.

60.05.140. Lighting.

External lighting along state highways must be in accordance with UDOT requirements. All external lighting must be shielded so it will not light the sky or cast direct light beyond the property line or onto adjacent streets. General parking lot illumination is permitted only during night business hours. Lighting for security purposes is permitted during hours of darkness.

60.05.150. Fencing, Screening, and Landscaping.

A minimum buffer of twenty-five (25) feet is required between any NC2 or NC3 zone commercial use and adjacent residential property. This buffer must be fully landscaped, watered and maintained to provide a visual screen and attractive appearance from the residential property. A six (6) foot high masonry or commercial quality comparable fence acceptable to the Perry City Planning Commission must be installed on the property line. No buffer is required between commercial uses. The owner of the commercial property is responsible for properly maintaining the landscaped buffer area.

60.05.160. Building Design.

Building physical size is to be approved by design review. Buildings in the NC2 zone will have no more than two stories above ground. The front of the building will face either the adjacent street or the building parking area as determined during the design review. External building finish will be predominately masonry. Vinyl or wood trim is permitted. Building colors will primarily be earth tones. Windows may be tinted but will not have reflecting covering or coating. Buildings on the same lots or adjoining lots will have adequate separation to permit emergency access.

60.05.170. Trash Collection.

Locations for trash collection receptacle will be covered and enclosed. Trash collection areas must be maintained in a neat manner and an active rodent control program must be in place. Masonry or commercial quality vinyl fencing will be used to screen the storage area if it is visible from nearby residential property or the street. If there is residential property within 200 feet, trash pickup is restricted to the hours of 7:00 a.m. to 9:00 p.m.

60.05.180. Signage.

Non-illuminated and internally illuminated signs are permitted. If signs are visible from nearby residential properties they can only be illuminated during hours the business is open for business. Signs must not cast direct light beyond the property line or onto adjacent streets. Sign size and location is determined by the Perry City Sign Ordinance, Title 59.

60.05.190. Feed Storage.

Any business using or storing animal feed must store the feed in rodent proof containers or bins.

60.05.200. Hazardous Waste.

Any business generating or storing hazardous waste must comply with all Federal, State and Local hazardous waste laws. Hazardous waste will be properly containerized and will be stored

indoors or outdoors in covered, fenced and locked areas approved by the local fire department authority. The name and quantity of each hazardous waste material will be provided to the local fire department and Perry City on a quarterly basis.

60.05.210. Hazardous Materials.

Any business generating or storing hazardous materials must comply with all Federal, State and Local hazardous materials laws. Hazardous material will be properly containerized and will be stored indoors or outdoors in covered, fenced and locked areas approved by the local fire department authority. The name and quantity of each hazardous material will be provided to the local fire department and Perry City on a quarterly basis.

60.05.220. Noise.

Noise in excess of 85db, at the source, will not be generated outside of an enclosed building between the hours of 9:00 p.m. and 7:00 a.m. Outdoor public address systems are not permitted.

60.05.230. Outdoor Storage.

Outdoor storage is permitted only in covered, fenced, and locked areas. Outdoor storage must be maintained in a neat manner and an active rodent control program must be in place. Masonry or commercial quality vinyl fencing will be used to screen the storage area if it is visible from nearby residential property or the street.

60.05.240. Outdoor Work.

Offensive odors, vibration, fumes, steam, reflection, airborne dust or dirt must be contained inside an enclosed building.

60.05.250. Above Ground Storage Tanks.

The storage of flammable or combustible liquids in above ground tanks outside of buildings is not permitted. One above-ground bulk storage tank of liquefied petroleum gas, not to exceed one-thousand (1000) gallons, and only used for the purpose of refilling portable tanks, may be permitted if it is no closer than two hundred (200) feet to any residential structure.

60.05.260. Hours of Operation.

Recommended business hours are restricted from 6:00 a.m to 9:00 p.m. if there are adjoining residential properties.

**Chapter 60.06.
REGULATIONS**

60.06.010. Plat Approval.

60.06.020. Expiration.

60.06.030. Appeals.

60.06.040. Fee.

60.06.050. Expansion of a Conditional Use.

60.06.060. Inspection.



2A

PERRY CITY

3005 SOUTH 1200 WEST-PERRY, UTAH 84302

OFFICE: (435) 723-6461 FAX: (435) 723-8584

CONDITIONAL USE PERMIT ~~SUBDIVISION~~ APPLICATION

Date received: 7/7/10	Preliminary Fee: \$250.00	Date Paid: 7/7/10 <u>Pd. in full</u>
Parcel Number (s): 03-159-0007	Final Fee: <u>None Req'd</u>	Date Paid: N/A
	Construction Fee: <u>None</u>	Date Paid: N/A

PROPOSED ^{CUP} ~~SUBDIVISION~~ LOCATION (IN-FILL ORDINANCE)

145 W Hill Haven

CURRENT PROPERTY OWNER(S):

APPLICANT: Kelly Baird
 Address: 4615 W 2400 N City, State, Zip: Corinne UT 84307
 Phone: 730 0874 Fax: _____ E-mail: _____

AUTHORIZED AGENT (CONTACT PERSON): J. Dean Stokes
 Address: 4795 100 W City, State, Zip: Brigham City
 Phone: 730 4700 Fax: _____ E-mail: _____

ENGINEER/SURVEYOR: Hansen & Assoc (already done)
 Address: _____ City, State, Zip: _____
 Phone: _____ Fax: _____ E-mail: _____

I certify that I understand the rules stated below and that this application is true and correct to the best of my knowledge.

Applicant

- (1) All sections of this application must be complete and fees paid upon submittal.
 - (2) The payment of fees does not guarantee a certain result and fees are not refunded due the lack of favorable result.
 - (3) Complete documentation must be submitted to the City 14 days in advance of any meeting.
 - (4) The applicant (or a representative) must be present at a meeting for action to be taken.
- See Perry Municipal Code Chapter 42.07 and Sections 43.04.030 and 43.04.035.

