

**Perry City  
ORDINANCE 23-L**

**SITE PLANS**

**SITE DESIGN AND APPROVAL REQUIREMENTS**

**WHEREAS**, Utah Code Annotated 10-9a authorizes Perry City to regulate the development of land; and,

**NOW THEREFORE**, be it ordained by the City Council of Perry City, UT as follows:

**SECTION 1: Repealer.** If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

**SECTION 2: Amendment.** Section "4.09.050 " is hereby amended as follows.

...

<b>Row</b>		
	Vacate a Street, Alley, Right-of-way, etc.	\$300.00
<b>Row</b>		
	Vacate a Subdivision	\$300.00
<b>Row</b>		
	*Site Plan Review <del>(Design Review)</del> and Conditional Use Permit Fees:	
<b>Row</b>		
	Site Plan or Conditional Use Permit	<del>\$300</del> <u>500</u> .00
<b>Row</b>		
	<u>Site Plan (Concept)</u>	<u>\$100.00</u>
<b>Row</b>		
	Sign Permit	\$100.00
<b>Row</b>		
	Land Use Appeals:	

...

**SECTION 3: Amendment.** Section "15.05.040 " is hereby amended as follows.

...

- i. All applications for ... state and federal law).
- b. Legislative Action.
  - i. Any request to amend the land use ordinances or maps (including zone changes), or request to amend the general plan or maps, or request for other legislative action, shall also be duly



filed with the Department, who shall forward the same to the Planning Commission or City Council, etc., as is appropriate, and as provided for in PMC 15.05.050.1. ~~Appointment to the appeals board (by the mayor, with advice/consent)~~

2. Applications; fees; errors; enforcement.

a. Land use applications.

...

i. See the following ... of the Appeal Authorities.

Row	Type of Standard Application*-(Administrative)	Initial Land Use Authority	Final Land Use Authority	Appeal Authority (Quasi-Judicial)
Row	1. Routine Permits(including building permits, Business Licenses, utility easements, regular traffic signs/markings, design review not involving a site plan change, temporary use/obstruction of city right of way, etc.); Escrow Release Requests	--	<del>CC Dep./Staff</del>	Hearing Officer
Row	2. Non-Routine Permits (including changes to street <del>names</del> <u>numbers</u> /signs, special traffic signs/markings); Temporary Emergency Exceptions	<del>CC Dep./Staff or Mayor</del>	City <del>Council</del> <u>Engineer</u>	Hearing Officer



Row			
<del>3A. Limited Review Permits, including certain commercial bldg. permits, res. site plans not in a subdivision, signs, etc.</del>	<del>CC Dep./Staff</del>	<del>Plan. City Com. Ltd. Review</del> *** <u>Council</u>	<del>Hearing Officer</del>
*** <u>3. Changes to street names</u>			

Row			
<del>3B. Design Review involving a (New or Amended) Site Plan**;</del>	<del>Plan. Building Com.</del>	<del>City Building Council</del>	<del>Hearing Officer</del>
<del>Recommendations to Public Agencies or Neighborhood Planning Issues</del> *** <u>4. Limited Review Permits, including certain commercial bldg. permits, res. site plans not in a subdivision, etc.</u>	<del>** Official</del>	<del>Official</del>	

Row			
<del>45. Subdivisions/Street Site Dedications** Plan (new Applications, amend, vacate, dedicate, etc. Signs.)</del>	<del>Plan. Com. ** Public Hearing--</del>	<del>City Comm. Council</del> <u>Dev. Director</u>	<del>Hearing Officer</del>

~~\* Or for an amendment, modification, enlargement, or revocation of said type of application, unless otherwise indicated.~~

Row			
<u>6. Subdivisions/Street Dedications (new, amend, vacate, dedicate, etc.)</u>	<u>Planning Commission</u>	<u>Comm. Dev. Director</u>	<u>Hearing Officer</u>

~~\*\* Preliminary and final recommendations may be combined for simplified site plans and one to three lot residential subdivisions. For the design review/site plan process, a public hearing is not required, but is an option (for the Planning Commission). See PMC 14.01.020 and PMC 14.01.030 for optional processes for subdivisions.~~

~~\*\*\* This is a limited one meeting review (for limited review permits). See PMC 15.05.040(3)(a)/PMC 15.05.040(3)(b) for further information regarding this process. A recommendation as to a public right~~



~~of way or other neighborhood planning issue may be given to UDOT or another public agency (or to otherwise take action on an issue, with or without a formal application).~~

