

Perry City
ORDINANCE 24-A

CONSERVATION SUBDIVISIONS

ORDINANCE 24-A, CONSERVATION SUBDIVISION AMENDMENTS

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

WHEREAS, Perry City desires to encourage the conservation of high value open space;

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1: **Repealer.** If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.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 "15.07.130 " is hereby amended as follows.

...

A Conservation Subdivision provides ... in a manner that:

1. Protects Constrained and ... them aside from development;
2. Conserves conservation and open space land, ~~including those areas containing unique or natural features such as Meadows, Grasslands, Tree Stands, Streams, Stream Corridors, Flood Walls, Berms, Watercourses, Farmland (including orchards), Wildlife Corridors and/or Wildlife Habitats, historical buildings and/or sites, archeological sites, and green space,~~ by setting them aside from development.
3. Provides greater design ... required for residential development;
4. Provides incentives for ... sizes within a subdivision.

...

1. Subject to use ... the respective zoning district.
2. Conservation Land. Conservation ... for the following purposes:

a. Permitted ~~Uses~~primary uses:

~~.- The following uses are permitted in Conservation Land areas:~~
functional and healthy condition.

i. Orchards in a

~~i. Conservation of open land in its pre-developed state as follows, but not including Weeds;~~
ii. Neighborhood open space uses such as Village Greens, Commons, Picnic Areas, Community Gardens, Trails, Parks, Water Features, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges and

~~(1) Berm~~other uses similar in character and potential impact. Such areas shall be fully developed with trees and shrubs (minimum

of two (2) Farmland

~~(3) trees Floodper Wall~~

~~(4) one Grassland~~

~~(5) thousand Meadow~~

~~(6) 1,000 Stream~~

~~(7) square Treefeet Stand~~

~~(8) of Waterecourse~~

~~(9) neighborhood Wildlifeopen Corridor~~

space and six (106) Wildlife shrubs Habitat

~~b. Agricultural and horticultural uses, both commercial and non-commercial, including pastureland and raising crops, Livestock as defined in PMC 9.01 per one thousand (1,000) square feet of neighborhood open space), lawn, trails, and other site accessories such as lights, benches, and pavilions.~~

~~(excluding Livestock operations involving swine, poultry and mink) and associated buildings that support an active, viable agricultural or~~ iii. Active non-commercial recreation areas, such as Playing Fields, Playgrounds, Playing Courts, Parks and Bikeways.

~~horticultural operation, provided these are permitted in and meet the requirements of the underlying zone of the property:~~ iv. Equestrian facilities, provided these are permitted in and meet the requirements of the underlying zone of the property.

~~c. Equestrian facilities, provided these are permitted in and meet the requirements of the underlying zone of the property~~ b. Permitted uses when developed in connection with and clearly secondary to an approved primary use as listed above:

i. Permanent agricultural facilities, not larger than five hundred (500) square feet, that support an active, viable orchard.

~~d~~ ii. Underground utility easements for drainage, access, sewer or water lines, or other public purposes.

~~e~~ iii. Above-ground utility and street rights-of-way may traverse Conservation Land if permitted under City Ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required Conservation Land for the subdivision.

~~f~~ iv. Wooded Areas and Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.

~~g. Neighborhood open space uses such as Village Greens, Commons, Picnic Areas, Community Gardens, Trails, Parks and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges and other uses similar in character and potential impact:~~

~~h. Active non-commercial recreation areas, such as Playing Fields, Playgrounds, Playing Courts, Parks and Bikeways.~~

~~i. Water supply and sewage disposal systems, and storm water detention areas designed, landscaped and available for use as an integral part of the Conservation Land.~~

~~j~~ v. Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the Conservation Land.

~~k~~ vi. Historic buildings and/or sites and archaeological sites.

~~l~~c. Change of permitted use. The use of Conservation Land may be changed from one permitted use to another permitted use at any time provided that:

- i. The new use ... to Subsection 15.07.130.14 hereof);
- ii. Plans, drawings, updated ... by the City; and
- iii. Those property owners ... the permitted use change.

~~m~~d. Prohibited Uses. Except as otherwise approved and permitted as a permitted use in conjunction with a Conservation Subdivision approval, the following uses are prohibited in Conservation Land areas:

- i. Any residential or industrial activity;
- ii. Commercial activities unless ... permitted in 15.07.130.12(b)(i);

...

a. In no event ... associations or government agencies.

i. As non-binding examples ... the City's adopted standards.

ii. In the event of conflict in design and development standards, the most restrictive and highest standard, as determined by the City, shall govern.

b. Significant Areas and ... space, scenic views, etc.

c. Contiguous Land. Conservation ... to provide a buffer.

...

h. Pedestrian Access. The ... public or resident use.

i. Maintenance Access. The ... within the Conservation Subdivision.

j. Landscaping. All Conservation Land that is not ~~wooded, farmed or maintained as Meadows, Grassland or other approved open space, shall be landscaped at the developer's sole cost and expense in accordance with landscaping requirements for subdivisions~~ farmed as an orchard, or developed as another approved use, shall be landscaped at the developer's sole cost and expense in accordance with landscaping requirements for subdivisions and commercial site plans.

k. Fencing. Fencing in ... all applicable City standards.

l. Weeds. Weeds are not permitted within Conservation Land.

...

15.07.130.15 Ownership Of Conservation Lands

1. The City shall determine who will hold ownership of Conservation Land as well as Constrained and Sensitive Lands. Such land may be owned by a private entity, such as a home owner's association (HOA), or deeded to the City.

a. City Ownership: Upon satisfactory completion by the Conservation Subdivision developer and acceptance by the City of the Conservation Land improvements, the property owner shall deed ownership of the Conservation Land to the City.

b. Ownership by HOA or other private entity: The conservation easement shall allow public access to all Conservation Land developed as neighborhood open space or active non-commercial recreation areas.

2. Property subject to ... shall not be subdivided.

3. Under no circumstances ... one of its Agencies

...

15.07.130.16 Maintenance Of Conservation Lands; Special Assessment Area

Conservation Land and Constrained and Sensitive Lands owned by the City.

1. Costs. The O&M ... of the Conservation Subdivision.

a. To provide for the payment of the O&M Costs when the Conservation Land is owned by the City, the City shall designate a Special Assessment Area for each Conservation Subdivision, assessing the O&M Costs equally to each parcel within a Conservation Subdivision (excluding the Conservation Land) on an annual basis via the Box Elder County, Utah real property taxation process and pursuant to the Utah Assessment Area Act.

i. a. The Special Assessment ... of a Conservation Subdivision.

ii. b. In addition to ... purpose permitted by Law.

...

c. The Applicant shall ... worth of O&M Costs.

3. Approval. The Maintenance ... approval by the City.

4. Responsibility for Completing Operations and Maintenance. The City shall be responsible for operating and maintaining Conservation Land when the property is owned by the City. It may perform and complete the operations and maintenance itself; it may cause the operations and maintenance to be completed via other parties; or otherwise provide for the completion of operations and maintenance of Conservation Land through any other legal means the City's governing body deems appropriate.

5. Failure to Pay ... PMC and State Law.

...

SECTION 3: 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 4: 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