145 W Hill Haven Dr.

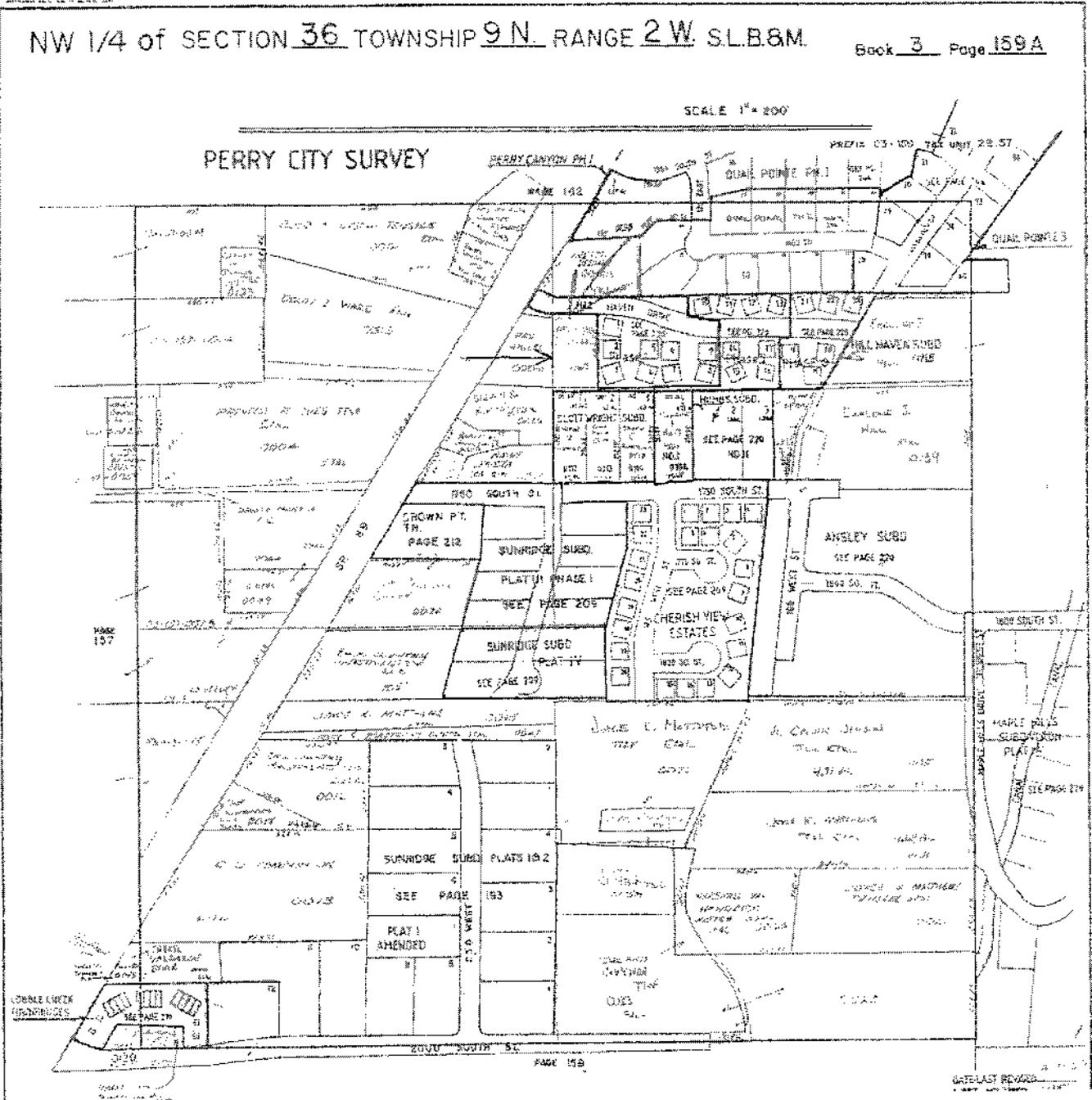
2A

NW 1/4 of SECTION 36 TOWNSHIP 9 N. RANGE 2 W. S.L.B.&M.

Book 3 Page 159A

SCALE 1" = 200'

PERRY CITY SURVEY



- 3. Time of Notice: The notice required under Paragraph A must be submitted at least 30 days before the earlier of the following dates:
 - a. The date the proposed construction or alteration is to begin.
 - b. The date an application for a construction permit is to be filed.

45.06.110. Airport Development Standards.
 The Brigham City Council may adopt by resolution or enact by ordinance.

Chapter 45.07.
NEIGHBORHOOD COMMERCIAL ZONES

- 45.07.010. Intent and Purpose.**
- 45.07.020. Types of Neighborhood Commercial Zones.**
- 45.07.030. Approval Process.**
- 45.07.040. Area Requirements.**
- 45.07.050. Site Development Standards.**
- 45.07.060. Protection of Adjoining Residential Properties.**
- 45.07.070. General Regulations.**
- 45.07.080. Building Permit Issuance.**
- 45.07.090. Time Limitations.**

45.07.010. Intent and Purpose.
 The purpose of the Neighborhood Commercial Zones is to permit the establishment of a well-designed complex of retail commercial facilities for the community along Highway 89 to provide goods and services for the people to be served, minimize traffic congestion on public streets in the vicinity and allow uses which shall best fit the general environment and land use pattern of the area to be served. It is intended that the protective standards contained in this ordinance will minimize any adverse effect of the Neighborhood Commercial Zones on the nearby property values, preserve the aesthetic qualities of the area, and provide for safe and efficient use of the commercial property.

45.07.020. Types of Neighborhood Commercial Zones.
 The following are the various types of neighborhood commercial zones under Perry City Municipal Code:
 NC 2-

- 1. Permitted and/or Conditional Uses: Provides for the sale and supply of daily living needs of the people in the neighborhood as well as major segments of the community, professional offices, recreation centers, government offices, civic centers and churches. Mixed-use residential developments (buildings containing both a residence and a business) shall be the only residential uses allowed in the Neighborhood Commercial Zones and are allowed in the NC 2 Zone.
- 2. There shall be at least as much commercial space as is being used for residential living area in each building of a mixed-use residential development. Permitted uses in the NC

2 Zone are less intrusive to adjoining residential development than those in the NC 3 Zone. Consult the Land Use Chart, Title 50, for permitted uses allowed by Design Review and conditional uses allowed with the meeting of specific conditions.

3. Zone Area: The NC 2 Zone shall include the area from the Brigham City Boundary to 3000 South Street on both sides of Highway 89 for 300 feet measured from the Highway 89 Right of Way line. The City Center shall be located at approximately 2500 South Street.

NC 3-

4. Permitted and /or Conditional Uses: Provides for the sale and supply of a complete range of retail and wholesale goods and personal services for the entire community as well as centers for recreational entertainment and cultural activities for the region. Consult the Land Use Chart (Chapter 45.09), for permitted uses allowed by Design Review and Conditional Uses allowed with the meeting of specific conditions.
5. Zone Area: The NC 3 Zone shall include the area from 3000 South Street to the Willard boundary on both sides of Highway 89 for 300 feet measured from the Highway 89 Right of Way line. The area is relatively undeveloped at this time and the requirement for frontage road access to development will be enforced in this zone.

45.07.030. Approval Process.

The following criteria are required for approval:

1. All permitted and/or conditional uses shall be listed and regulated according to the Land Use Chart, Title 50. Permitted uses shall be listed on the Land Use Chart as "Allowed by Design Review" and designated "P*". Conditional uses shall be listed on the Land Use Chart and designated "C. Conditional uses shall be regulated according to the Conditional Use Ordinance Title 60. The Planning Commission and City Council may be petitioned to have uses not specifically listed, added to the Land Use Chart, Title 50.
2. The Planning Commission shall review all proposed commercial development in all Neighborhood Commercial Zones as part of the Business License and Building Permit approval processes by following the Design Review process.

45.07.040. Area Requirements.

The following area requirements apply:

1. No minimum or maximum lot area is required.
2. All setbacks and building placements shall be approved according to the Design Review process (Title 53) or conditions of the Conditional Use Ordinance (Title 60).