Row	Type of Standard Application* (Administrative)	Initial Land Use Authority	Final Land Use Authority	Appeal/Revocation Authority (Quasi-Judicial)
Row	<del>5A</del> 7. Zoning Location and Boundary Policy**	<del>Planning Commission**</del>	<del>**City Planning Council</del> <u>Commission</u>	Hearing Officer
Row	<del>5B</del> 8. Conditional Use Permits (including Excavation, etc.); <del>Special Exceptions for Subdivisions and Residential (incl. lot line adj., flag lots)</del>	CD Dep./Staff	Planning Commission****	Hearing Officer
Row	<del>5C</del> 9. Nonconforming Uses, incl. Certif. of Exist. for Limited Nonconforming Uses/Structures (Sec. 15.05.040(B)(3)), Modify “Regular” Nonconforming Uses/Structures, etc.; Other Special Exceptions and Special Applications	<del>Planning Commission****</del>	<del>City Planning Council</del> <u>Commission</u>	Hearing Officer
Row	<del>5D</del> 10. Certificate of Existence for Nonconforming Uses/Noncomplying Structures (and Certif. of Legal Compliance)	--	CD Dep./Staff	Hearing Officer



Row			
<del>6A</del> 11.	Limited Appeals to Interpret Land Use Ordinances and Maps <del>**;</del> ; Variances <del>***;</del> ; Procedural Appeals (See PMC 15.05.040(5)(a))	--	Hearing Officer
Row			
<del>6B</del> 12.	Nuisance Enforcement/Zoning Enforcement	CD Dep./Staff	Hearing Officer

\* Or for an amendment, modification, enlargement, or revocation of said type of application,~~unless otherwise indicated.~~

~~\*\* Either an applicant or a land use authority may request an interpretation of a land use ordinance or map, as per item (6)(A) above (see PMC 15.05.040(5)(c)), including a special process for the interpretation of zoning locations and boundaries for “split parcels,” etc., as per item 5A above (see PMC 15.07.030 and PMC 15.07.040).~~

~~\*\*\* As per Utah Code Annotated §10-9a-702(3), 1953, as amended, this is for an applicant desiring “a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or . . . beneficial interest . . .”~~

~~\*\*\*\*The proposed amendment, modification, or enlargement of a Nonconforming Use or Noncomplying Structure requires a public hearing by the Special Uses and Appeals Board. The review, suspension, or revocation of a Conditional Use Permit does not require a public hearing.~~

b. Community development department ... land use authority.

...

b. Public notice requirements ... established in state law.

i. If, for a ... shall be as follows:

(1) Publish at least once, and at least 8 days in advance, ~~in a newspaper of local circulation;~~on the Utah Public Notice Website;

(2) Place on the ... land use authority; and

(3) Mail notice, by ... days in advance, to:

...

SECTION 4: Amendment. Section "15.07.040 " is hereby amended as follows.

...

The following are guidelines for zoning boundary policy:

1. These guidelines may be applied during the ~~Design Review process (PMC 15.17) or the Subdivision process (PMC Title 14) as a means to extend a land use when the following requirements~~



~~are met:~~ Site Plan Application process (PMC 15.18) or the Subdivision process (PMC Title 14) as a means to extend a land use when the following requirements are met:

- a. The parcel for ... two or more zones).
- b. The applicant has ... are within the parcel.

...

- d. Primary frontage of ... uses for corner lots.
- e. Non-residential uses abutting ... to the nonresidential use.

3. One or a combination of the following methods for determining land use may be applied by the Planning Commission to make ~~recommendations~~ a determination for the parcel in question:

- a. The Planning Commission may ~~recommend~~ determine that the uses allowed in the majority zone of the parcel be extended to the entire parcel.
- b. The Planning Commission ... Planning Commission deems necessary.
- c. When there are conflicting lot size requirements in the zones contained in the parcel for development, the Planning Commission may ~~recommend~~ determine using a formula to average the size of the lots to be developed to conform to the average density allowed in all of the zones involved.

4. In making land ... of the following suggestions:

- a. The right of ... be recommended when appropriate.
- b. Re-Zoning of a parcel to conform to ~~ne~~ the zone should be recommended when appropriate.
- c. Discouragement of small ... of multiple density uses.
- d. Commercial uses should ... collector or arterial streets.

...

**SECTION 5: Repeal.** Section "15.17.010 " is hereby repealed.

#### ~~15.17.010.1 Intent And Purpose~~

~~The intent of the Design Review Procedure is to assure that a detailed design review process is followed for permitted uses in any zone that require special consideration to be harmonious with the goals of the Perry City General Plan.~~

#### ~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.17.010.2 Compliance With Municipal Code~~

~~Each Design Review application shall be reviewed to assure that all ordinances and policies of Perry City are complied with for the welfare, health and safety of Perry residents and for the protection of adjoining properties.~~

#### ~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

**SECTION 6: Repeal.** Section "15.17.020 " is hereby repealed.



#### ~~15.17.020.1 Application~~

~~A Design Review Application shall be required for all uses designated by the Perry City Land Use Chart\* (PMC 15.15) with an asterisk "\*" indicating the use is allowed by Design Review or whenever required by the Planning Commission or City Council for protection of the public interest.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.17.020.2 Compliance With Municipal Code~~