45.07.050. Site Development Standards.

The following site development standards apply:

1. Unless otherwise set forth by ordinance, the site development standards in all Neighborhood Commercial Zones shall be the same as the "C" Commercial Zone. Provisions of the Perry City Ordinances for Landscaping, Signs, Fencing, Building Permits, Lighting, Conditional Uses, Land Use Chart, Area Requirements, and other

relevant requirements shall regulate each individual commercial property development or improvement.

2. Written approval by the Utah Department of Transportation (UDOT) shall be required prior to a recommendation by the Planning Commission for the final approval of the development plan. Frontage roads for access shall be required where possible for any new development.

45.07.060. Protection of Adjoining Residential Properties.

Where Neighborhood Commercial development adjoins any lot in any residential zone, there shall be provided and maintained along such property line an ornamental masonry wall or equivalent of not less than six (6) feet in height. However, such wall shall be three feet in height along the property line which bounds the front yard of adjoining residential lots. Such wall shall be maintained with a minimum six (6) foot wide planting strip and landscaping with trees and grass or shrubs along the commercial property inside the wall.

45.07.070. General Regulations.

The following are general regulations:

1. A Neighborhood Commercial Zone (NC) development may be established only upon land held in single ownership or under unified control or where the Planning Commission determines that commercial development on separate adjoining properties should be coordinated to form a physically unified commercial facility which will be compatible with the surrounding land uses.
2. At the time a Design Review Application is approved and prior to the building permits being issued, deed restrictions on the property or properties covered by the development shall be filed by the applicant or owners of subject property with the County Recorder and shall provide that development take place on such property or properties in accordance with the final site plan approved by the Perry City Council and on file with the City Recorder.
3. A Neighborhood Commercial Zone (NC) development shall not be established upon a tract of land which contains an existing non-conforming use unless the development planned for the tract includes the elimination of the non-conforming use or its integration into the planned development.
4. The Neighborhood Commercial Zone developments shall have an acceptable relationship to and further the purposes of the General Plan as determined by the Perry City Planning Commission. Refer to the Perry City General Plan for specific information.
5. Outdoor lighting shall be directed downward and shielded at the light source to minimize the illumination of adjacent property. Parking lots shall only be illuminated during the hours of operation. All lighting must meet UDOT requirements and specifications for use along Highway 89.
6. Hours of operation and delivery times allowed shall be determined by the Design Review process or Conditional Use Ordinance (Title 60) regulations with consideration for surrounding, existing uses.

45.07.080. Building Permit Issuance.

The following are procedures for the issuance of building permits:

1. After proceeding through the Design Review or Conditional Use permit process and having met all requirements for recommended approval by the Planning Commission and final site plan approval by the City Council, the applicant or owner may apply for a building permit(s) and follow the regular procedure for the approval of the permit.
2. The final site plan shall be of a sufficient detail according to the Design Review Ordinance. No changes shall be made to the final site plan during the course of construction pursuant thereto without first obtaining prior approval of the Planning Commission and Building Inspector. Only changes which may be subsequently approved shall be added thereto.
3. Use and building permits shall be issued only for those uses and buildings indicated on the approved final development and /or site plan.

45.07.090. Time Limitations.

The following time limitations apply:

1. A building permit shall be secured and construction begun in accordance with the approved final development plan within eighteen (18) months from the final approval date or other period of time as determined by the City Council.
2. In the event that construction is not started within the specified time limits, the Planning Commission shall review the development plan and the progress which has taken place. If deemed necessary, a recommendation to revoke the plan approval may be issued to the City Council.
3. All construction authorized in the approved final development plan shall be completed within eighteen (18) months of the date construction commenced. A plan for the stage development which will require more than the time limits contained herein may be approved by the City Council after recommendation by the Planning Commission.
4. In the event that construction is not completed within the time limits specified, the Planning Commission shall review the development which has taken place and if necessary, make a recommendation to the City Council as to the status of the development and actions necessary to ensure the completion of the development in a timely manner or removal of any structures or development that has taken place and revocation of the approval for such development.

Chapter 45.08.**IN-FILL DEVELOPMENT (IN NC2 AND NC3 ZONES)**

45.08.010. Definition of In-Fill Development.

45.08.020. Exception to Non-Application of Zoning Boundary Policy.

45.08.030. Intent and Purpose of In-Fill Development.

45.08.040. Criteria for Approval.

45.08.010. Definition of In-Fill Development.

In-fill development is any new residential development of property within the NC2 and/or NC3 Zones that abuts or is surrounded by existing residential uses. The new residential development must be approved by the Planning Commission and City Council using the criteria presented in this chapter. This chapter of the Perry City Municipal Code shall apply only to those parcels currently wholly within or partially within the NC2 or NC3 Zones. The Zoning Boundary Policy (in Chapter 45.05) shall only apply to parcels split by zones other than NC2 or NC3 with the exception of Section 45.08.020.

45.08.020. Exception to Non-Application of Zoning Boundary Policy.

If less than one acre of a proposed development (which is split by NC2 or NC3 and another zone) is outside of the Neighborhood Commercial Zones, then the Commercial Zones Standards may apply to the entire development at the discretion of the Planning Commission and the Special Uses and Appeals Board.

45.08.030. Intent and Purpose of In-Fill Development.

The intent and purpose of this chapter is to allow for new residential development next to existing residential uses in the NC2 and NC3 Zones along Highway 89, where residential is deemed to be a more consistent use than commercial development. In making this decision, the Planning Commission shall give consideration to the property owner's desires, the surrounding residential development, the preference for commercial development, elimination of accesses to Highway 89 (by using a side street or another parallel street for frontage) and/or any other similar conditions deemed appropriate.

45.08.040. Criteria for Approval.

The following are criteria for approval:

1. All new in-fill development shall be subject to the Conditional Use Permit process and the Subdivision process, as needed, to determine if a development meets the criteria for this chapter. The two processes may be combined for purposes of discussion and public hearings.
2. The maximum size of any in-fill development project shall be 1 (one) acre, not including existing residential lots that are part of the development, and not including any land which is not a part of the NC2 and NC3 Zones. An in-fill development project shall not have any property line or right of way in common with any other in-fill development project.
3. The development shall not require new access from Highway 89, but may provide additional access from a side or parallel street, thus eliminating an existing Highway 89 access. Consolidating or moving access from Highway 89 in a manner that does not increase the total number of accesses does not constitute a new access. Property with frontage on Highway 89, not containing an existing dwelling, will not be considered for in-fill residential development.

4. A flag lot may be permitted only if no other option is available to provide the necessary frontage, while avoiding an access off of Highway 89. The requirements for flag lots shall still apply.
 5. The new residential use must have the same existing residential use on two or more sides or on one side and across a street. Single family dwellings or two-family Dwellings shall be allowed only adjacent to a similar existing use (i.e. condos, townhouses, duplexes, etc.) Multi-family dwellings (more than two-family) shall not be allowed for in-fill development but two-family dwellings may be allowed adjacent to existing multi-family dwellings. The presence of an existing in-fill development project may not be used to qualify a proposed in-fill development project without a finding by the Planning Commission that the purpose and intent of this chapter would be achieved by said proposed in-fill development project.
 6. Utilities for the in-fill development must either be available within public utility easements, public streets or through easements to be established.
 7. Lot size, frontage, setback and other requirements for single-family dwelling in-fill developments shall be the same as are required in the R 1 residential zone. Lot size, frontage, setback and other requirements for two-family dwelling in-fill developments shall be the same as are required in the R 2 residential zone except that the minimum lot area shall be 8,000 square feet per unit or 16,000 square feet per two-family dwelling.
 8. Fencing (in accordance with the Perry City Fence Ordinance) is required between Commercial and Residential Uses and shall be installed by the developer. When residential property is developed next to vacant commercial property, the residential developer shall provide the fence. When commercial property is developed next to existing residential, the developer of the commercial property shall provide the fence if there is no existing fencing. The required fencing shall be included as part of the improvements and shall be installed prior to occupancy permits being issued.
 9. Conditions for in-fill development projects (including subdivisions and lots) may be required by the Planning Commission during the Conditional Use Permit and/or subdivision processes, including conditions which are similar to conditions within the CC&Rs (Conditions, Covenants and Restrictions) of adjacent subdivision(s). These conditions required by the Planning Commission shall not be considered to be CC&Rs.
 10. Lots or Developments approved by the Planning Commission using the in-fill criteria shall be designated with "R" for "Restricted" on the recorded plat and the reason for the restriction shall be stated on the plat by using the following or similar language:
"Restricted lots in this subdivision are deemed such to put owners on notice that commercial development is an allowed and preferred use in the NC2 or NC3 Zone which is adjacent to the restricted lot".
-

DRAFT

**PERRY CITY PLANNING COMMISSION MEETING
THURSDAY, July 1, 2010 7:00 P.M.
PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM
3005 S. 1200 W. PERRY, UTAH**

PLANNING COMMISSIONERS PRESENT: David Curtis (Vice Chair), Harlan Brewer, David Walker

OTHERS PRESENT: Tom Peterson (Councilmember), Susan K. O Bray, Minute Clerk, Misti Groll, Jeff Groll, Bill Morris, (City Prosecutor), Angie Cefalo

1. CALL TO ORDER AND OPENING CEREMONIES

Vice Chairman Curtis called the meeting to order at approximately 7:04 p.m.

A. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

Conducted by Vice Chairman Curtis

B. DECLARE CONFLICT OF INTEREST, IF ANY

Questions initiated by Vice Chairman Curtis. None existed.

C. REVIEW AND ADOPTION OF THE AGENDA

Comm. Brewer moved to adopt the July 1, 2010 agenda. Comm. Walker seconded the motion. All in favor.

D. APPROVE MINUTES FOR JUNE 3, 2010

MOTION: Comm. Brewer motioned to approve the minutes for June 3, 2010 as amended. Comm. Walker seconded the motion. All in favor.

MOTION: Comm. Brewer moved to close the regular meeting and open the meeting into a public hearing. Comm. Walker seconded the motion. All in favor.

2. PUBLIC HEARING AND PUBLIC COMMENTS

A. Jitterbug

(Home Business, Conditional Use Permit)

Angie Cefalo presented her business Jitterbug. It will be a small group of children including her own children. They will meet twice a week to do movement, tumbling, exercise, and dance. She stated she has adequate room in her home.

B. Misti Groll Hair Salon

(Home Business, Conditional Use Permit)

Misti Groll presented her business to the Commissioners. She would like to do hair services in her home.

MOTION: Comm. Brewer moved to close the public hearing and open the regular meeting. Comm. Walker seconded the motion. All in favor.

Comm. Curtis stated both of these agenda items will be recommendations to the Special Uses and Appeals Board.

3. LAND USE APPLICATION (ADMINISTRATIVE ACTION)

Comm. Brewer asked Angie Cefalo the ages of the children that would be attended Jitterbug. Ms. Cefalo stated she would have the 4 and 5 year olds on Monday and the 2 and 3 year olds on Wednesday. She would have 6 children on each day, 4 children coming into the home and 2 of her own children. She will hold these sessions Sept through November and January through April.

MOTION: Comm. Walker moved to recommend this business to the Special Uses and Appeals Board. Comm. Brewer seconded the motion.

Comm. Walker yes Comm.Curtis yes
Comm. Brewer yes

Motion Approved: 3 yes 0 no

Comm. Brewer asked Ms. Groll if she would have appointments for her hair salon. She stated she would have one client at a time. She would have 45 minutes between clients. Her hours of operation would be Monday through Saturday 9: 00 AM to 9:00 PM. Attorney Morris stated the ordinance allows her to have 6 clients a day. She has her state certification. Mr. Groll stated they have a semi circular drive in front of their house. The salon is on the main floor. Attorney Morris stated the conditions should be Monday through Saturday 9:00 AM to 9:00 PM, 6 clients, one client at a time.

MOTION: Comm. Brewer moved to recommend approval for this business to the Special Uses and Appeals Board. Comm. Walker seconded the motion.

Comm. Walker yes Comm. Brewer yes
Comm. Curtis yes

Motion Approved: 3 yes 0 no

The motion was amended as follows:

MOTION: Comm. Brewer moved to amend the motion to include the conditions outlined by the staff and as read into the minutes. Comm. Walker seconded the motion.

Comm. Walker yes Comm. Brewer yes
Comm. Curtis yes

Motion Approved: 3 yes 0 no



28

PERRY CITY

3005 SOUTH 1200 WEST-PERRY, UTAH 84302

OFFICE: (435) 723-6461 FAX: (435) 723-8584

Business License Application

P P* C

BL # _____

Zone: _____

Date Submitted: 6-22-10 Business Name: Jitterbugs

Business Address: 210810 S 775W Perry, UT. 84302 Mailing Address: 6086 S 775W

Business Phone: 723-8889 Cell Phone: _____ Home Phone: 723-8889

Owner's Name: Angie Cephalo Nature of Business: activity group for kids

Visiting Clientele: Yes No (Circle one)

The Business Address Is A (Circle One) Residence Commercial Building

State License No. (if required) _____ State Tax Exempt No. _____ Website/ Email: gentryann1@yahoo.com

Home Business	\$30.00	\$30 ⁰⁰
Professional Services / Contractor	\$34.00	
Wholesale / Retail Business	\$30.00	
Big Box (Wal-Mart)	5,000.00	
Construction	\$125.00	
Automotive	\$34.00	
Gas Station/Convenience Store	\$125.00	
Food Sales/ Fruit Stands	\$125.00	
Large Scale Construction	\$2,359.00	
Live Performance	\$125.00	
Movie Theater	\$125.00	
Public Lodging	\$34.00	
Rental (PLUS \$10.00 PER UNIT)	\$41.00	
Storage Units	\$125.00	
Truck Stop	\$2,608.00	
Restaurant	\$125.00	
Amusement Machines	\$30.00 ea.	
Vending Machines	\$5.00 ea.	
Temporary	\$34.00	
Class A Beer	\$225.00	
Public Exhibitions	\$30.00 per day	
Solicitors (ID required for all participants)	\$38.00 per person	

All Licenses expire December 31st. There is no pro-ration for a partial year!