~~Each application shall be reviewed and evaluated for compliance and must meet all applicable Perry City Ordinances (Ex. Fence, Sign, Parking, Landscape, etc.).~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.17.020.3 No Physical Change To A Site~~

~~If there is no physical change to the site, building or parking, for example, some home occupations; the Design Review Process will not be necessary, although a Design Review Application will need to be completed and Planning Commission review and approval will be necessary.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

**SECTION 7: Repeal.** Section "15.17.030 " is hereby repealed.

#### ~~15.17.030.1 Compliance With Municipal Code~~

~~All development approved with the Design Review process shall comply with the adopted building codes and the ordinances and policies of Perry City.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.17.030.2 Effect On Adjacent Property~~

~~The property adjacent to the proposed development shall not be adversely affected. To this end, the Planning Commission shall recommend and the City Council shall require such conditions as are necessary to protect existing permitted uses or potential permitted uses adjoining the proposed development.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.17.030.3 City Council Surety For Completion~~

~~The City Council may require the developer to provide a surety of cash bond or other acceptable surety in an amount determined by the City Council guaranteeing completion of the project in accordance with the conditions of the building permit or Design Review Application approval. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two (2) years from the date of final acceptance, the City Attorney will review the progress and Perry City may proceed to use the bond to meet the conditions required for the approved use.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~



**SECTION 8:** **Repeal.** Section "15.17.040 " is hereby repealed.

~~15.17.040.1 Obtain Perry City Land Use Ordinances~~

~~Information as to standard zoning and Perry City General Plan requirements is to be secured by the developer. Any person wishing to obtain approval for a permitted use that requires Design Review within Perry City shall secure from the City Recorder or City Office or other authorized representative of the Planning Commission, information pertaining to the City Standards and to the City's ordinances and policies regarding streets, landscape, parks, drainage, zoning, parking, traffic circulation, signs, fences, subdivision of land, and/or other General Plan requirements affecting the proposed development.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.040.2 Preparation Of Site Plan And/Or Concept/Preliminary Plan~~

~~The following is required of any site plan or concept/preliminary plan:~~

~~1. Seven (7) full-size 24" X 36", Sixteen (16) 11" X 17" copies and one electronic PDF copy of the Site Plan or the Concept/Preliminary Plan (or the number of copies required as determined by the City Staff), a plat map showing the location of the development and a Planning Commission Hearing Application with payment of the fee will be required to be received at the City Office fourteen (14) days prior to the Planning Commission Meeting when the application is to be reviewed. The Perry City Staff will review the application and make recommendations to the Planning Commission.~~

~~2. The site plan or concept/preliminary plan need not be prepared by a design professional but the more detailed and accurate the information that is provided to the Planning Commission, the more valid the information and direction the developer will receive back and the Design Review Process may proceed in a more timely fashion.~~

~~3. Graphic Standards: The Site Plan or Concept/Preliminary Plan shall be large enough scale to show sufficient detail for adequate review. The plan shall show the following:~~

~~a. Scale, north arrow, and dimensions of property.~~

~~b. Location of all dominant existing features such as property lines, structures, hard surfaces, vegetation, utilities, adjacent land uses, drainage, wetlands, etc.~~

~~c. Location of all proposed improvements including structures, sidewalks, streets, parking areas, landscaped areas, utilities, drainage facilities etc.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.040.3 Time Limit On Approval~~

~~The developer shall have one year following the approval by the Planning Commission of the site plan or concept/preliminary plan to submit the final plan, profile and other required drawings.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.040.4 Public Hearing~~

~~If the Planning Commission shall deem it to be in the best interest of surrounding property owners~~



~~and City residents to hold a public hearing, they will so advise the Community Development Department to advertise the hearing and notice of an application for a Design Review will be mailed to property owners, or other written notice given, as required by state law. The public hearing shall be held after public notice in a local newspaper, as per the requirements of state law. This is a courtesy to adjacent landowners and compliance with this section shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of failure to give notice to all nearby landowners. The applicant is responsible for the costs of mailing or other written notice.~~

#### ~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.17.040.5 Planning Commission Recommendation~~

~~After the public hearing is held (if deemed necessary), a recommendation of the Planning Commission to table, deny, approve with conditions or approve the site plan or concept/preliminary plan along with any conditions for denial or approval shall be forwarded to the applicant after the meeting. The recommendation should also include any comments from the City Staff, further requirements to be met or changes to be made. If preliminary approval is obtained, the applicant will then submit a final plan including the recommendations. If preliminary approval is not obtained, the applicant may submit another plan fourteen (14) days prior to the next regular meeting for re-consideration.~~

#### ~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.17.040.6 Preparation And Submittal Of Final Site Plan~~

~~The following is required in preparation and submittal of the final site plan:~~