2C

PERRY CITY

3005 SOUTH 1200 WEST-PERRY, UTAH 84302
 OFFICE: (435) 723-6461 FAX: (435) 723-8584
Business License Application

P P* C
 BL # _____
 Zone: _____

Date Submitted: 06/22/2010 Business Name: _____

Business Address: 2365s. 900w Perry, UT. 84302 Mailing Address: 2365s. 900w

Business Phone: 435-740-4057 Cell Phone: 435 740 4057 Home Phone: _____

Owner's Name: Misti Groll Nature of Business: Salon

Visiting Clientele: Yes
 No (Circle one) The Business Address Is A (Circle One) Residence Commercial Building

State License No. (if required) _____ State Tax Exempt No. _____ Website/ Email: _____

Home Business	\$30.00	
Professional Services / Contractor	\$34.00	<u>34.00</u>
Wholesale / Retail Business	\$30.00	
Big Box (Wal-Mart)	5,000.00	
Construction	\$125.00	
Automotive	\$34.00	
Gas Station/Convenience Store	\$125.00	
Food Sales/ Fruit Stands	\$125.00	
Large Scale Construction	\$2,359.00	
Live Performance	\$125.00	
Movie Theater	\$125.00	
Public Lodging	\$34.00	
Rental (PLUS \$10.00 PER UNIT)	\$41.00	
Storage Units	\$125.00	
Truck Stop	\$2,608.00	
Restaurant	\$125.00	
Amusement Machines	\$30.00 ea.	
Vending Machines	\$5.00 ea.	
Temporary	\$34.00	
Class A Beer	\$225.00	
Public Exhibitions	\$30.00 per day	
Solicitors (ID required for all participants)	\$38.00 per person	

All Licenses expire December 31st. There is no pro-ration for a partial year!

2B+2C

**Title 62, A Land Use Ordinance
HOME OCCUPATIONS**

- Chapter 62.01. GENERAL PROVISIONS**
- Chapter 62.02. ADDITIONAL REQUIREMENTS FOR PARTICULAR OCCUPATIONS**
- Chapter 62.03. LICENSE AND/OR PERMIT REQUIREMENTS**

**Chapter 62. 01.
GENERAL PROVISIONS**

- 62.01.010. Intent and Purpose.**
- 62.01.020. Definition of Home Occupation.**
- 62.01.030. Visiting Clientele, as per Municipal Code Section 43.04.100.**
- 62.01.040. Variables to Determine Approval.**

62.01.010. Intent and Purpose.

The intent and purpose of this ordinance is to protect the residential environment from any intrusion or disruption that can occur with some home occupations and also to provide for the health, safety, and welfare of Perry City residents.

62.01.020. Definition of Home Occupation.

Home Occupation means every trade, profession, occupation, business, and/or activity engaged in within a residence with the object of economic profit, benefit, or gain, directly or indirectly and carried on by persons residing on the premises.

*** 62.01.030. Visiting Clientele, as per Municipal Code Section 43.04.100.**

As per Perry Municipal Code Section 43.04.100(Items 1 and 5B) and Title 60, Conditional Uses, Home Occupations require a Conditional Use Permit with visiting clientele and do not require a Conditional Use Permit if there is no visiting clientele (but usually require a Design Review Process with no visiting clientele).

62.01.040. Variables to Determine Approval.

The following are the criteria that determine home occupation:

1. The Home Occupation is incidental and secondary to the use of the property as a residential dwelling.
2. Any activity which produces increased foot and vehicular traffic, parking, sounds, or noises, lighting, vibration, or anything that is uncommon to the residential character of the surrounding area to such a degree so as to constitute a nuisance to the residents of the immediate neighborhood shall be prohibited.
3. The occupation is limited to not more than two persons who actually reside on the premises.

4. The occupation shall not require interior or exterior alterations and shall retain the general character and appearance of a residential dwelling.
5. The occupation shall not be open to the public at times earlier than 8:00 a.m. nor later than 9:00 p.m. (exceptions to this rule would be Licensed Family Group Care or Residential Certificate Child Care Providers who may need to be available to accommodate different work schedules of their clients.)
6. An occupation that attracts customers, clients or students to the premises for sales or services shall not be allowed in multi-family dwelling units.
7. In order to guarantee that the Home Occupation, once authorized, will not become a nuisance to the neighbors, the appropriate land use authority may impose other reasonable conditions initially and from time to time, to protect the public health, safety, peace and welfare of the residents of the surrounding residential neighborhood.

**Chapter 62.02.
ADDITIONAL REQUIREMENTS FOR
PARTICULAR OCCUPATIONS.**

- 62.02.010. Professional Office.**
62.02.020. Licensed Family Group Care Provider Definition.
62.02.030. Residential Certificate Child Care Provider Definition.
62.02.040. Preschool and Teaching (Music Lessons, Dance, Instruction, etc.).
62.02.050. Construction and/or Repairs Business.

62.02.010. Professional Office.

No more than six (6) clients per day, one client at a time, or six (6) clients at a time, once per day; or a combination of these. Over six (6) clients per day must meet the requirements of the International Building Code as adopted by Perry City Ordinance.

62.02.020. Licensed Family Group Care Provider Definition.

A child care provider who cares for nine (9) to sixteen (16) children (unrelated to the licensee) for less than twenty four (24) hours per day, with a regularly scheduled, ongoing enrollment, for direct or indirect compensation, in the provider's home, and who meets all standards and requirements of the State of Utah's rules for licensed family child care. A License from the State of Utah and a Conditional Use Permit from Perry City shall be required.

62.02.030. Residential Certificate Child Care Provider Definition.

A child care provider who cares for one (1) to eight (8) children in a provider's home, having a regular schedule, ongoing enrollment, for direct or indirect compensation. A Residential Certificate Child Care Provider may not care for more than eight (8) children including the provider's own children under age four years. The provider may also not care for more than two (2) children under age two years, including the provider's own children under age two years.

62.02.040. Preschool and Teaching (Music Lessons, Dance, Instruction, etc.).

No more than six (6) students or clients per day at a time; or six (6) students or clients at a time, once a day; or a combination of these. Preschools fall under the same regulations as child care providers depending on the number of students. Over six (6) students per day must meet the requirements of the International Building Code adopted by Perry City Ordinance.

62.02.050. Construction and/or Repairs Business.

No visible storage of supplies or equipment will be allowed. No parking of employee vehicles, Semi Trucks, heavy equipment, or any other disruptive elements will be allowed.

Chapter 62.03.**LICENSE AND/OR PERMIT REQUIREMENTS****62.03.010. Business License.****62.03.020. Other Government Agency Approvals.****62.03.030. Expiration upon Lapse of License or Residency.****62.03.040. Design Review and/or Conditional Use.****62.03.050. Special Exceptions in Non-Residential Zones.****62.03.060. Inspections.****62.03.010. Business License.**

All Home Occupations require a yearly Perry City Business License before conducting business.

62.03.020. Other Government Agency Approvals.

The appropriate land use authority may require or recommend that the applicant acquire approval of county, state, or federal agencies or obtain specific inspections for Home Occupations as required by law.

62.03.030. Expiration upon Lapse of License or Residency.

Home Occupation approvals expire upon the lapse of the Perry City Business License and/or required state approval or license or at such time that the applicant is no longer residing at the address for which the approval was granted.

62.03.040. Design Review and/or Conditional Use.

Home Occupations may require a Design Review and/or an approval of a Conditional Use Permit by the appropriate land use authority (see Sections 62.01.030 and 43.04.100, Item (59(b))).

62.03.050. Special Exceptions in Non-Residential Zones.

Special exceptions to these requirements may be recommended by the Planning Commission to the Special Use and Appeals Board for Home Occupations in areas outside of residential zones, with a finding that said special exceptions are consistent with the zone of the area.

62.03.060. Inspections.

The appropriate licensing authority or land use authority can require building inspection and/or fire inspection at the owner's expense as part of the process for issuing a Business License or approving a Conditional Use Permit.

Legislative History

New numbering system and codified into new municipal code: 12/11/2008



PERRY CITY

3005 SOUTH 1200 WEST-PERRY, UTAH 84302

OFFICE: (435) 723-6461 FAX: (435) 723-8584

LIMITED REVIEW PERMIT APPLICATION

3A

Date: 10-16-10 Fees Paid: 50-

TYPE OF APPLICATION (CHECK ONE):

- SIGN PERMIT
- RESIDENTIAL BUILDING PERMIT (NOT IN SUBDIVISION)
- OTHER

CURRENT PROPERTY OWNER(S):

Brad & Katrina Argyle

APPLICANT:

Address: 2890 S. 1200 W City, State, Zip Perry Ut 84302
 Phone: 435-723-3804 Fax: Email
 1-801-580-8106

AUTHORIZED AGENT (CONTACT PERSON):

Address: City, State, Zip:
 Phone: Fax: Email:

ENGINEER/SURVEYOR:

Address: City, State, Zip:
 Phone: Fax: Email:

I certify that I understand the rules stated below and that this application is true and correct to the best of my knowledge.

K. Argyle
Applicant

- (1) All sections of this application must be complete and fees paid upon submittal.
 - (2) The payment of fees does not guarantee a certain result and fees are not refunded due the lack of favorable result.
 - (3) Complete documentation must be submitted to the City 14 days in advance of any Meeting.
 - (4) The applicant (or a representative) must be present at a meeting for action to be taken.
- See Perry Municipal Code Chapter 42.07 and Sections 43.04.030 and 43.04.035.

Perry City
3005 S 1200 W
Perry, UT 84302

435-723-6461

3A

Receipt No: 1.051238

Jun 16, 2010

KATRINA ARGYLE

Misc. Revenue-Zoning & Subdivision Fee 50.00

Total: 50.00

Check Chk No: 6712 50.00
Total Applied: 50.00

✓ Appeal Fee Pd. in full

Change Tendered: .00

06/16/10 11:34am

BUILDING PERMIT APPLICATION

BECOMES PERMIT WHEN SIGNED

3A

* Date of Application: 6-14-10
 * Date Work Starts: 6-18-10
 * Proposed Use of Structure: 10' Fence Tennis Court Fence
 * Bldg. Address: 2890 So (200 W)
 * Address Certificate No. _____
 * Assessor's Parcel No. _____
 * Lot # _____ * Block _____ * Subd. Name & Number _____
 * Property Location _____ *If metes and bounds see instructions
 * Total Property Area - In Acres or Sq. Ft. _____ Total Bldg. Site Area Used _____
 * Owner of Property: Brad Argyle Phone: 1-801-580-8106 / 435 723-3804
 * Mailing Address _____ City - Zip _____
 * Business Name Address _____ Business Lic. No. _____
 * Architect or Engineer _____ Phone _____
 * General Contractor _____ Phone _____
 * Business Address - City - Zip _____ * State Lic. No. _____ * City/Co. Lic. No. _____
 * Electrical Contractor _____ Phone _____
 * Business Address - City - Zip _____ * State Lic. No. _____ * City/Co. Lic. No. _____
 * Plumbing Contractor _____ Phone _____
 * Business Address - City - Zip _____ * State Lic. No. _____ * City/Co. Lic. No. _____
 * Mechanical Contractor _____ Phone _____
 * Business Address - City - Zip _____ * State Lic. No. _____ * City/Co. Lic. No. _____
 * Previous Usage of Land or Structure (Past 3 yrs.) _____
 * Dwell. Units Now on Lot _____ * Accessory Bldgs. Now on Lot _____
 * Type of Improvement/Kind of Const.
 Sign Build Remodel Addition
 Repair Move Convert Use Demolish
 * No. of offstreet parking spaces: Covered _____ Uncovered _____

BUILDING FEE SCHEDULE

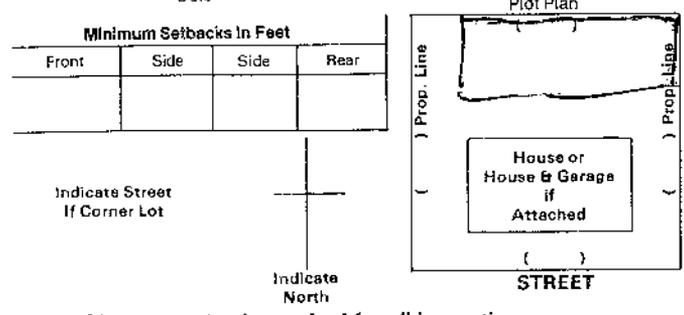
Square Ft. of Building	Valuation		
<input type="checkbox"/> Rough Basement	Building Fees	55	
<input type="checkbox"/> Finish Basement	Plan Check Fees		
Carport sq. ft.	Electrical Fees		
Garage sq. ft.	Plumbing Fees		
Type of Bldg.	Mechanical Fees		
Occ. Group	Subtotal		
No. of Bldgs.	R. Value Walls		
No. of Stories	Roof		
No. of Bedrooms	R		
No. of Dwellings	R		
Type of Construction	Water		
<input type="checkbox"/> Frame <input type="checkbox"/> Brick Var.	Sewer		
<input type="checkbox"/> Brick <input type="checkbox"/> Block <input type="checkbox"/> Concrete <input type="checkbox"/> Steel	Storm Sewer		
Max. Occ. Load	Moving or Demo.		
Fire Sprinkler <input type="checkbox"/> Yes <input type="checkbox"/> No	Temporary Conn.		
	Reinspection		
	State Fee	55	
	Total	55	55

Special Approvals: Board of Adjustment, Health Dept., Fire Dept., Soil Report, Water or Well Permit, Traffic Engineer, Flood Control, Sewer or Septic Tank, City Engineer (off site), Gas, Land Use Cert., Electrical Dept., HiBack C.G. & S., Other

Comments: This is 10' fence around tennis court. 10' fence are not allowed by City Code. This is not Approval. Must Appeal thru appeals Board.