~~1. The developer shall prepare and submit eight (8) 11" X 17" copies and five (5) 24" X 36" copies of the final site plan and any other required drawings or information to the City Recorder fourteen (14) days prior to the Planning Commission meeting when the final plan is to be reviewed.~~

~~2. The Final Site Plan shall be prepared by a Design Professional or Engineer and shall be of sufficient detail to show all pertinent information.~~

~~3. All costs incurred for professional reviews of site plans shall be paid by the developer/applicant.~~

#### ~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.17.040.7 Submittal Of Final Site Plan To Perry City Staff Professional Consultants~~

~~The final site plan and any required engineering or drawings (an estimate of the costs for installation of improvements may be required) shall be submitted to the Perry City Staff and/or professional consultants as deemed necessary. The City Engineer shall check the final site plan and engineering drawings for completeness and accuracy and if necessary, review the breakdown of improvements and cost estimates submitted to him by the developer/applicant and/or the City Recorder. The purpose of this review is to establish a basis for bonding, escrow or other approved assurance requirements which will guarantee the completion of improvements at any point in the development regardless of the financial condition of the developer. All available recommendations of the City Staff, City Engineer, Fire Marshal, Building Inspector, Health Department or other consultants will be~~



~~forwarded to the Planning Commission along with the agenda for the meeting in which the final site plan is to be reviewed.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.050.8 Approval Of Final Site Plan By Planning Commission~~

~~After the final site plan and engineering drawings have been approved by the City Engineer and other Professional Consultants, they shall be submitted to the Planning Commission for its verification as to compliance with the Design Review Requirements and Perry City ordinances and policies. If the plan is acceptable, the Planning Commission shall recommend approval to the City Council. If the plan is not acceptable, the developer shall be notified in writing and the developer shall submit a new plan with the required corrections fourteen (14) days prior to the regular meeting in which the new plan will be reviewed by the Planning Commission.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

**SECTION 9: Repeal.** Section "15.17.050 " is hereby repealed.

~~15.17.050.1 Requirements For Bond And/Or Other Approved Assurance~~

~~If required, the developer shall post a bond, escrow, or other approved assurance that is acceptable with the city; which bond or assurance shall be in an amount equal to the estimated costs submitted and approved by the City Engineer for the improvements plus fifteen percent, guaranteeing that the improvements will be installed according to Perry City Standards and paid for without cost to the city; and the developer shall sign an agreement with the city guaranteeing all improvements for a period of one year after final acceptance by the city (Typically, three (3) years total). Evidence of marketable title shall be obtained by the developer. The performance bond, escrow or other means of assurance and evidence of marketable title will be submitted to the City Recorder by the developer. The City Recorder shall obtain and forward to the City Attorney, the performance bond, evidence of marketable title, and final site plan for review.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.050.2 Impact Fees~~

~~The City Recorder shall inform the developer of the City Attorney's approval and the developer shall deposit with the City Recorder any impact fees or recording fees that may be applicable.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

**SECTION 10: Repeal.** Section "15.17.060 " is hereby repealed.

~~15.17.060.1 Final Approval By City Council~~

~~A statement of approval from utility companies and assurance of license and insurance of contractors, etc. performing work in dedicated areas shall be required from the developer. After the final site plan~~



~~Design Review has been approved by the City Engineer, the Planning Commission, and the City Attorney; and the developer has furnished the required performance bond, escrow or other approved means of assurance; and all required assessments have been made; the final plan shall be submitted to the City Council (with or without conditions) for approval, conditional approval or denial. The Council shall have 20 days to act. If the Design Review Use request is denied, the package along with impact fees and performance bond, etc., shall be returned to the developer with reasons for the denial in writing and directions of how the developer may or may not resubmit the final plan with the required changes for approval.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.060.2 Inspection~~

~~Following the approval of a Design Review Use request by the City Council, the Building Official or Building Inspector shall sign an application for a building permit. The Building Inspector shall insure that the development is undertaken and completed in compliance with all Perry City standards, ordinances and policies and is constructed in accordance with the approved site plan.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.060.3 Time Limit Of Final Site Plan Approval~~

~~Unless there is substantial construction started on a Design Review development as determined by the City Council under a Design Review Permitted Use approval of the final site plan within one (1) year of such approval, the Design Review Permitted Use approval shall then expire.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.060.4 Ongoing Maintenance~~

~~Approval of a development allowed by Design Review implies a guarantee of ongoing maintenance and upkeep of buildings, parking areas, landscaped areas, undeveloped areas and/or any other area or structure shown on the approved site plan.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

**SECTION 11:** **Repeal.** Chapter "15.17 Design Review Procedure" is hereby repealed.

**SECTION 12:** **Amendment.** Section "15.18.010 General" is hereby amended as follows.

15.18.010 ~~Applicability~~General

Applicability. This chapter applies to all commercial, industrial, multi-family dwelling, and apartment developments; this includes, but is not limited to churches, schools, and other permanent site developments. This chapter also applies to the expansion of existing developments when proposed and/or cumulative changes will expand the use by thirty (30) percent from the most recently approved site plan or to any expansion when a previously approved site plan does not exist. This chapter does



not typically apply to single family residential development or agricultural operations unless explicitly stated.