SUB-CHECK Zone _____ Zone Approved By _____

Disapproved _____ Approved _____ Date _____ Sub-Ck. By _____



This application does not become a permit until signed below.

Plan Chk. OK by _____

Signature of Approval _____ Date _____

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

* Signature of Contractor or Authorized Agent _____ Date: 6-14-10

* Signature of Owner (If owner) _____ (Date) _____

PLANNING DEPT. USE

Census Tract.	Traffic Zone	Coordinate Ident. No.
New S.L.U. Code No.	Old S.L.U. Code No.	

Certificate of Occupancy

NOTE: 24 hours notice is required for all inspections.

(3A)

**Title 57, A Land Use Ordinance
STANDARDS FOR RESIDENTIAL FENCES,
POOLS, AND MISCELLANEOUS STRUCTURES**

- Chapter 57.01. STANDARDS FOR RESIDENTIAL FENCES**
Chapter 57.02. STANDARDS FOR RESIDENTIAL SWIMMING POOLS

**Chapter 57.01.
STANDARDS FOR RESIDENTIAL FENCES**

- 57.01.010. Front, Side, and Rear Yards.**
57.01.020. Corner Lots.
57.01.030. Obstruction to View.
57.01.040. Measurement Where Elevation is Different.

57.01.010. Front, Side, and Rear Yards.

Except as otherwise stated in Sections 57.01.030 and 57.01.040 of this title, no fence, hedge or other similar structure shall be erected in any required front yard of a lot to a height in excess four feet (4'); nor shall any fence or other similar structure be erected in any side or rear yard to a height in excess of six feet (6').

57.01.020. Corner Lots.

No fence, hedge or other similar structure shall be erected to a height in excess of four feet (4') in the rear or side yard of a corner lot, which lies adjacent to:

1. a vacant lot; and/or
2. a driveway or garage access located on an adjoining lot.

57.01.030. Obstruction to View.

In all zones, no obstruction to view in excess of two feet (2') in height as measured from the top of the curb or edge of the hard street surface, shall be placed on any corner lot within a triangular area formed by the street property lines and a lone connecting them at points forty feet (40') from the intersection of the street lines, or at any other location which would obstruct the vision of street and regulatory signs or oncoming vehicles by automobile drivers, except a reasonable number of trees pruned high enough to permit an unobstructed view of street and regulatory signs or oncoming vehicles by automobile drivers.

57.01.040. Measurement Where Elevation is Different.

Where a fence is erected upon a retaining wall or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, the height of a fence shall be measured from a point halfway between the top of the retaining wall and the land on the lower side or from the average elevation of the surface of the land on either side of the fence, but nothing herein contained shall be construed to restrict a fence to less than four feet (4') in height measured from the surface of the land on the side having the highest elevation.

**Chapter 57.02.
STANDARDS FOR RESIDENTIAL
SWIMMING POOLS**

57.02.010. Pool as an Accessory Use.

57.02.020. Location.

57.02.030. Fence and Lights.

57.02.010. Pool as an Accessory Use.

A residential/family swimming pool shall be permitted in the rear of a dwelling as an accessory use provided the requirements of Sections 57.02.020 and 57.02.030 are met.

57.02.020. Location.

The location of such family swimming pool or accessory machinery shall be not less than thirty-five feet (35') from any dwelling on an adjoining lot and not less than ten feet (10') from any interior property line facing on a street shall not be less than the required side yard for and accessory building in that zone.

57.02.030. Fence and Lights.

An outside family pool shall be:

1. enclosed by a fence structurally adequate to resist wind load in complete conformity with the International Building Code (IBC); and
2. non-climbable; and
3. enclosed with a child-proof gate; and
4. no less than six feet (6') in height.

Any lights used to illuminate said swimming pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises.

Legislative History

Last Substantive Revision: January 24, 2008

New numbering system and codified into new municipal code: 12/11/2008

Part C. Appeals Board: Authority and Procedures.

43.02.120. Authority of the Appeals Board.

The Special Uses and Appeals Board shall:

1. **Hear and decide, as a final land use authority (or final business license authority), "special uses"** and certain business license issues, such as:
 - a. All special exceptions (including for lot line adjustments, flag lots, cul de sacs, billboards and outdoor advertising, etc.); and
 - b. All conditional use permits (and expansions, revocations, etc., including child care, other home occupation permits with visiting clientele, and excavation operations); and
 - c. The zoning location and boundary policy; and
 - d. The modification/enlargement of nonconforming uses/noncomplying structures; and
 - e. The existence of "limited" nonconforming uses and "limited" noncomplying structures (for "permits by mistake" or "zoning estoppel" situations); and
 - f. Any other special applications for which special land use expertise is needed for the City, or for any affiliated building authority or special district, etc.; and
 - g. Certain business license issues, as per the business license ordinance, especially Section 5.02.075; and
 - h. Any other powers and duties prescribed by law or assignment;

All as identified in items 5A, 5B, and 5C in Section 43.04.100 or by law; and with the Appeals Board to primarily review compliance with legal requirements and to provide reasonable deference to the Planning Commission (when it is acting as an initial land use authority); and

2. **Hear and decide "regular" appeals from decisions of land use authorities**, in accordance with *Utah Code Annotated* §§10-9a-701 and -703, 1953, as amended, and the City's land use ordinances, including, but not limited to, the authority for appeals identified in Section 43.04.120 and in items 1, 2, 3A, 3B, and 4 in Section 43.04.100, and certain business license issues, as per the business license ordinance, especially Section 5.02.075, with the standard of review to be "on the record" if a public meeting or public hearing was held; otherwise, the standard of review to be "de novo"; and

3. **Do the following, in a quasi-legislative manner:**
 - a. Recommend to the City Council that a legislative process be initiated with regards to one or more specific land use ordinances or other written land use provisions; and
 - b. Act as the "Public Works Standards Review Committee," as set forth in Sections 43.05.010 (items 7A and 7B) and 46.02.030(3) unless the Mayor, with advice and consent from the City Council, appoints other members for said Committee; and
 - c. Recommend to the City Council proposed amendments to the business license, transient room tax, or municipal energy sales and use tax ordinances, as per Section 43.05.010 (Item 9).

3A

43.02.130. General Procedures of the Appeal Authorities; Presumption of Validity.

The following procedures shall apply to the Appeal Authorities:

1. The Appeal Authorities shall comply with *Utah Code Annotated* §10-9a-701(5), 1953, as amended, regarding membership; and no Member of either Appeal Authority, when appointed or during the time of appointment, shall be a member of the City Staff, the Governing Body, a land use authority, or the other Appeal Authority of the City, as per Section 43.02.040(3) herein; and
2. All references to the "Board of Adjustment" in the municipal code and Land Use Ordinances are hereby amended to read the "Appeals Board" or "Administrative Law Judge," as applicable (as per Sections 43.01.040 and 43.02.020); and
3. Title 10, Chapter 9a, Part 7 of the *Utah Code Annotated*, 1953, as amended, and the applicable City ordinances shall govern all appeal deadlines, burden of proof, due process, standards of review, and matters of finality. For any appeal of a land use decision to an Appeal Authority, the deadline is 10 calendar days from the date of the land use authority's decision, as per Sections 43.04.115 and 43.04.120; and
4. An Appeal Authority shall presume all City ordinances and other written land use provisions to be valid, unless a Court rules to the contrary. If an applicant alleges that a written land use provision is unconstitutional, illegal, invalid, etc., then said claim may be stated for the record and preserved for a potential appeal to District Court.