...

**SECTION 13: Amendment.** Section "15.18.020 Objectives" is hereby amended as follows.

This Chapter has been established to:

1. Ensure health, safety, and welfare standards are adequately addressed in the development of property.
2. Ensure future developments enhance Perry City, harmonize with adjacent land uses, and are aesthetically pleasing.
3. Provide prospective developers with a clear statement of requirements.
4. Coordinate utility services and ensure Standards are met.

**SECTION 14: Amendment.** Section "15.18.030 Site Plan Application" is hereby amended as follows.

SITE PLAN REVIEW AND APPROVAL. Full compliance with the requirements of this section shall be demonstrated by the applicant during the Final Subdivision Application for subdivisions or the Site Plan Application for site plans and other non-subdivision applications. The Land Use Authority shall require submittals indicating general compliance during the Preliminary Subdivision Application phase of development as appropriate.

REQUIRED SUBMITTALS. The submitted plans must show compliance with all related aspects of the PMC and the Public Works Standards for Development, Design, and Construction (Standards). The following submittals are required when applicable to the development:

1. Location of main and accessory buildings with setbacks indicated.
2. Parking access and layout including a UDOT permit when applicable.
3. Signage plan.
4. Utility plan.
5. Storm water plan.
6. Existing and proposed contours at two-foot intervals or equivalent.
7. Fencing
8. Other relevant existing site features.
9. 3D renderings or professional perspective drawings of the development with buildings, site elements, and materials accurately depicted (residential developments with fewer than eight units and accessory building are exempted).
10. Elevation drawings of the front facades and street facing sides of buildings.
11. Materials boards providing the type and color of all exterior building materials and site elements.
12. Landscape plan.

APPLICATION.



1. Complete Information. Each application shall have all required information and fees paid before the City accepts it as a complete application. The City is not obligated to review incomplete applications, and only complete applications shall be accepted and be eligible for approval. Required information shall be submitted in one complete application, notwithstanding the submitted information may be updated with subsequent submittals. There shall be no presumption of approval of any aspect of the process.

2. Pending Applications. No application shall be accepted if a similar application is pending on the same Parcel(s) of land.

3. Table or Denial of Application. The Land Use Authority may request specific information found to be incomplete in its review and table further action until the information is submitted. Denial shall include written findings of fact and decision. Denial may be based upon, but not limited to, comments from City staff or other regulating agencies, geological concerns, the inability of the City or utility providers to provide public services, or non-compliance with the requirements of the PMC or the Public Works Standards.

4. Inadvertent Approval. Should a Site Plan application, by inadvertence, be approved that shows on its face, or in any documents attached thereto or that are deemed to be a part thereof, that the development does not comply in one or more respects with the requirements of this Title or with the requirements of approved City Standards in any way, and no variance or exception thereto has been approved, such plan approval shall not be deemed a waiver of such requirements, but on the contrary such requirements shall remain in full force and such development shall comply therewith. Any discrepancy between the preliminary plan and the final plans, which may not be noticed, shall still be the responsibility of the applicant and approval of the final plan in such case shall not be deemed a waiver of the requirements of this Title or any Standards or specifications approved in connection herewith.

#### APPROVAL PROCESS.

1. Concept Review (Optional). A developer may elect to submit a concept plan for review. The concept plan review shall include an informal review involving the applicant, the Community Development Director, the City Engineer, and other related agencies and departments. Comments from the City staff and other participants during such informal review can guide the applicant in the preparation of subsequent applications. These comments shall not be binding and shall only be used for information in the preparation of subsequent applications and shall not create any vested rights to proceed with development in any way. Applicants should anticipate that future reviews may raise additional concerns and issues not addressed in the Concept Review. There is no requirement for level of detail or information for a Concept Review. However, the more information and detail provided will allow for more detailed feedback.

2. Site Plan Application. The Community Development Director or designee shall be the Land Use Authority. They shall review the application and then make a decision to approve or deny it. Approval shall be granted if the application shows complete compliance with the requirements of the PMC and the City Standards. The Land Use Authority may, for any reason, refer a site plan application to the Planning Commission for review and a final decision. The Land Use Authority shall review the application and shall determine:



- a. The proposed use is a permitted use within the zoning district.
- b. The proposed use complies with all requirements of the zoning district, the PMC, the Public Works Standards, and other requirements as applicable.
- c. The property on which the proposed use/development is proposed is an approved legal parcel or lot.
- d. The property is of adequate size to permit the conduct of the use/development.
- e. The proposed use/development complies with all applicable dedication requirements and provides the necessary Improvements and Infrastructure as required.

### 3. Expiration.

- a. Each Site Plan application approval shall be valid for a period of not more than one (1) year. At the request of the Applicant, the applicable Land Use Authority may grant up to two (2) six-month (6) extensions if substantial progress has been demonstrated by the Applicant.
- b. Expired applications shall be deemed null and void and require the Applicant to start the Site Plan approval process over.

### EFFECT OF APPROVAL

Approval of a site plan application shall authorize the establishment of the approved use/development in accordance with the approved plans and subject to any revisions and requirements determined necessary to comply with all requirements of the PMC. Only when the application has been approved, and a building permit issued, as required, may and building, activity, or construction be commenced. Approval of a site plan application shall not be deemed an approval of any other land use application, permit, or license.

### FEES.

The Site Plan application fees in the fee schedule are an estimate of the funds needed to cover the City's costs to administer local and state codes and provide adequate engineering review and inspections. In the case that the established fees do not cover the City's costs, the City may charge the applicant on an hourly basis for services provided. These fees shall be paid prior to final acceptance of the development, the issuance of a Certificate of Occupancy, and operation of the use.

### APPEALS.

Any person aggrieved by a decision of the Land Use Authority for a site plan application may appeal the decision to the Hearing Officer.

**SECTION 15: Amendment.** Section "15.18.040 Improvements and Infrastructure" is hereby amended as follows.

The following Improvements and Infrastructure are required:

1. Culinary Water: Culinary water Infrastructure shall be provided and installed by the developer. The water source shall be Perry City unless an alternative permanent source is approved by the City Engineer and the Bear River Health Department.
2. Sewer: Sewer Infrastructure shall be provided and installed by the developer. The sewer service shall be Perry City. Public sewer lift stations are not permitted.
  - a. Public sewer lift stations may be granted by exception by the Land Use Authority and the



City Engineer when a lift station is deemed clearly preferable to the interest of the City and gravity sewer is not feasible.

3. Secondary Water: Secondary water service shall be provided and installed by the developer. Secondary water service shall be Pineview Irrigation Systems or an alternative permanent source approved by the City Engineer. An exception to this requirement may be granted by the City Engineer when:

a. Pineview Water Systems provides written notice that they will not service the subdivision, and;

b. The required fee for developments without secondary water is paid prior to recording the Plat.

4. Public Streets: The developer shall dedicate and install public streets adjacent to and providing access to the property to be developed in accordance with the Public Works Standards and the Perry City circulation and transportation plans; this includes upgrading existing streets that do not meet current standards.

5. UTOPIA: Fiber internet by UTPIA shall be provided by the developer .

**SECTION 16: Amendment.** Section "15.18.050 " is hereby amended as follows.

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## DESIGN STANDARDS AND REQUIREMENTS

### 1. ARCHITECTURAL STANDARDS

a. No vinyl, aluminum, or similar materials shall be allowed on the exterior of buildings. These material restrictions do not apply to trim materials that make up a small portion of the overall exterior materials of a building. Exceptions may be granted by the Land Use Authority when the proposed exterior materials clearly exceed the standards and intent of this provision (variety, aesthetics, quality, etc.)

b. There shall be a minimum of two building materials used on all sides of buildings with no ~~less than forty percent (40%) of each required material being used per side. A minimum of forty percent (40%) of the front facade and street facing sides shall be brick, stone, or cultured stone (excluding glass area). Exception: Building using all brick or stone.~~ more than sixty percent (60%) of a single material being used on any given side. A minimum of forty percent (40%) of the front facade and street facing sides shall be brick, stone, or cultured stone (excluding glass area). Exception: Building using all brick or stone. Exceptions may be granted by the Land Use Authority when the proposed exterior materials clearly exceed the standards and intent of this provision (variety, aesthetics, quality, etc.).

c. Integrate at least ... street facing building facade.

d. Dumpster enclosures, monument ... of the primary building(s).

e. ~~Roofing materials shall be graded as having a 30 year life of longer; proof of installation and certification are required. Membrane roofs are to be hidden by parapets or other appropriate screening. A 6' solid fence (slats and/or fabric are not permitted) must be utilized to protect and buffer any single family residential use or zone from any other use. The installation of the fence is the~~



responsibility of the owner/developer who is creating the need for the buffer.

- f. Buildings containing two ... symmetrical or mirrored designs.
- g. Buildings adjacent to ... conform to the following:

...

- f. Developments adjacent to ... conform to the following:
  - i. Parking shall be ... of the street frontage.
  - ii. Sidewalks along Highway 89 shall be a minimum of ~~six~~eight (68) feet in width.

**3. GENERAL STANDARDS**

a. Lighting. All site plan applications shall include an exterior lighting plan and shall:

- i. Show all outdoor lighting fixtures with model type, location, and height. The plan shall show ground lighting levels with either an iso footcandle plan or photometric grid. The maximum allowable footcandles (fc) at property lines abutting residential uses is 0.5 fc. The maximum height of outdoor lighting shall be twenty five (25) feet.
- ii. Prevent glare/light trespass onto adjacent properties and into the sky. All lighting shall be fully shielded and directed downward (as shown in the following exhibit) unless lighting a flag.