43.02.135. Procedures of the Appeal Authorities: Adjudicating Variances/Appeals.

When an Appeal Authority is acting on a variance or on a regular, procedural, or limited appeal of a decision of a land use authority (and is not acting as a land use authority or as a quasi-legislative body), then the following procedures apply:

1. The City and the applicant shall each be treated as separate "parties" (and each is entitled to its own attorney or representative) before the Appeal Authority, and other interested person(s) may also be "parties," for purposes of the quasi-judicial proceeding; and
2. Copies of all records of proceedings, memoranda, or other documents (referred to collectively as "documents") provided by City Staff or a land use authority (referred to collectively as "City officials") to an Appeal Authority shall also be provided to the applicant and other interested parties (referred to collectively as "interested parties") at least three days in advance of the proceeding. Likewise, the interested parties shall provide, to the City officials and other interested parties, copies of all documents provided to the Appeal Authority at least three days in advance of the proceeding; and
3. The Appeal Authority shall have the authority to exclude copies of any and all documents not provided (at least three days) in advance to the Appeal Authority and/or to all interested parties; and
4. The City has the option of not taking a position on an issue. The City shall be represented in such a proceeding by the Chair or Director (or his/her designee) of the land use authority being appealed and/or by the City Attorney (or his/her designee); and
5. An Appeal Authority may affirm, reverse, or affirm in part and reverse in part any decision of a land use authority regarding land use decisions. An Appeal Authority may

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remand the matter to the appropriate land use authority with directions for specific areas of review or clarification, or may request direction from the other Appeal Authority before rendering a decision. Appeal Authority review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Appeal Authority, by motion, enlarges the scope of the appeal to accept information on other matters it may legally hear.

43.02.140. When Appeal Authority Decisions Become Effective.

Decisions of an Appeal Authority become effective immediately (assuming the Appeal Authority issues an oral decision at a public meeting); otherwise, decisions of an Appeal Authority become effective as soon as they are made available in writing or to the public.

Part D. Appeals Board: Leadership and Staff.

43.02.150. Chair and Acting Chair of the Appeals Board.

The Chair of the Appeals Board shall be the attorney Member of the Appeals Board, and shall approve all agendas, and shall preside over the meetings he/she attends, and shall execute all official documents of the Appeals Board for said meetings. If the Chair is absent, an Acting Chair, selected by a majority of the quorum in attendance, shall preside over the meeting, and shall execute all official documents of the Appeals Board for that meeting. In the alternative, the Chair and Acting Chair may execute documents on behalf of each other. The Chair or Acting Chair shall always vote, as per Section 43.02.180. See Section 43.02.200 for additional authority of the Chair. The compensation for the Chair of the Appeals Board is set forth in Section 43.02.050.

43.02.160. Community Development Department to Act as Staff to Appeal Authorities.

The Community Development Director ("Director"), as the head of the Community Development Department ("Department"), shall ensure that the City engineer(s), planner(s), and inspector(s), etc., provide adequate staffing and equal access to municipal resources for each Member of the Appeal Authorities. The Director shall also work with the City Recorder to provide a Community Development Clerk and/or Minutes Clerk to assist the City planner(s) and other staff with accepting all applications and preparing all agendas and minutes for the Appeal Authorities, and to maintain records of the Appeal Authorities, including all applications and files of proceedings and actions taken in connection therewith. The City Attorney (or an Assistant City Attorney) shall also act as staff for the Appeal Authorities (for "special uses" and other applications), but not for appeals or variances (for which a special attorney could be retained, if needed).

43.02.170. Community Development Department to Provide Minutes, Agendas, and Information Regarding Land Use Applications to the Appeal Authorities.

The Department shall, not less than three days prior to any meeting of an Appeal Authority, transmit to each Member of the Appeal Authority an agenda (with the time of the meeting), a copy of the minutes of the previous meeting(s), and information pertinent to the requests to be

acted upon by the Appeal Authority at the meeting (including records of actions taken by the Department and/or Planning Commission, etc.). If the three day agenda deadline is missed, then the meeting is automatically cancelled. If the three day information deadline is missed, then the agenda item may be discussed, but not acted upon. The Department shall be responsible for posting the agenda and notifying interested parties of upcoming Appeal Authority meetings. The Department shall ensure that all granted/approved variances, plats, and other relevant land use documents are recorded in the County Recorder's Office, at the expense of the property owner or appropriate interested party.

Part E. Appeals Board: Meetings, Voting, and Ethics.

43.02.180. Appeals Board: Quorum; Decisions by Majority (Roll Call) Vote.

If all five (5) Members have been appointed and none of their terms have expired, a quorum of at least three (3) Members of the Appeals Board is required to start or convene a meeting and to act on any application, appeal, or issue. A quorum of at least two (2) Members is required if there is at least one vacancy on the Appeals. All votes shall be by "Roll Call," and the Chair or Acting Chair shall always vote (and shall always vote last). A majority affirmative concurring vote of the quorum in attendance (excluding Members recused, as per Section 43.02.190) is required for any motion or vote to be approved. The Appeals Board shall operate in compliance with applicable federal, state, and municipal laws and regulations.

43.02.190. Members to Vote on All Issues: Members to Recuse When Conflicts Arise.

All Members: (1) may ask applicants and interested parties questions; and (2) shall vote on all issues, except where they recuse themselves (also known as abstaining) for a conflict of interest or other ethical issue. Reasons to recuse could include a financial interest or a situation in which a Member was previously a member of a land use authority which acted on the issue or on a related issue (which is now on appeal or otherwise before the Appeals Board). A Member may either vote or recuse regarding approval of minutes for a meeting he/she did not attend. To "recuse" means to leave the meeting (unless the issue is approval of the minutes) for the relevant issue and to not participate in any discussion, motions, or voting (unless the Member is an applicant, in which case said Member may be present and participate as an applicant). For some ethical issues, disclosure (without recusing/abstaining) may be adequate. As per Section 43.02.200, the Chair or Acting Chair of the Appeals Board shall decide any issues as to how the rules of ethics shall be applied, subject to a procedural appeal/petition.

43.02.200. Rules of Procedure: Chair to Decide Rules Application.

Roberts Rules of Order, newly revised, shall govern meeting conduct, unless other appropriate rules of procedure are adopted, or unless such rules conflict with other provisions of the municipal code. The City Attorney (or Assistant City Attorney or special attorney), as parliamentarian, may recommend regarding any issues as to how the rules of procedure shall be applied. The Chair or Acting Chair of the Appeals Board shall decide any issues as to how the rules of procedure (including rules of ethics) shall be applied, subject to a procedural appeal/petition, and may administer oaths and compel the attendance of witnesses.