*The following image has been added:*



**HISTORY**

Adopted by Ord. 19-M Design Standards on 3/26/2020

...

**SECTION 17:** **Amendment.** Section "15.18.060 Landscaping" is hereby amended as follows.

**Minimum Landscaped Area Requirements**

<b>Row</b>		
	<b><u>Multi-family Residential (Any Zone)</u></b>	<b><u>30%</u></b>
<b>Row</b>		
	<b><u>Commercial Zones</u></b>	<b><u>15%</u></b>
<b>Row</b>		
	<b><u>Industrial Zones</u></b>	<b><u>10%</u></b>

**Plant Material Requirements:**

1. Three (3) Trees per 1000 Square Feet of required Landscape Area. Deciduous trees shall be two inch (2") caliper minimum size (multi-stem trees to be 20 gal. minimum size), conifers shall be six foot (6') minimum height.
2. Six (6) Shrubs per 1000 Square Feet of required Landscape Area. Shrubs shall be: Fifty percent (50%) 5 gal. and fifty percent (50%) 2 gal. minimum size.

**General Landscape Requirements:**

1. The term Landscape Area refers to the areas set aside for lawn, trees, shrubs, perennials, annuals, and ground cover. Recreation amenities including, but not limited to, sports courts, play areas, swimming pools, courtyards, and gazebos may be allowed in and meet the requirements for



Landscape Area.

2. Storm water detention and retention basins must be landscaped and shall be allowed in and meet the requirements for Landscape Area.

3. City parkway strips between street side curb and sidewalks must be landscaped and shall meet the requirements for Landscape Area. These areas shall not be planted with lawn, sod, or grass (applicable to all new developments and Subdivisions, including single family residential Subdivisions).

4. All plant material must be sustainable and adapted to the specific conditions of the site and plan.

**SECTION 18: Amendment.** Section "15.19.050 " is hereby amended as follows.

...

The following considerations regarding visual impact design:

1. All proposed parking ... Perry City Landscape Policy.
2. Buffer planting areas shall be a minimum of ~~four (4') feet wide at the perimeter of parking areas~~ five (5') feet wide at the perimeter of parking areas.
3. Buffer planting areas are required within all parking areas including:  
~~row ends (four (4') foot minimum width);~~ a. Row Ends - Five (5') foot minimum width.  
~~between rows (six (6') foot minimum width every other row minimum) and between~~ b. Between Rows - Six (6') foot minimum width, every other row minimum, and  
~~stalls (four (4') foot minimum widths ever twelve (12) stalls minimum.~~ c. Between stalls - Five (5') foot minimum widths every twelve (12) stalls minimum.  
d. The Land Use Authority may allow required landscape islands to be combined.
4. A dumpster or ... of six feet tall.
5. Where feasible, parking ... the building or development.

...

**SECTION 19: Repeal.** Section "15.23.010 " is hereby repealed.

~~15.23.010.1 Primary Purpose~~

~~The primary goal of these regulations is to protect existing single-family uses and single-family zones from the potential negative impact from all other potential uses.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.010.2 Intent~~

~~The main intent of these regulations is to insure all development and growth is safe, functional and visually pleasing.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.010.3 Reasons For Legislation~~

~~The policy of Perry City is not to dictate the design style of any development, but to~~



~~encourage creative landscaping concepts that meet basic standards as defined by this document.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.010.4 Applicability~~

~~These regulations do not apply to single-family dwellings.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~Amended by Ord. 19-C Multi-Family Housing on 5/23/2019~~

**SECTION 20: Repeal.** Section "15.23.020 " is hereby repealed.

~~15.23.020.1 Design Plan And Preparation~~

~~Landscape and irrigation plans must be prepared by a Licensed or professional Landscape Architect or designer, and approved by the Planning Commission. Plans that do not show sufficient detail or include basic specifications will be rejected.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.020.2 Design Plan Submission~~

~~Landscape and irrigation plans must be submitted with the general architecture and engineering plans for review before the scheduled Planning Commission meetings.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.020.3 Landscape And Irrigation Elements~~

~~Landscape and irrigation elements must be guaranteed by the owner for one year after final acceptance by Perry City.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.020.4 Planning Commission Requests And Fees~~

~~The Planning Commission may at any time request review of plans by a consulting landscape architect. All professional review fees will be paid by the developer.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

**SECTION 21: Repeal.** Section "15.23.030 " is hereby repealed.

~~15.23.030.1 Minimum Landscaped Area Requirements~~

~~The criteria for minimum landscaped area requirements are:~~

<div>Row</div>	<del>Multi-Family Residential*</del>	<del>30% of Site</del>
<div>Row</div>	<del>Institutional</del>	<del>20% of Site</del>



Row	Commercial Zones NC-1,2,3	15% of Site
Row	Commercial 1	10% of Site
Row	Interstate Commercial*	10% of Site
Row	Planned Commercial*	By Design Review
Row	Industrial	5% of Site
Row	Pointe Perry Commercial*	By Design Review

\*Placement of landscaping will be by Design Review.

#### ~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~Amended by Ord. 22-J Subdivision Amendments on 8/25/2022~~

#### ~~15.23.030.2 Plant Material Requirements~~

~~The plant material requirements are:~~

- ~~1. Three (3) Trees per 1000 Square Feet of required landscape.~~
- ~~2. Six (6) Shrubs per 1000 Square Feet of required landscape.~~

#### ~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.23.030.3 Plant Material Size Requirement~~

~~The plant material size requirements are:~~

- ~~1. Deciduous trees must be 2" caliper minimum size.~~
- ~~2. Evergreen trees must meet six (6') foot height minimum size.~~
- ~~3. Shrubs must be at minimum 50% 5 Gal., and 50% 2 Gal.~~

#### ~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

**SECTION 22: Repeal.** Section "15.23.040 " is hereby repealed.

#### ~~15.23.040.2 Distance Requirement From Pavement To Street Or Parking Area~~

~~A 10' minimum landscape width between edge of pavement of any parking area or access lane and street is required.~~

#### ~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.23.040.3 Fence Requirement~~

~~A 6' solid masonry or solid vinyl fence (or as determined by Design Review) must be utilized to protect and buffer any single family residential use or zone from any other use. The installation of the fence is the responsibility of the owner/developer who is creating the need for the buffer. (See Fencing Ordinance, PMC 15.25.)~~

#### ~~HISTORY~~



~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.23.040.4 Safe Sight Line Requirement~~

~~Landscape design consideration must not create safe sight line (as defined by Perry City Land Use Ordinances) problems for vehicles or pedestrians at intersecting streets, within parking lots and at drive access points.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

**SECTION 23:** **Repeal.** Section "15.23.050 " is hereby repealed.

#### ~~15.23.050.1 Definition~~

~~The term landscape area refers to the areas set aside for lawn, trees, shrubs, perennials, annuals, and ground cover. Recreation amenities including, but not limited to, sports courts, play areas, swimming pools, and gazebos may be allowed as part of the sq. ft. requirement for landscaping~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.23.050.2 Storm Water Detention Basins And Special Areas~~

~~Storm water detention basins must be landscaped and may be allowed as part of the sq. ft. required for landscaping by design review. Special hard landscape areas such as courtyards and plazas may be allowed as part of the sq. ft. required for landscaping by design review.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.23.050.3 City Parkway Strips~~

~~City parkway strips between street side curb and sidewalks will not be allowed as part of the sq. ft. requirement for landscaping. However, these areas must be landscaped and maintained by the developer/owner.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

#### ~~15.23.050.4 Plant Material For Landscape Design~~

~~All plant material must be sustainable for all of the specific climatic conditions of the site and plan.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

**SECTION 24:** **Repeal.** Section "15.23.060 " is hereby repealed.

#### ~~15.23.060.1 Certificate Of Temporary Occupancy~~

~~A certificate of temporary occupancy may be issued prior to installation of the approved landscape when seasonal weather conditions exist. A written guarantee of completion deadline and appropriate surety will be required which may include escrow accounts as determined appropriate by the Planning Commission.~~

~~HISTORY~~



~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.060.2 Final Inspection Regulation~~

~~A final inspection for regulation compliance must be scheduled by the owner/developer with a representative of Perry City. This will activate the required landscape one-year guarantee period.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.060.3 Landscape Change Approval~~

~~No landscape element shall be removed or changed by the developer/owner after plan approval.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.060.4 Landscape Maintenance Review~~

~~Landscape must be maintained and will be reviewed during the annual business license review.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

**SECTION 25: Repeal.** Chapter "15.23 Landscape Regulations" is hereby repealed.

**SECTION 26: Severability.** If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

**SECTION 27: Effective Date.** This ordinance being necessary for the peace, health, and safety of the City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

**\*\*Signatures On Next Page\*\***



PASSED AND ADOPTED by Perry City Council this 25th day of January, 2024.



KEVIN JEPPSEN, Mayor  
Perry City

Attest:



SHANNA JOHNSON, City Recorder  
Perry City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Nathan Tueller	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Toby Wright	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Blake Ostler	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Ashley Young	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Dave Walker	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>



RECORDED this \_\_\_\_\_.  
PUBLISHED OR POSTED this \_\_\_\_\_.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Perry City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

- 1. City Hall
- 2. Perry City Website
- 3. Utah Public Notice Website

on the above referenced dates.



SHANNA JOHNSON, City Recorder  
Perry City